



REPUBLIC OF KENYA

THIRTEENTH PARLIAMENT

NATIONAL ASSEMBLY

THE HANSARD

VOL. II NO. 73

THE HANSARD

Wednesday, 16th August 2023

The House met at 2.30 p.m.

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

PRAYERS

QUORUM

Hon. Speaker: Serjeant-at-Arms, you can continue ringing the Quorum Bell.

(The Quorum Bell was rung)

(Hon. Speaker consulted the Clerk-at-the-Table)

Hon. Members, we have Quorum to transact business. Clerk-at-the-Table.

MESSAGE

Hon. Speaker: Hon. Members, I will have some Communication at Order No.2 but we will come to it a little later.

(Hon. (Dr) James Nyikal stood in the gangway)

Order, Hon. Nyikal. Take your seat.

PASSAGE OF THREE SENATE BILLS

Hon. Members, I have a Message from the Senate on passage of three Senate Bills.

Hon. Members, pursuant to Standing Order 41(1) of the National Assembly Standing Orders, I wish to report to the House that on 15th August 2023, I received three Messages from the Senate regarding passage of the following Senate Bills:

1. The Cotton Industry Development Bill (Senate Bill No.5 of 2023);
2. The Natural Resources (Benefit Sharing) Bill (Senate Bill No.6 of 2022); and
3. The Employment (Amendment) Bill (Senate Bill No.11 of 2022).

The Senate now seeks concurrence of the National Assembly on the Bills pursuant to Article 110(4) of the Constitution and Standing Orders 46(1) and 161 of the Senate Standing Orders.

Hon. Members, the first Message conveys that the Senate considered and passed the Cotton Industry Development Bill (Senate Bill No.5 of 2023) on 1st August 2023 with amendments. The Bill was published vide *Kenya Gazette* Supplement No.9 of 6th February 2023. It seeks to provide for the production, processing, marketing and distribution of cotton in Kenya and its products; to establish the Cotton Industry Development Board; to provide a framework for cotton farming and to ensure value addition to cotton and its related products.

The second Message conveys that on Tuesday, 1st August 2023, the Senate considered and passed the Natural Resources (Benefit Sharing) Bill (Senate Bill No.6 of 2022) with

amendments. The said Bill was published vide *Kenya Gazette* Supplement No.188 of 8th November 2022 to establish a system of benefit sharing in natural resource exploitation between resource exploiters and the national Government, county governments and local communities.

The third Message conveys that on 1st August 2023, the Senate considered and passed the Employment (Amendment) Bill (Senate Bill No.11 of 2022) without amendments. The said Bill was published vide *Kenya Gazette* Supplement No.198 of 30th November 2022 to anchor into law the right of employees to disconnect from employers and have their personal time and privacy respected by their employers during out of work hours.

(Applause)

Hon. Members, further to the Messages, I received a letter from the Senate on 10th August 2023, notifying that pursuant to Standing Order 162 of the Senate Standing Orders, Sen. Beth Syengo, being the sponsor of the Cotton Industry Development Bill (Senate Bill No.5 of 2023), has nominated Hon. Mary Emaase, MP to co-sponsor the Bill in the National Assembly.

The request is well in line with similar provisions of Standing Order 143(1)(b) of the National Assembly Standing Orders. In this regard, the Hon. Mary Emaase assumes the role of co-sponsor of the Bill in the National Assembly and shall be responsible for marshaling its consideration.

Hon. Members, in order to have the National Assembly seized of the three Bills, I have directed the Clerk of the National Assembly to list them for First Reading tomorrow, Thursday, 17th August 2023. After being read a First Time, the Bills will stand committed to the following committees for consideration:

1. The Natural Resources (Benefit Sharing) Bill (Senate Bill No.6 of 2022), to the Departmental Committee on Environment, Forestry and Mining;
2. The Employment (Amendment) Bill (Senate Bill No.11 of 2022), to the Departmental Committee on Labour; and,
3. The Cotton Industry Development Bill (Senate Bill No.5 of 2023), to the Departmental Committee on Agriculture and Livestock.

The relevant Committees are requested to prioritise the Bills in their agenda and report to the House as soon as practicable to enable the House proceed with the next stage of the Bills. The House is accordingly guided.

I thank you.

Hon. Speaker: The Member for Mwatate, Hon. Peter Shake. You have a Petition.

PETITIONS

PAYMENT OF RETIREMENT DUES AND PENSIONS FOR RETIRED TEACHERS

Hon. Peter Shake (Mwatate, JP): Hon. Speaker, I rise to present a public Petition on payment of retirement dues and pensions for retired teachers.

I, the undersigned, on behalf of the retired teachers of Mwatate Constituency and other retired teachers across the country, draw the attention of the House to the following:

THAT, the Government provides retirement benefits to public officers as part of their terms of service with a view to providing them with social security in old age, as stipulated in Article 43(1)(e) of the Constitution;

THAT, the provision of retirement benefits to public officers is intended to ensure a smooth transition from active service with employment income to retirement with a certain level of replacement income. This is so that the standard of living for public officers does not change drastically in old age;

THAT, the Pensions Act (Cap.189) makes provisions for granting and regulating the payment of pensions, gratuities and other allowances in respect of the public service for officers under the Government of Kenya;

THAT, despite the foregoing provisions, there are retired teachers in the Republic of Kenya who served under the Teachers Service Commission (TSC) who have never been paid their retirement dues and pension;

THAT, in Mwatate Constituency just like other constituencies in the Republic of Kenya, the said retired teachers served in different schools and retired in different years;

THAT, in Mwatate Constituency, some of the retired teachers have neither been communicated to by their employer, Teachers Service Commission up to date nor paid their monthly pension and/or the lumpsum for the services they offered during their years of service;

THAT, the continued non-payment of retirement benefits and pensions have subjected teachers to live in a deplorable state;

THAT, the non-paid teachers of Mwatate Constituency retired from the period ranging from 2011 and 2022 and some of them are now suffering ailments associated with old age hence causing them unbearable financial needs;

THAT, the issues in respect of which this Petition is raised are not pending before any court of law or any constitutional or legal body.

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

1. Engages the Teachers Service Commission to establish the circumstances that have occasioned the delayed payment of retirement benefits of the retired teachers in Mwatate Constituency and the entire country.
2. Engages the TSC to provide data and statistics of all unpaid retired teachers in the entire country and indicate when they will pay all the retired dues of the said teachers and makes any other recommendation or action it will deem fit in addressing the plight of the petitioners. And your Petitioner will ever pray.

Hon. Speaker: We will take the next Petition then those who of you who will want to make any comment as provided under the Standing Orders, I will allow you.

Hon. Charles Ngusya, Member for Mwingi West.

DEPLOYMENT OF CLASSROOM TEACHERS IN SCHOOLS ACROSS THE COUNTRY

Hon. Charles Nguna (Mwingi West, WDM): Hon. Speaker, I rise to present a public Petition on the deployment of classroom teachers as head teachers in schools across the country.

I, the undersigned, on behalf of the classroom teachers deployed as headteachers in schools across the country without any salary or allowance increment, draw the attention of the House to the following:

THAT, Article 10 of the Constitution establishes the National Values and Principles of Governance that guide every State organ when making or implementing

policy decisions; similarly, Article 232 of the Constitution sets out the values and principles of Public Service which bind all State organs;

THAT, the values and principles adopted by the TSC provide for identification, selection, appointment, deployment and performance of institutional administrators;

THAT, TSC and the Kenya National Union of Teachers (KNUT) signed the July 2017 Collective Bargaining Agreement (CBA), which among other things provided for an agreement for remuneration payable to teachers as determined by the provisions of Articles 41, 237 and 230(4) of the Constitution of Kenya;

THAT, before July 2017 CBA, there were about 1,000 classroom teachers, who were promoted to the then Job Group M, but after a successful competitive interview for senior graduate teachers. Some of these teachers were deployed to become head teachers from 2018 while others remained as senior teachers;

THAT, despite their additional roles and qualifications, the deployed headteachers remained in the same Job Group C5 (formerly Job Group M) and their salaries and allowances did not change as per the requirement of the July 2017 CBA;

THAT, their counterparts who went through the same interview and became head teachers before the July 2017 CBA are now in Job Group D1 and earning higher salaries and allowances;

THAT, the two categories of teachers that have the same qualifications and same Job Group are performing the same roles and facing the same challenges yet they earn different salaries and allowances contrary to Section 5(1) of the Labour Relations Act, 2007;

THAT, there exist discrepancies where some senior graduate teachers are head teachers yet others with the same qualification are still in Job Group C5 instead of Job Group D1. Additionally, their monthly salary and allowances difference is about Ksh25,000 at the lowest and Ksh36,000 at the highest;

THAT, further, this group was neither factored in the recently advertised TSC promotions for 14,738 teachers, nor in the 12,634 teachers slated for promotion;

THAT, due to the aforementioned concerns, the teachers feel discriminated and demoralised even as they continue to undertake their duties;

THAT, teachers have made their best efforts to have their matter addressed and resolved but there were no satisfactory responses or action. The said efforts include individual teachers' letters to TSC seeking fair remuneration and engagement with KNUT to intervene;

THAT, the issues in respect of which this Petition is raised are not pending before any court of law, constitutional or legal body.

Therefore, your humble Petitioner prays that the National Assembly, through the Public Petitions Committee—

1. Engages the TSC to review the salaries and allowances of the concerned deployed teachers and place them at par with their colleagues who are undergoing the same interview and became headteachers before July 2017 CBA.
2. Engage the TSC to pay the teachers arrears for the period between deployment as headteachers till now.
3. Make any other recommendation or actions it deems fit in addressing the plight of the petitioners. And your Petitioner will ever pray.

Thank you, Hon. Speaker.

Hon. Speaker: Hon. Omboko Milemba. You have two minutes.

Hon. Omboko Milemba (Emuhaya, ANC): Thank you, Hon. Speaker and the two Members for those petitions. On the first one, it is true that teachers are suffering getting their

pensions. One institution that gets its pension on time is the military, because they have a liaison officer at the Pensions Department. I wish to urge the Public Petitions Committee to also look at ways where TSC can have a liaison officer at the Pensions Department in order to speed up processing of pensions. It is a grave issue and teachers are suffering.

On the second Petition, I will specifically speak to delayed promotion of teachers. Teachers so specified in this Petition are actually victims of pending bills. They were promoted to stand in as deputy heads and senior teachers, but they have not been paid anything. Some of them have even retired before being paid anything. The Public Petitions Committee should look into how these arrears can be paid and the teachers be promoted to the same level as the other teachers who were promoted. Over 40,000 teachers have not been promoted, some for 20, 15 or 10 years.

Thank you, Hon. Speaker.

Hon. Speaker: Hon. Murugara.

Hon. George Murugara (Tharaka, UDA): Thank you, Hon. Speaker. I support the two Petitions. It is vitally important that when teachers retire, the TSC must move with speed to prepare their pension files and forward them to the National Treasury so that teachers are paid without causing them undue hardship. We know very well that in the villages, teachers, especially retired ones, live miserable lives. They have to make several journeys to Nairobi to try to claim their pensions. This is attributed to the fact that TSC sits on their files for ages instead of forwarding them to the Pensions Department for processing.

As regards promotion of teachers, it has come to our attention that there are senior teachers who are deployed by education officers in sub-counties. After a long period of service, TSC tries to say that it does not recognise them. That is not acceptable. The TSC must get its act right. The same applies to deputy headteachers who have been in acting capacity for many years, but when the time to give them appointment letters come, you hear TSC saying they do not have the necessary grades. You wonder why they were in acting capacity for that long if they did not have the necessary grades. These are excuses by TSC so that it does not take care of teachers the way it is supposed to. Can TSC get its act right so that teachers are properly served?

Thank you.

Hon. Speaker: Leader of the Minority Party.

Hon. Opiyo Wandayi (Ugunja, ODM): Thank you, Hon. Speaker. I agree the two petitions are merited. I want to speak to the second one by Hon. Charles. In my experience in the last Parliament when I used to chair the Public Accounts Committee (PAC), I got the understanding that the biggest problem TSC is facing is budget. It behoves this House that TSC is adequately budgeted to enable it undertake its mandate. Without any prejudice, of all constitutional commissions whose audit reports came before me, TSC had the least number of audit queries. That, of course, speaks to the fact that the Commission is very transparent in its dealings with public resources at its disposal. What I would want us to do, even as the Committee examines these petitions, is to carefully think about how we can resource TSC in future. The TSC is one entity with the largest payroll in the Republic of Kenya. It needs to be supported through resourcing, even as the Committee responsible continues to oversee its operations. The issues raised by my two colleagues are pertinent and need to be addressed here.

Thank you very much.

Hon. Victor Koech (Chepalungu, CCM): Thank you, Hon. Speaker. I particularly support the second Petition. When I compare results from my constituency with those from other sub-counties in Bomet County, Chepalungu Constituency normally leads, meaning that the teachers do their work properly. Surprisingly, in the last interview that they did, zero out of the 56 who were called for interviews got promotion letters. While I support the Petition and in so far as TSC is independent, I would like to understand what really happened. If it is a

matter of qualification, the teachers qualify. If it is about performance, my schools have been performing. How come none of the 56 teachers from various primary schools in my constituency was able to get promotions from their acting capacity as headteachers? I support this Petition and really wish to request that it is processed speedily and proper consideration is made.

Thank you, Hon Speaker.

Hon. (Dr) James Nyikal (Seme, ODM): Thank you, Hon. Speaker. I support the two petitions. I want to talk about the issue of delay in payment of pension. This is very common and chronic that it is actually the norm. It will be unusual if officers retire and get their pensions immediately. We are, therefore, subjecting retirees to financial burdens and hardships at a time that is very critical in their lives. This is when they are adjusting to new lives. Some are faced with a lot of ailments while others have been on regular treatment. Delaying pension has caused some people to die early yet the date of retirement is known the day one is employed. Why is it impossible to process retirement payment so that when the day comes and they are bidding you goodbye, they start receiving their retirement payment? Maybe the Petitioner should propose that people should stay in employment until their pension payments are ready. This Petition is important. I support.

Hon. Speaker: Hon. Justice Kemei.

Hon. Justice Kemei (Sigowet/Soin, UDA): Thank you, Hon. Speaker, for giving me the chance to also add my voice to the issue of promotion of teachers and payment of their pensions. I come from a teaching family. My parents and eldest brothers were teachers; the suffering of teachers is known to all of us. If there is an intervention that public servants seek from us Members of Parliament on a daily basis, it is the intervention on services provided by teachers. On a daily basis, teachers call us on issues of promotions, transfers and pensions.

More importantly, the issue of promotion is skewed at TSC. Teachers with better qualifications and better performance in various schools are not promoted. Those who are promoted are not performing as those who are not promoted. There must be something wrong. Teachers ask us to chase their pension files at the National Treasury. I join my colleagues in saying that it is a known fact that teachers were employed on a specific date and their date of retirement is known to TSC. We call upon them to rise to the occasion and fulfil their responsibility. The Ministry of Education has the highest budget. I believe that TSC gets a chunk of it from the Ministry of Education. We ask them to perform their role, which they have been given in the Constitution.

Thank you, Hon. Speaker.

Hon. Speaker: Woman Representative in Kericho County, Hon. Beatrice.

Hon. Beatrice Kemei (Kericho County, UDA): Thank you, Hon. Speaker, for allowing me to add my voice to the Petition concerning the pension and promotion of teachers.

I was a teacher for 20 years. I understand and feel the teachers. Pension is something that is very important. The Leader of the Minority Party is looking at me. I was a teacher for 20 years. Teachers make the best leaders, especially in this House. We are called every now and then by the retired teachers, yet in the real sense it takes more than one or two years for them to get their pension. Some even die. I know of one case of the late Hezekiah Rotich. He passed on, but up to now, the family has not got the benefit. They go to TSC the way other Members have said. They are given letters to wait. However, that waiting has never come to an end. TSC has the capacity. They should fast-track the payment of pension.

When it comes to promotion, one thing that is very clear is that teachers in the growing schools do not get promoted like those in well-established ones. This demoralises teachers who are teaching in the sub-county schools, yet in the real sense all teachers are qualified. I do not understand how those in established schools are promoted while those in growing schools are not. We know that the entry behaviour of learners in growing schools is 250 marks or less. The

well-established schools like the national and county schools get students with high marks. The teachers are the same. I plead and pray that TSC should take action and give teachers the required support and promotion as expected.

The deputy principals who have worked and acted for long are not promoted in the sense that they have been there and maybe they lack the required qualifications. I believe that teachers should be promoted as expected. The TSC should act promptly.

Thank you, Hon. Speaker.

Hon. Speaker: Hon. Pkosing, you have two minutes.

Hon. David Pkosing (Pokot South, KUP): Thank you, Hon. Speaker, for giving me this opportunity to add my voice on the two petitions. By coincidence, both of them touch on education.

I want to make the following comments to the Committee. The biggest problem that we, as Members of Parliament, encounter here is to help these retirees in chasing their pensions in TSC and the National Treasury. We spend a lot of time helping them. So, we feel it. I thank the Hon. Member who brought this Petition. My advice to the Public Petitions Committee is to propose a law that says that if a teacher retires, rather than going to wait for pension, he is paid half of it. Then, TSC can wean him off to pension. That is one possibility I urge the Committee to look at.

Secondly, we can make a law making it mandatory for the TSC and the National Treasury to pay a teacher his dues within six months after he retires. If they do not do it, then we recommend some punishment, so that they can fast-track it. Many teachers from my place and your place die before receiving this pension. So, we need to think about something radical.

Finally, we need to review lumping petitions in one Committee. If this Petition was committed to the Departmental Committee on Education, we would have even engaged TSC and National Treasury early enough, without waiting too much until when they appear before them. Otherwise, we need to think of the radical move or approach that I have proposed. Maybe, we will make a law and make it punishable, if they do not pay teachers within six months.

I thank you, Hon. Speaker.

Hon. Speaker: Thank you. We will end there. We refer the two petitions to the Public Petitions Committee. Chairman, I can see you here. Report back to the petitioners and House in 60 days.

Next Order.

Hon. Ken Chonga (Kilifi South, ODM): On a point of order, Hon. Speaker.

Hon. Speaker: Yes, Hon. Chonga.

Hon. Ken Chonga (Kilifi South, ODM): Hon. Speaker, I rise on Standing Order 1. I want to bring to the attention of the House that as I stand here, I am a very threatened man.

Hon. Speaker: Why?

Hon. Ken Chonga (Kilifi South, ODM): I have never been given back my security guard. I went to renew the licence of my gun last week on Thursday, but it was confiscated without any reason. When I inquired about the reason, I was told that I was late in renewing my licence. There were too many gun holders there who were late in renewing their licenses. They paid the fine. I had equally done it. I did not refuse to pay. I paid a fine of Ksh63,000. Notwithstanding that, at the end of it all, the Chief Licensing Officer told me that he was under instruction to withhold my gun. I feel threatened. I feel my life is in danger. As a public servant, I have never misused that item, since I got it in 2014. I was not a Member of Parliament. There is nowhere I have ever created a scene implying that I am a gun holder. Looking at the situation, I do not know how I will go home. I cannot traverse my constituency. Wherever I go, I feel that I am insecure.

I pray for the indulgence of this House. I bought that gun as a personal protective property. I do not know under which section of the law the Chief Licensing Officer withdrew both the licence and gun which I own legally. Hon. Speaker, I need the intervention of the House.

Hon. Speaker: Thank you, Hon. Chonga. I advise you to write to Hon. Speaker outlining those challenges and then I will assist you. For those who may have similar issues, as a word of caution, if you bear a firearm and it is taken away quietly, it is in your interest to be silent so that your enemies do not know that you are unarmed, and do mischief against you.

(Laughter)

I do not want to escalate debate. Hon. Chonga, I hear you. Please drop me a note. I will take up your matter and assist you. Any other Member who has a similar challenge, that will be a better channel to follow than to tell the public that you were armed and now you are not. It may not help too much.

Yes, Hon. Wandayi.

Hon. Opiyo Wandayi (Ugunja, ODM): Hon. Speaker, I do not intend to escalate debate on this matter because it is straightforward. I just want to report, again, that on that fateful Thursday, Hon. Chonga called me while he was at the Firearm Licensing Board offices in Industrial Area.

I was crying literally. This is a very serious issue. It may look small, until it gets to you as a person. Ordinarily, I do not talk about security of Members or personal security. However, it behoves public officers that whenever they take any action, be it administrative or otherwise, they cite a particular law. Under the Firearms Act, the Chief Firearms Licensing Officer cannot wake up one morning and withdraw somebody's licence, leave alone a gun because anyway it belongs to the person who owns it. The Chief Licensing Officer has got a duty under the law, the Firearms Act and, indeed, the Constitution to give reasons why he is cancelling a licence for a gun holder.

As you make the considered ruling Hon. Speaker, which I really pray that you do as soon as possible, this should go out to public officers that they cannot be a law unto themselves. We are all governed and operate under the rule of law. If you feel that somebody has violated the terms under which the licence was issued, please cite those violations. In any case, you need to go to court to get a court order for you to withdraw somebody's licence and, indeed, a gun which is a personal property.

Under Article 40 of the Constitution, you cannot just take somebody's property without justification and a gun is such property. Hon. Speaker, I do pray you give a considered ruling and issue caution to these public officers who seem drunk in power. Thank you.

Hon. Speaker: Yes Hon. Raso.

Hon. Ali Raso (Saku, UDA): Thank you very much. We have heard what Hon. Chonga raised. I think we should differentiate an entitlement and a privilege.

I think carrying an arm when you are not uniformed and gazetted is a privilege but that should not be abused by any of us because I believe most of us are licensed firearm holders. Secondly and more important, it is about the bodyguards of Members of this House particularly those of us who come from rural constituencies. I think more than the Petition he has raised with you, Members of the Departmental Committee on Administration and Internal Affairs have also taken note. Thank you.

Hon. Speaker: Thank you. Let us have Hon. Nimrod.

Hon. Nimrod Mbai (Kitui East, UDA): Thank you, Hon. Speaker, I just want to add on the same matter where our colleagues are lamenting about confiscation of their firearms. For those Hon. Members who own firearms or private citizens, there are regulations that you

sign against before you are issued with a firearm. Any time you get to violate the regulations, the Board is at liberty to confiscate the firearm. One of the things I would like to point out is the recent demonstrations by the Members of Opposition because there is no way you can be having firearms and at the same time you fight the police.

The first thing they will do to maintain peace and avoid misuse of the firearm is to have it confiscated then after you settle down it will be returned back to you. So, I want to ask the Firearms and Licensing Board that if they find that our friend has settled, they can return his firearm.

Hon. Speaker: Order Hon. Members. I am not opening an escalation of debate on this. Hon. Chonga has raised a personal matter to which no considered ruling will be delivered. I will deal with it in the manner that I said. Like I did say, I encourage any Hon. Member who has similar challenges, the Office of the Hon. Speaker who is also the Chair of the Parliamentary Service Commission is open to each one of you to come and present your issue and I will deal with it.

You must be cognisant of the fact that there are criminals out there who confiscate guns from licensed gun owners in robberies and use them for criminal activities. I would not encourage any of you. I have never carried a firearm in my life. I want to encourage those of you who bear firearms to know you are licensed individually. It is your secret and the licensing officer and keep it that way so that it can be safe for you and the public. I have assured Hon. Chonga that I will take up his matter and assist him. He has said he is even afraid of going across his own constituency without a firearm.

(Laughter)

I want you to go back to your constituency and serve your people in a manner that you know best. Before the Next Order, I want to acknowledge students from the following schools in the Public Gallery: Gorgor High School from Bomet, Abundant Hope Academy from Soi Uasin Gishu, Laboso Vision Academy from Kipkelion West Kericho, Iterio Girl's School from Bonchari Kisii, Kariati Primary from Igembe North Meru, Kiu River Primary from Kiambu Town, Kiambu County and Salaba Academy from Keiyo North Elgeyo Marakwet.

In the Hon. Speaker's Gallery, we have students from: Golden Elite Schools, Kisumu Central, Kisumu County, and the Kenya University Debate Championship Team from Roysambu Nairobi. On your behalf and my own, I welcome the schools, students and their teachers to the House.

Yes, Hon. Ng'elechei. Do you want to join me in welcoming the students? Then speak for all of us; welcome all of us.

Hon. Caroline Ng'elechei (Elgeyo Marakwet, UDA): Thank you for the opportunity, I welcome all the learners to this House. A special mention to Salaba Academy from Keiyo North, Elgeyo Marakwet County. That is a school of excellence in Elgeyo Marakwet and it has had record of good performance for the past 20 years.

Many at times learners in this House come and carry home a memory that inspires them in future to even be Members of Parliament. I, therefore, welcome them all to this Honourable House. Thank you, Hon. Speaker.

Hon. Speaker: Thank you. Next Order.

PAPER

Hon. Daniel Wanyama (Webuye West, UDA): Thank you Hon. Speaker. I beg to lay the following Paper on Table

Report of the Departmental Committee on Sports and Culture on its benchmarking visit and attendance of the 21st International Conference of African and African-American culture held from 12th to 16th April 2023 in Santiago De Cuba, Cuba.

Thank you.

Hon. Speaker: Thank you. Next Order.

NOTICE OF MOTION

ALTERATION OF HOUSE CALENDAR

Hon. Speaker: Hon. Leader of Majority Party.

Hon. Kimani Ichung'wah (Kikuyu, UDA): Sorry, Hon. Speaker. I have been consulting the Member for Bomet East and asking whether he is *Mulumulwasi* that was at one time referred to.

(Laughter)

Hon. Speaker, I beg to give notice of the following Motion:

THAT, pursuant to the provision of Standing Order 28(4) This House resolves to alter its calendar for the Second Regular Session as adopted on Wednesday, 15th February 2023 by varying the period for the long recess with respect to the Second Part of the Session so that the long recess commences on Friday, 25th August 2023, and ends on Monday, 25th September 2023. The House resumes regular sittings on Tuesday, 26th September 2023, to commence the Third Part of the Session.

As Members are aware, according to the calendar we approved at the beginning of the year, we were to proceed on recess next week on 25th August 2023 and resume on 19th August 2023. That would have given us a very short recess. Usually, we schedule recesses for about four or five weeks. Therefore, we just want to increase that by a week so that you have more time. As you are aware, we begun the new financial year at the time we resumed this Session. With that, after the short two-week recess, Members were able to use that time to deploy National Government Constituencies Development Fund (NG-CDF) resources sent to their constituencies. Our Women Representatives had the National Government Affirmative Action Fund (NGAAF) resources. That was to ensure there is public participation in the implementation of those projects and offer meaningful oversight on projects that were to be implemented from the last financial year.

Hon. Speaker, Members are also aware that disbursements of Government Exchequer have begun. We hope that we will be getting disbursements for the new financial year in due course, both from the NGAAF and the NG-CDF. Therefore, as it is the norm, Members are required to begin submitting their NG-CDF proposals for the next financial year. I think the National NG-CDF Board is about to send you memoranda asking for project proposals for this financial year, if they have not. I was saying, if the NG-CDF Board has not sent out memoranda, they are supposed to be issuing them in due course. I was hoping the Chair of the NG-CDF Committee was here. The National NG-CDF Board should issue memoranda asking you to submit your proposals for this financial year. You ought to have done public participation on those proposals. We want to ensure Members have adequate time during that recess to ensure that they are able to go round all their wards, engage with *wananchi* in your constituencies, review proposals that *wananchi* and communities have submitted to your NG-CDF offices. That is in line with your mandate as Members of Parliament, ensuring there is

actual and proper public participation of NG-CDF projects so that you also offer meaningful oversight.

Therefore, Hon. Speaker, it was the view of the House Business Committee to change the calendar by that extra one week. That one week will also allow Members a little bit more time to spend time with their families besides constituencies. Both are your families: your families and the constituencies. You are the father and mother figures in your constituencies. Therefore, I just want to beg that we support this. I ask the Leader of the Minority Party, Hon. Opiyo Wandayi, who is also a member of the House Business Committee that approved this alteration to second.

Thank you.

Hon. Opiyo Wandayi (Ugunja, ODM): The Hon. Speaker...

Hon. Speaker: Order, Hon. Members. You are jumping the gun. You gave a notice of Motion. I will allocate you time tomorrow afternoon so that the actual Motion can be on the Order Paper. The two of you have become too cosy with each other since you were put in the bipartisan talks.

(Laughter)

Hon. Kimani Ichung'wah (Kikuyu, UDA): Thank you, Hon. Speaker. I spoke about it and forgot I was not to move the Motion. I was only giving notice.

Hon. Speaker: You gave notice of Motion.

Hon. Kimani Ichung'wah (Kikuyu, UDA): I had actually jumped the gun to tomorrow afternoon.

Hon. Speaker: I will allocate you time tomorrow.

Hon. Kimani Ichung'wah (Kikuyu, UDA): I will also ensure that the Leader of the Minority Party seconds tomorrow.

Hon. Speaker: Excellent. Hon. Members, I will jump Order No.7 and go to Order No.8. Clerks-at-the-Table, call out Order Nos. 8, 9 and 10. Remember today is Question Time. The Cabinet Secretary is already in the Chamber.

BILLS

Second Readings

THE PENSIONS (AMENDMENT) BILL
(National Assembly Bill No.44 of 2022)

(Moved by Hon. Didmus Barasa on 9.8.2023)

(Debate concluded on 9.8.2023)

(Question put and agreed to)

*(The Bill was read a Second Time and
Committed to Committee of the whole House)*

THE FOOD AND FEED SAFETY CONTROL COORDINATION BILL
(National Assembly Bill No.21 of 2023)

(Moved by Hon. Kimani Ichung'wah on 15.8.2023)

(Debate concluded on 15.8.2023)

(Question put and agreed to)

*(The Bill was read a Second Time and
Committed to Committee of the whole House)*

First Reading

THE MARRIAGE (AMENDMENT) BILL
(National Assembly Bill No.32 of 2023)

POINT OF ORDER

CONSTITUTIONALITY OF THE MARRIAGE (AMENDMENT) BILL

Hon. Speaker: Hon. Jane Kagiri, on a point of order.

Hon. Jane Kagiri (Laikipia County, UDA): Hon. Speaker, I stand on a point of order on the constitutionality of the Marriage (Amendment) Bill (National Assembly Bill No.32 of 2023). I stand on the rostrum of Standing Order 83, read together with Standing Order 47. You have previously ruled that it is in order for us to challenge a Bill at any stage.

Hon. Speaker, I am seeking guidance on three issues with regard to this Bill. The first regards Article 45 of the Constitution that provides that the family is the natural and fundamental unit of society and the necessary basis of social order in our country. Hon. Speaker, when we have a marriage amendment Bill that is going to allow dissolution of marriages after one year or based on mutual consent, I think that is an affront on our Constitution. It is something that we should not allow.

Secondly, Section 66 of the Marriage Act provides that, for partners in a civil marriage to seek separation or divorce, it can only be done after the lapse of three years. Again, the Hon. Member has not amended this Act for him to present this to the House.

Thirdly, we have the Kenya Citizenship and Immigration Act of 2011. If you allow such an amendment, we are allowing fictitious marriages in this country where foreigners will walk in, cheat our young and beautiful ladies to agree to marriages and the foreigners eventually exit after they have achieved the citizenship they seek.

(Applause)

Hon. Speaker, I am seeking your guidance on whether this Bill is contrary to the Constitution, the Marriage Act, and the Kenya Citizenship and Immigration Act. Thank you, Hon. Speaker.

Hon. Speaker: Thank you, Hon. Kagiri. Let us first do the ritual of First Reading, but I hear you.

BILL

First Reading

THE MARRIAGE (AMENDMENT) BILL
(National Assembly Bill No.32 of 2023)

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

Yes, Leader of the Minority Party.

Hon. Opiyo Wandayi (Ugunja, ODM): Hon. Speaker, we seem to be in a very unique situation here. For the first time since my coming to this House, I have seen an issue being raised over a Bill at the First Reading stage. This is, indeed, unprecedented. However, of course, difficult times sometimes call for extraordinary measures.

If I got Hon. Kagiri well, she seems to imply that the Bill offends the Constitution. That would be a very serious matter. I have had a chance to look at the Report of the Departmental Committee on Justice and Legal Affairs that forwarded this Bill for further processing. I have also had a chance to discuss with Hon. Masara because he came to my office upon the publication of this Bill to not only seek for my support, but to also urge me to rally Members to support it.

However, I have since read the Report of the Departmental Committee on Justice and Legal Affairs, and I have noted that there is only one opposing view - that of the Hon. Otiende Amollo - if I am not wrong. Hon. Speaker, under the circumstances, it may require that instead of us throwing away the Bill outrightly, in the manner suggested by Hon. Kagiri, and without having given Hon. Masara a chance to speak to it, you give a considered ruling on this matter, and especially, bearing in mind the issues being raised by Hon. Kagiri on the past practice of this House, and the fact that it takes quite a long time for the Bill to mature, sometimes two or three years. You need to consider all these factors as you make your ruling. If you ask me, and I may be wrong, I would have wanted this Bill to be subjected to public participation so that the public can also have their views on it. Bearing in mind, of course, that if this House passes a Bill which is contrary to the Constitution, courts can still annul it.

Hon. Speaker, the onus is however, on you, and I am sure you will give us a ruling.

Thank you.

Hon. Speaker: Senior Counsel, Hon. Otiende. Short comment please.

Hon. (Dr) Otiende Amollo (Rarieda, ODM): Thank you, Hon. Speaker.

I am afraid, I agree with the interjection. I was a Member of the Departmental Committee on Justice and Legal Affairs and still I am. I duly considered the Bill. Hon. Masara is my very good friend and we have even discussed this matter, but I am afraid that for reasons stated on the face of the Report, I would agree that the Bill would be unconstitutional. This is an area which you might need to exercise your discretion because if you give a considered ruling, that is the end of the matter. It is possible that Hon. Masara might reconsider the Bill in certain respect, and I would have suggested that rather than kill it in its current form, you refer it back to the Committee to re-engage with Hon. Masara. Personally, I am happy to point out, and have done it to him to what extent it is, so that if it can be salvaged, it would be. If it cannot, then it dies its natural death.

Thank you.

Hon. Speaker: Thank you. Leader of the Majority Party. I will limit debate on this. He will be the last.

Hon. Kimani Ichung'wah (Kikuyu, UDA): Thank you, Hon. Speaker. Let me thank Hon. Jane Kagiri for raising that constitutional matter. From the face of it, it is clear that this Bill will go contrary to the provisions of Article 45 of the Constitution.

The other issue that I would have, and probably this may not be the forum, we should do this in the Liaison Committee, is how this Bill even found its way to Plenary. In my considered view, this is a Bill that should never have gone past the Committee.

I also want to join the Senior Counsel, Hon. Otiende, and I was hoping Hon. Masara would have been here to prevail on him, either to withdraw this Bill or seek your indulgence to amend it to be able to align it to the provisions of the Constitution, and probably, seek to amend Section 66 of the Marriage Act.

As Hon. Kagiri has said, it is probable and possible that tomorrow, vulnerable young ladies in our country will be taken advantage of by foreigners. It is not a new phenomenon around the world. We have seen people, especially of African descent in the United States of America (USA) and other Western countries, going to marry women who are much older than them so that they can gain citizenship in those countries. We have also seen it here around the city, especially West Africans, taking advantage of young college girls. This will become a norm if such a Bill was to pass, because all you need is to marry a Kenyan girl at 18 years of age and you do not even need to live with her. After a year, you just officiate a wedding and thereafter, claim a separation, and by consent, dissolve that marriage. By consent alone is completely *ultra vires* to the provisions of Article 45 of the Constitution; and I would beg if the Hon. Masara does not exercise his known wisdom to withdraw this Bill, I would beg that you do the necessary, and do justice to the House.

We have daughters and I believe you do too, and young ones for that matter. And as a father of young girls, I would never wish for such a Bill to have been passed in this Parliament, at a time I served in this House. Kindly, protect our daughters and sons.

Thank you.

Hon. Speaker: Hon. Murugara, you are the Chairman of the Committee.

Hon. George Murugara (Tharaka, UDA): Can I say something?

Hon. Speaker: No, you will not. Order. You are *functus officio* on this matter. The matter will then meet its fate along the way.

(Hon. Charles Nguna consulted loudly)

Order, Hon. Members. Order, Hon. Nguna.

(Several Hon. Members walked into the Chamber)

Hon. Members, take your seats. Hon. Members, the matter raised by the Woman Representative for Laikipia is, indeed, a very serious constitutional issue. As your Speaker, I have read through Hon. Masara's Bill. It has found some time and has been discussed in the HBC. Indeed, the Senior Counsel, Hon. Otiende Amollo descended on it in the Committee on very cogent constitutional and legal grounds. As a House of Representatives of the people of Kenya, we have a fundamental duty to protect the society and particularly, the institution of marriage. The moment you turn a marriage into an instant coffee affair, then we will have no society. I will recess for two weeks and bring you a reasoned ruling.

Hon. Wandayi, to the extent that Hon. Masara has not taken the opportunity to find his way to discuss the matter with the Speaker, the Bill must meet its Waterloo on the Floor.

Thank you.

(Loud consultations)

COMMUNICATION FROM THE CHAIR

DEMISE OF THE HON. JAMES CHARLES OSOGO, FORMER
MEMBER OF PARLIAMENT AND CABINET MINISTER

Hon. Speaker: Hon. Members, it is with profound sorrow that I report to the House, the passing on of one of Kenya's founding national leaders who was also a long serving Member of the National Assembly, Hon. James Charles Nakhwanga Osogo. The late Hon. Osogo passed away on 15th August 2023 at the age of 91 years at the Aga Khan Hospital, Kisumu where he has been receiving treatment after a series of illness.

The late Hon. Osogo, was a second born in a family of ten, born on 10th October 1932 in Bukani village in the then Bunyala District. He attended Port Victoria Primary School from 1941 to 1943 before proceeding to St. Mary's Secondary School, Yala from 1944 to 1949. He later attended Railways Training Institute, Nairobi from 1950 to 1951 and thereafter, proceeded to Kagumo Teachers College, where he trained as a teacher. His insatiable thirst for education pushed him to pursue a Bachelor of Commerce Degree at the University of Cape Town, South Africa.

The late Hon. Osogo's political consciousness was aroused when he was a student at St. Mary's School, Yala and later at the East African Railways and Harbours Institute. He then developed passion for trade union activities that were spearheaded by Kenya's fiery trade unionists against brutal and repressive imperialist treatment of Africans.

Hon. Members, Hon. Osogo joined Kagumo Teachers College where he honed his leadership skills and developed deeper appreciation of national leadership, including awareness of the activities of the *Mau Mau* movement in the struggle for Kenya's independence.

After graduating from Kagumo Teachers College, the late Hon. Osogo continued with political agitation. Indeed, at a youthful age of 24 years, while serving as a teacher at Sigalame Intermediate School, he was a Councillor in the Nyanza African District Council. Hon. Members, his national political career started in 1963 when he was elected Member of House of Representatives for Ruambwa Constituency, now part of Budalang'i and Funyula constituencies.

The late Hon. Osogo was among the Members who were appointed to Kenya's first Cabinet in 1964 at Independence. He first served as an Assistant Minister for Agriculture until 1966 when he was elevated to become the Minister for Information and Broadcasting from 1966 to 1969. He later held various ministerial portfolios including the Minister for Commerce and Industry from 1969 to 1973; Minister for Agriculture in 1970; Minister for Local Government from 1973 to 1974, and Minister for Health in 1974.

The late Hon. Osogo was also the Deputy Leader of Government Business in 1978. He was the last surviving members of the Cabinet of the founding President, the late Mzee Jomo Kenyatta. That fact is not true. There is Nathan Munoko who is still living and was also in that Cabinet.

Hon. Members, the late Hon. Osogo will be remembered for his leadership standards and promoting ethics. He was a respected and visionary public servant, uncompromising and an astute thinker whose service to the community was unmatched. His ascent to national politics and stellar political career will forever serve as an inspiration to many current and future leaders.

Hon. Members, on your behalf and that of the entire Parliamentary fraternity, and indeed on behalf of the people of Kenya, I convey our heartfelt condolences to the family of the late Hon. James Osogo, the people of Busia, all his relatives and friends for losing such a gallant national leader.

Finally, in honour of the dedicated service rendered by the late Hon. James Osogo to the nation, the National Assembly, and the people of the then Busia South Constituency, I request that we all stand to observe a moment of silence.

(Hon. Members rose to observe a moment of silence)

I thank you.

For the record, Hon. Members, I served with the Hon. Osogo in this House in the 7th Parliament.

(Applause)

May God rest the soul of our departed colleague, the late Hon. James Nakhwanga Osogo in eternal peace. Hon. Raphael Wanjala, I will give you two minutes. I have also been requested by Hon. Oundo to give him two minutes.

Hon. Raphael Wanjala (Budalang'i, ODM): Thank you, Hon. Speaker, you know I am bereaved so you should give me at least three minutes.

Hon. Speaker: Use your two minutes.

Hon. Raphael Wanjala (Budalang'i, ODM): Thank you Hon. Speaker. I join you in condoling with the people of Budalang'i, Busia, Parliament and Kenyans at large. I was saddened to received news of the passing on of Hon. James Charles Nakhwanga Osogo, EGH, our first Member of Parliament of House of Representatives for Ruambwa Constituency, currently Budalang'i Constituency which I represent. That was in 1963 before I was born. He was the last surviving Member of the late President Mzee Jomo Kenyatta's Cabinet having served both as a Minister and Assistant Minister.

The late James died yesterday, 15th August 2023 in Aga Khan Hospital Kisumu at 4.00 p.m. at the age of 91 years. He positively impacted our community by putting Budalang'i on a positive development trajectory which motivated people like me to take up the challenge and help champion for more change by combining his philosophies with those of the late Peter Khavenga Okondo to guide my leadership.

The late James Osogo worked in various ministries as you indicated. I may not want to repeat because you have already enumerated them. He also impacted Kenya positively when he was the Minister for Commerce and Industry where he oversaw the industrialisation of this country. We got Pan-African Paper Mills, Firestone Tyres which is known as Yana Tyres Company today, Mumias Sugar Company, Nzoia Sugar Company, Sony Sugar Company and Raymonds Company.

In 1970, he concurrently headed the Ministry of Agriculture and also served as Minister for Local Government from 1973 to 1974. When he was the Minister for Health, he came in when Kenyatta National Hospital (KNH) was almost collapsing. He made sure KNH was properly constructed and built many hospitals in the districts.

Hon. Speaker: Hon. Wanjala.

Hon. Raphael Wanjala (Budalang'i, ODM): The last time he was in this House was when you served with him and as you know very well, he co-chaired the Inter-Parties Parliamentary Group (IPPG) with Hon. Achieng' Oneko which resulted in various constitutional amendments that made some people who came in 1998 to win elections because of those changes. Over the years, even as we differed on political ideologies, our relationship, friendship and respect for one another was never affected in any way. Our families have continued to co-exist as brothers, and sisters and continued to support my political endeavours.

Thank you. Nonetheless Hon. Speaker, we will communicate the burial dates in due course.

Hon. Speaker: Thank you, Hon. Wanjala. Hon. Oundo one minute.

Hon. (Dr) Ojiambo Oundo (Funyula, ODM): Thank you Hon. Speaker. Let me also join the people of Funyula and Bumula constituencies in mourning the demise of Hon. James Osogo. He was the first Member of Parliament for Funyula Constituency together with Budalang'i Constituency known as Ruambwa. When the Senate was abolished in 1966, he

ceased being a Member of Parliament for Funyula Constituency and Senator James Macho became the Member of Parliament.

Over the years, whatever political decision we have made, it has been in conjunction with the people of Budalang'i because they are tied together with the people of Funyula Constituency. It is, indeed, the end of an era for such a colossal figure to exit the scene. I believe all the young, older and aspiring politicians will always look up to Hon. James Osogo for his legacy, selflessness, way of doing things and ensure we take this country to a higher level. May his soul rest in eternal peace. Thank you.

Hon. Speaker: Thank you Hon. Members. We will end there because we have the Cabinet Secretary for Tourism, Wildlife and Heritage. Call out Order No.7.

QUESTIONS AND STATEMENTS

Hon. Speaker: Order, Hon. Members caucusing around Jane Kagiri! Can you take your seats?

ORDINARY QUESTIONS

Hon. Speaker: Are you still caucusing on marriage?

Hon. Members, we have with us the Cabinet Secretary for Tourism, Wildlife, and Heritage. I want to give you directions as follows: Question 076/2023 by Hon. Gideon Mulyungi, Question 119/2023 by Hon. Taitumu M'anaiba of Igembe, Question 228/2023 by Hon. Kenneth Kazungu of Ganze, Question 322/2023 by Hon. Abdul Haro of Mandera South, Question 323/2023 by Hon. Pauline Lenguris of Samburu County, Question 324/2023 by Hon. Faith Gitau of Nyandarua County, and Question 325/2023 by Hon. Rael Kasiwai of West Pokot County are all about human-wildlife conflicts. Cabinet Secretary, if you are prepared to answer them properly, they deal more with policy than facts. They relate to human-wildlife conflicts and what your Ministry and the Government are doing to mitigate those conflicts, compensate aggrieved families and individuals, and prevent future conflicts of the same type.

I will allow those Members to ask their Questions in a row. I invite the Cabinet Secretary to answer them as I have listed them. In the interest of time, the Cabinet Secretary should elucidate what policy the Ministry has to prevent human-wildlife conflicts, compensate aggrieved families and individuals, and prevent such conflicts.

Cabinet Secretary, I hope we are together. We will start with Hon. Gideon Mulyungi.

Question 076/2023

STEPS TO RESOLVE CASES OF HUMAN-WILDLIFE CONFLICT IN THE COUNTRY

Hon. Gideon Mulyungi (Mwingi Central, WDM): Thank you, Hon. Speaker.

Hon. Speaker, I rise to ask the Cabinet Secretary for Tourism, Wildlife, and Heritage the following Question:

Could the Cabinet Secretary-

- (a) State the steps the Ministry is taking to resolve cases of human-wildlife conflict in the country?
- (b) Outline the steps the Ministry is taking to resolve cases of human-wildlife conflict in Mwingi Central Constituency, particularly those resulting from attacks by elephants that have continued to endanger the lives of residents and

cause destruction of crops and other properties in Ukasi, Musovo, Kiwanza, Miuni, and Sosoma areas?

(c) Clarify whether the Ministry has carried out audits and investigations on the magnitude of losses incurred by the residents of the constituency as a result of the destruction caused by elephants since 2017 and if not, when does the Ministry intend to undertake the investigations into the menace?

(d) Indicate when the Ministry will compensate victims of human-wildlife conflict in Mwingi Central Constituency, particularly in Ukasi, Musovo, Kiwanza, Miuni, Sosoma, and Ngooni areas?

Thank you, Hon. Speaker.

Hon. Speaker: Cabinet Secretary, I hope we have a similar line of thought. If your line of thought was to answer them one by one, I do not want to disorganise you. However, if you are able to compose answers for all the Questions that I have mentioned, you will realise that they all concern human-wildlife conflict. Are you comfortable with answering all of them together or do you want to answer them one by one?

(The Cabinet Secretary for Tourism, Wildlife and Heritage spoke off-record)

If you are more comfortable with answering them one by one, then take the shortest time possible on each one. We have already gone beyond our allotted time. Cabinet Secretary, go ahead and answer. Since all the Questions are the same, I will limit the number of joyriders.

The Cabinet Secretary for Tourism, Wildlife and Heritage (Ms. Peninah Malonza): Thank you very much, Hon. Speaker and Hon. Members. I will go straight to the first response.

The following are the measures put in place by the Ministry of Tourism, Wildlife, and Heritage, through the Kenya Wildlife Service (KWS), to minimise human-wildlife conflict in the country. We have short-term measures that include problem animal control. The Ministry of Tourism, Wildlife and Heritage, through the Kenya Wildlife Service, has staff in all protected areas and over 156 stations and sub-stations outside parks and reserves. Staff in these areas are responsible for coordinating the management of human-wildlife coexistence in and outside the designated parks and reserves. Considering the country is expansive, areas that are out of reach of established stations and outposts are served by Mobile Problem Animal Control Teams deployed to deal with upsurge in conflicts in specific areas.

Secondly, we are collaborating with conservation stakeholders in problem animal control operations such as wildlife drives to ensure that wildlife encroachment into human settlement areas is managed.

Thirdly, we are carrying out wildlife drive operations within affected areas.

Fourth, we are installing wildlife barriers such as electric and solar-powered fences.

Fifth, we are carrying out education exercises and awareness creation to the public and communities. We are assisted by the Ministry of Interior and National Administration working together with chiefs, assistant chiefs, and village elders.

Sixth, we are in the process of establishing community conservancies. The KWS has collaborated with conservation partners in the establishment of 215 conservancies in the country. The conservancies have a staff establishment that assists us in managing wildlife outside designated protected areas. Some of the partners also collaborate with us in driving out animals from areas where people live.

Seventh, we are providing water as a mitigation measure in parks and reserves.

Eighth, we have the problematic wildlife capture and translocation system. The KWS has a fully-fledged Veterinary and Capture Unit that provides veterinary interventions for

wildlife in distress as well as aiding in the management of problematic animal species through capture and translocation among other strategies.

We also use technology. The Ministry and its Semi-Autonomous Government Agencies (SAGAs), the KWS, and the Wildlife Research and Training Institute (WRTI) have embraced technology in the management of wildlife. The latest satellite-linked General Packet Radio Services (GPRS) collars are fitted on identified animals to monitor their movement and activities.

Finally, we are also paying out compensation claims. During the Financial Year 2022/2023, we received Ksh958 million to pay out compensation claims from affected communities and individuals. This year we have also budgeted Ksh1.1 billion that we will be compensating the families and the communities affected. We are also pursuing to pilot an insurance scheme that will see our claims paid in real time without delays.

We are also coming up with long-term measures, specifically asking ourselves what are the root causes of these Human-Wildlife Conflicts (HWCs). Therefore, to address the problem of HWCs, the Ministry has formed a working group based on the four thematic areas identified as root causes of HWCs. These are in the areas of:

1. Land registration and titling to correct the land use issues causing HWCs.
2. Restoration and regeneration of degraded habitats and to restore wildlife corridors and dispersal areas.
3. Improve community livelihoods through benefit sharing and anchor wildlife sector economy.
4. Carbon/biodiversity credit and financing to support dwindling financing of conservation initiatives.

On Question (ii), I would love to respond as follows. The Ministry, through the KWS is committed to significantly reducing cases of HWCs in Mwingi Central Constituency and has been working together with other stakeholders to manage conflicts. So far, the following measures have been undertaken to minimise conflicts in this region:

1. The KWS has a problem animal management outpost at Mwingi that is fully equipped with well trained staff to respond to conflicts within the area covering Ukasi, Musovo, Kiwanza, Miuni and Sosoma areas. The mobile team from Mwingi station covering these villages has six staff and one land cruiser designated for problem animal management.
2. To beef up the team in the area, the Mwingi Problem Animal Management team is currently deployed within the region to handle all rising conflicts from Ukasi, Musovo, Kiwanza, Miuni, Sosoma and other areas in the region.
3. In addition, KWS has activated other stations close to Mwingi and its environs that work together in the affected areas to control the HWC cases within this region. These are: Garissa station, Mutomo Station, Meru Station and staff at Kora National Reserve.
4. In the last few months, the service rapid response team dubbed as Problem Animal Management Unit (PAMU) was deployed and pitched tents in the region as from December 2022 up to end of January 2023 when the team was withdrawn after the elephants' threats were managed.
5. The frequent sightings of elephants in the area prompted KWS within the month of December 2022 to undertake an aerial Recce that resulted to identification of the areas affected and the collaring of elephants for monitoring.
6. Continuous awareness creation in collaboration with stakeholders.

In March and May this year, I personally visited the area of Musovo together with the Member of Parliament for this area, and also the wider area.

On Question (iii), my response is as follows: The Ministry has not undertaken a definite audit or investigation of the HWCs particularly those resulting from elephant damages. However, the Ministry does a replica of the audit by recording and verifying all incidences and updates in its KWS database and the data is kept by the Ministry at KWS as HWCs situational reports (SITREP).

Just to finalise on that question, I would also want to inform you that I have a summary of HWCs in the entire Kitui County from 2017 to 2023 as asked by the Hon. Member. In total, we have seven deaths, 103 human injuries, 58 human threats, 155 crop destruction, predation of 155 and property damage of two.

On Question (iv), and the final question, Section 25 of Wildlife Conservation Management Act (WCMA), 2013 and the miscellaneous amendments to the WCMA, 2013 of January 2019, provides for compensation for personal injury or death or damage to property. The Ministry will pay victims of HWC from Mwingi Central especially from Ukasi, Musovo, Kiwanza, Miuni, Sosoma and Ngooni areas in Kitui County alongside other areas in that county from July 2023. We have allocated Ksh52 million to be paid and the payment started yesterday and today for this particular county.

We will have a small balance of Ksh69 million which will be paid for the years running from 2017 to 2023 with Ksh1.1 billion allocated for this year.

Thank you, Hon. Speaker.

Hon. Speaker: Hon. Mulyungi.

Hon. Gideon Mulyungi (Mwingi Central, WDM): Thank you, Hon. Speaker. I thank the Cabinet Secretary for that answer, and also for visiting my area. She is very conversant with that area.

There are areas which I require further clarification on. One, she has talked about fencing so that the human settlements are separated from wildlife. What are the timelines for that fencing and is there a budget?

Two, she has also spoken about the ongoing compensation of some people. Is it possible for the Cabinet Secretary to provide me with the list of those who have been paid, those who will be paid and those who will remain so that we are in the loop of what is going on?

Thank you.

Hon. Speaker: Cabinet Secretary.

The Cabinet Secretary for Tourism, Wildlife and Heritage (Ms. Peninah Malonza): Thank you very much. I will respond quickly.

On the fencing, we allocated Ksh50 million from the Tourism Promotion Fund last month. This money had not been disbursed because we needed to sit down with the county government. As you are aware, we are in charge of the national parks. However, the county governments are in charge of our national reserves. Therefore, we had a sitting in the last three weeks with the Deputy Governor of Kitui County, and we agreed that this fencing should commence immediately.

On the timelines, we are waiting for the county government and we have already finalised. So, any time from now we will be commencing the fencing in Kitui South and Mwingi North National Reserves.

On the compensation list, I will be glad to furnish you with the compensation list that we are already progressing with paying, but I will also be glad to furnish you with the list of all the cases in Kitui County that we will be paying in the next one year.

Thank you very much.

Hon. Speaker: Hon. Kiborek.

Hon. Kiborek Reuben (Mogotio, UDA): Thank you, Hon. Speaker. I have two questions for the Cabinet Secretary. One...

Hon. Speaker: You are a joyrider; you should ask only one question.

Hon. Kiborek Reuben (Mogotio, UDA): I will ask a joint question then. We have elephants from Mochongoi Forest which have terrorised our people in Kabuswa and Kiribot. The KWS has tried to erect fences but they stop half-way. What plans do they have for finishing the fencing so that my people can go back to farming?

Lastly, with due respect, our people were evicted from Lake Bogoria National Reserve. Does the Ministry have plans to compensate these people? Hon. Kawanjiku should not laugh at us because the only wildlife he has in his place are bedbugs and other small animals. We have serious human-wildlife conflict.

Thank you, Hon. Speaker.

Hon. Speaker: Yes, Cabinet Secretary. There are many questions regarding this.

The Cabinet Secretary for Tourism, Wildlife and Heritage (Ms Peninah Malonza): Thank you, Hon. Speaker. We are compiling a list of all the areas within the national parks and the corridors where wildlife is encroaching into people's spaces so that we can finalise on fencing. We have a priority list that we will be working on from September. For now, I cannot give a definite answer on the fencing.

On compensation, I ask that you give me time to evaluate and see the progress on this.

Thank you.

Hon. Speaker: Member for Igembe North.

(Several Members raised their hands)

Hon. Members, I know that all these hands are about human-wildlife conflict. As the Cabinet Secretary continues to answer the questions, one or two of you will joyride and ask your questions. I cannot give all of you the opportunity.

Hon. Kareke Mbiuki (Maara, UDA): On a point of order.

Hon. Speaker: Hold on Member for Igembe North. Give the microphone to Hon. Kareke Mbiuki.

Hon. Kareke Mbiuki (Maara, UDA): Thank you very much Hon. Speaker. I want to agree with you that most of these questions concern human-wildlife conflict. We have about 10 questions on this. And although they are area specific, I request that we ask all the questions and then the Cabinet Secretary responds to all of them.

At the same time, the Committee is coming up with an inquiry on matters relating to human-wildlife conflict. We will engage all the Members who have issues with human-wildlife conflict and we will have a joint session with the Cabinet Secretary, together with all Members from the affected areas.

Thank you, Hon. Speaker.

Hon. Speaker: Member for Igembe North, you can ask your question.

Hon. Julius M'anaiba (Igembe North, UDA): Thank you, Hon. Speaker. I rise to ask Question 119 of 2023.

Could the Cabinet Secretary –

- (a) Provide details on the measures being taken by the Government to restrain marauding elephants in Igembe North from attacking locals and destroying crops and property?
- (b) State when residents who have incurred losses arising from the destruction of property and crops, including loss of lives and injuries caused by elephants between January and February 2023, will be compensated, particularly residents of Malaene, Nginyo, Ndunyu Barikui, Kuuka and Luthaya villages of Ndoleli and Amwathi wards in Mutuati Sub-County, Igembe North Constituency?
- (c) Explain the long-term measures the Government is taking to address the recurring menace of human-wildlife conflict in Igembe North Constituency?

Hon. Speaker: Cabinet Secretary.

The Cabinet Secretary for Tourism, Wildlife and Heritage (Ms. Peninah Malonza): Thank you very much Hon. Speaker. I will summarise because I have already alluded to some of the strategies that we have taken, in the first question. My Ministry has undertaken the following measures to ensure that the people of Igembe North are safe from elephants:

1. Sensitisation meetings were held in Malaene, Mutuati, Nginyo and Kabachi areas.
2. As I have said before, we are collaborating with stakeholders and are using patrol drivers and helicopters in the area.
3. We have worked closely with the county government and county administration in the area to ensure that within the months of January 2023 to date, KWS has responded to 182 incidences of human-elephant conflicts in Igembe North Constituency.
4. Finally, the Ministry has upgraded the six kilometre stretch of the Meru National Park fence along the Western side bordering Mutuati Sub-county to a double fence which elephants cannot easily cross hence minimising their interactions with people.

I have given all the details of the 182 cases and I will be glad to provide this to the Member for Igembe North.

On the second question, the Ministry will pay for the loss of lives and injuries caused by elephants particularly from Malaene and Nginyo areas between 23rd January 2023 and February 2023. As you have heard, ongoing compensation of Ksh958 million is covering those affected from 2014 to 2018. Therefore, this particular compensation will be in the allocation for the Financial Year 2023/2024. On this agenda, from the Ksh958 million, Meru County will receive Ksh50 million and a balance of Ksh57 million to date will be cleared within the Ksh1.1 billion that is budgeted for.

Thank you, Hon. Speaker.

Hon. Speaker: Hon. Taitumu, are you satisfied?

Hon. Julius M'anaiba (Igembe North, UDA): Thank you, Hon. Speaker. I am not satisfied because the answers provided by the Cabinet Secretary are shallow and superficial. I say this with a lot of humility and respect. The Cabinet Secretary is saying that her officers have held sensitisation meetings for the community. They have also taught them wildlife behaviours and advised them on appropriate mitigation measures. The people of Igembe North are farmers; they are not wardens. What do they have to do with wildlife behaviour? If a rogue animal goes into their farms and destroys crops, will you teach them about how elephants behave? How will they benefit from this?

(Laughter)

That is an option provided by the Cabinet Secretary. Your officers have been using choppers and other methods to drive away the animals.

The Cabinet Secretary has provided a comprehensive list of 182 families whose lands were destroyed. However, she has not provided the amount of money they will receive. She has listed the acreage, and the type of crops that were destroyed but she has not provided the amount they will be paid as compensation. Meru County has an allocation of Ksh57 million. Ksh56 million has already been allocated and there is a balance of Ksh57 million. I am not asking this question on behalf of Meru County but on behalf of Igembe North people, whose farms were destroyed. Could the Cabinet Secretary scale it down and tell us how much money will be given to the residents of Igembe North whose crops were destroyed?

The Cabinet Secretary has said that the Ministry is working with the county governments particularly, the administrators, chiefs and assistant chiefs. These are not part of the county governments, but they are under the National Government Administrative Offices (NGAO) in the Ministry of Interior and National Administration. How does the county government come in here? Hon. Speaker, I believe that they should be provided with...

Hon. Speaker: That is sufficient, Hon. Member. Cabinet Secretary.

The Cabinet Secretary for Tourism, Wildlife and Heritage (Ms. Peninah Malonza): Thank you very much Hon. Speaker.

On awareness, we are teaching wildlife behaviour to the public because of destruction of crops and more so life. Therefore, it is very important for a community that is proximal to a park to co-exist with wildlife. This will enable them become aware how to behave when animals break out of the parks so that they do not cause more death.

On compensation, there is a process that is started at the county level immediately there is destruction of either farm crops or even death with our county compensation management team. The first step is to fill the compensation form which is then taken to the compensation committee. From there, it is up-scaled to the Ministry. We are waiting for these particular claims to proceed to our office.

On the allocation of money, for Igembe specifically, in our calculation, we had picked on the counties as overall. Therefore, I will be willing to give more details and get information for Igembe so that the Member can be aware. I will also be willing to give a full report on Meru County, of all the cases from 2014 to 2022 that will be paid within August 2023.

Thank you, Hon. Speaker.

Hon. Speaker: Thank you, Wakili Muriu.

Hon. Wakili Edward Muriu (Gatanga, UDA): Thank you Hon. Speaker for giving me this opportunity.

Is the Cabinet Secretary in charge of Tourism, Wildlife and Heritage aware that monkeys are part of the wildlife and form part of human-wildlife conflict? In Gatanga Constituency, vervet monkeys aka *theru* are the cause of poverty and starvation. These animals eat food crops such as maize and bananas. They also eat cash crops such as coffee, avocados and macadamia nuts leaving the public in Gatanga Constituency with devastation, starvation and lack of income.

What plans does the Ministry have to:

1. eradicate those destructive animals?
2. compensate farmers who are unable to feed their children and have been deprived of their income?

Thank you very much.

Hon. Ruku GK (Mbeere North, DP): On a point of order, Hon. Speaker.

Hon. Speaker: Hon. Ruku.

Hon. Ruku GK (Mbeere North, DP): Is the Member of Parliament for Gatanga Constituency in order to use a word that is unknown to this House? I do not know whether the word he used is a botanical name of the monkeys he described. Is he in order to use an unknown language in this House?

Thank you, Hon. Speaker.

Hon. Speaker: Yes Wakili.

Hon. Wakili Edward Muriu (Gatanga, UDA): Hon. Speaker, this House allows the use of Latin words to describe a specific animal. I used the word *theru* so that this House can understand that those animals are causing devastation in Gatanga Constituency. Therefore, the word was merely meant to make sure that Hon. Members know the exact animal because in the family of monkeys they are very many.

Thank you, Hon. Speaker.

Hon. Speaker: You are perfectly in order. Take your seat. Hon. Ng'ang'a Alice. Cabinet Secretary, you will answer after that.

Hon. Alice Ng'ang'a (Thika Town, UDA): Thank you Hon. Speaker. My question is to add onto what Hon. Muriu has asked.

Monkeys from Ol Donyo-Sabuk National Park prevent women from working in their farms. These monkeys are big and threaten women. They jump onto their backs as they carry firewood to intimidate them.

What can the Cabinet Secretary do about monkeys from the Donyo-Sabuk National Park? Thank you, Hon. Speaker.

Hon. Speaker: *Waziri.*

The Cabinet Secretary for Tourism, Wildlife and Heritage (Ms. Peninah Malonza): Thank you very much, Hon. Speaker. On the issue of the vervet monkeys, I am aware of the menace that the monkeys are causing. One of the strategies that we have is to relocate them. We are working on it currently. The Nairobi National Park has two ecosystems of environment: forest and the Savannah. We are thinking of relocating the monkeys, not necessarily to Nairobi National Park, but it is one of the parks we might relocate them to.

On whether people will be compensated or not, according to the Wildlife Conservation Management Act, and its Schedule on compensation, these monkeys are not in the schedule for compensation. Therefore, if this House finds it worthy to review the Act, we will be willing to compensate.

Thank you, Hon. Speaker.

Hon. Speaker: Cabinet Secretary, are you sure you are going to relocate monkeys from Gatanga to Nairobi? What mechanism are you going to employ?

The Cabinet Secretary for Tourism, Wildlife and Heritage (Ms. Peninah Malonza): Hon. Speaker, one of our mandates is to relocate problematic wildlife species from whichever corner of the country. Therefore, it is the duty of my Ministry and the Kenya Wildlife Services to think widely as we work with our donors and partners to see where to relocate them to. That is a discussion that we have already started. We are working on a strategy.

Hon. John Kiarie (Dagoretti South, UDA): On a point of order, Hon. Speaker.

Hon. Speaker: Member for Dagoretti South.

Hon. John Kiarie (Dagoretti South, UDA): Hon. Speaker, we now are a bit concerned as Members of Parliament representing Nairobi. First, these animals are being described as problematic, then they are being off-loaded to Nairobi City, a city that is already suffering from problems of neighbouring parks. The parks we are not well fenced. Hon. Speaker, you know of situations where lions have been straying into South-C Estate and to Mombasa Road. Dealing with the lions is an issue. Relocating the *therus* from Gatanga to Nairobi will complicate the matter and make it even worse. I am yet to understand how the *therus* will be dealt by being transferred to Nairobi. Nairobi is not ready to receive problematic *therus*.

(Laughter)

Hon. Speaker: Hon. Elisha Odhiambo

Hon. Elisha Odhiambo (Gem, ODM): Thank you Hon. Speaker.

Let me offer some advisory. We had the issue of monkeys in Gem because our forest cover is very high, about 85 per cent. My advice to my constituents was to paint one monkey red and all would run away. I had to recruit one individual to do that.

(Laughter)

If you paint one monkey red, the others will think that it is a charlatan and they will run away. They will run to the town where there is no forest.

Thank you, Hon. Speaker.

(Laughter)

Hon Speaker: Hon. Alice Ng'ang'a, what is the problem?

Hon. Alice Ng'ang'a (Thika Town, UDA): Thank you Hon. Speaker, I thought the Cabinet Secretary would tell us that they were going to add more wardens to take care of the monkeys rather than saying that they are going to relocate them to Nairobi. Monkeys are all over. By the time we decide to relocate them, it may be late. Additionally, I do not know how we will relocate them because they jump from one tree to another. It would be very hard to relocate them to Nairobi. Instead, the Ministry can add more wardens who can help control the monkeys from invading people's farms or homes.

Thank you, Hon. Speaker.

Hon. Speaker: Hon. Beatrice Elachi. Cabinet Secretary, you can see you have invited a lot of reaction.

Hon. Beatrice Elachi (Dagoretti North, ODM): Thank you, Hon. Speaker. I want to echo Hon. Alice Ng'ang'a's thoughts. As we speak about relocating monkeys, do not forget that they are already in the homes of people within Nairobi County, like in Lavington, Karen and other estates. So, the best thing we can do is to get a way of creating awareness in the neighbourhoods where these monkeys live. This will help the people understand any diseases that may be transmitted by monkeys and how to protect children who live around there. The Ministry should also inform the public if it will be there to support them if anything happens in those neighbourhoods. There should be a clear indication that we will not end up finding ourselves in such challenges again. The most important thing is how we will create awareness on how humans and animals can co-exist, because we have also encroached on their space.

Hon. Speaker: Cabinet Secretary, you can see Nairobi residents do not want you to bring monkeys here.

(Laughter)

The Cabinet Secretary for Tourism, Wildlife and Heritage (Ms. Peninah Malonza):

Thank you very much, Hon. Speaker. Allow me to start by saying that all wildlife in Kenya is an inheritance of the people of Kenya. The Government of Kenya manages wildlife on behalf of the people. The KWS officers are trained in this area. That is why they spend many years in Manyani learning the art of darting these animals. They use different techniques. But allow me to also say that it is true that the people of Nairobi do not want monkeys around. However, in my statement I said that we are only trying to see where we can relocate the monkeys to. There are very many underlying things that we check. When we call the animals problematic, it is not because they are problematic. They are problematic in the space of maize farms and everything else, but when they come to an ecosystem, we have to carry out a survey with the Wildlife Research Training Institute (WRTI).

The Government of Kenya pays a lot of money to that Institute so that it can do research to know what can be done for animals and humans to co-exist. This is because a time will come when we will have many other animals invading human territory. Probably not just monkeys but even elephants. So, we need to come up with a strategy on human-wildlife conflict. This is exactly what we are doing so as to make sure that the numbers are balanced as per the carrying capacity of the ecosystem. I have heard the concerns. Further, I will carry out public participation so that I do not go against the will of the people of Kenya.

Thank you, Hon. Speaker.

Hon. Speaker: Hon. Mogaka.

Hon. Stephen Mogaka (West Mugirango, JP): Thank you, Hon. Speaker. I like the debate about monkeys. They are equally a menace in Gusii region, which is a tea-growing area. I want to add to the Cabinet Secretary's menu the menace of squirrels. The local name for squirrels is 'ebirongo'.

(Laughter)

There is even a place called Birongo in Kisii County that was named to forewarn Gusii farmers that *ebirongo* are a menace. Are squirrels part of wildlife? If so, can farmers be compensated? Squirrels have made our farmers to stop growing potatoes. They also destroy maize. Are they among the animals that are supposed to be under wildlife? I have not seen the Gusii region included in the list of areas to be compensated. Is this a clear sign of discrimination? When are we going to see the Gusii people being compensated for the destruction caused by squirrels? We will protest and say that the Ministry is discriminating against us.

Thank you, Hon. Speaker.

Hon. Speaker: Cabinet Secretary.

The Cabinet Secretary for Tourism, Wildlife and Heritage (Ms Peninah Malonza):

Thank you very much, Hon. Speaker. Squirrels are not in the Third Schedule of my report on areas for compensation. Therefore, it will not be possible for compensation unless this House reviews the need and sees it worthy for them to be included in the Third Schedule. However, it is the duty of my Ministry to ensure that there is good co-existence between wildlife and people. Therefore, we are coming up with what we call the wildlife economy. In this case, we are identifying some of the wildlife that are not in this schedule but are a menace. We intend to see how we can come up with strategies to develop a wildlife economy for them. This will even extend to the tourist attraction bit.

Thank you, Hon. Speaker.

Hon. Speaker: Cabinet Secretary, we will skip Questions 218 and 226 for now. There is a special request from Hon. Martin Owino. He has something to attend to. So, you can now answer Question 227/2023.

Hon. Martin.

Question 227/2023

MAINTENANCE OF THE KADIO-KODUMBA-MIROGI ROAD BY KWS

Hon. Martin Owino (Ndhiwa, ODM): Thank you, Hon. Speaker for your indulgence. I beg to ask the Cabinet Secretary for Tourism, Wildlife and Heritage the following Question: Could the Cabinet Secretary—

- (a) State the amount of money that the Ministry allocated to Kenya Wildlife Service towards the maintenance of Kadio–Kodumba–Mirogi Road?
- (b) Provide information relating to the tender and the eventual contractor who was awarded the tender to maintain the said road?
- (c) Explain why the contractor was fully paid despite carrying out poor maintenance works on the road?

Thank you, Hon. Speaker.

Hon. Speaker: Cabinet Secretary.

The Cabinet Secretary for Tourism, Wildlife and Heritage (Ms. Peninah Malonza):

Thank you, Hon. Speaker. The budget allocated for maintenance of this road was Ksh37,783,637.65. The road is being maintained under the one per cent Road Maintenance Levy Fund savings accrued after the procurement of the road works under the Financial Year

2021/2022. I have attached a copy of the approved work plan for the Financial Year 2021/2022 and the budget for the particular road.

On the second question, the tender for maintenance of the road was procured under a competitive open national tender. The tender was advertised on 24th May 2021. After evaluation of the submitted bids, M/s Hedge Limited emerged successful and was awarded the tender on 27th July 2022. The KWS entered into a contract with the bidder at a sum of Ksh27,468,790.20 against the budgeted amount of Ksh37,783,637.67. The contract agreement was signed on 7th September 2022, with works commencing on 23rd September 2022. A copy is also attached.

On the final question, the contractor has not been fully paid. Ksh16,499,059.20 has been paid for satisfactory works done, inspected and accepted. The contract has an outstanding amount of Ksh10,969,731 for the pending works the contractor is yet to finish. I have also attached Annex 3 showing the payment voucher and Certificate No.1/2022.

Thank you, Hon. Speaker.

Hon. Speaker: Hon. Martin, are you satisfied?

Hon. Martin Owino (Ndhiwa, ODM): No, Hon. Speaker. The reason I asked this Question is I need clarity from the Cabinet Secretary because she has fiduciary responsibility to make sure that there is value for money and wastages are prevented. This is a 19-kilometre long security road for Ruma National Park. When the contractor finished the work, the Constituency Roads Committee, which is my Committee, went round and found five culverts, slight grading done and spot murraming that was dirty and muddy. We had to re-do the road using the Kenya Rural Roads Authority (KeRRA) money.

I want the Cabinet Secretary to clarify some issues which did not come through her answers. What was the scope of work done? I have gone through the annexes, but I have not seen anything on certificate of payment. Secondly, you talked about the remaining work which was done after the allocation made in the Financial Year 2021/2022. What type of work is that to be paid Ksh10 million on top of Ksh16 million?

Lastly, I asked KeRRA, but they did not know anything about this road and the work which was done. My Constituency Roads Committee is not involved in this either. Who did the inspection and where is the re-inspection report that influenced the certificate of payment and the payment hours? These details are missing completely. There is a lot of wastage, unless the Cabinet Secretary is clear on how this money was paid and why it is still outstanding to the contractor.

Thank you, Hon. Speaker.

Hon. Speaker: Cabinet Secretary.

The Cabinet Secretary for Tourism, Wildlife and Heritage (Ms Peninah Malonza): Thank you very much, Hon. Speaker.

On preventing wastage, as you can see, this tender was awarded some time back in the Financial Year 2021/2022. Therefore, I will carry out an inspection so that I can provide the documents that the Member is asking, especially the ones on scope work that is missing and the inspection report. As I have said, in terms of the retention money, we still have Ksh10 million that was not paid. I will provide this House with the extra information that has been requested on the Floor of the House.

Hon. Speaker: Thank you. That Question was very simple. We will leave it there. Let us go to Question 218 by Hon. Richard Kilel, Member for Bomet Central.

Hon. Kilel Richard (Bomet Central, UDA): Thank you very much.

Hon. Speaker: Hold on, Hon. Richard. What is it Hon. Makali Mulu?

Hon. (Dr) Makali Mulu (Kitui Central, WDM): Thank you, Hon. Speaker. We have very many roads in national parks and national reserves. Does the Ministry have internal

capacity or do they rely on the Ministry of Roads, Transport and Public Works for supervision and awarding the roads?

The Cabinet Secretary for Tourism, Wildlife and Heritage (Ms. Peninah Malonza): Hon. Speaker, the Ministry has internal capacity to do that job. We have engineers.

Hon. Speaker: Hon. Richard Kilel. Member for Igembe North, did we finish with your Question?

Hon. Julius M'anaiba (Igembe North, UDA): Thank you, Hon. Speaker. Answers provided to this House should be well-thought-out. They should also be comprehensive. I seek your indulgence on one of the answers. The KWS facilitated 182 claims from Igembe North and submitted to the Tharaka-Nithi community wildlife conservation and compensation for payment consideration within the months of January and February. Why was the compensation or consideration taken to Tharaka-Nithi when Igembe North is an independent entity?

Hon. Speaker: Is that so, Cabinet Secretary?

The Cabinet Secretary for Tourism, Wildlife and Heritage (Ms. Peninah Malonza): Thank you very much, Hon. Speaker. I give my apologies. It was in Meru County. It was a typing error.

Hon. Speaker: Okay. Go ahead and ask your Question, Hon. Richard Kilel. Just hold on again. What is it, Hon. (Dr Nyikal)?

Hon. (Dr) James Nyikal (Seme, ODM): Thank you, Hon. Speaker. My Question to the Cabinet Secretary is whether all constituencies with parks are entitled to funds for road maintenance. Seme has Ndere Island, which has a designated park with a road that leads there. It is managed by the KWS. I have never seen any work done on that road in the last 10 years. Has any money been allocated to Seme in the last 10 years? If so, how was it managed?

Hon. Speaker: Have you allocated any money to Seme?

The Cabinet Secretary for Tourism, Wildlife and Heritage (Ms. Peninah Malonza): Thank you, Hon. Speaker. We have not allocated any money to Seme in the last 10 years.

Hon. Speaker: Go ahead, Hon Kilel.

Question 218/2023

BENEFICIARIES OF TOURISM PROMOTION FUND

Hon. Kilel Richard (Bomet Central, UDA): Hon. Speaker, could the Cabinet Secretary for Tourism, Wildlife and Heritage:

- (a) Provide the total sum of money received by the Tourism Promotion Fund as the proceeds realised under Section 3 of the Air Passengers Service Charge Act (CAP 475)?
- (b) Provide a comprehensive list of all beneficiaries of the funds from the Tourism Promotion Fund as well as the proportions of funds allocated to each beneficiary since its inception?
- (c) Explain the manner in which these funds are managed by the Board including its evaluation?

Hon. Speaker: Cabinet Secretary.

The Cabinet Secretary for Tourism, Wildlife and Heritage (Ms. Peninah Malonza): Thank you very much, Hon. Speaker.

On this particular Fund, US\$33,932,506 which is equivalent to Ksh4,411,225,078.05, was the collection from international departures. A total of Ksh1,856,170,140.61 was also the collection from the domestic departures. Therefore, the total collection was Ksh6,267,395,920.66.

On part (b), the list of beneficiaries of the Tourism Promotion Fund from inception and the amount allocated during the various financial years is as follows:

1. In the Financial Years 2019/2020 and 2020/2021, we allocated Ksh300 million for revitalisation and revamping of the Nairobi National Park by rehabilitating and upgrading roads by the KWS.
2. Development of new Tourism Vision Strategy 2012 by Tourism Research Institute (TRI) cost Ksh35 million.
3. Construction of Ronald Ngala Utalii College was allocated Ksh1.5 billion.
4. Mitigation and restoration of Tsavo National Park by KWS was allocated Ksh30 million.

In total, we allocated Ksh1.865 billion for the two financial years.

In the Financial Year 2021/2022, we funded the following activities:

1. We allocated Ksh100 million for domestic tourism programmes by the Kenya Tourism Board.
2. We also allocated Ksh25 million for the establishment of Tourism Portal by the State Department for Tourism.
3. We further allocated Ksh199 million for the establishment of water pans, drilling of boreholes and dams for provision of water in the Tsavo National Park by the State Department for Wildlife.
4. We funded feasibility research on tourism crisis and resilience by Global Tourism Crisis and Resilience Centre by the Global Tourism Resilience and Crisis Management Centre (GTRCMC-EA) Kenyatta University at a cost of Ksh9.2million.
5. We funded the development of Wildlife Research Strategy 2021 by Wildlife Research and Training Institute to the tune Ksh36 million.
6. We funded the extension of Ukunda Airstrip runway and apron extension works in Diani, Kwale County by the Kenya Airports Authority - Ksh173 million.

The total funding for the FY2021/2022 was Ksh542 million.

In 2022/2023, we funded the following programmes:

1. Classification and grading of Class A and B enterprises. These are hotels by Tourism Regulatory Authority. We allocated Ksh48 million which I have seen nine counties star rated.
2. Ongoing construction of the Ronald Ngala Utalii College by the Tourism Fund was allocated Ksh500 million.
3. Refurbishment and renovation of WRTI sanctuary and conference facilities by WRTI at Ksh59 million.
4. Evaluation and impact assessment of climate change on tourism in the country and design of appropriate climate response and sustainable practices with minimum standards - by Tourism Research Institute - Ksh43 million.
5. Rehabilitation of the Kenyatta International Convention Centre (KICC) water fountain by Ksh54 million.
6. Modernisation and refurbishment of KICC Tsavo Boardroom by KICC - Ksh245 million
7. Equipment for the New Individual Training Kitchen (ITK) Training block by Kenya Utalii College that would see the uptake of the students go up by 65 per cent to a tune of Ksh250 million.
8. Rehabilitation of Utamaduni Restaurant by Bomas of Kenya at Ksh136 million. Let it be noted that the money for this project will be reverted because the project has been stopped by a presidential directive on another building that is coming up.

9. Digitisation of Cultural Tourism products by the Bomas of Kenya at Ksh48 million.
10. Construction of Sala Gate of Tsavo East National Park by the Kenya Wildlife Service at Ksh41 million.
11. Destination PR & Digital Communication by the Kenya Tourism Board at Ksh100 million.
12. Refurbishment of 10 guest houses/bandas at the KWS parks by the Kenya Wildlife Service at Ksh20 million.
13. Automation, signage and construction of lavatories/PWDs compliant toilets at Fort Jesus Heritage site by the National Museum of Kenya at Ksh50 million.
14. Construction of five PWDs compliant toilets at the national parks by the Kenya Wildlife Service at Ksh15 million.
15. Provision of five permanent water source in the Tsavo area (five water pans) - State Department of Wildlife at Ksh100 million.
16. Restoration and renovation of the Nairobi Safari Walk by the Kenya Wildlife Service at Ksh50 million.
17. Construction of a perimeter wall around Wajir Museum, Ablution Block, Education Hall and Site Interpretation Centre as well as exhibition development by the National Museum of Kenya at Ksh50 million.
18. Establishment of Heroes Museum in Nyandarua County as a result of a presidential directive, by the National Museum of Kenya at Ksh50 million.
19. Establishment of Ushanga Mega Hall and its facilities in Narok County by the State Department for Culture at Ksh41 million.
20. Establishment of safety and security fences around Tsavo East National Park at the border of Kitui National Reserve by the Kenya Wildlife Service, the one that I alluded to in Hon. Mulyungi's presentation, at Ksh50 million.
21. Establishment of safety and security fences around the Aberdares National Park at the border of Lariak in Laikipia County by the Kenya Wildlife Service at Ksh50 million.

The total Funding in the Financial Year 2022/23 amounted to Ksh2.009 billion. The grand total funding allocated to the projects since inception is Ksh4.23 billion. Table 3 shows all these projects in more detail.

On the question seeking to explain the manner in which these funds are managed by the board, including its evaluation, the Tourism Promotion Fund Regulations 2019, Regulation 14(1) provides for establishment of an oversight board to oversee the management and administration of the funds.

The Tourism Promotion Fund Oversight Board comprise the following:

1. The Cabinet Secretary responsible for matters relating to tourism, who shall be the Chairperson of the Board, or in his or her absence, the Principal Secretary responsible for matters relating to Tourism;
2. The Principal Secretary responsible for matters relating to Tourism;
3. The Principal Secretary responsible for matters relating to Finance;
4. The Principal Secretary responsible for matters relating to Transport;
5. The Principal Secretary responsible for matters relating to Culture;
6. The Principal Secretary responsible for matters relating to Wildlife;
7. The Principal Secretary responsible for matters relating to Internal Security;
8. Two persons of opposite gender appointed by the Cabinet Secretary responsible for matters relating to tourism in accordance to Article 27 of our Constitution; and,
9. The Chief Executive Officer as the Secretary to the Board.

Hon. Speaker, the functions of the oversight Board are:

1. To advise the Cabinet Secretary for the National Treasury and Economic Planning on the funding requirements of the Fund;
2. To review and adopt the estimates of annual revenue and expenditure of the Fund and recommend them to the Cabinet Secretary for the time being responsible for matters relating to tourism for concurrence and onward transmission to the Cabinet Secretary for the National Treasury and Economic Planning for approval;
3. To determine the allocation of financial resources from the Fund required by the tourism implementing agencies for the development, promotion and branding of tourism sector in Kenya;
4. To ensure that the annual estimates of revenue and expenditure for the Fund include retention funds for the preceding financial year which shall be reported;
5. To ensure that only projects included in the tourism implementing agency annual programme are promoted for funding under these regulations;
6. To advise the Cabinet Secretary for the National Treasury and Economic Planning on amounts and timing for the fund transfers into the Fund;
7. To approve and review the investment of surplus funds from the Fund;
8. To advise the Cabinet Secretary for the National Treasury and Economic Planning on any additional sources of funds for the Fund;
9. To approve the financial statements prepared by the Administrator of the Fund before submission to the Auditor-General; and
10. To approve the non-financial reports of the Fund before submitting them to the Cabinet Secretary responsible for tourism for onward transmission to the Cabinet Secretary for the National Treasury and Economic Planning.

Thank you, Hon. Speaker.

Hon. Speaker: Hon. Melly, are you satisfied so that we can go to the next Question? Yes, Hon. Ferdinand Wanyonyi. Give him the microphone.

Hon. Ferdinand Wanyonyi (Kwanza, Ford-K): Hon. Speaker, I thank the Cabinet Secretary. She has elaborated on the allocations of funds from the Ministry, but I have not heard of any allocation to Mount Elgon National Park, which is a very important park. I just want to draw her attention to the same because it has been one of the best areas of attraction for both local and foreign tourism. She has not said anything about it. Let me remind her that it has been one of the biggest attractions.

Hon. Speaker: Ask her a question.

Hon. Ferdinand Wanyonyi (Kwanza, FORD-K): Do you have any allocation for Mount Elgon National Park that has been destroyed by locals clearing the forest? It is now being forgotten. Can I get an answer to that? I will do everything. I will even make an effort of coming to your office on the same. May I know that, please?

Hon. Speaker: Hon. Irene Mayaka, take the Cabinet Secretary through the next question.

Hon. Irene Mayaka (Nominated, ODM): Thank you, Hon. Speaker. I would also like to ask the Cabinet Secretary to explain to us the criteria she uses to select an area that becomes a beneficiary. For us who come from the Omogusii Community, we have one site that was declared a protected area and a national monument in 2020 known as the Manga Hills. It has three very outstanding historical sites for the Omogusii. However, it has never received any funding since being declared a national monument and subsequently gazetted. Not even fencing it so that the Gusii people can begin to enjoy the benefits that come with having a historical

site on their land. Being the only historical site in the land of Omogusii, I would like to know the criteria used and if they can consider assisting it to have the same benefits.

Hon. Speaker: Mama Zamzam.

Hon. Zamzam Mohammed (Mombasa County, ODM): Ahsante sana, Mhe. Spika. Nina swali kwa Waziri wa Utalii. Mama Ngina Water Front ni mahali ambapo wana-Mombasa hubarizi kufanya mambo yetu ya *culture*, na kukaribisha wageni. Kuna mwaka Serikali ilichukua Mama Ngina Water Front na mkaitengeza. Mliweka bodi ya kusimamia na ikawa ikimalizika muiregeshe kwa *county government*. Hata ile Fort Jesus. Mpaka leo, watu wetu wanatozwa pesa nyingi sana kukutana pale na kufanya zile programu zetu za utamaduni. Uliandikiwa barua na gavana na kukumbushwa kuwa yapasa uregeshe kwa *county government*. Je, umepanga vipi kuhakikisha kuwa Kaunti ya Mombasa inaregeshewa Fort Jesus pamoja na sehemu ya watoto ya kuchezea mpira na kila kitu, na Mama Ngina Water Front.

Ahsante sana, Mhe. Waziri.

Hon. Speaker: Mama Ruweida.

Hon. Ruweida Mohamed (Lamu East, JP): Ahsante, Mhe. Spika. Tumeona vile pesa au rasilimali ya Tourism Promotion Fund (TPF) ilielekezwa sehemu mbalimbali. Nitakuwa na makosa nikisema *Ministry of Tourism* ndiyo imechangia pakubwa vita vya *Al Shabaab* - kwamba inasaidia *Al Shabaab* watupige kule Lamu na wapige Kenya nzima? Nyingi ya hizo pesa zimepelekwa kwingine. Ukiangalia barabara za Lamu Mashariki, kuna Dodori National Reserve, Kiunga Marine National Reserve na Boni National Reserve. Hizo zimechukua karibu Lamu Mashariki yote. Barabara ya mwisho kutengenezwa na KWS ni 1979. Nitakuwa ninakosea nikisema kwamba *Ministry of Tourism* inasaidia *Al Shabaab* ndio utovu wa usalama uendelee Lamu?

Hon. Speaker: Yes, Hon. Nyakundi from Kitutu Chache North.

Hon. Japheth Nyakundi (Kitutu Chache North, UDA): Thank you, Hon. Speaker. Thank you, Cabinet Secretary, for the good presentation. How do you constitute the Tourism Promotion Fund Board? Secondly, I understand that you are the Chairperson of the Board and the Principal Secretary is the Secretary. Who oversees the two of you?

Hon. Speaker: Note all those questions. Yes, Hon. Basil.

Hon. Robert Basil (Yatta, WDM): Thank you, Hon. Speaker and Cabinet Secretary.

There is an area called B2. I did not hear you mentioning its fencing. Do you intend to deploy wardens to check on human-animal conflict?

Hon. Speaker: Is that Hon. Nicholas? Let us have Hon. Elachi first before we come to you.

Hon. Beatrice Elachi (Dagoretti North, ODM): Thank you, Hon. Speaker. I thank the Cabinet Secretary. In that spirit, I want to ask about Kakamega Forest. I did not hear exactly how much is for it. More importantly, how do we ensure that we fence it now? Second is on the Tourism Promotion Fund and its facilities. Can the Cabinet Secretary give us a few names of the counties she said have benefited? I mean those three-star facilities that have been supported.

Hon. Speaker: Hon. Nicholas.

Hon. Nicholas Ng'ikor (Turkana East, JP): Thank you, Hon. Speaker. I rise to ask the Cabinet Secretary about the plans her ministry has for the Turkana South Game Reserve. It has become a hideout for bandits who terrorise travellers along the Kitale-Lodwar Highway. The bandits are affecting people living along that road. Centres like Kainuk, Kakongu, Kalemorok, and Kapatir have been affected. Other centres along that area in my constituency are affected too. They are Lokwamosing, Lopii, Nakwagal, Kalokol, Katamanak, Lokosmekor, Ngilmwaikemer and Nakukulas. Bandits who hail from the game reserves have affected all those areas. What plans does the ministry have for those game reserves in terms of ensuring

that the bandits are driven out so that people do not continue to lose their lives and livestock or get displaced?

Hon. Speaker: Mama Kwale.

Hon. Fatuma Masito (Kwale County, ODM): Ahsante sana, Mhe. Spika. Nimesikia Waziri amesema kumetengwa pesa ya kukarabati uwanja wa ndege wa Ukunda, sehemu ambayo ina watalii wengi sana. Je, anafahamu kuwa wananchi wanaotoka sehemu ile bado hawajapata fidia kwa kunyang'anywa uwanja ule? Hao ni wananchi wa sehemu ya Mkwakwani, Ukunda.

Hon. Speaker: Thank you. Cabinet Secretary, all these questions are about equitable allocation of public resources.

The Cabinet Secretary for Tourism, Wildlife and Heritage (Ms. Peninah Malonza):

Hon. Speaker, I skipped one important section of my presentation. Probably, I should have started by clearly stating what this Fund is meant for so that Hon. Members can be aware of what it can do and what it cannot do. I will, very quickly, state the objectives and purposes of the Fund, which are, generally, to provide funds to support development, promotion and branding of the tourism sector. Specifically, the Fund is intended for provision of financing for development, promotion and branding programmes, and initiatives, in relation to tourism products, including tourism niche products and tourism events. In addition, the Fund is supposed to finance marketing, promotion and branding of Kenya in specific local, regional and international market segments.

The Fund is also intended to finance tourism data capture, analysis, dissemination of the same and any other related research which may include deployment of technology-based applications; financing development of tourism facilities and establishments in areas where the private sector is unable and unwilling to develop, but with a high potential for tourism promotion and branding; and co-financing of tourism development and promotion projects with the county governments on the basis of the agreed ratio of matching grants.

Hon. Speaker, I just wanted to elaborate the purpose of the Fund as a way of answering the question on the criteria used to fund certain programmes and not others. This is the criteria that guides us on which projects and which counties should benefit from this Fund.

Regarding the question on Mount Elgon National Park, I have good news. We are considering it because there is a request from the Ugandan side. They have already cleared all their trees and Kenya is doing really well on its side. We are working with the Government of Uganda. We have agreed to begin the projects in Mount Elgon area. I think I have answered the question on the criteria used.

Regarding the question on Mama Ngina Sea Front, according to Executive Order No.1 of 2022, it was...

Hon. Speaker: Cabinet Secretary, you said that you have good news for Mount Elgon and you ended up saying nothing about the news! What is the good news?

(Laughter)

The Cabinet Secretary for Tourism, Wildlife and Heritage (Ms. Peninah Malonza):

Hon. Speaker, I thought by stating that we are going to work together with the Government of Uganda to put revenues, especially in the area of restoration of that mountain is one of the good news. The good news from Uganda is that they have already done a sanctuary on their side in the name and honour of our President for the climate change summit. We have to treat the project with urgency for that honour. We have already received a report on a feasibility study conducted in that area. It is on our waiting list for discussion in September.

On Mama Ngina Drive...

(Hon. Ruweida Mohamed rose on a point of order)

Hon. Speaker: *Mama Ruweida*, what is your point of order? Hold on *Waziri*. Give the microphone to the Member for Lamu East.

Hon. Ruweida Mohamed (Lamu East, JP): Hon. Speaker, I am sure the Cabinet Secretary is out of order by insinuating that Lamu East is not a tourist destination. When we mentioned the swimming lions in Dodori National Reserve, we meant it. However, if you had maintained the road from 1979, by now many tourists *wangekuwa wameenda huko!*

(Laughter)

The Cabinet Secretary for Tourism, Wildlife and Heritage (Ms. Peninah Malonza): Thank you very much, Hon. Speaker. Allow me to say that I have not even touched on the Lamu question. Kindly, be patient. I will get there. My response to the question on Mama Ngina Water Front is next.

(Hon. Omboko Milemba rose on a point of order)

Hon. Speaker: Hon. Milemba.

Hon. Omboko Milemba (Emuhaya, ANC): Thank you, Hon. Speaker for this chance. The matter of Mount Elgon was quite expectant, but the Cabinet Secretary ended up talking about Uganda. Can she clearly indicate the good news she has for the people of Mount Elgon area without roping in the Ugandan budget?

Hon. Speaker: Cabinet Secretary.

The Cabinet Secretary for Tourism, Wildlife and Heritage (Ms. Peninah Malonza): Thank you very much, Hon. Speaker. To respond to that question, I have just stated that we have received a report on a visibility study that has been conducted in that area. It is awaiting discussion in September. To shed some light on this, we are also aware that forests are under the Ministry of Environment and Forestry, and we are working together. There are matters that we may not go deeper as Ministry of Tourism, Wildlife and Heritage, but we will consider the feasibility study for purposes of promoting tourism in that area.

On Mama Ngina Water Front, it is true that I received a letter from the Governor of the County Government of Mombasa on this matter. I confirm that, through Executive Order No.1 of 2021, Mama Ngina Drive became part of the Executive mandate of my Ministry. However, on revision of Executive Order No.1 of 2023, Mama Ngina Drive was put nowhere. I have written two letters to the agency that generates the Executive Order so that by the time I respond to the Governor's letter, I already know whether it is under me or not. I have the two Executive Orders here, and I can furnish the Members with copies. We are on top gear on this matter as long as I will be answered from the side where it rests today.

On the issue of road maintenance in Lamu County, Lamu is one of the potentially attractive counties in terms of tourism. I want to confirm that we are not the Ministry that is contributing to *Al-Shabaab* attacks in that area. We will be considering that road this year as long as it is within the national park. On any other road outside the national park, we may not be able to help. I would like the Members to know that roads within the national parks are not necessarily funded through this Fund. This Fund does not cater for roads. We fund maintenance of roads within the national parks and game reserves from the Road Maintenance Levy Fund that comes from the Ministry of Roads, Transport and Public Works. We will, therefore, be considering that road. We are working on this matter. This weekend, we are sending a team of journalists to investigate the whole agenda of tourist attraction in Lamu, which we know is very rich. I will be communicating to the House on the same in the near future.

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Hon. Speaker: Cabinet Secretary, why would you want to send journalists to Lamu when you have Ministry officials? Did we get you wrong? You said you are sending a team of journalists to Lamu. Why not send your own officers? I think that is what Members are asking.

The Cabinet Secretary for Tourism, Wildlife and Heritage (Ms. Peninah Malonza): My apologies, Hon. Speaker. We are sending the Kenya Tourism Board, which is mandated with marketing our country as a tourist destination locally, regionally and globally.

Hon. Speaker: Yes. Go ahead. Let her finish then I will give you a chance.

The Cabinet Secretary for Tourism, Wildlife and Heritage (Ms. Peninah Malonza): Hon. Speaker, I have already explained how the board is constituted and overseen. I do not know whether I should repeat.

Hon. Speaker: One Member asked that there is a board where you are the Chairperson and your Principal Secretary is the Secretary. Who oversees you? Who was the Member who asked that question?

The Cabinet Secretary for Tourism, Wildlife and Heritage (Ms. Peninah Malonza): Thank you very much for that question. The Regulations stipulate that I am the Chairperson. The Principal Secretary is not the Secretary. The Secretary is the Chief Executive Officer (CEO). However, when I am away, the Principal Secretary, for matters regarding tourism, sits on my behalf.

Hon. Speaker: Okay. Have we answered all of those?

The Cabinet Secretary for Tourism, Wildlife and Heritage (Ms. Peninah Malonza): There is also a question on Kakamega Forest. We are working with the Ministry of Environment and Forestry. As we are aware, forests are under the Ministry of Environment and Forestry. From where I sit, I understand that they are in the process of starting the fencing of that forest. Probably, I can provide the information. I am very much aware because I was in Kakamega. I know what is happening. We started with Embu County because it was earmarked for celebration of Madaraka Day. We continued with nine other counties, which I had written down somewhere, but the ones I remember are Embu, Kirinyaga, Nyeri, Nakuru and Nyandarua. I will check the other three counties.

Hon. Speaker: What about the question on Ukunda Airstrip?

The Cabinet Secretary for Tourism, Wildlife and Heritage (Ms. Peninah Malonza): Yes, that is where I was going. Allow me to answer the question on Ukunda Airstrip before I come to the one on Turkana Game Reserve.

Hon. John Koyi (Sirisia, JP): On a point of order, Hon. Speaker.

Hon. Speaker: Hon. Waluke what is your point of order?

Hon. John Koyi (Sirisia, JP): Thank you, Hon. Speaker. I think the Cabinet Secretary is a bit confused. She is mixing the Ministry of Roads and Transport with the Ministry of Tourism, Wildlife and Heritage by saying that levies will come from the Ministry of Roads and Transport, which is wrong because the Road Maintenance Fuel Levy Fund is under this Ministry.

Hon. Speaker: Yes, *Mama Zamzam*.

Hon. Zamzam Mohammed (Mombasa County, ODM): Asante, Mhe. Spika. Waziri, unasema kuwa Mama Ngina haiko chini yako ilhali ulitumiwa barua mwezi wa 11 mwaka jana. Tumemaliza miezi kumi na bado hujajibu hiyo barua. Umesema unatafuta *executive order*. Ninataka uniambie Mama Ngina iko chini ya *docket* ya nani kama si ya *tourism*?

The Cabinet Secretary for Tourism, Wildlife and Heritage (Ms. Peninah Malonza): Thank you very much, Hon. Speaker. As I said, my Ministry is not mandated to issue executive orders. That is why I sought for a solution from the office mandated to do so. I have written two letters and made a personal inquiry with the Head of Public Service three times, and I am still waiting for a response.

Hon. Speaker: Okay. Yes, *Bwana Shimbwa, Mbunge wa Changamwe*. Give him the microphone. You cannot get him? You are giving the wrong person. Clerk, what is happening? Can you give the Member the nearest microphone? You are completely off the mark.

Hon. Omar Mwinyi (Changamwe, ODM): Thank you, Hon. Speaker. Mine is to request the Cabinet Secretary to conduct a study on two areas, namely, Lamu and Mama Ngina Water Front. In countries like Germany, places like Mama Ngina Water Front are very important tourist attraction areas. I think it is important for the Cabinet Secretary to give priority to areas where we can generate revenue for the Ministry and the country. As for Lamu, you cannot say you are going to build roads that are in the national parks only. How do we access the national parks if we do not have better roads on the other side? Madam *Waziri*, we would like you to make thorough studies so that when you come to answer questions next time, you give answers which are satisfactory to everybody.

Hon. Speaker: Cabinet Secretary.

The Cabinet Secretary for Tourism, Wildlife and Heritage (Ms. Peninah Malonza): Thank you very much, Hon. Speaker. Just to finalise on the Mama Ngina Water Front issue and probably what has been mentioned, we are already mapping out tourist attraction sites in the 47 counties. That is our priority. Mama Ngina Water Front in Mombasa and Lamu County are part of this programme. We are doing this in collaboration with the county governments simply because the tourism sector is devolved between the two levels of government. Therefore, we have to work together because there are many tourist attraction sites in Kenya to be considered. In our mapping, Turkana is also in the forefront. We got a directive because we are re-branding the country as ‘the home of human origin’ which is found in Turkana. Therefore, we are doing research in this area and one earmarked project that will be taking place in this area is the cradle of man science...

Hon. Speaker: Cabinet Secretary, did you get the question that the Member asked?

The Cabinet Secretary for Tourism, Wildlife and Heritage (Ms. Peninah Malonza): Yes.

Hon. Speaker: You are saying totally different things. The Member asked about a forest that he alleges is a hideout of bandits. He wants to know whether you have any plan as a Ministry to protect the wildlife from interfering with the residents of the area. Now you are talking of the cradle of man, on which no one asked a question.

The Cabinet Secretary for Tourism, Wildlife and Heritage (Ms. Peninah Malonza): Thank you, Hon. Speaker, for that correction. We are working together with the Ministry of Environment, Climate Change and Forestry. As we know, forests are under this Ministry. We are also working with the Ministry of Interior and National Administration. Under that agenda, my Ministry is involved in preventive measures like driving paths, provision of water and collaboration with development partners to ensure we promote livelihoods in this area.

Hon. Speaker: Next is Hon. Waluke.

Hon. Irene Mayaka (Nominated, ODM): On a point of order, Hon. Speaker.

Hon. Speaker: Yes, Mayak. What is your point of order?

Hon. Irene Mayaka (Nominated, ODM): Hon. Speaker, I have been listening to the Cabinet Secretary answering questions of all the other Members except mine. I do not understand why.

Hon. Speaker: Cabinet Secretary, have you answered her question?

The Cabinet Secretary for Tourism, Wildlife and Heritage (Ms. Peninah Malonza): My apologies, Hon. Speaker. I was progressing to answer all the remaining questions.

The question on Fort Jesus, which is a national monument, is one of them. The Intergovernmental Relations Technical Committee (IGRTC) is working on the transfer of this museum and monuments to the County Government of Mombasa. This is also a United Nations Educational, Scientific and Cultural Organization (UNESCO) World Heritage Site.

On the Ukunda Community not being compensated, as I said, we only indulged in funding the project because it promotes tourism. Therefore, we were funding the whole agenda. The Ministry of Roads, Transport and Public Works is mandated with the entire programme. I will talk to my colleague, Sen. Murkomen, just to find out where we are.

Thank you very much, Hon. Speaker. I think I have covered all the questions.

(Hon. Irene Mayaka and Hon. Robert Basil spoke off-record)

Hon. Speaker: Hon. Irene Mayaka is alleging that you have not answered her question about some monument. Was it? Hon. Basil, Member for Yatta.

Hon. Robert Basil (Yatta, WDM): Yes.

Hon. Speaker: Yes. There is wildlife menace in Yatta. He is asking whether you are ready to fence off animals from the public. It is in an area called B2.

The Cabinet Secretary for Tourism, Wildlife and Heritage (Ms Peninah Malonza): Hon. Speaker, we will consider the issue. We will evaluate it to establish whether it falls within the criteria. I will advise accordingly.

Hon. Speaker: Okay. What is it, Jayne Kihara? You keep on raising your hand. Give Jayne the microphone.

Hon. Jayne Kihara (Naivasha, UDA): My question is similar. I have not seen this Cabinet Secretary since I fought so hard to get her reinstated on the nomination list of cabinet secretaries. I am happy that she is here.

Buffaloes are a menace in Hell's Gate Ward and Mai Mahiu. Parents have to take their kids to school because of those animals. Has she considered putting up fences where these animals are found in Naivasha, which is a tourist destination? Farmers from Hell's Gate up to Mai Mahiu have a problem with buffaloes.

Hon. Speaker: Member for Kajiado South. There you are.

Hon. Parashina Sakimba (Kajiado South, ODM): Thank you, Hon. Speaker. My question is very simple and unique in nature. Kajiado South Constituency boasts of all three aspects of the Ministry, namely, tourism, wildlife and heritage. We have tourism in terms of the Amboseli Game Reserve, the Tsavo National Park...

Hon. Speaker: Ask your question.

Hon. Parashina Sakimba (Kajiado South, ODM): There has been an increase in human-wildlife conflict all over the county. If you have been watching television in the last two weeks, you have probably heard of people who have been killed by wildlife. The wildlife has also been killed. What measures is the Government or the Ministry putting in place to ensure that these issues do not recur? If the Government does not respond, members of my community will respond. I have been talking positively to my constituents trying to convince them to wait for the Government to intervene, but every time there is an attack and wildlife is killed, five choppers go there to the rescue of the wildlife. There is a perception that wildlife is more valuable than human life.

There is a *mama* who has been destroyed from here (*gestured*) down to her leg and she is in the Intensive Care Unit (ICU).

Hon. Speaker: *The Hansard* will be unable to record your gestures.

Hon. Parashina Sakimba (Kajiado South, ODM): She is in ICU. I have not seen the Kenya Wildlife Service or the Ministry officials going to visit her. I have been forced to visit her myself. There is no emergency fund to provide ambulances to take our people to hospital. My people are asking whether the Cabinet Secretary has a plan to save Kenyans, and not just wildlife. As Maasai, we contribute to tourism and the economy of this country just like other people.

Hon. Speaker: What is your question?

Hon. Parashina Sakimba (Kajiado South, ODM): How long will our people continue losing their lives yet they are not protected? For how long?

Hon. Speaker: Thank you. Cabinet Secretary, for how long?

(Laughter)

The Cabinet Secretary for Tourism, Wildlife and Heritage (Ms. Peninah Malonza): Thank you, Hon. Speaker. I believe it will not be long because I have found the root cause. I am not happy when lives are lost and farms are destroyed. We have to look at the root cause. That is why under the directive of the President, we formed four thematic areas where we will look into the issues of land titling and blocked wildlife migration corridors as well as work with the local communities to resolve this matter once and for all. I assure you that the issue is at the top of the Ministry's agenda. I visited the area. As a Ministry, we made a commitment on the way forward. I will ensure that we fulfil that commitment. Kajiado County will also benefit as it will receive the highest compensation because of the many claims that have emanated from there to the tune of Ksh68,991,130.

With regard to the question on Manga, it is a heritage site. We have developed a proposal together with the State Department for Culture and Heritage, which we will ensure is accomplished. On buffaloes at Hell's Gate, the specific question was on whether we will fence off the land. We will evaluate Hell's Gate in terms of fencing. Not every national park can be fenced. The Kenya Wildlife Service had very few rangers. We had a deficit of 1,500 rangers and 300 cadets. His Excellency the President has allowed us to employ 1,500 rangers. We will beef up the manpower in some of the areas that are grappling with the elephant menace. I commit to evaluate which areas can be fenced. If an area is connected to a wildlife migratory corridor, we cannot put up a fence.

Hon. Speaker: Are you done?

The Cabinet Secretary for Tourism, Wildlife and Heritage (Ms Peninah Malonza): Yes. Thank you.

Hon. Speaker: Hon. Members, we must make progress. We have an important Motion coming up shortly.

Hon. Waluke, I have given you opportunity to ask Question 226/2023.

Question 226/2023

PLANS TO REVAMP WESTERN KENYA TOURISM CIRCUIT

Hon. John Koyi (Sirisia, JP): Hon. Speaker, could the Cabinet Secretary for Tourism, Wildlife and Heritage:

- (a) Elaborate on the plans by the Government to revamp the tourism sector within the Western Kenya Tourism Circuit and explain the strategies aimed at promotion of cruise, adventure, culture and sports tourism in the Circuit starting from this year?

Cabinet Secretary, I do not know whether you remember that there are two crying stones in ...

Hon. Speaker: Hon. Koyi, just read out your Question as it is framed on the Order Paper.

Hon. John Koyi (Sirisia, JP): Okay.

Hon. Speaker, could the Cabinet Secretary for Tourism, Wildlife and Heritage:

- (a) Elaborate on the plans by the Government to revamp the tourism sector within the Western Kenya Tourism Circuit and explain the strategies aimed at

promotion of cruise, adventure, culture and sports tourism in the Circuit starting from this year?

- (b) State the amount of money that has been used in the promotion of the Western Kenya Circuit as a tourist destination, and what incentives the Ministry provides to encourage local investors to venture into tourism-related activities considering that the sector accounts for 10.4 per cent of the country's Gross Domestic Product (GDP) and 5.5 per cent of formal employment?
- (c) Outline measures the Government is undertaking to promote both secure and accessible movement of tourists across the country and affordable accommodation in hotels, restaurants, and other social amenities.

Hon. Speaker: Thank you. Cabinet Secretary.

The Cabinet Secretary for Tourism, Wildlife and Heritage (Ms. Penina Malonza): Thank you, Hon. Speaker. The Western Kenya Tourism Circuit comprises Kisii, Nyamira, Migori, Homa Bay, Kisumu, Siaya, Kakamega, Busia, Vihiga and Bungoma counties. The plans I have for this particular circuit is that we are already mapping the touristic products and experiences in collaboration with the county governments to identify, document and package iconic and signature ones that will be marketed as a must-visit attractions.

Secondly, we are retraining and carrying out refresher courses for hospitality services, specifically for hoteliers in that region. In particular, we trained 147 service providers in April 2023 at Kakamega Golf Club Hotel. The Ministry also partnered with China Media Group to promote the circuit. To promote and develop authentic cultural tourism products found in the Western Kenya Circuit, the Ministry is partnering with the county governments and local communities on cultural festivals and events like the Rusinga and Kakamega cultural festivals and the Fish Fiesta. I attended them in person. In the same agenda, we are also considering mapping bull fighting in the Western Region.

We are also collaborating with the county governments in bidding and organising for meetings, incentives, conferences and events. Additionally, to encourage frequent travel especially to under-served areas, we are building youth-oriented travel operator incentives to develop and market all year-round. It includes adventurous activities, affordable bus service and budget accommodation. We are also increasing average spending per trip by launching dedicated marketing campaigns to showcase bespoke low-season experiences. We are also educating high-end travel agencies on new experiences in the Western Kenya Circuit. In partnership with respective counties, we are also looking forward to developing water fronts and cruise ship terminals in Kisumu, Homa Bay and Busia to promote lake, beach and cruise tourism within the circuit and to counties bordering Lake Victoria.

On the second question, as provided by the Tourism Act 2011, the Government established the Tourism Police Unit (TPU) in April 2007 as a law enforcement agency to be deployed in popular tourist areas to ensure the safety and security of visitors. The Ruma National Park is one of the areas where we have deployed TPU officers. The Ministry, in collaboration with stakeholders, has continuously partnered with the National Police Service (NPS) and TPU to increase patrol and surveillance in all tourist destinations and attraction areas in the county to ensure safety and security of our visitors at all times.

We are also improving the road infrastructure, including the major highways and access roads, in collaboration with the Ministry of Roads, Transport and Public Works to ensure smooth and safe transportation for tourists. Additionally, we are partnering with county governments in the sector of roads development. The Government has also invested in modernisation and expansion of airports such as the Jomo Kenyatta International Airport (JKIA) in Nairobi and the Moi International Airport (MIA) in Mombasa to enhance international-domestic air connectivity. This alone opens every part of the country to be visited by tourists that enter through major airports.

The Ministry is in the process of finalising a memorandum with the National Police Service Commission for establishment and operationalisation of Tourism Protection Service Agency, which is in the Executive Order No.1 of 2023 in my Ministry. We are also engaging the private tourism operators - through structured round-table meetings - to review their pricing, develop affordable tourism accommodation and offer affordable packages, including investing in budget hotels, self-catering apartments, villas, home-stays and local dishes speciality restaurants to serve tourists.

Finally, the Ministry - through the Tourism Regulatory Authority - is undertaking the national classification and accreditation of all hotels, restaurants and other social amenities to ensure that all our hospitality facilities are aligned with international standards. This gives a catalogue for our tourists to choose.

On the third question, the following are some of the Government initiatives lobbied by the Ministry, in consultation with the industry stakeholders, to encourage local investors to venture into tourism-related businesses across the country:

1. Duty exemption to all hoteliers and restaurants on imported items under the East African Community Customs Management Act, 2004.
2. Duty exemption for tour vans for tourist transportation for tour operators such as sightseeing buses, overland trucks and 4x4 vehicles.
3. The Ministry offers tourism business investment advisory services to local investors on where to invest in resorts, eco-lodges and other establishments in the country, including in protected areas cutting across all counties, including Western region.
4. Concessional loans are also given at a lower interest with longer repayment period of between 10–20 years offered by Kenya Development Corporation for development and renovations of hotels, lodges, restaurants and related tourist facilities.
5. Duty exemption for tourism boats imported by licensed tour operators and ferry boats, parts and accessories, but not including batteries and spark plugs.
6. Duty exemption for refrigerated trucks and trailers which may be used by hoteliers for outside catering services.
7. Duty exemption on water treatment effluent plants which may be used by hoteliers recycling their used water.

Thank you, Hon. Speaker.

Hon. Speaker: Yes, Hon. Wambilianga. Hon. Waluke, you must have the first bite. Do you have a supplementary question?

Hon. John Koyi (Sirisia, JP): No, Hon. Speaker. I am satisfied.

Hon. Speaker: Hon. Wambilianga.

Hon. Catherine Wambilianga (Bungoma County, FORK-K): Thank you, Hon. Speaker. My question is related to the tourism sites within Bungoma County. This is an extension of your earlier answer, Cabinet Secretary. There was a time when you said that you undertook to improve Meru County just because they were hosting their Madaraka Day celebrations. This also happened in Embu County. Bungoma County is hosting Madaraka Day in the coming year. We have sites which, as I speak, have never been improved or visited. We have a place called Kongit in Mount Elgon, where all elephants are bred. Nothing has ever been done or put in place in that region. We have caves in Mount Elgon, which can be good historical sites.

Hon. Speaker, if we invited our guests to come and see our tourism attractions, we will get some funds, but nothing has happened. We also have the two “crying” stones, which Hon. Waluke was trying to talk about. Those are historical sites that we just pass and see, but no Government has endeavoured to do anything about them.

Lastly on hotels, you have mentioned of subsidies. Which subsidies are you talking about? Some of us are even hoteliers. There are no roads leading to some of those resorts. Please, be up standing to answer those two questions.

Hon. Speaker: Let us have Hon. Kandie. Hon. Mukami, I will come to you.

Hon. Joshua Kandie (Baringo Central, UDA): Thank you, Hon. Speaker. My question to the Cabinet Secretary is very simple. She is aware that the value of our currency is declining every day because of scarcity of foreign exchange reserves. What measures has she put in place to make sure that Kenya is marketed aggressively? Lately, there has been a lot of decline in the numbers of international tourists visiting Kenya. Number two...

Hon. Speaker: You can ask only one question. Next is Hon. Maimai. Give Hon. Maimai the microphone.

Hon. Kakuta Maimai (Kajiado East, ODM): Thank you, Hon. Speaker. I have a question for the Cabinet Secretary, Ministry of Wildlife. The recent compensation issued by the KWS was incidents that happened from 2015 and before. My constituency, Kajiado East, which borders the Amboseli ecosystem, has had a lot of trouble lately with elephants killing my constituents. There is a recent incident in Masimba Town, where several people were killed. I am wondering whether the Cabinet Secretary has an answer to my people. When are the compensations for incidents that happened from 2015 to-date coming? My people are still wondering when they are going to be compensated.

The Cabinet Secretary can also shade light on conservation efforts by the Ministry with regard to wildlife on schools in Kajiado East Constituency, particularly in Kinyoo Wapoka - where a lot of human-wildlife conflict is taking place. Could she also clarify whether her Ministry has a programme of fencing local schools to prevent wildlife from harming our children?

Hon. Speaker: Hon. Rahab Mukami, Member for Nyeri.

Hon. Rahab Mukami (Nyeri, UDA): Thank you, Hon. Speaker. I want to know how *Ushanga* is utilised. Who is responsible for the day-to-day running of operations and how do we include other counties where people engage in hand-made products like *Ushanga*? How are you doing the marketing for *Ushanga* products?

Hon. Speaker: Give the microphone to the Member in front of Hon. Korere - the Member for Lagdera.

Hon. Abdikadir Mohamed (Lagdera, ODM): Thank you, Hon. Speaker. There has been mushrooming of conservancies in the entire country. It started in Samburu, Isiolo followed. It is now in Garissa. What are these conservancies? Do these conservancies have their own armed game ranchers? What are their roles vis-a-vis the roles of the Ministry in matters of wildlife conservation?

Hon. Speaker: Yes, Hon. Zara Akujah.

Hon. Protus Akujah (Loima, UDA): Thank you, Hon. Speaker. The Cabinet Secretary has already said that Turkana County is the cradle of mankind and home to the Turkana Boy. Unfortunately, all the discoveries made in Turkana County have been relocated elsewhere. This has denied Turkana County tourism attraction and revenues that come with the discoveries. What plans does the Cabinet Secretary have to build a museum in Turkana to restore all the discoveries that have been made in Turkana County so that tourists can visit Turkana County?

Hon. Speaker: Cabinet Secretary, let me take one more question from Hon. Rindikiri. Let us take one or two more questions. After that, we will go to the Motion. I will give you direction on the remaining questions.

Hon. Mugambi Rindikiri (Buuri, UDA): I would like to know something from the Cabinet Secretary. Every year there is invasion of elephants from Isiolo and parts of Laikipia in Kithima, Ruiru, Ruarera and Kiirua locations in Buuri Consistency. Every year, there is a rising number of claims not settled for both crops and infrastructure, from 2015 to date.

Hon. Speaker: Hon. Sabina. Hon. Shimbwa Mwinyi, *wacha Sabina aulize kwanza.*

Hon. Sabina Chege (Nominated, JP): Thank you, Hon Speaker. Although my colleague from Turkana has talked about the cradle of mankind, mine is to ask about Mukurwe wa Nyagathanga, which is located in Murang'a County. It is the origin of Agikuyu and Mumbi. I have not heard any mention of the location of that important historical site, which is special to my county. That site can attract many tourists, both local and international. Due to its proximity to the City of Nairobi, I would like the Cabinet Secretary to just highlight the plans they have for Mukurwe wa Nyagathanga in Murang'a County.

I have a second question, Hon. Speaker.

Hon. Speaker: You ask only one.

Hon. Sabina Chege (Nominated, JP): Okay.

Hon. Speaker: Member for Changamwe, what is agitating you?

Hon. Omar Mwinyi (Changamwe, ODM): Thank you, Hon. Speaker. My concern to *Waziri* is one thing. All over the world, where we have cities that are tourist attractions, you find that security is very good. When you travel to Turkey, for example, you have no worries at all while moving around at night. In Mombasa, the menace of street children is now alarming. What is the Ministry doing to make sure that the city is safe from street children who harass even the local citizenry? Fort Jesus is in Mombasa and has been there all these years. What is the Ministry doing to ensure that funds collected at Fort Jesus also benefit the local people of Mombasa County?

Hon. Speaker, finally, we would like to have a summary of all the Questions answered here by the respective cabinet secretaries so that we can follow up later on to see whether what they are promising is exactly what they are doing. You can guide the House. Let us have all responses given by the various ministries. We should get their summaries so that we see whether they are fulfilling what they have pledged in this House.

Hon. Joseph Makilap (Baringo North, UDA): Hon. Speaker, just give me 40 seconds. First, there was establishment of...

Hon. Speaker: Ask only one question. Stop numbering.

Hon. Joseph Makilap (Baringo North, UDA): There was a UNESCO team sent to Baringo sometime back to establish a Geopark in that region. It would become the third in Africa. How far is the process of establishing the Geopark in Baringo?

Secondly, the National Land Commission made a ruling on the Lake Kamnarok National Reserve. It is now the Ministry's responsibility to ensure that implementation of that ruling on the National Land Commission is done so that we can stop human-wildlife conflict in Lake Kamnarok and Rimoi reserves in Kerio Valley, where I come from.

Hon. Speaker: Hon. Murugara.

Hon. George Murugara (Tharaka, UDA): Thank you, Hon. Speaker. Madam Cabinet Secretary, snakes are part of the wildlife that is under your control. What are you doing to ensure that those serpents are controlled and do not hurt human beings? What is the level of compensation that you have set aside in respect to snake bites, especially in Tharaka Constituency, which borders Kitui - where snakes are rampant?

(Hon. Pauline Lenguris rose on her seat)

Hon. Speaker: Hon. Lenguris, I am not giving you a chance to ask your Question because we are not yet there. However, if you have a supplementary question, you can ask. However, if it is on your Question, your chance will come later. Kindly, take your seat.

Hon. Kombe.

Hon. Harrison Kombe (Magarini, ODM): Asante, Mhe. Spika. Kumekuwa na kuhitilafiana kwingi baina ya binadamu na wanyamapori. Kuna mpango gani kuhakikisha

kwamba wanyama hawaingii kwenye mashamba ya jamii katika Tarafa ya Chakama na Sabaki?

Hon. Speaker: Thank you, Member for Chepalungu.

Hon. Victor Koech (Chepalungu, CCM): Thank you very much, Hon. Speaker. I would like to inform the Cabinet Secretary...

Hon. Speaker: You are to ask her a question and not to inform her.

Hon. Victor Koech (Chepalungu, CCM): Hon. Speaker, before I ask my question, I just want to let her know that my constituency borders Masai Mara Game Reserve to the south. As we speak, there is a young boy by the name of Brian from Kobalua Primary School, who is being buried because he was trampled on by an elephant. What plans does the Cabinet Secretary have to mitigate such incidences, and what are they going to do to compensate the families?

Hon. Speaker: Lastly, Member for Dagoretti. We must bring this matter to a closure today. There will be another round of questions.

Hon. Beatrice Elachi (Dagoretti North, ODM): Thank you, Hon. Speaker, I am going back to the same question even though the Cabinet Secretary has already talked about the Western Kenya Tourism Circuit. She stated that there are different three-star facilities that have been supported. Is there any in the Western Kenya Tourism Circuit that has benefited? If so, can she name them for us? By branding Kenya, can she tell us how many tourists have come into this country since the year started?

(Hon. Atieno Bensuda raised her hand)

Hon. Speaker: Lastly, Hon. Bensuda. You have been raising your hand the whole afternoon. Kindly, ask one question.

Hon. Atieno Bensouda (Homa Bay County, UDA): Thank you very much, Hon. Speaker.

Hon. Cabinet Secretary, I would like to understand what policy guidelines you have for the local tourism because your focus is on national parks yet we know that this one also serves well, more so international and regional tourists in terms of revenue generation. How do we gain? I stand here on behalf of Homabay County. Around Karachuonyo, we have Simbi Nyaima and ostrich birds at a place called 'Ondago'. We know that the Ruma National Park has been dead, but because of the good women leadership that the county has, it is now up. What plans do we have to ensure that youth empowerment is also taken care of in the industry of tourism?

Lastly, on education...

Hon. Speaker: One question at a time. Hon. Cabinet Secretary, go ahead and respond.

The Cabinet Secretary for Tourism, Wildlife and Heritage (Ms. Peninah Malonza): Thank you very much, Hon. Speaker. I will start with the question on plans we have for the Western Kenya Tourism Circuit. The Member has cited a number of tourist attractions in that area, including the crying stones. We are already mapping that area and beyond, together with the County Government of Kakamega. Once we are done, we will package the tourist attractions and market them because it is the mandate of the Ministry to do so.

Hon. Speaker, it is true that the value of our currency is deminishing. We have embraced a new strategy in marketing. We have realised that traditional marketing is important, but the traveller of the current generation is a young person. Therefore, we have embraced digital marketing as much as we also minimally employ the traditional marketing strategies of mounting campaigns and organising road shows.

We are also using tourist ambassadors. We have picked our very own from this country. They are university students. You saw them at the Kenyatta International Convention Centre (KICC) the other day when we unveiled them. We are also doing executive marketing, where

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we use our own leaders to market this country as a tourist destination. We have categories from the President to all the elected leaders, including you here. We will be working on this strategy. Finally, we are partnering with media houses locally and abroad. We have already partnered with Chinese media houses, and we have begun to harness tourists out of 1.4 billion population of China. So, we may get somewhere.

Hon. Speaker, the next question is why families of people who have died from wildlife attacks in Masimba area have not been compensated. As Members heard me say earlier on, we are already compensating claims dating from 2014. There are claims amounting to Ksh326 million, which we have cleared. We are now clearing claims from 2014 to 2018. We have also given favour to claims on death and extended them to 2019 with the Ksh959 million that we had, which we dispensed yesterday and today. We are also planning to continue compensating victims of human-wildlife conflict with the Ksh1.1 billion that is already in the current financial year's budget.

Finally, we are piloting the whole agenda of insurance because we know the pain that people go through as they wait for more than 10 years to be compensated. We are piloting to see whether we can get insurance to pay victims of human-wildlife conflict immediately. Further, on the the compensation agenda, we have been using bank accounts. We are trying to see whether we can pay small claims via M-Pesa directly to the beneficiaries.

Hon. Speaker, the next question is how *Ushanga* is utilised. We have piloted this programme with nine counties. We are in the process of expanding the programme to include other counties in tiers because of funding challenges. How is it managed? It is still under the State Department of Culture. Since *Ushanga* is not a Semi-Autonomous-Government Agency, it is being managed as a directorate under the State Department of Culture. Of course, we are in the process of working towards making it a Semi-Autonomous Government Agency.

The next question is about mushrooming of conservancies across the country and what their roles are. Conservancies are an important player in conservation. They provide extra space for wildlife, especially within wildlife migration corridors and dispersal areas. They provide what we call "buffer zones" to national parks and game reserves. Security is also regulated and supported by adjacent national parks wardens. They are registered under the Kenya Wildlife Conservancies Association (KWCA), which works closely with Kenya Wildlife Services and the Ministry. Therefore, they are helping us a lot.

I know that most of the conservancies in the country are run by white people. For upcoming conservancies, we are encouraging local communities to donate their land for this purpose and be front-runners or owners of the conservancies.

Hon. Speaker, we are developing the Turkana Science Park. It will be a big strategic project to position the Turkana region for tourism. As the Member rightly said, Turkana is the cradle of mankind. The Turkana Boy is safely guarded at the National Museums of Kenya because he is a national heritage site. He has not been taken away. When we establish the Turkana Science Park, we will have a replica of the Turkana Boy as is the practice internationally and within the country.

On the Isiolo, Kithima and Kirikwe compensations, as I have just said, we are currently compensating claims from 2014 going backwards. We are clearing all of them. We are compensating normal claims from 2014 to 2018. However, we are extending death claims to 2019. Therefore, I will be glad to give details of claims from Meru County that are currently being paid out. We have a budget of Ksh1.1 billion this year to settle the remaining claims. Going forward, we are re-looking into insurance so that we can eradicate the pain of waiting for claim pay-outs. Meru County will get Ksh50,687,990.60.

On the security menace posed by street children in Mombasa, we are working with the Ministry of Labour and Social Protection as that issue is squarely domiciled under that

Ministry. We are also working with the Ministry of Interior and National Administration in terms of security.

On the Baringo Geopark, we are already working with the county government. I was there to launch it. We have already filled in all the required forms. We are waiting for the UNESCO to clear us and give us the certificate for the Geopark.

On snake bites, there was a review of the enabling Act in 2019 which removed snake bites from the schedule of eligible claims for compensation. However, we have claims from before 2019, which we have cleared. They are part of the older claims that we paid out to the tune of Ksh326 million. I will give you the list of people from Meru and Tharaka Nithi counties who have been compensated. We can share this information with all the Members so that they are aware of what is happening in their counties and constituencies.

We are also pursuing a wildlife economy. We are coming up with snake sanctuaries that can attract tourists. We will then work with county governments to use the revenue generated from those sanctuaries for paying out compensation claims.

There will be compensation for the Maasai Mara boy who was trampled on by an elephant. As I have elaborated, this is a new case which we will take into consideration. The reporting process is ongoing and he will be compensated.

We have not star-rated hotels in the counties in Western Kenya as we have just begun the process. When I assumed office, the Ministry had not done any star-rating for seven years and did not have a committee for that purpose. My first agenda was to constitute a committee for star-rating, which I did in December, and the process has begun. We have a schedule for all counties in the country. We will star-rate hotels in the western region.

Finally, regarding plans for local tourism, we have the Tembea Kenya Promotional Campaign. We have begun using youth ambassadors in this country to promote tourism. We are also partnering with the local media. I want to be clear that the future of the media is radio stations. We are partnering so that local mwananchi in the village can also understand what is happening.

These attractions are within the localities and in our villages. We are also empowering the youth. We have an investment plan for them. That is why we are saying that the youth can take some of these investments, which do not cause alarm for much money. We are already organising for an investment forum. The one on investment in the wildlife area is on the way. We will be sharing this information. We have plans for youth empowerment.

Thank you, Hon. Speaker.

Hon. Speaker: Cabinet Secretary, we will stop you there. You have seven unanswered Questions. When we started this, had we taken the direction I wanted, we would have finished because all the Questions by Hon. Lenguris, Hon. Faith Gitau, Hon. Kasiwai and Hon. Haro are all about human-wildlife conflict.

Cabinet Secretary, go and compress the answers because next Wednesday you will be back here. I will give you 30 minutes to answer these Questions before we go to the next Cabinet Secretary who will be here.

It is about policy. Wildlife and human beings are in conflict everywhere. What are you doing to stop it? What are you doing to compensate those who are aggrieved and so on? You have heard the tenor of questions. You will be back on Wednesday. Look at the remaining Questions. Members, Leaders of the Majority and Minority parties, I have also noticed that Members ask Questions and before they are answered, they walk out of the chamber. Next time, I will stop cabinet secretaries from answering questions of Members who walk out after asking them. I have seen four or five Members who asked questions and walked out immediately. I think they are doing so for the cameras.

Cabinet Secretary, you are released. You will be back here on Wednesday at the same time. We will allocate you between 30 minutes to one hour to finish the remaining Questions.

Compress them and answer them as precisely and concisely as you possibly can. They are just about one thing - human-wildlife conflicts.

Hon. Members, we will now go to Order No.11.

MOTION

ESTABLISHMENT OF NATIONAL DIALOGUE COMMITTEE

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

AWARE THAT Article 1(1) of the Constitution provides that all sovereign power belongs to the people of Kenya and shall be exercised only in accordance with the Constitution;

FURTHER AWARE that Article 1(2) of the Constitution provides that the people of Kenya may exercise their sovereign power either directly or through their democratically elected representatives;

CONSCIOUS that Article 10 of the Constitution espouses the national values and principles of governance, which include the rule of law, democracy and participation of the people;

FURTHER CONSCIOUS that Article 94 of the Constitution provides that Parliament manifests the diversity of the nation, represents the will of the people, and exercises their sovereignty;

RECOGNISING that there is a need to embrace consultation, dialogue and consensus building as a way of resolving issues of concern to the people of Kenya;

COGNISANT that despite the constitutional and legal reforms on the electoral processes and the electoral laws, after every election cycle there has been mistrust of electoral outcomes, leaving the country divided;

FURTHER COGNISANT that efforts to enhance constitutionalism, the rule of law and respect for human rights need to be promoted;

AWARE that there have been previous calls and attempts at building consensus on issues of concern to the people of Kenya through bi-partisan engagements in Parliament;

APPRECIATING the need to establish an inclusive forum for dialogue, consultation and consensus building in seeking to promote the peace, stability and prosperity of the country;

ACKNOWLEDGING that the Majority Party in Parliament and the Minority Party in Parliament have agreed to embrace dialogue through the establishment of a National Dialogue Committee to recommend a way forward on issues of concern to the people of Kenya;

NOW, THEREFORE, the Houses of Parliament resolve as follows:

1. THAT the two Houses of Parliament establish a National Dialogue Committee consisting of ten (10) Members to represent the Kenya Kwanza Alliance (“Kenya Kwanza”), a coalition constituting the Majority Party of the Parliament of the Republic of Kenya and Azimio La Umoja One Kenya Coalition Party (“Azimio”), a coalition forming the Minority Party of the Parliament of the Republic of Kenya;
2. THAT each Coalition shall appoint five (5) Members to the National Dialogue Committee;
3. THAT the membership of the National Dialogue Committee shall be drawn from Parliament and outside Parliament;

4. THAT the National Dialogue Committee shall comprise the following Members to represent Kenya Kwanza:
 - a. Hon. Kimani Ichung'wah (Delegation Leader);
 - b. Gov. Cecily Mbarire (Deputy Delegation Leader);
 - c. Hon. Sen. Aaron Cheruiyot;
 - d. Hon. Omar Hassan Omar; and,
 - e. Hon. Catherine Wambilianga.
5. THAT the National Dialogue Committee shall comprise the following Members to represent Azimio:
 - a. H.E. Stephen Kalonzo Musyoka (Delegation Leader);
 - b. Hon. Opiyo Wandayi (Deputy Delegation Leader);
 - c. Hon. Amina Mnyazi;
 - d. Hon. Eugene Wamalwa; and,
 - e. Hon. Sen. Okong'o Mogeni.
6. THAT the mandate of the National Dialogue Committee shall be to facilitate dialogue and consensus building and recommend appropriate constitutional, legal and policy reforms on issues of concern to the people of Kenya, to be framed by the National Dialogue Committee, in line with the Constitution and the laws of the Republic of Kenya and respecting the functional and institutional integrity of state organs.

The Houses of Parliament note:

7. THAT the Technical Teams representing Kenya Kwanza and Azimio shall support the National Dialogue Committee.
8. THAT the Technical Team representing Kenya Kwanza shall comprise the following persons:
 - a. Dr Muthomi Thiankolu;
 - b. Dr Linda Musumba;
 - c. Dr Duncan Ojwang; and,
 - d. Nick Biketi.
9. THAT the Technical Team representing Azimio shall comprise the following persons:
 - a. Hon. Jeremiah Kioni;
 - b. Prof. Adams Oloo;
 - c. Abubakar Zein Abubakar; and,
 - d. Lynn Ngugi.
10. THAT further the National Dialogue Committee shall be assisted by two officers designated as communication secretaries, one of whom shall be appointed by the Leader of Majority Party and the other by the Leader of Minority Party.

The Houses of Parliament further resolve:

11. THAT the National Dialogue Committee shall formulate and adopt a Framework Agreement to guide the bi-partisan talks.
12. THAT the National Dialogue Committee shall report to the Leadership of Kenya Kwanza and Azimio Coalitions within sixty (60) days and after that, submit its report to Parliament.
13. THAT in the execution of its mandate, the National Dialogue Committee may invite, engage with and consider submissions from stakeholders, collate views from the public and engage experts, professionals and other technical resource persons as necessary.

14. THAT the National Dialogue Committee shall determine its own rules of procedure.
15. THAT the Speakers and Clerks of both Houses of Parliament shall provide secretariat and any other necessary support to facilitate the work of the National Dialogue Committee.

Hon. Speaker, as I move the Motion, allow me to mention a few things. Members will appreciate the need for this National Dialogue Committee. Kenyans and Members of Parliament are aware that this Motion is the results of a consultative meeting that His Excellency the President of the Republic of Kenya, in his capacity as the Fifth President of Kenya, held with the Leader of the Azimio One-Kenya Alliance Coalition, the former Prime Minister, Hon. Raila Amolo Odinga.

(Loud consultations)

Hon. Speaker, there are very many sensitivities around titles. I am used to being referred to as Kimani Ichung'wah without any title, but for those who are sensitive, may I take it again?

A meeting took place between the Fifth President of the Republic of Kenya, His Excellency William Samoei Ruto, and the Leader of Azimio One-Kenya Coalition and former Prime Minister, His Excellency Raila Amolo Odinga.

(Loud consultations)

I hear Hon. Keynan telling me to add “a.k.a *Baba.*” Hon. Speaker, these are two eminent leaders in our country. They met and agreed that there is need to dialogue as a people and as a country. The Holy Book tells us that we should come together and reason. This is a call for Kenyans to come together and reason. The National Dialogue Committee has been established with the representation of Parliament, both Houses of Parliament and that is why we have Members of the National Assembly as well as Members of the Senate represented by Sen. Aaron Cheruiyot and Sen. Okong'o Omogeni.

The Committee also has membership from outside Parliament represented in the Azimio-One Kenya Coalition by His Excellency Stephen Kalonzo Musyoka, delegation leader, and Hon. Eugene Wamalwa. We also have Hon. Cecily Mbarire, the Deputy Delegation Leader from the Kenya Kwanza side, and Hon. Sen. Omar Hassan Omar, former Senator of Mombasa, who are representatives out of Parliament.

The brief we got following the engagement between the two leaders was to ensure that there is both parliamentary and extra-parliamentary engagement in this process. Appreciating that whatever will be agreed on in the dialogue endeavour will need to have legal anchorage, informed the National Dialogue Committee's decision in our first and second meetings, through consensus, to have a Motion like this one to give the process some legal anchorage so that whatever we engage in during the dialogue process can have a legal basis. We also needed the legal anchorage because legislative or constitutional interventions may be required. Therefore, that is the essence of this Motion.

Hon. Speaker, allow me to dis-abuse a number of myths or misinformation that have been peddled by many people. The first one is that this is a dialogue process to engage with the Minority Party or the Opposition with a view of getting them a foothold in the Kenya Kwanza Government or in the Kenya Kwanza administration. I am certainly speaking for Hon. Stephen Kalonzo Musyoka and Hon. Opiyo Wandayi, the Delegation Leader and Deputy Delegation Leader of the Azimio One Kenya Coalition, respectively. Indeed, the former Prime Minister is on record saying that he is not interested in either a “handshake” or what has been christened *nusu mkate* Government.

(Applause)

Therefore, we must disabuse the notion that the dialogue process has anything to do with “handshake,” or *nusu mkate* or access to power by the Minority Party. We want to entrench constitutionalism and the rule of law in our country so that after every election, whoever wins an election is allowed to govern in peace. Whoever, loses an election should know that there is tomorrow and they will have another chance to fight. The loser will also play the role of putting the Government in office on its toes.

I am glad that today we have a President who has no problem with being held to account. We have a President who, through the Memorandum that he sent to the Speakers of Parliament last year, invited the House to consider amending the Standing Orders to allow cabinet secretaries to appear before the House. We have just concluded a session where cabinet secretaries appeared before the House and answer Questions put to them by the people’s representatives, in line with the provisions of Article 1 of the Constitution. This is captured in the opening preamble of this Motion, which says that the people of Kenya can exercise their sovereignty either through their elected representatives or by themselves directly. It is that sovereignty that the people of Kenya are exercising through their elected representatives by requiring cabinet secretaries to appear before the House to be held accountable.

Hon. Speaker, I am happy that you noted that there are Members who ask Questions and then walk out of the chamber. I plead that we do not use the time set aside for Questions and Statements on Wednesday morning to play to the gallery. We should utilise that time to hold the Government to account and ensure that there is transparency in the conduct of Government business. We should ensure that there is accountability. We should hold those we have charged with responsibilities in the Executive to account for the time they have been given to serve the people of Kenya. That is the essence of this dialogue. We want to dialogue with our colleagues in the Opposition for them to take up their role as the minority coalition in the Government, because they are also part of the Government, but serving as the minority, to hold the Government to account. They should join us as we offer meaningful oversight to the Government.

As Parliament, more so the National Assembly, that is charged with a huge mandate and responsibility under Articles 94 and 95 of the Constitution, including budget making, we must rise to the occasion to ensure that we do not just appropriate resources to Government institutions, but also offer meaningful oversight to those institutions. That way, we will ensure that we do not only speak about corruption, but this House - I repeat, this House - which appropriates resources, but also holds people to account over the resources that have been put under those institution’s charge as trustees, on behalf of the people of Kenya, who are the owners of those resources.

Secondly, I would want to disabuse the notion that has been created that those in the minority are seeking, through this dialogue process...

(A Member spoke off the record)

Hon. Speaker, someone is whispering ‘handshake.’ I do not know why people are obsessed with handshakes. I said none other than the former Prime Minister has said that he is not interested in a handshake. I can confirm here that in the first meeting, the leader of the Azimio la Umoja One Kenya delegation came with a written speech. I jokingly told him that it was for the avoidance of doubt - that, he wanted to make sure that it is clear that Azimio la Umoja One Kenya Coalition is not interested in a handshake.

Hon. Speaker, the Kenya Kwanza Coalition had also said that we had no space and time for handshakes, *nusu mkate* or share of Government. We want to ensure that we build a country

where there is constitutionalism, rule of law and respect for institutions that are established under the Constitution. I know there are issues. If you read the Motion, the National Dialogue Committee will agree on the agenda.

There are five items in the agenda that we have a brief on. There are also another four or five items in the agenda that our colleagues from the Azimio la Umoja One Kenya Coalition have brought on the table. We have said it is time to listen to each other. It is time to listen to our colleagues on the views they have on the cost of living. We firmly believe that it is the duty and responsibility of any administration, anywhere in the world, that is charged with governing a country, to ensure that they formulate policies that bring down the cost of living and make life bearable for the people. We also believe that it is the role of the Minority Party or those who are not in the Government to make sure that those who are in the Government implement the policies that they sold to the people of that country.

In this regard, the Kenya Kwanza administration went out and campaigned on the platform of a manifesto christened “The Plan” with policy propositions that the Government is implementing. That does not mean that those in the Minority Party do not have a say. In fact, in a constitutional democracy like ours, it is said that the majority have their way and the minority have their say. That is why we are ready and willing to listen to our brothers and colleagues in the Minority Party because they also belong to this country.

However, as the people charged with the responsibility of governing this country, we are also firm. We cannot be forced to implement an agenda that was not sold to Kenyans by the Kenya Kwanza Coalition. Therefore, we shall frame the items in the agenda to agree to what extent we shall listen to each other. It is not given that we will agree on all the items. We said this in the National Dialogue Committee. My brother, Hon. Opiyo, will bear me witness. We shall agree and disagree on a few issues. However, that should not give occasion to anybody in this country to instigate violence because people disagree. We must always seek to dialogue and agree to speak to each other.

Hon. Speaker, the other thing I believe we, as a nation, have all agreed on - which was very important to us as we got into this dialogue process - is that never again in the history of this country shall we use violence to transact political engagements. We should not use violence.

(Applause)

Hon. Speaker: Give him two minutes to wind up.

Hon. Kimani Ichung’wah (Kikuyu, UDA): Hon. Speaker, that is why the Motion talks about respect not only to the rule of law and the Constitution, but also the promotion and respect of human rights. We will build a nation where there is respect not only for the Constitution, rule of law and institutions, but also for human rights. I must respect the rights of those in the Minority Party, just like I expect them to respect mine. That includes the right to govern. Nobody should ever use violence to stop another person from governing the country peaceably. I believe, beyond this dialogue process and the outcome, we will have a better country. We have been charged with a big responsibility to midwife the rebirth of our nation.

(Applause)

Hon. Speaker, those who have been ahead of us played their roles in the birth of the young Kenyan nation 60 years ago and now 60 years after Independence, it is us here today who are charged with that heavy responsibility of midwifing the rebirth of our great nation, Kenya. I beg that we all join hands to midwife the rebirth of our nation, protect our democracy and build a strong, united and prosperous Kenya.

With those remarks, I beg to move and invite Hon. Opiyo Wandayi, the Leader of the Minority Party, to second the Motion.

(Applause)

Hon. Opiyo Wandayi (Ugunja, ODM): Thank you very much, Hon. Speaker. I rise to second the Motion. I see Hon. Ichung'wah's speech has elicited what would amount to a standing ovation.

(Hon. Peter Salasya clapped)

(Applause)

Hon. Speaker: Order, Hon. Salasya! Nowhere in the Standing Orders allows you to clap in the House. You know what to do when you want to appreciate what is being said. It excludes clapping.

Hon. Opiyo Wandayi (Ugunja, ODM): I was saying that Hon. Ichung'wah's speech has elicited a standing ovation in a sense. I could feel it.

(Applause)

Hon. Speaker, times change and this is very important for us as Members of Parliament to note. Let me start by saying this because people would be asking themselves why we are engaging in this debate this evening. Let me remind my colleagues and Hon. Members that under Article 95 of the Constitution, this House has three very key responsibilities. As envisaged in Article 95(1), we are representatives of the constituencies. Under Article 95(2), we deliberate on and resolve issues of concern to those people. Under Article 95(3), we enact legislation. The issues that are being canvassed at the National Dialogue Committee are issues of concern to the people we represent under Article 95(1) of the Constitution. It is also true, as it has been eloquently put by Hon. Ichung'wah, that whatever comes out of the talks is likely to find its way to the Floor of this House in one form or another. Therefore, we shall be enacting legislation with regard to the outcome of those talks. This House is in its right place to cease this matter at this early stage.

It is a fact that elections were conducted in August 2022. It is also a fact that nearly one year since then the country is still gripped by a state of anxiety and uneasiness yet we know that we need peace and stability. That peace and stability are a prerequisite to sustainable development. No investor, be it local or foreigner, can comfortably invest their money in an environment of instability, chaos, anxiety and unpredictability. That is why it behoves all of us, whether you are in the Government or not, to create an atmosphere that will encourage investors to put their money in this country. This will help our economy to grow and provide the much-needed employment to our youth. Whenever we have been faced with such a situation, we have come out of it through bipartisan engagement.

We shall all recall the bipartisan engagement that birthed the National Accord and Reconciliation Act 2008. We shall also recall the bipartisan spirit that guided the debate on the Constitution of Kenya 2010, its eventual enactment by this House, and its adoption by the people. We can go on and on. At such times, the only way out has been through bipartisan engagements. In a spirit of give and take, no one claims to be right or deemed wrong. We can also talk about the Inter-Parties Parliamentary Group (IPPG) of 1997. I remember very vividly when we had a crisis in this country in 1997, just a few months before the elections of that year.

It was during the clamor dubbed “*reforms, no elections.*” It took the IPPG to midwife a settlement as a reconstitution of the electoral commission then.

Elections have proved to be one of the single largest causes of instability in not only Africa but also the entire world. Elections. Their conduct and outcome. We cannot bury our heads in the sand that we live in or pretend we are on some island. No. Due to elections, we are not immune to problems that have engulfed countries, some more powerful than us, around the world. I am sure you will recall a few examples. Take, for instance, the case of Uganda in 1980 when election results were disputed; elections that pitted then Uganda People’s Congress (UPC) led by President Obote, who had just come from a nine-year exile in Tanzania. He was brought in. President Paul Muwanga, who had just been in power for two months, gave him the way to lead UPC in that election. President Yoweri Museveni also contested the election under the Uganda Patriotic Movement banner. The outcome of that election was heavily contested. It led to a five-year civil war that cost the lives of more than half a million Ugandans until the National Resistance Movement (NRM) took over power in January 1986.

You can also talk of the situation in Abidjan, Ivory Coast, in 2010 when President Laurent Gbagbo clung to power and was holed up in his bunker, even having been declared a loser in that election. Mr. Alassane Ouattara, who was declared the winner, was holed up in the Golf Hotel in Abidjan, trying to run the Government from a hotel room when Gbagbo refused to cede power. It took efforts of the French Army and the Economic Community of West African States (ECOWAS) to flush out Gbagbo and send him to the International Criminal Court (ICC). By the time he went to the ICC, thousands of Ivorians had lost their lives, if you recall. I do not want to talk about the Rwandan situation. You know what happened in 1994 when President Habyarimana’s plane was shot down. He died together with the President of Burundi. What followed was a genocide that cost about one million Rwandese lives.

Recently, you saw what happened even in the mightiest of our democracies, the United States of America (USA). Members of the Proud Boys Movement, a white-wing militia, stormed Capitol Hill and took it over on 6th January 2021. I am told they are being charged now. They are in court, including former President Donald Trump. No country is immune to civil strife. No country is immune to instability due to elections, conduct, and outcome.

We have an opportunity as a country to once again re-look at the question of our elections in a bipartisan manner. I would be happy as a participant in an election to concede if I lose fairly – yes, to you. Hon. Ichung’wah, one of these days, I will be happy if you could also concede once you lose against me. That is the culture we want to inculcate in this country.

I want to echo what Hon. Ichung’wah has said. As Members of the Azimio One Kenya Coalition Movement, we are not getting into these talks with the intention of seeking any partnership, any share of Government, or any form or size of *mkate*. We are neither seeking a half, quarter, or even a slice of a loaf. We seek to ensure that we lay a foundation to ensure lasting peace and stability for this country.

An Hon. Member: On a point of information.

Hon. Opiyo Wandayi (Ugunja, ODM): I do not want to be informed.

Hon. Speaker: You do not want to be informed?

Hon. Opiyo Wandayi (Ugunja, ODM): Certainly not by him. I am happy with the comments made by Hon. Ichung’wah. The Kenya Kwanza Coalition has, indeed, come with a specific agenda. The Azimio side has equally come with a specific agenda to the table. I want us to look at all these agenda items and eventually come up with solutions to the issues that the joint bipartisan team would have framed.

We cannot overemphasize the gravity of the cost of living. That is why we have insisted, time and again, that on our part, the first agenda item is the cost of living. We may not have the power to dictate how to manage the cost of living, but we have the right to be heard on the very important matter of the cost of living, which affects almost every Kenyan in this country

as we speak today. It has been proven that if there is any single issue that rallies Kenyans together and makes them come out to the streets, it is the cost of living. We shall have, therefore, done injustice to our people if we ignore such an important matter.

I look forward to engaging with my colleagues on this important question of the cost of living, amongst other issues.

We do not want to reduce the talks to an elite conspiracy as we go into these talks. That is why we have insisted, and the Motion speaks to it, that these talks be made as open as possible so that the public can get an avenue to air their views, either through memoranda or other forms of representations on the issues we shall have been framed as the agenda of the talks. Once the talks are concluded, and this House embarks on putting into effect whatever recommendations that shall come out of the talks, we shall be moving together with the people. We neither want to leave the poor behind nor do we want people to be ahead of us. We want to move together with the people.

In conclusion, let us play our role. Every other Parliament has had a moment such as this. As the 13th Parliament, this is our moment. Let us seize it.

Thank you, Hon. Speaker; I second.

(Applause)

Hon. Speaker: Thank you, Hon. Wandayi.

(Question proposed)

Hon. Speaker: Can the Leader of the Majority Party and the Leader of the Minority Party approach the Chair?

*(The Speaker (Hon. Moses Wetang'ula) consulted
Hon. Kimani Ichung'wah and Hon. Opiyo Wandayi)*

Hon. Members, after consulting with your leadership, the remaining phase of this debate will take the following direction. Five speakers will be from the Majority side and five from the Minority side. Each speaker will be allocated three minutes. The Mover will be called upon to reply in five minutes, and then the Question will be put. Is that alright?

Hon. Members: Yes!

(Applause)

Hon. Speaker: Hon. Jane Kagiri, you have three minutes, so you must compose your thoughts properly and deliver your message succinctly. Go ahead.

Hon. Jane Kagiri (Laikipia County, UDA): Thank you, Hon. Speaker, for allowing me to support the formation of a Dialogue Committee in this Parliament. I thank this country's leadership for the wisdom it has displayed in creating this Committee. We all know that the country has been in agony. We have had a prolonged electioneering period, and the country needs to move on.

Most importantly, I support the formation of this Committee with reservations because the Committee should know that its noble and important task is to give us a long-lasting solution. The Independent Electoral and Boundaries Commission (IEBC) spent Ksh44 billion on conducting the freest, fairest, and most credible election. There was an uproar after the election results were announced, and a petition was presented in court challenging the results. A ruling was made, but we have continued to experience agony and violence in this country.

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We appreciate that we now have national unity and stability, and businesspeople can go about their work without worrying about demonstrations being called each week.

We hope to achieve a lasting solution. The Committee should ensure that in future elections, nobody files a petition or goes to the streets to perpetuate violence. We should ensure that the country is never again held at ransom by impunity, grandstanding, or even intimidation.

I support establishing the National Dialogue Committee and wish the team all the best in delivering their mandate.

Hon. Speaker: Well done. She has taken two and a half minutes. Hon. Robert Mbui.

Hon. Robert Mbui (Kathiani, WDM): Thank you, Hon. Speaker, for this opportunity. This is one of those rare moments where the Minority and Majority sides agree that we need to talk to each other and not at each other. We need to bring the temperatures down for the sake of this country.

All of us in this House, irrespective of the political divide we are serving, must note that we are looking for a lasting solution. Those in the opposition today will likely be in government in future, and *vice versa*, so this is a give-and-take situation. We must all be fair to each other—our comments as a House and as leaders have brought us to where we are. We must learn to be careful with the words we use when we speak to each other. Every time we have an election, there is always an issue of us versus them, yet we are of the same country. It is very unfortunate because I have been in this country long enough to note that at one time, there was a situation where there were 42 tribes against one. We also had a situation of dynasties versus the hustlers. We have also had a situation where people talked about those who have shares and those who do not. As leaders, we must be cautious about what we say because out of those words, we end up with a country that is polarised and divided almost down the middle.

When we do these talks, the outcome must be people-centred. We are here representing those people that put us in this House. Therefore, we must be careful not to deliberate about positions raised as an agenda during the last elections. We must be careful not to talk too much about the Office of the Prime Cabinet Secretary and opposition leaders. Let us deal with matters that affect the people, like the cost of living and respect for human rights. Those are the things that will help us move on as a country. If we do not address those issues, Kenyans will still watch us and ask questions. We must ensure that at the end of it all, we all feel like we belong to this country.

I support the team. It has the right and capable leadership. My party leader is a renowned peacemaker, and I am very happy when he is there because I am certain that Kenya will have found a solution by the time the dust settles.

Thank you, Hon. Speaker.

Hon Speaker: Hon. Ruku

Hon. Ruku GK (Mbeere North, DP): Thank you, Hon. Speaker, for this opportunity. I rise to support the Motion that diplomacy is always key in solving national and international issues. We must allow diplomacy to resolve some of the issues taking our country backward. The mistrust of the electoral outcome after every five years is an issue that has bothered this country for some time now. This issue can be appropriately addressed by ensuring that we enact proper election laws, which will ensure proper automation of the nomination, tallying, and result declaration processes. These can be done within a single day so that the anxiety of waiting for results can be a thing of the past. These opinions will be forwarded to this team, and we will be able to retreat to this House and consider some of these opinions from different quotas.

I have noted that in the Motion, Resolution No.13, the National Dialogue Committee will be welcoming to engage different submissions from different stakeholders, experts, and professionals. I know that there has been a cry by my friend, Hon. Kamket, on having more

counties. If that is the route that will be taken in these talks, I suggest we get a county called Mbeere to ensure we have a very inclusive country. I, therefore, support this. We will ensure that we have proper automation of election laws or procedures and change the definition of a ballot paper.

Thank you, Hon. Speaker.

Hon. Speaker: Hon. David Ochieng'; give him the microphone.

Hon. David Ochieng' (Ugenya, MDG): Thank you very much, Hon. Speaker. Mark Twain defines patriotism as supporting your country always and your government when it deserves it.

As a people, it behoves us to ensure that this country is always viable and running well as a growing concern. I thank Hon. Raila Odinga and His Excellency President William Ruto for being adults in the house and accepting that we must talk to keep this country moving forward.

Secondly, I thank Hon. Wandayi and Hon. Ichung'wah. If these talks were to be held outside the framework of this House, we would have lost this institution. The talks are part of building Parliament as an institution. I hope in the talks, Hon. Ichung'wah and Hon. Wandayi will ensure that we keep building our institutions, such as this Parliament, the IEBC, and the Judiciary. Building trust means accepting decisions made by bodies we have set up. It means accepting judicial decisions, accepting parliamentary decisions, and accepting IEBC decisions. It also means that we build institutions, not a country based on individuals.

To the leadership of this Committee, their report should not be to the leadership that appointed them. They cannot only report to Hon. Raila and President Ruto but also to this Parliament. Even the two of them can mislead us sometimes. The report they are going to make should be to this House, not to two individuals. This country does not belong to the two of them alone. We request that as they work, they do not take orders from them alone but also from the public. It is Kenyans that appointed them. That is why the Motion stipulates that the Committee can take views and petitions from anywhere.

Let us adopt the position that as a country, we are always in this together as a better philosophy than you are on your own or everyone for himself and God for us all. I challenge the Committee to ensure that they address issues like corruption, inequality, incompetence, and unemployment, which will make this country move forward.

As I conclude, Koffi Annan said that some things that messed up the talks in 2008 were people squabbling over small things like seating arrangement, who would serve first at dinner and tea before they would talk. Let these not be issues that concern Hon. Ichung'wah. Let what is of concern in this leadership be the substance of what you negotiate.

Thank you. I support.

Hon. Speaker: Hon. Naomi Waqo.

Hon. Naomi Waqo (Marsabit County, UDA): Thank you, Hon. Speaker, for allowing me to add my voice to this important Motion. As I support, I am sure all Kenyans watching us this evening are giving thanks to God.

The prayer that we continually recite in our national anthem, "God of all creation, bless this our land and nation, justice be our shield and defender, may we dwell in unity, peace, and liberty ..." has been achieved today through this Motion. There are many challenges that we have gone through in the past. As we know, many lives of young and old people were lost. People's properties were destroyed, and Kenya suffered as a result for many years. Today, dialogue and reasoning together have been given room. Through these discussions, I believe Kenya will spring back and prosper as a nation.

Kenya is beautiful and cannot afford to... God has put us in leadership positions, and as honorable Members, we have a heavy responsibility. This is an excellent evening for all of us, especially those who love peace, to thank God. Through this debate that is going on,

Kenyans will thank God because we will rebuild our nation, walk, and reason together. I am sure Kenyans will say, never again. I thank the Leader of the Majority Party and the entire team. I wish them well.

Hon. Speaker, I also thank our President and the Former Prime Minister for allowing reason to occur in our nation. I support it and pray that Kenyans will enjoy peace and unity.

Hon. Speaker: Thank you.

Let us have Hon. Zamzam.

Hon. Zamzam Mohammed (Mombasa, ODM): Asante sana Mhe. Spika. Mimi kama Mbunge wa Mombasa aliyepigiwa kura katika muungano wa Azimio ninaunga mkono mjadala huu wa leo ili kuleta uwiano, maelewano, umoja na upendo katika taifa. Kenya imekuwa katika hali tata kwa miaka mingi sana kila wakati baada ya kura. Ningependa kuelezea Wabunge wenzangu kuwa sisi ndio tunawasha moto kule nje. Tumewafanya watu wetu wakapoteza Maisha yao. Ninawaomba haya mazungumzo yanapoendelea, Wabunge waweke amani mashinani, waheshimu vinara wa vyama vyote viwili, na hili nitalisisitiza kwa sababu tumepoteza maisha ya watoto wetu wengi sana.

Kenya haiwezi kusonga mbele ikiwa taifa halina amani na mwelekeo. Hakuna maendeleo tunaweza pata kama taifa kwa sababu hatuna amani katika taifa hili. Niaunga mkono Kinara wetu wa Azimio, Bwana Raila Amolo Odinga, na pia Rais kwa kukutana na kusema kuna haki ya kukaa chini na kupeleka Kenya mbele kama nchi moja. Wengi wamesema kuwa sisi tunataka nusu mkate, na kuwa ile ni ndoto ya chama. Sisi tuko sawa na tayari kuweka Serikali katika njia iliyo sawa, isipokuwa tunataka amani na tujue hata zile *servers* zikifunguliwa, itakuwa ni bora kwetu sisi sote katika yale matakwa.

Mhe. Spika, pia ningepomba kuwa mambo mengi yamezungumzwa katika yale mazungumzo, lakini kina mama 47 viongozi wa majimbo, mambo kuhusu *National Government Affirmative Action* (NGAAF) haijawekwa pale. Ndugu zangu, Mhe. Kiongozi wa Wengi Bungeni na Mhe. Kiongozi wa Wachahche Bungeni, hakikisheni mambo ya kina mama yanawekwa pale. Pesa za akina mama na NGAAF ziwekwe pale maanake ninajua Mheshimiwa Raila Odinga alikuwa mstari wa mbele kutetea akina mama. Kama Kaunti ya Mombasa, ninatetea Mama Kaunti 47. Asante sana Kenya iwe na amani.

Hon. Speaker: Let us have Hon. Milemba.

Hon. Omboko Milemba (Emuhaya, ANC): Thank you for this chance. Let me commend the Head of State, His Excellency William Ruto, and the Former Prime Minister for taking that bold position of going into dialogue. Dialogue has been a great thing in the world. In the book of the Old Testament, God himself met Satan, and they had a dialogue in the book of Isaiah. In the New Testament, Jesus confronts Satan again and negotiates whether he can jump over the mountains. Therefore, dialogue is a great thing.

Secondly, I congratulate the leaders of the House, both the Leader of the Majority Party and the Minority Party, for deciding to bring this thing to Parliament because this is where it rests. I appreciate what the Leader of the Minority Party said: every Parliament has had its take on dealing with such matters, and he was able to profile both the IPPG, the National Accord, and even the Constitution of 2010. I want also to indicate that worldwide parliaments have resolved such challenges, and we should not be afraid that this is the last place to bring this matter.

When you look at America during the Boston Parties, Parliament did solve that. The Philadelphian Conference had difficulty hosting Parliament. Even during the French Revolution until the death of Lafayette, it was Parliament dealing with the revolution after; therefore, this is the place to bring it. I want to tell this House that I am also proud that we need to bring up the issues of the election, which is not accepted by both sides, which is why we lose it. It is very important that we always allow one Government to be in power.

The examples we saw in the history of Africa are that whenever we tried coalition governments, they failed and were a disaster.

A case study is South Sudan, where we have Riek Machar and others. It never worked for us. Go back into the history of Kwame Nkrumah. Try even the Zimbabwean case of Hon. Mugabe. It did not work. Therefore, elections are important. Go there, and fix the electoral system clearly so that we respect winners each time we have one. Let them be the ones to take government and rule going forward.

I want to speak on the issues of coalition governments, especially the handshake. Did you know Kenya's debt was only Ksh1.9 trillion by 2013 when H. E. Hon. Mwai Kibaki left? Did you know that it was only Ksh4 trillion in 2017? It spiraled to about Ksh9 trillion when we had the handshake government between 2017 and 2022. That was 95 per cent debt stock. That is where we are now. We need to have a government that respects its power.

I wish you well. I support this Motion. Go and do good work for Kenyans. Thank you, Hon. Speaker.

(Applause)

Hon. Speaker: Hon. Elachi.

Hon. Beatrice Elachi (Dagoretti North, ODM): Thank you, Hon. Speaker. I also rise to support.

First is to thank His Excellency the President and the former Prime Minister, the Rt. Hon. Raila Amollo Odinga, indeed, for agreeing to dialogue and listen to each other. Nairobi was the bed. Today, they go home to sleep and realise that we can wake up one morning and do our business, relate to each other, and work together. That is all Nairobi would wish. Nairobi is Kenya. I thank the Leader of the Majority Party and the Leader of the Minority Party. Where you disagree as you go on, I pray you get out and pack it. Do not bring it to Kenyans. Bring it to Kenyans only when you agree. Let them see progress. Let them see that you are walking a journey. Yes, there will be times you will feel you do not understand each other. Just listen to each other. I know you will have the best that you will bring to this House.

I hope this is the end; we will never again see our young boys dying soonest we finish elections. Remember the young people who have brought us where we are today as you go to those talks. They are waiting. They would wish to see that we carry an agenda that will transform their lives. Therefore, this is to thank everyone. It is a team that can listen to each other. It is a team that must remember that the President and the Prime Minister are people who listen to each other. Let us not lie to ourselves. We who are around the two leaders drag and pull until we find ourselves in the situation we are in.

As I finalise, I want to tell Kenya we must have peace. God help Kenya have peace. I support.

(Applause)

Hon. Speaker: Hon. Kamket.

Hon. Kassait Kamket (Tiaty, KANU): Hon. Speaker, I am a very excited Kenyan tonight. I thank the leadership of this dialogue team, starting with Hon. Kimani Ichung'wah and Hon. Kalonzo Musyoka. As the leadership or Members of Parliament from marginalized communities, we took the liberty to go and present our issues and ourselves on the first day this team met at Bomas of Kenya but we were told they were not ready. This evening I am very excited by the mandate of the National Dialogue Committee. Let me quote it for the record: "The mandate of the National Dialogue Committee shall be to facilitate dialogue and consensus

building and recommend appropriate constitutional, legal, and policy reforms.” This is a constitutional moment.

Some of us found ourselves in counties we were never asked whether we wanted to belong to. This is our time. This is the moment that we have been waiting for. This is the time that the servers must be opened. Those who made the Constitution of Kenya 2010 never consulted us or asked us whether we wanted to be in the counties where we are suffering from.

Hon. Speaker, people have been discussing opening the servers of election results. As a minority from Baringo County, this is the moment that I want the servers of the creation of the 47 counties opened. Why did we not create 60 counties? Why did we not create the County of East Pokot, yet we created West Pokot County? Logically, wherever there is west, there must be east. I am a very excited man this evening, and I am looking forward to going and making our case before the National Dialogue Committee so that we free ourselves from the yokes of marginalization in the 47 counties. However, peace must remain in Kenya.

Thank you.

Hon. Stephen Mogaka (West Mugirango, JP): On a point of order.

Hon. Speaker: Hon. Members, we have done five Members each from both Coalitions. Hon. Mogaka, what is out of order?

Hon. Stephen Mogaka (West Mugirango, JP): Hon. Speaker, the third largest party, Jubilee, in this House, is excluded in the National Dialogue Committee and also gets excluded in the proceedings of this House. I beg of you, Hon. Speaker, to also include us.

Hon. Speaker: Order, Hon. Member. You are totally out of order. You know you presented a proposal to amend this Motion, and I declined to approve it. I have the right to do so. You cannot then sneak through the back door to prosecute the same argument.

(Hon. Stephen Mogaka spoke off-record)

Take your seat, Hon. Member. We have the Azimio One Kenya Alliance and the Kenya Kwanza Coalitions. Please leave the Chair out of your internal dynamics and contradictions. Allow me to give a chance to two Members from each Coalition. This time, it will be two minutes each. I will start with Hon. Korere.

(Several Members raised their hands)

I know all of you, so keep your hands down. Give the microphone to Hon. Korere.

(Laughter)

Hon. Sarah Korere (Laikipia North, JP): Shukran Mhe. Spika. Ningependa kumpongeza Rais wa Nchi tukufu ya Kenya pamoja na Kinara wa Azimio, Mhe Raila Odinga.

Kitabu cha Mtakatifu Mathayo Sura ya Tano, Ukurasa wa Tisa inasema kuwa “Heri wapatanishi maana wataitwa wana wa Mungu.” Tungekuwa shuleni na uambiwe ukanushe sentesi nilioisema, itasema kuwa wamelaaniwa waleta vurugu maana wataitwa wana wa shetani.

Mzungumzo yanayoendelea kwa sasa ama yanayoenda kuanza ni jambo nzuri sana katika nchi ya Kenya. Ni aibu kuwa tunafanya haya baada ya kuzua vurugu, kupoteza maisha ya watoto wa Kenya, na kuharibu mali ya Wakenya. Sote tulienda katika uchaguzi, na kuna wale pia sisi tuliwashinda. Katika mashindano yeyote, lazima kuwe na mshindi na mshindwa. Hata tulipoenda kwenye uchaguzi mkuu wa kupigania urais, baadhi ya wale waliosimama,

mshindi angalikuwa ni mmoja tu. Tusije pia tukafanya mazungumzo haya iwe ni njia ya kutumia mlango wa nyuma kujitafutia ukubwa na mambo mengine.

Nikimalizia, nimetazama orodha ya wale ambao wanaenda kufanya mazungumzo hayo. Hapa Kenya kuna watu tofauti; wafugaji, wakulima, wavuvi na wakusanyaji. Nikiangalia orodha hiyo, hamna mfugaji, mkusanyaji ama mwindaji. Ninaona Mhe. Ichung'wah hajui wakusanyaji na wawindaji ni *hunters and gatherers*. Hawa ni Wandorobo ambao mimi ni mmoja wao. Kwa hivyo, ninaunga Hoja hii mkono, lakini niko na tashwishi...

Hon. Speaker: Your time is up Korere. Hon. Farah Maalim.

Hon. Farah Maalim (Dadaab, WDM): Thank you very much, Hon. Speaker, for giving me this opportunity. Every five years, we have a dialogue. If we have problems with insecurity in the country, then we have a dialogue.

Hon. Speaker, I was in this House with you about 30 years ago, and there were no chairs but benches. As you will remember, there were issues, and Members were trying to lift the Mace. We had issues then, and 30 years later, we still have similar issues. Why? This is because of the electoral system. Initially, the electoral system was called the first past the post system. In the 7th Parliament, the combined opposition votes were about 3.7 million.

Hon. Raphael Wanjala (Budalangi, ODM): On a point of order, Hon. Speaker,

Hon. Speaker: What is out of order, Hon. Wanjala?

Hon. Raphael Wanjala (Budalangi, ODM): Hon. Speaker, I agree that you know all of us. I have been keenly watching the people you have been choosing from our side, and they are the ones who do not support the agenda on the Floor of the House. They have already crossed and do not support this Motion.

Hon. Speaker: Order, Hon. Wanjala! You have been in this House since this debate started, and no Member has opposed this Motion. I do not know if you have been listening. Secondly, do your work; let me do mine.

(Applause)

It is at my discretion to pick who to speak to. Once in a while, I consult your leaders on who they want to speak to. Keep your cool, Hon. Wanjala.

Hon. Farah Maalim (Dadaab, WDM): I hope I get my time back.

Hon. Speaker, the first past the post system did not serve us right at that time. The minority could have ended up choosing the leadership of the country. This is because the combined opposition votes those days was 3.7 million, and KANU won with 1.8 million and still got the presidency because of the system. We said we should have another system, that is, 50% +1. The issue always is the feeling that the elections were unfair and there was rigging. This is what causes problems. Whenever we try to fix the problem, we never go to the electoral justice to have a full-proof system that cannot be cheated.

The United States of America (USA) has 480 million people who vote, and by 5.30 p.m., they know who won and who lost. India has 1.4 billion people, and still, by the end of the day, they know who won and who lost. We need to invest in such a system so that we do not create discussions and dialogues after elections. So, the winner becomes the winner, and the loser accepts defeat.

(Applause)

Nobody has talked about this for the longest time.

Hon. Speaker, can I have one more minute because Hon. Raphael Wanjala took my minute?

Hon. Speaker: Give him 30 seconds.

Hon. Farah Maalim (Dadaab, WDM): Hon. Speaker, it is perfect to say constitutional, legal, and policy, but we do not need 47 counties in this country. We need a maximum of 12, 13, or 14.

(Applause)

Hon. Speaker, they are not viable, and we need to bring resources together for them to bring meaningful change to the people of this country. Kenya should not be a nation of men and women but one of laws and systems. That is how we should look at it. It should not be because Hon. Farah has said this or that or because Hon. Wetangula has said this or that. Kenya should be a nation of systems where nobody is above or below the law.

Hon. Speaker: Hon. Mukunji.

Hon. Gitonga Mukunji (Manyatta, UDA): Thank you, Hon. Speaker. I rise to support the formation of the Dialogue Committee. As the Chairperson of the Kenya Young Parliamentarians Association (KYPA), which represents young people in this House, I am one of the happiest Members of Parliament today. One issue that got on my nerves was seeing young people being radicalised to demonstrate on the streets.

I commend the Right Hon. Raila Odinga for thinking of a better route to have a conversation in terms of dialogue. One thing that I expect from this dialogue is that after elections, there should be soberness in this country so that a government can get a chance to implement its plans. It is unfortunate that when a government comes in, there is a lot of noise and disturbance, such that it cannot do what it is supposed to do.

Hon. Speaker, as I support the National Dialogue Committee, I commend Hon. Ichung'wah and the Leader of the Minority Party. They have a chance to prove their leadership in this country and show that people can have a conversation and agree on things. The President should continue implementing his plans in peace.

I support the Motion.

Hon. Speaker: Hon. Murugara

Hon. George Murugara (Tharaka, UDA): Thank you very much, Hon. Speaker. As I support the formation of this Committee, I thank His Excellency the President, the former Prime Minister, and leaders of both sides of the House. We have to speak to each other and put Kenya first because Kenya is bigger than every one of us.

As the immediate former Co-Chairperson of the Bipartisan Committee, my message to you is to speak in good faith and not engage in blackmail, threats, or coercion because that is what possibly brought the bipartisan talks to a close. I thank the former Bipartisan Committee members because they also did an excellent job for the country. It is because of them that we are where we are. They sacrificed a lot under the circumstances at that particular time.

As you go out, I beseech you to remain worthy of the first matter on the agenda. The country is waiting with bated breath because there is a lot of work to be done by the IEBC. The President has said that he wants it entrenched in law. Therefore, if we are to review any boundaries and other pending matters, the IEBC must be given priority.

With those remarks, I support the Motion.

(Loud consultations)

Hon. Speaker: Member for Jomvu, I will give you two minutes. You will be the last one to contribute. After that, Hon. Ichung'wah will reply.

Hon. Bady Twalib (Jomvu, ODM): Ahsante sana, Mhe. Spika, kwa kunipatia fursa hii. Kwanza, ninataka kuliunga mkono Jopo hili la Maridhiano. Tunampongeza Rais, Mhe. William Ruto, Mhe. Raila Amolo Odinga, na viongozi wetu, Mhe. Kimani Ichung'wah na Mhe. Opiyo Wandayi. Ni kama tuliyatabiri mambo haya wiki tatu zilizopita wakati tulikuwa kule

Kilindini. Mhe. Kimani Ichung'wah alizungumza akasema Serikali ya wananchi haiwezi kupelekwa kwa umwagikaji wa damu. Vile vile, siku hiyo tukiwa kwenye *function* ya Associated Vehicle Assemblers (AVA), niliyarudia maneno hayo.

Tumeona yale Mhe. Wandayi aliyosema kuhusu vita vilivyotokea Uganda. Tumeona akina General Sejusa, Kasirye Ggwanga na Kizza Besigye, wote walijitia msituni kwa ajili ya kupigania mambo yaliyotokana na *conflict* za kisiasa.

Langu ni kuiombea hili Jopo liweze kufanya kazi ili Kenya ipate amani. Pia, Serikali yatakikana ijue kuwa Azimio hatuna haja ya kuingia serikalini wala kuchukua nusu mkate. Haja yetu ni kuangalia hali ya maisha ya wananchi wa Kenya imedumishwa. Ninaliombea Jopo hili lifanye kazi na Mungu aipeleke Kenya yetu mbele.

Asante. Mungu atubariki.

Hon. Speaker: Leader of the Majority Party.

Hon. Kimani Ichung'wah (Kikuyu, UDA): Thank you, Hon. Speaker. Unlike other times, this is one of the Motions that none has opposed of all the people who have spoken. I commend the House for the support. That tells you that the country was yearning for this moment.

Hon. Speaker: Inform Hon. Wanjala that.

(Laughter)

Hon. Kimani Ichung'wah (Kikuyu, UDA): Hon. Wanjala may have challenges understanding what many people are saying here, but I think he has seen that nobody has opposed. Everyone has supported this Motion, including those from the other side of the political divide — in Azimio or Kenya Kwanza Alliance. These are the people's representatives. When these leaders speak, they speak on behalf of the people in their constituencies who have elected them and sent them to this august House to speak on their behalf.

Kenyans were yearning for this moment. A moment that the country would come and reason together for the benefit of those people who have sent us and charged us with the responsibility of leading them. I want to assure the House that with my brother, Hon. Opiyo Wandayi, and our brother, His Excellency Hon. Kalonzo Musyoka, and the rest of the team, we shall endeavour to ensure that we consider all matters that will be before us in a very objective manner, in the best interest of the country, and, as we have said, in line with our constitution, the rule of law and all the established laws and with due respect to all the State organs, including other arms of Government. We shall not in any manner seek to undermine any other arm of Government.

I like what Hon. David Ochieng' asked us to do — that we must also take this opportunity to buttress the importance and the mandate that Parliament is charged with. That is why it was important to have this Motion in place so that we get legal anchorage through Parliament so that whatever output that comes out of this dialogue process may also find a sitting in our constitutional architecture through Parliament — National Assembly and the Senate—so that whatever we come up with will serve the interest of the greater Kenyan people.

In conclusion, let me take this opportunity to thank our predecessors in the bipartisan team under the able leadership of Hon. Chairman of the Departmental Committee of Justice and Legal Affairs Committee, Hon. George Gitonga Murugara and Senior Counsel Hon. (Dr) Otiende Amollo, for the work they put in. I must appreciate that this team has already set the foundation for us. The framework agreement they developed during that process shows that it was not a waste of time. We have agreed that we shall amend that framework agreement, and our technical teams are already working on the relevant amendments where necessary so that we use that agreement as a basis for our engagement.

I take this opportunity on behalf of the House and the people of Kenya to thank that bipartisan team that also put in many hours of their time. When Members of Parliament gather together, it is always assumed that there are sitting allowances.

All those members sat for long hours without any sitting allowances. At times, they had to chip in from their pockets. Sometimes, Hon. Kalonzo Musyoka, Hon. Opiyo Wandayi, and I footed the bills because we said that we would do this in the country's best interest. I must thank these Members. When we said, "No, Serena," they quickly agreed to this. We now meet in a public place in the Bomas of Kenya. As many Members have noted, the Motion allows us to collect views from other stakeholders, and we will endeavour to do that.

With those many remarks, I thank you all and beg to reply.

Hon. Speaker: Thank you.

(Question put and agreed to)

Hon. Speaker: Hon. Member, this matter concerns both of our Houses, the Office of the Speaker will forward this Motion to the Senate, which is in recess now. I will liaise with my counterpart Speaker to see if they can hold a special sitting as soon as possible so that we can get this Committee underway to do its work.

Hon. Members, you may be up-standing.

(Members rose in their places)

I had agreed with your Leaders that we rise when we finish this Motion, but I see Hon. Wangwe gesturing. He has a Bill coming. I could rescind that Order that we rise and carry on with that Bill. Take your seats, Members, sorry.

Member for Changamwe. Hon. Wandayi, do not lead a walkout. There is one Member who has a Bill.

Hon. Omar Mwinyi (Changamwe, ODM): Hon. Speaker, this is in line with what we have just discussed. I am pleading with this House that we have only one Government: the Kenya Government. Let us have factions, but then the Government should be the Kenya Government, not the Kenya Kwanza Government. I am pleading with this House so that the spirit of this Motion can have meaning.

Thank you, Hon. Speaker.

Hon. Speaker: Next Order.

BILL

Second Reading

THE SUGAR BILL

(National Assembly Bill No. 34 of 2022)

Hon. Speaker: Sorry, Hon. Emmanuel. Your leaders had agreed that we could stop where we ended. Proceed to move your Bill.

Hon. Emmanuel Wangwe (Navakholo, ODM): Hon. Speaker, I beg to Move that the Sugar Bill (National Assembly Bill No.34 of 2022) be now read a Second Time.

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

(The Temporary Speaker)

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(Hon. Omboko Milemba) took the Chair)

Hon. Temporary Speaker, let me start by informing new Members that this is a retrieve of the Sugar Bill, 2019, which was forwarded to the Senate for consultation on 29th November 2021 before the lapsing of the 12th Session. Allow me to share an outline of the sugar industry in Kenya.

Sugarcane was an indigenous crop grown in Kenya before the advent of the colonial era. Local sugarcane varieties were grown by agrarian communities along riparian lands. The crop was chewed as food and used in making traditional beer. Sugarcane as an industrial crop was introduced in Kenya in 1902 when the first trials were planted in Kisumu. The first sugar factory was established at Miwani near Kisumu in 1922 and later at Ramisi in the Coast Province in 1927.

The Government of Kenya has been widely involved in expanding sugar production through investment in sugarcane growing schemes and factories. Policies on sugar production from the early 1900s up to Independence in 1963 were based on colonial law, which indicated that only Asians were allowed to grow sugarcane. Policy reforms of the Swynnerton Plan 1954, which allowed Africans to grow certain cash crops, did not affect sugarcane. That changed with the enactment of Sessional Paper No.10 of 1965, which allowed Africans to grow industrial sugarcane after Independence.

In the 1960s, the Government invested in sugar factories, mostly in western Kenya. In 1973, the Government established the Kenya Sugar Authority (KSA) to advise on the development of the sugar industry in the country. To expand the mandate of KSA, the Kenya Sugar Board (KSB) was established in 2001 by the Sugar Act 2001 to improve the industry's affairs. In 2003, agricultural sector reforms led to enacting the Agriculture and Food Authority Act of 2013 to consolidate numerous legislation within the sector, address the overlap of functions, repeal obsolete legislation, and secure benefits from economies of scale. This led to the repeal of the Sugar Act 2001 and gave birth to directorates under AFFA. The directorates included coffee, fibre crops, horticulture crops, food, nuts and oil crops, miraa, pyrethrum, and other industrial crops.

Let me shed some light on the policies behind the Government's involvement in the sugar sub-sector. One, there is a need to ensure self-sufficiency with the exportable surplus in sugar production. Sugar production was considered an essential import substitution strategy to save the country's much-needed foreign exchange. Sugarcane growing was seen as a tool for social development. It provided employment opportunities and wealth creation in rural areas of Kenya. As a social tool, sugarcane production was seen as a catalyst for raising living standards in rural Kenya. The high proportion of workers in the sugarcane industry implies that sugar revenue directly permits and irrigates the whole rural economy, thus contributing to rural stability. Sugarcane growth is viewed as urgent for infrastructural and rural development. Sugar industries naturally promote other activities in agriculture, horticulture, or recreational areas. It also promotes much-needed services such as mechanics, shopkeeping, and agrochemicals. Within sugarcane-growing areas, plantation and out-grower farms are supplied with roads, rural electrification, housing, health facilities, and education centres. The construction of such facilities goes a long way to improve the infrastructure of rural areas. Sugarcane growth was thus viewed as a justification for undertaking such projects and programmes.

Finally, during Independence, the domestic Kenyan market was served by imported sugar. Local sugarcane growing was seen as a viable alternative to protect this domestic market. Deliberate policy measures were thus put in place to attain this goal. In pursuit of the above policies, the development of the sugar industry has been political. Hence, sugar can be regarded as a political commodity and politically sensitive.

Hon. Temporary Speaker, the principal objective of this Bill is to reinstate the Sugar Act, which was repealed through the enactment of the Crops Acts, 2013. The enactment of the Bill shall restore the role of Kenya Sugar Board, which is currently undertaken by the Sugar Directorate (AFFA) established under the Agriculture, Fisheries and Food Authority Act, 2013. Since the repeal of the Kenya Sugar Board in 2013, ineffective stewardship of the sugar industry by the AFFA has contributed to the following:

1. Rampant non-payment of farmers by public sugar mills.
2. Increased cost of sugar production.
3. Decline in land acreage under sugar.
4. Lack of market for sugar.
5. Failure to control imports and exports of sugar.
6. Poor management of sugar companies.
7. Lack of research and cane development initiatives.

I know that my colleagues will ask why there is lack of market for sugar, yet there is no sugar in the market today. What is positive of it is the automatic negative of a situation as it comes. Today, the Government has opted to lock down all sugar mills in anticipation of the canes being ready for harvesting. There will be an oversupply of cane and an overproduction of sugar. Given the current situation, we will have too much sugar that will not have a market. If we do not regulate it today, we will get it wrong tomorrow.

With the re-establishment of the Kenya Sugar Board, we will have the following institutions: the Sugar Development Levy and the Sugar Development Fund. Establishing the Kenya Sugar Research Institute shall address the challenges to save the dying sector. It will look at the issues of the sugar companies. Miwani Sugar Company and Muhoroni Sugar Company died in 2001. Mumias Sugar Company went under in 2019. When I say that a company died, it means that it went into receivership. Sony Sugar Company and Nzoia Sugar Company are operating at low capacity. These three institutions are being established in this Bill. The negatives I have highlighted on how AFFA has failed shall only be cured through institutions. When we talk about lack of research and cane development, it is an issue of raising resources. We will have Sugar Development Levy, a resource that will be used at various levels, as shown in the forthcoming discussions.

As we are aware, agriculture is one of the devolved functions performed by the county governments. The Bill segregates the functions of the Board and those of the county government. One of the key roles of the county government is to establish an efficient road network for the movement of sugarcane, delivery of other services, and general development of the sugar industry.

Looking at what is happening today with AFFA, it does not get to the farmers directly. There is a total vacuum. It does not address anything about the farmers. It has left the farmers on their own. There are issues with the rural roads, which are access roads in the various villages. There is also the issue of the general development of the sugar industry, which is agronomy. We used to see a lot of inspectors supervising agricultural farms. We want them to come back. This will be enabled through this Bill. Once most millers lift the sugarcane from the farms, they do not bother to fix the roads until the next harvest. The 45 per cent allocation of Sugar Development Levy to infrastructure development will reduce the character.

I thank the Departmental Committee on Agriculture and Livestock for taking the time to do public participation on this Bill, which has improved my proposal. The Report accommodates everyone. If you read it, you will discover how it is disputing this resource of the Sugar Development Levy. Those who grew up in the village recall the Government of Kenya (GK) motorbikes rode by Government Agricultural and Extension officers offering extension training to farmers. This is an additional function that has been given to the county governments.

We are bringing the Constitution of Kenya 2010 into this Bill. If you look at the AFFA Bill, it fails to recognize that aspect of devolution. We want to see the extension officers getting to the farmers; the researchers carry out the various types of research regarding the soil samples and what fertilizers to apply where. We want to see these people back, so in this Bill, we recognise that county government is devolved, agriculture is devolved, but what happens when it comes to sugar cane has to be adhered to in terms of the concession.

Let me go through the clauses, and I would like to single out Clause 6 of the Bill, which outlines the composition of the Board. The Bill seeks to have a Board chaired by an executive chairperson elected by the Board from among the representatives of growers on the Board and appointed by the Cabinet Secretary. We are bringing on board the Executive, so that they still appoint. Let the person who is being appointed be elected by the farmers and the various growers. The Cabinet Secretary reserves the right to refuse if the proposed person is not right.

Secondly, we need five representatives from each sugar cane catchment area elected by growers as per the first schedule. If you check the First Schedule, you will see that the Departmental Committee on Agriculture and Livestock has made a different proposal which we will look at in the Committee of the whole House. The above was our initial proposal. I propose that one representative be elected by millers knowledgeable in sugar, technology, and value addition. We reserve one slot for the millers to complete the value chain. We have agronomy in agriculture, the Government, the industry, and the miller representing those manufacturing sectors.

We have to comply with the Public Finance Management (PFM) Act and introduce the Principal Secretary in the Ministry for the time being responsible for matters relating to agriculture. We need one person nominated by the Council of County Governments because it plays a role and the Principal Secretary of the National Treasury and Economic Planning. Finally, the Chief Executive Officer (CEO) shall be an Ex-officio Member and Secretary of the Board.

Clause 14 (2) outlines the qualifications of the CEO. Part III of the Sugar Bill 2022 gives the Board absolute powers to license sugar mills and jaggeries. The Clause 18(2) of the proposed Bill suggests that those who run unlicensed sugar mills or jaggery mills shall be liable to fines as high as Ksh10 million or a five-year jail term. You will realise that a lot of violation is going on. If you look at how AFFA came up to close such issues, it was out of the violation. I hope to give directions, but they do not obey. Therefore, if you do not obey, we impose fines.

Clause 21 of the Bill limits the business of processing industrial sugar to licensed millers. There is a difference between the industrial sugar and the white sugar. Currently, there is the issue of mercury sugar which came as a result of an importer wanting to blend, grind and indicate that he is importing it as industrial sugar. We are leaving that Clause to licensed millers only so that we do not have every Tom, Dick, and Harry importing industrial sugar.

Part 5 of the proposed Bill elaborates on establishing the Kenya Sugar Research Institute that shall be headed by the Chairperson appointed by the Cabinet Secretary to promote, coordinate and regulate research in sugarcane and sugarcane diseases. They should expedite equitable access to research information resources and technology. Research is vital to the sugarcane industry. We will have to establish the Kenya Sugar Research Institute. Currently, we have an inactive one in Kibos. Let us fund that institution. Let us research various varieties. Let us research soil sampling. The soil type in Emuhaya accommodates a different variety of cane, unlike soil in Navakholo, especially in Nambacha and Isokhe, where I come from. Soils could be different. This will also help promote the application of research findings and technology in sugar development, among others.

Part 5 of the Bill provides for the appointment and functions of crop inspectors. Crop inspectors are key. We want people to walk around and tell us what made our cane production come down because our aging parents never attended school. My mother never went to school,

but she understands farming. All she needs to be told is the kind of diseases her cane is experiencing. If we have cane inspectors, we will yield better than what we are getting today.

Also suggested in the proposal is the creation of the Sugar Development Fund. This levy, donor funds, and money provided by National Assembly and county assemblies for the fund shall anchor in the Sugar Development Fund. We want to establish it independent of what is happening in the current position. The Sugar Development Levy we propose will comprise 1 per cent of domestic sugar and 10 per cent of the Cost Insurance and Freight (CIF) on imported sugar. The Sugar Development Levy will be distributed as follows: I propose that we do 15 per cent of income or price stabilization to sugar growers; 20 per cent to the board; 20 per cent to the institute, and 45 per cent for infrastructure development in the sugar sector on a *pro-rata* basis.

The public, millers, and various stakeholders came up with a reorganization of this position when the Bill went for public participation. That is in the report of the Departmental Committee on Agriculture and Livestock. I invite all my colleagues to look at the distribution and how the public felt it should be done. We will look at it when we get to the Committee of the whole House. This was the initial proposal that I had. The public and the Departmental Committee on Agriculture and Livestock have brought a different position, which I have no issue with as long as Members will have to agree.

Part 7 seeks to establish the Sugar Arbitration Tribunal to deal with disputes arising among growers, millers, and other players. As with any other industry, there are prone to arise disputes. We are suggesting that we have a tribunal. According to Clause 54, the Bill seeks to have farmers holding 51 per cent of the shareholding of all privatised sugar factories and 51 per cent representation in the Board of Directors of a privatised company. The Departmental Committee on Agriculture and Livestock has a different view. This is the proposal as per the Bill.

Part 8 proposes the absorption of staff. In the exit clause, we look at the absorption of staff of the sugar directorate employed by the Agriculture and Food Authority before the commencement of this Act. They shall become board staff on their current improved terms and conditions of service. We request to move staff currently housed under the Directorate of Sugar to the new organization once this Bill goes through and is made an Act.

The First Schedule delineates sugar catchment areas that will guide milling. You often heard millers and persons of interest in cane production talking about zoning everywhere. My Bill is not proposing zoning. No. What is zoning? Zoning meant associating a farmer with one miller; if you belong to Mumias Zone, you cannot take the cane to Nzoia Sugar Factory. If you belong to Butali Zone, you cannot take the cane to the West Kenya Sugar Factory. The Bill is proposing a region. We are saying let us allow competition. One region could have three or four mills so that you can choose where you want to take your cane.

We must have a solution in terms of reorganisation of any resources we will get from the National Government. If it comes from the Strategic Business Leader (SBL), how do we take it to the farmer? It must be in a structured way. This means that we cannot expand and say that you will go all over the whole world, to the Coast, for example, to get sugarcane and bring it so that it can be crashed in Western Kenya, or go as far as Sony to get sugarcane to come and crash it in Nzoia. In the Rift Valley Region, we propose that Kericho, Nandi, and Uasin Gishu belong to that. This suggestion was made through the Committee when they went to the people. The Bill proposes that the Upper Western gets all their sugarcane milled in Bungoma and Trans Nzoia and within that region. Lower Western Region should get a mill in Busia, Kakamega, Siaya, and Vihiga; the South Region is Homa Bay, Kisumu, Migori, and Narok; and the Coast Region is Kwale, Lamu, and Tana River.

The second Schedule outlines the provisions for the conduct of business and the affairs of the Board. The third Schedule gives the guidelines of the Agreements between parties in the

Sugar industry with interest to part one. The parties in this case are the farmers and the millers. We are proposing a format that the Regulation should come up with a way an Agreement will be anchored so that we do not expose a farmer, leaving him alone. How do I separate that the Speaker owning plot A and Wangwe owning plot B cannot farm for two different mills? It is only the agreement that is going to distinguish that.

The proposed Bill affects the functions of the county government as it deals with functions of agriculture as assigned to county governments under paragraph 1(ii) of the First Schedule of the Constitution. This is a money Bill and shall occasion additional expenditure of public funds. In this respect, I urge the Members to review the Bill with a fine tooth comb to appreciate its intent and purpose. In this sense, this Bill becomes critically important to address one of the greatest challenges currently affecting our sugar sub-sector.

I have read the Committee's Report and the recommendations for safeguarding Kenya's sugar industry. I am grateful to your able Office, the Clerk, and the Committee for the support you have accorded us, and all other stakeholders for their marvelous contributions to this Bill. I beg to move and ask the Member for Lugari, who was the Secretary to the Taskforce Committee, to make an input, and I definitely, know that the Member for Tinderet will have a long story to tell after that.

The Temporary Speaker (Hon. Omboko Milemba): Who is seconding the Motion?

Hon. Emmanuel Wangwe (Navakholo, ODM): I beg to ask the Member for Lugari, Hon. Nabii Nabwera, to second.

The Temporary Speaker (Hon. Omboko Milemba): Now that is proper. Hon. Nabii Nabwera.

Hon. Nabii Nabwera (Lugari, ODM): Thank you, Hon. Temporary Speaker. I thank Hon. Wangwe for coming up with this Bill, especially one that lapsed in the last Parliament. This Bill comes at a tough time in our history as the people who grow sugarcane because many years after 1984, this is the first time millers have officially closed down because of lack of sugarcane. This comes at a time when sugar is costing the highest ever. It is the highest in the whole Continent now at over Ksh350 per kilo, yet it is a crop we have lived knowing and growing.

I see this Bill as God-sent because, in the last decade or so, sugarcane acreage has been dwindling to the extent that, as I speak to you now, we have less than 157,000 hectares of land under sugarcane. If you compare that with 323,605 hectares in 2015, this does not tell us a good story.

Hon. Temporary Speaker, it is important to note that the biggest challenge today and why the mills had to close down is because we were harvesting immature cane as young as ten months. Who was the loser here? The loser was the farmer who lost between 48 to 74 per cent of what would have been his earning. Therefore, sugarcane as an economy has made our people poorer than they were years before. What are we trying to cure with this Bill? First, we are trying to make sugarcane farming a viable economic venture.

Second, we are trying to provide a mechanism where Kenya will be self-sufficient in sugarcane. Having served as a joint secretary in a task force put together in 2018, I want to confirm that Kenya has the potential to be a net exporter of sugar. However, we are a net importer because we lack a legal and regulatory framework. I want to draw your attention to something very interesting. A farmer in Mumias area put five acres of land under sugarcane and developed it; and the only thing he got from the factory was fertilizer. At the time of harvesting, when the farmer went for his pay, he had nothing to take home. Instead, the factory demanded some money claiming that he had used their products more expensive than the cane he brought to the factory.

Why is research in this sector necessary? The Sugar Research Institute in Kibos must be resuscitated and financed because it was tested. An individual farmer in Trans Nzoia, Hon.

Wekesa, produces between 110 to 138 tonnes of sugarcane per acre whereas the industry average now stands at 38 tonnes. This means that the agronomical practices in the industry have entirely collapsed. Therefore, this explains why the factories cannot have enough sugarcane to mill, necessitating research at the core of this Bill.

If you look at the texture of sugarcane farming, 400,000 farmers are small-scale. Only 8 per cent of the cane comes from large-scale farmers. Yet, in this industry, the farmers are not organized in any particular manner. Therefore, they are taken advantage of by the millers. This came into this industry immediately after we repealed the Sugar Act and came up with the AFFA Act. The out-grower institutions were very effective. I am sure Hon. Melly, Hon. Salasya, and Hon. Nyikal, who come from the sugar growing areas, will tell you when sugarcane was a profitable venture, the out-grower institutions, and cooperatives were very effective and spoke for farmers. Liberalization and uncouth behaviour by some millers to kill out grower institutions created a monopoly of the venture by the miller. That explains why the farmer's voice disappeared from the table of the sugarcane economy. If we do not enact this Bill, 14 million people who depend on this crop will all be declared below the poverty line. We compete for resources in Kenya. Usually, the left does not know what the right is doing. However, on this one, we ask everyone to know what the other is doing. The right should know what the left is doing.

Farmers have been protesting in the Muhoroni Sugar Belt up to the day before yesterday. What was the issue? They were asking a simple question. How come the Government, through the AFFA, said that all millers should close, but one miller has not? That is what is happening in the industry. Sugar barons are controlling it. Sugar imported into the country arrives at the Port of Mombasa at not more than Ksh88 per kilo. Why are we paying Ksh350 per kilo? It is because we have turned sugar into a political and commercial venture. Sugar has been oiling the politics of this country. As we enact this Bill, I appeal to my colleagues to rate sugarcane as an agricultural food. We need to rate it as food. If we do so, we even reduce the cost of production because the Value Added Tax (VAT) on it automatically disappears. That is what we need to do if we want to help our farmers.

This House must live up to its name. Why do I say that? Sugar barons previously controlled the Ministry of Agriculture and Livestock Development. They tried to put the cart before the horse. They brought regulations to the House. What were the regulations implementing? You must first have an Act in place, and then regulations come in to help implement that law.

Why do I fully support the Bill? The Task Force Report, which the Government adopted, was a negotiated document. Therefore, the Bill is a product of a negotiated document by all stakeholders in the sugar industry.

I support the Bill.

The Temporary Speaker (Hon. Omboko Milemba): You beg to second.

Hon. Nabii Nabwera (Lugari, ODM): I beg to second.

The Temporary Speaker (Hon. Omboko Milemba): Thank you very much. Very well.

(Question proposed)

I will give the first bite to Hon. Julius Melly.

Hon. Julius Melly (Tinderet, UDA): Hon. Temporary Speaker, I rise to support this Bill. As Hon. Wangwe, Member for Navakholo, has just put it, Members of the Departmental Committee on Agriculture and Livestock pushed this Bill through in the last Parliament when it was brought to the House by Hon. Wamunyinyi, who was the owner of the Bill. I was a Member of that Committee.

This is a very important Bill that will put money in the pockets of farmers. I speak as a farmer and a representative of farmers from the sugar-growing region. I grew up throughout my childhood depending on sugarcane farming. This Bill seeks to take sugarcane farming back to where it was before. Sugarcane is a cash crop that has sustained many families until we established the AFFA. I commend the passing of Bills that have made other crops independent of AFFA. Tea and coffee have already left the control of AFFA. This AFFA was formed in 2013, but it did not take seriously the role of crop-based institutions like the sugar, tea, and coffee boards.

This country can be a sugar exporter. We should not be a sugar importer. I thank His Excellency the President for recently leading the Cabinet to approve a leasing programme to modernise sugar factories. This will support the bottom-up approach because 14 million Kenyans depend on sugar directly or indirectly. If we seek employment for Kenyans, we need to modernise the sugar mills. If we are looking for money for *pesa mfukoni*, we should ensure enough mills, and we should pass this Bill to ensure that farmers have enough crops in their farms.

I want to look at several clauses of the Bill. It brings order to the now chaotic sector, which is prone to poaching, theft, and disorder. The Bill proposes regions where mills will compete. My region has four main mills: Chemelil, Muhoroni, Miwani, and Kibos. They can compete within that particular region. We do not want to tie the farmer to one particular mill. But we also do not want the idea of farmers moving across from Western Kenya to other regions, or from the Coast to the Rift Valley, or from Transmara to Western. We want particular mills to operate in particular select regions.

This Bill proposes the formation of a board. As we speak, AFFA has a board that has no interest in the farmer. They owe allegiance to different sectors. If you have a farmer elected as a director, they will listen to the farmer, who is the voter. There are certain amendments that I will propose to this provision. Such a director will propose farmer-friendly policies and disallow the Government from importing sugar. He will also ensure that the farmer gets subsidies and the Guaranteed Minimum Return (GMR) we need. I thank the Government for distributing fertilizer. Currently, most areas in my constituency, like Chemelil/Chemase Ward, which is almost 100 per cent sugarcane-growing area, have a lot of activities since farmers are in farms planting. In a very short time, we will have more than we require.

This Bill also proposes a Sugar Development Levy. Sugarcane is the only crop that has been sustaining itself. The Government has been bailing out the tea and coffee industries. The Sugar Development Levy will be used to develop their roads, give loans to farmers and millers, and refurbish their factories. If millers want to refurbish or modernise their factories, they have a percentage in the Bill. You realise the tonnage ratio to the milled white sugar is very high. There is a lot of wastage. The President and the Government said that we needed to modernise all government mills and ensure they were running.

We also have the establishment of the Kenya Sugar Research Institute. It will ensure we have a suitable variety, early maturing, and enough sucrose. This will enable the farmers to get value. This is why we introduced Cane Testing Unit (CTU). We do not want some corrupt private mills to tamper with the weighing scales. With the CTU, the farmer will be paid as per the sucrose content of his cane. There will be no issue where some millers or anybody will be corrupt and misuse the weighing scale.

We also have the issue of the road network, which will be developed with the Sugar Development Levy. There were elections in many parts of Tinderet, in almost all the wards, where we were electing people who would take care of the money generated from the sugar cess.

We also have the issue of crop inspectors. Every crop requires proper inspectors and officers who will tell the farmer the kind of fertiliser he will apply, the crop he is supposed to

have, and check the disease development. These crop inspectors will check what goes on in our factories.

If the sugar industry is developed, it will sustain over 14 million Kenyans. It will develop towns and generate money. Growing up, we had Chemelil Outgrowers Company Limited, Nandi Outgrowers Company Limited and Sugar Belt. They were even supporting sports. You remember the days of Muhoroni Youth Football Club and Chemelil Sugar Football Club. Hon. Temporary Speaker, you played for Chemelil Sugar Football Club.

The Temporary Speaker (Hon. Omboko Milemba): I played for it.

Hon. Julius Melly (Tinderet, UDA): These football clubs were supported by sugarcane. There are ghost towns today. If this Bill is passed today and the Government steps in, the whole sugar sector will develop.

Several Kenyans think that the country benefits by importing sugar. In fact, we lose a lot of foreign exchange. That is why the dollar, as we speak today, is moving to almost Ksh150. If we will not stop this craze of importation in Kenya and making money to grow rich faster, this country will go in the wrong direction. I thank the President because he said importing maize, sugar, vegetables, and even rice is wrong, bad, and shameful.

As a country, we need to stand and ensure that we produce and export. We are not even supposed to import milk. We are supposed to make this country better.

The Temporary Speaker (Hon. Omboko Milemba): Very well, Hon. Bady Bady, Jomvu Constituency.

Hon. Bady Twalib (Jomvu, ODM): Asante sana, Mhe. Spika wa Muda. Kwanza ninaunga mkono Mswada huu ulioletwa na Mheshimiwa wa Navakholo. Huu ni Mswada mzuri na tunauunga mkono. Kumekuwa na mambo ambayo mpaka sasa hivi yanatuumiza sana. Mambo mengi ni kwa sababu hakukuwa na mfumo mzuri wa kuangalia sekta hii ya sukari, ndipo sahihi tunanunua sukari Ksh350 kwa kilo moja. Haya yote yametokana na mfumo mbaya wa usimamizi, ambao wenzetu wamesema unatokana na kuondolewa kwa *Sugar Act* na kuja kwa *AFFA Act*.

Katika Mswada huu, kuna mambo ya utafiti, yaani research, ambalo ni jambo la muhimu sana, na likizingatiwa leo, mambo ya sukari yanaweza kufunguka kwa kiwango kikubwa sana. Leo hii, kuna *Kibos Research Institute*, ambayo inaangalia mambo haya. Vilevile, katika mambo ya utafiti, sisi pia kule Pwani tunaomba tuyaangalie sana na tujizatiti kama viongozi kuona kwamba tumepigania mambo ya korosho jinsi mambo ya sukari yanavyopiganiwa, kwa sababu yanafanana na haya ambayo yamezungumziwa katika huu Mswada.

Mhe. Spika wa Muda, ninaona unacheka kwa sababu kitambo sukari ilikuwa imenoga na mambo yalikuwa mazuri, ndio maana wewe kwa tajriba yako kama mwanasoka, ukatoka kuchezea Kampuni, nafikiri ya Chemilil Sugar. Leo, hakuna mambo kama yale yanayoendelea kule, lakini wakati ule viwanda vilikuwa vimenawiri ndio tuliweza kuzalisha players wazuri kama wewe. Mhe. Omboko, nakumbuka wakati ule tukiwa wadogo, akina Mahmoud Abbas wakiwa AFC Leopards, wewe ulikuwa unachezea Chemilil Sugar. Wewe ulipoupata mpira, mtu alikua anajua kwanza atapigwa kanzu, apate chenga kubwa, na akija atawekwa katikati na akishtuka umefunga bao. Mheshimiwa Spika wa Muda alichukuliwa kwa tajriba ile kwa sababu alikuwa *player* aliyeinukia wakati ule, na kuwekwa katika timu ya Chemilil Sugar.

Tumeangalia kwamba asilimia 45 mpaka 74 ya wakulima wanakosa faida kutokana na mavuno ya mapema. Hilo hutokana na mfumo mbaya ambao ulikuwa pale. Leo, wakulima wa miwa wanalima miwa yao na kuipeleka katika viwanda, lakini badala ya kupata faida, huwa ni hasara. Kule kwetu tunasema wanalima, halafu baadaye inakuwa goji kirba, kirba goji. Yaani wanazungushwa na kuzungushwa badala ya kupata faida.

Mhe. Wangwe, Mbunge wa Navakholo, ni rafiki yangu wa siku nyingi kutoka wakati alikuwa akifanya kazi kama *transporter* kule Mombasa kwa *Multiple Hauliers*. Wakati ule,

malori yao ndio yaliyobebea sukari kutoka bandari. Lakini leo amekuwa Mjumbe na anajua kweli kuwa uagizaji wa sukari utaua viwanda vyetu. Ndio maana Mhe. Wangwe ameleta Mswada ambao hautafaidisha wakaazi wa Navakholo peke yake, lakini Kenya nzima. Ni kiongozi wa tajiriba ndio maana leo yuko Bunge hili kwa mara ya tatu. Anahudumu pamoja na kijana mwepesi fulangenge, Mhe. Bady Twalib, Mbunge wa Jomvu.

Kwa hivyo, leo vile wenzangu wamesema, Kenya ina uwezo wa kupeleka sukari nchi nyingine katika Bara la Afrika. Lakini leo mambo haya yamekuwa ni matatizo kwa sababu watu wetu wenye viwanda wachukua barua za *exemption* na kuagiza sukari ambayo hawalipii ushuru, *duty free*. Leo watu wanatajirika kutokana na bishara ya sukari. Ninamshukuru Mhe. Nabwera kwa kusema kuwa sukari imekuwa kiegozo cha wanabiashara kudhibiti uongozi na kuamua ni nani wanayemtaka, na nani hawamtaki.

Kwa hivyo Mhe. Spika wa Muda, ninaona nipeane wakati wangu unaosalia kwa wenzangu watoe mchango wao. Kwa ruhusa yako, kama utanipatia nguvu, Mhe. Spika wa Muda, nampisha mama Zamzam kwa hiyo nafasi yangu. Ninaunga mkono Mswada huu.

The Temporary Speaker (Hon. Omboko Milemba): Thank you for contributing and for having your bite. Let us have Hon. Makali but be magnanimous enough to allow everyone in the House to speak on this.

Proceed, Hon. Makali.

Hon. Daniel Wanyama (Webuye West, UDA): Thank you. Hon. Temporary Speaker. Now that I have the microphone, I can proceed...

The Temporary Speaker (Hon. Omboko Milemba): Order. Allow Hon. Makali to proceed.

Hon. John Makali (Kanduyi, FORD - K): Thank you, Hon. Temporary Speaker, for ruling him out of order.

Thank you, Hon. Temporary Speaker, for allowing me to also weigh in on this particular Bill brought by my very good friend, the Member for Navakholo Constituency, Hon. Emmanuel Wangwe.

First, I thank Hon. Wangwe for resuscitating this Bill, which this House had passed in the 12th Parliament. But it died at the Senate because the Senate did not deal with it. Hon. Temporary Speaker, I am praying that we fast-track this Bill so that sugarcane farmers from the regions we represent can reap its fruits.

As we deliberate on this Bill, sugar factories have been closed in entire western Kenya; as we deliberate on this Bill, sugarcane farmers, specifically in the Nzoia Sugar Belt, have not been paid for deliveries they made for the last 14 months. As we deliberate on this Bill, employees of Nzoia Sugar Company which is domiciled in my constituency, have not been paid for the last 16 months.

Where did the rain begin beating us? I believe the rain began beating us when we repealed the Sugar Act and enacted the AFFA, which introduced the AFFA Board to take charge of sugar and all the other crops. Why do we say this? Previously, when we had the Sugar Act, we had the Kenya Sugar Board that had representation of all the farmers in the sugar-growing areas who were agitating and pushing the issues touching on the sugar cane farmers. We replaced it with a sugar directorate. This sugar directorate has been of great disservice to farmers because it neither agitates, focuses, propagates, nor represents the interests of the sugar farmers.

It is heartening to note that in the new Bill being deliberated tonight, we have brought back the Kenya Sugar Board, which will be a farmer's voice. In the current legal framework, farmers have been denied a voice. If you look at the Crops Act, sugarcane is not defined as a crop under the Act. We have pigeonholed sugar matters in a sugar directorate which does not serve farmers.

When the Sugar Act was there, we used to have a Sugar Development Levy, which is being re-introduced in this particular Act. What was its purpose? It was to fund the farmers' activities, provide loans to outgrow institutions and fund many other activities in the sugar sector. The Commodities Fund does not serve the interests of the sugarcane farmer at all. It is gratifying that we are now seeking to bring back the Sugar Development Levy, which will be a critical funding element that will be able to fund activities in the sugar industry. This is very good. Equally, this Act is proposing to bring back the Sugar Fund. The Sugar Fund is a critical element that will assist us in funding activities in the Sugar sector so that we can move on.

Hon. Speaker, the sugar industry has also been bedeviled by cheap imports. Currently, sugar companies are not milling, but if you visit our supermarkets, you will find sugar branded Nzoia and Mumias Sugar. All this is because the Government has allowed sugar barons to import sugar cheaply to the detriment of our sugar industry, so much so that farmers are not getting value for their sweat. This Sugar Bill is introducing a licensing mechanism on who should import sugar. We will be proposing Amendments in the Committee of the whole House such that when it comes to sugar importation, quotas should be given to millers themselves to import sugar instead of sugar barons who are now making a kill from the importation of cheap sugar at the expense of our farmers.

When we look at governance issues, specifically in the public sugar factories, we have serious governance issues. We have a bloated workforce, and like the Mover of this particular Motion rightly pointed out, it has been used as a political tool to the detriment of the farmer, the goose that lays the golden eggs. We will make proposals in the Committee of the whole House to ensure that the farmers' voice is heard and that there is orderliness in this particular sector to see how we can assist our farmers.

One of the critical things also affecting our public sugar mills is using obsolete and old technology. I give an example of Nzoia Sugar, which uses a technology or a mill installed in 1978. If that mill breaks down right now, you cannot get spare parts. Again, a lot of funds are being used to service obsolete mills. With a new legal regime, we will have a new legal comprehensive framework that will breathe life into our sugar industry so that our farmers can reap what they are entitled to.

In the interest of time, and because many Members want to weigh in on this, I will be urging this House that we move with speed to ensure that we pass this Bill so that we can move it to the next level so that the poor farmers of Nzoia Sugar, poor children who cannot go to school, the poor employees of Nzoia Sugar who have not been paid for the last 16 months, can have reprieve.

At this particular juncture, we should also thank the Government for stopping what was happening; they wanted to privatize these public sugar factories. These public sugar factories are enacted on land that the locals donated. As leaders, we will never allow privatisation of any public mills that the people put up.

We also thank the Mover for giving the county government a role. Agriculture is a devolved function, but the county governments were initially not involved in extension services. If we look at this particular Act, a clear-cut role is given to the county governments to play a critical role in terms of extension services so that our people can win.

I support it wholeheartedly. Thank you.

The Temporary Speaker (Hon. Omboko Milemba): Hon. James Nyikal.

Hon. (Dr) James Nyikal (Seme, ODM): Thank you, Hon. Temporary Speaker, for giving me an opportunity. I rise to support this, Bill. Sugarcane is an important commodity for the development of our country. Our policy is self-sufficiency, and we have the capacity to export. Look at where we are now; we are importing at a very high cost, yet we can produce this. Our policy is to sit as an agent of employment but look at what is happening in those sugar-growing areas. The young men who were happily employed are now unemployed, and

sugarcane farmers are poor. They cannot take their kids to school or treat themselves when sick. Yet, they have capacity because sugarcane farming is an excellent product for development.

If you looked at the areas that produced sugarcane, like Mumias, Muhoroni, Miwani, and Sony, they flourished and had infrastructure, good roads, hospitals, and some of the best schools. What is happening now? All that is gone. They had markets, and if you went to Mumias in a place like Shibale, it was flourishing, and even in Miwani, markets were flourishing. All that has now died, and that area has unemployment and poverty.

This resulted from changing the law and the liberalisation it brought. In my view, the barons took advantage of this and literary killed the industry to import at a higher profit for themselves. They killed the out-grower cooperatives, and I remember having a friend there. They generated terrible wars and came up with ideas like outsourcing transport. My brother, who follows me, died in Mumias because of corruption in the sugarcane sector, where people would record higher tonnage than what they brought. They used to call him a wizard because when he was on duty, the production of sugar per tonne was very high, and people asked why. The reason was simple. They were bringing 50 tonnes and recording as 200 tonnes. So literary, the production per tonne was terrible, so they ran over him with a tractor. That is the level of corruption we had at that time.

Therefore, it is extremely important we go back and have regulations to revive and protect the industry. Look at what is happening now. We have stopped crushing because we do not have sugarcane. I can tell you what will happen. The barons will import a lot of sugar, and when we have sugarcane, we will have nowhere to sell, and they will do that purposefully. The crisis affected the Cabinet Secretary for the National Treasury because of sugar importation. They came up with the idea that there would be drought and, therefore, we need sugar. So, they were given a little leeway and quickly imported more than ten years' worth of sugar and blocked everybody out. They could not even store it. The story is still going on about the contamination of sugar.

So, we have to regulate this, and that is why I support this Bill because it has all the structures we need. The Sugar Board members are stakeholders - the farmers. They will see things differently because they are representatives of various areas. They know this is their own and will not sit as an employee. On the licensing and registration of millers and jaggeries, we cannot have anybody walking in and saying they are millers or jaggeries. How do we manage that? The Bill provides for this and also research. You know we are still dealing with sugarcane which we harvest after 18 months.

Many places in the world now have sugarcane harvested within a year. We need crop inspectors so that once we have the correct cane and train farmers on what to do, we will have what we need.

The Bill has established a tribunal. There are many disputes in the sugar industry. Therefore, we need that tribunal...

We have a development fund to support farmers. The farmers themselves regulate ownership of factories. The Bill lays down ways for coming up with agreements.

Lastly, we must classify sugarcane as food because that will take us long.

I support the Bill.

The Temporary Speaker (Hon. Omboko Milemba): Hon. Members, let us be upstanding. This Bill has attracted a lot of attention. Members who have not spoken to it will do so next time, beginning with Hon. Salasya, who I am told had a similar Bill.

Hon. Nyikal, you still have a balance of four minutes if you are not through with your contribution. Take note of that.

ADJOURNMENT

The Temporary Speaker (Hon. Omboko Milemba): Hon. Members, the time being 9.00 p.m., this House stands adjourned until Thursday, 17th August 2023 at 2.30 p.m.

The House rose at 9.00 p.m.

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