

PARLIAMENT OF KENYA

THE SENATE

THE HANSARD

Thursday, 31st August, 2023

Special Sitting

*(Convened via Kenya Gazette Notice
No.11580 of 29th August,2023)*

*The House met at the Senate Chamber,
Parliament Buildings, at 9.30 a.m.*

[The Speaker (Hon. Kingi) in the Chair]

PRAYER

DETERMINATION OF QUORUM AT COMMENCEMENT OF SITTING

The Speaker (Hon. Kingi): Clerk, do we have quorum?

(The Clerk-at-the-Table consulted with the Speaker)

Serjeant-at-arms, please ring the Quorum Bell for 10 minutes.

(Quorum Bell was rung)

The Speaker (Hon. Kingi): Serjeant-at-Arms, I am informed that we do have quorum now. Kindly stop the Bell.

Hon. Senators, let us take our seats. Clerk, proceed to call the first Order.

(Sen. Seki walked into the Chamber)

Sen. Wafula and Sen. (Dr.) Khalwale, kindly take your seats.

What is your point of Order, Sen. Mandago?

Sen. Mandago: Mr. Speaker, Sir, is the Senator for Kajiado County in order to just walk into the Chamber as if he is walking into a cowshed? He must obey the rules of the House.

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The Speaker (Hon. Kingi): Sen. Seki, proceed to the bar and do what is necessary.

(Sen. Seki walked to the Bar, bowed to the Chair and walked into the Chamber)

COMMUNICATIONS FROM THE CHAIR

CONVENING OF A SPECIAL SITTING OF THE SENATE PURSUANT TO STANDING ORDER NO. 33

The Speaker (Hon. Kingi): Hon. Senators, I welcome you to these Special Sittings of the Senate. The sittings are a follow up to the one held on Tuesday, 29th August, 2023, so as to conclude on urgent legislative business.

On the request of the Senate Majority Leader vide letter Ref. No. SEN/ML/009/CORR, dated 25th August, 2023, and with the support of the requisite number of Senators, I appointed today, Thursday, 31st August, 2023, as a day for Special Sittings of the Senate to begin at 9.30 a.m. and at 2:30 p.m. The appointment was made vide Gazette Notice No. 11580 dated 29th August, 2023.

In the Gazette Notice, I indicated that the business to be transacted at the Special Sittings shall be the following-

- (i) Consideration of the Climate Change (Amendment) Bill (National Assembly Bills No. 42 of 2023); and
- (ii) Consideration of a Motion on the alteration of the Senate Calendar for the Second Session.

Hon. Senators, at the morning sitting, the Senate will consider the Climate Change (Amendment) Bill (National Assembly Bills, No. 42 of 2023) at the Second Reading stage.

The Senate will also receive the report of the Standing Committee on Land, Environment and Natural Resources on the Bill, and a Notice of Motion for the alteration of the Senate Calendar will be given.

The business scheduled for the afternoon sitting will be consideration of the said Bill at the Committee of the Whole and Third Reading stages, as well as debate on the Motion for the alteration of the Senate Calendar.

In accordance with Standing Order 33(5), the business specified in the Gazette Notice referred to above and as outlined in the Order Papers, shall be the only business before the Senate during the Special Sittings, following which the Senate shall stand adjourned until the date specified in the Senate Calendar.

I thank you.

(Several Hon. Senators stood at the Bar)

Hon. Senators, you may walk in before I make the second Communication.

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(Several Senators walked into the Chamber)

THE AFRICA CLIMATE SUMMIT 2023

Hon. Senators, the inaugural Africa Climate Summit is scheduled to take place in Nairobi, Kenya, from 4th to 6th September, 2023, at the Kenyatta International Convention Centre. This event, monumental in its nature, is spearheaded by the Government of Kenya through the efforts of His Excellency President William Ruto, PhD., CGH., and co-convened in partnership with the African Union Commission, the Global Centre on Adaptation and the African Development Bank.

The Summit represents an unparalleled opportunity for African countries to address the challenges posed by climate change. The Summit will explore the following six thematic areas that have been identified to combat climate change for tangible solutions and actions-

1. climate finance;
2. mitigation and green growth;
3. climate adaptation and resilience;
4. loss and damage;
5. climate-vulnerable groups; and
6. research innovation and technology.

During the Pan-African Parliament's Summit on Climate Policy and Equity, which was held in Midrand, South Africa, on 17th May, 2023, His Excellency President William Ruto emphasised on the need for an African climate summit that provides an opportunity to underscore and forge consensus on the modalities of unlocking Africa's vast potential to give a positive impact on the climate change agenda. Further, a summit that rallies the world to tap on the numerous opportunities that Africa presents towards global net-zero carbon emission.

The role of parliaments and parliamentarians in this pursuit cannot be overstated. Parliaments and Parliamentarians play crucial legislative, oversight and budget making and approval roles, which are essential in policy development and implementation and ensure government accountability and effectiveness.

Parliaments also link vital knowledge with constituents, facilitating need-based and effective climate action. At the international level, legislators can work with their counterparts to build synergies and coordinated approaches at the negotiation stage for shared regional interests.

Consequently, a Parliamentary Dialogue has been slated in the programme of the Africa Climate Summit on Monday, 4th September, 2023, from 2.30 p.m to 3.30p.m at the conference venue. Another full-day dialogue is scheduled on Wednesday, 6th September 2023, at the National Assembly Chamber.

The two dialogues will bring together Parliamentarians from across Africa to deliberate on the role of legislatures in achieving the outcomes of the Summit. The dialogue will culminate in a Communiqué which will serve as a landmark document outlining the commitments of African legislatures to actionable climate governance.

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I extend an invitation to all hon. Senators to attend and participate in the Parliamentary Dialogue. Your attendance and contribution will signify the commitment of the Parliament of Kenya to taking decisive climate action.

I thank you.

The Senate Majority Leader, proceed.

The Senate Majority Leader (Sen. Cheruiyot): Mr. Speaker, Sir, I apologise for interrupting. I appreciate your communication. However, it is missing certain critical information; that is the direction on the venue of the Parliamentary Caucus meetings, whether it will be at the Kenyatta International Conference Centre (KICC) or Parliament. It is important to make it clear so that Members willing to attend can know and move about easily.

(Clerk-at-the Table consulted with the Speaker)

The Speaker (Hon. Kingi): Hon. Senate Majority Leader, I had indicated that the Parliamentary Dialogue that is slated for Monday 2.30 p.m. to 3.30 p.m. shall be at the conference venue. Another full day for Parliamentary Dialogue shall take place at the National Assembly chamber. Those are the two events that will involve the legislators. Therefore, Senators are encouraged to attend those two sessions. One session will be at KICC and the dialogue will be done at the National Assembly Chamber. Kindly, be guided accordingly.

Next order.

NOTICE OF MOTION

ALTERATION OF THE SENATE CALENDAR FOR THE SECOND SESSION 2023

The Speaker (Hon. Kingi): Senate Majority Leader, proceed.

The Senate Majority Leader (Sen. Cheruiyot): Mr. Speaker, Sir, I beg to give notice of the following Motion -

THAT, notwithstanding the Resolutions of the Senate made on 16th February, 2023 (approval of the Senate Calendar), on 29th March, 2023 and on 27th June, 2023 (alteration of the Senate Calendar), pursuant to Standing Order 32 (4), the Senate resolves to further alter its Calendar (Regular Sessions) for the Second Session, 2023, in respect of Part V, to resume from recess on Tuesday, 12th September, 2023.

The Speaker (Hon. Kingi): Next Order.

BILL*Second Reading*THE CLIMATE CHANGE (AMENDMENT) BILL
(NATIONAL ASSEMBLY BILLS NO.42 OF 2023)

The Speaker (Hon. Kingi): Senate Majority Leader, please, proceed.

The Senate Majority Leader (Sen. Cheruiyot): Thank you, Mr. Speaker Sir. I beg to move that the Climate Change (Amendment) Bill, (National Assembly Bills No.42 of 2023) be now read a Second Time.

Mr. Speaker, Sir, this is a very important gathering of the Senate today, this morning. We are meeting here as a House to consider the Climate Change (Amendment) Bill (National Assembly Bills No.42 of 2023); a Bill that was published under the gazette Supplement No.127 of 2023, considered by the National Assembly, and passed on the 23rd August 2023. Thereafter, it was referred to us for consideration.

Mr. Speaker, Sir, you are aware that the coming few days, the whole conversation across the Continent of Africa will be about climate and climate change. The conversation is being altered in favour of no particular player. On many occasions, we have been reminded across the globe as the world continues to meet and gather in the Conference of Parties (CoP) meetings that the climate conversation is not about the global south or north, but rather how we convert and mitigate the negative effects of climate change. This is the only way we can have a better climate for all of us on the globe.

It has been ably demonstrated that there are no winners and losers in this climate conversation. Many thought the ravaging effects of climate change would perhaps be felt more in the global south than in the north. However, while we continue the battle against things like drought and other factors, the events of the last few years have seen other more devastating effects in the global north as well. This has led to the realization by every policymaker and every key decision maker on the globe that this is not an idle conversation.

This is not something that you can afford to play the usual games of the world where people sit pretty. Those in the global north consider it to be a problem of the south and those in the south imagine it to be a problem far too much disposed of the effects here on the south and, therefore, do not give due consideration to it.

Mr. Speaker, Sir, this Bill makes an amendment to a Bill that we passed in this House in the 2016; the Climate Change Act of 2016. The world was imagining that this was a passing challenge. Many countries signed on to the Paris Agreement of 2015.

At the national level, each country tied on their own to either domesticate laws or find measures of mitigating this problem and imagine that this is something that you will quickly address and move on to the next challenge. Unfortunately, or rather, fortunately, the following years have taught the world a difficult lesson. People have realized that this is perhaps the greatest threat that continues to affect this world.

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If we are not serious as inhabitants of the earth to combat the challenges that are faced in our climate and coming up with policies and measures, put our brains together, and think and have a concerted effort of combating climate change, in the next few years, this world may not be habitable. I guess subsequently, that is why the conversations have moved and become better.

If you are a keen follower of this climate conversation, you would see a difference even in attitude, even in the attendance and in the seriousness that is given to the global climate conversation in the subsequent CoP summits from Glasgow up to the last one that was held here in Africa in Sharm El Sheikh, Egypt.

Participants are now beginning to live closer to reality and realize that talking and getting back to your jets and flying back home is not enough. Until there is deliberate effort at the local level is when we can say that, indeed, there is something that we are doing about climate change and mitigating the effects and ensuring that we have a more predictable and more stable future as a people.

It is on this backdrop that we have come up with this Bill. I know colleague Senators have taken time to read through and understand because this conversation is something that we live through daily in our lives.

You know that immediately this Administration came into office with a realization of the effects of climate change. When we just finished the elections and this Senate was just being sworn in, this country was facing the worst drought in the last 40 years.

Hon. Senators, you know very well that the people we represent in this House were faced with very serious effects of hunger. For those that come from the arid areas, people were losing their animals; for those that come from the arable parts of the country, it was all dusty across the nation. If you overflew the country, you would have noticed how yellow and dusty the country had become due to lack of rain. Those are just part of the effects

Mr. Speaker, Sir, this conversation began and people began taking it seriously. In fact, we said that we need to invest and set aside resources, I think close to the Kshs400 billion that is needed, to not only just plant, but also grow trees. The difference has been defined that planting a tree is a ceremonial act that we do every time we are guests of honour in functions.

I see many of you on weekends, for example, Sen. Maanoo in Makueni Primary School invited. You just drop a tree, get a spade and quickly wash your hands perhaps even sometimes forget to water it and move. That is what we were accustomed to. However, as I have said, we are slowly evolving and realizing the importance of this conversation. That is why you have found that we are being natured to appreciate and know that it is not just about planting a tree, but growing it; going back to check on it and ensuring that the tree that you planted is doing well.

Last week or the week before, when we had the Devolution Summit, they did something quite significant. I appreciate it because each tree that was planted had a name. I remember the complaints of Sen. Okiya Omtatah, who said that when he got there early in the morning, he could not identify the tree that was set aside for him.

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I do not know if he went to plant it or if somebody planted it for him. I encourage him that each time he drives to Busia County via Eldoret, he should stop by the Arboretum where we planted those trees and check on them. That is the art you are being taught. It is not just about planting trees, but also growing them.

Even the schools that we go to and you are chief guest, appoint somebody and ensure that the tree will grow because we are in a race for 15 billion trees to grow our forest cover to 30 per cent. That is one of the surest ways by which we can make sure that we mitigate the effects of climate change and live in a decent environment; have food security and even overall improve the quality of life of where we live be it here in Nairobi or back in our rural homes.

This Bill seeks to amend the Climate Change Act, a Bill that we passed here in the year 2016, and provide for national legislation intended to enhance response to climate change. It will also provide the mechanisms and measures to achieve low carbon climate resilience development. However, as I had laid the background, in 2016 when we were considering the Bill, the world was just coming out of Paris. We were just all happy and thinking that if we went and passed a quick law, this would be the usual challenges that we face in our world. We thought some how things would get organized and we be out of this challenge.

However, I have said that the last seven or eight years have taught us a very difficult lesson. All of us inhabitants of the world have realized that if we do not take this conversation seriously then we may not even have a planet to live on in the next few years and the effects are visible. People can see appreciate and know what is happening across the world and nationally.

Mr. Speaker, one of the challenges, if you read through the statutes of the Paris Agreement, particularly statute No.25, after all the haggling, push and shove, that comes with the global conversations, unfortunately, the world was not able to agree. This is because the world wanted a mechanism for measuring the mitigation measures that each country was going to put in place in form of policies in their own countries. Unfortunately, because in this climate conversation, people still imagine that there are ways in which you can limit the development of other nations or there is a way in which you set certain policies.

Everybody appreciates and no one does not know that the leading polluters, unfortunately, wield the greatest powers on this globe. It was not possible to set a global agency that will be able to monitor the ravaging effects of climate change and policies that were being put in each and every country. They came up with something in the Paris Agreement that is called the National Determined Contributions (NDC) that is goals that you set for yourself as a country and ensure that you measure yourself.

Kenya now sets for itself a goal and say we want to do 30 per cent less, for example, just to mention. Our own target as a country is to have a reduction of 32 per cent by the year 2030. It takes a lot of money. In fact, I know that our goal as a country is going to set us off US\$62 billion. Knowing where we are as a nation economically, I do not think we have that kind of money.

That is why we have this Bill that is before us today. We want to try and find ways through which we can channel the contributions of the leading polluters to secure

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investment in our own country and have funds or resources come back to us as a nation, so that we are able to meet our own quota of the national determined contributions.

Mr. Speaker, Sir, you know for a fact, like I have mentioned that carbon trading is one of the areas that has been identified as a way and means through which developing nations such as Kenya and so many of those that are in the global south can use to raise resources to meet their contribution to this quota. I have mentioned that our own NDC puts us at US\$62 billion and we have only seven years to go. If you put that money and left it for taxpayers to raise, the truth of the matter is that we will struggle to raise even 10 per cent of that money.

That is why I want to challenge and ask our colleagues to consider the Bill before us and put in place mechanisms through which we can attract investment. We can measure first as a country, identify and say that these are actual investments that are being put in place. One of the challenges that we are having in this carbon trade conversation is that if you go online you will read very beautiful and rosy stories about what is happening in different parts of the world.

Mr. Speaker, Sir, I know for a fact that Kenya is leading in this space on the continent of Africa. There are no less than 116 projects that are going on in the country, but the biggest question that people continue to ask themselves is: Where is this actual money? Where is this project? Where is it in Migori, Kericho or Siaya; so that I can identify with it and my own people who are making their contribution can know that maintaining a clean and safer environment and growing of these trees because of the carbon trades that we engage in, is actually beneficial to the host communities where these projects are being done.

That is the amendment that is before us. It will ensure that we set in place the mechanism through which we, as a country, are able to measure and understand this space of carbon trading. Therefore, the regulation of carbon trading is crucial, not only to mitigate the impacts of climate change, but also to promote sustainable development, attract investment, fulfil our own international commitments that we have signed and fostering a green and resilient economy, something that we all aspire to and look up to as a country.

Mr. Speaker, despite the fact that we have the greatest potential and that we are leading, the rest of the African nations are not sitting pretty on their laurels. Next to us here in Tanzania, in the last one year alone, they have unlocked investments worth over US\$20 billion of green energy projects thanks to the regulation of this space that I am talking about.

The reason why we continue to struggle as a country is because we do not have a regulatory framework for which we can measure. That is the proposal that is being given in this particular Bill to ensure that a land-based project, for example, is being implemented through a particular community.

We should then think about any community in whichever part of the country - even to the farthest north, Marsabit or Turkana, that development agreement will outline the relationship and obligations of the proponents of the project in public and community land where it is being developed.

Provisions of Clause 3 of the Bill ensure that the national Government and the respective county government where this project is situated, jointly oversee and monitor negotiations for the community development agreement with the project proponents and the stakeholders.

This is where it gets interesting because of this contribution or collaboration between the national Government and our various respective county governments. We have been told from when we were young that people either respond to the stick or the carrot. That either they are forced to do something or you motivate them. Therefore, the question that people have been asking is what is my motivation? Why should I maintain a better environment? What reward do we get as a community?

Thanks to this NDC, the regulatory framework that we are passing, it shall be possible for communities that maintain or are leading actually in this carbon credit market to ensure that they enjoy the biggest benefit.

Sen. Mwaruma, it will interest you to know that because of the presence of Tsavo East and Tsavo West, Taita-Taveta, the people that you represent in this Senate, stand to benefit the most because of the benefits of that particular clause that I have referred to. The host communities will be the leading beneficiaries of these particular projects.

For the good work that you have done in maintaining Tsavo East and Tsavo West, commensurate projects that are being attracted and directed to that particular region will be good motivation for your people, to not only maintain Tsavo, but even grow our trees and maintain a better environment so that they participate greatly in this carbon market.

Specifically, Clause 2 of this Bill seeks to amend Section 2 of the Act where you provide definition of the new terms that are being introduced. Like I had mentioned earlier, this is an ongoing conversation on the globe that many people, thanks from the time that the world met in Paris up to now--- Clause 2 of the Bill provides for the additional terms that have come which when we did the law back here in 2016, we had not thought significantly about it. This clause is about definition of the new clauses.

Clause 3 of the Bill seeks to amend Section 3 of the Act and provides for one of the objects of the Act, which is what I have just referred to and spent a lot of time trying to explain; which is a legal framework on the international market mechanisms on carbon markets.

In that I have explained that while the rest of the countries that are competing with us have set in place this regulatory framework to be able to monitor and know what are the carbon trade projects that are going on in their country, we did not have this legal framework. That is the proposal that we are having here so that monetary constraints and revenue generation that continues to face us as a country when you try to participate and meet our own quota in the NDC shall be a thing of the past. We shall be able to know this is the amount that a specific company has invested.

Mr. Speaker, Sir, there are many global companies that operate out of Kenya. In fact, you will struggle to find any serious leading, corporate entity globally, that does not have operations in Kenya. We all know that it is because this is a large economy. I know we have had challenges previously and quite a number of them left, but many are beginning to troupe back.

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This is where I want to draw the attention of my colleagues; you will find companies like Microsoft and Unilever having operations in Kenya. This is because of lack of this regulatory framework and the demand that you are making on these companies. In other countries such as Tanzania – that is why I have mentioned the figures they have unlocked in the last one year alone – they are able to put projects that are measurable. In Kenya, for the lack of this legal framework, they know you can easily get by and nobody will ask you any difficult questions.

That will be a thing of the past immediately we conclude on this Bill today. That is why I urge on the importance and urgency of concluding on this Bill today. When the world comes to Nairobi City next week and we have more than 30 presidents attending the Africa Climate Summit, they will know that Kenya is under a new regime of law.

It is important that I address that point because many people have asked why we were not given additional time and all these things. While it is important to listen to those particular concerns, the importance and significance of the first continental summit on ways and means through which Africa or the rest of the global south will stand to benefit in this space of carbon credits is happening here in Nairobi City. We need to be under the proper regime of law.

Mr. Speaker, Sir, it will be a great absurdity for the world to be here speaking about carbon credit, yet the host country itself has not ratified or domesticated this law. That is the essence of Clause 3 of the Bill.

Clause 4 of the Bill seeks to amend Section 6 of the Act and insert a new paragraph to provide for the guidance and policy discretion on carbon markets to the national and county governments, the public and others take holders.

Mr. Speaker, Sir, this is an important place for us as the Senate as defenders of devolution. I had mentioned Clause 4 was important because without bringing county governments into this conversation, then it will be an idle venture. It is because we know all these projects take place in our counties. All the mitigative measures of the action we need to take is done by people in the grassroots level. It would be unfair for us to have a Bill that does not bring the nexus of the national and county governments, the public and other stakeholders as is being done under Clause 4.

Clause 5 of the Bill amends Section 7 of the Act. It aligns and provides for membership of the council that is being set up for better operations. I will try and move quickly because I am alive to the kind of interest that this Bill will generate. Therefore, I do not intend to take the full one hour. Perhaps, Members will want to speak to Clauses 10, 11 and 12.

I will try and rush so that maybe the rest will be said by the seconder, the Chairperson of the Committee. During his time of seconding, he may mention perhaps some of the things that I easily would have forgotten or rushed over in the interest of time.

Mr. Speaker, Sir, I mentioned that Clauses 10, 11 and 12 of the Bill seek to amend Section 15 and 16 of the Act. This is to empower the Cabinet Secretary to make regulations as the council's mandate is of a higher level of providing overarching policy and the national climate change coordination mechanism.

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There is an insertion of a new paragraph five, which provides for regulation of carbon markets. This is very important, good people. I have mentioned that in this conversation on the climate issues that face the world, there is a lot of hypocrisy. I have mentioned further in my opening remarks that the leading polluters, the people who are supposed to pay the most because they have gotten us to where we are, wield a lot of power in the globe.

Mr. Speaker, Sir, because of the immense power that they wield, you have to set it by regulation and ensure that you have a way through which the Cabinet Secretary is able to bring regulations frequently to our delegated legislation Committees. So, if you have a particular project that is being introduced into the country, you set up ways and means of monitoring and ensuring that those organizations, cooperation's and anybody who wants to participate in the carbon market, is monitored on whatever they pledge.

Mr. Speaker, Sir, people talk a lot. I have mentioned that if you follow the conversations in Glasgow – and I think London thereafter – it is only eventually the last one or two years leading up to Sharm El Sheikh in Egypt early this year, that people have started being serious with each other. They realised that just coming, putting on your nice little suits, speaking on all the nice conversations about what needs to be done and retreating back to wait for the summit next year, is not going to get us to a better place.

Even us by way or regulations, we must ensure that we have institutions that will monitor. I happened to have caught on to the presentation while it was being made yesterday.

I saw part of the memorandum that had been sent and there are Kenyans who are actually taking this conversation seriously. They were saying that instead of the Ministry of Environment and Forestry being the regulator or the people who measure the practice of the carbon market, why not liberalise and leave it to the private sector. In any case, it has been found to be more effective than Government. I think that is a conclusion that we have so far reached as a country.

While I agree with them, perhaps this is where the importance of Clauses 10, 11 and 12, on the powers that are being given to the Cabinet Secretary comes in. The overarching regulator of this space and market will remain to the Government of Kenya, it would be better if they license. That is something, which they can address when they eventually bring the regulations here.

They need to provide the mechanism and the framework through which to leave it to the private sector; people who have the competence of measuring this carbon market. They are the people who have been part and parcel of this conversation for longer than many of our officials here at the Ministry level. This is so that we ensure that nobody takes advantage of us as a country.

If we are not careful, people will come here and will set up organisations. We know just like it happens in the Non-Governmental Organizations (NGO) world, people quote huge figures in the global and great capitals of the world, of how they are doing great community impact projects in this Republic. However, the truth of the matter is that they are on holiday. They just come here and lounge in five star hotels. When they return to the country, they talk of how they have just come back from doing a lot of work in Africa and such kind of things.

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I hope when the Cabinet Secretary eventually sends the regulations on the people who will monitor the national determined contributions and those participating in the carbon markets, they will set up local enterprises. In fact, this is such an important natural resource because the rest of the world does not have it. They are craving it and that is why they are investing here as a way of offsetting ---

Mr. Speaker, Sir, in this conversation of the climate change, people made commitments in Paris. They were happy because they thought maybe nobody would be keen enough to follow through the agreements that the rest of the world signed on to those protocols.

Subsequently, they followed and did the same in Kyoto in Japan. They imagined it would never get to a time such as now, where because of the great ravaging effects, everybody is now saying: "We made commitments, let us live through to our commitments."

If we are not careful to monitor through these commitments, people will take advantage of us. This is such a strategic national asset. In this regulations, perhaps our colleagues who sit in the Committee on Delegated Legislation, should even demand that companies which will be licensed to monitor this market, be 100 per cent local. Let them be fully owned by Kenyans. It is only a Kenyan that believes in their own country. They will want the best for their own nation.

Mr. Speaker, Sir, I cannot run to be the Senator of Tana River County because I do not even own a cat there. If I go there, people will ask what I know about the place. The same principles should apply if you want to monitor the market here. Let it be done. There are competent Kenyans who understand this place and can do it. I will be looking forward to it after the Africa Climate Summit is done and they send the regulations to Parliament so that we lock this space purely for Kenyan markets.

Mr. Speaker, Sir, Clause 15 of the Bill, as I conclude, seeks to amend Section 35 of the Bill to renumber the existing provisions of subsection (1) and introduce an amendment to indicate the section that does not apply to the entities that have existing carbon projects for a period of a year.

I like that it is being monitored yearly. Otherwise, if you just get a single approval and leave it at that, it is possible that people will do funny things, as I have mentioned. They will quote it so that their books look beautiful before their investors to show that they are offsetting carbon credits in Kenya or whichever part of the world, but they do not follow it with other investments.

After commissioning a project, if we measure it yearly as it is provided here, we will be able to track progress. For example, at the beginning of the year 2023, a project was at 50 per cent, and in 2024, it is at 65 per cent and projected to be concluded on time. That is the importance of Clause 15.

Clause 16 of the Bill, inserts new paragraphs on the regulations of carbon markets, carbon trading, carbon registries and non-market approaches. Carbon trading may not be a stand-alone solution in combating climate change. I do not want to be a snake oil salesman where somebody will look at the HANSARD a few years down the line and say that when the Senate Majority Leader, was moving this Bill in 2023, he

made such a rosy presentation about it. We thought this was a silver bullet that would conclude all our climate area challenges.

Mr. Speaker, Sir, this alone will not solve that particular problem. However, it is an important milestone that gives us such momentum together with other national efforts.

There are things that are being done by other brilliant Kenyans which we shall be seeing next week at Kenyatta International Convention Centre (KICC). We shall come up with better strategies on reducing greenhouse gas emissions, which will impact climate change.

We are aware that many Kenyans have made huge sacrifices for many years. Many times, when we speak about issues of climate change, we celebrate the work of the late Nobel Laureate Professor Wangari Maathai and her contribution to us as a country. However, I know for a fact that besides her, there are many Kenyans some of whom challenge my earlier theory on making it 100 per cent local.

I know and celebrate a person like Mr. Bob Munro of the Mathare Youth Sports Association. A Canadian who came into the country in 1987. He has lived with us and worked with communities in Mathare and all over Eastlands in Nairobi City County.

He has been using sports, but more importantly, writing challenging papers informing various governments on how to combat climate change. His work for the last 35 years can be felt across the globe and not only just here.

Unfortunately, we do not celebrate such good Kenyans for the work that they do. A few weeks or months ago, he came to my office and told me, that unfortunately, despite all the work that he has done, and his involvement in football together with the kind of politics that comes with it, he has never been granted a Kenyan passport. He sometimes struggles to get a work permit.

He has worked here for 35 years and was very instrumental in ensuring that we have the United Nations Environmental Programme (UNEP) offices in Gigiri because of his contribution. We need to celebrate such Kenyans who have gone out of their way to make significant contributions. In fact, when we do the Parliamentary honors meeting we celebrate Kenyans who have made significant contributions.

I will put forward his name. This is because of his contribution to the climate space in our country despite the fact that he is not Kenyan, but has lived here for close to 40 years, working with communities in our slums and in different parts of the country. He has also attracted investment here. He needs to be celebrated during this year's Mashujaa Day together with so many of you so that we challenge other Kenyans. Lead this charge, colleague Senators.

I encourage all of us to set up community champions. In your local schools, have scouts that follow the eminent work of Kenyans who have set the trail in this climate space. Kenyans like Wangari Maathai and Bob Munro whom I have mentioned, so that we have a greater environment. We should not just speak about climate by looking back and saying what should have been changed. We can influence the future so that we do not just look back and meet in such a time in Nairobi City County to try and rectify what can go wrong. It is possible to influence the future.

With those very many remarks, I urge hon. Senators to support this Bill. Let us move and conclude on it. Next week, when 30 or 40 Heads of State who have confirmed

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their attendance at the Africa Climate Summit come into the country, they will appreciate and know that Kenya, as a nation, is serious about the conversation on climate change. We will maintain our position as a leader of Africa in the climate space. We lead on that particular front, including the energy sector.

That is something worth being celebrated about. We are leading in terms of percentage of clean energy. There is still a lot of work that needs to be done, but we have done well as a country. Many times, we do not celebrate ourselves enough for the good work that we have done. Perhaps, we can learn and build on that.

With those remarks, I beg to move and request Sen. Methu, the Chairperson of the Standing Committee on Land and Environment and Natural Resources, to second this Bill.

Sen. Methu: Thank you, Mr. Speaker, Sir, for this opportunity to second this particular Bill.

From the onset, I did not know that Sen. Cheruiyot has that in-depth knowledge on matters of environment and climate change. I feel very challenged that he has understood the meat and crust of why we need to do this particular amendment.

As I second, a lot of issues that I need to say have already been said by my brother, Sen. Cheruiyot. However, I want to answer a question that is being asked by most of my colleagues. It has been directed to all the Members of the Committee on Lands, Environment and Natural Resources on why we need to change this law.

Mr. Speaker, Sir, all of us keep mentioning and base our argument on Article 42 of the Constitution, that every person has a right to clean and healthy environment. However, there is a process to it. While there have been some naysayers on the climate and environment space, it is apparent that all of us now agree that challenges that come with global warming are here with us.

Everywhere in the world, our climate and climatic way of how we are used, has changed drastically. There are prolonged droughts and some places are suffering from famine. When the people and the Government of Kenya ratified the Paris Agreement, just as my brother has mentioned, in December 26th 2016, we set our target of carbon emissions to less than two degrees Celsius or less than 1.5 per cent. However, as Sen. Cheruiyot has said, the challenge that we faced is that the 13 memoranda that we received as a Committee speak to this particular question of why we need to do this Bill.

This is a Government-sponsored Bill. When the Cabinet Secretary for Environment, Climate Change and Forestry appeared before us the question of why we need this Bill was pertinent. Why do we need to regulate the space around carbon trading? There is something that is very clear in the minds of everybody here. Even as I speak about carbon trading, there are 116 organisations that are dealing with carbon credit.

Just as Sen. Cheruiyot has rightfully said, the statistics of our share as Kenya in the African market of the carbon credit is 20 per cent. We got 20 per cent of everything that was paid in Africa from this carbon market. However, very few people who are here have the clarity of how this money was paid, who was paid, and how they were paid.

Mr. Speaker, Sir, yesterday, when we were seated here, the Senator from Machakos County asked the Cabinet Secretary now that the carbon harvesting is

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happening in Kyulu in Machakos, how was the money paid. The Senator for Taita Taveta County is here.

He was asking how Kshs120 million was paid to a ranch and he was told it was their share of the carbon credit. They traded, but they did not know how much was paid. They were given some blanket figures.

When we speak about clarity, you will be surprised today that there is a company running in Siaya County doing carbon credit trading on behalf of the people of Siaya County. However, this is not known by the leadership of Siaya, Nyandarua or the Members of Parliament, particularly in this House.

The highest payment was made to Kwale County. The Senator for Kwale County is a Member of my Committee. He does not understand how these companies around Shimba Hills traded on behalf of the people of Kwale County. How was the Kshs15 billion that we got as Kenyans distributed among the communities? When we speak to ensuring that we regulate this space of carbon credit trading, we want to have clarity about what is happening. There is an issue about integrity and transparency.

While the Government has a responsibility under Article 69 of protecting communities, they cannot protect the community without a framework and the tools of trade. Since we are not operating in isolation, we then have to align with international commitments. As Sen. Cheruiyot has rightly put it, are we the ones who caused this problem? No. There are other people that have greatly contributed to the global warming that we are facing our country.

A total of 186 countries have committed to the Paris Agreement, but then are we getting the rightful share of what we are supposed to get so that we ensure we manage this crisis? No, because we do not have the right framework.

The reason why we need this amendment is to ensure that we engage a broader range of stakeholders. As I said, yesterday we saw different stakeholders writing memoranda that they trade here. However, nobody in the Ministry, Government and the local community knows under what law they are operating. Therefore, this is something that will be addressed by this Bill.

Another point is that we need to support Kenya's emission reduction goals. Now that we have placed it at 1.5 per cent, then we have to get a framework of how we will get there. We have to get a legal framework around which then, we shall be able to achieve this particular goal of the reduction of emissions.

Finally, since I want to allow my colleagues to contribute, there is something that has been mentioned about, the objects that will come. We really pressed the Cabinet Secretary yesterday when she appeared before our Committee on how communities will benefit from this. This is so that the Government does not become a prohibitor in this market. I also agree with Sen. Cheruiyot because, how these monies will be shared will come in the regulations.

I ask my brothers in the Delegated Legislation Committee to rise up on behalf of the communities so that they can benefit as they should in as far as these particular earnings are concerned.

With those few remarks, allow me to end there. I ask my colleagues to support this Bill even if they think it has been rushed because it will benefit our country. As a country, we are honoured to host the whole continent next week.

I seek the indulgence of my colleagues to pass this Bill so that we become the second country in the whole continent with such a framework and we will be leading from the front. Our President chairs the African Working Group on Environment. It is out of this honour that we are hosting the Summit here. Kenya is a powerhouse and that is how we control the biggest space around carbon trading in the last financial year, which is over 20 per cent of what was given in the whole of this continent.

Mr. Speaker, Sir, I urge my colleagues, let us lead from the front. When the other countries come to this country, let us take pride that we have shown the way, led from the front and we have an existing legislation in this regard.

With those very many remarks, allow me to second.

(Sen. Methu stood up in his place while the Speaker was standing)

The Speaker (Hon. Kingi): Sen. Methu, kindly have a seat.

(Question proposed)

Sen. Wambua, you may have the Floor.

Sen. Wambua: I thank you, Mr. Speaker, Sir, for this opportunity to contribute to this Bill. From the onset, I support the Bill.

(Applause)

Mr. Speaker, Sir, we must put our House in order. This is a very important Bill; its accord us an opportunity to show true bi-partisanship in this House. I would have expected that the Senate Majority Leader would have asked the Senate Minority Leader to second the Bill. In which case, we would have carried the House together. Then after him, the able Senator, the Chairperson of the Land, Environment and Natural Resources Committee would have come to contribute to the Bill. Next time, the Majority Leader calls for a special sitting, then consideration must be given to the Minority side.

Having said that, in this Bill, we have an opportunity to make a lot of things right that have gone wrong. I am encouraged that in a few days, the global south, in fact, the entire world would be coming to Kenya. Kenya will be hosting the globe to discuss matters of environment and climate change. This presents us as a leadership in this country to then put our best foot forward and receive the world to discuss climate change issues.

While moving this Bill, the Senate Majority Leader referred to a distinction between planting trees and growing trees. I think a time has come, and now is, when all of us, as leaders, must begin to think of viable initiatives that will culminate in every tree that is planted growing to maturity. It is one thing to say that we want to plant 15 billion

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trees. It is achievable. However, out of those, how many will grow to maturity? That is a conversation that we must have as leaders.

The beauty of climate is that it knows no side. It does not know the leadership in the Minority or the Majority. It affects all of us equally. So, we need to come up with initiatives to grow trees.

I heard yesterday and I have been hearing this story that *El Nino* is on the way. We must find a silver lining even in extreme weather conditions. This is the opportunity now for regions of this country that are known to be rain deficit to move with speed and put in place measures to grow as many trees as possible. In fact, even as we grow those trees then we encourage sections of this country, and counties to formally enter the carbon market.

This Bill has come to us a bit late. We must be our own critics. We must be able to look ourselves in the mirror and tell ourselves the truth. We are amending a Bill that was passed in 2016. Matters climate move very fast. This actually should be a Fourth or Fifth Amendment to the 2016 Bill. However, because we hurried, we have to deal with it as it is.

As we do so, we are actually in a race against time in the eyes of the World to tick boxes because that is what we are doing. Now we have visitors coming in a few days. We have to be seen to belong. So, we have to pass this Bill. For that reason, we have called a Special Sitting of the Senate so that we fast-track this Bill.

Mr. Speaker, Sir, going forward, it is only important that as leaders we are proactive on matters that affect us as a nation. As a country, we are a State party to the Paris Agreement on Climate Change. So, we must lead ourselves by example knowing that we are the Headquarters of the United Nations Environment Program (UNEP). On matters environment, the entire world bows before Nairobi. For that reason alone, for us to host UNEP, it is not an easy thing.

All of us know that Germany has really been pushing to relocate UNEP to Bonn. They have even constructed an entire Headquarters. They are just waiting for that either to get a nod to relocate UNEP from Nairobi to Bonn. For that reason, we must be very proactive on matters environment as a country.

So, I do not take a lot of time on it, though late, the Bill is timely to the extent that it seeks to mainstream the role and function of the youth within the Climate Change Council. I am actually taken aback because the mother Act did not think that the youth should have a role in the council.

This Amendment recognizes the role of young people in the council. This is important because even when we talk about agriculture, we all say that we want to make agriculture young. We want to encourage young people when they leave school, instead of going to look for jobs, they can employ themselves in the farms. Now is an opportunity because the young people have been mainstreamed in the council for them to even be encouraged to start tree plantations; enter the carbon market and to begin to earn from it.

Lastly, in this Bill, when it comes to regulations, I will be asking the Committee on Delegated Legislation to also be proactive in their engagement with the Cabinet Secretary (CS) responsible for the environment. That is to ensure that these things,

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beyond the definitions that are given in this Bill, it is important, especially for the county governments to be taken through a capacity building initiative to understand how to deal with carbon credits, carbon markets and all those jargons along the carbon trading.

It is important that county Governments will understand how they can establish county forests and how those county forests could begin to become a major source of own-source revenue.

Mr. Speaker, Sir, devolution as we know it is supposed to be progressive in a way that at some point county governments should be generating a lot more revenue for themselves and their expenditure than the money that they receive from the Exchequer. This is an opportunity for them to enter into the carbon market to establish as many forests as we can to begin trading in carbon from their own resources.

With those many remarks, I support.

The Speaker (Hon. Kingi): Sen. Mungatana?

Sen. Mungatana, MGH: Bw. Spika, nashukuru kwa kunipa nafasi nitoe mawazo kuhusu Mswada huu wa mabadiliko ya tabia-nchi.

Kule Tana River, kuna kabila linaitwa Wata ambayo kwa miaka mingi walikuwa wanapata maisha kutoka kwa msitu. Sio wao peke yao lakini pia kuna makabila mengi pale kwetu wanaopata riziki yao kutoka misituni.

Wiki iliyopita nilikuwa sehemu ya Tana River inayoitwa Chara. Huko watu wamejitolea kusimamia na kuikuza misitu. Hata ile tunaiita *Mangrove Forest* kwa lugha ya kimombo, wananchi wanajitolea kupitia kwa vikundi vyao kukuza na kuianzisha tena ile misitu inayoharibika kwa sababu ya mabadiliko ya tabi-nchi.

Shida iliyoko ni kwamba wananchi hawa hawapati chochote kutokana na kazi wanazofanya. Kinachofanyika mpaka leo ni kwamba kuko na ahadi zinazotokea kutoka kwa Wizara ya Mazingira lakini hakuna kitu ambacho wananchi wanapata.

Nasimama kuunga mkono Mswada huu kwa sababu kwa mara ya kwanza, tunaambiwa wananchi wanaohusika na kusimamia mazingari yao, watanufaika. Kwamba Serikali sasa kupitia kwa Mswada huu kutatokea *register* ya wale wanaosimamia ama wanatoa mchango wao kwa kutunza mazingira kwamba wao watafaidika.

Hii pengine ndio hatua kubwa kabisa imefanywa kwa kukuza mazingira yetu. Kwa sababu hadi sasa imekuwa tu ni kama watu wanatoa mwito tukinge mazingira; mwito tusimamie mazingira yetu yawe masafi; tufanye hivi na vile ili tuishi na hali nzuri ya kimazingira. Lakini watu hawaambiwi katika kazi ya mazingira kuna pesa, kwamba ukitunza hiyo miti unaweza kupata pesa. Sasa akili ya mwananchi ikibadilika namna hii, watu wakijua kwamba kusimamia misitu yetu na kupanda miti kuna faida ya kipesa na kwamba kuna *register* ambayo itawekwa, basi sheria hii itajenga hatua kubwa sana kusimamia mazingira yetu.

Bwana Spika, wakati ambao tulikuwa Midrand, Afrika Kusini na wakati huo ambao Rais Ruto alikuja kuongea nasi Afrika Kusini, wajumbe wa Afrika nzima walishangilia sana ilipofika mazungumzo ya mabadiliko ya tabia ya nchi kwa sababu sote tunajua nchi ambazo zimeendelea ndizo zimechafua mazingira, na kwamba nchi ambazo hazijaendelea sana hazina shida ya kuchafuwa mazingira. Kulikuwa na makubaliano katika mji wa Paris kwamba nchi ambazo zimeendelea zitalipa ridhaa kwa wale ambao---

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kwa sababu wao ndio walioharibu mazingira. Lakini hawalipi kama ilivyozungumzwa hapa na Maseneta wenzangu. Hawajalipa na hawatalipa.

Wakati tulipokuwa tukifanya ile *debate*, Wabunge wote kutoka Afrika walisema lazima tuhakikishe kwamba wazungu wamelipa; lazima tuhakikishe watu wa China wamelipa. Lazima Waafrika tuungane tuhakikishe wamelipa. Lakini wakati Rais alisimama akasema kwamba sisi tuko na rasilmali, badala ya kuwaomba watu watufanyie, sisi tuweke rasilmali yetu ya kwamba wao walipe nchi za Afrika ili ile *Carbon* ambayo wanaotoa kule wailipie na sisi tuweke rasilmali zetu na wao walipe.

Kwa hivyo ilikuwa hali mpya, akili mpya ambayo inasema kwamba sisi hatutaenda kuomba watu walipe kwa sababu ya uchafuzi wa hali ya hewa. Sisi tutajenga misitu yetu lakini tulipwe kwa sababu ya kujenga hiyo misitu. Watu walishangilia kwa sababu waliona ni akili mbadala ambayo imeletwa.

Tunafurahi sana kwamba sasa mashirika, nchi za Kiafrika na nchi za Ulaya, tunakuja hapa Kenya kuzungumzia hili jambo ya kwamba sisi kama Waafrika sasa, hatutataka kuomba. Sisi tuko na rasilmali, wale ambao wanachafua walipie zile *efforts* tunaweka kusafisha hii anga ambayo wale washaharibu.

Ninafurahi sana kuona Mswada huu uko hapa mbele yetu na kwamba wananchi wanaelewe kwamba Senate imekuja kukaa hususan kwa sababu ya kuhakikisha ya kwamba hii sheria ipitishwe watu waanze kufaidi hata kama ni kwa kidogo.

Tumeskia hapa kuna mashirika ya kutoka nje Ulaya, wanakuja kwa kaunti zetu na kusema wamefanya mambo ya *project* za mabadiliko ya tabia ya nchi yetu na wamepata mabilioni ya pesa. Mabilioni yamelipwa lakini wananchi hawajui ni namna gani.

Sheria hii ambayo Seneti inapitisha leo itasema ya kwamba, kama kuna *project* zozote zinafanywa Tana River au kaunti zingine, watu watajua. Kuna *register* maalum ambayo itawekwa na watu watapata kujua ni *project* gani, ni pesa ngapi zinaingia kwa *community* na watu wanalipwa pesa ngapi kwa zile *effort* ambazo wanafanya kutunza misitu na kupanda miti.

Bwana Spika, nimesimama kuomba kwamba sote tutakaozungumza kuhusu swala hili, tupitishie Mswada huu. Tupitishie sheria hii ili wananchi wa kawaida waanze kuwa na faida ya kupanda miti na kuchunga misitu yetu. Kwa hayo mengi ninaomba kuunga mkono Mswada huu.

Asante.

The Speaker (Hon. Kingi): Now, hon. Senators, looking at my screen here, there is a lot of interest from everybody. All Senators would wish to at least make some kind of contribution to this Bill.

Under our Standing Orders, each Senator has a maximum of 20 minutes to make their contribution. If we move that way, then we are going to listen to very few and most of you will be locked out of this debate.

Now, under Standing Order No.111, a Motion for limitation of time ought to have been moved maybe before Sen. Wambua took to the Floor. That was not done. Therefore, under the Standing Orders, we are tied to the fact that each Senator will have to make their contributions for a maximum of 20 minutes. However, looking at the kind of interest this Motion has generated, we may agree through a consensus on time within which each

Senator will make their contribution. We can only do it through a consensus because a Motion on limitation of debate cannot be moved at this juncture.

So Hon. Senators, do we then proceed with the 20 minutes per Senator or do we strike a consensus?

Hon. Senators: Five minutes!

The Speaker (Hon. Kingi): If we take five minutes, we are still going to lock out a good number of you. Can I hear Sen. Sifuna on behalf of the Minority Side?

Sen. Sifuna: Mr. Speaker, Sir, it is my view that five minutes should be sufficient to prosecute this matter. Just to add, I do not think it is a requirement that all Senators must speak on everything. In fact, for us, we have a designated expert on climate change and we would want that he be given priority to speak so that when we come to other matters of the street, then others will also take that opportunity to prosecute.

The Speaker (Hon. Kingi): Sen. Sifuna, I am going by the screen here. From this screen, I cannot pick an expert.

(Laughter)

Sen. Wamatinga, what is your view?

Sen. Wamatinga: Thank you very much, Mr. Speaker, Sir. I would want to suggest that we take three minutes the reason being that we keep on repeating most of the things that have been said. If there is that one thing that has not been said, it is done in three minutes. We saw yesterday Members coming for a special sitting and not getting an opportunity to contribute in the debate. They felt a bit unhappy.

Therefore, three minutes would be enough without wanting to repeat what has been said. Going by what said Sen. Sifuna has said, experts will have a filter mechanism of not repeating what has been said.

Thank you, Mr. Speaker, Sir.

The Speaker (Hon. Kingi): Then we have five minutes and three minutes. Why do we not we meet in the middle and take four minutes? Okay, so four minutes it is. Thank you so much Hon. Senators.

Proceed, Sen. Maanzo.

Sen. Maanzo: Thank you, Mr. Speaker, Sir, for giving me an opportunity to contribute on this very important Bill. The amendments to the Act are long overdue. Environmental issues are very key in the world today. The world has changed in a big way and having a climate change amendment Bill is one of the most important things in our country now, so that we can align ourselves with the rest of the world.

From the weather forecasts reports, it is being alleged that we are likely to have *El Nino* rains which are usually very destructive and later on, have many dry spells. We have seen what has happened to other parts of the world like tornadoes and snowfalls, which also cause destruction to what is already existing.

Mr. Speaker, Sir, environmental law is both local and international and is one of the things that tie the world. We have come up with new systems to increase carbon credits. This did not exist in our law. However, the most important thing is the most

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basic. We have cut trees for development and timber and yet we do not have forests in every part of the country.

We have natural forests in the coastal region because of the rains caused by ocean currents and other forests in the highlands. In the middle, we have a lot of dryland. It is important that universities come up with research in order for us to know what trees can survive in the drylands so that we have a lot of trees there and reduce the speed of wind. Then we will end up having more rainfall as it used to be.

Mr. Speaker, Sir, what else can be done other than trees? There is the planting of grass, which also covers the surface and slows the movement of water and erosion. When you look at all these things, there must be a policy which works. The main policy now is to plant 15 billion trees, but there are challenges in that. It does not tie with budgetary allocations and how we are going to get seedlings to cover the highlands, lowlands and the different vegetation variations. We do not have that policy in place and we should have such. In the county budgets there should be something to do with environment and climate change and every county has a policy on how it can increase its forest cover.

Mr. Speaker, Sir, how are we going to do on our national policy? We know that there are plantations that are run in this country though they are few and when trees get to maturity, they are harvested so that we increase the local industry. Unfortunately, we are still getting a lot of our timber from the Democratic Republic of Congo and Tanzania yet Tanzania does not have a better forest cover than us.

It is a challenge because rather than talk, we should also swing into action and get the population educated as much as possible. That is why this debate today is very important. Kenyans are following it, are getting educated, enlightened and we need to get back to schools. Seedlings can probably be supplied for appropriate climates through schools so that children can pick seedlings from school and go to plant at home. That can be done continuously so that we involve the children and they get to like the environment.

Mr. Speaker, Sir, we again need to come up with a policy. I am aware that we are doing Thwake Dam in Makueni. There is also a grand high falls dam coming up between Tharaka and Kitui so that we supply water in the northern parts of Kenya. Without water--

(Sen. Maanzo's microphone went off)

The Speaker (Hon. Kingi): Sen. Chute.

Sen. Chute: Thank you, Mr. Speaker, Sir. Today, I am happy to see the Climate Change (Amendment) Bill (National Assembly Bills No.42 of 2023) before the Senate. I have already proposed a Bill which is supposed to come before this House on carbon credits.

In Marsabit County, we have the Lake Turkana Wind Power Project in Loiyangalani, Laisamis Constituency. Carbon credits are also called carbon offsets. It is a measurable and a result-based way of companies to support activities which are governed in other countries by respective regulations. Today, I am also happy that we have regulations being put in place to govern carbon credits.

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Carbon credits are today worth \$80 dollars, equivalent to 1000 kgs of emissions of carbon dioxide. Carbon credits are the difference between carbon emission and the allowed actual-emitted carbon. There are two types of carbon credits.

The first one is for those people who emit or pollute our environment. This is a way of being punished by being given hefty fees or penalties to pay. The second one is for those who are reducing carbon credits or emissions. All these are called carbon credits.

Mr. Speaker, Sir, in Marsabit County we have the Northern Rangeland Trust (NRT) who are discounting the carbon credits. I brought a Statement before this House about three months ago regarding regulations on carbon credits, which are being paid by NRT. My questions were firstly on how much money they were getting from discounting our emissions or credits. The second question was on who was paying these credits. The third one was on which brokerage firm was discounting these credits. However, we did not get all the answers.

Mr. Speaker, Sir, I am happy that this Bill is before us today. Clause 4 and Clause 6(2A) and (2B) are clear that there will be regulations in place and in this, we are going to get what is rightfully ours. Today, I am happy again, because it talks about local communities.

In Marsabit, the Lake Turkana Wind Power generates wind or electricity from a place called Sabima. It is a small place where the people of Turkana origin live. With these regulations, those people will get what is rightfully theirs. The ward administrators will be gaining something out of this as they will be in charge of sections. Constituencies and counties will also be in charge

Mr. Speaker, Sir, I support this Bill because it affects our people in Marsabit. The regulations were not in place.

The Speaker (Hon. Kingi): Sen. Madzayo.

The Senate Minority Leader (Sen. Madzayo): Asante, Bw. Spika. Kitu cha kwanza ni, naunga mkono Mswada huu wa mabadiliko ya hali ya hewa, au kwa Kiswahili sanifu, mabadiliko ya tabianchi. Kwa mara ya kwanza nimejipata nikiona tabianchi au *climate change* kwa Kamusi lakini, hali ya hewa ni mojawapo.

Bw. Spika, cha muhimu ni kuona ya kwamba tumezingatia swali hili katika nchi yetu. Hii tabia ya nchi inaweza kuangaliwa vizuri ikiwa sisi sote tutajumuika kama Wakenya na kuona tumepanda miti ambayo itaweza kulinda mazingira.

Ninatoka sehemu za Kaunti ya Kilifi. Mara nyingi ukienda pande za ufuoni wa bahari, utapata sio kukata miti pekee yake katika ardhi lakini hata ndani ya bahari, mikoko pia tumeikata. Baadaye, tunaona ya kwamba tunaathirika katika ufugaji wa samaki kama kamba ama wadogo wadogo. Ni jambo la muhimu tukizingatia sana hii tabia ya nchi.

Vilevile, Kenya hivi sasa iko katika macho ya ulimwengu. Tumeona kwamba wale wanaotawala katika nchi zao, Marais, wengi watakuja hapa wiki ijayo kuongelea swala hili la mabadiliko ya tabia ya nchi. Sisi tukiwemo kama wale walioenda kama nchi tukiwakilishwa katika ule mkutano wa kongamano kubwa lililofanyika kule Paris, tulijiunga na ulimwengu tukakubaliana ya kwamba sisi pia tutakuwa taifa moja ambalo litazingatia mambo ya kuangalia hii tabia ya nchi.

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Tukiwa katika mazungumzo hayo wiki ijayo, ni muhimu kuonyesha ya kwamba Kenya iko katika kipao mbele. La muhimu katika hii mabadiliko ya tabia ya nchi ni kwamba sisi pia lazima tuone baada ya kupanda hii miti, tutailinda. Huwezi kupanda miti pekee yake bila kuilinda. Tuko na makabila mengi kama alivyotaja ndugu yangu. Kule ninakotoka, kuna kabila la Warta. Hilo ni kabila ambalo limeishi na linalinda misitu. Watu kama hawa ni lazima ikiwa kutatoka pesa zozote, wapewe nafasi hiyo.

Bw. Spika, nikimalizia, dakika moja tu. Kunao umuhimu kuona ya kwamba watu wanaoishi katika hiyo miti ndio watapewa---

(Sen. Madzayo's microphone went off)

The Speaker (Hon. Kingi): Sen. (Dr.) Murang'o, please proceed.

Sen. (Dr.) Murang'o: Asante Bw. Spika kwa kunipa hii nafasi. Kwanza, naunga mkono huu Mswada na ningetaka kuchangia kwa njia ifuatayo. Kwa muda mrefu sasa, wakazi na wazawa wengi ambao wanaishi karibu na misitu hawajukuwa wakifaidika na hizo *carbon credits* kwa sababu kuna wale ambao wanachukulia kama hao ndio wanafaa.

Hata kama jamii nyingi zimekuwa zikipatwa na athari tofauti kutokana na wanyama pori na mambo kama hayo, kwa muda mrefu, hawajafaidika na misitu. Kwa hivyo, huu Mswada utaleta natija katika wakazi na wazawa ambao wanakaa karibu na misitu.

Wakati miti inahorodheshwa katika hii mambo ya *carbon credit*, mimea ambayo inalimwa na wakulima kama vile kahawa, minazi na parachichi, inafaa pia iwekwe katika kiwango cha kupewa *carbon credits*. Ikiwa hivyo, wakulima pia watafaidika kwa njia tofauti hata kama mazao haitakuwa na pesa nyingi sana.

Bw. Spika, kuna baadhi ya miti ambayo tunafaa tuiorodheshe itolewe katika kupandwa kwa sababu ina athari kubwa. Kwanza, inaleta madhara makubwa kuliko miti mingine. Miti kama mikaratusi inafaa kuondolewa kwa sababu ililetwa na wazungu kupandwa katika vinamazi kuondoa yale maji mengi ili wapate nafasi ya kulima. Tunafaa tuweke taratibu fulani ya kuondoa miti kama mikaratusi ambayo haifai kupandwa na wakulima kama tutaangalia mabadiliko ya hali ya hewa.

Katika hii misitu mahali tunapanda miti, wakulima wapewe nafasi kufanya ufugaji kama wa nyuki. Nyuki ni nzuri katika kuangalia usalama wa chakula kwa sababu wanahusika na *pollination*. Ni vizuri wakati wale wanakaa karibu na misitu, wakati *regulations* zinafanywa, waweze kupewa nafasi ya kufaidika na ufugaji wa nyuki katika ile misitu.

Nikimalizia, ninafurahia kuona vijana wakihusishwa na mambo ya *climate change*. Ukienda kwetu, vijana wengi sana wamepotea kwa sababu wanasema hawafaidiki sanasana kwa upanzi wa miti. Hata kama wamepewa nafasi kupanda miti katika hifadhi zile zinaitwa *conservancies*, pia wao wanahusishwa na kupata haki yao wakati mgao wa *carbon credit* unakuja katika nchi hii.

The Speaker (Hon. Kingi): Sen. Mumma, please proceed.

Sen. Mumma: Thank you, Mr. Speaker, Sir, for giving me an opportunity to contribute to this debate.

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We all agree that this country needs policies and regulations to assist in governing issues relating to carbon credits. Therefore, laws to deal with this issue are welcome. However, you must allow me to point out the anomalies that we have had beginning with the procedure that one day, public participation cannot be meaningful to something that is as important as this. I know we are trying to ensure that we look good to the international community next week and it is good for us to look good, but we have flouted the rule when it comes to meaningful public participation.

We have also flouted the common rule that policy precedes legislation. Sen. Chute has raised it in this House before that we do not have a national policy guiding matters relating to carbon credits. In fact, we have foreign companies and some locals who are benefitting seriously over our natural resources on matters carbon credit. Usually, we begin with the policy then you bring in the law and regulations.

Mr. Speaker, Sir, having said that, I hope that even if this law is passed, we will agree on the need to come back and regularise some of the issues. Since I have very few minutes, I suggest that we relook at some of the things. This law has largely focused on carbon credits and it has provided a lot more that will benefit the international and local communities.

This law has limited the role of county governments and communities. Even though it makes reference to communities, it is a vague reference. Any community member reading this law will not be clear what this means for them as a community. We will need to revisit this in order for us to do justice particularly for our communities.

Mr. Speaker, Sir, we need the people of Kakamega County to know whether we have people earning from Kakamega Forest, which they are working day and night to conserve; but somebody from somewhere will all of a sudden take chunks of it and start earning. That is the new style of land grabbing and we need to protect our communities.

Clause 23(a) refers to Section 6(f)(a) which does not exist in this Bill. I do not know what that is. The technical people need to look at it and see how to address that issue.

(Sen. Mumma's microphone went off).

The Speaker (Hon. Kingi): Sen. Orwoba, you may proceed.

Sen. Orwoba: Thank you, Mr. Speaker, Sir. I wish to remind the House that in 1989 when I was just three years old then, the late Wangari Maathai stood up and fought many honourable men, MPs, including H.E our former President Moi. She had found out about a 62-storey building, a skyscraper that was to be put up at Uhuru Park, yet she wanted to conserve the environment.

She stood up and fought these men. They called her crazy, mad and un African because she was opposing men. However, she knew something; she was fighting for the conservation of trees and our environment.

In 2023, today I am 37 years old. I have the opportunity to stand in the Senate and listen to probably descendants of the same men, who are now supporting that we need to do something about climate change and legislate.

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Let this be a lesson to the men and the women in this House, our leaders, that sometimes women leaders who stand up in different places, fighting for a course, might be onto something. They might be onto something that will lead to climate change, to a Bill or to an amended Bill, so many years down the lane---

Therefore, I stand to support this amendment Bill. I urge our leaders in this House to emulate the late Wangari Maathai. We do not need to legislate good behavior. They must stand up, sensitize their communities on what carbon credits means and sensitise their communities on what it means to benefit from this amended Bill. You do not need to legislate good behavior; we just need to inculcate the culture of understanding that even the women in leadership might be on to something. It is just the same way that the late Wangari Maathai was called crazy and mad, but today, we are in this House legislating on the roots of the seed that she planted.

Mr. Speaker, Sir, I stand to support this Bill. As we legislate, let us not forget that it is that crazy, mad woman called Wangari Mathaai, who got us to where we are today.

Thank you.

The Speaker (Hon. Kingi): Sen. Oketch Gicheru, you have the Floor.

Sen. Sifuna: On a point of clarification, Mr. Speaker, Sir.

The Speaker (Hon. Kingi): Sen. Sifuna, what is your point of clarification and where does it fall in our Standing Orders?

Sen. Sifuna: Mr. Speaker, Sir, I had requested a point of clarification under Standing Order No.126. I was following the last proceedings and my colleague, Sen. Cherarkey, was removed from this House under Standing Order No.126.

In my reading of Standing Order No.126, it says that a Senator removed under that Order, shall thereupon without question being put, be suspended from the service of the Senate for a minimum of 91 calendar days and a maximum of 180 calendar days, including the day of his suspension, and shall during such suspension forfeit the right of access to the precincts of Parliament and the Sergeant-at-Arms shall take necessary action to enforce the order.

The clarification I am seeking from the Chair is whether Sen. Cherarkey is rightly in the precincts of Parliament,

The Speaker (Hon. Kingi): Sen. Cherarkey did appeal and gave valid reasons. I suspended his staying away from all that period. So, he is rightfully in the House.

(Applause)

On the same breadth, maybe I was to deliver a ruling on your matter too. So, I proceed to deliver that ruling. You appealed and I look at it. It is merited and, therefore, having served one out of the three days, you can proceed to continue attending the sessions of this House.

Proceed, Sen. Oketch Gicheru.

Sen. Oketch Gicheru: Thank you, Mr. Speaker, Sir. I just want to be sure that I am turning myself here because this is a very important matter.

When it comes to matters of climate change, where we find ourselves today as a country, we need to be more scientific and also rely on data. As we review this Bill, we must look at the journey that we have travelled as a country to be part of this Bill.

I wish to comment that the sense of climate change and control of climate issues in our country, cannot be without recognising the fact that fossil fuel has been at the edge of why global warming issues have been a problem.

In 1896, a scientist called Svante put up a very compelling argument, that burning fossil fuels was the major cause of climate change in the Global South and Global North. Nobody paid attention to him until the 1930s, when other scientists joined him to argue the case for Northern United States of America (USA), as well as the Northern Pacific, for what was becoming a major problem.

Mr. Speaker, Sir, at that time, there was another British scientist in Europe, Guy Stewart Callendar. He was the first scientist to use data, science and mathematical models to argue the case for climate crisis. However, he was not taken seriously.

It was up until 1988 when James Hansen, a National Aeronautics and Space Administration (NASA) scientist, brought this issue to the United Nations (UN). He raised that global warming, due to fossil fuels, was a major issue. The UN responded by forming the first inter-panel on climate change in 1988.

I am giving this backdrop because the Paris Agreement comes from that backdrop. In 1992, we had the Rio Conference. In that Conference, many developed countries that were causing serious climate problems, including USA at that time, did not participate in making sure that our countries could be compensated. The Paris Agreement, for which this particular Bill comes from, proposes a market mechanism. It is an agreement that seeks to enable us, as countries, to develop our internal mechanisms.

While I support this Bill, I encourage its drafters to think critically about the carbon markets and we make it more practical to local communities. For instance, in Section 23(c), we are giving the Cabinet Secretary full control of a carbon market, which does not allow even the Cabinet Secretary to interact with Parliament, to ensure that we have reporting mechanisms to Parliament in accordance with Article 94 of the Constitution.

Therefore, Mr. Speaker, Sir, I rise to support. However, I wish to urge that as a nation, we must think about more practical mitigation, adaptation and resilience mechanisms that work for us in the context of ensuring that if we do not have legally binding elements by the Western nations to compensate or even participate in this market, we have our ways of dealing with climate change.

Thank you.

The Speaker (Hon. Kingi): Sen. Kinyua, proceed.

Sen. Kinyua: Asante Bw. Spika kwa kunipa fursa hii kuunga mkono Mswada huu wa mabadiliko ya tabia nchi ama hali ya hewa.

Bw. Spika, ni vizuri kulinda mazingira. Upanzi wa miti ni wa busara sana katika nchi. Kile ambacho kimekuwa kinavunja moyo ni kwamba mtaala wetu wa masomo hauzingatii zaidi mambo ya mazingira na ukulima. Nakumbuka tukiwa wanafunzi tulikuwa tunazuia mmonyo wa udongo. Lakini, kila wakati tukipewa motisha tuliambiwa tusome tuwe madaktari, wahandisi na marubani.

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Mkulima na wanaojihusisha na mambo ya upanzi wa miti na utunzaji wa mazingira, hawakuchukuliwa kuwa muhimu. Ndiposa wakati huu, nchi ambazo zimeendelea ndizo zinajua ni pesa ngapi watatoa ridhaa kwa kaboni. Hata sisi, sheria tunayoipitisha itasaidia sana.

Ukitembea Laikipia, kuna Misitu kama vile, Rumuruti, Lariak na Mukogodo. Lakini, watu walio huko hawafaidiki na misitu waliyonayo. Ukitembea Kaunti ya Kilifi, anakotoka Kiongozi wa Waliowachache, Sen. Madzayo, tuliwaona wananchi wa zile sehemu wakisema hawaoni faida yeyote ya ile mibuyu. Tayari wanaing'oa na kuiuza katika nchi za ughaibuni. Hawaoni faida yeyote. Kwa hivyo, Mswada huu ukipita, tungetaka kujua wale ambao wanakuja kutupatia ridhaa ama fidia kwa misitu. Tusije tukapata watapeli ambao watakuja na hatujui ni pesa ngapi zimelipwa. Tayari wao wameharibu mazingira yao na wakija hapa wao ndio wanatuambia watanunua kaboni kwa pesa ngapi.

Tunaishi kwa hali ya uchochole ilhali miti ni yetu na wao wameharibu mazingira yao. Kwa hivyo, ninajua tutakuwa na kongamano kubwa hapa wiki ijayo. Hayo mambo tuyaongee kiwaziwazi.

Namshukuru Rais wa Jamhuri ya Kenya, Mhe. William Ruto kwa kuongea kinagaubaga. Ameyasema peupe kimasomaso na mimi namuunga mkono. Nina imani ya kwamba mambo haya tukiyafuatilia na tukipitisha huu Mswada, watu wetu walio na misitu na shule zetu---

Vijana wametajwa lakini gatuji zetu zinatajwa katika Mswada huu kwa kupitia tu. Hakuna jambo linalosemwa kwa kindani.

Naunga mkono lakini ni vizuri sisi tufuatilie mambo ya fidia kwa kindani. Sio tu kwa makaratasi lakini kwa kusema na kutenda.

Sen. Mwaruma: Asante Bw. Spika kwa fursa hii uliyonipa kuunga mkono Mswada huu unaopelekea kubadilisha sheria ya mabadiliko ya tabia nchi wa 2016 ama Climate Change Act of 2016.

Namshukuru Waziri Soipan Tuya. Tulipokuwa na yeye Naivasha kwa mkutano wa Kamati ya Mazingira, aliahidi kueka sera na sheria za kuthibiti uuzaji wa mkopo za kaboni ama *carbon credits*. Nilifikiri ataleta sheria mpya kabisa lakini katika hekima yake aliamua kubadilisha Mswada wa tabia nchi wa 2016 kipengee cha 23 ili kuweka uthibiti wa mabadiliko ya tabia nchi kwa ile sheria.

Hakuna mtu hajaona madhara ya kuharibu mazingira au ya mabadiliko ya tabia nchi. Pale ninatoka, mahali kunaitwa Wundanyi, kuna mahali kulikuwa na mito na imekauka. Kuna mahali watu walikuwa wanachota maji kwa mifereji, lakini sababu vianzo vya maji vimekauka, saa hivi wanatumia magari ama water bowsers.

Kwa hivyo, nashukuru sana. Katika Mswada huu ningependa kuangalia Kipengele cha 12 ambacho kinapelekea kueka sera na sheria mufti za kuangalia mkopo wa kaboni ama *carbon credits*.

Kule kwetu Taita Taveta, nafikiri Kiongozi wa Waliowengi Sen. Cheruiyot alitangaza akasema kwamba mkopo wa kaboni mwingi unatoka kule maeneo ya Kasigau, Taita Taveta. Lakini, wale wananchi hawapati faida yeyote.

Nikiangalia takwimu, shamba la Tsavo East na Tsavo West, ni ekari milioni 2.7. Katika *ranches*, 1.2 milioni. Mkopo wa kaboni unalipiwa lakini hatuelewi kama wananchi ama kaunti tunafaidi namna gani.

Ninaunga mkono Mswada huu kwa sababu unapelekea kuweka peupe bayana kama tukilinda haya mazingira- kuna wengine wanayaita mazingara. Mazingara sio *environment*. Mazingara ni mbinu za uchawi.

(Laughter)

Yanaitwa mazingira. Kwa hivyo, kuna umuhimu zaidi kuliko mbeleni kuthibiti mazingira kwa sababu kuna kazawadi. *There is an incentive.*

Tukiangalia hizi ekari 400,000, kando na kuwa tunafaidi kiutalii, pia kuanzia sasa tukipitisha Mswada huu leo, tutapata faida kupitia kwa mkopo wa kaboni.

La mwisho kabisa, serikali za kaunti zimepatiwa kazi. Katika kutengeneza mipango yao ya miaka mitano ama *County Integrated Development Plan (CIDP)*, waweke pia mambo ya kuthibiti tabia nchi ama *climate change action*. Ya kwamba watapanda miti mingapi kama miradi ya miaka mitano. Katika bajeti zao, waweke mambo ya kuthibiti uharibifu wa mazingira ambao unapelekea mabadiliko---

(Sen. Mwaruma's microphone went off)

Sen. Tabitha Mutinda: Thank you, Mr. Speaker, Sir, for giving me this opportunity.

I rise to support this particular Bill. Matters of climate are very passionate to me. This is because I am one of the advocates. As a business person, I produce biodegradable bags in this country. I pride myself on the discussion on climate change because this is the way to go, not only for us but for the generations that will come after us.

I appreciate none other than Hon. Wangari Mathai for the implementation of the Green Belt Movement concerning the advocacy of planting trees. His Excellency the President, as we speak, is also a champion on climate matters. He has also advocated for tree planting in this country through our schools.

In this climate change discussion, we urge the schools visiting Parliament today, as they go back, to continue practising tree planting in their schools and homes. I note that as a country, the capital city and the Nairobi delegation, the United Nations Environmental Programme (UNEP) is situated in our beautiful city. It is a positive pride to host this Climate Summit at this particular time. It is a great honour.

I also have my Bill on agriculture in regards to extension officers. It comes at a very good time. I look forward to when this Bill will pass. It will be impactful on matters of environment and climate. This is because the extension officers will focus on ensuring that good agricultural practices are put in place both from a digital and technology in place, to ensure that we maximally achieve good agricultural practises.

I have heard colleagues mention that it is one thing to plant trees and it is another to maintain that tree to maturity. I believe through the Bill on extension officers, we are going to achieve this broadly.

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Mr. Speaker, Sir, discussions on the revenues on carbon credits have been mentioned by colleagues. Yes, I want to support and agree that it is very important that the discussion on revenues is open. Who are the beneficiaries? How much is the level of the sum of beneficiaries in our country?

The Community Social Responsibility (CSR) activities for the people living in those particular regions, what their benefit is and how are they benefiting? This discussion should be open and be brought to light so that there is maximum benefit.

I am happy that the Competency Based Curriculum (CBC) is also guiding our young generation in terms of how to do agriculture. This extends not only to the school level, but also back to our homes and our regions. These good practices, if put in place, are going to be highly impactful.

I would like to ask Members to take some time to Google me, and you will find that I have a unique product that concerns the environment, as far as biodegradability is concerned. I take pride in the products that I put in the market in this country. It is one of the products that is changing lives. I am happy to be in this particular discussion.

I thank you.

The Speaker (Hon. Kingi): Proceed, Sen. Ogolla.

Sen. Ogolla: Thank you, Mr. Speaker, Sir. As a champion of the Sustainable Development Goals (SDG) in the House, I rise to support the Climate Change (Amendment) Bill (Bill No. 42 of 2023).

The SDG 13 is about climate action. This SDG particularly calls for urgent action to combat climate change and its impact. Some of the impact of climate change are floods and drought, which are very common catastrophes that face this country.

Mr. Speaker, Sir, with floods and drought, we generally end up with poverty and hunger within our country, and of course, conflicts that we generally always deal with in the House. Urgent action on climate change is about saving lives and livelihoods. It is generally about reducing inequalities in the community. I support this Bill as it spells out clear benefits that will be accrued by our communities.

The Amendment Bill spells out the consultations that will be there with our respective counties and an aspect of good governance. This is because there is enhanced work of the climate change directorate that will be operationalised by the amendments that have been brought forward.

Mr. Speaker, Sir, as I support this amendment, I also call out on the Ministry and the Government at large, as the world moves to Convention on Climate Change (COP) 28, at the end of this year, our country and the Council should be well prepared so that we are able to negotiate for more benefits to this country.

Climate change concerns all of us. I also want to allay the fears of some Members that have contributed here that the amendment Bill also spells out ways in which the Cabinet Secretary will be giving a report to Parliament. Of course, it has only been changed from bi-annually to annually. So, there will be a reporting mechanism that the Cabinet Secretary has to bring to Parliament about issues on climate change. I support this amendment.

The Speaker (Hon. Kingi): Proceed, Sen. Kathuri.

Sen. Kathuri: Thank you, Mr. Speaker, Sir, for this opportunity to give my remarks on this important Bill. At the onset, I want to support this Bill, which is very critical.

Actually, what the Government is doing is in line with the obligations that is in in the Constitution of Kenya in Article 69 (1) (a), which says-

“The State shall -

ensure sustainable exploitation, utilisation, management and conservation of the environment and natural resources and ensure the equitable sharing of the accruing benefits.”

Mr. Speaker, Sir, carbon credit is a huge business. Kenyans should now know that growing trees should be an enterprise because many benefits are in this business. The outside world especially the Western countries have really benefited from this.

Unfortunately, in Kenya, some communities or people have just been given some money here and there. However, the amount of money they have been given is not commensurate with what they are supposed to be getting. So, these regulations, once enacted, will be able to help Kenyans who are in the business of growing trees to benefit substantially.

This Bill seeks to provide regulations on carbon markets. If we get this legal framework, definitely the communities will benefit socially, economically, and environmentally.

The counties have huge tracks of land; if they can be encouraged to utilise the bare land--- Where I come from in Meru County, we have so many hills. If you go to Japan, all the hills in Japan have been rehabilitated and trees are growing like nobody’s business.

It is actually Nairobi County that is not benefiting from this because the whole of Nairobi is full of houses. My colleague, Sen. Sifuna, your people cannot benefit from this business. However, if you talk to us who have a lot of land and we get good governors who can be able to commit and to work with other people, I will be able to assist Sen. Sifuna in Meru because we have many fields, which are bare and need many trees.

Mr. Speaker, Sir, I want to agree with all those who have spoken. I also want to thank His Excellency the President for taking the lead on environmental matters.

In 2016, I participated in the enactment of the Climate Change Act which was Hon. (Dr.) Otichilo’s Bill, who is currently the Governor of Vihiga County. We did a lot to enact that Bill. We really went into the depth of that legislation.

Kenya was actually one of the first countries in Africa and almost the 10th in the world to enact the Climate Change Act. I know that we are amending this Act and the President is actually the Chairman of the National Climate Change Council. He is also the person who is spearheading the environmental matters.

I also take this opportunity to welcome the delegates who will be coming to Kenya next week. Kenya is very hospitable. When they come to the conference and as much as possible, they should visit our national parks, the Nairobi National Park, Maasai Mara, Meru National Park, which is one of the ecosystems and the Coast, so that they can see the diversity.

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(Sen. Kathuri's microphone went off)

The Speaker (Hon. Kingi): Proceed, Sen. Osotsi.

Sen. Osotsi: Thank you, Mr. Speaker, Sir, for the opportunity to also weigh in on this very important Bill. At the onset, I want to say that I support this Bill because it is long overdue.

Matters of carbon trading are very weighty and Africa and Kenya have not been in a better position to take advantage of carbon trading because of lack of an appropriate policy and legal framework. So, the amendments proposed in this Bill will actually open the channel for Kenya to maximize its carbon credit potential by ensuring that we create the appropriate path for carbon trading and have appropriate mechanisms for regulation of carbon markets. It will also provide an opportunity to have the national climate change action plan and most importantly how communities participate in carbon markets.

Carbon credit trading is very crucial especially in our counties. I echo the sentiments by Sen. Mumma that this Bill talks very little about how counties can be involved in this process. We do not want counties to be lumped together with the community initiatives.

As a Senate, every Bill that is presented to us must be looked at and establish the interest of the counties in the Bill. That is very important. I represent a county that is top five in forest cover. If you look at the top 10 counties in forest cover, they have one significant characteristic, they get the lowest sharable revenue.

Mr. Speaker, Sir, we have counties like Lamu which has 44 percent forest cover, Vihiga has 36 percent, Kirinyaga at 30 percent, Elgeyo Marakwet at 30 percent and Bomet at 24 percent. They have similar characteristics. This Bill should provide mechanisms for counties to benefit through own-source revenue from carbon trading. I look forward to amendments in order to ensure that our counties benefit from this carbon markets and trading.

Mr. Speaker, Sir, this Bill also talks about establishment of the national carbon registry where all data and documents in relation to carbon trading will be stored. This is critical because one of the things that have been lacking is awareness and information dissemination on how carbon trading is going to be done in this country.

Even as we talk about that let us also talk about our policies which promote climate change. I was impressed when the national Government announced they were going to plant 15 billion trees. That was progressive. Again, that policy was de---

(Sen. Osotsis microphone went off)

The Speaker (Hon. Kingi): Proceed, Sen. (Dr.) Khalwale.

Sen. (Dr.) Khalwale: Thank you, Mr. Speaker, Sir. I missed the House. I was away for one week when the President visited my county. I followed you online and I congratulate you for the good work. I extend my congratulations to the Governor of Vihiga County, His Excellency Hon. (Dr.) Ottichilo for his forwardness in legislation when he came up with this Bill. We joined the National Assembly as the Senate and agreed with them.

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[The Speaker (Hon. Kingi) left the Chair]

[The Deputy Speaker (Sen. Kathuri) in the Chair]

Sen. (Dr.) Khalwale: The amendments that have been proposed as Sen. Wambua has said are long overdue. My take is as follows: I remember many years ago when I was in Malinya Primary school. We were taught basic science. We were told human beings breathe out carbon dioxide and the trees breath out oxygen. Human beings take in oxygen and the trees take in the carbon dioxide.

At that time, we used to play around with it. However, Mr. Muliolo the then headmaster at the primary school would go further and say “let nobody play around with Kakamega Forest”. Those were many years ago. Today it has become evident that the world is a global bio-digester. If we do not fix that bio-digester, it means we shall live in shit, breathe shit and eat shit, which is exactly what this Bill is proposing.

However, because of the shortage of time, I would like to appeal in support of this Bill to African countries. Communities which have taken up the lead in this matter should enjoy the carbon credit. If you move from Kakamega, Nandi, Vihiga and Kericho counties, the amount of good these people have done in this country by protecting forests should be recorded in history.

For reasons of time, let me do a small rebuttal. There was an unfortunate contribution from a distinguished Senator a few minutes ago. I did not want to waste time on points of order. I register a strong rebuttal that Prof. Wangari Muta Maathai was not mad. The professor was the Chairperson of the Department of Human Anatomy at the University of Nairobi. We do not know whether some of the people who were making this contribution went to University of Chepkube---

(Laughter)

The Deputy Speaker (Sen. Kathuri): Sen. (Dr.) Khalwale I was around and the honorable Senator said that many people confused the Professor Wangari Maathai as a mad woman. Confused!

(Loud Consultations)

(Sen. Cherarkey spoke off record)

Sen. Cherarkey: It is in the HANSARD.

The Deputy Speaker (Sen. Kathuri): Now that the Member is not here, I request that you check in the HANSARD because the presiding officer is also not agreeing with you.

Sen. (Dr.) Khalwale: Mr. Deputy Speaker, Sir, I have no problem.

The Deputy Speaker (Sen. Kathuri): I request that we check in the HANSARD whether that is what she said. Unless she is here to give clarification.

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(Several Members spoke off record)

The Deputy Speaker (Sen. Kathuri): Sen. (Dr.) Khalwale I give you 30 seconds.

Sen. (Dr.) Khalwale: Thank you, Mr. Deputy Speaker. African heads of state will come to this country to seek common rules to tap into the carbon market. The reason why this is taking place is because we want to develop a common set of rules to govern the benefits that African people will get from the international fast-growing carbon market.

It is very refreshing to know that there is such human traffic coming into this country and it is the trend everywhere. I was in Mombasa City County five days ago and I was amazed that all the hotels right from the Serena White Sands have been pre-booked up to February. Our economy is on the rebound.

When I arrived at the airport there were two airbuses; Lufthansa and Ethiopian airlines. There were four Boeing 777, which were on the ground at Mombasa International Airport. Our country is on the rebound. Members of this Senate should be at the front advocating for positive change to the image of the conglomerate known as the Republic of Kenya.

I support.

The Deputy Speaker (Sen. Kathuri): Thank you, Sen. (Dr.) Khalwale. Proceed Sen. Beth Syengo.

Sen. Beth Syengo: Thank you, Mr. Deputy Speaker, Sir. I stand to support this Climate Change (Amendment) Bill. This Bill is giving us a chance to combat desertification and land degradation. We know the effects of climate change such as extreme droughts. As Africans and Kenyans, we are the recipients of what started happening elsewhere. That is why carbon credit has not been of much benefit to Africans and specifically Kenyans.

We know that the carbon credit market benefits others who are still the cause of the problem while Kenyans have not been benefitting. This is because those who are fighting climate change became billionaires because of what is happening in the carbon market yet our people are not benefitting.

Mr. Deputy Speaker, Sir, this Bill is giving us a chance to also advocate for use of green energy which is a solution to some of the problems created by climate change. Involvement of the youth, which is also included in this Bill, gives us hope that our youth will be responsible in handling and taking care of our environment.

At this point, for the first time and maybe the only time, let me take this opportunity to thank the President of the Republic of Kenya for leading from the front on the matters of climate change. This is encouraging. I hope all of us will follow suit and ensure that we mitigate on the effects of climate change, participate in using green energy, planting trees and really tackling the effects of climate change.

Mr. Deputy Speaker, sir, I support this Bill. I want to urge my colleagues that when it is matters concerning this nation, we speak in one voice and move forward together.

Mr. Deputy Speaker, Sir, I support.

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The Deputy Speaker (Sen. Kathuri): Actually, if Sen. Beth Syengo had requested for more time, I would have added her one minute. However, since she has finished let us hear from Sen. Wakili Sigei.

Sen. Wakili Sigei: I thank you, Mr. Deputy Speaker, Sir. I also rise to support the amendment to the Climate Change (Amendment) Bill. It is timely. We have had this conversation for a while now. When we are asked to deal with matters of national importance like what we are doing now, it is important to speak in one voice the way Sen. Beth Syengo has said.

In terms of the provisions of this particular Bill, I dare say, the devil is in the details. There is so much that we ought to deal with and discuss in this particular amendment Bill. However, because of time, I know we will be very limited. We will brush through a number of those provisions which in terms of the finesse of the details and also the provisions, it would have been very important that we deal with it. Five minutes is not sufficient to deal with this. I am aware I am losing much of my time in this case.

Let me go straight to the proposals which I think are very key and important and I also must support. The provisions of Clause 4 that is seeking to amend Section 6 of the principal Act, the introduction of the national and county governments, the public and the relevant stakeholders; in terms of policy making and involvement is very key. This provision is forward looking because when you look at the previous provision, this was missing. This is an improvement in the provisions of the law.

Mr. Deputy Speaker, the provision of Section 7, which is being amended by Clause 5 and more importantly, inclusion of the youth, is a vote of confidence in the role that the young generation plays. Statistics provide that 75 per cent of the population of this country comprise people under the age of 35. This is a confirmation that the President and his team applauds the role that the youth play. In this case, it is important that when we are told to grow trees, a large percentage of the people who are involved in that assignment are the generation that is below the age bracket and their inclusion in this particular amendment is long overdue and key. I support to that particular extent.

The introduction of the requirement to have the Cabinet Secretary report to Parliament biannually; that is by the provision of Clause 6 seeking to amend Section 8 in this case is the only amendment that I would have wished that we retained the previous provision that required the Cabinet Secretary to report twice a year to Parliament. Report in terms of the policy, status of implementation of proposals made, additional responses that may be required of our country to deal with matters climate change and also progress of implementation of both national and international mandates, the Government is giving. This amendment is reducing that reporting mechanism to once per year instead of twice per year.

Mr. Deputy Speaker, Sir, I believe there must have been a reason behind which I would say, if opportunity will be availed, we would rather retain the provision of the Act as it were for purposes of achieving the mandate that we expect.

(Sen. Wakili Sigei's microphone went off)

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The Deputy Speaker (Sen. Kathuri): Sen. Kavindu Muthama, you may have the Floor.

Sen. Kavindu Muthama: Thank you, Mr. Deputy Speaker, Sir for this opportunity to support this amendment of the Climate Change (Amendment) Bill. This is a very timely Bill because many of our people in our counties have ----

(Loud consultations)

Mr. Deputy Speaker, Sir, can I be heard in silence? There is a lot of noise from that side.

The Deputy Speaker (Sen. Kathuri): Order, Hon. Senators.

Sen. Kavindu Muthama: Thank you, Mr. Deputy Speaker, Sir.

The Deputy Speaker (Sen. Kathuri): Sen. Kavindu Muthama, it is not noise. They are consulting, but they should consult in low tones. Hon. Senators do not make noise.

Sen. Kavindu Muthama: Thank you. This is a very timely amendment to the Climate Change Bill because where we are heading as a global world is not a very good place.

Therefore, as I rise to support it, I want to raise some issues from my county where we have many farmers who have planted a lot of coffee, oranges and mangoes. I believe that these trees also produce a lot of carbon. That is why we should fully involve the counties to supervise what their farmers are doing in their farms and make sure that they benefit from the carbon credit. As they benefit from harvesting the coffee, mangoes and oranges, they should also benefit from carbon credit.

Mr. Deputy Speaker, Sir, many organisations are benefiting from carbon credit marketing in Kenya while Kenyans are not. This is a very timely Bill because it will put up the structures for these people to trade officially and for our locals to benefit.

Climate change should be included as one of the key variables in computing the sharable revenue for counties to encourage them to participate effectively in climate change. I would also request, like the rest of us, that the youth be fully involved in planting of the trees.

Counties must benefit from this carbon credit market from their forest. They will earn own-source revenue to support our people.

Mr. Deputy Speaker, Sir, I support.

The Deputy Speaker (Sen. Kathuri): Sen. Kisang', proceed.

Sen. Kisang': Thank you, Mr. Deputy Speaker, Sir. We welcome the rest of Africa and the world to Nairobi City next week. It would be absurd to welcome them without passing this Bill.

You remember it is Hon. Otichilo who came up with the law in 2016. We debated it; it came to the Senate and was passed. Just like technology, climate is dynamic. So, we should be amending the law every year or even every six months. Some colleagues have said that the time was very short; there was no public participation and we have not considered well how counties will benefit.

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I wish to report to the Hon. Senators that the law is very clear. Within six months, we can come back to the House, amend the same law and ensure counties benefit adequately from carbon credit.

Elgeyo-Marakwet County, as Sen. Osotsi has said, like other small counties, we have actually conserved the forest. All of them are above 30 per cent. We need to find a way where these counties will benefit from increasing their own-source revenue. This includes your own Meru County, whose forest cover is above 30 per cent. You should be getting maybe Kshs2 billion to Kshs4 billion from carbon credit.

In Elgeyo-Marakwet County we do not even know the beneficiaries of carbon credit from the 30 per cent forest cover that we have. I do not know what happened. A few years ago, we were at around 38 per cent. I do not know what could have happened to reduce that percentage from 38 to around 30 per cent. However, we are doing a lot of engagement especially in schools, to ensure that we plant more trees. We want to reach the 15 billion mark that our dear President has told us. We need to increase the forest cover, so that we make more money.

Mr. Deputy Speaker Sir, the Rift Valley lakes – Lake Naivasha, Lake Nakuru and Lake Baringo – have increased in size because of global warming. People have suffered and this is the reality. We need to be serious, focus and conserve our forests by planting trees along the escarpments.

For instance, in Elgeyo-Marakwet Escarpment, we need to encourage our people to stop planting maize or finger millet and plant trees. In the past, they did not know that they could make money from the forest. Now, it is a reality. The regulations that have been put in this Bill are very important, so that our people benefit from the conservation they are doing.

Mr. Deputy Speaker, Sir, I do not want to take much time. I know that many Members are on the queue ready to contribute. We have been called back from home to ensure that we pass this Bill. If we do this, next week, we can stand tall in Kenyatta International Convention Centre (KICC) as one of the few countries which have implemented and assented the Bill into law.

The Deputy Speaker (Sen. Kathuri): Sen. Shakila Abdalla, you may proceed.

Sen. Shakila Abdalla: Thank you, Mr. Deputy Speaker, Sir for giving me this opportunity to contribute to this Bill. This Bill is crucial and important.

We are aware that climate change is real. This is the long-term shift of temperatures, where an increase in rainfall leads to floods and a decrease somehow leads to droughts. We know the causes of this climate change. It is because of cutting trees and over construction, which has become the real thing now. All trees are going down and we are putting up big buildings. We also have forest fires. All these are causes of the climate change.

The most crucial thing here is that as we pass this Bill wanting to change our environment and improve climate change, we need to also avoid projects that contribute to the destruction of our environment. For example, a coal project was coming to Lamu County. If we had not gone to court and done *maandamano*, which is our constitutional right, today, we would be suffering from carbon and all these projects that destroy the environment.

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Therefore, as much as we pass this Bill, the Government also needs to be aware and reduce, and avoid all projects that destroy our environment. Climate change is real and the people of Kenya need to be educated on the importance of maintaining our environment.

In Europe, you are fined for littering the road. Those people manage and take care of their environment. However, you realise that in our country, people do not care and they litter all over. That is one way that contributes to these droughts and all sorts of diseases.

Therefore, we need to take this opportunity. In as much as we pass this Bill, they will be good in books if we do not educate our people on the importance of maintaining our environment and the climate change issues. They need to realise that climate change is real and we need to take care of our environment.

With those few remarks, I support the Bill. I hope it will also help this country to change the way we look at climate change and take care of our environment.

Thank you, Mr. Deputy Speaker, Sir.

The Deputy Speaker (Sen. Kathuri): Proceed, Sen. Mariam Omar.

Sen. Mariam Omar: Thank you, Mr. Deputy Speaker, Sir, for giving me this opportunity. Climate change is a global crisis. We thank and congratulate our President, Dr. William Ruto, for being at the frontline in this initiative.

Climate change is a collective responsibility for all sectors of the Government. That is why our President is at the frontline for this initiative. It is a collective responsibility for all Government sectors, just like education. During drought, the education and health sectors are also affected. During floods, there are waterborne diseases. The flooding season also affects the transport system, thus impacting the Ministry of Roads and Transport. The agriculture sector is also affected. Additionally, these days there is what we call carbon trading, which is also under the trade sector.

The Bill has come at the right time for our country to benefit from this business called carbon market. The benefit of this Bill, including its specific objective, is to legislate on carbon rights, carbon markets and trading, qualification of investors in the carbon business, project requirements and inclusive environmental and essential impact assessment. This will enable us to have the high-quality trading of emission reduction.

The benefit of this Bill is that it will support our country in complying with the Paris Agreement and help with investments in carbon projects. It adds a revenue stream for sustainable development. It will also help in global training in the interest of forest carbon assets.

Mr. Deputy Speaker, Sir, I support this Bill. It has come at the right time when Kenya is having the Climate Change Summit.

I congratulate our President, Dr. William Ruto, for taking this initiative and being on the frontline of climate change and for planting 15 billion trees.

He urges people to plant trees. I also request him to eradicate some ---

(Sen. Mariam Omar's microphone went off)

The Deputy Speaker (Sen. Kathuri): Proceed, Sen. Dullo.

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Sen. Dullo: Mr. Deputy Speaker, Sir, I wish to join my colleagues in support of this Bill which is long overdue. This is because the issues of carbon credit are affecting many parts of this country without proper legislation in place. I wish to thank the President and the Government for this particular initiative.

For example, in my county, there is an organization called Northern Rangelands Trust (NRT) in Isiolo County. Meru County is also manned by that particular organization. Unfortunately, this organization is giving bursaries to students. The majority of our people do not know where that money comes from or how much is given to them as far as carbon credit is concerned. Once these legislations come into place, we can regulate what is happening as far as that market is concerned.

Mr. Deputy Speaker, Sir, as my colleagues have said, most of these activities are happening on the ground. However, in the current amendment, counties are not involved. I know very well that as far as mineral issues are concerned, counties are left out, yet it is where most of the activities take place.

I wish the Government would also look at the possibility of involving counties in the carbon credit business. It is unfortunate that this Bill is very urgent and we had to pass it today. However, we must look for an opportunity where we can amend and bring on board county governments.

Finally, the aspect of enforcement is also very important. Once those who were involved violate the rights of the citizens, they can be taken to court or members of the public can enforce their rights.

Northern Kenya is mostly affected by the droughts. I appeal to the Government to put more focus on Northern Kenya as far as tree planting is concerned. This is because this will help many of our people.

When we were young, we were forced to plant trees in schools. If we start from there, we will take care of our environment properly, so that the young ones who come up will know the importance of tree planting.

I support.

The Deputy Speaker (Sen. Kathuri): What is your point of order, Sen. Kinyua?

Sen. Kinyua: Bw. Naibu Spika, tumeketi na Mwenyekiti wa Kamati ya Elimu. Ni desturi yetu wanafunzi wanapokuja hapa, ili kuwapa motisha, tunawataja kwa majina. Najua shughuli ya leo ni ya dharura, lakini ni vizuri kuwataja kwa majina ndiposa tuwape motisha.

Bw. Naibu Spika, naskia watu wengi wakisema mambo ni magumu. Lakini, tuwape motisha viongozi wa kesho.

The Deputy Speaker (Sen. Kathuri): Sen. Kinyua unajuwa *Chair* wa hapa lazima apewe Taarifa ya kusoma. Kwa hivyo, haijafika kwangu. Sikuwa najuwa kuna wanafunzi hapa. Ikiwa kuna wanafunzi, tunawakaribisha sana katika Seneti ya Kenya.

Let us have Sen. Abass.

Sen. Abass: Thank you, Mr. Deputy Speaker, Sir. I join my colleagues to support the Amendment Bill. As you are aware, climate change is with us and is a reality. It has impacted adversely on the pastoralists and the Northern part of this country.

Therefore, these days, there is frequent drought and unreliable rainfall patterns as a result of climate change. The Bill is only talking about paying carbon credit to those

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who have trees. Those of us who have no trees should be paid money for carbon credit, so that ---

The Deputy Speaker (Sen. Kathuri): A minute, Sen. Abass. What is your point of order, Sen. Thang'wa?

Sen. Thang'wa: Thank you very much, Mr. Speaker, Sir. It was not my wish to interrupt the hon. Senator when he is contributing. However, I am a little bit concerned and would like to have your clarification.

For transparency purposes, we require a projection of what you are looking at on our screens. I remember that I came here very early. I have been pressing my button. It has been on since. I see some Senators walk in and then they are given an opportunity. I ask myself, as a Senator of Kiambu County, am I not allowed to contribute to this important matter?

We want the projection of what you are looking at, so that everybody knows who is coming next. Otherwise, I have realized there is a pattern.

If you ask me, I can bring that pattern of who starts, who goes next, and who goes last.

The Deputy Speaker (Sen. Kathuri): Sen. Thang'wa, you are number nine on my screen. Remember, you approached me and said that there was a time you were removed from the system.

Sen. Thang'wa: Yes. When they invited you to speak as Sen. Kathuri, they pressed my button.

The Deputy Speaker (Sen. Kathuri): Sen. Thang'wa, have your seat. You approached the Chair that you were removed from the system when another Member was given the opportunity to speak.

Sen. Abass: Mr. Deputy Speaker, Sir, let me continue because of time.

(Laughter)

The Deputy Speaker (Sen. Kathuri): Just a minute.

Sen. Thang'wa, I was trying to find out how to manage you, but you are bursting the bubble. So, hold your horses. You will get a chance to speak.

The Deputy Speaker (Sen. Kathuri): Sen. Abass, proceed and conclude.

Sen. Abass: Let me conclude my three minutes.

Sen. Veronica Maina: On a point of order, Mr. Deputy Speaker, Sir.

The Deputy Speaker (Sen. Kathuri): Sen. Abass wants to give some very key issues affecting his region.

Sen. Abass: Yes, very important issues.

The Deputy Speaker (Sen. Kathuri): Conclude, Sen. Abass.

Sen. Abass: Mr. Deputy Speaker, Sir, as I said, climate change has impacted the pastoral areas, especially the dry lands. Carbon credit should not only be paid to those people who have trees, but also to those without them, so that they can plant trees. Pastoralists have also been affected. Therefore, the money that is going to be accrued should be paid to the pastoralists.

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Finally, the Bill is saying that the communities are unable to comprehend what carbon credit entails.

The Deputy Speaker (Sen. Kathuri): What is your point of order, Sen. Veronica Maina?

Sen. Veronica Maina: Mr. Deputy Speaker, Sir, we are having a challenge with the system. I have pressed on this system several times, but it is not showing on that display. I have reported it to the Clerks-at-the-Table, but it is still not showing. It needs to be rectified, otherwise, some Senators might not speak on this important matter.

The Deputy Speaker (Sen. Kathuri): We have noted that there is a problem from where you are, up to the door because most of the Senators' names cannot be seen on the screen. That should be rectified, and I hope the relevant office is now aware that some Members are getting injustice.

One minute for Sen. Abbas.

Sen. Abbas: Mr. Deputy Speaker, Sir, they have taken most of my time. I request for three minutes.

The carbon credits payment should be done also for dryland areas, so that they are able to plant more trees. Secondly, the greening of schools should be enhanced for our children to get the idea of having trees in every place at a young age. Thirdly, this Bill says that communities should be involved, but it does not indicate which part should be involved or what the role of the community will be.

Mr. Deputy Speaker, Sir, it is time we empowered counties, so that they receive money and empower communities to plant trees and get the carbon credits money. As it is now, it only benefits a few large ranchers and some forested areas. Therefore, this requires transparency and accountability in the money being given to those large farms.

I beg to support the Bill.

Thank you, Mr. Deputy Speaker, Sir.

The Deputy Speaker (Sen. Kathuri): Sen. Sifuna.

Sen. Sifuna: Thank you, Mr. Deputy Speaker, Sir. I would rather discuss the broader issues about the equitable contribution of the African Continent to this question of climate change. I believe African states are getting the short end of climate action because statistics show that we only contribute about 4 per cent of global emissions, and yet, we are the ones suffering the brunt of climate change.

We have just come out of the longest drought in 40 years in Kenya. Although we would want to have this conversation about equitable global financing, we are stuck here with a minor factor of climate change on the question of carbon trading.

Mr. Deputy Speaker, Sir, allow me dissuade you from the notion you made while contributing as the Senator for the great county of Meru. Even we in the cities can benefit from carbon trading. The definition of carbon credits is not about mechanisms that pull out carbon from the air, but it is also about preventive measures to prevent that carbon from getting in the air.

Nairobi carries a large number of industries in this country. Some numbers put it at 60 per cent. If we can be incentivized such that those companies that operate within Nairobi can then look for measures to prevent more carbon being spilt in the air, through sequestration and other technologies, then the people of Nairobi can benefit.

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Mr. Deputy Speaker, Sir, allow me to speak to the positives in the Act because there are many negatives that we will talk about in the greater context that I have given. A look at 23D requires that there shall be an environment impact assessment for every carbon trading project. We understand greenery is a major way of removing carbon from the air, but it is not every plant or crop you put up is going to result to positives.

We have heard Sen. Kinyua talk about the negative effects of planting eucalyptus trees. We have heard complaints about plants like the *mathenge* plant in sections of Rift Valley and, therefore, an environmental impact analysis would guide us in the best way to undertake some of these projects.

Mr. Deputy Speaker, Sir, on Section 23E, there will be required a community development agreement. I have heard some of my colleagues speak to what the role of the county governments is going to be. Under this Section, the county governments are given the responsibility of ensuring that they oversee and monitor the negotiations of those community development agreements with the project proponents, which will ensure that the interest of local populations are taken into account.

Under 23E (5), there is a provision there that in every agreement for such projects, 40 per cent of the aggregate earnings shall be reserved for the communities. Those who are asking where the communities are going to benefit from should see that the Bill has provided for that.

Mr. Deputy Speaker, Sir, lastly, it is also the responsibility of county governments and the national Government to enforce community rights negotiated under those community development agreements under Section 23E. This is so that the county governments have a great role to play and the communities have a lot to benefit if these projects are undertaken in the right manner.

I would like better clarity on how we access these markets, especially for private individuals because the Bill only talks about private and public entities. We would also like even individuals who undertake these projects to have access to---

(Sen. Sifuna's microphone went off)

The Deputy Speaker (Sen. Kathuri): Sen. Tobiko.

Sen. Tobiko: Mr. Deputy Speaker, Sir, I rise to support the enactment of this Bill. We cannot over-emphasize the importance of a Bill that redeems our situation in terms of climate because we have suffered harsh climatic conditions and changes that have become so irregular and unpredictable.

I see the emphasis in this Bill is on carbon credits and monetization of tree planting and forest conversation. Even as we do that, it is important that we have our forests and clean environment. It is also good if we are having economic value out of it. However, it must not be the overriding factor. We must still have our environment, whether we are having money from somewhere or not. We owe it to ourselves and to the generations to come. We must keep our environment sustainable.

Mr. Deputy Speaker, Sir, we have seen the harshest part of climate change in pastoralists counties or those that have faced prolonged droughts. We were in Uasin Gishu County the other day and I had a chance to compare Kajiado and other counties.

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Those people live in more like the Garden of Eden, whereas we live in environments that are terribly harsh, but we try.

I bought some land in Kajiado and it had nothing, including trees. I have been trying to plant trees hoping that one day I will have birds. Today, I am happy that the birds woke me up in the morning. I was hoping to see butterflies that we used to see when we were very young and I can now see some in the area.

Mr. Deputy Speaker, Sir, we can redeem our environment if we put the effort. When we were in primary schools, we used to have the 4K Clubs that taught us about agriculture, environment and all that. We should go back to that.

Before we talk of what we will plant now, let us talk about conserving what we have. I still see a lot of charcoal burning in places like Kajiado County. We should not have any charcoal burning right now because we are creating a desert.

Mr. Deputy Speaker, Sir, every time I meet a *boda boda* carrying 10 sacks of charcoal, it hurts me so much. There must be a way for us to address and conserve, particularly the indigenous trees because they take so many years to grow.

The Deputy Speaker (Sen. Kathuri): Sen. Munyi Mundigi, please proceed.

Sen. Munyi Mundigi: Asante Bw. Naibu wa Spika kwa kunipa fursa niweze kuchangia mambo ya mazingira na upandaji wa miti. Yangu ni kusema asante kwa sababu tuko na Serikali ambayo Rais anajali mambo ya mazingira. Zamani, wakati hakukuwa kunakatwa miti na uchomaji mwingi wa makaa, mvua ilikuwa inayesha kwa kipindi cha miezi mitatu na watu wanapata chakula na maji. Mito mingi ilikuwa na mchanga na hakukuwa na shida.

Naunga mkono na naomba Serikali iweze kuwa na upendo wa watu. Kuna mambo inafaa ihitimishwe. Kama ni mambo ya maji kwa kila kaunti; *borehole*, *water pans* na *dams*, tukipanda hiyo miti kama hakuna hivyo vitu vyote, itakuwa kazi bure.

Kama Kaunti ya Embu, tunaunga mkono kwa sababu tunajua miti itatusaidia na mambo yatakuwa mazuri. Kule vijijini, kuna vikundi vya vijana ambao wako na miti mingi sana na wanalia. Serikali nayo inasema kuwa haina mbegu. Ninaomba Serikali isaidie vile vikundi vya vijana wa vijijini waweze kununua hiyo miti, wapande na wawe na mazuri. Tukifanya hiyo kazi yote, tutapata mvua na mambo mengi yatafanyika.

Ninaomba Serikali iweke maanani mambo ya magari yanayotoa moshi nyingi sana ndiyo yaweze kufanywa *investigations* na tukae vizuri.

Nikimalizia, ninaunga mkono. Tunaendelea kusemezana mambo ya walio Wengi na walio Wachache. Naomba tusione walio Wachache wakipeana masufuria, itakuwa ni aibu. Katibu Mkuu, ninaomba mawe isiwe kwa mifuko kwa sababu tunajua wageni ni baraka. Tutembe pamoja. Walio Wachache, siku hiyo, mkikuja na mawe, mtakuta mbwa kali pale nje.

The Deputy Speaker (Sen. Kathuri): Sen. Kibwana, please, proceed.

Sen. Kibwana: Mr. Deputy Speaker, Sir, I thought we were through with the *sufurias* and *mawe* discussions and are now on climate change.

I stand to support the Climate Change (Amendment) Bill. We should be the champion having had our sister and mother, Prof. Wangari Maathai set the pace. Parliamentarians require capacity building on this one. I urge the Government to unlock

some bureaucracy, so that at least we can get the funding and some of us can be trained on climate change.

The carbon credits have been discussed at length. We need to benefit from that. The West are benefitting from our own countries with the carbon credits, so why would we not do that? In exchange of barter trade, we should get many other benefits. They should improve our roads, the infrastructure and many other projects out of carbon credits.

Mr. Deputy Speaker, Sir, I strongly feel that we should also discuss about the restoration and conservation of lands, wetlands restorations and policies. In fact, regarding the land restoration, we are talking about the climate change, but how do we restore the land?

I just came from Germany and went through some training on land restoration. I thought it is one of a kind and it would not be just about planting trees and avocados, but then, there are many other ways of restoring land. Also, we need initiatives to discuss the policies of afforestation and reforestation. We need to improve on our biodiversity and prevent soil erosion. There are many issues, hence why I am looking forward to this summit.

The Climate Change (Amendment) Bill has come timely and I support.

The Deputy Speaker (Sen. Kathuri): Sen. Veronica Maina, please proceed.

Sen. Veronica Maina: Thank you, Mr. Deputy Speaker, Sir, for this opportunity to contribute to this important amendment, The Climate Change (Amendment) Bill (National Assembly Bills No.42 of 2023).

First, let me take this opportunity on behalf of the Senate and everyone else in Parliament to welcome all the delegates who will be coming to Nairobi City County to attend this very important conference.

We are not expecting an ordinary engagement. This is about livelihoods that have been challenged in Africa by the devastating effects of the climate change. We are hoping that this is one conference that is going to go beyond the paperwork and discussions in boardrooms and bring change to Africa in terms of carbon markets and carbon credits.

The Bill itself offers practical legal framework and pathway to carbonisation. It also offers a road map towards reduction of the flow of the heat trap in greenhouses and gases that are being emitted into the atmosphere.

We believe that this framework that is being offered here creates an environment that goes towards involving everybody and giving a roadmap for involvement of the citizens towards how they can reduce emissions from sources like power plants, factories, cars and others, that have caused quite a bit of a risk when it comes to the emission of carbon dioxide to the atmosphere.

The adaptation by everyone will be important and needed, coupled by a change of lifestyle. For instance, the horror of food insecurity is unfortunately connected to these emissions. It will need to be seriously mitigated by taking certain steps, which sometimes could be very easy to take.

For instance, if people could walk or do more things that will allow us to use sources of energy in spite of the fossil-based sources of energy, then we would be saving

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the carbon dioxide that is being emitted into the environment. That has challenged ecosystems and irreversibly affected fresh water and coastal ecosystems.

Mr. Deputy Speaker, Sir, I hope that the Ministry of Education is listening to this debate today. As we await to engage in the climate change conference that is coming next week, we hope that the schools would take a moment to teach the students something about the carbon credits, take them through Section 2 of the Climate Change (Amendment) Bill that gives exhaustive description of what carbon budget, carbon credits, carbon market and carbon projects are.

Since I know that we have delegates coming from countries that have high emissions carbon dioxide into the atmosphere, I hope that they will take up projects before the end of next week. That way, we can have realistic gains and engagements with countries that have done the most emissions into the environment, while Africa has been the one paying the cost of these emissions.

Next week, we are looking forward to an engagement that leads to realisable practical solutions towards reduction of carbon dioxide in the atmosphere.

The Deputy Speaker (Sen. Kathuri): Sen Thang'wa, you have the Floor.

Sen. Thang'wa: Thank you very much, Mr. Deputy Speaker, Sir, for giving me this opportunity to support the amendment of this Bill on climate change.

I have heard a majority from the minority side saying that this Bill could have come earlier. However, whatever is being discussed in this Bill requires somebody who can understand, contextualize, and comprehend. That is none other than the President of the Republic of Kenya, Dr. William Ruto. That is why this Bill has come now. This is the right time.

As Sen. Abass said that not so many people understand carbon credits. I just want to inform you that carbon credits are the market-based approach to incentivize and promote the reduction of greenhouse gas emissions.

Somebody would ask, what are these greenhouse emissions we are talking about? When some gases are released into the earth's atmosphere, they go up there and trap the heat. When they trap the heat, we get the greenhouse effect.

When you get into a greenhouse, the warmth or the heat you feel is the same thing that happens when the gases go into the atmosphere. That is where the 'global warming' term comes in.

Some of these gases are carbon dioxide, methane, and others. For us to reduce that warming, we need to act on carbon dioxide. We breathe in oxygen and breathe out carbon dioxide. The trees do the opposite; they take in carbon dioxide. So, if we plant these trees, as the President has directed, we are going to earn carbon credits.

What do we do with the carbon credit? It is just like *bonga points*. Once you remove carbon dioxide from the atmosphere, you earn some carbon credit. What do you do with them? Some countries that are polluting the atmosphere, like China, the USA, and others can now buy carbon credits from those countries that have helped in the reduction of those gases. This will attract investment in this country and will attract funding.

I would want to urge this House as we pass this law to give incentives to those people who have trees on their farms. When paying for land rates, you should not pay the

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same amount as a person who has 100 or 20 trees. There should be an incentive to attract people to plant and take care of the trees, because they will know that when they are paying their land rates, they will have an incentive. Perhaps half of your taxes will go back to them because of planting trees.

The issue of global warming cannot be gainsaid. That is why I am happy because, for the first time, this country will be hosting a summit on climate change---

(Sen. Thangwa's microphone was switched off)

(Interruption of debate on the Motion)

The Deputy Speaker (Sen. Kathuri): Hon. Senators, for the convenience of the House and to clear the business that we have this morning, the Senate Standing Orders give me powers to reorganise the sitting time.

So, I want to invoke Standing Order 34(2)(a), to extend this morning session for a further 15 minutes. So, the morning session will be concluding at 1.15 p.m.

Now, I request the Chairperson of the Senate Standing Committee on Environment to table the Report of this Bill that we are discussing.

PAPERS LAID

REPORT ON THE CLIMATE CHANGE (AMENDMENT) BILL (NATIONAL ASSEMBLY BILLS NO.42 OF 2023).

Sen. Methu: Thank you very much, Mr. Deputy Speaker, Sir.
I beg to lay the following Paper on the Table of the Senate, today, 31st August, 2023:-

Report of the Standing Committee on Land, Environment and Natural Resources on the Climate Change (Amendment) Bill (National Assembly Bill No.42 of 2023).

(Sen. Methu laid the document on the Table)

The Deputy Speaker (Sen. Kathuri): Thank you. Hon. Senators, I will request the Mover to reply, but he has some obligation to give a few Senators who are on the screen one or two minutes.

(Resumption of debate on the Motion)

The Senate Majority Leader (Sen. Cheruiyot): Thank you, Mr. Deputy Speaker, Sir.

Before I reply, I know five colleagues are still in the queue. So, I would like to request that they each take just a minute. We will still be within perfect time.

From the list I saw, we have Sen. Cherarkey, Sen. Githuku, Sen. Joe Nyutu, Sen. Nyamu, and Sen. Lemaletian.

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Mr. Deputy Speaker, Sir, if you could exercise your discretion, a minute and a half each, maximum.

The Deputy Speaker (Sen. Kathuri): Hon. Senators, if you get one minute for Sen. Mandago, he should also be included.

The Senate Majority Leader (Sen. Cheruiyot): Okay, I did not see him on the list, but he will conclude, then we conclude so that we can begin voting at 1.05 p.m.

The Deputy Speaker (Sen. Kathuri): Thank you, Senate Majority Leader. Sen. Cherarkey, you have one minute and 15 seconds.

(Sen. Okiya Omtatah spoke off record)

But you are not on the screen, Sen. Okiya Omtatah.

(Sen. Okiya Omtatah spoke off record)

The Deputy Speaker (Sen. Kathuri): You have not requested, I am sorry.

Sen. Cherarkey: Mr. Deputy Speaker, Sir, I rise to support this amendment Bill. The issue of climate change continues to be a big challenge. I thank the President for being the champion. The second champion in this Republic is the former Prime Minister, then all of us.

In the future, the laws that come from the National Assembly under Article 96 of the Constitution must ensure that there is a place and time for devolution. I have seen that counties have just been mentioned in passing.

If you want to improve on the Own Source Revenue through carbon credits, then in the future we must amend this Bill, so that counties can benefit from Own Source Revenue.

Finally, I know many young people participate in tree planting and growing. We need also to create space for them, so that young people can benefit going into the future.

With those very many remarks, I support.

The Deputy Speaker (Sen. Kathuri): Sen. Githuku, you have the Floor.

Sen. Githuku: Asante sana Mhe. Naibu Spika kwa kunipatia fursa hii. Nachukua nafasi hii ili niweze kuunga mkono Mswada huu ambao ni wa mabadiliko ya tabia ya nchi.

Ninaunga mkono Mswada huu kama vile ambavyo Rais wetu, Dr. William Ruto, amekuwa katika mstari wa kwanza kusaidia upande wa kuhamasisha mambo ya mazingira.

Nimetoka katika Kaunti ya Lamu, Kaunti ambayo imeketi katika asilimia 44 ya msitu katika Jamhuri yetu ya Kenya. Ni muhimu sana kaunti hiyo iweze kujumuishwa katika mambo ya carbon credit ili kaunti ambazo zina misitu mikubwa ziweze kujivunia na kuishi maisha mazuri.

Mimi niko na watu ambao pia wameathirika sana katika kaunti yangu ya Lamu, ikizingatiwa ya kwamba msitu wa Boni ni msitu ambao umekuwa na---

(Sen. Githuku's microphone went off)

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The Deputy Speaker (Sen. Kathuri): Sen. Joe Nyutu, you have the Floor.
Hon. Senators, just put one important point across.

Sen. Joe Nyutu: Thank you, Mr. Deputy Speaker, Sir. I support this particular amendment, Bill. This is something very important and I know that this campaign will succeed. If the campaign against smoking has succeeded, then this campaign against climatic degradation will succeed.

Since we do not have much time, I just want to say that we are very happy about carbon credits because those who make energy-saving *jikos* in our counties will now be motivated. We must look at our rivers again. We must stop cultivating just next to the river for us to maintain our climate.

Due to pressure of time, let me not---

(Sen. Joe Nyutu's microphone went off)

The Deputy Speaker (Sen. Kathuri): Sen Nyamu, please, proceed

Sen. Nyamu: Thank you, Mr. Deputy Speaker, Sir, for giving me this opportunity. At the onset, I support this very important Bill that has to do with the issues of climate. I also hail President William Samoei Ruto for putting Kenya on the global map and for being a champion of climate change in this dispensation.

Enacting domestic legislation that implements the Paris Agreement in which Kenya is a signatory, shows very serious commitment. Some of the provisions in this Amendment Bill particularly those that provide for---

(Sen. Nyamu's microphone went off)

Sen. Lemaletian: Thank you, Mr. Deputy Speaker, Sir. I rise to support this Bill.

Coming from Samburu where we are greatly affected by the encroachment of huge multinational corporations, as Sen. Dullo had mentioned, the Northern Rangeland Trust, we have seen an encroachment into the indigenous peoples' land.

There is a need for a framework to regulate the sale and the trading of carbon. While we look at the benefits of this framework, we must not have a tunnel vision because at the same time the sale of carbon credit is affecting the communities who are being chased through conflict, displacement and encroachment of this---

(Sen. Lemaletian's microphone went off)

Sen. Mandago: Thank you very much Hon. Deputy Speaker. I first stand to support the amendment of this Bill on climate change and carbon credit.

The carbon credit trading is a new platform that will be a revenue earner for this country. We all know that we have two levels of government. We must ensure that counties where forests grow will also benefit from the carbon trading.

It is surprising that Kenya is almost number two in Africa in terms of carbon credit trading, while we do not have a regulatory framework. Therefore, those who are

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already trading on carbon credit should be made to make declarations of what they have been trading on---

(Sen. Mandago's microphone went off)

The Deputy Speaker (Sen. Kathuri): Okay. Thank you. Sen. Okiya Omtatah.

Sen. Okiya Omtatah: Thank you, Mr. Deputy Speaker, Sir. At long last.

First of all, I think what is being discussed is important, but the manner in which it is being discussed is not proper. For the main reason that if we enact this very important law without following the procedure laid in the Constitution, what outcome do we expect? I think that if something is worth doing, it is worth doing well and the end does not justify the means.

We have been told that we have got a Conference and, therefore, we must rush this Bill. The end does not justify the means. I would like to plead that we step back and do this Bill properly, especially on public participation. We give the people of Kenya the chance to contribute. They cannot be given eight hours to do public participation on an issue as important as this.

I would also like to see the role of the Senate---

(Sen. Okiya Omtatah's microphone went off)

The Deputy Speaker (Sen. Kathuri): That is the end of the list that I was given by the Senate Majority Leader.

Senate Majority Leader, proceed.

The Senate Majority Leader (Sen. Cheruiyot): Thank you, Mr. Deputy Speaker, Sir.

I conclude by appreciating all colleagues that have taken time to comment on this very important matter and those that we have equally lent various criticisms and areas of improvement.

I hope our colleagues will take time, those that sit in the Committee, to further enhance and make it better. Of course, the most prominent has been the place and standing of our counties, despite the assured percentage. I think it needs to be more definitive, like I listened to a few of our colleagues raise and say. I wish the role and the place of our county governments was more properly defined in the Bill.

We have an opportunity to always enrich the work we do. Nothing stops us, even as soon as tomorrow, once the Bill has been assented to if we conclude on it as expected to, as the Houses of Parliament, to begin in securing that particular place that many of us are saying.

We need to see our counties, especially the mother counties where these resources are domiciled, benefit more. I think that is a place we can take a lead.

What I know from experience, just as a last comment, is that when any Bill comes from the National Assembly, it is very difficult to have a prominent role for our counties. The only place I see counties given prominence is when Bills commence in the Senate.

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Therefore, the challenge is on us. If we want to enrich this conversation the way many of you are saying, is to immediately, soon after, once we have set the--- I think the overarching theme that we are being asked is to set the regulatory framework, so that people stop taking advantage of our people.

Once that is set, the second level of the fight is how we now ensure our counties, specifically that host these resources, get to benefit. That is a conversation that I urge colleague Senators to begin. At that particular point, we will have an opportunity to dictate the conversation because, at that time, the Bill will have begun here in the Senate.

With those very many remarks, Mr. Deputy Speaker, Sir, I beg to reply.

The Deputy Speaker (Sen. Kathuri): Thank you, Senate Majority Leader. Let the Division Bell to be rung for five minutes.

(The Division Bell was rung)

The Deputy Speaker (Sen. Kathuri): Could the Division Bell be rung for two more minutes?

(The Division Bell was rung)

Senators, we are ready to vote now. I direct that the Bar be drawn and the doors closed.

(The Bar was drawn and the doors closed)

The Deputy Speaker (Sen. Kathuri): Members, if you are ready let us now vote. I hope you logged out and then in, so that the system can really capture nicely. If you are done, then let us proceed and vote

(The Senators proceeded to vote)

The Deputy Speaker (Sen. Kathuri): Order, Hon. Senators! Kindly take your seats. Sen. Oketch Gicheru, kindly.

DIVISION

ELECTRONIC VOTING

*(Question, that the Climate Change (Amendment) Bill
(National Assembly Bill No.42 of 2023) be now read a Second Time,
put and the Senate proceeded to vote in county delegations)*

AYES: Sen. Abass, Wajir County; Sen. Cheptumo, Baringo County; Sen. Cherarkey, Nandi County; Sen. Cheruiyot, Kericho County; Sen. Chute, Marsabit

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County; Sen. Dullo, Isiolo County; Sen. Githuku, Lamu County; Sen. Joe Nyutu, Murang'a County; Sen. Kathuri, Meru County; Sen. (Dr.) Khalwale, Kakamega County; Sen. Kavindu Muthama, Machakos County; Sen. Kinyua, Laikipia County; Sen. Kisang', Elgeyo-Marakwet County; Sen. Lomenen, Turkana county; Sen. Mandago, Uasin Gishu County; Sen. Mariam Omar, Mandera County; Sen. Methu, Nyandarua County; Sen. Mungatana, MGH, Tana River County; Sen. Munyi Mundigi, Embu County; Sen. (Dr.) Murango, Kirinyaga County; Sen. Mwaruma, Taita-Taveta County; Sen. Ogola, Homa Bay County; Sen. Oketch Gicheru, Migori County; Sen. Thang'wa, Kiambu County; Sen. Tobiko, Kajiado County; Sen. Wafula, Bungoma County; Sen. Wakili Sigei, Bomet County; and, Sen. Wamatinga, Nyeri County.

NOES: Sen. Okiya Omtatah, Busia County.

ABSENTIONS: 0

The Deputy Speaker (Sen. Kathuri): Hon. Senators, the results of the Division are as follows: -

AYES: 28

NOES: 1

ABSENTIONS: 0

The "Ayes" have it.

(Question carried by 28 votes to 1)

(The Bill was read a Second Time and Committed to a Committee of the Whole tomorrow)

The Deputy Speaker (Sen. Kathuri): Open the door and undraw the Bar.

(The door was opened and the Bar undrawn)

ADJOURNMENT

The Deputy Speaker (Sen. Kathuri): Hon. Senators, we have concluded the business for this morning. There being no other business on the Order Paper, the Senate stands adjourned until, today, Thursday, 31st August, 2023, at 2.30 p.m.

The Senate rose at 1.22 p.m.