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**THIRTEENTH PARLIAMENT**

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## THE HANSARD

Wednesday, 2<sup>nd</sup> October 2024

The House met at 2.30 p.m.

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

PRAYERS

QUORUM

**Hon. Speaker:** Hon. Members, there is no quorum. Serjeant-at-Arms, you may ring the Quorum Bell.

*(The Quorum Bell was rung)*

Hon. Members, we now have the quorum to transact business.

### COMMUNICATION FROM THE CHAIR

PUBLIC PARTICIPATION PROGRAMME ON SPECIAL MOTION FOR THE  
PROPOSED REMOVAL FROM OFFICE, BY IMPEACHMENT, OF HON. RIGATHI  
GACHAGUA AS THE DEPUTY PRESIDENT OF THE REPUBLIC OF KENYA

**Hon. Speaker:** Hon. Members, I have a short Communication on the Public Participation Programme on the Special Motion for the proposed removal from office, by impeachment, of His Excellency the Deputy President of the Republic of Kenya.

Further to the Communication issued yesterday on consideration of the Special Motion for the removal from office, by impeachment, of His Excellency, Hon. Rigathi Gachagua, as the Deputy President of the Republic of Kenya and today's briefing on the public participation relating to the consideration of the Special Motion, I wish to guide further as follows:

As Members are aware, the advertisements published today inviting the submission of views and notifying the public of hearings of the Special Motion, lists all the 290 constituencies and indicate the exercise is to be coordinated in 47 county venues or collection centres across the country. Arising from the Members' briefing held earlier today, I wish to clarify that the public participation programme additionally contemplates a collection of views at the constituency level.

In this regard, I confirm that the officers of the Clerk shall be present to assist in the collection and compilation of views from onward transmission to the Office of the Clerk through the respective collection compilation centres that are specified in the public advertisement.

The House is accordingly guided.

Thank you.

PAPERS

**Hon. Speaker:** Leader of the Majority Party. Hon. (Dr) Pukose, do you want to stand in for them?

**Hon. (Dr) Robert Pukose** (Endebess, UDA): Yes. Hon. Speaker. On behalf of the Leader of the Majority Party, I beg to lay the following Papers on the Table of the House:

1. The 2024 Annual Public Debt Management Report from the National Treasury and Economic Planning; and,
2. The Independent Electoral and Boundaries Commission (IEBC) Annual Report for the period ended 30<sup>th</sup> June 2024.

Thank you, Hon. Speaker.

**Hon. Speaker:** Thank you. Next is the Chairperson of the Departmental Committee on Justice and Legal Affairs, Hon. Murugara. Your Report is on my desk. I have gone through it, and I have issues that I need to discuss with you.

**Hon. George Murugara** (Tharaka, UDA): Thank you very much, Hon. Speaker. I was informed to come and see you.

**Hon. Speaker:** Excellent.

### REQUESTS FOR STATEMENTS

**Hon. Speaker:** Hon. Members, there is a request for a statement by Hon. Peter Mbogho, the Member for Mwatate. Is he in the House? If not, Hon. Tindi Mwale, you may proceed.

#### FIGHT AGAINST DRUG TRAFFICKING IN THE COUNTRY

**Hon. Nicholas Mwale** (Butere, ODM): Hon. Speaker, pursuant to the provisions of Standing Order 44(2)(c), I rise to request for a statement from the Chairperson of the Departmental Committee on Administration and Internal Affairs regarding the fight against drug trafficking in the country.

Over the years, Kenya has been identified as a transit country for heroin that is trafficked from Afghanistan and the Arabian Gulf to Europe, America and other parts of Africa. Presently, there is a huge domestic heroin and cocaine abuse problem, particularly in the coastal region. Despite concerted efforts by the Government, there have been reports of State and public officials facilitating the inland movement of heroin and other drugs, as well as the activities of certain organised crime groups. A notable nexus exists in Kenya between heroin trafficking and other crimes such as corruption, human smuggling, arms trafficking and poaching. The country also remains a trans-shipment point for the global cocaine trade.

Reports indicate that upon arrival in Kenya, cocaine is shipped onwards to Ethiopia, Tanzania and Somalia, both for consumption and onward trade. It is noted that Kenya's cocaine trafficking market is attributed to limited maritime enforcement capabilities that hamper drug interception as well as the involvement of law enforcement officers who have been identified as the primary organisers and facilitators of cocaine distribution and retail sale within the country.

It is against this background that I request for a statement from the Chairperson of the Departmental Committee on Administration and Internal Affairs to apprise the House of the following:

1. The number of users of hard drugs in the country that are registered by the National Authority for the Campaign Against Drug Abuse (NACADA) with a specific focus on heroin and cocaine;
2. The reported involvement of law enforcement officers, especially Kenya Police and the National Intelligence Service (NIS) in facilitating cocaine transit, distribution and sale in the country; and,

3. The status of the war against drug abuse, including an enumeration of rehabilitation programmes for persons affected by drug abuse, majority of whom are the youth.

Thank you, Hon. Speaker.

**Hon. Speaker:** Thank you, Hon. Tindi Mwale. Chairperson of the Departmental Committee on Administration and Internal Affairs, Hon. Tongoyo. Yes, Hon. Rindikiri, are you a member of the Committee?

**Hon. Mugambi Rindikiri** (Buuri, UDA): No, Hon. Speaker. I just wanted...

**Hon. Speaker:** Did you want to say something on the request for statement? Go ahead.

**Hon. Mugambi Rindikiri** (Buuri, UDA): Hon. Speaker, cases of drug and substance abuse are on the rise, particularly among our youths in schools. Hon. Mwale's request for statement is timely. It is a serious problem whose solution needs to be fast-tracked. We need more information from every region.

I agree with the request for statement that there are public officers who are conduits and protectors of drug traffickers. If we want to save our youths, we need an in-depth report. I plead with all the Members in this House to avail information on what we know and join hands so that this request is properly enhanced. I urge the Committee not to be in a rush when it is dealing with this issue.

Thank you, Hon. Speaker.

**Hon. Speaker:** Yes, Hon. Ruweida.

**Hon. Ruweida Mohamed** (Lamu East, JP): Ahsante, Mhe. Spika. Nampongeza Mheshimiwa kwa kuleta swala hili la mihadarati hapa Bungeni. Kusema kweli, hili swala linatuathiri sana. Kabla sijaendelea kuchangia, nataka Mheshimiwa achukue tahadhari. Mimi nilitaja majina ya wanaohusika na uuzaji wa madawa ya kulevya katika eneo bunge langu na hiyo ilikuwa mwanzo wa maisha yangu kubadilika. Ilikuwa katika Bunge la 12 ambapo nilikasirika na nikataja majina ya wahalifu hao. Baada ya kutaja majina yao, maisha yangu yalibadilika na ilinibidi niwe nikitembea na askari kila mahali. Niliongezewa askari waliokuwa wakinilinda. Nashukuru Bunge hili kwa sababu lilinisaidia sana.

Hii shida ipo na ukiizungumzia, wewe ndio unaonekana mbaya. Wale wanaouza mihadarati si wabaya. Wewe unayezungumzia swala hilo kama Mbunge ndio unaonekana mbaya.

Kuna siku nilienda kwa mkutano na nikazungumzia swala hilo. Mtu alikuja na kunishika na akaniambia nisizungumzie maneno hayo. Nikiyazungumzia nitawaletea shida. Wanaouza mihadarati wana *power* zaidi kushinda hata Mbunge. Unakatazwa hata usizungumzie swala hilo.

Wakati nilipokuwa naomba kura, *drug dealers* wa Lamu West wote walikuja Lamu East kunipinga ili nisipate kura. Lakini Mwenyezi Mungu akawa nami na nikapata ushindi. Tatizo hili ni kubwa sana Lamu East. *Percentage* ya *youths* wetu wanaotumia madawa ya kulevya inaongezeka. Nimesahau nambari hizo lakini Kenya Red Cross wako nazo. Nimeshangazwa na jinsi asilimia hiyo inaongezeka. Watoto wameathirika sana. Wako *vulnerable* kwa sababu wako karibu na mpaka na wakitumika vibaya, wanaweza kuhatarisha nchi yetu.

Kama Waziri anakuja mbele ya Kamati, ningetaka nije ili nichangie swala hili. Naomba *permission* niwe *friend of that Committee*. Tunajua majina yao. Katika eneo bunge langu, ukimuuliza mtoto akupeleke kwa yule anayeza mihadarati, ataweza kukuonyesha. Sitataja majina yao kwa sababu nitajipata kwa shida tena. Yale yaliyonipata yalinifanya nikaogopa.

Utaona mtoto ameumia na anatoa usaha lakini ukimpa Ksh200, anaenda kununua mihadarati badala ya aende hospitalini. Hilo tatizo linatuathiri sana. Tukiliacha liendelee zaidi, litatuathiri zaidi. Angalau mmeanza kuongea kuhusu sehemu nyingine lakini sehemu ya *Coast*

ndiyo imeathirika zaidi. Hapo awali, mihadarati ilikuwa janga la eneo la *Coast* pekee yake. Lakini sasa, *cocaine* imekuwa janga la Kenya nzima.

Kule Lamu East, shida si *cocaine* pekee yake. Kuna tembe zinazoitwa *karambela*. Nimezitungumzia mpaka katika *security meetings*. Nimeambiwa nizilete ili wazione kwa sababu hawazijui. Mwishowe, waliniambia walizipata. *Karambela* inauzwa kwa Ksh20. Mtu akizikula, anageuka na kuwa kama *wild animal*. Anaweza kufanya chochote. Zinauzwa na hakuna hatua inayochukuliwa. Ukimtuma mtu azinunue, atapelekwa mpaka mahali zinazouzwa. Hakuna mtu ambaye hajui wanaoziuzwa. Shida ni kuwa hawachukui hatua yoyote kuwakomesha.

Ahsante, Mhe. Spika.

**Hon. Speaker:** Hon. K.J.

**Hon. John Kiarie** (Dagoretti South, UDA): Thank you, Hon. Speaker, for giving me the opportunity. The coastal region has a disproportionately higher percentage of substance abusers, but cities like Nairobi are also suffering. As this request for a statement goes to the Committee, I hope that the Committee will apply itself to two critical issues.

Firstly, is on the role of the National Authority for the Campaign Against Alcohol and Drug Abuse (NACADA). The NACADA, in its current state, cannot deal with the drug issue in this country. Parliament should consider placing the NACADA under the Office of the President or the Ministry of Interior and National Administration, so that it gets the “teeth” it needs to “bite”.

**Hon. Speaker:** The NACADA is under the Ministry of Interior and National Administration.

**Hon. John Kiarie** (Dagoretti South, UDA): I am in agreement with you, Hon. Speaker. However, you did not let me prosecute my point.

**Hon. Speaker:** Yes.

**Hon. John Kiarie** (Dagoretti South, UDA): It is not fully under the Ministry. Some functions of NACADA have been taken up by the county governments. Since the county governments are looking to collect more revenue, they encourage people to open as many bars as possible, which do not only sell alcohol, but also serve as drugs trafficking dens. The NACADA ends up having no resources to fight the war against drugs while the counties license too many bars close to schools, hospitals and residential areas.

Hon. Speaker, you were a Member of Parliament. You remember that when the drugs issue was brought to this Parliament, the former Minister Saitoti prosecuted various issues in this House. As a nation, we need to move this war on drugs away from fighting users to following the peddlers, dealers, barons and international cartels. The users would never get the drugs if the drugs never found their way to Kenya. The problem is way high up than that young man or woman that we are criminalising. The user is at the tail-end of the chain.

As the Committee prosecutes this matter, let us also see what we can do to upscale the fight from the ground level where we are criminalising the user, to the highest level of those who are involved in drug trafficking such as the peddlers, barons and dealers, using the available international instruments.

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

**Hon. Speaker:** Hon. Justice Kemei.

**Hon. Justice Kemei** (Sigowet/Soin, UDA): Thank you, Hon. Speaker, for giving me this opportunity to add my voice to this pertinent subject. This is an issue that is threatening the generations of this country. Earlier on, we used to think that it was a phenomenon in cities like Mombasa and Nairobi. The truth of the matter is that currently, substance abuse is affecting even our rural areas.

In my constituency, there is something called *Kuber*. I do not know where it came from. That language does not even belong...

**Hon. Speaker:** What is it called?

**Hon. Justice Kemei** (Sigowet/Soin, UDA): *Kuber*. I do not know where it came from. You just see a young man putting it in his mouth and the next thing you know, he is a pale shadow of himself. It is spreading in many schools and institutions, thus threatening the future generations of this country. As Parliament, I want us to apply ourselves fully to this issue. We should not leave it to the Ministry of Interior and National Administration and NACADA alone.

Hon. Speaker, I support the request for statement. Thank you.

**Hon. Speaker:** Yes, Oundo.

**Hon. (Dr) Ojiambo Oundo** (Funyula, ODM): Hon. Speaker, I thank my colleague, *Mheshimiwa* Tindi Mwale, for bringing this matter. He is being too elitist by only considering imported and high-value drugs. Where I come from, we have *bhang* or *sativa*, or whatever it is called.

**Hon. Speaker:** It is called *cannabis sativa*.

**Hon. (Dr) Ojiambo Oundo** (Funyula, ODM): *Cannabis sativa*. I am the most unfortunate because Funyula Constituency, particularly the border point at Bukhwamba and part of Sigalame, which is the entry point to Kenya, border Uganda where it is grown. It will shock you beyond belief to know that the people who are growing *bhang* in Uganda and peddling it to Nairobi are the police. We have continuously raised this issue. I even raised it with the County Commander (CC).

**Hon. Speaker:** Are you saying that the Kenya Police grow *bhang* in Uganda?

**Hon. (Dr) Ojiambo Oundo** (Funyula, ODM): Yes. The Kenya Police. They cross over to Uganda, grow *bhang*, supervise the porous border point through Mulwanda, Sigalame and Bukhwamba, and escort it to Nairobi. You can see how deep-rooted that menace is. It is well supported and protected by the security forces. It is good that the matter has been directed to the Departmental Committee on Administration and Internal Affairs. They need to rein in the police force and all the security apparatus in this country. The police make a lot of money from it, much more than they make from their salaries and allowances. But they cannot do so at the expense of the young people in this country.

If you go to most schools in western Kenya, the boys and the girls – who are becoming notorious – look like zombies. We are worried. We used to laugh at the people from the Mount Kenya region because their kindergarten classrooms were empty. Probably in the next few years in western Kenya, our classrooms will also be empty because men are not doing the work that they are supposed to, and women are complaining all over.

We ask you for your assistance to solve this menace so that we can continue to reproduce. We need more young people to take over our positions as we grow old.

Thank you, Hon. Speaker.

**Hon. Speaker:** Hon. Katana.

**Hon. Paul Katana** (Kaloleni, ODM): Ahsante, Mhe. Spika. Swala la mihadarati ni swala nyeti sana. Zamani, madawa ya kulevya yalikuwa yanapatikana mijini. Kufikia sasa, yameingia mpaka mashinani. Wanaoumia zaidi ni watoto wa shule ambao siku hizi wameanza kujiua kwa sababu wakila madawa ya kulevya, kufikiria kwao kunakuwa duni.

Tujiulize swali moja. Huku Kenya, hatuna shamba la *cocaine* wala *heroin*. Hayo madawa yote ya kulevya yanatoka nje ya nchi yetu. Ni wapi ambapo kuna ulegevu ambao unaruhusu madawa ya kulevya kuingia nchini? Kama vile ndugu yangu amesema, kuna baadhi ya vitengo vya usalama ambavyo vinajua ni akina nani ambao wanaleta na kuuza mihadarati. Lakini hao watu hawawezi kushikwa kwa sababu wanalindwa na wanalipa baadhi ya polisi wetu ili waweze kuwalinda waendeleo na biashara yao haramu.

Ni wakati mwafaka kama taifa, bila kumulaumu mtu yeyote, kuharamisha mihadarati nchini kwa sababu inahatarisha usalama wa kitaifa.

Ahsante, Mhe. Spika, kwa kunipatia nafasi.

**Hon. Speaker:** *Bw. Katana, tayari imeharamishwa.* It is unlawful to be found with drugs.

**Hon. Paul Katana** (Kaloleni, ODM): Mhe. Spika, ndio maana nasema vitengo vya usalama vimelekea. Ni lazima wachunguze kule mihadarati inakotoka kwa sababu hatuna mashamba ya *cocaine* wala *heroin*. Wajue ikiwa inakuja kwa njia ya meli ama njia nyingine. Mipaka yetu lazima ilindwe ili tuhakikishe kuwa hakuna mihadarati inayoingia katika taifa letu.

Ahsante, Mhe. Spika.

**Hon. Speaker:** Thank you. Benja, you will be the last one to comment on this.

**Hon Benjamin Lang'at** (Ainamoi, UDA): Thank you, Hon. Speaker.

I want to thank the Hon. Member for bringing up this matter. Drugs are threatening to kill our whole generation. As the Committee looks into this matter, I want to propose that they look at the actors and the failures in terms of enforcement. We might accuse NACADA of not performing, but we must also look at the law that establishes it, and whether we can propose amendments to empower it so that they can act accordingly.

I support the request for statement, Hon. Speaker.

**Hon. Speaker:** The Chairperson of the Departmental Committee on Defence, Intelligence and Foreign Relations? Hon. Owen Baya, where is your Chairman?

**Hon. Owen Baya** (Kilifi North, UDA): Hon. Speaker, Hon. Tongoyo is not here. Neither is the Vice-Chair.

**Hon. Speaker:** Inform them to bring an answer in two weeks.

**Hon. Owen Baya** (Kilifi North, UDA): Much obliged, Hon. Speaker.

**Hon. Speaker:** Member for Mwatate, Hon. Mbogho. You should tender an apology to the House for coming late. This is the second time I have called you.

**Hon. Peter Shake** (Mwatate, JP): Hon. Speaker, I am sorry for coming late. I was visiting a patient and got tied up. I am sorry for that.

**Hon. Speaker:** Okay. Go ahead.

#### RISE OF INSECURITY IN TAITA TAVETA COUNTY

**Hon. Peter Shake** (Mwatate, JP): Hon. Speaker, pursuant to the provisions of Standing Order 44(2)(c), I wish to request for a statement from the Chairperson of the Departmental Committee on Administration and Internal Affairs regarding the recent rise of insecurity in Taita Taveta County and, particularly, Voi and Mwatate constituencies.

The rise of insecurity in Taita Taveta County has negatively impacted not only the safety, but also the well-being of the residents particularly in Voi and Mwatate constituencies. The constituents have experienced a number of insecurity incidences in the last five months with people being killed and *boda bodas* stolen.

For instance, in May 2024, Ms. Mariana Shali Chao of ID No. 27897833 was found dead at a satellite site around Rianchore Hillside with multiple cut wounds. Additionally, a *boda boda* rider, Mr. Danningstone Mwakio Mwang'ombe, of ID No. 13822664 was found dead on 14<sup>th</sup> April 2024 at Voi Central Business District and his *boda boda* stolen. On 28<sup>th</sup> May 2024, Mr. Silas Silo Mengo Mwachongo, a *boda boda* rider in Rong'e Ward, was found dead in Voi Constituency and his *boda boda* stolen, while Mr. Julius Mwafuga of ID No. 29951391 was allegedly beaten to death by a police officer from Mwatate Police Station in May 2024.

Further, Mr. Silvanice Mwanjala Mvoi of ID No. 37023429 was attacked and severely injured on 2<sup>nd</sup> September 2024 within Sagalla Ward in Taita-Taveta County and his *boda boda* stolen. He was rushed to Moi County Referral Hospital for treatment and later referred to Kilimanjaro Christian Medical Centre in Moshi, Tanzania, where he succumbed to his injuries. The matter was reported to Voi Police Station under OB No.63/03/09/2024.

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

1. Provide a report on the status of investigations into the incidents, including the deaths and attacks reported to Voi Police Station;
2. The actions being taken to ensure that the perpetrators of the crimes are arrested and prosecuted without delay; and,
3. The measures that are being put in place to curb insecurity in the region.

I thank you, Hon. Speaker.

**Hon. Speaker:** Thank you, Hon. Mbogho. Hon. Owen Baya, inform Hon. Tongoyo to bring a response in two weeks.

**Hon. Owen Baya** (Kilifi North, UDA): Let me add something. Hon. Speaker. This is the fourth request for a statement on insecurity in Taita Taveta that I have heard. I remember Hon. Danson Mwashako and another Member raising the same issue. It does not seem to go away. I have heard them mention someone I know from Rong'e Ward. This idea of just bringing statements and stating facts the way they are, without looking for a solution to the problem, is making us act in vain.

Hon. Speaker, probably, you may need to give a direction that something is done. A statement will be written, brought here and read and yet, no action is being taken to ensure there is security in Taita Taveta.

Even when we give these statements, some action needs to be taken. I do not know which direction you will give, but I have had my mother's relative killed. They will finish those people and I will have no uncles left. We need a much more robust action on the ground.

Perhaps, you need to order those people down there to sit and review the security situation and give us a report. Otherwise, somebody will sit at the headquarters to write a report explaining what happened without solving the problem. We would like to have a solution. This Parliament can then enforce the solution.

**Hon. Speaker:** The next Cabinet Secretary to appear before the House should be the one for Interior and National Administration. Be ready to confront him with questions including insecurity in Mwatate. In the meantime, the Member has chosen to come to the House for a response from the Committee. The Chairperson of the Departmental Committee will bring a response in two weeks. However, Hon. Mbogho, I will give you an opportunity when the Cabinet Secretary comes for you to prosecute that concern.

Next is Hon. Gonzi Rai, Member for Kinango.

#### SAFETY OF A KENYAN IN SAUDI ARABIA

**Hon. Gonzi Rai** (Kinango, PAA): Hon. Speaker, pursuant to the provisions of Standing Order 44(2)(c), I rise to request for a statement from the Chairperson of the Departmental Committee on Defence, Intelligence and Foreign Relations regarding the safety of Ms. Riziki Luvuno Mambo, holder of Passport No. AK1325501, who went missing in Saudi Arabia in March 2024.

Ms. Riziki Luvuno Mambo has been residing in Saudi Arabia since July 2023, when she moved there for employment. However, her family, with whom she maintained regular communication, claims to have lost contact with her on 12<sup>th</sup> March 2024, raising concerns about her safety and whereabouts. Following her lack of communication, the family received reports on 23<sup>rd</sup> April 2024 that she had been arrested and was being held at Jeddah Sawari Police Station in Saudi Arabia. It is alleged that she was found in a state of distress, wandering the streets, and appeared to be suffering from a mental health condition. Efforts by the family to secure her repatriation to Kenya have been unsuccessful.



It is against this background that I request for a statement from the Chairperson of the Departmental Committee on Defence, Intelligence and Foreign Relations on the following:

1. The circumstances surrounding the arrest of Ms. Riziki Luvuno Mambo by the Saudi Arabian Police;
2. Steps that the relevant Government agencies have taken to ascertain her whereabouts and secure her expeditious release from custody and repatriation to Kenya for proper physical and mental care; and,
3. The measures that the Government has taken to guarantee the safety of all Kenyans living and working abroad to ensure that they receive timely Government assistance in cases of distress.

I thank you, Hon. Speaker.

**Hon. Speaker:** Thank you, Hon. Rai. The Chairperson of the Departmental Committee on Defence, Intelligence and Foreign Relations, Hon. Nelson.

**Hon. Nelson Koech** (Belgut, UDA): Thank you, Hon. Speaker. I will get a response in two weeks.

**Hon. Speaker:** Two weeks. Next Order. Hon. Oundo.

**Hon. (Dr) Ojiambo Oundo** (Funyula, ODM): Hon. Speaker, can we get the attention of the Chairperson of the Departmental Committee on Health?

**Hon. Speaker:** Hon. Pukose, Hon. (Dr) Oundo is craving for your attention.

**Hon. (Dr) Ojiambo Oundo** (Funyula, ODM): Hon. Speaker, yesterday afternoon, I read a Statement from the Ministry of Health concerning the rollover from NHIF to this new animal called SHIF or SHA. Since yesterday - and I am sure many of our colleagues here will bear me witness - we have been inundated by so many calls from our constituents who are generally stranded in hospitals. In many hospitals, be they private or public, many patients are being told that the NHIF cards that they have are not valid, and are not acceptable at this particular moment. That is why, with your indulgence, the Chairman, being the representative of the Executive here, and being a Member of the Government, should assure Kenyans wherever they are and Members of Parliament that a transition from NHIF to SHIF is seamless. Even if you still have the NHIF card, you will still receive the same services that you would have received under the new authority as we wait for the transition process to be completed.

*(Loud consultations)*

Somebody is distracting the attention of the Chairman. It seems he is extremely in high demand. Let me go on record. As we were coming in for this afternoon Session, one of my constituents called me that they had earlier booked to go for a spinal injury operation at Kenyatta University Teaching and Referral Hospital. At the point of discharge today, they were told that the card they have is not valid and cannot be used. Luckily enough, my God is always with me whenever I walk, I bumped into the Chairperson who was magnanimous enough to pick up his phone and call the CEO of the hospital. That is how we have been able to intervene and save the situation.

I am wondering how many Kenyans have access to Hon. (Dr) Pukose. How many Kenyans can the CEOs of any of those referral hospitals pick up their calls and listen to them?

Therefore, we want him to assure Kenyans that whichever kind of issues that may arise, it must be seamless and very clear that you simply have to confirm that you are a fully paid-up NHIF contributor, and you will be attended to and discharged as per the existing agreement. I hope this will save the trouble and pressure many Members of Parliament are going through at this particular time.

But for you, Hon. (Dr) Pukose, for what you have done today, may the Almighty God increase the number of noises in your homestead.

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Thank you, Hon. Dr. Pukose.

**Hon. Speaker:** Hon. (Dr) Pukose.

**Hon. (Dr) Robert Pukose** (Endebess, UDA): Thank you, Hon. Speaker.

I want to thank Hon. (Dr) Oundo for being magnanimous enough to accept that we have been able to intervene and his patient will now be going home after the spinal surgery that was done at Kenyatta University, after we talked to the CEO who intervened. We were able to call Dr Dagane who is the Chief Executive Officer, Kenyatta University Teaching and Referral Hospital, and he intervened.

Hon. Members, for record purposes, as we speak now, 12,600,833 Kenyans have been transitioned to Social Health Insurance Fund. Out of that number, those who were in NHIF are 9,640,523, and the newly registered are 2,900,323. Those are the current figures. I can confirm that you will find messages coming to your phone without doing anything. You are among those 9,640,523 that have been transitioned from NHIF to Social Health Insurance Fund through the system without doing anything.

Initially, the system had about 12 million Kenyans, but about three million people do not exist in the Kenya National Registration Bureau. It is only after cleaning the fingerprints that after keying in your Identification Number that you will not be required to present your fingerprints. The system is created in such a way that with your identification number, it can access your fingerprints within the Kenya National Registration Bureau. I want to assure Kenyans out there and Members in this House that no Kenyan will be denied services. The unfortunate information outside there is that the Ministry is not doing enough.

But I know they are trying their best. We want the information to reach to every Kenyan that if you are a paid-up member of NHIF, you will automatically transition and your services will not be interrupted.

Hon. (Dr) Oundo is a witness. When we called the CEO Kenyatta University Teaching and Referral Hospital, he personally went to see the patient in Bed 9 in Jude Ward. Many of those within hospitals should not worry about paid-up members who are in NHIF. They have now been transitioned and the Social Health Insurance Fund is doing its best to send messages so that you can get to know that you are up date. They have also created an emergency line which is a toll line that they can respond to any questions and challenges that may arise. We know that those are teething problems, but the Ministry of Health is in a position to make sure that no Kenyan is denied services wherever they go, if they are paid-up members.

**Hon. Speaker:** Thank you. Leader of the Majority Party, make your Thursday Statement.

#### BUSINESS FOR THE WEEK OF 7<sup>TH</sup> TO 11<sup>TH</sup> OCTOBER 2024

**Hon. Owen Baya** (Kilifi North, UDA): Thank you very much, Hon. Speaker.

Pursuant to the provisions of Standing Order 44(2)(a), I rise to give the following Statement on behalf of the House Business Committee, which met on Tuesday, 1<sup>st</sup> October 2024, to prioritise business for consideration during the week.

Hon. Speaker, as you are aware, this morning, the House resolved to suspend its Sitting of Thursday, 3<sup>rd</sup> October 2024, so as to allow administrative arrangements that are necessary to facilitate the programme for public participation on the Special Motion for the removal from office, by impeachment, of H.E Hon. Rigathi Gachagua, Deputy President of the Republic of Kenya. Consequently, the House will reconvene on Tuesday morning.

With regard to business scheduled for Tuesday next week, Members will note that the House will convene from 9.00 a.m. to commence the consideration of the Special Motion on the proposed removal from office, by impeachment, of H.E. Hon. Rigathi Gachagua, Deputy President of the Republic of Kenya. In line with the Procedural Motion that was passed by the

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House, it is expected that during the afternoon Sitting, the House will sit until the conclusion of the debate on the Special Motion.

In view of the foregoing, I urge Members to be present and actively participate in this vital constitutional process. Your insights and contributions are critical and, together, we can ensure that our deliberations reflect the collective wisdom, values and aspirations of our society.

Hon. Members, let us come together, not just as legislators, but as stewards of the integrity and future of our motherland. A robust discussion will allow us to consider various perspectives, ensuring that our final decisions are well-informed and representative of the views of our constituents. As representatives of the people, it is our solemn duty to engage in discussions that uphold justice, equality and the democratic principles that define us.

Notably, this matter transcends party lines and speaks to our commitment to good governance, accountability and fidelity to the Constitution and the rule of law. Indeed, as the Indian author and philanthropist, Rohini Nilekani once said: “We cannot be mere consumers of good governance. We must be participants; we must be co-creators of good governance.”

Having said that, Hon. Speaker, in accordance with the provisions of Standing Order 42A(5) and (6), I wish to convey that the Cabinet Secretary for Interior and National Administration is scheduled to appear before the House on the afternoon of Wednesday, 9<sup>th</sup> October 2024. And just as the Speaker had told the Member for Mwatate, this is the time that he probably needs to bring those questions.

On Wednesday 9<sup>th</sup> October 2024, the Cabinet Secretary will respond to the following Questions:

1. Question by Private Notice No.008/2024 by the Member for Lugari, Hon. Nabwera Nabii, MP, regarding the circumstances that led to the death of two brothers Mr. Bonventures Ounza of ID No.38063032 and Mr. Calistus Apwike of ID No.41444793 by police based at Santo Police Station;
2. Question by Private Notice No.011/2024 by the Member for Moyale, Hon. (Prof) Jaldesa Guyo Waqo, MP, the gynaecologist, regarding the status of the investigations into the shooting of Ms. Kabale Galgallo Guyo of ID No. 39763161 around Kangemi Mosque in Nairobi County;
3. Question No.271/2023. This is a 2023 Question by the Member for Laisamis, Hon. Joseph Lekuton, MP, regarding staffing of births and registration offices in Laisamis and Loiyangalani sub-counties;
4. Question No.002/2024 by the Member for Matungu, Hon. Oscar Peter Nabulindo, MP, regarding the surge in cases of livestock theft in the western region and particularly in Matungu Constituency;
5. Question No.003/2024 by the Member for Kinango, Hon. Gonzi Rai, MP, regarding the deployment of a contingent of General Service Unit (GSU) officers to Kazamoyo Village in Kwale County;
6. Question No.005/2024 by the Member for Bahati, Hon. Irene Njoki, MP., regarding the replacement of the vehicle with registration plate No. GKB 340J assigned to Deputy County Commissioner for Nakuru North Sub-County;
7. Question No.37/2024 by the Member for Isiolo South, Hon. Tubi Bidu, regarding the special vetting of ID cards applications that is carried out by the Ministry for residents in north-eastern and other border regions of the country.
8. Question No.45/2024 by the Member for Fafi, Hon. Yakub Farah, regarding actions taken by the Government to enhance security in Fafi Constituency.
9. Question No.48/2024 by the Member for Emuhaya, Hon. Omboko Milemba, regarding the security of non-local teachers in Mandera County and border north-eastern regions.

10. Question No.50/2024 by the Member for Kilome, Hon. Thuddeus Nzambia, regarding the criteria for gazettelement of the Nzai Sub-location in Makueni Constituency.
11. Question No.59/2024 by Nominated Member Hon. Irene Mayaka regarding statistics of fully operational gender desk equipment in police stations in the country to deal with gender-based violence.
12. Question No.123/2024 by the Member for Yatta, Hon. Robert Basil, regarding the omission of Yatta Sub-county Administrative Unit from the Gazette Notice No.1766 of 14<sup>th</sup> February 2024.
13. Question No.124/2024 by the Member for Kiambu, Hon. Machua Waithaka, regarding delay in issuing national ID cards within Kiambu Constituency.
14. Question No.126/2024 by the Member for Sigor, Hon. Peter Lochakapong, regarding the number and contractual details of employees recruited by the United Nations High Commissioner for Refugees (UNHCR) to the Department of Refugees.

Tuesday is the day that we will reconvene and we have a long agenda for that day. As Members depart for public participation, I wish them journey mercies and good public participation. The House Business Committee will reconvene on Monday, 7<sup>th</sup> October 2024 to schedule business for the rest of that week. It will be Monday, not Tuesday. Members of the House Business Committee, be notified. We will schedule business for the rest of the week.

I now wish to lay this Statement on the Table of the House today. Thank you very much, Hon. Speaker, and good luck.

**Hon. Speaker:** Thank you, Hon. Owen Baya. Hon. Members, we will now go to Questions.

## ORDINARY QUESTIONS

### IN-ATTENDANCE

#### MINISTRY OF ENVIRONMENT, CLIMATE CHANGE AND FORESTRY

**Hon. Aden Duale** – Cabinet Secretary

**Hon. Speaker:** Hon. Aden Bare Duale, the Cabinet Secretary for Environment, Climate Change and Forestry, is already in the House. Welcome, *Waziri*. We will now go to Questions. In the interest of time, try to be as precise and concise as you can. Members, I will only allow one joyrider on each Question, and not more than that. We will start with the Member for Alego Usonga, Hon. Samuel Atandi. You look surprised, Hon. Atandi.

**Hon. Samuel Atandi** (Alego Usonga, ODM): No, I am not surprised. I am aware that the Cabinet Secretary for Environment, Climate Change and Forestry is supposed to come.

**Hon. Speaker:** He is already here and so, go ahead and ask your Question if you are ready. Or we move to the next?

**Hon. Samuel Atandi** (Alego Usonga, ODM): Hon. Speaker, let me get the Question. In the meantime, you can go to the next Question. I do not have the Question ready.

**Hon. Speaker:** Question No.105/2024, Member for Chepalungu, Hon. Victor Koech Mandazi.

**Hon. Samuel Atandi** (Alego Usonga, ODM): Thank you, Hon. Speaker. I have the Question.

*(Hon. Victor Koech entered the Chamber without bowing)*

**Hon. Speaker:** Hon. Koech, go back to the Bar, bow and come back.

*(Hon. Victor Koech retreated to the Bar and bowed to the Chair)*

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

**Hon. Speaker:** Go ahead, Hon. Atandi.

*Question 304/2024*

ISSUANCE OF NEMA LICENCE FOR RESIDENTIAL  
DEVELOPMENT WITHOUT PUBLIC PARTICIPATION

**Hon. Samuel Atandi** (Alego Usonga, ODM): Thank you, Hon. Speaker. I beg to ask the Cabinet Secretary for Environment, Climate Change and Forestry the following Question:

Could the Cabinet Secretary—

- (a) Explain why the National Environment Management Authority (NEMA) issued a license for the construction of residential properties along Othaya Road, on LR No.33734/338, despite the potential environmental impact that is caused by the developer?
- (b) State why NEMA permitted the construction of the said building to proceed without public participation?
- (c) Explain why the developer has been able to continue constructing the said illegal structures even after repeated requests and petitions from concerned residents?

Thank you, Hon. Speaker.

**Hon. Speaker:** Cabinet Secretary.

**The Cabinet Secretary for Environment, Climate Change and Forestry** (Hon. Aden Duale): Thank you, Hon. Speaker. It is a privilege to come back to this House, which is my second home; a House that I have a lot of respect for and Members that I have a lot of regard for.

Hon. Atandi asked a number of questions. In the interest of time, my Ministry and the agencies that are under me like NEMA, are fully committed to upholding the Environmental Management and Coordination Act (Cap. 387) and all its regulations as passed by this House, with the primary objective of ensuring environmental protection and sustainable development.

Let me say it for the record that: Environmental protection for this generation and the future generations is found in the preamble of the Constitution. It is not even in an Article of the Constitution. There are many Articles. The preamble of the Constitution talks about protecting our environment for this generation and future generations.

Coming to the specific Question, in the case of the proposed residential development on LR No.3734/338 on Othaya Road, Kileleshwa, allow me to state why NEMA issued a license for the construction. The said developer, named Dettiland Company, sought to construct a 314-storey building consisting of 224 residential units. Given the scale of this project, it was classified as a high-risk undertaking as defined by Section 58(1) of the Environmental Management and Coordination Act (EMCA) as passed by this House and Legal Notice No.31 of 2019. As per the law, any high-risk project is required to undergo a thorough environmental impact assessment (EIA) process to assess if there are any environmental impacts.

An EIA was conducted through a NEMA-registered EIA expert called Neolife Consultants Limited, and the report was submitted to NEMA for review and ultimately to give a licence. The reference number of that EIA is attached and the Member has it. NEMA

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reviewed the report and found it adequately addressed all the potential environmental impacts, supported by a detailed environmental and social management plan. The Nairobi City County Government approved the same development plan and then NEMA issued the environmental impact Licence No. NEMA/EIA/PSL/8261 on 7<sup>th</sup> July 2020, with conditions of sustainable development and sound environmental management of the proposed project. To date, NEMA, under its obligation, conducts continuous monitoring.

In conclusion, I wish to affirm the dedication of the Ministry to safeguarding the environment while balancing the need for sustainable development that contributes to Kenya's socio-economic growth. Our action remains aligned with both the national and international environmental standards.

Hon. Speaker, the second question my good friend, Hon. Atandi, has asked was to state the reasons why NEMA permitted the construction of the said building to proceed without public participation. At the outset, allow me to note that public participation is a critical principle in our Constitution. It is also a very integral part of any environmental impact assessment process, as mandated by Sections 59 and 60 of the Environmental Management and Coordination Act, 2015, and Regulation 19 of the Environmental Impact Assessment and Environmental Assessment Regulations, 2003, as passed by this august House. For that project, I wish to confirm that public participation was conducted. It is there in the documents that I have provided to the House and the Hon. Member.

NEMA dispatched copies of the environmental impact assessment report to nine leading agencies on 4<sup>th</sup> March 2019 for sectoral views and comments, as required by Regulation 20 of the Environmental Impact Assessment Regulations. Those entities include the Ministry of Environment, Climate and Forestry, Nairobi City County Physical Planning, Water Resources Authority, Kenya Urban Roads Authority (KURA), Kenya Rural Roads Authority (KeRRA), National Land Commission (NLC), public health officials of Nairobi City County Government, Nairobi City Water and Sewerage Company and, finally, Nairobi City County Director of Environment. NEMA had also issued a proponent with a notice of publication on 1<sup>st</sup> March 2019 to invite the public to make oral or written comments on the Environmental Impact Assessment Study Report. It was captured in all the daily papers. It was in *The Star* on Wednesday, 13<sup>th</sup> March 2019 and 20<sup>th</sup> March 2019. It was in the Kenya Gazette Notice No. 2531 of 15<sup>th</sup> March 2019. It was also in four radio stations. There were also four classified adverts per day. NEMA received again varied public comments as detailed in the attached document.

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

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

Consequently, a public consultation meeting was held on the proposed site on 27<sup>th</sup> June 2019 with the participation of 62 residents. The minutes of the public consultation are attached. That is why this House is going on a recess tomorrow to do public participation, which is central to our Constitution. Nobody can avoid it. NEMA does not have the luxury to avoid it.

A major concern that was raised by the residents was conformity to zoning policy of the area, the number of floors and connection to the sewer. All those were addressed. Let me make it very clear, as the new Cabinet Secretary for this docket, that zoning and sewerage are all the functions of the Nairobi City County Government. The Senate has a role to call the Governor or his officials on the same. In view of that, I have just highlighted that there was, indeed, meaningful public participation and information disclosure of the project.

Question three, Hon. Deputy Speaker, is on why the developer has continued to construct the said illegal structure, even after repeated requests. The construction has

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continued, despite several petitions by some of the concerned residents. I am, indeed, aware that they have lodged petitions with NEMA and other Government bodies. Residents were also advised to appeal for a tribunal independent evaluation on NEMA. This House, in its mandate in making laws and regulations, has given the citizens recourse to appeal. If you are not happy with NEMA's decision, then you go to NEMA Complaints Committee. If you are not happy, then you go to the Independent Environmental Tribunal that is chaired by somebody of a standing of a judge of the high court. Reputable institutions like the Law Society of Kenya (LSK) have their representation. Members of the public are advised to go there, since there is no court order. Nobody has gone to the Tribunal. Nobody has gone for an independent evaluation of NEMA's decision. NEMA and the other agencies continue to monitor compliance with the environmental impact assessment.

Finally, I wish to reiterate that the Ministry, through NEMA, remains committed to ensuring compliance with the Environmental Management and Coordination Act, 2015 and its regulations as passed by the House.

Thank you, Hon. Deputy Speaker.

**Hon. Deputy Speaker:** Thank you. We will give an opportunity to one joyrider. Hon. Gitonga Murugara, Member for Tharaka. You are on the intervention button.

Hon. Zamzam has pulled out her card. I wanted to give an opportunity to one joyrider and then Hon. Atandi to respond. However, we can go directly to him, if Members do not want to contribute. Proceed.

**Hon. Samwel Atandi** (Alego Usonga, ODM): Thank you, Hon. Deputy Speaker. The Cabinet Secretary's response appears satisfactory. Given that he is also new, I do not want to put him under a lot of pressure. The only observation that I have made, based on his response, is that it appears that these matters will be dealt more by Nairobi City County Government. It is the one that should take a lot of blame on this matter. The initial concern was that the area is zoned and the buildings that are coming up are beyond its guidelines. It means that the Nairobi City County Government has allowed those structures to go up beyond the guidelines of the zoning.

Those buildings are coming up and issues like drainage and sewerage systems of the area have not been improved or expanded. As the Cabinet Secretary for Environment, Climate Change and Forestry, is that something that should concern you? The structures are being constructed up to 20<sup>th</sup> floor and yet, they are also important. Will they affect the environmental aspects of the county? You saw what happened during the recent flooding. One of the issues that was raised was that we do not respect the environmental orders. The Cabinet Secretary is new, but this is something that I know he is capable of addressing. Can you tell us how you will address those concerns because that is the biggest problem?

As you have explained the other issues, we will see how they can be addressed by Nairobi City County Government because it appears that they are supposed to ensure compliance.

Thank you, Hon. Deputy Speaker.

**Hon. Deputy Speaker:** Thank you. We can go to the next Question. Hon. Ruku, the time to discuss this Question is up. Member for Chepalungu, ask Question 105/2024.

*Question 105/2024*

LARGE-SCALE IRRIGATION-BASED FARMING ACTIVITIES  
ALONG AMALO RIVER AND CLOUD-SEEDING ACTIVITIES BY  
LALELA COMPANY LTD AND NARAITOI COMPANY LTD

**Hon. Victor Koech** (Chepalungu, CCM): Hon. Deputy Speaker, I rise to ask the Cabinet Secretary for Environment, Climate Change and Forestry the following Question:

Could the Cabinet Secretary-

- (a) Confirm the presence of Lalela Company Limited and Naraitoi Company Limited that are engaging in large-scale irrigation-based farming along Amalo River that borders Chepalungu Constituency?
- (b) Confirm the allegations made by the residents of surrounding villages, including Chemengwa, Kinyanga, Kobolwo, Kosia, Kamosiro, Nogirwet and Kamongil area that the said companies are engaging in cloud-seeding activities, resulting in alterations to the local rainfall patterns, with some villages experiencing a complete lack of rain throughout the year despite other parts of the constituency receiving rainfall?
- (c) State the steps the Ministry intends to take to address the concerns that have been raised by the affected residents?

Thank you, Hon. Deputy Speaker.

**Hon. Deputy Speaker:** Cabinet Secretary, you may proceed.

**The Cabinet Secretary for Environment, Climate Change and Forestry** (Hon. Aden Duale): Thank you, Hon. Deputy Speaker. If you allow me because Hon. Atandi raised a question on it, the Constitution and the people of Kenya in their wisdom have allowed separation of powers between the two levels of government. Zoning, waste management and pollution, whether it is air or sound, is a function of county governments.

However, I assure this House, now that I am the Cabinet Secretary for Environment, Climate Change and Forestry, we will not issue a licence. If we do not issue a licence, nobody can build. I want Members to help the country. People build flats that people who live in them or in such residential areas have no access to light and fresh air. Imagine, if one has young children, they will not grow. I am not a doctor but Dr. Pukose, and doctors in this House, and those who are listening, will agree with me. However, I have given the National Environmental Management Authority (NEMA) strict instructions that it is not going to be business as usual.

On the question by Hon. Koech, I can confirm that there is existence of those two companies, one in Narok West Constituency, that is bordering Chepalungu Constituency. I also can confirm that those companies practise large-scale farming using irrigation.

The second question is to confirm the allegations that have been made by the residents of those five or six villages that said companies are engaged in cloud seeding.

Hon. Deputy Speaker, on the second question, that they are engaged in cloud seeding, allow me to briefly explain to the House what cloud seeding is all about. Cloud seeding is a weather modification technique that changes the amount or the type of precipitation from the clouds in terms of rain. There has been research that has been done and that is aimed at establishing whether this is viable, but all studies have shown that the input expenses are far more than the benefits. The Ministry, through the Kenya Meteorological Department, is not aware that such entities engage in cloud seeding activities within the said locality.

On the alteration of rain patterns in the area of interest, data available to us from the neighbouring Longisa Automatic Station that is owned by Kenya Meteorological Department, indicates that there has been an increase in the total annual rainfall in that area from 2018 to 2023. I have attached the figure and the maps to this document, which I have shared with the Members.

Secondly, allow me to highlight what the Ministry, through the Kenya Meteorological Department, has done. The Kenya Meteorological Department recently installed automatic weather stations in Chepalungu Constituency and all its environs. However, specific variability in the specific locations could not be established due to lack of data. The Ministry and the Department will continue monitoring the data for analysis and draw adequate information. I

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can assure you that, once we make a policy formulation, we will forward it to address this issue and we will not allow our communities to be aggrieved.

The third question was on the steps the Ministry intends to take to address the concerns that have been raised by the affected residents. On this question, allow me, at the outset, to commit and to state our commitment towards protecting the interests of our local communities. To this end, in addressing the concerns of the affected residents, I commit to do a follow-up with the Ministry of Water, Sanitation and Irrigation and its agency, the Water Resource Authority, to ascertain the extraction of water from both River Amalo and River Nyangores, as mentioned, and we will report back to this House in two weeks.

Further, going forward, we hope that by the enactment of the Meteorological Bill, 2023, which is before the House, the Kenya Meteorological Department will have the powers to regulate weather-related activities in the country.

Thank you, Hon. Deputy Speaker.

**Hon. Deputy Speaker:** Before I allow one interjection, and then the owner of the Question to confirm whether he is satisfied with the answer by the Cabinet Secretary or not, allow me first to welcome very special guests who are seated in the Speaker's Gallery from Kisii County.

Mr. Moenga Onchweri, Mrs. Moenga, *Wakili* Wickliffe Moenga, and Ms. Claire Ombati. I will allow Hon. Silvanus Osoro to welcome them on behalf of the National Assembly.

*(Several Members spoke off the record)*

He will explain.

**Hon. Silvanus Osoro** (South Mugirango, UDA): Thank you very much, Hon. Deputy Speaker. I had to make this very special request, which is again unprecedented in this House, to welcome very special guests to me. Mr. Moenga Onchweri picked me from the streets and took me to school upon the demise of my parents.

*(Applause)*

This is a very special guest to me. It is a very emotional thing to me because when he actually came to where somebody had given me a casual job of welding, after I had dropped out of school, he picked me and decided to take me back to school, educated me until I finished. One thing that is very special is that this is the first time Mr. Moenga has stepped in Parliament at 78 years old. When I made a request to the leadership of this House, they agreed to have them sit at the Speaker's Gallery so that they can see what we do in this House, and also to see their product.

But again, on the flip-side, Hon. Deputy Speaker, I got surprised today when I welcomed Mr. Moenga because he also knows the Hon. Member for Kisii County, Hon. Dorice Donya Aburi. He also educated Hon. Donya Aburi, because they actually happen to come from the same village. He is a very special person. He dreamt of becoming a Member of Parliament for Nyaribari Chache Constituency years back, but it did not materialise. I told him that by Hon. Aburi and myself being Members of Parliament, it is actually a double victory. That is why I made this very special request.

Thank you very much, Hon. Deputy Speaker.

**Hon. Deputy Speaker:** Okay. Thank you. Yes, Hon. Donya Dorice, I will give you three minutes.

**Hon. Dorice Donya** (Kisii County, WDM): Hon. Deputy Speaker, this is the beauty of good Samaritans. I am always talkative but, when I look at them, I am very humbled. I have eaten a lot of vegetables because parents and good Samaritans are the best thing that God can

give. We can even attest that it was like Hon. Osoro was reading a Bible. He was so calm because the parents are present. This is what parents have done to us. Today, we cannot even “Gachagualise” anybody. We are just good. We are very obedient and please, Hon. Members, M-PESA your parents. Parents believe girls give them food and send them M-PESA unlike boys. Let us change that. Male Members who are here today, send your mother some M-PESA and make it Ksh10,000 and above. Cabinet Secretary, Hon. Duale, I will come for Ksh.100,000 from you and send it to my mother.

Thank you, Hon. Deputy Speaker.

*(Laughter)*

**Hon. Deputy Speaker:** Okay. Thank you for the digression. I think we can proceed. I will give the floor to one Hon. Member to ask an additional question. Let us have Hon. Zamzam, the Member for Mombasa County. We will then go back to the Member for Chepalungu to confirm if he is satisfied with the answer.

**Hon. Zamzam Mohammed** (Mombasa County, ODM): Ahsante sana Mhe. Naibu Spika, kwa kunipa fursa hii nami niweze kumshukuru mzee mwenga kwa kuweza kuwalea hawa vijana wawili. Leo hii ni Wabunge ambao tuna wa sherehekea ndani mwa hili Bunge.

Imenikumbusha mzee marehemu Mhe. Yusuf Haji, ambaye alinisomesha na ndio maana munaona jambo lolote likija hapa la Noordin Haji, ni lazima nimpigie upeto kwa sababu yeye ni ndugu yangu. Sisi ambao tumetoka katika familia maskini, tukasomeshwa na kunyanyuliwa na wale ambao wanatuonea huruma, siku zote sisi huwa na huruma na ndio maana huwa tunarudi kwenye jamii na tunazidisha upendo kwa wale ambao hawawezi kujimudu katika maishi na sisi pia tuweze kuwasaidia.

Vile nimepata fursa, ningependa kwanza kumpongeza Waziri wa Mazingara kwa kuja hapa bungen. Ahsante sana, tunakushukuru. Umesema kwamba mambo ya maji taka na vinginevyo ni mambo ya kaunti. Lakini pia tukiangalia kaunti ya Mombasa, pale Tudor, maji taka yamekuwa yakiingia ndani ya Bahari kwa miaka mingi sana, na watoto wanaoishi katika sehemu za vitongoji duni wanaenda kuogelea kule.

Hii ni kwa sababu watu wamejenga nyumba bila ya kuangalia maji taka yatakwenda vapi. Wakishamaliza kujenga, wanaelekeza mabomba ya maji taka kwenye bahari. Nakuomba, kama unaweza, ulifuatilie jambo hili. Umesema hayo masuala ya serikali za kaunti, lakini nakusihi manaake wakati mwingine barua ikitoka kwa Waziri, pengine jambo linaweza kufuatiwa na kufanywa kwa wepesi.

Mhe. Waziri, umesema tunapanda miti ambayo pia itatupatia matunda. Mimi, kama mama Mombasa County, nimezunguka na nikaangalia miti. Minazi imekuwa michache sana ndani ya pwani. Nakuomba, kama mama Mombasa County, utuletee miche ya minazi na miembe ili tuweze kupanda tupate kuvuna matunda kama chakula na pia iweze kutuletea mvua.

Ahsante sana.

**Hon. Deputy Speaker:** Ahsante. Before I allow the Cabinet Secretary to respond to her brief question, let me allow the Member for Chepalungu. Hon. Mugambi, the Hon. Speaker has already ruled on that we will have only one joyrider’s question and go back to the owner of the question.

**Hon. Victor Koech** (Chepalungu, CCM): It is okay. Thank you, Hon. Deputy Speaker. While I appreciate the response from the Cabinet Secretary, I would like to make him aware that it is also nice for him and his team to visit the particular villages I have talked about. I am the area Member of Parliament and I know what happens.

In one occasion, I attended a funeral at a village called Kobolwo. It was raining at Sigor town but upon reaching Kobolwo, it was dry and dusty everywhere. The master of ceremony at the function, by the name of Henry from Kobolwo village, told me that whenever there were

signs of rain from the particular villages that I have mentioned, somebody who does irrigation farming in a neighbouring village – the presumed owner of the particular companies – would come out and shoot at the cloud.

To use his local words, he told me that the person I have referred to would normally come out and shoot the clouds, and in the next moment, there would be no rain in the particular villages I have mentioned. That is why I took it upon myself, as the area Member of Parliament, to raise the question on their behalf.

It is equally worrying that the data that the Cabinet Secretary has brought, showing that the particular villages have seen an improvement in rainfall, is totally wrong. This data is wrong as far as I am concerned because I know that the only time when these villages received rainfall is when the entire country was receiving heavy rainfall, which is almost one year ago. In normal circumstances, the villages I have mentioned do not receive any rainfall at all.

While I appreciate your response, I encourage the relevant officials of the ministry that you lead to go back to those villages and get real information. You can then come back with proper data that will guide you on what you will do as a ministry so that we see those particular villages benefitting from rainfall because they remain dry when there is no heavy rainfall in the country.

Thank you.

**Hon. Deputy Speaker:** Thank you. Hon. Cabinet Secretary, do you have a rejoinder?

**The Cabinet Secretary for Environment, Climate Change and Forestry** (Hon. Aden Duale): Thank you Hon. Deputy Speaker.

Chepalungu is a very great constituency which was led by a great man called Hon. Isaac Ruto, for whom I have a lot of respect. Please, give me your phone number before I leave Parliament. I want to assure you that when you are ready, the Director-General of the Meteorological Service and all our researchers, accompanied by you, will visit all the villages. We work for the people of Kenya. Tell me when you are ready because I want you to be there.

Secondly, my sister, Hon. Zamzam, I agree with you. I will talk about this matter later on as I respond to a Question by Hon. T.J. Kajwang' on dysfunctional sewerage systems in the counties, and specifically poor management of sewer manholes and illegal dumping of sewerage into our water bodies, including the sea and rivers. When I get to that Question, I will give a more comprehensive statement on my Ministry's position covering the whole country.

Thank you, Hon. Deputy Speaker.

**Hon. Deputy Speaker:** Thank you. Hon. Members, let us move to Question No.106/2024 by Hon. Timothy Wanyonyi, Member for Westlands.

## ORDINARY QUESTIONS

### *Question 106/2024*

#### MEASURES TO RECLAIM, SAFEGUARD AND SUSTAIN RIPARIAN AREAS AND VULNERABLE ECOSYSTEMS

**Hon. Tim Wanyonyi** (Westlands, ODM): Thank you, Madam Speaker. I want to congratulate the Cabinet Secretary for his new assignment in the Ministry of Environment, Climate Change and Forestry. The ministries responsible for environment the world over are very important. Everybody is now talking about climate change and how we can rescue our planet. I am sure that Hon. Duale is up to the task. We know that he has passion for anything he does.

Hon. Speaker, could the Cabinet Secretary for Environment, Climate Change and Forestry respond to the following questions?

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1. Explain the reasons behind the depletion of rivers, including the number of permanent rivers that have dried up in each county over the past four years and the plans by the Ministry to address and mitigate the situation?
2. Enumerate the entities and groups that discharge their effluent in rivers, along with the number of private dams constructed in the last two years and the policy statement outlining the penalties imposed on such entities for negative environmental actions?
3. Disclose the policy statement allowing for cultivation and re-entry of communities into forested areas, specifying the regions and roadmap for such action and the acreage likely to be affected per forest?
4. Outline the measures put in place to reclaim, safeguard and sustain all riparian areas and vulnerable ecosystems within the country?

**Hon. Deputy Speaker:** Cabinet Secretary, you may proceed.

**The Cabinet Secretary for Environment, Climate Change and Forestry** (Hon. Aden Duale): Hon. Deputy Speaker, before Hon. Zamzam walks out, there is a question that she asked on coconut trees. I had forgotten to respond to it. I confirm that I am here with the CEO of the Kenya Forestry Research Institute (KEFRI) and the Kenya Agricultural and Research Organization (KALRO), who have developed a high breed variety of short and fast growing coconut trees. They are available at Mtwapa, Gede and Kilifi. We are ready to plant them.

Hon. Deputy Speaker, in the 15 billion-trees growing initiative of President William Ruto, which is his strategy to restore our ecosystem, 30 per cent of the seedlings are fruit trees. I want to ask Members of Parliament to support this strategy by take charge of the 30 per cent fruit trees and giving them to women in our rural constituencies and villages. This initiative will restore our ecosystem by enhancing the forest cover and then help to reduce poverty.

Hon. Deputy Speaker, on the Question by Hon. Tim Wanyonyi – for whom I have tremendous respect, having represented people with disabilities in this House for a long time – the issue of river depletion is a critical concern that is on the government’s agenda. Under the leadership of His Excellency the President, the government has made concerted effort to address the causes, recognizing their far-reaching impact on water resources on the livelihoods of our people and the future of our nation.

Hon. Deputy Speaker, allow me to highlight some of the main causes of this challenge. I will be brief because I have provided the document to Hon. Wanyonyi and to the Office of the Clerk.

One of them is deforestation and degradation of water catchment areas in very critical areas like the Mau Forest Complex, the Aberdare Ranges and Mount Kenya Forest. This has led to a significant reduction in the ability of these forests to regulate our river flows. For instance, rivers such as the Mara, Sondu and Njoro, which originate from the Mau Forest, have experienced decreased water levels due to deforestation. I will again, later on, address this matter.

The second thing that has affected our rivers is the long drought and erratic rainfall patterns occasioned by climate change. Climate change is the current currency in the world. It is there and therefore we must face it. We have witnessed massive floods in Nairobi. We have also had long spells of drought. We have had landslides. Climate change is a reality. It has reduced river recharge and flow. Rivers like Athi River and Ewaso Nyiro North River, which support very critical ecosystems and our pastoralist communities, are among the water bodies that have been affected by erratic weather pattern and prolonged drought. These changes have led to a significant reduction in water availability across the country.

The third one is obstruction and unsustainable use of water for agriculture, domestic and industrial purposes. I want to give an example of Ewaso Nyiro River, which flows through

an arid and semi-arid lands (ASAL) area. It has seen its water level drop drastically due to excessive irrigation in the upstream areas. Similarly, Athi-River is heavily tapped for irrigation and industrial use, contributing to what the Hon. Member is calling reduced flow downstream.

Encroachment and human activity within the riparian areas is another factor that has reduced the flow of our rivers. This has contributed to the degradation of our river ecosystems. The construction, agriculture and urban development activities along rivers, like Nairobi River and Athi River, have not only reduced their water flow but have also increased the pollution levels.

Hon. Deputy Speaker, we no longer have Nairobi River. What we have in Nairobi River is raw sewage. It is heavily polluted. I want to assure you that I am speaking on behalf of President William Ruto. Nairobi River and all other urban rivers will not be the same again. At one time, River Thames of London was a sludge. I am ready, as Cabinet Secretary, to take the prize. The President has given me all the powers. I want the leadership of Nairobi County to work with us. We started yesterday with the climate works. We will change Nairobi River. It will become blue. People around Nairobi River and all of us will walk there.

Pollution is another issue that is affecting our rivers. Pollution from industrial, agricultural and domestic sources has degraded our rivers. The Nairobi River is a perfect example of a water body that is polluted due to dumping of untreated industrial waste, sewage and plastics, further straining its ability to sustain constant flow of water.

Lastly, poor agricultural practices such as mono cropping and overgrazing have led to soil erosion and siltation in many of the rivers. River Tana, for example, which is Kenya's largest river, is affected by siltation caused by deforestation and land degradation in its upper catchment areas. This has reduced the river's capacity to hold water, leading to flooding during heavy rains. In Garissa, Tana River and Lamu Counties, which are the counties through which the river approaches the sea, there is a lot of siltation.

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

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

Hon. Temporary Speaker, allow me to now highlight the mitigation measures that the ministry is putting in place. First, we want to restore our water towers. The ministry is implementing the ambitious 15 billion-tree growing presidential initiative to restore all our degraded eco-systems, including the water catchment areas. This also includes the Mau Forest Complex, Mount Kenya Forest, Mount Elgon, Chereng'any and the Aberdares Mountain. Restoration and forest protection will enhance water infiltration and reduce surface run off, thus contributing to river restoration.

To address climate change, the ministry has developed the National Climate Change Action Plan III. It was launched by President William Ruto during the inaugural First African Climate Summit held in Nairobi in September 2023. Our president the current Chairman of African Climate Heads of State and Government. There is a coordinated implementation of the national plan amongst various related ministries, agencies and the county governments. For example, the Ministry of Agriculture and Livestock Development is implementing Climate Smart Agriculture and other adaptation strategies to enhance water conservation.

Through the National Environmental Management Authority (NEMA), we have enforced the protection of riparian zones by removing illegal structures and settlements. This effort is very critical in ensuring that the rivers have adequate space to flow and recharge naturally. For example, riparian clean up and protection campaign along Nairobi River is ongoing. The exercise started yesterday with 10,000 young people under the Climate Works Programme that is initiated by our government.

In a month's time, we will add another 10,000 youths to the programme. Nairobi will have 20,000 young people doing that job. We will then go to other five cities. By December, 139,000 young people in all our 47 counties and constituencies will be engaged. We have no choice but to accept the fact that climate change is real and, therefore, we must have clear policies for climate mitigation and adaptation, as a country.

Hon. Timothy Wanyonyi also sought our indulgence to enumerate the entities that discharge effluent in rivers and make a policy statement outlining the penalties imposed on such entities for negative environmental actions. When I first went to that ministry, I could not believe the information that I saw. The people who pollute rivers in Nairobi, and who produce garbage, are not found in the informal settlements. They are found in the middle class. They comprise of you, me and the Members seated here. The people who live in the informal settlements cook very little and finish it all in one day. The people who have a lot of garbage in their homesteads are the Kenyan middle class. The percentage of pollution by the people in the informal settlements is less than 1 per cent.

So, who pollutes the Nairobi River? The NEMA has mapped out over 101 industries, factories, apartments and slaughterhouses that discharge their effluent into rivers in Nairobi. I want to confirm that the Director-General of the NEMA is seated here. He has no choice. He must comply with the laws and regulations passed by this House. He has already given them restoration orders. I will be meeting with the Kenya Private Sector Alliance (KEPSA) and the Kenya Association of Manufacturers (KAM) on Monday. I will tell them that they must stop discharging effluent into Nairobi River. They will have to either close shop or find a way of dealing with that effluent in accordance with the Environmental Management and Coordination Act passed by this House.

As I said, out of the 145 facilities, factories, slaughterhouses and apartments mapped out by the NEMA, 101 facilities have been listed as having compliance issues as per the attached list in Annex 1. The NEMA has also issued restoration orders to all the non-compliant facilities to ensure that they set up effluent treatment plants and treat their waste water before discharge to meet the national standards under the Environmental Management and Coordination (Water Quality) Regulations, 2006 passed by this House.

Hon. Wanyonyi, finally, want us to make a policy statement allowing for cultivation and re-entry of communities into forested areas. It is worth noting that non-residential cultivation in public forests is governed by the Forest Conservation and Management Act of 2016. The Act established the Kenya Forest Service (KFS) and vested it with a mandate to develop and sustainably manage, including conservation and rational utilisation, of all forest resources for the country's socio-economic development and other connected purposes. Sections 48, 49 and 50 of the Act provide guidelines for community participation in forest conservation and management.

Under these provisions, the KFS issued guidelines for non-residential cultivation and engagement with local communities. You cannot be a resident in a forest. The community forest associations guidelines provide regulations on where you can cultivate crops and graze livestock in consultation with the KFS. However, we will not allow non-residential or residential cultivation of forests. Our communities do a lot of work with the KFS. There is also subsidiary legislation with regard to cultivation of forested areas. Sections 58 (1) and (2) of the Forest Conservation and Management Act grant opportunity to community forest associations to engage in non-residential cultivation. This allows them to cultivate crops while caring for established trees on the same land for three years thus protecting the young trees.

In 2020, operational guidelines for implementing the Plantation Establishment and Livelihood Improvement Scheme (PELIS), known as the Trees First Guidelines, were put in place. This was to enhance efficiency and effectiveness in the management of our forest plantation.

Allow me to now highlight the fact that forest cultivation in Kenya faces several challenges despite the framework and the laws that this House has put in place. We experience forest degradation due to unsustainable cultivation practices. Poor management and lack of enforcement have led to deforestation in some of our areas.

I am here with the Chief Forest Conservator. We have agreed in principle that it will not be business as usual for our rangers and foresters. From the top to our citizens, all of us must protect our ecosystem and biodiversity. Enforcement is a key issue because the KFS is really underfunded. I am sure that the Departmental Committee on Environment, Forestry and Mining will look into this aspect when our fiscal space improves.

Population pressure and conflicts over land use have caused more forest encroachment. Finally, communities involved in our engagement with the KFS do not follow sustainable farming practices, which can sometimes lead to soil degradation, loss of biodiversity and ecosystem disruption.

The other issue that Hon. Wanyonyi raised that I need to address – he had raised many questions – is on how to improve forest conservation and cultivation. The Ministry has intensified its efforts to enforce the forest conservation laws, mainly through the Forest Conservation and Management Act that this House passed in 2016. The Ministry has recruited more than 2,664 forest rangers to bolster our enforcement and monitoring of activities across all forested areas. We have also increased funding to the KFS. We want to thank the President. Compared to previous governments, it is only during President William Ruto's tenure that over 2,600 forest rangers were recruited.

The Ministry has also reviewed the Trees First Guidelines to make them more adaptive to emerging challenges such as land use conflicts, climate change and invasive species management. The Ministry is also working closely with community forest associations to promote sustainable farming practices.

Lastly, we want to ensure compliance with the law. The ministry has introduced very strict monitoring mechanisms, including regular inspection of forest stations. These inspections ensure that cultivation activities are aligned with sustainable forest management and conservation guidelines.

Thank you.

**The Temporary Speaker** (Hon. Farah Maalim): I will give the first bite to Hon. John Kiarie and then go back to Hon. Timothy Wanyonyi.

Proceed.

**Hon. John Kiarie** (Dagoretti South, UDA): Thank you, Hon. Temporary Speaker. Allow me to start by saying that we are happy to have *Waziri* Aden Duale in the House. We get a sense of *deja vu* when we hear his voice come through the public address system. We feel like he is seated right there as the Leader of the Majority Party – one of the better performing Leaders of the Majority Party in the history of the National Assembly.

Being a former Leader of the Majority Party, Hon. Aden Duale understands that parliament never acts in vain. That is why I rise to ask about the progress of implementation of a Motion I brought to this House, which was backed by Members and passed. When it was passed by Members, it ceased being my Motion and became a Motion of this House. Because this House never legislates in vain, in connection with the reply he has given to my neighbour, Hon. Timothy Wanyonyi, I would like to remind him that we do not have space to plant trees in Nairobi. We do not have *shambas* or forests. So, the Motion was seeking to have the Ministry implement tree-planting along roadsides and road reserves. This country constructs in excess of 600 kilometres of road per annum. If those roadsides became sites for tree-planting, Nairobi will get its fair share of the bite at the cherry in populating trees in this country. That way, the ministry will assist in planting the targeted trees along roadsides and road reserves. This is uncommon, and Hon. Elachi can tell you because she neighbours me. Some roads like James

Gichuru all the way from Waiyaki Way to Dagoretti Corner, which we shared when we were growing up, used to have a canopy of trees on both sides. During the Jacaranda tree bloom season, there would be a beautiful boulevard with purple flowers along that road. When a road gets a tree canopy, it stops being a road and becomes a boulevard.

**The Temporary Speaker** (Hon. Farah Maalim): Hon. KJ it is Question time. The Chair has given you some leeway to build on your question. Therefore, go ahead and ask the question.

**Hon. John Kiarie** (Dagoretti South, UDA): Hon. Temporary Speaker, I am obliged. What is the state of implementation of the Motion on tree planting along roadsides and road reserves in this Republic, which was passed by this House?

Thank you.

**The Temporary Speaker** (Hon. Farah Maalim): Fair enough. Hon. Tim Wanyonyi, ask your follow-up question and then the Cabinet Secretary will answer them together.

Proceed, Hon. Wanyonyi Tim. Give him the microphone, please.

**Hon. Tim Wanyonyi** (Westlands, ODM): Thank you, Hon. Temporary Speaker. First, I want to appreciate the answer that the Cabinet Secretary has given. It is very elaborate. I know he means the things he has said, especially on Nairobi River that is so polluted. We, as the leadership of Nairobi, look forward to joining hands with you to work towards reclaiming these rivers. Nairobi River never dries up. Its water flows throughout the year. If it is protected, it will give the people who live along it some fresh water, which they can use in many ways. Therefore, we look forward to the implementation of your strategies.

Secondly, there is a riparian land just outside Westgate Mall which when Hon. Ngilu was the Minister for Lands, she helped rescue from grabbers. It is a riparian area and we wanted to preserve it as it was. It was a very beautiful environment with vegetation. However, as at now, there are people who have encroached on it. They have already occupied it. Is the Cabinet Secretary in a position to help reclaim that land? He could work alongside his colleague responsible for lands, housing and urban development to ensure that the said land remains a riparian area and preserve our eco system within that area?

**The Cabinet Secretary for Environment, Climate Change and Forestry** (Hon. Aden Duale): Thank you, Hon. Temporary Speaker.

Hon. KJ asked a very good question. I will look for the Motion. The Committee on Implementation need to invite me and the rest who are concerned but I want to assure him that there are many places to plant trees in Nairobi. We have started with City Park Forest. City Park Forest is now under the KFS. The title belongs to the Ministry of National Treasury and Economic Planning. It belongs to us. Karura Forest is over congested. In one weekend, City Park is visited by between 5,000 and 10,000 people. Therefore, we want to plant more trees, fence it and make it look like Karura Forest. Planting of trees on roadsides is under the restoration program of the President to plant 15 billion trees. The Ministry of Roads, Transport and Public Works is under obligation to implement the Motion. There are many things on the part of contractors who are given tenders to build roads. They are under obligation to not only plant trees but also ensure that they grow to maturity, like the way you see them in Europe. If you drive from Nairobi to Thika, or to Nakuru and Kisumu, you must drive in the middle of a forest. That is part of what the Ministry of Roads, Transport and Public Works is going to do in the larger forest restoration programme of planting 15 billion trees.

Secondly, we have an engagement with Kenya Power Company and the roads agencies. There is no way they can come to your residence or estate to make sure that the electricity lines are in order and in the process cut down trees. The law does not allow. The problem in this country is that people do not want to follow the law. There is a lot of impunity. Even when you construct your residential home on a half-acre piece of land, the law requires that you leave a certain percentage of that land for growing trees and grass. However, because of greed, people want to build apartments next to each other. That practice must come to an end.



Hon. Tim, I am happy that as a ranking Member of Nairobi Members of Parliament, you, Hon. KJ and Hon. Beatrice Elachi have stood firm and gone on record that you will stand with us. The Nairobi River Commission was not under my Ministry but now it is. You have stood with the multi-agency team, the President and all of us. Please, help us clean the Nairobi River. I will talk more about this when answering Hon. TJ Kajwang' Question concerning Nairobi River.

**The Temporary Speaker** (Hon. Farah Maalim): Very well. Let us proceed to the Question by the Member for Nakuru, Hon. Liza Chelule.

*Question 107/2024*

PRESERVATION OF WETLANDS AND CATCHMENT AREAS  
WITHIN THE COUNTRY

**Hon. Liza Chelule** (Nakuru County, UDA): Thank you, Hon. Temporary Speaker for giving me this opportunity.

*Waziri*, I welcome to the National Assembly and I congratulate you for your new position of Cabinet Secretary for Environment, Climate Change and Forestry.

Hon. Speaker, could the Cabinet Secretary for Environment, Climate Change and Forestry:

- (a) Elaborate on the initiative undertaken by the Ministry to preserve wetlands and catchment areas within the country and further state the effectiveness of such institutions?
- (b) Explain the measures the Ministry has put in place to safeguard indigenous trees planted in Kenyan forests considering the significant threat posed by charcoal burning activities?
- (c) Provide the status of the Community Forests Associations nationwide and further state the steps taken by the Ministry to ensure those associations are adequately equipped and trained to actively engage in seed propagation, particularly in light of the government's plan to plant 15 billion trees within the next decade?

**Hon. Speaker:** Cabinet Secretary.

**The Cabinet Secretary for Environment, Climate Change and Forestry** (Hon. Aden Duale): Hon. Temporary Speaker, the Member for Nakuru County, my sister, seeks to know the initiatives that the Ministry has undertaken to preserve our heritage, wetlands and catchment areas.

At the policy level, the ministry has put in place the National Wetland Conservation and Management Policy, 2009, which guides us on use of our wetlands, and sustainable management in the country. The policy also ensures sustainable ecological and socio-economic functioning of wetlands for the present and future generations. The ministry is now implementing that policy jointly with other stakeholders in order to protect and safeguard wetlands.

Secondly, the ministry has developed and is enforcing the Wetlands Regulations, 2009, which were passed under the Environmental Management and Coordination Act, (Cap. 387) Laws of Kenya. The regulations provide a legal framework for ensuring that all wetland resources in our country are utilised in a very sustainable manner, compatible with the continued presence of wetlands and their ecological goods and services. The ministry has also designated six wetlands in the country as far as the Ramsar sites are concerned.

Ramsar is an international convention that Kenya signed in 1992. The sites include Lake Nakuru in Nakuru County, Lake Elmentaita in Nakuru County, Lake Bogoria in Baringo

County, Lake Baringo in Baringo County, Lake Naivasha in Nakuru County and Tana Delta in Tana River County.

In order to promote the wise use and conservation of our wetlands and all the associated resources, my ministry is implementing the management plans for several wetlands in our country. I do not want to read out the list because it is long. However, I have provided the Member with the list. They include Gambella Swamp Integrated in Meru, Lake Kenyatta Management Plan in Lamu, Tana Delta Management Plan in Tana River, Sabaki Estuary Management Plan in Kilifi, Lake Jipe in Taveta, Munungu Swamp in Embu, Saiwa Swamp in Trans Nzoia, Kibirong Wetland Management Plan in Nandi, which are all ongoing, and Lake Bogoria Management Plan, which is under review.

The ministry is also restoring all our degraded wetlands by mobilising various stakeholders, including the national government agencies, county governments, the private sector, Non-Governmental Organisations (NGOs), the general public and our local communities to restore all degraded areas through planting of trees. This is part of the wider 15 billion trees initiative started by President William Ruto. It is very important to note that the conservation and protection of our wetlands is our sustainability strategy towards attaining the 15 billion trees goal.

Last but not least, we are also implementing a very transformative initiative dubbed ‘Adopt a Wetland’, which is spearheaded by the National Environment Management Authority (NEMA). This initiative seeks to catalyse the participation of different stakeholders. In a number of our wetlands, people have title deeds. I need the support of this house. When we cancel them, people will bring petitions, Motions and even an impeachment Motions to discuss me. I want this House to protect me because I will be protecting the wetlands. I do not want cartels to use the Floor of this House. I have witnessed what I am talking about because I lived here for a quarter of my life. I know what goes on.

The second question sought explain on the measures that the Cabinet Secretary has put in place address this matter. Hon. Liza seeks to know the measures. Allow me to respond to this by first observing that the Ministry of Environment, Climate Change and Forestry is unwavering in its commitment to protect Kenya's indigenous trees through regulatory enforcement. One of our top researchers, the CEO of KEFRI is here with me. We must respect scientific research. The communities must be engaged. All these are facilitated by Kenya KEFRI, which is domiciled in Muguga with research canter in many of our counties.

As I said, KFS recently employed over 2,000 forest rangers and posted them to various regions and forest stations to strengthen its protection and conservation efforts as requested by the Member for Nakuru County. In the spirit of collaboration, the ministry has also deployed forest advisory staff to counties to advise and work with our county governments on forest conservation, development and management issues.

In order to regulate tree harvesting on private lands, our ministry has implemented mandatory inspection and issuance of certificates of origin and permits for movement of all forest-related products. Finally, the Ministry actively supports community forest associations, which are formal groups of communities living adjacent to our forests that collaborate with KFS in sustainable management of our forests.

The third question that the Member asked is about the status of the community forest associations. I will start by explaining the anchorage of community forest associations in the Kenyan laws. Community forest associations, as they are called, are incorporated under Section 9 of the Societies Act, Cap108 but they are domiciled in the forestry sector through Section 48, subsection 1 of the Forest Conservation and Management Act of 2016. Section 49 (1) of the Forest Community Management Association Regulations outlines the obligation of our community forest association. They are granted permission to participate in helping KFS in the management and conservation of our forests. Currently, we have 233 community forest

associations. A good example is a group that runs Karura Forest in collaboration with KFS. They are spread across the country. One hundred and seventy-five of them are active, 17 of them are inactive, and 41 of them are moderately active. There is a total of 185,535 members. All these community forest associations are duly registered with the Registrar of Societies and, therefore, have legal backing. They live next to our forests and help us to protect and conserve forests, which are our national heritage. Community forest associations engage in forest management activities through what we call ‘participatory forest management plans.’

Our ministry has taken measures to ensure that community forest associations are equipped and trained to support the 15 billion growing trees strategy of the Kenya Kwanza Government. The Ministry, through KFS, supports these groups in developing, training and helping them with good governance. It gives them good guidance on what to do to sustainably manage the use of our forest resources, and how our forest restoration activities can take place. The Ministry, through KFS and KEFRI, offers them training in forest governance, monitoring and compliance with the forest regulations while KEFRI provides specialised training in seed propagation, nursery management and agroforestry production.

Before I became Cabinet Secretary, I did not know much about KEFRI and where they are based. I really want to ask Members that one day when they are free, they visit KEFRI in Muguga. It is a very cold place. You will find 10-20 top researchers. They will tell you the types of trees. They spend hours and years on research. It is a very great institution.

Community forest associations are playing an increasingly significant role in helping us to create awareness through the tree growing campaign. On planting 15 billion trees by 2032, you will find them on site. They have been given the role of seedling production. They help us in producing seedlings, running nurseries, planting and growing of trees in gazetted and non-gazetted forests. They protect planted trees from destruction and damage. So, they are very important. That is why this august House gave them a role when it legislated the Forest Conservation and Management Act, 2016.

Hon. Temporary Speaker, I have answered all the questions raised by the Member for Nakuru County, Hon. Liza Chelule.

**The Temporary Speaker** (Hon. Farah Maalim): Hon. Wilberforce Oundo.

**Hon. (Dr) Ojiambo Oundo** (Funyula, ODM): Thank you, Hon. Temporary Speaker. It is good to see my friend, the Hon. Cabinet Secretary, in the House today. He was the Majority Leader. He left me seated here and he will always find me here regardless of what Sir George thinks. I like his passion for the new assignment. I never knew that he could transit from *Afande* to a forest man seamlessly.

The Cabinet Secretary may not have an answer to the matter I want to raise, but want to engage his team to look at a series of hills in Funyula Constituency, starting from Odiado Hills all the way to Busia Hill. For many years during the time of Professor Julia Ojiambo as the area MP, that area was populated by indigenous trees. As it has been clearly said, over time, bad farming practices, deforestation, tree-cutting for construction and charcoal burning have decimated those trees. Those hills are now bare. Is there a programme within the Ministry through which private owners of land can collaborate with the ministry to ensure afforestation with indigenous trees so that we preserve the environment and return those hills to their status of the 1970s and early 1980s?

Thank you.

**The Temporary Speaker** (Hon. Farah Maalim): Member for Wajir County.

**Hon. Fatuma Jehow** (Wajir County, ODM): Thank you, Hon. Temporary Speaker. First, I want to tell *Waziri* that he is in the right ministry. Listening to him gives me all the confidence that he can make a difference in that ministry. I feel like it is the right time to make North Eastern green, Hon. *Waziri*.

Following up on the issue of planting 15 billion trees by 2032, we have the International Tree Planting Day in November, if I am not wrong. Last year, we all went to the counties, and all ministers planted all sorts of trees. However, where myself and him come from, all the trees are not doing well. Are we having a scenario where we are just planting trees and we leave or we can plant trees for sustainability? When you go back, Waziri, I want you to look at the trees that were planted. I know you were not there. Find out how they are doing. Your team can do that work of seeing how they are faring.

I have been to the KFS many times. I was hoping we could have afforestation land for Wajir. We have land but we do not have trees and water. I believe if we are given water and trees, we can provide land. The trees will do well and people will come there to benchmark. I want to repeat this, Hon. Minister. By the time you leave this docket, you should have painted North Eastern green. It is viable. All of us can make it.

Thank you.

**The Temporary Speaker** (Hon. Farah Maalim): Cabinet Secretary, you can take a few more questions and answer all of them at one go.

Hon. Oluoch, are you still on or you have changed your mind? If Hon. Oluoch is not interested, we will have the Member for Seme.

**Hon. (Dr) James Nyikal** (Seme, ODM): Thank you, Hon. Temporary Speaker. May I also take this opportunity to congratulate our colleague for shifting and picking up very well in his new docket. My Question is on the preservation of indigenous trees. Some of these trees have very high commercial value. Their protection is important. Some of them have medicinal value and some have special oil values. My question is specifically on sandalwood. I do not know whether it is an indigenous tree or it is a tree that was brought in. Apparently, this tree is very popular. It has special oil. There is always a lot of its trafficking. People have been arrested with lorryloads of sandalwood. If this wood is so popular, is it possible to have it grown on a commercial scale? We should not just protect what is there but grow it on a commercial scale and export it. It will earn us foreign exchange.

Thank you.

**The Temporary Speaker** (Hon. Farah Maalim): Member for Mbooni, you have the microphone.

**Hon. Kivasu Nzioka** (Mbooni, WDM): Thank you, Hon. Temporary Speaker. I thank you my friend, Hon. Duale. Since you left, I am still suffering.

*(Laughter)*

My question is similar to the question asked by the Member from Wajir. Last year, we had a tree planting day and it succeeded in some areas.

*(Hon. Rozaah Buyu consulted loudly)*

Hon. Temporary Speaker, can you protect me from these Hon. Members?

**The Temporary Speaker** (Hon. Farah Maalim): Order, Hon. Rozaah Buyu!

**Hon. Kivasu Nzioka** (Mbooni, WDM): Last year, it succeeded in some areas and in others it did not succeed. In Ukambani, it partially succeeded because of two reasons. One, our long rains start in October and end in December. We brought the trees in November. So, we had only one month for the trees to get the necessary water. Two, these trees were not really for Ukambani. Therefore, they could not withstand the harsh climate in that area. So, my Question is, is there a plan to have a tree planting day this year? What plans are in place for the government to supply tree seedlings which are area-specific?

Thank you very much.

**The Temporary Speaker** (Hon. Farah Maalim): I will ask the questioner, Hon. Chelule to ask the last supplementary question. There are two other Questions. Those of you who feel that they can ask further questions will get opportunity to do so.

Proceed, Hon. Liza.

**Hon. Liza Chelule** (Nakuru County, UDA): Thank you, Hon. Temporary Speaker, for once again giving me this time to react to the answers given by the Cabinet Secretary.

Waziri, we are not only talking about government forests and other government institutions. I am very passionate about planting trees. We need to engage people at home to do serious planting of indigenous and exotic trees. I am saying this because if we do not engage the people of this country to plant trees on their private lands, we may not achieve what we want to achieve.

Waziri, I hope you are aware that most rivers are disappearing because of degradation. This is happening because farmers around small rivers are ploughing the river banks. This encourages soil erosion. This is what is happening at the community level. You have only spoken about big government institutions. We need to speak about rivers in our local areas. There are so many rivers drying up because of quarry activities. I know you are not lazy. I would request you to one day move around and see what is happening along most rivers in Kenya. Rivers have actually disappeared.

You have spoken about KEFRI. Let us devolve it. I am not saying that we take away all the offices from KEFRI, but we need the seeds. They have good indigenous and exotic seeds that Kenyans can plant. If tree seedlings are freely made available to Kenyans today, you will see wonders. Otherwise, I am satisfied to some extent. I know you will do it, Waziri.

Thank you.

**The Temporary Speaker** (Hon. Farah Maalim): Cabinet Secretary, you can answer those raft of questions.

**The Cabinet Secretary for Environment, Climate Change and Forestry** (Hon. Aden Duale): Thank you, Hon. Temporary Speaker. Let me start with my very good friend Member for Funyula. I miss you also. He was my colleague in the Departmental Committee on Health. I hope you are still there. At least you are talking about hills. We have heard so much about mountains. Today is about hills. Where the Temporary Speaker and I come from, there are small hills; the ant-hills. They are not as big as the ones in Busia.

Our programme for forest restoration – the 15 billion trees programme – also covers private land. If those hills are available, myself, yourself, the people of your area and KFS will have a day to plant between 10,000 and 20,000 trees. Our policy is not tree planting but tree growing. There is a difference between planting and growing. So, it is a 15 billion tree growing programme. This programme is citizen-driven. We have allocated all the counties to Cabinet Secretaries. Agroforestry is now under my ministry, and it is key. Farm forestry and the 15 billion trees strategy will go hand-in-hand.

Hon. Fatuma, I want to assure you that KEFRI is going to Wajir. They are in Garissa. They are going to open the first seedling centre in Wajir. Please, work with our governor and our county government. Sixty per cent of the 15 billion tree-growing strategy is going to happen in the dry land part of our country commonly known as ASALs.

Hon. Nyikal I have missed you and your many amendments. When it was time for a Committee of the whole House, I would look at the Order Paper. I miss your many amendments. I still read the Order Paper. I agree with you. If you go to KEFRI, they will show you how some of the ‘peaches’ found in our forests are more valuable commercially. The perfumes you buy duty-free in Dubai are made from raw materials obtained from our forests. Dr. Jane, the acting CEO of KEFRI, will tell you which trees are good for which area of our country. We do not need to plant any trees anywhere. Our scientists have identified suitable trees for every part of this country. I have a very long list, particularly for colleagues in the

ASALs. There are many trees that grow in our areas but we do not know their value. I have asked the Speaker to arrange for me a *Kamukunji*, maybe later in the month so that we talk to Members about the presidential 15 billion tree-growing programme. Under the environment budget in your National Government Constituencies Development Fund (NG-CDF), you can pick 30 per cent fruit trees and take them to rural constituencies. You share them out amongst women for them to plant. That will help us not only in reforestation of our country but also to reduce poverty within our communities. I really want us to work on that one.

Hon. Temporary Speaker, I cannot see Hon. Mboni.

**The Temporary Speaker** (Hon. Farah Maalim): He is there.

**The Cabinet Secretary for Environment, Climate Change and Forestry** (Hon. Aden Duale): Oh, he is there. He has come back. He is also a good friend of mine. I have also missed him. The problem is that I cannot come to the bar. Once I am around, you will allow me to have tea at the lobby, like the late General Nkaisery used to do. I agree with you. For the dryland areas of Kitui and Garissa, Dr. Jane and KFS have the solution of trees that do not require a lot of water. They are trees which will grow and even help the communities out there in terms of commercial activity. You can give the fruit trees to the rural women in your constituency. I hope we will have a meeting.

Hon. Chelule gave very fair comments. We will take her comments. On the issue of quarries, we will deal with it. Just text me which quarry is affecting our rivers. An official of NEMA in Nakuru will either do his job or work for the quarry owner. There is no choice. You either work for the government or for the people doing business in the various sectors.

Thank you, Hon. Temporary Speaker.

**The Temporary Speaker** (Hon. Farah Maalim): Let us take the next question. Hon. TJ, I notice you have just walked into the House and you have a question. Could you ask your question? Give him the order paper, please.

**Hon. TJ Kajwang'** (Ruaraka, ODM): Yes, Hon. Temporary Speaker, I confirm to you that Ruaraka is in the House. My Question is 129/2024 directed to the Cabinet Secretary for Environment, Climate Change and Forestry. I want to ask about Nairobi River pollution and noise pollution.

**The Temporary Speaker** (Hon. Farah Maalim): Ask the Question as it appears on the Order Paper.

#### *Question 129/2024*

#### CONTINUED POLLUTION OF NAIROBI RIVER AND NOISE POLLUTION IN RESIDENTIAL AREAS

**Hon. TJ Kajwang'** (Ruaraka, ODM): Hon. Temporary Speaker, could the Cabinet Secretary:

*Nairobi River pollution—*

- (a) State the root cause(s) of the Nairobi River pollution and why the river continues to be contaminated despite the many interventions made over the years by various institutions?
- (b) Outline the number of facilities along the Nairobi River that are discharging effluent into the river and the steps the Ministry has taken to address the situation?
- (c) State the measures to address the discharge of effluent into rivers and water sources in the country?
- (d) Clarify whether illegal dumping and dumpsites, including the famous Dandora Dumpsite located along the Nairobi River, are contributing to

the Nairobi River pollution and what measures are in place to remove illegal dumpsites and dumping along rivers, including management of waste in urban areas?

*Noise pollution—*

State the steps being taken by the Ministry to address the increasing cases of noise pollution in the country, especially in residential areas within urban centres.

**The Cabinet Secretary for Environment, Climate Change and Forestry** (Hon. Aden Duale): Thank you, Hon. Temporary Speaker. Let me start by thanking Hon. T.J. Kajwang'. This is a current question because Nairobi River is a currency that is important and a priority to this government and the President.

As you may be aware, the President recently launched a ground-breaking and ambitious climate resilience service programme called Climate Works. Its aim is ecological restoration of our urban rivers, mainly starting with Nairobi Rivers, while maintaining public infrastructure and housing through labour intensive and sustainable public works. I will have another day to talk about Climate Works. It contains a lot about Nairobi River regeneration and restoration. It also includes pavements, the riparian areas, labour intensity regarding settlements and making sure that roads and lighting are done. It is a huge programme of the government under the able leadership of the President. The initial phase of Climate Works started yesterday in Nairobi City County, along the Nairobi River. In its first phase, 20,000 young people in Nairobi from 42 villages have been onboarded. The first 10,000 cohort started work yesterday.

Hon. Temporary Speaker, building on this foundation, we will extend the programme to four other major cities—Kisumu, Mombasa, Eldoret and Nakuru—in the next few months. Another additional 40,000 youths will be engaged. Ten thousand of them will be located in other areas of Nairobi starting early November. In December, because of equity, the Climate Works Programme will be rolled out across all the remaining 47 counties, onboarding 139,909 young people to ensure full national participation and impact.

Hon. Temporary Speaker, my ministry is implementing other initiatives to deal with pollution issues in our main urban rivers. The NEMA initiated such a programme called Urban Rivers Regeneration Programme 2019 to 2024 for restoration and sustainable management of rivers within urban areas such as Nairobi, Kisumu, Eldoret and Nakuru which face very serious and critical environmental challenges due to pollution, encroachment and misuse. The root causes of pollution in Nairobi have been identified. Many Cabinet Secretaries shied away but I will not do it. I want Hon. TJ to listen to me. The story in town is that the people you represent in the informal settlements pollute Nairobi River, which is a fallacy. Their pollution contribution is less than one per cent. They do not even have garbage. They have nothing to throw out. What they eat is very little. The garbage comes from the middle class communities, who are the biggest polluters of Nairobi River. They must listen to me. The NEMA has mapped out 145 industries, factories, slaughterhouses and apartments which discharge their effluent to Nairobi River. I have directed the Director-General of NEMA—Mamo Boru Mamo, who is seated here—to enforce the laws that this House has passed. He has no choice. He either enforces the law or he leaves the job. You either shape up or ship out. He wrote restoration orders last week. Industries are the ones polluting Nairobi River.

Secondly, the greatest polluter, whom the President has spoken to, is Nairobi Water and Sewerage Company. The President spoke to the two Chief Executive Officers (CEOs) of Athi Water Works Development Agency. Their manholes discharge raw sewage into Nairobi River. In fact, we do not have a river but we have a sewage. The third and largest group that destroys Nairobi River is the dumpsites. There are thousands of them along the 47 kilometre-stretch from Kikuyu Constituency to Thwake Multipurpose Dam in Makeni. On Sunday, trucks carrying garbage were in Mukuru Kwa Njenga discharging into the river. I told the Governor

of Nairobi City County that he must remove dumpsites along Nairobi River. We are going to call to order the companies that he has contracted to carry garbage, including the private ones that come to our homesteads to pick up garbage. We will sit down with them and have a conversation on this matter.

The biggest environmental challenge in our country is that waste management is devolved. Pollution and zoning are also devolved. No county in Kenya today can tell you which dumpsite they have. We see garbage falling off trucks as we drive behind them. We will introduce very strict measures. Dumpsites are another source of pollution. Solid waste goes into the river. Informal settlements contribute very little.

Hon. Temporary Speaker, allow me to just make a joke. The person who lives in informal settlement cleans his plates. He does not need to wash it. The food he has is very little. So, what will he throw away? The people who throw out huge amounts of garbage are those in the middle class and the industries, who then blame their mess on people living in informal settlements.

Hon. Temporary Speaker, the other group is that which builds or encroaches on the riparian lands. When I saw the Question from Hon. Kajwang', I was very happy because it would allow me to address the issue from the Floor of this House. I have written to the Kenya Private Sector Alliance (KEPSA) and the Kenya Association of Manufacturers. Big companies dump their effluent. The law allows them, and the Environmental Management and Coordination Act allows them, and they provide how their effluent is discharged. Let me accept it. Somebody somewhere failed because of corruption, and greed and nobody wanted to protect the environment.

The NEMA had teeth. The Director-General transferred a number of people, but they go to big people and they are returned to their stations. All NEMA officials in the city were transferred, including the County Director, who had very powerful connections.

I read former Minister's, the late John Michuki, notes. He had a good vision. Mzee Moi, when he started the *mmonyoko wa udongo*, people used to laugh at him. If we could have picked from where he left off, our forest cover, which is 10.3 per cent, could have been 35 per cent. Ethiopia, our neighbour, has grown 36 billion trees in 10 years. So far, we have 451 million. Every Cabinet Secretary has a county. I am ready to work with every Member here to give you the seedlings, to work with KEFRI and KFS.

Hon. Temporary Speaker, where you come from, you have seen what the United Nations High Commissioner for Refugees (UNHCR) does. The UNHCR, and I want you to support me, is the global United Nations entity that takes care of the interests of refugees. They must provide an alternative energy source. They have cut a lot of trees over the years. I told the UNHCR Country Director that it will not be business as usual. I will go with you to Dadaab. I told them that I had the backing of all the Members of Parliament from that area. They are even killing giraffes and selling them. All of us must protect the environment.

Hon. TJ, I have told you who is polluting, and we will deal with them. As regards what we are doing about it, we are removing all dump sites and structures along riparian land. Hon. TJ, help us on regeneration of Nairobi River. We lost 42 people during the floods. We are not ready to lose any other life. We are not ready. The Mathare River and the Ngong River... Hon. Member for Mathare lost many people. We must bite the Headquarters for the United Nations Environment Programme (UNEP). We have a green Constitution. We must have the Nairobi River like the Thames River. At one time, the Thames River was a sludge. Today, the Thames River is a great transport hub in London.

In addition to this intervention, the Nairobi River Commission was established by His Excellency the President. I think the Member has the answer to its story. He asked a second question to the effect that I outline the number of facilities along the Nairobi River that discharge effluents. I have answered that. The NEMA has conducted an inspection to identify



the illegal discharging along the riparian area. Out of the 145 facilities, which we have mapped, 101 facilities have been listed by NEMA as having compliance issues because they do not have the required discharge according to the law. I have attached the list. I have nothing to hide. Yes. Even the banks, I have sat with them. They have a sustainability obligation – the Kenya Commercial Bank (KCB) and Equity. If they are giving credit to a company, or to a factory that is destroying the environment, even the sustainability of that company will be in question. We have slaughterhouses that discharge raw effluent to the Nairobi River. The NEMA will undertake compliance evaluation through inspection.

On question three, Hon. TJ asked our indulgence to state the measures that we have put in place. I have already made it clear. Let me come to what we are doing about pollution control and wastewater management. Religious groups and those who run clubs under tents, like in Kitengela... The music that they play can even disturb a family five kilometres away. Even our citizens, when they are celebrating a graduation or a birthday, must comply with the law. They must. You cannot bring all your friends because your son is graduating and play music the whole night. Some families have sick people; some have young children and some people are tired they want to sleep early. I was a victim this weekend in my estate. But because I did not want to be accused of using my powers, I wrote a small note to the chairman of our estate and told him this was against the law. Please, by 10.00 O'clock, reduce the noise pollution.

The NEMA has the powers. They have police. There is something this House has given us under the Regulations called extended producer responsibility enforcement. If, for example, a bottle of Coca-Cola or a packet of Brookside is found along the Nairobi River, that company under extended producer responsibility, must come and clean that river. The NEMA must issue that restoration order. That is why, Hon. Temporary Speaker, during the Finance Bill, one of the biggest multinational companies was against the Eco Levy. Why was that company against that Levy? Their franchise is in Kenya, where their packets or their bottles are found along the Nairobi River and NEMA uses the extended producer responsibility. That responsibility goes to the owner of the brand, who is a multinational. I was watching. They appeared before the Departmental Committee on Finance and National Planning, and they did not want to take responsibility.

When the Restoration Support Bill comes next month or next year, which will be used to protect the environment, and our ecosystem, I really want to ask colleagues here to support it and to make it even more punitive.

Noise pollution is becoming a very serious issue. We have a law of 2022 on restoration order and sustainable waste management. This House enacted it. It aims to promote a circular economy in waste management such as segregation of waste at source. In our homes, in the next few months, I will gazette the code, where we must have a waste bin for wet, organic and dry waste. The vehicles that will carry it will have to carry it separately. When they take it to the Dandora Dumpsite, there must be different areas for different wastes. For the dry waste, the young people can use it for recycling. The organic ones can even be used for manure.

Our public transport system must also have waste bins such that if you eat a banana, you do not throw it out of the window. The public transport owners must provide the bins. We will enforce all these measures, including the noise pollution. When we also deal with those who are dumping effluent to the Nairobi River, please do not call me. This is because I know you will call me that it is my friend or somebody who supported me. I indulge this House; the leadership of Kenya seated here, to ensure we are remembered for conserving our environment. Let us be remembered for the fourth item of the Preamble of our Constitution that says that we must be respectful of the environment for the current and future generations. That was part of the Constitution making by the framers. I had a chat with the Chief Justice and the Judges of the Environment and Land Courts and they agree with me. They said that all of us citizens must make sure we protect the environment.

My final shot is to the Members of Parliament from Nairobi City County, majority who are seated here. Please, help me, the President and the multi-agency team. There was a Question that you would like me to deal with when I appear before the Departmental Committee on Environment, Forestry and Mining. I was ready tomorrow, but I have been informed that tomorrow Members have other important business. Mine is not important anymore. So they have given me a date of 15<sup>th</sup>. As a ranking Member, this business is very important so you better go and do it. I have no vote, but it is important.

*(Laughter)*

So, Hon. TJ, I got a letter from the Committee that we meet on 15<sup>th</sup> and not tomorrow.

**The Temporary Speaker** (Hon. Farah Maalim): I am sure the House is seriously excited that we have a new sheriff, on environmental matters in town. I wish I was not in the Chair and I was on the other side when you were talking about the United Nations High Commissioner for Refugees (UNHCR) and what needs to be done. But in any case, you and I come from the same county so we will talk about it. It is serious work and you are cut for the job. You are also doing a fantastic job.

We will now have Hon. Martin Owino followed by Hon. Anthony Oluoch.

*(Hon. TJ Kajwang') spoke off the record)*

Order! You will get your shot. Hon. TJ, wait, you will take the final shot. The tradition in the House is that you ask and you also take the last chance so that the Cabinet Secretary can answer.

Hon. Owino, followed by Hon. Anthony Oluoch, and then I will go to the ladies.

**Hon. Martin Owino** (Ndhiwa, ODM): Thank you, Hon. Temporary Speaker. Cabinet Secretary, Hon. Aden Duale, congratulations. We know people miss you, but some people miss you more, especially for us whom you mentored in the first term. I would like to ask on some small rural urban areas like Ndhiwa, which are currently struggling with how to deal with this pollution and mismanagement of waste. My question is that right now we are reacting because of miss-steps when things were being done. Is there any plan for prevention of these messes? For example, the Ministry can work with the departments of urban planning in the county governments for proper town planning for these upcoming urban areas like Ndhiwa. I would also like to know if you will reach out to the youth because we also need this engagement which you have created. You should not just stop at the county level, but must also reach out and work with the constituencies so that they can help in managing the environment.

**The Temporary Speaker** (Hon. Farah Maalim): Let us have Hon. Oluoch. Make the question brief, please.

**Hon. Anthony Oluoch** (Mathare, ODM): Thank you very much, Hon. Temporary Speaker. Cabinet Secretary, allow me to also thank you for the very seamless transition. It is like you were fit for the Ministry of Environment, Climate Change and Forestry as opposed to the previous one.

I come from a neighbouring constituency with my friend, Hon. TJ Kajwang'. Let me begin with the pollutants where you have indicated and correctly said that the informal settlements hardly do the majority of the pollution. In one of my constituency wards called Mlango Kubwa, around Mau Mau Road, there is a new dumping site that has been in existence for the last one year. Some of the items being dumped there do not reflect the menu of some of the constituents who voted for me. You find macaroni remains and the papers used to package Pishori rice. There are a lot of polythene papers of things that ordinarily, I know for a fact are not consumed on a daily basis by my constituents. But that is beside the point. The main point

that I would like to make to the Cabinet Secretary is in relation to the Mathare River on the demolitions that took place, as you correctly said that majority of the people affected came from my constituency and Ruaraka Constituency. My constituents are still smarting from the demolitions and removals that took place in that place. I am happy and I am sure Hon. TJ is, that Nairobi River Commission will be under your Ministry. You have also indicated that you will address the issue on the 15<sup>th</sup>. I would be happy to appear alongside Hon. TJ.

The main question I would like to ask you is in relation to the slaughter houses. You have indicated that they are one of the main causes of pollution. In Mathare, there is the Kiamaiko community where the main stay of business for the Somali Community is slaughter. Your predecessor intervened when NEMA people targeted the Somali Community in my constituency for harassment yet they were consistently in compliance with the required standards.

To date, they still continue to be harassed and threatened with closure of their slaughter houses. I invite you to take the opportunity to come to my constituency, in particular to Kiamaiko Ward. This way, you will have a live interaction of whether all the slaughter houses contribute to the pollution of the rivers or there is an element of corruption and high handedness from NEMA because of business competition. You will also see for yourself the Nairobi River that passes there and get the participation of the local people on how best we can preserve two things; the businesses of the Kiamaiko people that must continue and the Nairobi River that we must protect.

**The Temporary Speaker** (Hon. Farah Maalim): Hon. Beatrice Elachi, followed by Hon. Omanyoo. The Cabinet Secretary will take a few questions after that.

**Hon. Beatrice Elachi** (Dagoretti North, ODM): Thank you, Hon. Temporary Speaker. I would also like to thank the Cabinet Secretary, who was one of the leaders of the Majority Party that we have had in this country. We will remember him for many years for his consistency when he means something. I believe this is what he means in the Ministry of Environment, Climate Change and Forestry.

I will just say two things. I appreciate his sentiments that we will now deal with Nairobi Water and Athi Water. My concern here is the drainages and the sewers within the informal settlements. For example, when it rains, definitely they will drain to Nairobi River. How can we deal with that and bring in new sewer lines where there are none, if that can help us? More importantly, is how we can have a programme in schools where children in informal settlements can also learn how to dispose garbage so that they can assist their parents to separate garbage.

Lastly, is there a way we can have a programme with the Turkish Government, so that we have the olive oil trees, which we know can grow anywhere even in dry land, so that we can have those seedlings and enable those in arid and semi-arid areas to plant them? This will help us with oil. Thank you.

**The Temporary Speaker** (Hon. Farah Maalim): Hon. Omanyoo, you can go ahead and ask your question.

**Hon. Catherine Omanyoo** (Busia County ODM): Hon. Temporary Speaker, I thought I was next.

**The Temporary Speaker** (Hon. Farah Maalim): Who?

**Hon. Catherine Omanyoo** (Busia County, ODM): Me.

**The Temporary Speaker** (Hon. Farah Maalim): But I thought you are Hon. Omanyoo.

**Hon. Catherine Omanyoo** (Busia County, ODM): Yes, I am.

**The Temporary Speaker** (Hon. Farah Maalim): Then proceed!

**Hon. Catherine Omanyoo** (Busia County, ODM): Thank you, Hon. Temporary Speaker. *Bwana* Cabinet Secretary, I thank you for your well elaborated answers. In Busia, two things happen at a go. Whenever it rains, and especially in Budalangi, it is too much that the

overflow happens and the river banks burst. Most of the inhabitants have to run away for safety all the time this happens. While we are thinking of planting trees in areas that are dry in order to attract rains, we have too much sometimes. *Bwana* Cabinet Secretary, what is your plan to raise something that can obstruct whenever the overflow happens in Budalangi because this should stop? It has been there before I was born. Even today in this age, the same story of floods is affecting our people.

If you go to Teso North, you will find a hard pan. I tried to dig boreholes and I could not go beyond it. The few areas that have boreholes are seasonal. There is, therefore, a problem in Teso North. Is there a way we can have piped water to go across the sub-county or a dam that can feed the entire area? In that area, women and girls are raped at night while crossing to the other county to queue for six to eight hours. I meet men whenever I am doing my own criss-crossing and they joke that at night when you wake up and try to touch left and right, your wife is not there. She has gone to look for this important basic need - water. We can save a lot.

When you come to Budalangi, food insecurity and poverty levels are high. No-one in this world would like to be called poor, but there are situations that happen and one finds themselves in that situation. Now that you have been sounding knowledgeable, as their Women Representative, I beg that we put it pragmatically so that it does not just look theoretically well done.

**The Temporary Speaker** (Hon. Farah Maalim): Fair enough. Let us have Hon. Murugara, followed by Hon. Chererot and finally Hon. Kajwang'. The rest of you will take a serious bite on the next Question. There is another Question which is similar to this and you can ask anything on environment because the Cabinet Secretary is here. He will take note of all these things and answer them. Those questions that he is not able to answer, he will do so next time.

Proceed, Hon. Murugara.

**Hon. George Murugara** (Tharaka, UDA): Thank you very much, Hon. Temporary Speaker. Allow me to voice my delight this afternoon to have our former Leader of the Majority Party with us here. Even when he became a ranking Member, I remember we used to do many long hours in the House, and as he can witness today, we are still doing it with the vigour. We are carrying and holding the fort in respect of the House.

My question is in regard to pollution, one that Hon. TJ Kajwang' has asked about. We know very well that the Nairobi River is murky. As we live within the precincts of Nairobi, unless where it is absolutely necessary, you cannot drink that water. But as the river goes down, it gets into Machakos and then Makueni. Residents use that water when it is not treated, and this is a very big health hazard. What measures is the Government putting in place to ensure that even as we clean the Nairobi River, the water is also treated so that the health and safety measures would apply in Machakos and Makueni and those people are safe?

Similarly, but in the contrast, the Tana River has very clean water. As it traverses the Tharaka, we use that water without any treatment. Hardly can it be said to be a health hazard. I know you use it in Garissa, because I come to Garissa quite often and see as it flows under the bridge. As we speak today, there is a very serious threat to that river because of the water towers which are on Mount Kenya, Nyambene Ranges and others. The tributaries that drain into Tana River are dry and therefore the river has very little water. When you combine that with harvesting or harnessing of electricity, you then have a dry river as it meanders past Garissa into the Indian Ocean. What measures is the Government putting in place to ensure that first and foremost, we save the water towers of Mount Kenya and Nyambene Ranges, and secondly, we plant special trees that are friendly to the river line condition, and that will help in preserving water along the Tana River and its tributaries?

**The Temporary Speaker** (Hon. Farah Maalim): Hon. Chererot. Be very brief.

**Hon. Joseph Cherorot** (Kipkelion East, UDA): Thank you, Hon. Temporary Speaker. First of all, I wish to tell the Cabinet Secretary that he is equal to the task. For him to succeed, he has to make sure that he cuts across the Ministry of Water and Agriculture since they are interconnected.

The challenge we have in our country is air pollution. Another thing is that we have to shop wisely. The other day, as I was driving from Nakuru, the users of a car that was driving in front of me threw some waste through the windows. I think they were eating some food and they threw some remains on the road. *Bwana* Cabinet Secretary, what are the measures that you are going to put in place to make sure that Kenyans behave wisely and they handle their environment well?

Another issue is that in this country, most rivers have been neglected. What measures is the Cabinet Secretary putting in place to make sure that Kenyans own and participate, in especially taking care of their environment?

Lastly, what measures is the Cabinet Secretary going to put in place so that we employ the re-use and recycle? There is a problem of managing our waste well.

**The Temporary Speaker** (Hon. Farah Maalim): Let us have Hon. TJ so that we can dispose of that Question. We will go to the next Question and you will take a bite of that. Hon. Kamket, you will have an opportunity on the next one. The Cabinet Secretary has already taken too many questions. Order, Hon. Members! Proceed Hon. TJ.

**Hon. TJ Kajwang** (Ruaraka, ODM): Hon. Temporary Speaker, many Members have complimented, congratulated and expressed a lot of faith in the Cabinet Secretary, and therefore, I would not go there. I will just take it where it belongs. I, however, have to give him worth the distinction that he has in relevance. He has attended to this Question with a lot of relevance.

But so that these questions are not shrouded, whilst I have a lot of respect for Members, they have asked a lot of carry-through questions, which may lose the gist of the Question that the Cabinet Secretary came here to respond to. I will very quickly pick only four aspects of it so that the Cabinet Secretary is brought back to the questions which are related to this issue.

Regarding the third question on the measures to address the discharge of effluent into rivers and water sources in the country, the Cabinet Secretary has responded that one of the things they have in place is this animal called the Nairobi Rivers Commission. I want to take that. Is the Cabinet Secretary aware of the Gazette Notice, Special Issue No.258 of 2<sup>nd</sup> December 2022, which created the Nairobi Rivers Commission? He is a ranking Member of this House and I am sure he knows legislation making and so on. The Gazette Notice No.14891 quotes the Climate Change Act and the Environmental Management and Coordination Act. Of course, the issue of the rivers is in the Environmental Management Act. In fact, at that time, if you read the Climate Change Act, there is no function at all given to Nairobi Rivers Commission. That is the case and yet that is the Act upon which this is predicated. But worse, over the page, it is signed by a man, that I am coming to respect, called His Excellency President William Samoei Ruto. Now, under that Act, it is this Cabinet Secretary who has the authority to appoint a commission, and not the President. It is not a delegated function.

Secondly, this *Gazette Notice* must be laid before this House under delegated powers and jurisdiction of this House. Nobody has the power to make law other than this House. I am sure the Cabinet Secretary knows this. So, they created a Commission that is supposed to be driving the policy of cleaning the Nairobi River. I am going to meet him on 15<sup>th</sup>, but I have asked him to consider disbanding this Commission and creating it a fresh in a legislative process that is viable. However, in this case, he would have to respond to my question that is if this Commission was to drive this process, then it is dead as a dodo, *ab initio*.

Thirdly, I like what the Cabinet Secretary is saying about producer responsibility. In other words, if it is the breweries, Nairobi Sewerage or Athi Sewerage, they have a

responsibility on these river causeways. I like that. Is he considering creating a more substantive enforcement powers under these companies that are responsible? For instance, he must insist that in their balance sheets, there is an account in which some portion of money in what they make, whether profits or not, is dedicated to the cleaning up of the river causeways, because of that responsibility which the Cabinet Secretary is talking about.

Lastly, Hon. Oluoch is on the upper course than me. So, he gets polluted before me as it goes down the road. There is neglect of the Nairobi River; there is a lot of dumping. There must be a consistent way of opening up that river course by dredging. That is not very little money. They should be dredging the course to keep it open for the substances to pass through, including medical effluent. There are a lot of things that Hon. Oluoch and I see in that river, coming from the myriad of clinics. There are more clinics than people. I do not know whom they are treating. All that effluent is coming down the river.

People from a place that I have a lot of respect for, have this affinity for land. When they see land, their body changes. What they do is dump quarry sand on the course of the river such that in as much as it is getting constricted... This is very important

**The Temporary Speaker** (Hon. Farah Maalim): Hon. TJ.

**Hon. TJ Kajwang'** (Ruaraka, ODM): This is very important

**The Temporary Speaker** (Hon. Farah Maalim): The Temporary Speaker has given you an inordinately long leeway to make your case, but do not turn this into a very long speech.

**Hon. TJ Kajwang'** (Ruaraka, ODM): Most obliged. You and I are the remaining ranking Members in this House. The point is that these people are dumping quarry sand packets so that the river creates some more land. This is what we came to learn. People from those places have an affinity for land.

The Cabinet Secretary must know how to dredge this river course and remove all these dumped materials, so that the river gets back to its course so that as it goes down, the water becomes a little loose and more liquid, so that there is a velocity for it to flow down the river.

**The Temporary Speaker** (Hon. Farah Maalim): Cabinet Secretary, one serious takeaway, just to add on, is that if I got him right, he is talking about the regulatory aspect. Is it going to be a new piece of legislation that is going to give you more teeth than you have had before for you to be able to perform a raft of all these very ambitious things? Or can you do it through regulations? Is that right?

*(Hon. TJ Kajwang' spoke off the record)*

Okay. Fair enough.

**The Cabinet Secretary for Environment, Climate Change and Forestry** (Hon. Aden Duale): Hon. Temporary Speaker, you are a ranking Member followed by Hon. TJ. Hon. Kamket is not very far from Hon. TJ, but the senior ranking Member is the Speaker.

Hon. TJ, you very well know that the laws are in this House, but the problem in our country is the enforcement part.

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

**The Cabinet Secretary for Environment, Climate Change and Forestry** (Hon. Aden Duale): I am going to deal with enforcement, whether it is noise pollution, waste management, environmental degradation, Nairobi River and dumpsites. If we work together as the leadership, I want to assure you that the people who have been given the mandate... NEMA has police officers while other agencies do not have. Why is it so? This is because of how important the environment is.

Hon. TJ, I agree with you that there are issues in the creation of the Nairobi Rivers Commission through Gazette Notice No. 14891. But we are very lucky. I do not want to be accused. We now have one of the most brilliant Attorney-Generals in Kenya. I will sit with her

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when the Executive Order is signed and the issue of Nairobi River comes to my Ministry. We want to work within a legal framework.

Secondly, you are asking about Nairobi River and the 30-metre riparian size. We will drench Nairobi River. We will build embankments so that the river comes back to its course and carry the water. That presentation was done to His Excellency the President on Monday by our team. I will look for a day to invite the Nairobi leaders to show you the plan that we have. I will not succeed in this Ministry without the Members of Parliament. Hon. Oluoch, Hon. TJ, Hon. Beatrice Elachi and Hon. KJ, I need your support.

I want to assure you, through the Temporary Speaker, that Nairobi River will not be the same again. These are not my words, but it is President William Ruto and the Commander-in-Chief of the Armed Forces, who is saying that. He has only given me delegated authority. It is he who said it on Monday. That is why we have started with Nairobi River. So, we will fix that. I agree. You know Members have put me in many other issues.

Let me speak to my good sister from Busia on flooding control. We have done research. Work with KFS and KEFRI and plant more bamboo trees. Bamboo trees have become successful in the control of flooding. We will provide seedlings to you. Let us plant as many bamboo trees as possible, and you will count on me for success. It is the same problem we face with Tana River when it floods. As we get more money, we can do it. It is an intervention for restoration of the ecosystem. If you mix bamboo trees with indigenous tree species and plant in riparian areas, I can tell you it is a quick solution we can start with.

On the challenge on Tana River, by Hon. Murugara, my friend, I have missed you. During our days, if you allow me, it was difficult to impeach a Deputy President, and the reason was that we had the numbers. We had 145 Members. You know if you have 117 Members, you survive. Members who were aligned with William Ruto were 145, and Hon. Murugara was our lead counsel.

The challenge of siltation in Tana River is that we need to protect the water catchment areas by planting the right species of trees. Tell the people not to plant eucalyptus. Eucalyptus trees will finish the area. Secondly, there are too many horticulture farming and people are diverting the water at the top of the Aberdare and other areas. By the time the water gets to Garissa, Tharaka and Tana River, it meanders and migrates like the nomads. This month the water is here, and next month it is in a dry area. I agree with you. Let us help.

Hon. Owino has a very good point. I have talked to NEMA. We will work with counties and the Department of Physical Planning to come up with a holistic land use plan, even for rural parts. But the NEMA person on the ground must...

*(Hon. Anthony Oluoch consulted loudly)*

**The Temporary Speaker** (Hon. Farah Maalim): Order, Hon. Oluoch. You are supposed to be listening to the Cabinet Secretary, because he is answering the questions you asked.

Proceed, Cabinet Secretary.

**The Cabinet Secretary for Environment, Climate Change and Forestry** (Hon. Aden Duale): Thank you, Hon. Speaker. Hon. Owino, your point is very valid. I will prepare the report conclusively and deal with the issue.

There was the issue of solid waste management. The problem I have, and let me be very frank to the House, is that most of the challenges we are facing with waste management, noise pollution and environmental issues are about devolved functions, but nobody in the counties wants to take care. I mean, we must face it.

Let me start with Nairobi. The President has really helped the County Government of Nairobi City. We will help him in terms of resources. We will not deal with Nairobi River if

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we do not fix the old, dilapidated sewer system in Nairobi. So, the President has committed that he will first fix the sewer. The sewer line is in the river. Even when we want to dredge, we will meet sewer lines. The President has committed. When the budget request comes to the House, please support it. We want to fix that sewer line and maintain it properly.

We shall use what we call expanded responsibility. Hon. TJ, today I want to forgive them, but if I give you the names of the corporations that pollute Nairobi River with their products, some of them make billions of shillings in profits. When we bring a restoration fee, it will be domiciled at NEMA and it will not be taken to the National Treasury to pay debt. It will only be used, and you must amend that because you are good in amendments, for environmental restoration and protection. Please support me. You saw the story in the newspapers. As the Member from Lamu said, we must protect the marine ecosystem. It is important to our country. You know Lamu very well.

As I conclude, Hon. Oluoch, you are a very good man, but, please, I am not a Somali Cabinet Secretary. I am a Kenyan Cabinet Secretary. That is the oath I took. But you are better, at least, you have called me Somali, some called me *waria*, which is very demeaning. It is better you call me Somali, but not *waria* which is very demeaning. It is Sheng. My people have no choice. There are 15 slaughterhouses that have not complied. Two slaughterhouses have complied. They will not be closed because of competition. I agree with you and I know who wants to close them. The slaughterhouses employ many people. The Korean Government has given NEMA some facility to deal with affluent not to come to Nairobi River. I want us to sit with you and NEMA and agree on how to help the people do business without discharging their affluent into the river, so that I protect your votes and protect the environment. I think I have finished.

The only good thing Hon. Beatrice said was, yes, we are working with the Kenya Institute of Curriculum Development (KICD) to mainstream waste management into our school curriculum. We have already written to them, so that we teach our children about waste disposal and waste sustainability.

Thank you, Hon. Speaker. I think I have tried.

**The Temporary Speaker** (Hon. Farah Maalim): You have done ably well in answering that Question. Now we take the last Question.

**The Cabinet Secretary for Environment, Climate Change and Forestry** (Hon. Aden Duale): The last Question, if you allow me, Hon. Temporary Speaker, was on saving our water towers. I think it was Hon. Murugara who asked it. We are doing fencing. We are doing restoration, and we are involving the communities. We are also doing what is called Adopt a Forest Initiative.

Thank you, Hon. Temporary Speaker.

**The Temporary Speaker** (Hon. Farah Maalim): The last Question is by the Member for Tigania.

*(Loud consultations)*

Order, Hon. Members. You will get a bite now. So, wait until the Question is asked. They are pretty much similar. I have noticed the Member for Lamu, the Member for Kwanza and Hon. Kamket. All of you will get an opportunity to also weigh in on this issue. So, relax. Hold your horses.

Proceed, Hon. Mutunga and ask the Question.

**Hon. (Dr) John K. Mutunga** (Tigania West, UDA): Thank you, Hon. Speaker. Allow me to thank Hon. Aden Duale for ably answering the questions so far. Since I did not get an opportunity to ask him a question on the Question he has answered, if you can allow me, I will start with that then I ask my Question. Am I allowed? I will ask one question.

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**The Temporary Speaker** (Hon. Farah Maalim): No! Ask your Question first. In the follow-up question, then you can ask that. The rules and tradition are clear.

*Question 130/2024*

STRUCTURE OF CLIMATE FINANCING IN KENYA

**Hon. (Dr) John K. Mutunga** (Tigania West, UDA): I rise to ask the Cabinet Secretary for Environment, Climate Change and Forestry the following Question:

Could the Cabinet Secretary—

- (a) Explain the structure of climate financing in Kenya while outlining the key actors and the benefits gained through climate financing to fight issues arising from climate change?
- (b) Elaborate on how carbon credits are quantified and remunerated accordingly in the country and mechanisms in place to ensure that farmers who plant trees qualify for carbon credits?

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

**Hon (Dr) John K Mutunga** (Tigania West, UDA): The second question is to elaborate on how carbon credits are quantified and remunerated accordingly in the country and mechanisms in place to ensure that farmers who plant trees qualify for them.

**The Temporary Speaker** (Hon. Farah Maalim): Very good. Cabinet Secretary.

**The Cabinet Secretary for Environment, Climate Change and Forestry** (Hon. Aden Duale): Hon. Temporary Speaker, I have a lot of respect for Dr Mutunga who is a professional. I grappled with his Question during my vetting. I had to read what carbon credits mean. It is a very complicated thing. Kenya's climate financing structure comprises a mixed international, national and private sector financial flow which is aimed at supporting our country's climate change, both in terms of mitigation and adaptation efforts. Climate financing deals with these two. How do we deal with climate crisis? One is mitigation, and the other one is adaptation. This involves a multi-stakeholder framework. It involves integrated public and private sector actors. It also involves both bilateral and multilateral donors. It involves domestic institutions to channel funds towards addressing climate-related issues.

The structure of climate finance has key actors. Having said that, allow me to highlight on who they are in climate finance and their roles. The first one is the National Treasury which is the primary custodian of all matters climate finance. It is also responsible for the overall implementation of our climate finance policy. The Cabinet Secretary, Principal Secretary and the whole team of the National Treasury are at the forefront in whatever we do with our climate finance framework. The National Treasury role is overall mobilisation of climate funds and they lead. When we go to Conference of Parties (COP29) in November, they will be the lead people, in terms of climate finance negotiation, under the United Nations Framework Convention on Climate Change (UNFCCC).

The other function of the National Treasury is to establish a dedicated climate finance and green economy unit which they did in 2016. It coordinates and facilitates activities related to climate finance. They are also the current implementers in all our counties, even in Garissa and Meru where you come from. They are the implementers of a fund called Financing Locally-Led Climate Action (FLLOCA) programme. It is mainly run from the National Treasury, but the main stakeholders are county governments.

Finally, the National Treasury, as an actor, is Kenya's National designated DNA for Green Climate Fund. The DNA is in my Ministry, and it is domiciled in NEMA. That is where the register for carbon market is, but in terms of Green Climate Fund, the National Treasury holds the pen.

The next group is the National Climate Change Council (NCCC). This is chaired by the President and 1, as the Cabinet Secretary for Environment, Climate Change and Forestry, as the Secretary. We also have the Cabinet Secretary for Energy and Petroleum, people from the academia, civil society, marginalised communities and youth representative. You passed it in the Climate Change (Amendment) Act two months ago in this House. I am at the stage of establishing that Council.

So, what does this Council do as an actor? The Council's mandate is to provide legislative and policy direction. Whatever comes to the House, whether it is a policy or legislative, it emanates from them. They supervise, oversee, and guide on climate change across all levels of government, including climate finance mechanism that I have just talked about. It is called the Climate Change Fund.

The third actor is the Inter-Ministerial Committee on Climate Finance, which was established in 2015 to provide leadership. Their function is to provide leadership on the climate finance activities in Kenya, including the Green Climate Fund (GCF). The Inter-Ministerial Committee on Climate Finance is composed of senior technical officers handling climate change, climate finance matters from various ministries, departments, agencies, and the Council of Governors.

The fourth actor is my Ministry of Environment, Climate Change, and Forestry. What do we do? We co-ordinate climate change actions in the country, and we are the focal point for this United Nations Framework Convention on Climate Change. We chair this Inter-Ministerial Committee on Climate Finance, and we operationalise the entity for the global environmental facility, which supports a number of our programmes.

The fifth actor is NEMA. What does NEMA do? As I said earlier, it is the designated national authority for carbon markets in Kenya. There is a register. They assess when there is a carbon market project in a constituency. They analyse and look at the law. I thank this House because the regulations for carbon markets were passed last week. For the first time, if, for example, there is a carbon offset project in Dr Mutunga's or the Deputy Speaker's constituency, the community, by law, will get 40 per cent of the proceeds. The project will not continue until a community development agreement is signed. Before, nobody was paying. Many companies were getting billions from our soil carbon, but they were not paying anything. So NEMA is now mandated as a focal point. They co-chair and the inter-ministerial are the implementing entity for the adaptation fund and the direct access entity.

Then we have the line ministries and State departments. The line ministries mainstream climate action in planning and budgeting.

We also have county governments. The establishment of the County Climate Change Funds. Many funds go into our counties. The Senate has an obligation to audit the funds in our counties in the mainstreaming of climate action in the county's planning and budgeting process.

The two final actors are development partners. What do the development partners do? They have the provision of climate finance and technical assistance. They include the multilateral, the World Bank, the African Development Bank, the bilateral actors, the European Union, DANIDA, USAID, CEDA, AFD, and JICA.

Lastly, we have the private sector. What is their role as actors in climate financing? They invest in low carbon climate resilience technologies and action. Kenya Commercial Bank, for example, is accredited by the Global Climate Fund. Equity Bank, and Cooperative Bank, have been nominated for accreditation. Kenya Private Sector Alliance (KEPSA), and Kenya Association of Manufacturers are members of the inter-ministerial technical committee.

What are the benefits of financing received? Hon. Temporary Speaker, Kenya mobilises an average of Ksh300 billion every year on climate finance and climate-related investments from both the public and private sector. Some of the notable climate funding projects in Kenya include the International Monetary Fund (IMF) resilient sustainability facility of USD544

million, the financing locally-led climate action (FLLOCA) programme domiciled mainly in our county governments - of USD295 million, the adaptation fund of USD10 million, the Kenya Smart Agriculture Project USD250 million and the Climate Investment Fund - USD70 million.

The climate finance received by Kenya brings several significant benefits that contribute to the country's effort to mitigate and adapt to the impacts of climate change. These benefits are many and they span across environmental, social and economic dimensions. They enhance resilience, support sustainability and contribute to our development.

Hon. Temporary Speaker, allow me to bring to the attention of the House that as a country, we have a significant climate financing gap, which hinders our ability to fully implement our climate goals, including those outlined in our Country's National Determined Contribution (NDC). The fully implementation of NDC requires a country to mobilise USD62 billion. Despite the influx of international and domestic funding, the available financial resources fall short of estimated needs for climate financing.

There are about four regulations remaining on climate financing, carbon market and even the registry, which I will bring to the House next week and we should be through God-willing before COP 29 in Baku.

I really want to urge the Committee on Delegated Legislation... They really helped me when I was in the Ministry of Defence and even here when I am in the Ministry of Environment, Climate Change and Forestry. We argued our case. Last week, the Committee supported the first regulations. Once we deal with the legal framework, Kenya will be ahead of many countries in Africa in terms of how prepared we are for carbon market.

The second and final question, was to elaborate how carbon credits are quantified and accumulated accordingly in the country and mechanism in place to ensure that farmers who plant trees qualify for carbon credits. This is very technical. I think Dr Mutunga might be the only one who will understand this. Some of them are like what are the National Designated Authorities (NDAs), what carbon trading is, what carbon index is, who is qualified and what are the parameters.

On the last question, the Member seeks our indulgence to elaborate how carbon credits are quantified and to state mechanisms in place to ensure tree planting farmers qualify. There is a Member who asked me last week if his car is old and it is polluting what it means. I told him that he is supposed to pay.

This carbon thing applies when, for example, the big corporations in the West, like airlines, because they are the polluters and we are the victims. So, we trade in. We plant trees, then they offset that with the pollution. So, it is good to define simple terms like what a carbon credit is. A carbon credit is a unit of exchange that individuals and farms alike use to offset their greener house gas emissions. Farmers who plant trees can qualify for carbon projects by participating in what we call agroforestry or restoration initiatives, where carbon credits are generated based on the amount of carbon sequestered by the trees over time. One important requirement for farmers to consider is the trees planted for this specific purpose of sequestering carbon have to be on the land for a long time to ensure permanency on carbon sequestering.

Allow me to elaborate the process involved. A baseline scenario is first established to estimate how much carbon could have been stored in the absence of the project. For farmers, this could mean assessing the current land use or vegetation before tree planting. Farmers then plant trees, which capture and store carbon, what they call the carbon sink as they grow. The amount of carbon is then monitored periodically based on tree species, growth rates or area covered.

Once the carbon is verified, carbon credits are issued based on the amount of carbon dioxide absorbed. One carbon credit represents a sequestration of one metric ton of carbon

dioxide equivalent. Farmers are remunerated or paid based on the sale of these carbon credits in carbon markets.

The price of carbon credits can vary depending on market demand and type of the project. A project developer or farmer who wishes to engage in a carbon project, shall first apply to the DNA through the register domiciled at the NEMA for approval of the carbon project. The procedure for developing a carbon project is detailed in the Climate Change (Carbon Markets) Regulations, 2024 gazetted via *Kenya Gazette Supplement* No.105.

This marks the end of the Question by the Member for Tigania West Constituency. He is my good friend and I will take time and ask my team to take him through. Once we finish with the legal framework, this carbon market is going to benefit many of our people.

We have made sure that if a carbon market project is brought to your constituency, 40 per cent of the proceeds must go. I am happy that Hon. Saney, Wajir North, has written to me and we will gazette the forest. The man in charge of forests is here. He will go with you, assess it and it will be the first forest in northern Kenya.

**The Temporary Speaker** (Hon. Farah Maalim): Order, Hon. Members. I will give this chance to the Member for Kwanza, followed by the Members for Lamu East, Hon. Saney and then Hon. Kamket. Take as little time as possible. Do not take too much of your time. In any case, the House is supposed to sit until nine O'clock. You still have two more hours if you want to debate this.

**Hon. Ferdinand Wanyonyi** (Kwanza, FORD-K): Thank you, Hon. Temporary Speaker, for the chance. I take this opportunity to also thank the Cabinet Secretary. You are up to the task, I know you because we have worked together in this House. You are very detailed and exposed. I thank you and please continue.

My question has been asked but I want to make two comments, which are very important. First, on the effluent and drainage wastage, particularly in Nairobi, benchmarking is not a problem, I had a chance to go to Israel and I was impressed by their drainage system. It was explained that there is a system that drains the wastage, particularly solid waste. It goes almost six kilometres away and about six stages along the pipeline. At the end of the sixth stage, which is about six kilometres away, the water is very clean and is used for irrigation.

Cabinet Secretary, you do not have to go to Israel, but if you have the time to get one of your officers to go there to benchmark on that, this sewage problem in Nairobi and the urban areas will end. There is a system that cleans sewage water. You cannot believe the results at the end of the process. You get clean water for irrigation.

Secondly, is on afforestation.

**The Temporary Speaker** (Hon. Farah Maalim): Member of Parliament for Kwanza.

**Hon. Ferdinand Wanyonyi** (Kwanza, FORD-K): Yes.

**The Temporary Speaker** (Hon. Farah Maalim): You have an opportunity to ask a supplementary question.

**Hon. Ferdinand Wanyonyi** (Kwanza, FORD-K): What? Can I just finish?

**The Temporary Speaker** (Hon. Farah Maalim): You have an opportunity to ask a question. I will give you some leeway, but do not give a long speech about all your experiences in Israel and everywhere. Proceed.

**Hon. Ferdinand Wanyonyi** (Kwanza, FORD-K): I will proceed. I have asked my question, but I also want to find out whether the Cabinet Secretary has plans, particularly for the highways because of deforestation, which is an issue. I want to say this again. Go to Denmark and see what their Government is doing with regard to the environment. I have family members there. They have planted many trees along the highway. I want you to take time to benchmark in Denmark. Since there are six metres between the main stage and the highway which are not being utilised, you can plant trees there. You have time to go for benchmarking in Denmark

**The Temporary Speaker** (Hon. Farah Maalim): Fair enough. Member for Lamu East.

**Hon. Ferdinand Wanyonyi** (Kwanza, FORD–K): I have already asked my question, but I just want to share this experience with my former colleague.

*(Hon. Raphael Wanjala spoke off the record)*

This man has no manners.

**The Temporary Speaker** (Hon. Farah Maalim): Hon. Raphael Wanjala, you are not the Chair. Do not tell the Member of Parliament for Kwanza to sit down or rise up. Proceed, Hon. Ruweida.

*(Laughter)*

**Hon. Ruweida Mohamed** (Lamu East, JP): Ahsante, Mhe. Spika wa Muda, kwa kunipatia nafasi hii ya kumuuliza Waziri maswali.

Mwanzo, ninachukua nafasi hii kumpongeza Waziri. Kusema kweli, tumekukosa hapa Bungeni. Tulikuwa tumezoea kuisikia sauti yako sana. Tumekumbuka sauti yako wakati ulipokuja. Nilipopata nafasi hii, nilijiuliza ni jinsi gani huyu mfugaji wa mifugo atawiana na mazingira. Lakini nimeona umekuwa bingwa wa kuhifadhi mazingira, kiasi kwamba ukiyazungumzia, maneno yako yanatoka rohoni kabisa. Kushughulikia mazingira kumekufanya uyapende. Ninaona ushaingiliana huko vizuri. Pongezi kwa hayo.

Niliuliza swali kuhusu eneo la Siu. Kampuni ya Zarara ilijaribu kuchimba gesi lakini gesi hiyo haikupatikana. Hawakufunga kile kisima walichokichimba vizuri kwa hivyo kuna moshi unaotoka pale ambao umewaogopesha watu, na maeneo hayo yamebadilika rangi. Yule mtu aliyekuwa akilinda kisima hicho alifariki kwa hivyo watu wameanza kuwa na wasiwasi. Nilipouliza swali hilo Bungeni, nilijibiwa kwa barua. Mabadiliko ya Serikali yalikuwa yametokea wakati huo kwa hivyo swali langu halikujibiwa vizuri. Niliuliza nijibiwe tena kwa sababu sikuwa nimetosheka lakini yale mambo yalipotelea hapo. Leo ninawaomba mhakikishe kuwa swali langu limejibiwa maanake mambo yaliyozungumziwa hayakuwa sawa na hali ilivyo kule mashinani.

Bwana Waziri, nimekusikia ukisema kuwa swala la takataka linashughulikiwa kwenye kaunti. Ni kweli kuwa linashughulikiwa na kaunti lakini sina uwezo wa kuenda kwenye kaunti kuulizia. Nipo kwenye Bunge kwa hivyo, nitakuuliza wewe. Tumepanda miti katika asilimia 42 ya Kaunti ya Lamu. Sisi ni nambari ya pili Kenya nzima kwa kupanda miti. Eneo Bunge langu la Lamu Mashariki lina vijiji 23. Kuna upande wa msitu na ule wa Bahari. Watu wangu wanang'ang'ana kuhifadhi msitu lakini hakuna mpangilio wowote wala ishara yoyote kutoka kwa Serikali ya kitaifa na serikali ya kaunti kuonyesha kuwa kuna kitu kinachofanywa. Mnatupatia morale vipi?

Bwana Waziri, nilikusikia ukitaja upande wa bahari. Ninakuomba uingize upande huo katika fikra zako kwa sababu hakuna Waziri yeyote anayekuwa hapa Bungeni anayetaja Lamu Mashariki. Ninaomba utufikirie maanake kule kwetu, hakuna mahali ambapo birika la kuweka takataka limetengenezwa.

Ninaomba utufikirie maana kule kwetu hakuna hata pahali pametengenezwa pa kuweka takataka. Zote zinawekwa kwa bahari. Kwa hivyo, ninataka ufikirie jambo hili. Kama kuna mpangilio wowote, nasi utufanyie. Ama kama haukuwa umefanya, uniambie ni upi. Niko mashinani na sijaona pahali.

**The Temporary Speaker** (Hon. Farah Maalim): Member for Wajir North.

**Hon. Ibrahim Saney** (Wajir North, UDA): Thank you, Hon. Temporary Speaker. Before I ask my supplementary questions...

**The Temporary Speaker** (Hon. Farah Maalim): I thought that you would ask in Kiswahili the way Hon. Ruweida Obo has asked. Proceed.

**Hon. Ibrahim Saney** (Wajir North, UDA): Unfortunately, I look forward to a day when the Somali language, being the language of many millions of Kenyans, will be an official language and then I will do better.

I want to correct two issues that the Cabinet Secretary pronounced himself on. One, I appreciate his generosity that he wants to gazette Bute Malawa Forest. It was gazetted four years ago. I requested him to operationalise the 19,000 hectares of land generously given to the Kenya Forest Service. So, it is already gazetted. I wrote to you for its operationalisation, Cabinet Secretary. He also gave another statement. He made remarks in regard to one scientist and environmentalist. I am also an environmentalist. So, you should not think that there is only one environmentalist in the House.

I will now go straight to the climate financing issue. There is a paradox globally that climate financing purpose will not stop climatic abuse, but rather the rich nations want to abuse the climate, so that they become richer and the poor ones continue suffering. All they are trying to do, under the concept of climate change, is to cut out a balance between adaptation and mitigation. That is all they are doing about climate change to strike a balance. Those who are endowed can give the wealth they have sinfully acquired, to use the right word, by abusing the environment to the vulnerable ones or the poor Third World States. That is what climate change in a layman way means. In so doing, the structure is as complex as climate change itself. It is hard to understand this issue of carbon credit. It is driven by the same selfish and rich abusers.

For us to come to the bottom of climate change financing, we know that the rangelands are the biggest sequester of carbon. It is a scientific concept. Where are the rangelands? Where you and I come from, Hon. Temporary Speaker, in northern Kenya, we call it Arid and Semi-Arid Lands (ASALs). This is the biggest sequester of carbon that is a nuisance to the ozone and climate change. What structures and mechanisms are there? The most affected and vulnerable to climate change are unfortunately the pastoralists. Their land is the biggest sequester of carbon, but also vulnerable in equal measure. How far is carbon financing established to make sure that those who are most affected and the sequester of this bad element are at the core of it? This is something I wish to hear from the Cabinet Secretary.

For us to structure climate financing, there is big data and knowledge gap. If you have them, it goes without saying that you cannot come up with adaptation mechanisms appropriate to the risks. Consequently, what will arise? We will have a fragmented financing architecture too. Our climate financing will be fragmented. The architecture will not be smooth and well-orientated. What are we doing about data? How authentic is our climate change data? How knowledgeable are our pastoralists and those who are most affected? That is my first supplementary Question, Hon. Temporary Speaker, and will you allow me a bit of latitude to go into the first because you stopped us?

On issues of our environmental health concerning pollution of rivers like the Nairobi River, the Cabinet Secretary answered well that maintaining a good environmental health standard is a multi-sectoral and multipronged issue. It is not a one-off issue. It cuts across many ministries, actors, and livelihoods. It is true what he said that it comes down to behavioural issue. We have informal settlements in Nairobi. How do we behave in terms of our culture of disposing of waste? But of concern to me is the state of our sewerage system. Is it being improved to ensure that raw effluent and human defecate do not enter our aquatic ecosystem and waters? That tells me ....

**The Temporary Speaker** (Hon. Farah Maalim): Hon. Saney, you have had a very long leeway. Ask one Question now. It would help if you were in the Departmental Committee on Environment, Forestry and Mining to give all these ideas at appropriate places.

*(Hon. Raphael Wanjala spoke off the record)*

**Hon. Ibrahim Saney** (Wajir North, UDA): Hon. Wanjala, the Hon. Temporary Speaker addressed me, and I am obliged to hear him. We do not have two Hon. Temporary Speakers.

My Question, in a nutshell: All the pollution happening in Nairobi goes to downstream communities like the Tana River and Indian Ocean. It impacts not only our terrestrial ecosystem. What are we doing about these effects on our aquatic ecosystem? Thank you.

**The Temporary Speaker** (Hon. Farah Maalim): The Cabinet Secretary will be at liberty to say whether he was prepared for this Question or give another day to answer some of these Questions. They are very technical, and ample prior preparation is always important.

Hon. Kamket, followed by Member for Emgwen. You were supposed to have been heard. Hon. (Dr) Mutunga, you will get the final bite because you are the Questioner.

*(Hon. Raphael Wanjala spoke off the record)*

Order, Hon. Wanjala. No. He has been here much earlier than you. Then, the Member of Parliament for Butula, Hon. Oyula, followed by Hon. Wanjala, and lastly, the Questioner. Be very brief.

**Hon. Kassait Kamket** (Tiaty, KANU): Thank you, Hon. Temporary Speaker. I will be very brief. While I want to appreciate the Cabinet Secretary for his very articulate replies to our Questions, I want to state that Hon. Duale is a seasoned politician. In fact, in terms of seniority and loyalty, he has a proven record in serving with the Excellency the President. In the current circumstances, if there is anyone who deserves to become the Deputy President of Kenya should our Motion go through, it is the Hon. Duale.

*(Applause)*

And why not Hon. Temporary Speaker because Hon. Duale represents all pastoralists in this country. The population and pastoralist community is not a small one together with the Muslim population, as someone has added.

I have a particular Question and will need your guidance on this, Hon. Temporary Speaker. About five months ago, the County Women's Representative for Baringo, Hon. Jematiah, brought a Petition to the National Assembly. That Petition was correctly directed to the Public Petitions Committee on the matter of an imaginary forest called Mukutani. Mukutani is a place that lies between Baringo South and Tiaty Constituency. I have information that the Ministry has been frustrating Parliament, particularly the Committee on Public Petitions, on this matter. I confirm to you, Hon. Temporary Speaker, that there is no Forest in Mukutani. A particular area has been gazetted illegally for very...

**The Temporary Speaker** (Farah Maalim): Hon. Kamket, you have brought up an issue not on the Order Paper today.

**Hon. Kassait Kamket** (Tiaty, KANU): I just want the Cabinet Secretary to answer this.

**The Temporary Speaker** (Farah Maalim): But you see, it is not among the questions...

**Hon. Kassait Kamket** (Tiaty, KANU): The issue is this, Hon. Temporary Speaker: let me go straight to it. Is it policy that the Government can wake up one day and gazette a place populated by people, their livestock and animals and whatever else and designate it as a forest, where there is no forest in the first place?

Order, order, Hon. Kamket.

**The Temporary Speaker** (Farah Maalim): You do not lazily come in and turn a question filed by an Hon. Member on a substantive matter into a debate in your mind. Put that question yourself.

**Hon. Kassait Kamket** (Tiaty, KANU): I have. That is what I am doing.

**The Temporary Speaker** (Farah Maalim): Proceed, but you cannot turn this right now into a debate.

**Hon. Kassait Kamket** (Tiaty, KANU): No, no, no, it is not a debate.

**The Temporary Speaker** (Farah Maalim): Order, order! Can you ask a question on the matter by Hon. Mutunga, Question 130/2024?

Please, let us stick to the rules of the House.

**Hon. Kassait Kamket** (Tiaty, KANU): Thank you, Hon. Temporary Speaker. The beauty of...

**The Temporary Speaker** (Farah Maalim): When you say that, other Members of Parliament from the same area will also demand a right to a reply. You see, you are making a total digression right now, and the House rules do not allow that. Ask a question based on what is in the Order Paper.

**Hon. Kassait Kamket** (Tiaty, KANU): Thank you very much. I stand guided except that the beauty of joyriding is that a Member can enquire on any matter. This is the Ministry of Environment, Climate Change, and Forestry, and I have taken the liberty because the Cabinet is here. This matter has taken far too long, and I thought I would take...

**The Temporary Speaker** (Farah Maalim): It is a contentious matter.

**Hon. Kassait Kamket** (Tiaty, KANU): The Women's Representative of Baringo County is here.

**The Temporary Speaker** (Farah Maalim): Okay, ask the question and then she will get an opportunity.

**Hon. Kassait Kamket** (Tiaty, KANU): I have asked if it is a policy for the Government to create a forest where there is none and try to evict people and settlers who have lived in a particular area for whatever reason.

Thank you.

**The Temporary Speaker** (Farah Maalim): The Members for Emgwen, Butula, Budalangi, Wajir South, and then, of course, we will return to Hon. Mutunga.

**Hon. Josses Lelmengit** (Emgwen, UDA): Thank you, Hon. Temporary Speaker, for giving me this opportunity. I thank the Cabinet Secretary for the Ministry of Environment, Climate Change and Forestry and his team, the Principal Secretaries, and the Director General. My question is about the land-forest exchange programme in Nandi County, in my Emgwen constituency, a scheme called Chepkumia, Kapkangani area.

**The Temporary Speaker** (Farah Maalim): Do you expect the Cabinet Secretary to prepare himself as you stand on your feet and ask a completely different question from what is on the Order Paper? The rules are very clear. You can ask a supplementary question on the matter that is on the Order Paper. But if you want something else, file it.

**Hon. Josses Lelmengit** (Emgwen, UDA): The supplementary question related to what is on the Order Paper today is that we have a good programme that the President has put in place on planting 15 billion trees across the country. However, this matter has not had a substantial or sustainable program. For example, a number of Members here have raised that most of the trees have not been attended to. We plant trees and leave them there so a lot of them dry. So, what does the Cabinet Secretary have in place concerning that? Youth in my constituency were enthusiastic about this and came out in large numbers to prepare tree nursery beds. They have many mature tree seedlings, yet the Government has not purchased them. So, what is the Minister doing to help these youth? For example, in Nandi County, tree seedlings have matured, and it rains almost throughout the year. Is it possible for the Government to



purchase and plant all these tree seedlings even if we do not have the budget now? The Minister can organise this budget allocation in the future.

Thank you.

**The Temporary Speaker** (Hon. Farah Maalim): You have rested your case. Let him do the thinking for that purpose.

Next is the Member of Parliament for Butula. Be very brief.

**Hon. Maero Oyula** (Butula, ODM): Thank you, Hon. Temporary Speaker, for the opportunity. I appreciate *Waziri* Duale for the explanation he has given in this House. He has been very clear, and many of us have learned a few things we did not know. My Question is on carbon credits and how the ordinary farmer in Kenya that has endured to come up with a forest can protect that forest. How can that farmer be compensated to encourage farmers to protect their forests so that the environment is improved? Is there any way the farmer can be advised, helped, and motivated?

Thank you.

**The Temporary Speaker** (Hon. Farah Maalim): Hon. Wanjala Raphael.

**Hon. Raphael Wanjala** (Budalangi, ODM): Thank you, Hon. Temporary Speaker. The Minister for Environment said that bamboo trees are used to stop flooding. I do not want to say...

**The Temporary Speaker** (Hon. Farah Maalim): Mitigate flooding.

**Hon. Raphael Wanjala** (Budalangi, ODM): Sorry. Mitigate flooding. I do not want to challenge him. However, I want to tell him that flooding is one thing, and mitigating flooding is another thing. Bamboo will only stop soil erosion. It will not prevent water from moving. It will stop soil erosion. The water that floods Budalangi in western Kenya comes all the way from Uasin Gishu in Eldoret, Cherengani, Mt. Elegon, Nandi Hills, and parts of Kapsabet, Vihiga, Kakamega, and Bungoma. There are several small rivers within those areas. These small rivers collapse into two big rivers, River Yala and River Nzoia. They come with a lot of force into the lake. In the process, they carry much silt. They are silted at the deltas of River Nzoia and River Yala – and possibly Nyando because it is the same. So, the water is not able... We have put embankments and the dikes. However, because water cannot move into the lake, it goes behind it when it is full. This water is what runs back into people's homes. This year, it was 10 kilometres from the lake. I am saying this to the Minister because it is about the environment that affects the people of Budalangi.

The good thing is that the Minister has been...

**The Temporary Speaker** (Hon. Farah Maalim): As I said from the beginning...

**Hon. Raphael Wanjala** (Budalangi, ODM): Let me just complete. The Minister has been in the Ministry of Defence, and they did a good job in Kisumu, where they had desilted Kisumu, where the ships are supposed to dock. They had the equipment. We also have equipment in the dams. The Minister for Environment can help us to bring them – even through the National Youth service that has drenchers – to come and desilt these rivers, so that we do not have backflow from the lake that will cause problems. It goes even up to 15-10 kilometres. All homes and crops are collapsed. Even the trees they are talking about planting dry up when there is too much water. What can he do to help us with his experience?

Lastly, where the Cabinet Secretary comes from, one governor was awarded, I think somewhere in Wajir.

**The Cabinet Secretary for Environment, Climate Change and Forestry** (Hon. Aden Duale): Mandera

**Hon. Raphael Wanjala** (Budalangi, ODM): Can that governor take his people to benchmark so that all our towns look like that town in a desert? That is how Dubai was brought up.

Thank you, Hon. Temporary Speaker.

**The Temporary Speaker** (Hon. Farah Maalim): Hon. Raphael Wanjala, you have asked a very serious question that requires serious work on the part of the Cabinet Secretary and the Ministry. Why can you not proceed and file a question? Or, even better, make an appointment with the Cabinet Secretary at his office. He will call all his officers to discuss everything we have discussed.

**Hon. Raphael Wanjala** (Budalangi, ODM): Most obliged.

**The Temporary Speaker** (Hon. Farah Maalim): Thank you. Finally, the Member for Wajir South.

**Hon. Mohammed Adow** (Wajir South, ODM): Thank you, Hon. Temporary Speaker. I want to thank *Waziri* for the sobriety and expertise he has approached all the queries this afternoon. My question concerns the massive destruction of the environment that is currently taking place in parts of my constituency, especially in areas around the refugee camps. I am sure you have the same problem in other constituencies like Dadaab, Fafi, and Lagdera in Garissa County.

*Waziri*, are you aware...

**The Temporary Speaker** (Hon. Farah Maalim): Order. The Cabinet Secretary exhaustively covered that environmental aspect. He talked about how the UNHCR must find an alternative to the wood fuel that they are using and all that degradation. I know you came late, but you can look at *The Hansard* or ask those of us who were there. But if you have any other questions you want to ask on the basis...

**Hon. Mohammed Adow** (Wajir South, ODM): Hon. Temporary Speaker, you know it is a very critical subject, and I might have my newest contribution to the whole matter. I just wanted to ask *Waziri* what the Government is doing to ensure that this wanton destruction of the environment, to the extent that some parts of the constituency are turning into deserts complete with sand dunes, is reversed and those responsible are brought to book.

Thank you very much.

**The Temporary Speaker** (Hon. Farah Maalim): Fair enough. Hon. Jematiah, Hon. Kamket mentioned you, but not on that matter. Just go straight to the questions that are there. Do not open a Pandora's Box and a debate between Baringo, Pokot, and Tiati.

**Hon. Jematiah Sergon** (Baringo County, UDA): Thank you so much, Hon. Temporary Speaker. I also take this opportunity to thank the Cabinet Secretary for the good job he is doing. I have listened to him several times articulate issues related to the environment, and I want to say that, at least, we are on the right path. If you look around, I think the Cabinet Secretary has also realised that every town in Kenya needs urgent attention on garbage waste and issues related to cleaning, specifically Nairobi.

Hon. Temporary Speaker, everywhere in Nairobi today is so dirty.

**The Temporary Speaker** (Hon. Farah Maalim): He handled that bit exhaustively.

**Hon. Jematiah Sergon** (Baringo County, UDA): Exactly.

**The Temporary Speaker** (Hon. Farah Maalim): You must have come late. But anyway, you are not late for anything. Please ask your question.

**Hon. Jematiah Sergon** (Baringo County, UDA): Thank you so much.

**The Temporary Speaker** (Hon. Farah Maalim): To be exact, on the issues on the Order Paper, Question 130.

**Hon. Jematiah Sergon** (Baringo County, UDA): I do not want to go back to the Order Paper so much, but I want to...

**The Temporary Speaker** (Hon. Farah Maalim): Carbon credit, climate financing...

**Hon. Jematiah Sergon** (Baringo County, UDA): We also want to know more about the utilisation of carbon credits. We have a very sparse population, specifically in areas of Baringo. How do we take this to the people so that it can...

Secondly, I want to trace back a bit to the issue of Mukutani. There is no forest in Mukutani. I will take my time to visit the office of the Cabinet Secretary and have proper clarification on this.

**The Temporary Speaker** (Hon. Farah Maalim): That is how you should handle this.

**Hon. Jematiah Sergon** (Baringo County, UDA): Yes. The officer, Mr Markoko, had pronounced himself that there was a big forest in that area. I understand that he comes from the place, and I also come from there. There is no forest. There are utilities in that place.

Lastly, I also want the Cabinet Secretary to help curb rampant charcoal burning in our rural areas.

Thank you.

**The Temporary Speaker** (Hon. Farah Maalim): Member for Garsen. Take exactly one minute.

**Hon. Ali Wario** (Garsen, ODM): Thank you, Hon. Temporary Speaker. I also rise to ask a question. There was a Presidential directive on the Tana River Forest. You were in that function. The Kokane, Wayu, and Bangale forests were gazetted irregularly without public participation. Also, there is a sea intrusion into the Delta, distracting farms, forests and grazing land at Kalota. I am happy that the Director-General for NEMA is here. Even if the Cabinet Secretary is new, I would like to know what action NEMA or the Ministry is taking.

Lastly, the floods affect the Tana Delta. *Prosopis juliflora*, also known as *Mathenge*, is destroying our grazing land and environment. What action is the Ministry taking to curb the *Mathenge* menace?

Thank you.

**The Temporary Speaker** (Hon. Farah Maalim): Order, Member for Garsen. Those are entirely different questions from what is on the Order Paper today. When this Order Paper is prepared well in advance and sent to the concerned Ministry, it prepares itself for questions supplementary to the matters raised in these questions. You are now raising an entirely different thing.

**Hon. Ali Wario** (Garsen, ODM): But he has the answers at his fingertips.

**The Temporary Speaker** (Hon. Farah Maalim): Order! If he has any information on that, he will give you now. You should go and file questions on what is on the Order Paper. Members of Parliament do not have to be lazy; they just wait and joyride on the questions of others, changing the whole substance of what is being asked and asking an entirely different question. I was in this House when you would not be allowed to raise a matter that essentially is not on the Order Paper.

**Hon. Ali Wario** (Garsen, ODM): Most obliged, Hon. Temporary Speaker, but I kindly ask...

**The Temporary Speaker** (Hon. Farah Maalim): He will give you an undertaking. I am sure you can go and see him in his office. You can file another question, but I doubt he has answers for the issues you have just asked.

Hon. Mutunga, take your final bite. Then, the Cabinet Secretary will answer everything that was raised.

**Hon. (Dr) John K. Mutunga** (Tigania West, UDA): Thank you, Hon. Temporary Speaker. Before I ask my question on climate financing, I have a supplementary question on the Nairobi River that I did not get and wanted the Cabinet Secretary to explain a bit.

To what extent is the Government going to develop the Nairobi River? Are we just cleaning it up or do we envisage possibilities of making it like we see when we visit other towns? A channel crossing through the city, hotels built on both sides and even mobile restaurants. I do not know the extent to which we are developing it. Is the Nairobi City County part of that? This is because it can be demarcated, the embankments and bridging done, and we can have channels to develop tourist attractions for this country.

Now, when it comes to climate financing, I like the approach the Cabinet Secretary has taken. I listed the institutions to around nine or 10. When are all these institutions meeting and coordinating? How are they focusing on simplifying these complicated issues so that we can have a formula like *M-Pesa*, such that a farmer or anybody who has a piece of land they want to do carbon sequestration by establishing a woodlot or a forest cover can use a simple formula of quantifying? I believe you have very able scientists who sit at the negotiation tables during the United Nations Framework Convention on Climate Change (UNFCCC) negotiations. They must understand whatever is happening. As my friend put it, these people called donors use this opportunity to delay development in this part of the world. They make it more complicated every year, so we keep negotiating. Why can't we circumvent this as a country and benefit from it? Kenyan farmers are very willing to go in that direction because they are looking for alternative economic activities.

Thank you.

**The Temporary Speaker** (Hon. Farah Maalim): Cabinet Secretary.

**The Cabinet Secretary for Environment, Climate Change and Forestry** (Hon. Aden Duale): Hon. Temporary Speaker, as an old leader of this House, I will answer all the questions, including the one by Mheshimiwa Kamket.

Let me start with the question by my very good sister the Member for Lamu East. She is called Captain Ruweida. At one time, she was our captain. During our campaigns, she flew former President Uhuru, President Ruto, and myself. When I was the Leader of the Majority Party, she used to bring a question every day. She is a very active Member of Parliament. I have been to Lamu East. I think Prof. Kindiki and I were the first Cabinet Secretaries to land on that island. Later, the President followed us and commissioned the first road. I hope they are still working on that road.

I assure you that even this morning, I discussed with one of our biggest partners as a country, the German ambassador, how we can work together on the marine ecosystem and mangroves. The first constituency will be yours. You know that. She is a great leader. She even helped me and the Kenya Defence Forces (KDF) when we dealt with insecurity in Boni Forest and Lamu. She is one leader who is always there.

Hon. Saney is a good friend of mine. Today, I want to tell him that I am an expert on climate issues. There are two ladies in the Ministry. One is Dr Pacifica. She is the Head of the Climate Secretariat. The other one is Dr Omambia. I have never met more competent Kenyans on climate change. The climate change and carbon market that we are dealing with is what you people passed in the Climate Change (Amendment) Act, 2023. Many of the questions Members are asking me are covered in that Act as amended and in some of the carbon market regulations that were passed. And I thank the House for that. I looked for that *Gazette* notice. That is why I said I would gazette it again if I cannot find it. I have asked the Chief Forest Conservator that we go there. He will operationalise that forest. I assure you that the leadership and the Board of KFS have received the request for operationalisation. They are working on the plans, resources, and mobilisation. Take it from me; it will be done. But on climate issues, do not go that route. It is very complicated. The carbon market is international. The people we are dealing with are the polluters. Who are the polluters? They are not in the Global South. They are not in Africa. They are in the Global North. We will make sure that we deal with this matter.

There was an issue of how to deal with pollution upstream. To answer Hon. Jematiah's last question, the Nairobi River will be like the Thames River.

*(Applause)*

It will be one of the legacy signature projects of President Uhuru Kenyatta. The Nairobi City County Government is working with us. We will put enough resources and employ 20,000 people. People.

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*(A Member spoke off the record)*

**The Temporary Speaker** (Hon. Farah Maalim): No, that was a slip of the tongue. He meant President William Ruto, not Uhuru Kenyatta.

**The Cabinet Secretary for Environment, Climate Change and Forestry** (Hon. Aden Duale): I mean President William Ruto's signature project.

*(Loud consultations)*

**The Temporary Speaker** (Hon. Farah Maalim): Order, Hon. Members. Cabinet Secretary, please proceed.

**The Cabinet Secretary for Environment, Climate Change and Forestry** (Hon. Aden Duale): Hon. Temporary Speaker, I spoke for President Uhuru Kenyatta for eight years as the leader of the Majority Party. There is nothing wrong with calling him President Kenyatta. He was our leader. There is nothing wrong.

The restoration of the Nairobi River to its previous condition by draining the waste will be a signature project for the Kenya Kwanza Government, and more specifically, for our leader, His Excellency the President, and the leaders of Nairobi County, including the Members of Parliament and the County Governor. We are all together in this.

*(Hon. Raphael Wanjala spoke off the record)*

Hon. Wanjala has a very long history in our country. We should not take that route. We should talk outside after I leave.

Hon. Temporary Speaker, there is no way we can gazette a forest in a place where there is none. Take it from me. The people of Baringo should listen to me. You cannot even gazette a wetland as a forest.

I am told that there are many petitions concerning my Ministry, and yet the relevant Committee is not calling upon me to respond to them. Therefore, I ask the Select Committee on Public Petitions to invite me so that I can deal with the petitions, reject those that should be rejected, and gazette those that require to be gazetted. Therefore, Hon. Kamket, the problem is not with the Executive but with the Legislature and the Select Committee on Public Petitions. There was a reason why this Committee was formed in the last Parliament. If it has been gazetted, I will re-look, review, de-gazette, and cancel it. If that is not done, I will visit Mukutani with the Chief Forest Conservator, seated right here. We have our chopper, and I will fly it over the area. I do not need to go with you. I will go with the Chief Forest Conservator, who will show me the forest. If there will be no forest, *Mheshimiwa* Kamket and the Leadership, there will be no forest.

*(Several Members spoke off the record)*

I do not want to be informed!

**The Temporary Speaker** (Hon. Farah Maalim): Order! There is no provision for informing the CS. Please go on.

**The Cabinet Secretary for Environment, Climate Change and Forestry** (Hon. Aden Duale): Hon. Temporary Speaker, you saved me. There were many questions that had nothing to do with the good question by Hon. Mutunga on carbon.

Member for Emgwen, the Forest Conservation and Management Act of 2016 allowed land exchange. The Nandi County offered the Kenya Forest Service (KFS) the land for

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exchange. The process is ongoing, and I will update you. I will also fast-track it. Chief Conservator, how long will it take? How many weeks? Two weeks, three weeks, or one month? We will deal with it.

The issue of climate finance will build on adaptation and mitigation. We will build the adaptation capacity of our vulnerable communities, especially in the arid and semi-arid lands (ASALs). Honourable Members from the ASALs know of an organisation called the Northern Rangelands Trust (NRT). It deals with carbon markets and carbon trading. It has created conservancies in the ASALs. I have sat with them. You amended the law such that 40 per cent of the carbon credits will go to the communities. There are only two conservancies. The oldest conservancy in Garissa County is in Ijara. The Member for Ijara Constituency should sit with the NRT and ask them how the Hirola Conservancy benefitted from the billions they have received as carbon credits. Going forward with this law, 40 per cent of the carbon credits will go to the communities, which will sign a Community Development Agreement. The communities will sign something called a Community Development Agreement. Whom will they sign with? Somebody will come from America or China to your area to talk about a carbon market project. This is where the community will demand education and water, which must be 40 per cent of the proceeds. With my presence, I will make sure our people get it.

Hon. Temporary Speaker, let me repeat it because what you, Member for Fafi and Member for Wajir South, have said is unacceptable. There was government failure. I have spoken even to the Cabinet Secretary for Foreign and Diaspora Affairs and the United Nations High Commission for Refugees (UNHCR). We will deal with that matter. They have a global mandate on the affairs of our people in the refugee camps. As the Kenyan Government, we have nothing against the refugees. But UNHCR, whether they like it or not, must provide an alternative source of energy to fuel wood. We need to do 60 per cent of the 15 billion tree-growing strategies of the President and Government in the dry areas, yet somebody is cutting them. Hon. Adow, Member for Wajir South, and your colleagues, led by Hon. Temporary Speaker on the Chair, I want us to go to that area. Ban the use of firewood and take it up with the international community. We will expose the UNHCR as one of the UN bodies doing the opposite of what the world is doing in the fight against climate change. Am I right, Hon. Temporary Speaker? I think I am very right.

**The Temporary Speaker** (Hon. Farah Maalim): Yes, you are.

**The Cabinet Secretary for Environment, Climate Change and Forestry** (Hon. Aden Duale): So, on that one, I want the support of the Members.

**The Temporary Speaker** (Hon. Farah Maalim): Indeed.

**The Cabinet Secretary for Environment, Climate Change and Forestry** (Hon. Aden Duale): Finally, Hon. Mutunga, I will invite you when you are free. I want you to sit with the lady in charge of the climate secretariat in NEMA, where the carbon market trading is domiciled. One of the times when Parliament is meeting, we can invite the climate secretariat. One of the agendas should be for those experts to come and explain to Members what climate-carbon market credit and trading are all about.

Hon. Temporary Speaker, I have stayed here for more hours. It is a privilege to be here.

**The Temporary Speaker** (Hon. Farah Maalim): You have answered everything except one thing. The Member for Emgwen talked about young men and women who created their nurseries. How will you get them involved and maybe purchase those trees?

**The Cabinet Secretary for Environment, Climate Change and Forestry** (Hon. Aden Duale): Yes, and there is an issue of Tana River by my very good friend, Member for Garsen. I do not want to say his nickname, but he has a very nice and famous one.

I assure you that I will revisit those areas gazetted as forests in 2016 because of political expediency. But as Hon. Temporary Speaker said, help me by bringing a petition so I can deal with it. I also do not want to be accused of making a roadside declaration on the Floor of the

House. Bring a petition or question, and then I will ask the Kenya Forest Service leadership, Chief Conservancy of Forests (CCF), and the Principal Secretary to give us... We want Kenyans to work with us.

I am a former Member of Parliament. I always say it is good when Cabinet Secretaries are politicians because they feel the heat.

*(Applause)*

I have nothing against my colleagues who are not politicians. I do not want to be misquoted. But when they are politicians, they know the problems. I have stayed here for long hours. Thank you for giving me this opportunity. This is my second home.

There is a question on Nandi. We do not want citizens to miss out on seedlings. If you go to the following five government institutions, you will get seedlings: Kenya Defence Forces (KDF), National Youth Service (NYS), Kenya Prisons Service, Kenya Forest Service (KFS), and Kenya Forestry Research Institute (KEFRI). All of them have the mandate to produce seedlings.

Secondly, we encourage people through the private sector and Government, and we will buy from young Kenyans and the private sector who invest in seedlings. So, I can tell the Hon. Member for Emgwen that we have a plan for them and a way to empower them.

Thank you, Hon. Temporary Speaker, and I cherish this House. I will always respect the House and its Committees. The Hon. Members from the refugees, please, I would like them to stand with me. I will be very firm. I need their support. The videos are viral, and anybody who sees them will see what the United Nations Higher Commissioner for Refugees (UHCR) is doing to the environment. Not just now. They have done it since 1992 when the Temporary Speaker was a Member of Parliament on a Ford Kenya ticket.

**The Temporary Speaker** (Hon. Farah Maalim): Cabinet Secretary, you have done your bit, and the Members are very happy. This has been one of the most animated debates, and interest was really high, and for good reasons. Now you can retreat, and then we will go to the business of the House.

You are free, Cabinet Secretary, with your team. Next Order.

Next Order.

## BILL

### *Second Reading*

#### THE ETHICS AND ANTI-CORRUPTION COMMISSION (AMENDMENT) BILL

(National Assembly Bill No.11 of 2024)

*(Moved by Hon. George Murugara on 1.10.2024)*

*(Resumption of debate interrupted on 1.10.2024)*

**The Temporary Speaker** (Hon. Farah Maalim): Caroli Omondi was on this matter and had a balance of six minutes, but I do not see him in the House. Too, I do not see any interest from any Member here to contribute on the Second Reading of the Ethics and Anti-Corruption Commission (Amendment) Bill.

Let the Mover reply.

**Hon. George Murungara** (Tharaka, UDA): Thank you very much, Hon. Temporary Speaker. I wish to reply.

I thank the Members who contributed to the proposed amendment to the Ethics and Anti-Corruption Commission Act. We went through what the Bill entails. It is a very short Bill with only two proposed amendments. Although it is a National Dialogue Committee Bill (NADCO) Bill, the Committee carried the first proposed amendment and proposed an amendment to the second proposal, which is a deletion. We were able to justify why we are proposing that we amend Section 5 on the qualifications of the Chairperson of the Commission, and we believe that is convincing to the House.

We also actually went on to explain why we proposed a deletion to the proposed Clause 3, which we propose to amend Section 2, and we are carrying on a deletion. Our reasons are that, in fact, the contract of the Chairperson is protected in law and will serve for the balance of his term, and thereafter, that clause would be spent. It would remain dead letter law in our statutes. With that, we are saying the two proposed amendments are timely, save that we have to make a further amendment by deleting one proposal and carrying the other proposal to the next level, the Committee of the whole House.

With those remarks, I beg to reply.

**The Temporary Speaker** (Hon. Farah Maalim): We ordinarily would have put the Question. We defer it to another appropriate time, which will be communicated.

*(Putting of the question deferred)*

THE KENYA NATIONAL LIBRARY SERVICE BILL  
(National Assembly Bill No.20 of 2023)

**The Temporary Speaker** (Hon. Farah Maalim): Where is the Chairperson? He is not in the House? That one is also deferred to another day. That Bill is deferred to another day.

*(Bill deferred)*

**The Temporary Speaker** (Hon. Farah Maalim): That one is also deferred to another date (conclusion of the Second Reading)  
Next Order.

## MOTIONS

CONSIDERATION OF SENATE AMENDMENTS TO THE FOOD AND FEED  
SAFETY CONTROL COORDINATION BILL  
(National Assembly Bill No.21 of 2023)

THAT, the Senate amendments to the Food and Feed Safety Control Coordination Bill (National Assembly Bill No. 21 of 2023) be now considered.

**The Temporary Speaker** (Hon. Farah Maalim): The Hon. Leader of the Majority Party is supposed to move this; is he not in? I also defer this one to another date.

*(Motion deferred)*

CONSIDERATION OF SENATE AMENDMENTS TO THE  
STATUTORY INSTRUMENTS (AMENDMENT) BILL

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(National Assembly Bill No.2 of 2023)

THAT, the Senate amendments to the Statutory Instruments (Amendment) Bill (National Assembly Bill No. 2 of 2023) be now considered.

**The Temporary Speaker** (Hon. Farah Maalim): Do we have the Chairperson of the Committee on Delegated Legislation? We do not have him in the House, and I direct that this be deferred to another date.

*(Motion deferred)*

Next Order

#### COMMITTEE OF THE WHOLE HOUSE

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

SENATE AMENDMENTS TO THE STATUTORY  
INSTRUMENTS (AMENDMENT) BILL  
(National Assembly Bill No.2 of 2023)

These are also two Bills, and both are subject to Orders No. 10 and 11. So, under the circumstances the Chair directs that they be placed on the Order Paper as a Committee of the whole House at another appropriate time. I direct that these be deferred also.

*(Bills deferred)*

Next Order.

#### MOTION

FIRST REPORT ON THE IMPLEMENTATION STATUS OF HOUSE RESOLUTIONS  
ON COMMITTEE REPORTS AND PUBLIC PETITIONS

THAT, this House adopts the First Report of the Select Committee on Implementation on the Implementation Status of Reports on Petitions and Resolutions passed by the House, laid on the Table of the House on Thursday, 26th October 2023.

*(Moved by Hon. Raphael Wanjala on 19.09.2024)*

*(Resumption of debate interrupted on 19.09.2024)*

**The Temporary Speaker** (Hon. Farah Maalim): I realise this has been debated and has to be deferred. The debate was supposed to be resumed; there was a balance of two hours and 12 minutes, but it is not fair to move because the debate has not been concluded. Under the circumstances, the Chair defers this to another date.

*(Motion deferred)*

Next Order.

### MOTIONS

#### ADOPTION OF REPORT ON INQUIRY INTO ALLEGED UNFAIR TRADE PRACTICES BY FOREIGN INVESTORS IN KENYA

THAT, this House adopts the Report of the Departmental Committee on Trade, Industry and Cooperatives on the Inquiry into Alleged Unfair Trade Practices by Foreign Investors in Kenya, laid on the Table of the House on Thursday, 7th March 2024.

**The Temporary Speaker** (Hon. Farah Maalim): Since the Chairperson of the Departmental Committee on Trade, Industry, and Cooperatives is not here, I direct this matter to be deferred to another date.

*(Motion deferred)*

Next Order.

#### ADOPTION OF SECOND REPORT ON EMPLOYMENT DIVERSITY AUDIT IN PUBLIC INSTITUTIONS

THAT, this House adopts the Second Report of the Select Committee on National Cohesion and Equal Opportunity on the Employment Diversity Audit in Public Institutions, laid on the Table of the House on Thursday, 21st March 2024.

**The Temporary Speaker** (Hon. Farah Maalim): This also has to be moved by the Chairperson of the Committee on National Cohesion and Equal Opportunity, but I do not think he is in the House. I direct this to also be placed on the Order Paper at an appropriate date in the future.

*(Motion deferred)*

Next order.

#### REPORT OF THE EXTRAORDINARY SESSION OF THE SIXTH PAN-AFRICAN PARLIAMENT (PAP)

THAT, this House notes the Report of the Kenya Delegation to the Extraordinary Session of the Sixth Parliament of the Pan-African Parliament, held in Midrand, South Africa, from 20<sup>th</sup> to 27<sup>th</sup> March 2024, laid on the Table of the House on Thursday, 2<sup>nd</sup> May 2024.

**The Temporary Speaker** (Hon. Farah Maalim): I also direct that this matter be placed on the Order Paper at another appropriate date because I do not see any Member of the Pan African Parliament in the Chambers to move this, so it is also deferred.

*(Motion deferred)*

Next Order.

## BILL

### *Second Reading*

#### THE EQUALISATION FUND (ADMINISTRATION) BILL (Senate Bill No.14 of 2023)

**The Temporary Speaker** (Hon. Farah Maalim): Since the Chairperson of the Committee on Finance and National Planning is also not in the House, I direct that this matter be placed on the Order Paper at an appropriate date in the future.

*(Putting of the Question deferred)*

Next Order.

## MOTION

#### CONSIDERATION OF REPORTS ON FINANCIAL STATEMENTS OF STATE CORPORATIONS (NYANZA REGION)

THAT, this House adopts the Report of the Public Investments Committee on Governance and Education on its Examination of the Reports of the Auditor-General on the Financial Statements of State Corporations (Nyanza Region) for the financial year 2018/2019, 2019/2020 and 2020/2021, laid on the Table of the House on Thursday, 25th July 2024.

**The Temporary Speaker** (Hon. Farah Maalim): I notice that the Chairperson of the Public Investment Committee on Governance and Education is also not in the House. I direct that this matter be put on the Order Paper at an appropriate date.

*(Motion deferred)*

Next Order.

## BILL

### *Second Reading*

#### THE PUBLIC FINANCE MANAGEMENT (AMENDMENT) BILL (National Assembly Bill No.38 of 2022)

**The Temporary Speaker** (Hon. Farah Maalim): Equally, I do not see the Chairperson, Procedure and House Rules Committee, or somebody whom the Chairperson delegated under these circumstances to move this Bill. I direct that this Bill on Order No. 19 be placed on the Order Paper at an appropriate future date.

*(Bill deferred)*

Next Order.

## MOTION

### THIRD REPORT ON CONSIDERATION OF THE AUDITED ACCOUNTS OF SPECIFIED STATE CORPORATIONS

THAT, this House adopts the Third Report of the Public Investments Committee on Social Services, Administration and Agriculture on its consideration of the Report of the Auditor-General on the Financial Statements of the following State Corporations, laid on the Table of the House on Tuesday, 30<sup>th</sup> July 2024—

- (i) Kenyatta National Hospital, FY 2018/2019 and 2019/2020;
- (ii) Kenya Medical Supplies Authority, FY 2017/2018 and 2018/2019;
- (iii) Kenya Veterinary Board, FY 2018/2019, 2019/2022 and 2020/2021;
- (iv) National Authority for the Campaign against Alcohol and Drug Abuse, FY 2017/2018, 2018/2019, 2019/2020 and 2020/2021; and
- (v) Kenya Broadcasting Corporation, FY 2000/2001, 2001/2002, 2002/2003, 2003/2004, 2004/2005, 2005/2006, 2006/2007, 2007/2008, 2008/2009, 2009/2010, 2010/2011, 2011/2012 and 2012/2013.

**The Temporary Speaker** (Hon. Farah Maalim): This is the third report of the Public Investments Committee on Social Services, Administration and Agriculture on the Report of the Auditor General. Under this circumstance, I have not seen the Chairperson to move this Motion. Therefore, I direct that this also be placed on the Order Paper at an appropriate date.

*(Motion Deferred)*

## ADJOURNMENT

**The Temporary Speaker** (Hon. Farah Maalim): Hon. Members, there being no other business on the Order Paper to be transacted, the time being 7.24 p.m., this House stands adjourned until Tuesday, 8<sup>th</sup> October 2024, at 9:00 a.m.

The House rose at 7.24 p.m.

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