

**PARLIAMENT OF KENYA****THE SENATE****THE HANSARD****Wednesday, 12<sup>th</sup> February, 2025****Morning Sitting**

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

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

**PRAYER****DETERMINATION OF QUORUM AT  
COMMENCEMENT OF SITTING**

**The Deputy Speaker** (Sen. Kathuri): Clerk, do we have quorum?

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

Serjeant-at-Arms, kindly ring the Quorum Bell for 10 minutes.

*(The Quorum Bell was rung)*

**The Deputy Speaker** (Sen. Kathuri): Clerk, if we have quorum now, read out the first Order. I will be making a communication shortly after the messages.

Hon. Senators, you will bear with me, I have several messages to go through. You must be a bit patient with them.

**MESSAGES FROM THE NATIONAL ASSEMBLY****PASSAGE OF THE PUBLIC FINANCE MANAGEMENT  
(AMENDMENT) (NO.4) BILL (NATIONAL ASSEMBLY  
BILLS NO.45 OF 2024)**

Hon. Senators, this Message is from the National Assembly of the Public Finance Management (Amendment) (No.4) Bill (National Assembly Bills No. 45 of 2024).

I wish to report to the Senate that pursuant to Standing Order No.46(3), I received the following Message from the Speaker of the National Assembly regarding the passage,

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by the National Assembly, of the Public Finance Management (Amendment) (No.4) Bill (National Assembly Bills No.45 of 2024).

The Message, dated 6<sup>th</sup> December, 2024 was received in the Office of the Clerk of the Senate on the same date, when the Senate had proceeded on recess. It was subsequently circulated to all Senators via a letter dated 9<sup>th</sup> December, 2024.

Pursuant to Standing Order No. 46(5), I now report the Message and I quote-  
“PURSUANT to the provisions of Standing Order No. 41(1) and 142 of the National Assembly Standing Orders, I hereby convey the following Message from the National Assembly-

WHEREAS, the Public Finance Management (Amendment) (No. 4) Bill (National Assembly Bills No. 45 of 2024) was published vide Kenya Gazette Supplement No.190 on 1<sup>st</sup> November 2024 to amend the Public Finance Management Act (Cap. 412A) to provide clarity on the effective date for the statutory debt thresholds and to prescribe a framework for the implementation of accrual accounting in government and risk management by Government;

WHEREAS, the National Assembly considered the said Bill and passed it with AND amendments on Thursday, 28<sup>th</sup> November, 2024 in the form attached hereto;

NOW THEREFORE, in accordance with the provisions of Article 110 (4) of the Constitution and Standing Orders No. 41 and 142 of the National Assembly Standing Orders, I hereby refer the Bill to the Senate for consideration.”

Hon. Senators, pursuant to Standing Order No. 163, which provides that a Bill that originates in the National Assembly be proceeded with by the Senate in the same manner as a Bill introduced in the Senate by way of First Reading in accordance with Standing Order No. 144, the Public Finance Management (Amendment) (No.4) Bill (National Assembly Bills No. 45 of 2024) will be read a First Time as listed in the Order Paper for this Morning Sitting.

I thank you.

PASSAGE OF THE PUBLIC FINANCE MANAGEMENT  
(AMENDMENT) (NO.3) BILL (NATIONAL ASSEMBLY  
BILLS NO.45 OF 2024)

Another one is still a message from the National Assembly, which is passed in by the National Assembly of the Public Finance Management (Amendment) (No.3) Bill (National Assembly Bills No. 44 of 2024).

I wish to report to the Senate that, pursuant to Standing Order No. 46(3), I received the following Message from the Speaker of the National Assembly regarding the passage, by the National Assembly, of the Public Finance Management (Amendment) (No.3) Bill (National Assembly Bills No.44 of 2024).

The Message dated 5<sup>th</sup> December, 2024 was received in the Office of the Clerk of the Senate on the same date, when the Senate had proceeded on recess. It was subsequently circulated to all Senators via a letter dated 6<sup>th</sup> December, 2024.

Pursuant to Standing Order No. 46(5), I now report the Message and I quote-

“PURSUANT to the provisions of Standing Order 41(1) and 142 of the National Assembly Standing Orders, I hereby convey the following Message from the National Assembly-

WHEREAS, the Public Finance Management (Amendment) (No. 3) Bill (National Assembly Bills No. 44 of 2024) was published vide Kenya Gazette Supplement No.189 on 1<sup>st</sup> November 2024 to amend the Public Finance Management Act to provide for financial management in the transfer of functions between the two levels of government pursuant to Article 187 of the Constitution;

AND WHEREAS, the National Assembly considered the said Bill and passed it with amendments on Thursday, 28<sup>th</sup> November 2024 in the form attached hereto;

NOW THEREFORE, in accordance with the provisions of Article 110(4) of the Constitution and Standing Orders No. 41 and 142 of the National Assembly Standing Orders, I hereby refer the Bill to the Senate for consideration.’’

Hon. Senators, pursuant to Standing Order No. 163, which provides that a Bill that originates in the National Assembly be proceeded with by the Senate in the same manner as a Bill introduced in the Senate by way of First Reading in accordance with Standing Order No. 144, the Public Finance Management (Amendment) (No.3) Bill (National Assembly Bills No. 44 of 2024) will be read a First Time as listed in the Order Paper for this Morning Sitting.

I thank you.

PASSAGE OF THE PUBLIC PROCUREMENT AND ASSET  
DISPOSAL (AMENDMENT) BILL (NATIONAL ASSEMBLY  
BILLS NO.48 OF 2024)

This is another Message again from the National Assembly, which is Passage by the National Assembly of the Public Procurement and Asset Disposal (Amendment) Bill (National Assembly Bills No.48 of 2024).

Hon. Senators, I wish to report to the Senate that pursuant to Standing Order No.46 No. (3), I received the following Message from the Speaker of the National Assembly regarding the passage, by the National Assembly, of the Public Procurement and Asset Disposal (Amendment) Bill (National Assembly Bills No.48 of 2024).

The Message dated 6<sup>th</sup> December, 2024 was received in the Office of the Clerk of the Senate on the same date when the Senate had proceeded on recess. It was subsequently circulated to all Senators via a letter dated 9<sup>th</sup> December, 2024.

Pursuant to Standing Order 46 (5), I now report the Message-

Sen. Enoch Wambua, find the nearest seat, but it will be better for you if you sit where it indicates “the Deputy Minority Leader.”

*(Sen. Wambua walked into the Chamber)*

“PURSUANT to the provisions of Standing Order No. 41(1) and 142 of the National Assembly Standing Orders, I hereby convey the following Message from the National Assembly-

WHEREAS, the Public Procurement and Asset Disposal (Amendment) Bill (National Assembly Bills No.48 of 2024) was published vide Kenya Gazette Supplement No.194 of 1<sup>st</sup> November, 2024 as a Bill seeking to amend the Public Procurement and Asset Disposal Act, CAP 412C to, inter alia, prescribe the threshold of procurement that shall be exclusively set aside for local firms, and also require all procuring entities to set out specific goods, works and services to be undertaken by a local firm in joint venture procurement;

AND WHEREAS on Thursday, 20<sup>th</sup> November, 2024, the National Assembly considered and passed the said Bill with amendments and in the form attached hereto;

NOW THEREFORE, in accordance with the provisions of Article 110(4) of the Constitution and Standing Order No.41(1) and 142 of the National Assembly Standing Orders, I hereby refer the Bill to the Senate for consideration.

So, hon, Senators, pursuant to Standing Order No.163, which provides that a Bill that originates in the National Assembly be proceeded by the Senate in the same manner as a Bill introduced in the Senate by way of First Reading, in accordance with Standing Order No.144, the Public Procurement and Asset Disposal Amendment Bill (National Assembly Bill No. 48 of 2024), will be read the First Time as listed in the Order paper for this Morning Sitting.

Hon. Senators, this is the last one.

PASSAGE OF THE CO-OPERATIVES BILL  
(NATIONAL ASSEMBLY BILLS NO.7 OF 2024)

There is another Message from the National Assembly; the Passing by the National Assembly Bill of the Co-operatives Bill (National Assembly Bills No.7 of 2024).

Hon. Senators, I wish to report to the Senate that pursuant to Standing Order No.46(3), I received the following Message from the Speaker of the National Assembly regarding the passage by the National Assembly of the Cooperatives Bill (National Assembly, Bills No.7 of 2024).

The Message dated 16<sup>th</sup> January, 2025 was received in the Office of the Clerk of the Senate on the same date the Senate went on recess. It was subsequently circulated to Senators via letter 17<sup>th</sup> January, 2025.

Pursuant to Standing Order No.46 (5), I now report the Message. Pursuant to the provisions of Standing Order No.41(1) and 142 of the National Assembly Standing Orders, I hereby convey the following Message from the National Assembly;

WHEREAS the Cooperatives Bill (National Assembly Bills No.7 of 2024) was published via the Kenya Gazette Supplement No.32 of 9<sup>th</sup> February 2024, providing for the establishment of the office of the Commissioner for Cooperative Development at the national level of government and the Office of the County Director for Cooperatives in each county government and to provide for the promotion, registration and regulation of cooperatives to provide for intergovernmental cooperative relations and for connected purposes;

AND WHEREAS the National Assembly considered the said Bill and passed it on 3<sup>rd</sup> December 2024 with amendments in the form attached hereto;

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NOW THEREFORE, in accordance with the provisions of Article 110(4) of the Constitution and Standing Orders 41 and 142 of the National Assembly Standing Orders, I hereby refer the Bill to the Senate for consideration.

Hon. Senators, pursuant to Standing Order No.163, it provides that a Bill that originates in the National Assembly be proceeded with by the Senate in the same manner as a Bill introduced in the Senate by way of First Reading;

In accordance with Standing Order No.144, the Cooperatives Bill, (National Assembly Bills No.7 of 2024) will be read a First Time as listed in the Order Paper for this Morning Sitting.

I thank you.

Next Order.

### PAPERS LAID

**The Deputy Speaker** (Sen. Kathuri): Senate Majority Leader, you have a number of Papers to lay.

**Sen. (Dr.) Lelegwe Ltumbesi:** Mr. Deputy Speaker, Sir, I beg to lay the following Papers on the Table of the Senate, today, 12<sup>th</sup> February, 2025-

#### SESSIONAL PAPER NO.1 OF 2025 ON THE FOREIGN POLICY OF THE REPUBLIC OF KENYA

Sessional Paper No.1 of 2025 on the Foreign Policy of the Republic of Kenya.

#### THE CIVIL AVIATION (AIRCRAFT ACCIDENT AND INCIDENT INVESTIGATION) REGULATIONS, LEGAL NOTICE NO.5 OF 2024

The Civil Aviation (Aircraft Accident and Incident Investigation) Regulations, Legal Notice No.5 of 2024.

#### THE CRA RECOMMENDATIONS ON COUNTY GOVERNMENTS' RECURRENT EXPENDITURE BUDGET CEILINGS FOR FY2025/2026

The Commission on Revenue Allocation (CRA) recommendations on the County Governments' recurrent expenditure budget ceilings for the financial year 2025/2026.

#### THE CRA RECOMMENDATIONS ON FOURTH BASIS FOR REVENUE SHARING AMONG COUNTY GOVERNMENTS FOR FYS 2025/2026 TO 2029/20230

The Commission on Revenue Allocation (CRA) recommendations on the Fourth Basis for Revenue Sharing Among the County Governments for financial years 2025/2026 to 2029/20230.

#### THE AUDITOR GENERAL REPORTS ON COUNTY EXECUTIVES FOR 2023-2024 (VOL. 1) AND COUNTY ASSEMBLIES FOR 2023-2024 (VOL. 2)

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The Auditor-General's Report on the County Governments (County Executives) for 2023 – 2024 (Vol. 1).

The Auditor General's Report on the County Governments (County Assemblies) for 2023 – 2024 (Vol. 2).

REPORT OF COB ON NATIONAL GOVERNMENT BUDGET IMPLEMENTATION  
REVIEW FOR THE FIRST QUARTER FOR FY2024-2025

Report of the Office of the Controller of Budget (OCOB) on the National Government Budget Implementation Review for the First Quarter for the Financial Year 2024/2025.

THE JSC ANNUAL REPORT FOR FY2023/2024

The Judicial Service Commission (JSC) Annual Report for Financial Year 2023/2024.

THE KLRC ANNUAL REPORT FOR FY2023/2024

The Kenya Law Reform Commission (KLRC) Annual Report for the Financial Year 2023/2024.

THE NCIC ANNUAL REPORT AND FINANCIAL  
STATEMENT FOR FY2022/2023

The National Cohesion and Integration Commission (NCIC) Annual Report and Financial Statement for Financial Year 2022/2023.

THE COG ANNUAL STATUTORY REPORT FOR 2023/2024  
The Council of Governors (CoG) Annual Statutory Report for 2023/2024.

VARIOUS REPORTS BY THE PUBLIC SERVICE COMMISSION

The Public Service Commission (PSC) Annual Report for Financial Year 2023/2024;

The Public Service Commission (PSC) Report on Citizen Satisfaction and Impact Evaluation on Service Delivery in Public Institutions; and,

The Public Service Commission (PSC) Thirteenth Report on the Status of Compliance of the Public Service with Values and Principles in Articles 10 and 232 of the Constitution.

VARIOUS BOOKLETS/HANDBOOKS ON THE  
FOURTH MEDIUM TERM PLAN (IV) 2023–2027

The Fourth Medium Term Plan (IV) 2023 – 2027 booklet by the National Treasury and Economic Planning – State Department for Economic Planning;

The National Reporting Indicator Handbook for the Fourth Medium Term Plan 2023 – 2027 by the National Treasury and Economic Planning – State Department for Economic Planning;

The National Reporting Indicator Handbook for the Fourth Medium Term Plan (IV) 2023 – 2027 (QR Codes) by the National Treasury and Economic Planning – State Department for Economic Planning; and,

The Fourth Medium Term Plan 2023 – 2027 booklet (Popular Version) by the National Treasury and Economic Planning – State Department for Economic Planning.

I beg to lay.

Thank you.

*(Sen. (Dr.) Lelegwe Ltumbesi laid the documents on the Table)*

**The Deputy Speaker** (Sen Kathuri): Thank you.

Hon. Senators, you may realise that we have a Supplementary Order Paper, and if you have not checked, you should be aware.

Before we go to the Next Order, I want to make the following Communication.

**COMMUNICATION FROM THE CHAIR**

RESOLUTION OF THE SENATE ON THE REPORT OF THE  
COMMITTEE OF POWERS AND PRIVILEGES ON THE  
CONDUCT OF SENATOR GLORIA ORWOBA, MP.

Hon. Senators, by way of background, you will recall that on 2<sup>nd</sup> August 2023, the Committee of Powers and Privileges commenced an inquiry, on its own Motion, into the conduct of Sen. Gloria Orwoba MP.

The Committee sought to make a determination on whether the conduct of the Senator in relation to the obligation of allegations by the Senator on the Senate Business *WhatsApp* group constituted a breach of privilege, and if the conduct was found to be a breach of privilege, appropriate recommendations remained in accordance with the Parliamentary Powers and Privileges Act, and the Senate Standing Orders.

Hon. Senators, as the Committee of Powers and Privileges, was settling down to investigate the matter---

*(Sen. Onyonka stood at the Bar)*

Sen. Onyonka, you can find your way to the nearest seat. Have your seat, Senator, and the nearest one for this matter. This is a long Communication; you should be patient with it.

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*(Sen. Onyonka took his seat)*

Hon. Senators, as the Committee of Powers and Privileges was settling down to investigate the matter, Sen. Gloria Orwoba, on 4<sup>th</sup> August 2023, filed a Petition in the High Court in Nairobi, being Nairobi High Court Petition No.E283 of 2023 against the Attorney General, the Clerk of the Senate, the Speaker of the Senate, the Senate Committee on Powers and Privileges and the Senate of the Republic of Kenya.

In the Petition, the Senator had sought conservatory orders barring the Senate Committee on Powers and Privileges from proceeding with the enquiry into her conduct. The court while certifying the matter as urgent declined to grant the conservatory orders sought and instead ordered that the application be served and mentioned on 21<sup>st</sup> September, 2023 to confirm compliance and for further directions.

The Committee, therefore, proceeded with the enquiry as per the law. It concluded its enquiry and tabled a report before the Senate on 9<sup>th</sup> August, 2023, upon which a Motion for the consideration of the Report of the Committee was debated in the following terms-

That the Senate adopts a report of the Committee of Powers and Privileges on the enquiry on its own Motion into conduct of Sen. Gloria Orwoba, MP, and to establish if the conduct constituted breach of parliamentary privilege, laid on the table of the Senate on Wednesday 9<sup>th</sup> August, 2023.

Hon. Senators, you will recall that the debate on the Motion commenced on 10<sup>th</sup> August, 2023, and on 20<sup>th</sup> September, 2023, the Senate by resolution adopted the Report of the Committee of Powers and Privileges. The recommendations adopted by the Senate on the matter were that-

(1) Pursuant to Section 17 (3) (g) of the Parliamentary Powers and Privileges Act, 2017, the Senator be suspended from the House for the remainder of the Second Session of the 13<sup>th</sup> Parliament.

(2) Pursuant to Section 17 (3) (d) of the Parliamentary Powers and Privileges Act, 2017, restriction of access to the precincts of Parliament as defined in Section 3 of the Parliamentary Powers and Privileges Act, 2017 and Standing Order No.2 of the Senate Standing Orders and withholding the use or enjoyment of any specified facility provided to Members by Parliament to be applied to the Senator for the remainder of the Second Session of the 13<sup>th</sup> Parliament.

(3) On resumption of Senate sitting for the Third Session, the Senator, while at the Bar apologises to the Senate, honourable Senators, the Clerk of the Senate and the Secretariat of Parliament before being admitted to the Senate pursuant to Section 173 (c) of the Parliamentary Powers and Privileges Act, 2017.

This resolution of the Senate was communicated to the Senator vide letter Reference No. SEN/RESOLS/24/2023-01 dated 28<sup>th</sup> September, 2023 and was under implementation by the Senate.

Hon. Senators, on 28<sup>th</sup> September, 2023, Sen. Gloria Orwoba again filed a Judicial Review Application No.E008 of 2023 in Machakos High Court against the Clerk of the Senate, the Speaker of the Senate, the Senate Committee on Powers and Privileges and the Senate of the Republic of Kenya.

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The Senator sought leave to apply for judicial review orders to quash the recommendations of the Committee on Powers and Privileges and the resolution of the Senate made on 28<sup>th</sup> September, 2023. The Senator further sought orders to restrain the respondents referred to herein above from implementing the recommendations of the report of the Committee on Powers and Privileges as adopted by the Senate on 28<sup>th</sup> September, 2023. The Senator also sought orders to compel the respondents to give effect to Articles 10, 27, 31, 33, 36, 47, 50 and 117 of the Constitution of Kenya.

On 20<sup>th</sup> September, 2023, the matter was heard *ex parte* before the High Court at Machakos and orders were issued, whose effect was to suspend implementation of the resolution of the Senate of 28<sup>th</sup> September, 2023 as contained in the report of the Committee of Powers and Privileges pending a hearing and determination of the substantive judicial review application.

By a communication from the Chair to the Senate dated 5<sup>th</sup> October, 2023, in the presence of Sen. Gloria Orwoba, MP, following the resolution of the Senate to adopt the Report of the Committee on Powers and Privileges on the conduct of the Senator, and having considered this matter after taking into account previous rulings of Speakers of Parliament and court decisions, it was the Speaker's ruling that, whereas the Senate was dissatisfied with the conservatory order obtained by Sen. Gloria Orwoba, the Senate shall comply with the said order while reserving its right to rigorously defend its position in court and that the Senate did not breach the Constitution or any other law in arriving at its decision to suspend the Hon. Senator.

Hon. Senators, Machakos High Court Judicial Review Application No.E283 of 2023, Gloria Orwoba *versus* Attorney-General, Clerk of the Senate and three others, was subsequently transferred to the Milimani High Court and was heard before Hon. Justice L. N. Mugambi and judgement was delivered electronically on 15<sup>th</sup> January, 2025. It was the finding of the Court that the Petitioner, *ex parte* applicant, Sen. Gloria Orwoba, MP, was provided with the opportunity to appear and state her case presumably, even raising all the manner of preliminary issues before the fourth respondent, but she instead opted not to participate and walked out on the fourth respondent having voluntarily refused to participate.

“I find that there was no infringement of right to fair administrative action or fair hearing in the circumstances of this case. I thus dismiss this Petition, Judicial Review Application with regards to the respondents.”

The import of the judgement is that the Court ordered staying the resolution of the Senate on the report of the Committee on Powers and Privileges, as well as any other consequential orders in the matters filed by the Hon. Senator have lapsed. The suspension of Sen. Gloria Orwoba may now therefore commence.

Hon. Senators, you will recall that a resolution of the Senate---

Let me have mercy to these Hon. Senators. Kindly sit at the nearest seat. Senator for Busia County, I did not say you extend greetings, but find a seat.

*(Several Senators walked into the Chamber)*

Hon. Senators, you will recall that by a resolution of the Senate dated 28<sup>th</sup> September, 2023, Sen. Orwoba was suspended from the House for the remainder of the

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Second Session of the 13<sup>th</sup> Parliament, which ended on 7<sup>th</sup> December, 2023, as per Standing Order No.31 (1) of the Senate Standing Orders, which period amounted to 79 calendar days.

However, Sen. Orwoba, MP, obtained leave from the Court staying the resolution of this House. By the wanting of the Court Order, the leave permitted a stay of the suspension of Sen. Orwoba, MP and her barring from the Senate precincts for the remainder of the Second Session of the 13<sup>th</sup> Parliament from the date of adoption of the Report by the Senate being 28<sup>th</sup> September, 2023. The consequence of the stay of suspension by the High Court is that Sen. Gloria Orwoba, MP, did not serve any of her suspension as resolved by the Senate.

Hon. Senators, in accordance with Section 15 (7) as read together with Paragraph 4 of the Third Schedule of the Parliamentary Powers and Privileges Act, 2017, the responsibility for enforcing the resolution of the Senate on the Report of the Committee on Powers and Privileges is vested in the Speaker.

Having considered this matter and taking note of the judgement delivered by the Court on 15<sup>th</sup> January, 2025 and the orders therein, Sen. Gloria Orwoba shall now forthwith commence her suspension following the resolution of the Senate of 20<sup>th</sup> September, 2023 to adopt the report of the Committee on Powers and Privileges on her conduct.

The 79 calendar days that were to be applied in the year 2023 will, therefore, run from today Wednesday 12<sup>th</sup> February, 2025 to Thursday 1st May 2025. The office of the Clerk of the Senate is directed to enforce the resolution of the Senate made on the 20<sup>th</sup> of September 2023 in the terms defined above.

I thank you.

The Senator is looking at me with---

*(Sen. Orwoba spoke off record)*

You are looking at me and I have no recourse to what I have communicated. However, on humanitarian grounds, let me give you a minute or two to say something as you commence your suspension.

**Sen. Orwoba:** Thank you, Mr. Deputy Speaker, Sir, for giving me this time to possibly offer my apologies to the Members of this House and to the members of staff whom I might have offended as I pursued whatever I was pursuing in terms of oversight or legislation.

If there is anyone - there are people who have come up to me and told me that I offended them - take this as my sincere apology, truly from the bottom of my heart. As you can see, I have learnt how to present and represent people better. It is a learning curve. However, I understand that I also own up to my actions, and I own up my space. Therefore, as I proceed for my suspension, I hope that those I have offended will find it in their hearts to forgive me. It was not my intention to put out the Senate to seem that I am trying to ridicule this 'Upper House'.

Thank you.

*(Applause)*

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**The Deputy Speaker** (Sen. Kathuri): Thank you. As you have rated yourself, for sure it is like you are maturing. So, thank you. All the best.

Next Order, Clerk.

**The Deputy Speaker** (Sen. Kathuri): The Senate Majority Leader, there is a Notice of Motion you were supposed to give.

*(Sen. Wafula stood in his place)*

Sen. Wakoli, you cannot ventilate on a Communication from the Chair.

### NOTICES OF MOTIONS

#### RESOLUTION TO SUSPEND ACTIVITIES OF SELECT COMMITTEES OF THE SENATE

**The Senate Majority Leader** (Sen. Cheruiyot): Mr. Deputy Speaker, Sir, allow me to drop this notice. We consulted further this morning on what needs to happen and we will be bringing a more substantive Motion in the afternoon. So, allow me to drop this.

**The Deputy Speaker** (Sen. Kathuri): Okay. Fine. Well guided.

*(Notice of Motion dropped)*

Next Order.

Oh! I mean the other Notices of Motions from Number One to Number Six.

The Chairperson, Mediation Committee on the Conflict of Interest Bill (National Assembly Bills No. of 12 of 2023).

There are other two Notices of Motion from the Chairperson Standing Committee on Education and Standing Committee on Agriculture, Livestock and Fisheries. We also have two from the Standing Committee on Trade, Industrialisation and Tourism.

So, the chairpersons or Members of those Committees should be well advised.

#### ADOPTION OF MEDIATION COMMITTEE REPORT ON THE CONFLICT OF INTEREST BILL (NATIONAL ASSEMBLY BILLS NO.12 OF 2023)

**Sen. Wakili Sigei:** Thank you, Mr. Deputy Speaker, Sir. I would like to give notice of the following Motion on the report of the Mediation Committee on the Conflict of Interest Bill (National Assembly Bill No. 12 of 2023)-

THAT, the Senate adopts the report of the Mediation Committee on the Conflict of Interest Bill (National Assembly Bills No. 12 of 2023) laid on the table of the Senate on Thursday, 5th of December, 2024; and further that pursuant to Article 113 (2) of the Constitution and Standing Order 167(3) of the Senate, approves the mediated version of the Bill.

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**The Deputy Speaker** (Sen. Kathuri): Thank you. Next is the Chairperson Standing Committee on Education.

Sen. Sigei, kindly approach the Chair.

*(Sen. Wakili Sigei approached the Chair)*

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

*[The Temporary Speaker (Sen. Wakili Sigei) in the Chair]*

ADOPTION OF REPORT ON PETITION ON DISCRIMINATION  
OF TEACHERS BY TSC ON PAYMENT OF HARDSHIP AND  
HOUSE ALLOWANCES IN KILIFI AND TAITA TAVETA COUNTIES

**Sen. Kavindu Muthama:** I am a Member of the Standing Committee on Education. I rise to give notice of the following Motion-

THAT, the Senate adopts the Report of the Standing Committee on Education on a Petition to the Senate regarding the discrimination by the Teachers Service Commission (TSC) on payment of hardship and enhanced allowances to some teachers in Kilifi and Taita Taveta counties, laid on the Table of the Senate on Tuesday, 8<sup>th</sup> October 2024.

Thank you.

**The Temporary Speaker** (Sen. Wakili Sigei): The Chairperson Standing Committee on Agriculture, Livestock and Fisheries, Sen. Mundigi.

ADOPTION OF REPORT ON PETITION ON THE  
CATASTROPHIC MAIZE DISEASES IN BOMET COUNTY

**Sen. Munyi Mundigi:** Mr. Deputy Speaker, Sir I rise to give notice of the following Motion.

THAT, the Senate adopts the Report of the Standing Committee on Agriculture, Livestock and Fisheries on a petition to the Senate regarding the catastrophic maize diseases that farmers in Bomet County have endured for the last 12 years, laid on the Table of the Senate on Thursday, 5<sup>th</sup> December 2024.

ADOPTION OF REPORT ON PETITION ON GRAFT INVESTIGATION  
BY EACC ON WEST KANO IRRIGATION SCHEME

**Sen. Munyi Mundigi:** Mr. Deputy Speaker, Sir, I rise to give notice of the following Motion-

THAT, the Senate adopts the Report of the Standing Committee on Agriculture, Livestock and Fisheries on a Petition to the Senate regarding graft investigation by the Ethics and Corruption Commission (EACC) on the West Kano Irrigation, Scheme, laid on the Table of the Senate on Thursday, 5<sup>th</sup> December 2024.

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Thank you.

**The Temporary Speaker** (Sen. Wakili Sigei): The Chairperson Trade and Industrialization Committee, or any Member of that Committee.

Sen. Montet Betty, please, proceed to give notice of the Motion.

ADOPTION OF REPORT ON ALLEGED FRAUDULENT  
DEALINGS AT THE GOPLC, EAB LTD, KENYA  
BREWRIES, AND UDV KENYA LTD

**Sen. Betty Montet:** Thank you, Mr. Temporary Speaker, Sir. I beg to give Notice of the following Motion, on behalf of the Senate Committee on Trade, Industrialisation and Tourism-

THAT, the Senate adopts the Report of the Standing Committee on Trade, Industrialization and Tourism on a Petition to the Senate regarding alleged fraudulent dealings at Diageo PLC, East African Breweries Limited, Kenya Breweries and UDV (Kenya) Limited, laid on the Table of the Senate on Thursday, 5<sup>th</sup> December, 2024.

ADOPTION OF REPORT ON INTRODUCTION OF THE  
HOSPITALITY PROFESSIONALS BILL OF 2023

**Sen. Betty Montet:** I beg to give Notice of the following Motion-

THAT, the Senate adopts the report of the Standing Committee on Trade, Industrialisation and Tourism on a Petition to the Senate on the need for the introduction of a Hospitality Professionals Bill, laid on the table of the Senate on Thursday, 5<sup>th</sup> December, 2024.

**The Temporary Speaker** (Sen. Wakili Sigei): Thank you, Sen. Betty Montet. Next Order.

### QUESTIONS AND STATEMENTS

**The Temporary Speaker** (Sen. Wakili Sigei): We do not have any Questions or Statements, so we shall proceed to the next Order.

### BILLS

#### *First Reading*

THE PUBLIC FINANCE MANAGEMENT (AMENDMENT) (NO. 3)  
BILL (NATIONAL ASSEMBLY BILLS NO. 44 OF 2024)

*(Order for First Reading read - Read the First Time and Ordered  
to be referred to the relevant Senate Committee)*

*First Reading*

THE PUBLIC FINANCE MANAGEMENT (AMENDMENT)  
(No. 4) BILL (NATIONAL ASSEMBLY BILLS NO. 45 OF 2024)

*(Order for First Reading read - Read the First Time and Ordered  
to be referred to the relevant Senate Committee)*

*First Reading*

THE PUBLIC PROCUREMENT AND ASSET DISPOSAL (AMENDMENT)  
BILL (NATIONAL ASSEMBLY BILLS NO. 48 OF 2024)

*(Order for First Reading read - Read the First Time and Ordered  
to be referred to the relevant Senate Committee)*

*First Reading*

THE COOPERATIVES BILL (NATIONAL ASSEMBLY BILLS NO. 7 OF 2024)

*(Order for First Reading read - Read the First Time and Ordered  
to be referred to the relevant Senate Committee)*

**The Temporary Speaker** (Sen. Wakili Sigei): The Senate Majority Leader has requested that I defer the Motion under Order No.12. We will move to the Procedural Motions.

**MOTION****SUSPENSION OF ACTIVITIES OF SELECT  
COMMITTEES OF THE SENATE**

THAT, notwithstanding the resolutions of the Senate, made on 13th and 19th October 2022, constituting 20 Select Committees, the Senate resolves to suspend operations of all Select Committees of the Senate, with the exception of the Senate Business Committee, forthwith pending their reconstitution.

*(Motion deferred)*

Clerk, call out the next Order to allow the Senate Majority Leader to move the Motion.

**PROCEDURAL MOTIONS**

## LIMITATION OF DEBATE ON MOTIONS

**The Temporary Speaker** (Sen. Wakili Sigei): The Senate Leader of Majority, proceed. Give him the microphone.

**The Senate Majority Leader** (Sen. Cheruiyot): Thank you, Mr. Temporary Speaker, Sir, I rise to Move the following Motion-

THAT, pursuant to Standing Order No. 111 (1), the Senate resolves that debate on a Motion not sponsored by the Majority or Minority Party or a Committee shall be limited in the following manner-

A maximum of three hours with not more than twenty minutes for the Mover, twenty minutes for the Majority Party official responder, twenty minutes for the Minority Party official responder and fifteen minutes for each other Senator speaking; and further that fifteen minutes before the time expires, the Mover shall be called upon to reply.

This is a straightforward matter. It is just to give life to Standing Order No. 111(1) on the maximum time that the Senate can take while debating a motion sponsored by either the majority or the minority party.

I am trying to see if anybody is concentrating on the minority side to Second the Motion. I want to see if Sen. Olekina can multitask. I know men can hardly ever do that. Let me give Sen. Olekina to second.

I beg to Move.

**The Temporary Speaker** (Sen. Wakili Sigei): Sen. Olekina, proceed.

**Sen. Olekina:** Thank you, Mr. Temporary Speaker, Sir. It is indeed important to limit the debate and the Motion being proposed by the Senate Majority Leader, or is it the Senate Minority Leader today? It is an important Motion for us to consider.

I beg to Second.

*(Question proposed)*

Hon. Senators, I see some Members have requested to contribute, including Sen. Wafula and Sen. Maanzo. I will proceed to put the question.

*(Question put and agreed to)*

**The Temporary Speaker** (Sen. Wakili Sigei): Let us call the next Order.

## LIMITATION OF DEBATE ON ADJOURNMENT MOTIONS

**The Temporary Speaker** (Sen. Wakili Sigei): Senate Majority Leader, proceed to Move.

**The Senate Majority Leader** (Sen. Cheruiyot): Mr. Temporary Speaker, Sir, I rise to Move the following Motion -

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THAT notwithstanding the provisions of Standing Order No. 111(4), the debate on any Motion for Adjournment of the Senate to a day other than the next normal sitting day in accordance with the calendar of the Senate shall be limited to a maximum of two hours with not more than 15 minutes for each Senator speaking, after which the Senate shall adjourn without question put, provided that when the period of recess proposed by any such Motion does not exceed nine calendar days, the debate shall be limited to a maximum of 30 minutes and shall be confined to the question on the adjournment.

This is another Procedural Motion to give life to Standing Order No.111(4).

I request Sen. Eddy Oketch to Second.

**Sen. Oketch Gicheru:** Mr. Temporary Speaker, Sir, this is a procedural Motion.

I second.

*(Question proposed)*

**The Temporary Speaker** (Sen. Wakili Sigei): Hon. Senators, similar to the Motion we have just dealt with, this is a Procedural Motion. Pursuant to Standing Order No.84(2), I determine that this matter does not affect counties. In the absence of any Member wishing to make comments to it, proceed to put the question.

*(Question put and agreed to)*

**The Temporary Speaker** (Sen. Wakili Sigei): Next Order, please.

LIMITATION OF DEBATE ON THE MOTION ON  
THE PRESIDENT'S ADDRESS TO PARLIAMENT

**The Temporary Speaker** (Sen. Wakili Sigei): Senate Majority Leader, proceed.

**The Senate Majority Leader** (Sen. Cheruiyot): Mr. Temporary Speaker, Sir, I rise to move the following Motion which is a limitation of debate on the motion on the President's address to Parliament.

THAT, pursuant to Standing Order 27 (6), the Senate resolves that the debate on the Motion on the President's Address to Parliament shall be limited to a maximum of three sitting days with not more than fifteen minutes for each Senator speaking, excluding the Mover in moving and replying, who shall be limited to 30 minutes in either case and that the Senate Majority Leader and the Senate Minority Leader shall be limited to 30 minutes each.

This is a Motion that will have effect only once because the President addresses Parliament only once a year. It is just to limit the time for each Senator to 15 minutes and 30 minutes to the Senate Majority and Senate Minority leaders.

I thank you and request the Senate Minority Leader, Sen. Madzayo to second.

**The Senate Minority Leader** (Sen. Madzayo): Thank you, Mr. Temporary Speaker, Sir.

I second.

*(Question proposed)*

Similarly, Hon. Members this being a Procedural Motion and in the absence of Members keen on contributing to it, I make a determination pursuant to Standing Order No.84(2) that this is a matter that does not affect counties and, therefore, proceed to put the question.

*(Question put and agreed to)*

**The Temporary Speaker** (Sen. Wakili Sigei): Next Order.

## **BILL**

*Second Reading*

THE ENVIRONMENT LAWS (AMENDMENT) BILL  
(SENATE BILLS NO. 23 OF 2024)

*(Sen. Abdul Haji on 31.10.2024)*

*(Resumption of debate interrupted on 31.10.2024)*

**The Temporary Speaker** (Sen. Wakili Sigei): Hon. Members, this Bill was actually moved by Sen. Abdul Haji. It is a resumption of the debate that was interrupted on Thursday 31<sup>st</sup> October, 2024. It is open to Members because those who spoke to it are Sen. Abdul Haji and Sen. Cherarkey. Hon. Members, it is now open for you to contribute.

Kindly give the Senate Majority Leader the microphone.

**The Senate Majority Leader** (Sen. Cheruiyot): Thank you, Mr. Temporary Speaker, Sir. This is an extremely important Bill because environment is quickly gaining its rightful place in the global conversation on how to take care of our environment. There is no bigger conversation in the world right now I can imagine that attracts more attention than the management of our environment.

We continue to face many challenges as a country because of how we have treated these subjects with either contempt or lack of serious significance not knowing fully the effects of the ever-changing environment due to poor management.

This Bill wants to amend the Forest Conservation and Management Act so as to make further provisions for afforestation and reafforestation in Kenya in order to promote tree planting in all counties to amend the Climate Change Act as well so that it provides for the setting and formulation of strategies to achieve the annual carbon sequestration targets and connected purposes; two very important topics.

Mr. Temporary Speaker, Sir, you will recall that the President has led the country in a rallying call to try and achieve the planting of 15 billion trees by the year 2030. Previously, I have seen updates from the Ministry of Environment, Climate Change and Forestry but of late I do not know how well we are doing.

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All I know is that occasionally I see Cabinet Secretaries dressed in *khaki* clothes visiting various parts of the country to plant trees then disappear. The unfortunate thing is that this has not been extended to the other arms of the government.

I hope as a leadership - which here means everybody who has responsibility - we could actually buy into this clarion call so that any area that is under jurisdiction--- For example; I would wish to see the Chief Justice lead all staffers and members of the bench in the Judiciary on such an exercise because the environment is for all of us.

It should not be left to the national Government, the Cabinet Secretaries and the Principal Secretaries (PS)s to actually try and achieve these targets. The same applies to us here in Parliament. I do not know how many people are aware. I could ask the Senator for Makueni County of the top of his head if he is aware of what his targets are as a county, what the percentage of afforestation is, and what he needs to do or what the targeted areas are.

I know that there is a climate action group and I think it is led by Sen. M. Kajwang'. I challenged him because I met him in Sharm El Sheikh in Egypt during COP-26. He was properly kitted in a very nice suit and he said this year he wishes to be a climate champion. I want to speak to you so that you appreciate. Subsequently they went to Dubai, but I want him to extend his activities beyond the conferences and really challenge us.

I appreciate his zeal and energy in terms of ensuring that you make all your colleagues climate woke. Woke is a term that young people use for people that are conscious and aware of what needs to happen in our climate environment. I wish that Sen. M. Kajwang' was here when we are discussing this Bill, so that he leads us into appreciating what role we can play as legislators.

Many times, I have seen us join in on the efforts that are being carried out by members of the Executive alone. I believe that as a legislature we need to have a more impressive record and our contribution into making our world better. I have visited many Parliaments and some of the most beautiful are those that have taken care of the environment better.

The campus of this Parliament of Kenya scores very poorly on that particular rank because we cut almost all the trees. There is hardly any tree within the corridors and Parliament Square.

We need to begin from our own institution to set an example of a dedication of the percentage of the total land that belongs to Parliament to planting trees. We need to plant trees that people will recall 20 or 50 years down the line.

I believe on important days the Senate should lead actually in---

*(Loud consultations)*

**The Temporary Speaker** (Sen. Wakili Sigei): Hon. Senators, if you are consulting, please do so in low tones to allow the Senate Majority Leader to contribute in peace. This is for those who are interrupting with loud engagements within the Chamber.

Proceed, Senate Majority Leader.

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

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I was explaining that as Parliament, we have a responsibility. Apart from the occasions when we have various dignitaries such as presidents and heads of governments coming to lay flowers at the grave of our founding father of the nation, which is an important exercise on special days and occasions, I believe they should plant trees as well. We can set up a good corner for them, so that we continue to lead as an example and Parliament does not look as bare as it is today.

This Bill proposes a further amendment to the Forest Conservation and Management Act, by promotion of afforestation and reforestation in Arid and Semi-Arid Lands (ASALs) in this country. That is extremely important. I know for a fact that our ASALs need that particular challenge.

I know that the Forest Conservation and Management Act is also being amended. It means that you are now introducing a person who shall be authorised to replace each harvested tree in accordance with the directions of the service. I am not sure but I think that is still on.

Three or four years ago, there was a ban on logging, despite the fact that logging is an extremely important industry. You need to counterbalance that, so that for every tree that you cut, there should be a commensurate number of those that you plant.

This is an extremely important Bill that is sponsored by one of the Senators who comes from an extremely arid region. I am tremendously happy by what Sen. Abdul Haji is doing. Despite him coming from Garissa, a county whose forest cover I believe is hardly 3 or 4 percent but I am not certain, he is leading in the effort of trying to make those parts of the country have a good forest cover. This is possible because we have seen this done in other parts of the world that are even more arid than Garissa where Sen. Abdul Haji comes from.

Lastly is on this issue of settling and formulation of strategies to achieve the annual carbon sequestration targets and for connected purposes. That is an important conversation as well.

I know with the coming in of President Trump in America, he is radical in the opposite way or views on how to do climate management. The world will be affected because of the companies that will perhaps not feel the urge to meet their share of trying to be environmentally sustainable in their practices.

I do not believe that money alone was the only motivation. I also do not believe that this was a responsibility of one country. The rest of the countries that believe in a green and more sustainable environment should carry on the dream. Who knows? In the years to come, perhaps some of these countries that today do not see the need to lead these efforts will be calling upon us to assist them in one way or the other.

Therefore, I want to lend my support into this very noble exercise of ensuring that each county achieves their targets. Sen. Abdul Haji will lay out the strategies that various county governments will do so to ensure that we achieve that particular regard.

Mr. Temporary Speaker, Sir, with those many comments, I wish to leave it at that. I know that Clause 21(c) has provided for functions of forestry management by county governments. It includes preparation of an annual report with approval of the county assembly. Our county assemblies will confirm those reports on the activities of county governments in relation to this Act and any national policies for forest management.

Each governor will give an account based on all the activities because all forestation and afforestation activities happen in the counties. Therefore, it is important for county governments to give an account and state whether they have achieved their targets or grown from grown this number to the other. Members of County Assembly (MCAs) from various wards that make up a county will affirm and share that report.

Sen. Abdul Haji, I do not know whether it is possible to push and ensure that those reports are filed with the Senate, apart from just being approved in the National Assembly, so that we are also custodians of the reports that come from these county assemblies.

Mr. Temporary Speaker, Sir, with those many remarks, I beg to support.

**The Temporary Speaker** (Sen. Wakili Sigei): Thank you, Senate Majority Leader.

Proceed, Sen. Wambua.

**Sen. Wambua:** Mr. Temporary Speaker, Sir, I also rise to support this the Environment Laws (Amendment) Bill (Senate Bills No.23 of 2024) being sponsored by a brother and our friend the Senator from Garissa.

I want to make a few comments on the whole issue around environmental conservation and climate change in relation to this Bill. To begin with, a way must be found now than ever before to move from this archaic way of doing things in terms of tree-planting, where we set aside a day and say it is a tree-planting day.

We go and buy trees from nurseries, distribute them to people and they plant them and go. You can be very sure that if one tree out of 20 that are planted survives, it is a miracle. We need to begin to take tree-planting exercise a little bit serious. Leaders should be hands-on in dealing with this matter of climate change and environmental conservation.

I want to thank Sen. Abdul Haji for proposing this Bill. As the Senate Majority Leader has said, I wish some space will be found, either expressly or implicitly in this Bill, to ensure that we as leaders take the front row in pushing forward the agenda of environmental conservation.

I have this in mind. The place to begin in ensuring that the ideals of this Executive succeed in planting 15 billion trees by 2030 would be to begin with our own homes. Every Senator in this Senate has a place that they call home. If every Senator establishes a forest of their own definition at their own home, whether it is 20, 30, 50 or 100 trees and nurture them to maturity, we will begin to speak to other people about forest cover and conserving our environment.

Mr. Temporary Speaker, Sir, the next job and this is important, would be to move to our immediate environment in the Parliament of the Republic of Kenya. I challenge the promoter of this Bill to work closely with the administration of Parliament and make sure that in this Senate, each Senator gets a tree seedling and grows them within this environment, the compound of Parliament; making sure that in the remaining two and a half years, each Senator nurtures their own seedling to maturity.

If we begin this way, then we will be giving effect to serious environmental conservation. This is because, conserving our environment and increasing our forest cover will not happen in boardrooms. It will not happen on the Floor of this Senate. It

will happen on the ground - real trees being grown by real people and those trees being nurtured to maturity.

The next step would be for us as leaders and as senators. Each Senator in this Senate is a former student in a primary school somewhere in this country. What about each one of us retreating to our respective primary schools? It will mean that there will be, at the very least, 67 primary schools in the Republic where we establish forests, sponsored and spearheaded by Senators. If that is achieved, we can then begin to talk to the public about environmental conservation.

Mr. Temporary Speaker, Sir, even as I support this Bill, I am reminded about those of us who went to primary school when President Moi was in office. He had a serious clarion call on environmental conservation. It used to be called at that time dealing with soil erosion. In Swahili, they called it *mmomonyoko wa udongo*.

I remember the former President went around the country, literally building gabions and stopping soil erosion. I remember fondly when he visited Kitui. At that time, I was a very small boy and he went to a place called Kyaani. It is in the Matinyani ward of Kitui West constituency. He helped build gabions just to stop soil erosion.

This exercise of conserving our environment, increasing forest cover and making sure that we have a country that attains a better percentage of forest cover is an exercise that must now, better than ever before, move from boardrooms, the Floor of the House to where that need needs to be addressed. I say this fully cognizant of the fact that the Senate Majority Leader has said, there has been a ban on logging but that ban was lifted.

Mr. Temporary Speaker, Sir, on Monday this week and I sadly remember this, as I was driving at night from Laikipia where I had attended the burial of the father of our friend and colleague, Sen. Kinyua, I saw many, many trucks leaving forests, I believe it is the Aberdares, carrying huge, huge logs. I remember telling my driver that this one tree here must have been in existence for more than 50 or 60 years and in just one night, somebody wakes up, cuts these trees as they pursue a profit motive.

I urge this administration that even as we continue to deal with this issue of climate change and even as we support local businesses - the timber industry, we should strike a healthy balance between allowing logging and ensuring that we achieve the target of 15 billion trees by 2030. If there is one area where I will support the initiative of the national executive, it is in the area of climate change because, if we do not fix our environment and forests now, then the future generations will judge us very harshly. This is because the rate at which we are destroying our environment, felling trees and doing logging is dangerous to the future sustainability of our forests in this country.

Lastly, this Bill, though it speaks to environmental conservation, forest cover, legislations that need to be put in place and the change that we need to put, to ensure that this happens, this work needs to be done is on our land and it is work that each one of us and every leader in this country must take a lead role to ensure that we do our part in conserving our own environment.

Mr. Temporary Speaker, Sir, with those remarks, I support.

**The Temporary Speaker** (Sen. Wakili Sigei): Thank you, Sen. Kiio Wambua.

Sen. Okenyuri.

**Sen. Okenyuri:** Thank you, Mr. Temporary Speaker, Sir, for this opportunity. I also wish to support this Amendment Bill by Sen. Abdul Haji. This is a conversation we

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have been having for some time, though worryingly, it sticks at the top. I have tried doing my own analysis and gathering views, especially from ordinary people, the general public.

Most of them are hearing about why we need to plant trees to help deal with climate change or have it as an economic activity that they should engage in, but most of them do not understand what we are seeking to achieve. Therefore, it is very sad that this remains an elite conversation and that should not be the case. Climate change needs to be a subject that our citizens need to understand as well as understand that planting trees is not just for them. They can equally make money and also contribute to tackling some of the environmental challenges we are experiencing.

When I look at some of the proposed amendments that are coming in, like formulating and implementing plans for sourcing tree seeds and seedlings that are suitable for the environment, I immediately see an economic opportunity. Our people can then go ahead and have so many of these seed beds, have seedlings which can be purchased for planting and in one way or another make money.

Mr. Temporary Speaker, Sir, this should not be left to county governments only because there is need to accommodate individual farmers or people who want to do tree planting for commercial purpose. The issue of having to establish tree nurseries in each county needs to go beyond the political jurisdictions. This is because, counties are going to do this but without the goodwill. Why not have this trickle down to schools, social places and encourage people to quickly take this up so that it does not look like it is governments only that are in charge of tree planting.

The moment you want people to join an activity, you will need to make them feel part and parcel and see how they are going to benefit out of it. When you want one's support, you have to appeal to their interests.

Mr. Temporary Speaker, Sir, beyond Kenyans being called upon to participate in tree planting, they need to also look at the economic value they are going to derive from venturing into this and the larger effect it is going to have on the environment because we have so many challenges we are facing as a result of climate change and we need to sensitise our people.

That is why I have been emphasizing civic education. Civic education is not just for political matters but for people to understand and for Kenyans to have the culture of planting trees right from the way they grow, going to school, and then when now they are citizens who can make decisions for this country.

Once we have that culture, we will not have a huge problem where we have to run campaigns to tell people why they need to plant trees. So, in as much as we have those challenges, Sen. Haji, this is a very good proposal that you are bringing to this House. It is not just for semi-arid areas, even in places like Kisii where we feel like we are in highland areas, people need to still venture into afforestation so that when we are cutting down others, we are planting other trees so that we do not have our riverbeds running dry resulting to shortage of water. If that happens, what you will see is schoolgirls having to search for water over long distances. That will affect their performance in school.

Mr. Temporary Speaker, I equally see the Bill proposing that we have the Forest Conservation Management Act amended to include – that a person who harvests a tree shall replace the tree under the direction in an area designated by the service.

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Sen. Haji, I think you also need to include an aspect of “How are we going to know who is cutting which tree and where: so that we keep track of the numbers we have and what we are losing, and the replacements we are having.

Generally, this is a very timely proposal, which we need to sensitize people daily, wherever we attend our functions, be it in funerals or marketplaces.

As I said, we are losing the opportunity to make the people own “tree planting.” It remains an elite conversation. After days of this initiative being launched in Kenya, ordinary people are yet to understand what we are talking about.

I support this proposal. I want us to own it and talk about it wherever we are attending our functions because it goes beyond what we are speaking about today. The future generations will have an environment where they can thrive effectively and also make money out of tree planting.

**The Temporary Speaker** (Sen. Wakili Sigei): Thank you, Sen. Esther Okenyuri.

Sen. Maanzo, you appear as though you want to speak, but I have not seen any request from your end.

**Sen. Maanzo:** I am sorry.

**The Temporary Speaker** (Sen. Wakili Sigei): Yes, Sen. Maanzo Daniel, please, proceed.

**Sen. Maanzo:** Thank you Mr. Temporary Speaker, Sir. I rise to support this very important Bill. The basis is that climate change is real, and the law we have been having in place is old. Bearing in mind that we have a new Constitution, there was every need to align the current law with the new Constitution and at the same time, put this squarely as a devolution matter.

Devolution is very important when it comes to afforestation. Although this has been treated for a long time as a national affair, there is every need to devolve it to the counties and make sure that the systems of governance in the counties participate fully in this particular affair.

For a long time, trees have been cut without being replaced, especially in the drier parts of the country, it is even more appalling. Every single county in the country must have its program on tree planting.

One of the biggest challenges has been the seedlings. I believe from the county assembly, there should be a program whereby the counties take responsibility to make sure appropriate seedlings in accordance with the climate of that particular county are planted.

What has been happening is that we have a tree planting day, it is not well organised, then you plant trees, some of which do not even survive in that particular climate, and as soon as we leave, with no one watering them, all of them dry up. Then we repeat this year after year, and still, we do not have as many trees as we should have.

We are aware that there are areas where trees are done for commercial purposes and are harvested and replaced accordingly, and those people are in a commercial venture. We also are aware of places where trees have been cut carelessly and have not been replaced over the years and desertification has continued.

Wherever trees have been planted properly and especially trees that grow in that particular area, like in the case of Makueni County, where we have a tree called *Mukau*,

which grows naturally in dry areas, even when you plant when the rains are insufficient, they still grow because it also naturally with little to no rain.

Those who have done it have managed to recover the forest and have an organised forest cover of indigenous trees that grow naturally in that area and are very suitable for commercial purposes because that particular tree, the *Mukau* in Makueni County is ideal for timber and also stays leafy. It can also be eaten by animals when there is insufficient food. Parts of the branches are a delicacy to goats.

Therefore, the county governments have a lot of land in trust. The water towers in many parts of the country are under the county governments, and these are the ones that should be planted accordingly so that all those beautiful rivers that are running dry, can have trees that grow there naturally.

Unless the county government takes this as a responsibility, it may not be well coordinated by the national Government. Therefore, the county government should identify these areas and afforest them.

Mr. Temporary Speaker, Sir, I was at the National Assembly and after the new Constitution, there was a transition. There was one of the water towers in my village which had been misused for some time. I took the initiative to employ one of the persons in the office of Member of Parliament to particularly take care of the forest issue. The National Government Constituency Development Fund (NG-CDF), has either one or two per cent for environment conservation.

We managed to keep trees by naturally keeping people away from cutting trees. The natural bushes grew, the coverage became very good, and the ecosystem rebalanced afresh.

I believe that now the county government can employ several people because not every single Member of Parliament of the National Assembly will have enough money to manage the conservation. In fact, that two percent is used to do gabions, and if you do as many gabions as possible in the rivers, you also need to have some water to have seedling areas, and then you can grow trees for timber and environmental conservation.

There is also another area of environmental conservation that has come up recently. In a mango or citrus growing area like Makueni, we are now able to have mango trees as forests and at the same time do commercial activity. We are processing the mangoes to mango juice. Many Kenyans come down to Makueni to buy mangoes for export and for commercial purposes. That is best done by the county governments if we are going to plant fruit growing trees as forests and purposes of environmental conservation. This will ensure that there is tree coverage and the environment is taken care of and at the same time commercial activities takes place. At times, it needs protection from harmful insects by spraying and making sure that the fruit is taken care of and we have come up with many of that.

Another area that is very important, which we will be discussing in the House later is the new Cooperatives Act. Tree growing and environmental conservation can also be done through cooperatives in the countryside. The moment you organise a cooperative, you involve the people better, the purpose is set and they will have targets. The cooperatives are also devolved and working under the county government. That is another area we should look at because laws can work together.

If you have an environmental law, a forest law and at the same time have a cooperative law where cooperatives can be organised to grow trees for forest cover and commercial purposes, then it becomes better to mobilise the people to make sure that tree planting takes place. In cases where the trees need to be watered, then you have an organised team to make sure that the trees grow.

Mr. Temporary Speaker, Sir, I emphasise that we will be best if we do seedlings appropriate to a climate area and conserve the trust lands so that the natural bushes or trees can be allowed to grow to make sure also that area is covered. I believe through this very important law, we are going to conserve our environment, improve the climate of the world, deal with the poisoning of the climate by carbons, slow the speed of wind and make sure that rains come back to areas they have abandoned. This is because the clouds will simply be swept quickly by the winds since the trees are the ones that slow the winds and increase rainfall. That goes on to improve the ecosystem. Therefore, availability of water is important.

We need to build dams like Thwake Dam, silted dams and porous dams and building gabions to make sure water is available so that trees are planted.

Mr. Temporary Speaker, Sir, I support the Bill and congratulate the Senator for Garissa County. I hope that this will apply in the harsh climates like his and my county and will increase the tree coverage of the country.

I thank you.

**The Temporary Speaker** (Sen. Wakili Sigei): Thank you, Sen. Maanzo.

Sen. Mundigi, proceed.

**Sen. Munyi Mundigi:** Asante Bw. Spika wa Muda kwa kunipa nafasi nichangie Mswada ulioletwa na Sen. Haji wa Kaunti ya Garissa kuhusu mazingira. Mswada huu utasaidia kaunti zote 47. Siku hizi hatuongeti mambo ya mlima bali kaunti 47. Ningeomba Serikali ifuatilie huu Mswada kwani utasaidia kila mwananchi kutoka yule wa chini mpaka wa juu. Mambo ya upanzi wa miti yatatusaidia sana. Nakumbuka tukiwa watoto wakati wa uongozi wa Raisi Moi, kulikuwa na momonyoko wa udongo na upanzi wa miti ulifuatiliwa kwa makini sana. Wale wanaosheherekea kuiba miti kwa misitu saa hii ni miti iliyopandwa wakati huo. Ningeomba tufuatilie mipango iliyokuwa zamani ili kaunti zetu zifaidike.

Kwanza, ningeomba upanzi wa miti ufuatiliwe na njia inayofaa. Kaunti nyingi hazina maji ya kutumia kupanda miti. Naunga mkono Mswada huu kwa sababu Kaunti ya Embu iko na sehemu kubwa ya ukame kama Kaunti ya Garissa. Naomba Serikali ya Kenya Kwanza iangalie zile kaunti za ukame ndio tuwe kwa mstari wa kwanza kupata maji kupitia zile *dams* tulizoahidiwa na Serikali kama Kamumu Dam, Thambana Dam na zile zengine pamoja na *water pans*. Maji yakipelekwa kwa sehemu ya mlima kama Kiambere na Kianjiru na Ndune, watu watatumia hayo maji na itatusaidia kwa upanzi wa miti. Itasaidia pia shule zote za msingi na sekondari kupanda miti.

Bw. Spika wa Muda, nakumbuka zamani nikiwa mtoto mdogo, hospitali zilikuwa mbali lakini mtu akiugua alikuwa anaenda kwa misitu ya zamani na kuchukua hiyo miti na kuifanya dawa na anapona. Naomba huu Mswada wa Sen. Haji uzingatie miti kama hiyo. Kuwe na wanasayansi wanaoweza kuchunguza miti kama hiyo kwani itatusaidia kupata hela, dawa na pia kulinda mazingira. Zamani kulikuwa na momonyoko wa

udongo na mitaro. Naomba Serikali itilie Mswada huu maanani kwa kuajiri wafanyakazi walio na elimu ya kuonyesha watu jinsi watakata mitaro ili tuzuie maji.

Katika kaunti zetu, magavana wengi hawafikirii mambo ya mazingira. Tunaomba kuwe na maofisaa wa afya kule mashinani ili wasaidie kuzingatia usafi kwa masoko yetu ili takataka ziondolewe ili kusinuke vibaya. Hii itasababisha kaunti zetu kuwa safi. Wiki mbili zilizopita, nikiwa Naibu Mwenyekiti wa Kamati ya Kilimo, tulitembea Dodoma. Wanaandaa mji wao uwe mzuri na tulipata wamepanda miti. Ukiwa kwa mpaka wa Kenya na Tanzania, utashangaa tofauti unayoona. Hii inamaainisha kuna shida ya *Management* ya kaunti zetu ama serikali yetu. Saa hii, miti mikubwa inatoka Uganda kuja hapa. Ningeomba mambo ya kukata miti iangaliwe.

Ningeomba pia mambo ya ushuru yatiliwe maanani. Kwa mfano, katika kaunti ya Embu, kuna shida ya *muguka*. Upelelezi ungefanywa tujue kama inaweza kusaidia nchi yetu kupitia kutengeneza dawa. Naunga mkono Mswada huu lakini lazima tuangalie vile miti tunayopanda itatuletea faida gani, magonjwa gani na itatusaidia namna gani. Naomba Serikali ya Kenya kwanza itilie maanani upanzi wa miti. Shule zetu zote ziweze kupanda miti ili hata watoto watakozaliwa wakute misitu kwa shule zetu.

Jambo lengine ni kuhusu kukata miti. Inafaa uwe huwezi kukata miti bila barua ya chifu, *security* ama wale wanaosimamia misitu. Huu Mswada ni mzuri kama utafuatiliwa kwa njia ya haki.

Bw. Spika wa Muda, kama Seneta wa Kaunti ya Embu, naunga mkono huu Mswada kwani utatusaidia kwa mambo ya chakula, afya na ushuru wa kaunti na Serikali Kuu. Pia itatusaidia kupata hela kutoka nchi za ng'ambo ikiwa mazingira yetu yatakuwa mazuri.

Bw. Spika wa Muda, wiki mbili zilizopita, Rais wetu alizungumzia kuhusu kujisajili kwa Social Health Authority (SHA) ndio waweze kupata matibabu. Cha kushangaza ni kwamba wiki mbili zilizopita baada ya Rais wa Marekani kuchaguliwa, alisema hakuna pesa ya kutusaidia ili tununue madawa.

Kuna miti mingi ikifanywa utafiti ule unaofaa, iwapo nchi za ng'ambo zitasita kutupatia hela, nchini Kenya itakuwa ni rahisi mtu kuingia kwa msitu kutafuta dawa. Turudi kwa tamaduni zetu za utumiaji wa miti shamba.

Hivyo basi, ninaunga mkono swala la utunzaji wa mazingira na upanzi wa miti.

Ni mimi Daktari Seneta Munyi Mundigi.

**The Temporary Speaker** (Sen. Wakili Sigei): Thank you, Dr. Alexander Munyi Mundigi.

Sen. Fatuma Sen. Dullo.

**Sen. Dullo:** Thank you, Mr. Temporary Speaker, Sir. Let me take this opportunity to thank the Senator for Garissa, Sen. Abdul Yusuf Haji, for this amendment of the Bill, which is long overdue. The issue of afforestation and also climate change is like it has taken a back seat.

This is very important to our country. We are facing a lot of drought in this country, more specifically in the Northern part. If we seriously implement what is within this particular Bill, we can achieve a lot.

I remember those early days when some of us were young; we used to carry water to school for tree planting and watering the trees. Everybody was given

responsibility to take care of trees in their schools. However, of late, you do not see such things happening.

I hope as soon as this Bill is passed, we will sensitise the schools, the headmasters, and the principals to bring back that kind of practice where tree planting and management of trees is part of our lives. We must recognise climate change in our country because it looks like it is changing every minute. If we keep pace with that particular change, we can help our country and our counties.

We need also to review policies that govern tree planting and climate change to keep pace with the climate change and the happenings in the country, which I believe is in the amendment of the Bill. I hope once we do that, we will be up to date as far as policies and legislation are concerned in climate change.

Gender-responsiveness, as indicated in the Bill, is also very important because I am sure, and I am not demeaning the male, but normally responsibilities given to the female as far as management of a particular issue is very important because sometimes you will see men alone planting trees. I think if the gender aspect is taken care of, then we can seriously take action as far as climate change is concerned.

Recently, we have been to Mandera. I have seen what the County Government of Mandera has done in greening the county. It has given some budget to women planting and watering trees daily, which is a very serious thing that will help those areas, more specifically the northern part of the country, where there are no trees and the climate is harsh. Implementation of various legislation and policies that is required as far as the law is concerned, just to update ourselves as far as climate change and implementation is concerned.

I have seen some trees in our area, more specifically called *Mathenge* that are causing serious harm in our areas. I curse the person who has introduced *Mathenge*, especially in Northern Kenya, because it is causing havoc. Animals and human beings are affected. You do not even plant them; you will find them everywhere. They are even dangerous to the kids and also to the animals in our homes. We have to have a serious policy as far as *Mathenge* is concerned. I have seen in some parts of my county, a place called Merti, where women are given some token to clear *Mathenge*, which I believe is something that we encourage and also ensure as a Country that we are done with *Mathenge*.

There were proposals earlier on, whether we should get a licence and approval from the Cabinet to use *Mathenge* for charcoal. I need to check whether that has been done, because if *Mathenge* is a tree that is affecting our people, then we can use it for charcoal burning instead of cutting down the normal trees. *Mathenge* can be quite useful for charcoal burning.

I would also request, and I do not know whether it is possible, Sen. Abdul Haji to give responsibility to the county government to establish free seedling nurseries in their counties so that members of the public can pick those seedlings and plant them. When I look back, I will see the Ministry of Environment, which is called the Forest Department, normally selling those seedlings. I however think as a country, if we can be able to provide free seedlings to the members of the public, they can be able to plant those trees very well and ensure that they have taken care of them in their counties.

Finally, the issue of licencing trees for medicinal purposes. We have so many trees and plants that are quite useful for medicinal purposes. We need to carry out research in our country to make sure that those seedlings are useful.

You will see that, today if you go to the chemists and hospitals to buy those drugs, they are quite expensive yet we have trees and herbs that are available to us. It is only a matter of actually financing research to make sure that they are utilised properly and they will be used properly, then they can help our country. We need to license those individuals who are ready to convert the trees and plants for medicinal purposes.

Otherwise, I wish to congratulate Sen. Haji for this important amendment to the Bill. I hope it will see the light of day and also implementation of the same by relevant institutions. Also, we should domesticate international obligations as far as we are concerned in our country. You will find sometimes you have international obligations at the international level, but most of the time we do not domesticate them. That has also been provided for in the Bill. I hope it will help us and enrich the Bill including the objective it was proposed for.

I thank you, Mr. Temporary Speaker, Sir.

Thank you, Sen. Dullo

Sen. Miraj?

**Sen. Miraj:** Asante Bw. Spika wa Muda kwa kunipa fursa hii ili nchangie Mswada huu uliopendekezwa kutoka Gatuzi la Garissa. Naungana na Maseneta waliotangulia. Ni dhahiri shahiri ya kwamba mabadiliko ya tabia nchi yamedhuru mazingira yetu sisi kama Taifa hususan katika maeneo yasiyo na maji na ni kame zaidi. Vile vile, katika sehemu zinapokea mvua, zimepokea mvua ya viwango wa kupita kiasi hadi kuharibu mimea ambayo inatarajiwa iwe chakula cha kitaifa.

Napongeza kipengele kinachopendekeza kupandwa kwa miti mingi zaidi katika maeneo kame. Hii ni wazi kuwa Rais alipoingia mamlakani, alitenga siku moja ya kitaifa na kuiweka huru ili taifa nzima lipande miti.

Katika Kauli yake mbiu, alipendekeza wakati tunakata keki siku zetu za kuzaliwa, tusikate keki bali tupande miti ili kuhakikisha vizazi vijavyo vinajivunia kwa yale ambayo tumewatayarishia kuhusiana na mabadiliko tabianchi.

Ningependa kuwapongeza washikadau tofauti katika gatuzi yangu ya Mombaa. Akiwemo Mbunge wa Jomvu Mhe. Bady Twalib akishikiriana na Wizara ya Usalama wa Ndani. Mpaka sasa wamepanda miti takriban laki moja katika maeneo ya Ganahola Creek.

Bila kumsahau kakangu Amarba Wazir ambaye amejitolea kuhakikisha kwamba gatuzi yetu ya Mombasa imepandwa miti mingi Zaidi. Pia siwezi sahau waziri wangu wa kaunti wa mabadiliko tabianchi Bi. Emily. Natumaini utapata ujumbe huu. Ulikuwa kwa ofisi yangu ya Seneta maalum na ukataka ushirikiano. Mombasa ni gatuzi ndogo ambayo haina sehemu nyingi ya kupanda miti lakini kwa kauli yako mwaka wa 2023 tulishirikiana na wakfu wa Mama Haki kuweza kupanda miti 200 katika maeneo ya Kikoani Cemetery.

Hii ni kuonyesha jitihada na umoja baina ya viongozi wa Serikali Kuu na serikali ya ugatuzi, kuhakikisha tumefikia ruwaza ya kupanda miti billioni moja katika taifa letu la Kenya.

Bw. Spika wa Muda, kuna mapendekezo ya kwamba katika gatuji zetu arubaini na saba kwenye Mswada huu tuweze kuwa na *nursery*. Nimefurahi sana kuona kwamba sisi kama Bunge la Seneti, tumeoanisha malengo yetu kama wasimamizi wa magatuji arubaini na saba. Kuona kwamba tunafikia ruwaza ya kiulimwengu.

Mabadiliko ya tabianchi hayatudhuru sisi kama taifa la Kenya, bali yanadhuru mataifa ulimwenguni. Tusipojipanga kuweza kutunga sheria kama hizi, na kwa vitendo tutaangamia kama ulimwengu.

Baada ya uteuzi wangu, niliweza kuwa na azma ya kupanda miti milioni moja katika gatuji sita za mkoa wa zamani wa pwani. Nashukuru kwa ushirikiano na taasisi tofauti pamoja na wakurugenzi wa wakfu wangu. Tuliweza kupanda miti maeneo ya Dongo Kundu. Kwa hakika sisi kama viongozi wa kisiasa, tumeambiwa na kuimbiwa wimbo kwamba ni tabia yetu kufanya jambo kupiga picha na kuondoka.

Kwa sababu nilikuwa na ari, nilitafuta vijana wa kike ambao waliweza kutelekezwa kwa kupata mimba za mapema. Niliwabunia ajira na nimekuwa nikiwalipa kiwango cha shilingi mia mbili kila Ijumaa waangalie miti tuliyopanda na kuinyunyizia maji.

Hivi karibuni nilitembelea Wizara ya Ulinzi na tukakaa chini na Waziri. Tulikubalina kuwa, badala ya kuzunguka kila mahali kutafuta mahali pa kupanda miti ambayo inakuwa changamoto. Kama wakfu wa mama haki, kutambua eneo la ziwa ambalo liko maeneo ya Likoni ili tuweze kupanda miti laki tano; laki moja tutapanda katika gatuji tofauti.

Ninayazungumzia haya kwa mapenzi makubwa kwa sababu sisi ni viongozi. Imesemekana kuwa viongozi ni watu ambao wanastahiki kuangalia maisha ya vizazi vinavyokuja na sio kuangalia kura zinazokuja.

Hivyo basi, ningependa kumpongeza kakangu Seneta aliyekuja na Mswada huu. Historia itakukumbuka kwa sababu umetatua tatizo ambalo kwa hivi sasa tunalionga tatizo ndogo lakini ni tatizo kubwa.

Ili kufaulu katika hatua kubwa ni lazima tuanze na hatua ndogo. Ninaamini kwamba sheria hii itakapowekwa sahihi na Rais basi kutakuwa na mageuzi makubwa. Na rai kwamba, tutakapokuwa tukitekeleza haya mapendekezo ya sheria, ni pendekezo langu kwamba tuweze kuwaweka vijana wa taifa la Kenya kipao mbele. Wame kumbwa na changamoto ya ajira. Tuweze kuwaweka Watoto wa kike ambao wametelekezwa kwa kupewa uja zito. Wamekosa kuwa na Imani ya kwamba ya kwamba wanaweza kufaulu katika Maisha. Tuwape majukumu ya kusimamia *nursery* hivi ambazo zitawekwa.

Ile miche itakayopandwa iwe ni miche ambayo itasimamiwa na vijana wa kike na wakiume wa taifa la Kenya. Iwe ni njia mojawapo ambayo tumewabunia ajira. Kwa hayo mengi ama machache, hongera kaka na ningependa Bunge hili liweze kubeba kwa uzito mkubwa sheria.

Asante Bw. Spika wa Muda.

**The Temporary Speaker** (Sen. Wakili Sigei): Asante sana Sen. Miraj. Nafasi hii ni ya Sen. Veronica Maina.

**Sen. Veronica Maina:** Thank you, Mr. Temporary Speaker, Sir, for this opportunity. First of all, I would like to congratulate Sen. Abdul Haji, the able Senator of Garissa County, for bringing up these much-needed amendments to the legislation that relates to the forest management, afforestation, and reforestation of our forests.

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Let me first say the reason these amendments are so crucial and timely is because a time has come for counties to be intentional in how they promote afforestation and reforestation. I say this because we have seen the number of activities that the counties are engaging in, and a lot of questions should arise in the audit of the activities of the counties and the impact of the activities or how resources are being allocated to various functions in the county and the usefulness of the resources, the utility of these resources by the counties.

It is unfortunate that even when we have had a policy of afforestation, the countries have not taken up this challenge robustly to secure our future and the future of our generation, especially in light of climate change, which has posed a great danger to the existence of our communities, the existence of our livelihoods, and even our very existence as human beings.

If you visit other jurisdictions, you will find that Governments and communities have become very sensitive to how the environment is being managed and conserved. Indeed, many incentives are offered in other jurisdictions for proper forest conservation and management and conservation of natural environments, including lakes and seas.

Unfortunately, we have not reached a level of sensitivity within our governance system, where it becomes a lifestyle, as we have seen in places like Norway. If you have a chance to visit Norway or Sweden, you will be amazed by the number of forests in that area. You will actually not know you have arrived at their capital city because the forest cover is high.

However, we have had unfortunate incidents where pollution from other places has, through climate change, affected how our forests have been conserved and how our environment has taken up the climate change. It is time that these amendments are introduced and become law so that we move from policy to law and bind both levels of Government, both at the national and county levels, to ensure that it has become our responsibility to implement management plans to ensure all forests, including public forests, are properly conserved and managed.

Unfortunately, this has remained a call from the national Government, which is a lone call and only happens if a certain date is stated as National Tree Planting Day. However, this legislation must now make it a grassroots lifestyle so that every corner of this nation can enjoy better forest cover. Eventually, you will find that even food security will be more assured.

Looking at the expanded functions of the service, I congratulate the hon. Senator because it has captured even a sort of a noddled system for the forest cover after implementation of this legislation.

I have also noted that part of the purpose of this legislation is to go beyond governments and reach out to corporates, private sector, private entities, and community-based organizations to be part of this exercise of afforestation and reforestation.

It should not be that the President himself is calling for 10 billion tree cover. His lone voice will not be able to help the whole nation. It has to be a call that must go down to even families; that every family, whatever land they have must look and determine how many trees they can plant within their homestead.

Mr. Temporary Speaker, Sir, when we are talking about the trees, it is not just the normal indigenous ones but even the fruit trees which become useful to the families and

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the community. Trees that also bring in income from the excess harvest they might have within the homestead. It is encouraged that everybody takes part in this exercise.

Finally, we have a legislation that is encouraging even the Kenya Revenue Authority (KRA)-should we say our tax man to now give incentives to corporates and private entities that participate within their Corporate Social Responsibility (CSR) mandate in tree planting.

If they demonstrate they have been able to do that they will have tax deductions. I hope someday we will see KRA advertising these incentives to attract investment and contribution from the corporate sector.

Mr. Temporary Speaker, Sir, we know most of the time KRA is known for advertising for people to pay taxes. As a result, when anybody sees a KRA advert on the screen they shake and some even switch off the Television (TV) fearing that KRA is knocking at their doors. For once because I know they needed to mend that image and make it a little better, I hope they will seize this opportunity to now advertise incentives and help us mitigate the forest cover across the whole country.

In fact, if they do a good job in advertising, you will be shocked to see that Safaricom will be the first in line to go out to do tree planting. We are happy to note now that Kenya Airways whom we have been discussing a lot about in this House and have also had a very heated debate on whether they should be allowed to continue existing- are now posting profits and not losses. It is good to see they have been turning around.

I hope they continue to improve their service. We will see them in the lead ensuring that we have a forest cover. Corporates are going to account to the public on what they are doing even in tree planting in different counties.

East African Breweries Limited (EABL) has been very strategic in the manner in which it is handling matters of environment. We want to see a better report from them in improving the tree cover in the counties.

Of course, there are many other corporates and entities which are within the Republic of Kenya which can assist in making sure that we have tree planting programmes. They can also include the youths.

Many entities may not even have people or enough seedlings to plant. Working with county and national Government and private entities, the youths can be engaged to do the tree planting nurseries. What has stopped us from doing that? Why can we not now then after this legislation is passed use it to ensure that our youths are engaged?

I request the hon. Senator to ensure that in the crafting of this Bill, he incorporates how the energetic youths can be onboarded for tree planting and grooming nurseries in order to produce seedlings.

Looking at the functions that have been assigned under Clause 8 of this Bill, and the service being entrusted with ensuring that they implement management plans; we want to see inclusion of youth and women in those plans.

I have noted certain groups of women have been trying to establish the tree nurseries and we must encourage them. I ask the private entities to pick up those groups which are managing those tree nurseries and ensure that they are propped up, funded and paid for the time they are using to do the tree planting activities.

The service should be mandated; working together with county governments to ensure that the research is properly done for all the counties so that the species of trees which are not suitable for certain counties are not planted or grown there.

It is not a blind exercise. It is one that is informed by research and best species being sent to the accurate counties to avoid a situation where we have the blue gum trees - in Kikuyu language it is described as *miti ambayo inakunywa maji*. It sucks water from the soil.

We should not have that tree within the areas where it is just accumulating and taking water away from the environment. In its place we should have the scientific researchers tell the counties what kind of trees are suitable to which counties.

This service has a lot of work to do and they must work not in a commercialized sense, but driven by purpose to ensure that counties will benefit from this legislation.

I congratulate the groups that have been doing very good work. An example is Bamboo project group, which is driven by 20 women groups in Kamahuha Ward, Murang'a County. I have not known them myself, but they have reached out to my office to say that they are planting bamboo for Kenya.

They are women groups who have organized themselves and made their own initiative. If these grassroots women can do that how much more can each of us, then do to ensure that we promote afforestation and reforestation.

Even for ourselves as individuals, what can we do to help these groups become better? If you are a teacher, doctor or a professional in your county, can you not support two three groups and ensure that even if you cannot do the tree planting yourself another person is doing the tree planting? How innovative we become will determine how we are going to achieve the targets for the number of trees.

We must plan to ensure that we have proper afforestation and reforestation. This legislation now seems to lock down on support from even organizations beyond the private entities including religious organizations, Community Based Organizations (CBOs), mosques and temples.

All these organizations are able to mobilize people. Can we then have a day when all the Christian churches pick a day for planting trees? Can we have a day when all the mosques say today, "we are the ones driving the tree planting exercise?"

When we finally realize that the environment is bad and our soils can no longer yield adequate food it becomes a problem for all of us and not just the government. I challenge our hon. Senator who has done a very good job to ensure that this amendment is comprehensive in nature.

We must no longer have forests such as Ngong becoming a real scare for anybody passing near, thinking that if you have a tyre burst anywhere near their night the worst that would happen to you because you are next to a forest is insecurity.

We must have a comprehensive legislation that looks at the wholesome factors that affect our forests as they are situated. That is from the time of planting, watering, growth, maturity and harvesting of those trees to rewards for people and entities doing the right thing in afforestation and reforestation.

Additionally, we should have penal sanction for those who have missed the point and those doing deforestation in a manner that is outside the framework of this legislation.

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When I speak of security around forests, let me note that we have faced a crisis on issues of femicide. It is unfortunate that sometimes we find women having been butchered and their bodies thrown in either rivers or forests. It is not just women, but all persons that may face such calamities. It is a big shame and it is terrible.

We must also ensure that this legislation covers the security aspect of forests. If a community or Community Based Organisation (CBO) is going to do reforestation in places like Wanjerere in Murang'a or Kiamuturi, those women and the youth should be safe and that exercise should continue without challenges. It should be rewarding and something that the community appreciates.

Mr. Temporary Speaker, Sir, with those many or few remarks, I want to congratulate the Senator and hope that this Environment Laws (Amendment) Bill (Senate Bills No.23 of 2024) will be passed by the rest of the Senators.

I thank you.

**The Temporary Speaker** (Sen. Wakili Sigei): Proceed, Sen. Wamatinga Wahome.

**Sen. Wamatinga:** Thank you very much, Mr. Temporary Speaker, Sir, for giving me this opportunity to also contribute to this important amendment Bill that has been moved by the Senator for Garissa. Indeed, environmental conservation, afforestation, taking care of climate change and ensuring that our future generations get a sustainable environment is a responsibility that we have both legally and morally.

Having said that, it cannot be overemphasized that climate change has mostly led third world countries in Africa to suffer the most. We have seen changes in rainfall patterns resulting into extreme droughts and floods. This has mostly affected children and women living in rural setups.

It is also not lost to us that fundamentally most of African nations, including Kenya, failed to establish well-structured urban setups. Therefore, whenever there are disasters that have been occasioned by countries such as France, they suffer the most.

I, therefore, take this opportunity to thank the Senator for Garissa for coming up with these amendments because this is what Kenyans are expecting from us. It is in this line that the Wamatinga Foundation, the one that I founded, established Club Toto in primary schools and Teens Club in secondary schools to encourage youngsters to take environmental protection and tree-planting and growing as their responsibility.

We know that we have had this campaign by successive governments. However, an important misstep that we have continued to miss is that we plant trees, but we do not grow them. Many a time, we have gone on drives and mass planting of trees, but they are left at the mercy of the nature to mature. This is one of the major challenges. Therefore, we need a paradigm shift in the way we do it. We need to move from tree-planting to tree-growing. This can only happen if we embrace a culture that will encourage people to grow trees.

I like what my fellow Nominated Senator, who is the future of Murang'a, has said. We must create incentives around tree planting, so that it does not only attract tax reliefs, but also ensure that corporates engage in a way that they will reduce their tax burden. This way, we will create enough incentives, so that we ensure that corporates participate in tree planting and growing and see that the trees get to maturity.

We know that there are new emerging markets of carbon trade. I am happy to be a Member of the Committee on Land, Environment and Natural Resources that debated how it can become tradable in the local market. It is also not lost to us that changes in geopolitics internationally, and more so following the election of President Donald Trump, who does not seem to put as much emphasis in extending a helping hand to Third world countries. It is a challenge to us to come up with innovative approaches that will ensure that we sustain our projects without over-reliance on donor funds.

I want to thank and encourage all Kenyans, especially the President, for introducing some of the taxes like the eco-levy. This will ensure that people are enticed not to consume goods produced from outside. At the same time, those who produce locally and environmentally friendly goods will also get tax reliefs.

These are some of the issue I think we, Senators, should be on the forefront to champion. We must look at the world dynamics and be fully aware that geopolitical changes in the world can affect this country because mostly we rely on budgetary bridging measures that are donor-driven.

It is also our role as Senators to encourage our county governments to ensure that they embrace agro-forestry as a way of employment. Trade in forest products can be a good source of employment and Own-Source Revenue (OSR) for county governments.

That can only happen if we encourage our people and counties to not only create nurseries for seedlings, but to also push on a substantial amount of money in this sector. As we seek to protect the environment, we will also be increasing our OSR at the same time.

Mr. Temporary Speaker, Sir, it has been said and I would also like to emphasise here that there are some species of trees that have been planted. It is also important to note that colonialists introduced some species of trees because when they were coming to colonise this country, there were many swamps around. Therefore, they brought eucalyptus, so that they could absorb as much water. Several years down the line, we now have declining water levels, riparian lands and rivers.

As a Government, we should make planting of eucalyptus, commonly known as blue gum, be illegal. The ones that have been planted, especially along riverbanks should be uprooted. If we do not do that, we will be encouraging desertification and the water levels in our land will continue to reduce.

Finally, as I wind up, as we embrace the tree-planting day, it is also a responsibility that we should take in whichever occasion one attends, be it a church, wedding, funeral or fundraiser, to sensitise people on the importance of ensuring that we grow trees.

It has been said here and I do not want to repeat it that some trees are medicinal value. For instance, fruit trees such as avocado, mango and orange can also be used as an alternative sources of food. We know that moving forward, we will be relying a little more on the donor-driven and locally produced goods.

As I congratulate the Senator for Garissa, I will be happy to see this realised. Even so, we should not stop there. We should go ahead and require that the corporate world led by the Kenya Revenue Authority (KRA) and Government organisations ensure that this country does not only become green, but also sustainable for the future generations. That is our obligation and we must ensure that we do so.

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*[The Temporary Speaker (Sen. Wakili Sigei) left the Chair]*

*[The Temporary Speaker (Sen. Veronica Maina) in the Chair]*

That is why I personally established the Wamatinga Foundation. So far, it has planted over half a million seedlings and we will continue to do so. We are doing it by giving school-going children seedlings to grow. By the time they finish school, they will see that it is their duty to transform this country.

I support, Madam Temporary Speaker.

**The Temporary Speaker** (Sen. Veronica Maina): Sen. Kisang’.

**Sen. Kisang’:** I thank you, Madam Temporary Speaker. I rise to support this forward-looking Amendment Bill by the Senator for Garissa. I remember in 1980s when I was in primary and high schools and in early 1990s, there were campaigns across the country by the former President, the late Daniel Arap Moi, on afforestation. These campaigns went throughout the year.

In primary schools, children were encouraged to plant and grow trees. When you go back to your former primary or high schools and you see the number of trees that we grew, you become proud of that. This assisted greatly the climate change.

Between 2003 and 2022, we did not properly campaign on afforestation and that is why the volumes in the Rift Valley lakes have gone up because of climate change. However, we need to go back to those days and ensure that we use our children in primary and secondary schools to plant and grow trees. This will ensure that we reach 15 billion target by 2030. It will not be easy to reach this target if we do not use all avenues to plant and grow trees.

Madam Temporary Speaker, there are many benefits of doing afforestation. Apart from medicinal, source of water and timber, we need trees. I thank the Senator for coming up with this amendment and urge all of us to incorporate our counties because counties have resources. Also, the National Government Constituency Development Fund (NG-CDF) has a two per cent on environment, which if utilized well, everyone in all our constituencies will plant something. This will enhance and increase our forest cover.

It is only a few counties that have more than 10 per cent forest cover. We need incentives for our communities to know that growing and planting trees is beneficial to the community and counties. We passed the Mining Bill some time back where mineral resources are found and some percentages goes back to the local communities. There is also a 5 per cent and 20 per cent that goes to the counties.

Madam Temporary Speaker, in this amendment, Sen. Haji needs to bring an additional amendment on when KFS harvests trees so that the local community and counties get something. Communities take care of forests. When KFS harvests trees, what remains for the county or that community? This is so that they own it. Otherwise, for now, there is no incentive for local communities to protect forests.

I believe we need to bring additional amendments in order to encourage our people and know that is also their resource. They protect the forests. However, when KFS harvests, they take all the money. We also need to agree on this and put it in this Bill that

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there be a certain percentage. When KFS advertises to harvest trees, there should be a certain percentage for the local sawmillers within that locality. Sometimes, they advertise and all the big millers harvest and the community does not benefit at all. Therefore, they do not see the reason why protect those forests.

Madam Temporary Speaker, I have noted the introduction of an afforestation week. The proposal is between 15<sup>th</sup> and 22<sup>nd</sup> March every year. We need to look at this because we know that by April in our country, there is a lot of rainfall. We may need to shift this week from this time to end of March or early April. By that time, the rains would have rained in most parts of the country. If you plant around 15<sup>th</sup> March and it is still dry, there might be issues.

We need to encourage ourselves as my colleagues have said. Whenever you go for any function, let us encourage our people to plant and grow trees.

**The Temporary Speaker** (Sen. Veronica Maina): Would you like to be informed?

**Sen. Kisang’**: Yes, Madam Temporary Speaker. He is the owner of the Bill.

**Sen. Abdul Haji**: Madam Temporary Speaker, I thank you. I also thank Sen. Kisang’ for his submission and support for the Bill. I want to inform him that the week for tree planting proposed in the Amendment Bill is supposed to coincide with the International Tree Planting Day. Moving it will be a little difficult.

**Sen. Kisang’**: That is noted and thank you, Sen. Abdul Haji. We can make tree planting a continuous exercise. We can still observe the international one. However, we should encourage our counties to do it throughout so that it becomes a way of life. Once it becomes a way of life, it will mean that every time you go to church or school, you will plant a tree. This will encourage our people to plant trees so that we achieve this cover and sensitize our people that trees are important for many reasons.

With those remarks, I beg to support this Bill. I also encourage colleagues to support it. I hope that Sen. Haji has looked for a co-sponsor in the other House. As we discussed yesterday, when most of the Bills that we pass in this House go to the National Assembly, they either stay in the shelves for long or they die there. He should ensure that he gets someone to push it from the other side.

I thank you, Madam Temporary Speaker.

**The Temporary Speaker** (Sen. Veronica Maina): Sen. Abass.

**Sen. Abass**: Thank you, Madam Temporary Speaker. I also join my colleagues to support this Bill. I also thank the Mover of the Bill because it is the right time we took concern of our environment and the afforestation of our land.

In this country, desertification is encroaching our lands quickly, especially in the northern part of Kenya and even in the Mount Kenya area because of deforestation. Indigenous trees are disappearing. As a result, land is left bare and this has made rainfall become unpredictable. Sometimes, we do not get enough rainfall because of deforestation.

This Bill gives concern to afforestation programmes, which have been there for years, but lately, this was left out. Initially, this was driven by donors, but it is time we got budgetary allocations for these programmes of afforestation.

Madam Temporary Speaker, climate change is here with us. It has affected all parts of this country adversely and the only way we can help is to have a proper programme for afforestation.

We have so many programmes for youth and women that are on course in the country. If this is well planned and the youth are engaged in the afforestation programmes in every part of the country, the same farms can now divert it for afforestation while they are still being paid. They can produce seedlings where they can do the watering.

In the past, we used to have compulsory afforestation programmes, where every household had to plant some trees. As a result, we saw many trees growing up, especially in the upper centres. This same programme should be brought back.

Our approach should be the indigenous trees because they will not need much water and will resist drought and climatic changes. If we have some exotic trees, then it will not do very well because many indigenous trees have been replaced.

Madam Temporary Speaker, northern Kenya suffers most of the deforestation because of refugee camps. In this part of the country with frequent drought, most of the trees are dying. The trees that are still surviving, the refugees are cutting them and drying them. Therefore, the land has been left bare.

We do not mind having refugees because if they have a problem in their countries, we can still accommodate them. However, the problem is that the United Nations Refugees Agency and all others, like the Department of Refugees and Foreign Affairs, should have programmes to help the locals to do some stations.

Every three cuts, then they should replace the other one so that at least we can maintain the forest cover in those areas. As it is now, it has just become a bare land.

We also need to inculcate the idea of reforestation and afforestation in schools. When children are still young, they must be shown them what it means to have trees so that they can nurture them and have the feeling of the importance of having trees everywhere.

There should be school competitions on afforestation. The schools which are well afforested should be rewarded. The schools should be paid a certain amount of money so that they can produce more trees, have forested schools and stop the desertification of those areas.

The biggest challenge we have is settlements. The population is increasing by the day and many people need land. Therefore, they decide to settle everywhere without planning.

If you go to other countries, there are specific production systems for every area. If it is a place for farming, then it is only for agriculture. Settlements and houses have their places unlike Kenya, where everybody settles where he/she wants. This must stop. We must have proper planning for people to settle. I know there is a population boom. The population is increasing by the day, but we need to preserve our forests. However, people are now encroaching on forests.

If you look at the Karura Forest now, people are building houses. They say that we could maintain the forest. It is not possible. Once you have made the encroachment, trees are cut and everybody wants to settle in the best place in Karura Forest.

Madam Temporary Speaker, we must fight for the maintenance of forests and stop those people who have money and would want to cut in the forests on the sides of Ngong and Karura forests. We can minimize and do tax holidays if you like. We send representatives to say that cooperatives must release a certain number of trees and sponsor a programme on afforestation. That is the only way we can maintain forests.

One other thing that the Bill is not showing very well is the enforcement. The enforcement of laws on afforestation and preservation of the forest is very weak in this country. We need to have very strong laws put in place. There are the consequences of cutting trees and afforestation, so at least we can maintain our forest cover.

With those few remarks, I beg to support the Bill.

**The Temporary Speaker** (Sen. Veronica Maina): Thank you, Senator. Sen. Wakili Hilary Sigei. You have the Floor.

**Sen. Wakili Sigei:** Thank you, Madam Temporary Speaker, for allowing me to add my voice to this very important Bill. Firstly, I would like to start by appreciating the Hon. Sen. Abdul Haji for sponsoring such a very important amendment to the Bill.

Lately, we have been having the conversation around climate change as one of the most favoured topical issues because of the need to conserve our environment. This particular amendment has come at a very critical time where most, if not all, of the conversations, including our schools, have an aspect of tree planting and protection of trees and our forest cover.

I will directly speak to the various clauses which the Bill proposes to amend. I will start with the proposed amendment to Section 8, where, as earlier alluded to by Hon. Sen. Wamatinga, I would ask Hon. Sen. Abdul Haji to consider adding a provision under that particular proposal so that we seek to promote the planting and growing of trees.

This is as far as the provisions proposed in Section 8, which reads,

(b) “promote the planting of trees on all public land in each county, promote afforestation and reforestation in arid and semi-arid areas in the country.”

Madam Temporary Speaker, I propose that the word “grow” be included after the word ‘planting’ of trees so that we do not only do the act of planting the tree itself. The most important aspect of tree planting, or rather afforestation, is the growing of the trees.

It can only happen when we protect the trees that we have planted. If that is possible, that will have a lot of effect on the provisions that are proposed to amend under Section 8 as well as Section 21 of the Forest Conservation Amendment Act, Subsection 1, which inserts an additional provision that will read-

“shall promote the planting of trees in all public land vested in the county government.”

Madam Temporary Speaker, that is a very important step in making sure that we achieve the objective of this action because planting these trees without giving some policy direction in terms of law and even protection will not lead to us achieving those objectives. I urge Sen. Abdul Haji to consider that provision.

Secondly, the introduction of Section 8(E) (b). This is what the draft Bill reads.

“Establish at least one tree nursery in each county for trees sustainable for the environment and climatic conditions of the respective counties.”

This is a very important proposal. I want to laud the Hon. Sen. because we are going to create a requirement that in each county, there must be a tree nursery. We are not only going to be achieving the objective of planting trees, but we will be enhancing the possibility of job creation.

Earlier on, when Sen. Miraj spoke, she referred to an effort that she has made to provide opportunities to young girls who have been retained in her foundation of tree planting. If we provide this in law, that every county has, we will sustain the availability of tree seedlings across the country in all seasons across the year because this will be a responsibility of the county government.

We will be creating job opportunities for the young ones who will be working in those tree nurseries. By extension, we will keep them engaged against them being idle and engaging in activities that are not productive.

Madam Temporary Speaker, when this provision is made into law, it will provide an aspect that is beyond the growth of the trees. There is a proposal under Section 40 of the Forest Conservation and Management Act that reads:

“A person who harvests a tree shall replace the tree under the direction and in an area designated by the Service.”

I have a problem with this provision. I wish Hon. Sen. Cherarkey will allow the Mover of this Bill to listen to my contribution. The requirement that the service---

*(Sen. Cherarkey consulted loudly)*

**The Temporary Speaker** (Sen. Veronica Maina): Sen. Cherarkey, allow the Senator to be heard in silence.

**Sen. Wakili Sigei:** Thank you, Madam Temporary Speaker. This is very important. There is a provision in the proposed law that the Service will be required to provide direction and designate a place where replacement of trees that have been harvested will be done. I have a problem with this because designating the role to the service can prove to be impossible. After harvesting that tree, what guarantee do I have as the person who has harvested the tree and wants to replace that those in the service will be available to designate a place and provide direction for that provision.

Hon. Senator, I would request that you relook at that provision so that we are made to have an obligation to replace the tree without necessarily having the obligation on the part of the service or the officers of the service to designate a place for purposes of replacement. Otherwise, the general provision of the Bill is to make sure that every person who has harvested must make sure that they replace.

I would propose that instead of providing that you replace one cut tree by one, we can as well provide that you replace by planting more than one tree. This will ensure that we hasten the replacement of the trees we are planting.

The introduction of a fine under Subsection 40 (a) for persons who contravene the provisions of this law is a very welcome move. The law provides that if you are found to have contravened the provisions of Subsection 1 or 2, you have committed an offence and you are liable on conviction to a fine not exceeding Kshs5 million or to imprisonment for a term not exceeding three years or to both fine and imprisonment.

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Introduction of this fine will ensure that Kenyans who are not very keen in complying with the law do so because the punishment is punitive enough to make sure that people comply. That provision is a welcome move.

There is a provision under the proposed amendment to Section 54 of the Forest Conservation and Management Act, where the KRA is expected to create an incentive to ensure that not only the public, but also private forest proprietors are given an incentive.

The introduction of Subsection (d), which provides that income and other tax deductions will be an aspect that the KRA will provide to private entities in order to ensure tree planting programmes. This is one of the most important things.

There will be an incentive not only to the public who are protecting the forest, but also private proprietors. Those who have availed themselves to implement programmes on tree planting. If, for example, you are allowed to get a tax waiver by virtue of planting certain number of trees, many of us and private forest owners will push their limits to ensure that they maximise on the amount of the possible tax waiver they can achieve when this provision is implemented by the KRA.

The provisions of Section 55 seek to amend the law by introduction of a tree planting week. That will make sure that every Kenyan is under an obligation to support the process of tree planting within that one week so that we run away from the pronouncements that we always rely on where we expect the President or his team of leadership to gazette a day. We will have the period between 15<sup>th</sup> and 21<sup>st</sup> March every year dedicated to tree planting. In ensuring that this becomes law, we will support the pronouncements by the President to target the achievement of over 15 billion trees in a period of 10 years.

The proposed amendment to Section 57 as proposed by the Hon. Senator ensures that every person licensed to harvest trees is required to replace each harvested tree in accordance with directions of the service. This is more or less the earlier provision, as I said, the responsibility of directing and designating a place to replace the harvested tree should be removed from the service. We have so many sawmillers across the country who harvest trees when they are mature enough.

The requirement in law that they are supposed to replace trees should be removed from the service and provide that once you have been given a certain number of trees to harvest in a certain forest, whether public or private, as a licensed harvester person, you are required to replace them. That is a good move. We only need to make sure that we have a policy on implementation so that those who are unable to implement within the provisions of that law are subjected to the provisions of law on offence and the penalties available.

Madam Temporary Speaker, I have looked at the statistics of the forest cover across the country. The county that I represent, Bomet County, has a forest cover of 24 per cent. That is not enough. We are targeting to push it to make sure that we have gone beyond 50 per cent. The sponsor of this Bill, Sen. Abdul, has a forest cover of 10.3 per cent.

The proposal that Sen. Abdul is making is very important. It will ensure that we not only achieve the Presidential call to enhance tree planting to make sure that we achieve the 15 billion within 10 years, but also ensure that we go by the global move on

protection of the climate, our forest cover and the benefits that come alongside creation of many forests within our areas.

To the hon. Senator, this is a very important Bill. I support and look forward to all the Members both within this House and outside this House supporting this move. This will make sure that we enhance our forest cover in the entire jurisdiction of Kenya and gain the benefits of the extended tree cover.

Madam Temporary Speaker, I thank you and I support.

**The Temporary Speaker** (Sen. Veronica Manina): Thank you, hon. Senator.

Sen. Margaret Kamar, proceed.

**Sen. (Prof.) Kamar:** Thank you, Madam Temporary Speaker, for giving me the opportunity to support this Bill. I congratulate Sen. Haji for coming up with a wonderful piece of legislation to take care of our forestation programmes.

From the outset, I would like to mention that promotion of afforestation and reforestation in arid and semi-arid areas has been very low. This law is deliberate in bringing afforestation. I congratulate our colleague because 80 per cent of Kenya is Arid and Semi-Arid Land (ASAL). It is only 20 per cent of the country that has enough moisture to plant crops. Unfortunately, we are losing more land in Kiambu and Limuru to buildings. Therefore, we are reducing the 20 per cent and have the 80 per cent that requires a lot of attention. This Bill will do wonders once implemented.

It is very important that we not only support, but also implement. We push for the implementation of this afforestation of ASALs areas of this country.

Promoting the planting of trees at all public institutions is a very quick win. It is the easiest way of doing things because we have land that belongs to public institutions, including schools, and any other institutions that are completely bare. This will give us a lot of coverage. If we can aim at getting 10 to 15 per cent of each public institution to plant trees, we will move a long way. A few amendments I would like to propose to our colleague.

One is in Clause 2b (e)(b) where he says that we need to establish at least one tree nursery in each county for trees suitable for the environment. I would like to suggest that we be more ambitious and not just talk of one tree nursery, but have one tree nursery per public primary or secondary school. This is very important because, in our days as young people, we used to plant trees. I visited my primary school tree. I found it was still standing huge as it is and it is ready again for harvesting if it has not been ready for a few years.

So if we use the primary schools also as a unit, I want to persuade my colleague that it is we can say at least one that is run by the county government, but all our primary schools and all our secondary schools should have tree nurseries. Not only that, we need to inculcate tree planting behaviour to our children when they are very young.

Somebody mentioned earlier about the Moi era. It was an environmental era because we had soil conservation days and we had tree planting days. It started from the youngest. You will find that the youngest children were planting trees.

The beauty of having trees planted by students and having nurseries in schools is that we can be assured of the protection. I have also seen one of the functions that the Bill is attributing to the service is that of promoting forestry education and training. I think from out of that, we would like to see, apart from Agricultural 4K Clubs, as they used to

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call them, we need to have environmental and tree planting clubs in primary schools and secondary schools.

Not to mention that with a Competency Based Curriculum (CBC) coming, it is very important that we also have a course on afforestation, conservation and climate change so that it becomes part of us and part of what we are doing. On tree planting, we need to go back to make ourselves very sensitive, make our children very sensitive to environmental behaviour.

One other thing that used to be in those olden days was the Chiefs Act. The Chiefs Act was used to protect the environment at the same time it was used to protect watercourses.

Water catchments were protected under the Chiefs Act and you would not be allowed to fell a tree without asking for permission, whether it was in a public facility or on your farm. This is what would make Clause 40(a) monitorable.

When we talk of a person who harvests a tree should replace the tree under the direction of an area designated by the service, you will find that that can only happen if you are in a forested area if you fell a tree. However, you must again have a permit to even fell that tree. Once that has been done, you can only be designated if it is within a forested area or a forest land.

What about our pieces of land? We need to start controlling the tree felling. I remember tree felling was banned even in private lands and it helped regenerate forests within the country. So we need to relook at that and see how we can manage the Chiefs Act. As our colleague Wakili Sigei was saying, on the issue of tree felling and regulating the felling of the trees, it is not only by permits from the service, but it is good to make sure that there is accountability on the ground.

So let us see how we can bring it down so that we can revisit the Chiefs Act much later if it is there. I do not think that it has been referred to in a long time. We can bring what was in the Chiefs Act also here, so that we are talking of the designated service and the chiefs of the area.

Those are the people who will see from the first instance if things are going wrong and they are the ones who can monitor if you have planted or not. I think when we talk of forest conservation, for us to conserve, let us conserve both what is in the public land and what is in our private lands.

I also want to persuade my colleague on the issue of a planting week. I want to persuade him to have a planting month. Planting month from 15<sup>th</sup> March to 15<sup>th</sup> April because of the rainfall pattern that is in this country. We know that that is the main rainy season.

If we can allow a month, then the Cabinet Secretary responsible will be able to organise so that you start your planting right from Mandera and come to Lake Victoria. One month would be more reasonable for me than one week. We do not want again to apply the week and then when there is drought, we cannot do anything.

I am requesting my colleague that we observe a national tree planting month from 15<sup>th</sup> March, as he has said, all the way to 15<sup>th</sup> April.

I do not think there is any other amendment I would like to introduce, except to congratulate my colleague because this is a wonderful piece of law.

Thank you and I support.

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**The Temporary Speaker** (Sen. Veronica Maina): Thank you.

Sen. Eric Omogeni.

**Sen. Omogeni:** Thank you, Madam Temporary Speaker, for allowing me to also contribute to the Environment Laws (Amendment) Bill (Senate Bills No. 23 of 2024) that has been sponsored by my good friend Sen. Haji.

In the era that we are living in, we all know what is posed by climate change, especially the careless cutting of trees. What is occupying the attention of many governments now is the idea of protecting our environment and ensuring that our countries have good forest cover so that we have sustainable management of our forests. So, I want to thank Senator Haji for coming up with this Bill that introduces some punitive measures and also wants to guide our county governments on the steps they need to put in place to ensure that we attain a good forest cover.

Sen. Haji, this did not start just with you. If you read our 2010 Constitution, it prescribes that as a country, we need to attain a 10 per cent tree cover of the entire country. What you are doing is trying to align these laws to the spirit and the intention of the 2010 Constitution.

I am fairly impressed with the ideas that you have incorporated in this Bill. Some of us who were in primary school during the tenure of President arap Moi saw a sustained campaign by the late President Moi to plant trees, even on road reserves. When I was in Class Five, we travelled from Nyamira to Kericho and were stopped in a town called Kapkatet. I am sure Sen. Joyce knows that place. The then District Commissioners (DCs) were implementing a decree that had been issued by President Moi.

Any public vehicle using that route and I believe in other public roads, was stopped. You stepped out of the vehicle and you planted a tree before you proceeded. President Moi wanted to achieve an environment similar to what we saw in the United States of America (USA). If you drive in the USA, on both sides of the road, it is basically a forest. This is what President Moi wanted to see in this country. Up to date, if you travel between Sotik and Kericho, you will see a tree cover on the road reserve. That is an effort that President Moi spearheaded.

Even the idea of soil erosion. What we forget is that afforestation contributes a great deal to ensuring that deforestation and soil erosion do not take place. President Moi did a fantastic job, only that, as Kenyans, we did not follow or take it seriously. I am sure if we had taken President Moi's efforts seriously by now, we would have maybe more than 10 per cent tree cover in our country.

Let us also applaud the work done by the late Professor Wangari Mathaai. When people wanted to grab Karura Forest, I was serving as the Chair of the Ethics and Anti-Corruption Commission (EACC). There were powerful people in the Government who wanted to grab Karura Forest. That beautiful tree cover you see in Gigiri near the United Nations Headquarters was at risk of being grabbed. Working jointly with the late Prof. Wangari Mathai, we filed many cases in court and we managed to cancel title deeds that had been issued to private individuals.

Sen. Abdul Haji, the effort that you are doing today resonates well with our champions of environmental conservation that have lived in the past years. I would like you even to go a step further and borrow from what happens in some countries in the West. I remember when I was the chairman of the Law Society, I visited Australia. I went

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to a friend's place and a branch of a tree fell. I asked him why he could not chop the tree. He said that for you to cut any tree, you must make an application to the local authority.

They will undertake public participation before you are allowed to cut that tree. That is how seriously some countries take the issue of cutting trees. So, what has been proposed here is actually not radical.

I wish Sen. Abdul Haji could go a step further and provide for public participation before cutting a tree. If you drive along UN Avenue, past the UN Headquarters, going to Runda, and as you drive from Limuru Road, you will see that there has been a sustained effort of cutting trees. The beauty that used to be there is long gone.

Madam Temporary Speaker, I do not think the person doing that exercise went through a rigorous process before he was given permission to cut those trees. I wish we could improve this Bill to allow real public participation before anybody is allowed to cut trees within our urban centres. In fact, if I remember correctly, what that lawyer told me is in their public participation, you conduct a vote. You know, people who reside in that estate are invited to cast a vote and either answer in affirmation whether they support the cutting of that tree or not.

You will be given a conditional permit that if you chop that tree, you must plant another one in replacement. So, those are the kind of laws that we need to incorporate here, Sen. Abdul Haji, because the target in this country is to plant 870 million trees to enable us to meet the constitutional threshold of 10 per cent tree cover in the country. If you leave it to our governors and we do not put in place stringent laws that can discourage the cutting of trees, we will wake up and find that instead of increasing our tree cover, we will be reducing it.

I like the idea of ensuring that we have seedlings that nurture trees that are friendly to us. Sen. Onyonka's county of Kisii and Nyamira is one of the regions most adversely affected by this. I do not know who introduced these blue gums to our region.

Madam Temporary Speaker, you are lucky that you had Prof. Wangari Mathai where you come from. She discouraged the planting of blue gum trees. In my county of Nyamira, most of our streams have dried up. People trek long distances to look for a river where they can fetch water because they were never properly guided. We planted gum trees very close to our river banks. We now have severe water scarcity in Kisii and Nyamira counties.

The idea of ensuring that the seedlings that our county governments put up contain seedlings that are friendly to our environment is so important. I wish you could strengthen that and include some research. Before you are allowed to set up a seedling, some research should have been undertaken so that we plant trees that are friendly to our environment.

Everything is about sustainable management of our environment for future generations, those who will be living after us in the next 100 years. What will they find? What did we leave behind? If you leave a country that has no water, you will be creating a situation where war will break out. River Nile here serves nine countries, including Egypt and Sudan. There is a clause in the agreement that if you do anything that endangers the River Nile, it can be grounds for war.

I support this Bill. Let us see how we can enhance the offences that you have created so that people are conscious that we are really serious as a country about

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protecting our environment. The only way we can assist President William Ruto in achieving this – I think you had something in your manifesto - the green legacy economy is to assist in passing such laws. Without laws, people will carelessly cut trees and sell charcoal.

I do not know where the charcoal comes from. If you drive along Narok, Mai Mahiu Road, you will find motorcycle riders carrying five sacks of charcoal. I do not know which forest is being endangered in that ecosystem.

We should deliberately put laws that discourage such acts to ensure that our country attains the 10 per cent tree cover as envisaged in our Constitution. So, I support the Bill and congratulate Sen. Abdul Haji for coming up with this amendment.

Thank you, Madam Temporary Speaker.

**The Temporary Speaker** (Sen. Veronica Maina): Thank you, Senator.

Sen. Joyce Korir, proceed.

**Sen. Korir:** Thank you, Madam Temporary Speaker, for giving me this opportunity to also congratulate Sen. Abdul Haji for the amendment that is before the Floor of this House. Before that, allow me also to welcome the hon. Members of this House from the long recess. I know it has been long, but I want to welcome them back to the business.

I want to thank the hon. Senator for the amendment he has brought to this House and the Government for the few steps they have taken to address environmental issues, especially tree planting, which has been witnessed in recent years.

I also want to echo the sentiments of Sen. Omogeni that the first leaders of this country, the retired President Moi, did a lot in terms of making sure that the trees were planted along the highways, which can also still be witnessed in some of the areas.

Madam Temporary Speaker, the amendment is trying to promote the planting of trees in all public land. I also bring to the attention of the members that there was a suggestion that we need to have the Green Army.

I do not know whether it is in the Act, but this was supposed to assist the counties in terms of implementation. Every now and then, we have the environmental day, we do the planting and we leave it till the next season.

We do not know whether there are some trees which need replacement before the next planting season comes. These are the only people who can assist us in terms of making sure that these trees are managed well.

The Act also is trying to establish at least one tree nursery in each county. I request to Sen. Abdul Haji, that it would have been prudent for us maybe to have established one nursery in every constituency.

This is because the nurseries will serve the schools around those areas and even the performance indicators within those particular constituencies. Establishing in one county might be far, but having it within the constituencies might be a bit convenient to the members of that particular county. I suggest that we have at least one nursery in every subcounty.

Madam Temporary Speaker, I do not want to belabour because much has been said by other colleagues. However, as we even discuss about this amendment, I suggest that it would have been prudent to include that most of the issues that have been affecting environment in this country is lack of coordination between the relevant ministries.

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The Ministry of Environment, Climate Change and Forestry is trying their best in terms of making sure that the environment is well taken care of. However, sometimes you find also the Ministry of Lands, Public Works, Housing and Urban Development grabbing public land. To an extent that you find a lot of complaints on land grabbing.

That is why you find Internally Displaced Persons (IDPs) across the country because of the misunderstanding between the two Ministries. These are the Government ministries, which are supposed to coordinate, so that whenever they are issuing title deeds it is based on a well-researched point of view. This will make sure that these complications are not brought forth to an extent that it affects the environment.

Most of the degradation that has been done is because of lack of coordination between the ministries. I suggest that if there is any amendment that has to be done, there should be a coordination between the relevant ministries, so that these issues that have been affecting us in terms of evictions are put to an end. I support the hon. Member for the amendment that he has brought.

Despite the fact that we have the Bill and all these amendments, we need to also have the resources. The resources enable the county and the national Governments to make sure that the already identified public land is well-fenced and they are able to coordinate together with the people or the residents of those particular areas.

I support this Bill and looking forward to it being approved by this House and then to the next.

I thank you.

**Sen. Onyonka:** Thank you, Madam Temporary Speaker, for giving me this opportunity to contribute to this amazing Bill. Since I came to the Senate, it has dawned on me that if Kenyans or at least the leadership of this country was to visit different areas of Kenya, then they would understand why such Bills make a lot of sense in our country.

Madam Temporary Speaker, recently we went to Mandera County and indeed I believe the reason why Sen. Abdul Haji has brought this Bill is because he comes from there. It was amazing to see what our brother, the former Governor, the current Governor and I am sure Mr. Haji also, have done in the county. It is very surprising.

I congratulate them because this is a place where you walk in, see a desert, but also can see what human endeavor can do. You can see what people who mean well for their people can do. They have planted trees and hired women who are disadvantaged because of the environment and the circumstances to water the trees. As I speak, they have planted close to 250,000 trees.

What was most shocking to us who have never been there is that those trees were specifically picked for the environment under which they were planted. Before we kept talking about the muarubaini tree and looked at it from the health perspective and yet, in reality, it is a hardened tree. The Governor mentioned to us that they actually had to go and pick the nursery pieces which they used initially to start the programme from Dubai.

Secondly, we were also shocked that the county has actually set up nurseries for growing those trees. There was even information which was given that more research is being done so that those trees can grow faster, better and create a better environment.

Kenyans and indeed the leadership in this House should remember that the United Nations Environmental Programme (UNEP) is in Nairobi, Kenya. That has been one of the biggest stories since 1979 when they came here the first time. Having UNEP here not

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only meant that this should be the centre where international conferences on environmental issues are held, but that also Kenya was supposed to be a model country.

People were coming internationally to see what the UNEP has done in Kenya. We could showcase what we had done as a member of UNEP. Unfortunately, we did not succeed.

Madam Temporary Speaker, it is through Her Excellency, the great leader of this country, Madam Wangari Maathai whose efforts saved Karura Forest, Uhuru Park and many other environmental areas that were supposed to be saved.

The reality is that the Bill that has been brought by our brother here is a wonderful. I agree with you. Hon. Sen. Abdul Haji, what we need to add on just like other countries and based on the international best practice is having environmental police. These are individuals who do not carry guns. They are given regions and vehicles which they use to inspect.

These can be deposited at the county governments or at the sub-counties like one of my colleagues has talked about. Sen. Abdul Haji, if there is a way we can start discussing what has been happening in terms of our education on matters environment.

You notice the issue of carbon credits has come recently. I am sure that the university has not been emphasizing deeply and discussing that science and what it means to our environmental protection and support.

**The Temporary Speaker** (Sen. Veronica Maina): When we resume, Sen. Onyonka will have 15 minutes to continue with the debate.

### ADJOURNMENT

Hon. Senators it is now 1.00 p.m., time to adjourn the House. The Senate, therefore, stands adjourned until later today, Wednesday, February 12<sup>th</sup> 2025, at 2.30 p.m.

The Senate rose at 1.00 p.m.