

# NATIONAL ASSEMBLY

## OFFICIAL REPORT

Wednesday, 20<sup>th</sup> April, 2016

The House met at 9.30 a.m.

*[The Deputy Speaker (Hon. (Dr.) Laboso) in the Chair]*

### PRAYERS

### QUORUM

**Hon. Deputy Speaker:** Hon. Members, we do not have quorum. Can the Quorum Bell be rung?

*(The Quorum Bell was rung)*

Hon. Members, settle down so that we can begin.

### STATEMENTS

#### OWNERSHIP OF NASEWA NUCLEUS LAND

**Hon. Odanga:** Hon. Deputy Speaker, I rise to seek your indulgence over an issue I raised last year in February with the then Cabinet Secretary (CS) in the Ministry for Lands, Hon. Charity Ngilu. The matter is with regard to the implementation status of a report that was done during the 10<sup>th</sup> Parliament involving Nasewa Nucleus Land. The recommendations that were made included the transfer of ownership of that parcel of land to the community, which is Busia County. It also included the issue of compensation of the people who were evicted from the land. Some of those people were not compensated at all while others were paid less than the amounts that were released by the Treasury.

In addition, the Government agencies involved in investigations were supposed to carry out further investigations. The CS, at that point, indicated that she was not privy to the report. The report was done by a joint Committee of the Departmental Committee on Agriculture, Livestock and Cooperatives and the Departmental Committee on Lands during the Fourth Session.

Hon. Deputy Speaker, I would like to indulge her so that we can know the status of this particular land as it is required by the people of Busia for very important purposes.

**Hon. Deputy Speaker:** The Hon. Member should seek that same clarification from the current CS because he will realise that ministries go beyond CS's. There is a substantive CS and Principal Secretary (PS) now. I am sure that you can get that information from the Ministry. My advice would be that you use the channel that we currently have, which is to give the Leader of

the Majority Party your Question again, so that it can be dealt with through the normal channel that we have been using. You can attend a sitting of the Departmental Committee on Lands one Tuesday and get a response to your Question.

I can see a request by Hon. Ababu. Are you on a different matter or you just want to add to the same issue that the Member has raised?

**Hon. Ababu:** Hon. Deputy Speaker, this is a very serious matter that has been ably explained by my brother, Hon. Odanga. The question of land has raised many serious issues in the county of Busia. It will be important for you to give a bit of guidance because this matter was raised over a year ago. Of course it does not matter whether the holder of the office of the CS in the Ministry of Lands has changed or not. That is immaterial because the Government does not stop functioning merely by reason of change of personnel at the head of the Ministry. If the matter is already in the system--- The Question was brought here and conveyed to the Government. Why would the Hon. Member restart the whole process again? I would urge that you place the burden over this matter with the Committee responsible for matters of land so that they can pick up this matter with the current CS. I believe it is for the former CS for Education, Prof. Kaimenyi, to deal with this matter decisively and put it to rest.

Hon. Deputy Speaker, if you could give that guidance please give it. Those of us from Busia County, who are familiar with this matter, know what a critical matter the Nasewa Nucleus Land is.

Thank you Hon. Deputy Speaker.

**Hon. Wakhungu:** Thank you, Hon. Deputy Speaker. I just want to re-emphasize that aspect of settlement. It is not just in Busia because we also have other regions. For example, in my constituency, there is an area called "Tawai", where we have been having issues. It is high time you directed the Committee on Implementation and the Departmental Committee on Lands to expedite matters of land pending before them. Otherwise, as we move towards the general election, it can lead to some ugly incidents that we do not want to see. For instance, squatters are being kicked out of Tawai Farm because of other people who have heavy pockets. It is an issue that is of concern to us, as legislators. This problem is not limited to Busia. Even us, the legislators from Trans-Nzoia County, are very concerned.

**Hon. Deputy Speaker:** Let us now have Hon. Washiali.

**Hon. Washiali:** Thank you, Hon. Deputy Speaker. I would like to join my colleagues by raising concerns over Nasewa land. For your information, I was among the Members who were investigating the issues of this land. I wish that the recommendations that we made at that time could be implemented.

For your information, this matter was not handled by a joint committee. During the 10<sup>th</sup> Parliament, the Departmental Committee on Agriculture used to cover both land and environmental issues. It was just one committee. We did a wonderful job under the chairmanship of Rev. Mutava Musyimi. The recommendations we made were far beyond land. As we pursue the Ministry, I request that this House's Committee on Implementation takes over that Report, look at the recommendations and pursue the matter, so that the people of Nasewa in Busia County can be compensated.

**Hon. Deputy Speaker:** Yes, Hon. Johnson Sakaja.

**Hon. Sakaja:** Thank you very much, Hon. Deputy Speaker. I would also like to thank my colleagues for raising this issue. It is, indeed, a very sensitive and critical issue that must be expedited. Beyond the specific issue, including the issues raised by my good friend, Hon. Chris

Wamalwa, the Committee on Implementation gave a very comprehensive report on how it has been tracking the resolutions of the House and the reports. However, I feel strongly that as a House, we have not put in place proper administrative mechanisms to ensure that whatever this House resolves is fully implemented. Other arms of the Government and Departments will start taking the House less seriously because we are not able to follow through adequately on issues, including the fact that when a Member brings up an issue, the Committee itself does not respond. We need to institute mechanisms to ensure that a resolution of this House, which is a representation of the sovereignty of the people, is not taken lightly by any Ministry, CS or other arm of the Government. That is how we should organise ourselves.

Hon. Deputy Speaker, if you let this discussion go on, I am sure that all Hon. Members here have issues that they raised in this House, on which the House resolved upon or passed but which are not being implemented. The onus is on us to internally look at our own administrative mechanisms to ensure that any resolution passed by this House is taken seriously and implemented by the relevant arm of the Government.

**Hon. Deputy Speaker:** Well put. Let us have Justice Kemei.

**Hon. Kemei:** Thank you, Hon. Deputy Speaker. I do not come from Busia neither do I come from Western Kenya. Hon. Deputy Speaker, I want to join my colleagues in saying that land matters are quite sensitive and we should not procrastinate them. We should expedite these issues. The Committee on Implementation should be the right organ to follow up the matter and any issue raised in Parliament should not be an exercise in futility. We need a speedy resolution on this matter.

**Hon. Deputy Speaker:** Yes, Hon. Wamunyinyi.

**Hon. Wamunyinyi:** Thank you, Hon. Deputy Speaker. The question raised over Nasewa land is one of the many cases that we have. It confirms our fears that resolutions passed in this House are not being implemented. There are various reports that have remained pending for unexplained reasons. There should be a way of putting in place measures that will ensure that resolutions passed in this House or any organ, are implemented to ensure that we put issues to rest and do not keep them pending. We should work in that direction.

**Hon. Deputy Speaker:** Hon. Members, everybody has expressed their dissatisfaction or frustration concerning unfulfilled reports as Hon. Sakaja said. Is the Chairlady or the Vice-Chair of the Committee on Implementation in the House? The Committee on Implementation is vested with the mandate of ensuring that resolutions passed in this House are implemented. Hon. Soipan and her Vice-Chair are not here.

Let us have Hon. Rotino.

**Hon. Rotino:** Thank you, Hon. Deputy Speaker. I am a Member of the Committee on Implementation. We are dealing with many resolutions passed in this House one after the other. However, we sometimes get frustrations from the relevant ministries. They take a lot of time when you notify them to appear before the Committee to report, give the way forward and write letters. We are doing our best. I will communicate the same to the Chairlady to speed up and do a follow up. It is difficult to deal with the ministries because they take too long to respond to our letters.

**Hon. Deputy Speaker:** Hon. Chachu Ganya, you have the Floor.

**Hon. Ganya:** Hon. Deputy Speaker, implementation of the resolutions of this House is an issue that we must take seriously as legislators. In the 10<sup>th</sup> Parliament, coming up with the Committee on Implementation was one of the most innovative things we did. As a House we

pass resolutions but the Executive delays or blatantly refuses to implement them. We came up with the Committee on Implementation so that a resolution of this House is not passed in vain.

Today, we do not have the Executive in the House but we only have Members from the two sides. Unless we have teeth to bite and resolutions we pass implemented, this House will never be taken seriously by the Executive. The Committee on Implementation must play its key role. If the Executive is not willing to abide by the decision they make, this House is ready to play its role to ensure that the decisions we make are executed by the State. This is important and I call upon the Chairlady and Members of the Committee on Implementation to tell us the problem. Petitions come to this House and we answer prayers of Kenyans. We make decisions but five years down the road, nothing happens. This House is working in vain. One is even ashamed of being a Member of Parliament. This cannot be tolerated any more.

**Hon. Deputy Speaker:** Hon. Members, I hear your frustrations. Let us not belabour much on this.

Yes, Hon. (Dr.) Pukose.

**Hon. (Dr.) Pukose:** Thank you, Hon. Deputy Speaker. The two Members of the Committee on Implementation are raising pertinent issues. Can they implement the House resolutions? Why have they not brought sanctions to certain Executive members for failing to implement House resolutions? The Committee on Implementation should be able to bite and if it cannot do so, then its Members should resign. If you are summoned by the Committee on Implementation, you should be worried as the Executive because that would mean that you failed to implement a resolution and the Committee and Parliament will be on your neck. That is a failure on their side. They have not brought any sanction to this House that we have failed to adopt. We have many mechanisms that we can use to sanction the Executive and various ministries. It is high time the Committee on Implementation worked.

**Hon. Deputy Speaker:** Hon. (Prof.) Nyikal.

**Hon. (Prof.) Nyikal:** Hon. Deputy Speaker, we need to look at our Standing Orders. The Committee in charge of the Standing Orders should make amendments and aptly state clearly the duration within which the Executive should respond, request to come, or implement a decision of the House. If it fails to adhere to that period, then it automatically comes before the House for sanction so that it is not left to the wish of the Chairperson or Members of the Committee. It should be clear that after a decision of the House has not been implemented, then the Executive should appear before the House for sanction. That will make the Executive to respond appropriately.

**Hon. Deputy Speaker:** We are making good contributions that should be taken up by the Committee on Implementation. I can see it is now going beyond the Committee on Implementation to our rules and Standing Orders thus becoming much more binding on the Executive. Let us not forget where we came from because there was a specific question that was asked by Hon. Odanga. There are three matters now; a Question by Hon. Odanga which was directed on land settlement and the Departmental Committee on Lands does not have to be directed on this because it is their mandate. They should give us a report on land settlement.

The other issue is on implementation of resolutions of this House which is the mandate of the Committee on Implementation. They should give us some mechanisms beyond just coming to make a report in the House on the status of things. Beyond that, what happens when resolutions passed have not been implemented? That requires some suggestions that can be taken

to the Procedure and House Rules Committee for us to make those recommendations and put them in our Standing Orders.

Let us have Hon. (Eng.) Gumbo.

**Hon. (Eng.) Gumbo:** Thank you, Hon. Deputy Speaker. I want to thank Hon. Odanga for raising this issue. This issue goes to the heart of what we do as the National Assembly. Under Article 95(2) of the Constitution, it is very clear that the National Assembly deliberates and resolves issues of concern to the people. We represent the interests of the people of Kenya. Resolutions and undertakings are given here for the Cabinet Secretaries to act on, but they do not.

About two years ago, I brought before this House the case of a Kenyan who had been killed by an American citizen, who ran out of the country after two days. He engaged in a criminal act of killing a Kenyan, refused to take responsibility and instead chose to run out of this country. This was the case of the late Haji Lukindo whose wife was expectant at the time. We were given an undertaking that the Ministry of Foreign Affairs and International Trade would take up the matter with the United States of America (USA) Embassy in Nairobi and the USA Government so that some form of compensation would be given to the deceased's family. This is a very important matter. It concerns the people of Kenya, but nothing has happened. There are very many other issues which have not been acted upon. Motions are brought here and we make resolutions.

Hon. Deputy Speaker, we were with you in the last Parliament. You know that whenever a Motion was passed, it would be implemented. One of the landmark Motions that we passed in this House was on provision of sanitary towels to all adolescent girls in schools. It was implemented immediately when we had a mix of parliamentary and presidential system. This is a pure presidential system. Parliament is supposed to have more powers but we are being taken for granted. The resolutions of this House are not being acted upon; we are becoming a talk shop. We need to pass a resolution to command the Executive to implement the resolutions of this House because we are the only ones who are elected by the people of Kenya. We cannot be speaking in vain.

Thank you, Hon. Deputy Speaker.

**Hon. Deputy Speaker:** Hon. B.K. Bett, you have the Floor.

**Hon. B.K. Bett:** Thank you, Hon. Deputy Speaker. I am a Member of the Committee on Implementation. We have been tracking most of the House resolutions but it appears as if we need additional capacity in that Committee because the resolutions are very many. We have House resolutions from the 10<sup>th</sup> Parliament and previous Parliaments. If possible, we urge the House leadership to consider having additional clerks to deal, specifically with previous Parliaments' resolutions as we also try to push the current ones.

I am also a Member of the Departmental Committee on Lands. Land issues in Kenya are becoming a major challenge and the sooner we address them, the better. Most of these House resolutions and land issues are tied to budgetary allocations. If possible, the House leadership should see a way of addressing most of these issues through budgetary allocation so that we do not legislate in vain.

Thank you, Hon. Deputy Speaker.

**Hon. Deputy Speaker:** Hon. Members, we have exhausted this Statement. You have already made your comment on this matter, Hon. Ababu.

**Hon. Ababu:** Hon. Deputy Speaker, I had made my contribution on the Nasewa land issue but not on the Committee on Implementation. I have heard the insinuation that we do not have sufficient rules, and that we have to revise our Standing Orders. A member of a Committee is saying that they need to be given greater capacity. That ought not to be allowed to be on the record of this House because then it presupposes that we do not have sufficient tools and yet we have them. How are we deploying those tools and enforcing the rules that we have already given unto ourselves?

Let me just remind Hon. Members that before the coming into being of the Constitution of Kenya 2010, this House did not have sufficient wherewithal or tools to effectively implement its decisions or to effect its wishes. Article 125 of the Constitution has given this House and its Committees powers similar to those of the High Court. We can summon witnesses, order people to come and testify or give information and produce documents. Those are powers this House and its committees never had before. Article 124 of the Constitution made Committees and Standing Orders of this House a matter of constitutional existence.

Without belabouring this point, the point I am making is that we have the tools and constitutional basis. All we need to do is to deploy them effectively. We want to see the Committee on Implementation come to this House with a list of shame. It should name and shame serial violators of resolutions of this House. They should make it a seasonal, sessional or annual ritual of this House that you will come here and read to us a list of shame. Make it an arrangement where the Committee on Implementation can influence the budgeting process so that departments of Government that perennially ignore resolutions of this House, including repeated offences that come before the Public Accounts Committee (PAC), can have their budgetary allocations dealt with differently. We have the platform to do that. I urge this House to deploy the tools we already have. My honourable colleagues on the right hand of the Speaker should not be apologists for the Government. You may sit here as members of the Jubilee Coalition but you are not members of the Executive. You are Hon. Members of the National Assembly. So, hold the Executive to account by deploying the full force of your oversight responsibility. We have the tools to oversee this Government effectively. Let us deploy them fully. Stop the urge to amend the Standing Orders, wailing and crying. That is unnecessary.

Hon. Deputy Speaker, I submit with respect.

**Hon. Deputy Speaker:** Those points have been made Members. Can we please take up the suggestions? The issue is the mechanism which can be employed in ensuring that resolutions of this House are implemented. I quite agree with you, Hon. Ababu; that we need to tighten the things that we are doing beyond coming to report that this has not happened or this Cabinet Secretary has not done this. If they have not done something, what do we do and what happens next? That is the direction to go.

I need to give opportunity to Hon. M'eruaki. Are you adding something to this Statement? We have belaboured this point.

**Hon. M'uthari:** Thank you, Hon. Deputy Speaker. I am a Member of this Committee. We will take the frustrations which have been expressed by the members here seriously. However, there are issues that need to be considered. The Committee on Implementation does not implement the resolutions of this House. A Member has directed issues here as if it is the Committee that implements the resolutions of this House. The Committee monitors what has been implemented by other Government agencies. We will have our meeting where we will look at the issues, the discussions and the matters raised by this House so that we take them up

effectively. As one Member said, those who need to take responsibility do not have to be apologetic if somebody does not take his responsibility. As a Committee, we commit to do this.

**Hon. Deputy Speaker:** Hon. Mulu is the last Member to contribute on this Statement.

**Hon. Mulu:** Thank you, Hon. Deputy Speaker. I cannot agree more with what my colleagues have said. There is something that the Committee needs to do to ensure that it is effective in what it does.

*(Loud consultations)*

**Hon. Deputy Speaker:** Order, Hon. Members! There are loud consultations.

**Hon. Mulu:** Hon. Deputy Speaker, I am thinking about a system of sub-committees. This Committee has 29 Members. If they form sub-committees to keenly follow up matters with specific ministries, the Committee will sort out this matter. The Chair should encourage formation of sub-committees. I realised that Chairpersons of committees in this House do not want to hear about sub-committees. If you want to be effective as a House, that is the way to go.

Thank you, Hon. Deputy Speaker.

**Hon. Deputy Speaker:** Several suggestions have been given to the Committee on Implementation, including having sub-committees to oversee particular ministries and a clear mechanism including a list of shame.

So, please take up those issues and let us get a write-up on whether or not we need to add anything in our Standing Orders or what is in the Standing Orders is sufficient. You need to look at all that in terms of implementation. However, Hon. Odanga, proceed in the manner we had agreed. Let your Question be addressed by the Cabinet Secretary (CS) in place now. You want to know where it is because you had already submitted your question to the former CS.

Let us proceed to the next Order.

## BILLS

### *First Readings*

THE CONSTITUTION OF KENYA (AMENDMENT) BILL

THE VALUE ADDED TAX (AMENDMENT) BILL

*(Orders for First Readings read - Read the First Time and ordered to be referred to the relevant Departmental Committees)*

## MOTION

APPROVAL OF THE MEDIATED VERSION OF  
THE CLIMATE CHANGE BILL, 2014

**Hon. Deputy Speaker:** Who is the Chair of the Mediation Committee? Is it Hon. Ottichilo? Proceed to move.

**Hon. (Dr.) Ottichilo:** Hon. Deputy Speaker, I beg to move the following Motion:-

THAT, pursuant to the provisions of Article 113(2) of the Constitution and Standing Order 150, this House adopts the Report of the Mediation Committee on the Consideration of the Climate Change Bill (National Assembly Bill No.1 of 2014), laid on the Table of the House on Wednesday, 13<sup>th</sup> April, 2016, and approves the Mediated Version of the Climate Change Bill, 2014.

Hon. Deputy Speaker, the Report of the mediated version of the Bill is given on page 419 of the Order Paper. The Committee met on 22<sup>nd</sup> March both in the morning and in the afternoon and unanimously resolved the contention on Clauses 7(2)(g), 7(4) and 32 as follows:-

On Clause 7, the Committee agreed that Sub-clause 1(g) of the Bill be amended as follows:-

“A representative of the civil society nominated by the most representative registered national umbrella association of civil societies working on climate change”;

Let me inform the House what the contention was. In the amendments that were brought to this House by the Senate, the Senate had deleted the inclusion of civil society membership in the National Climate Change Council. It was felt that the representation of the civil society in the Council was very important because they are playing a very crucial role in sensitisation of communities on the impacts and challenges of climate change. So, during the Mediation Committee discussion, we agreed with the Senate that it is important that the civil society be included in the National Climate Change Council.

It was also agreed that Clause 7(4) be amended by inserting the word “Parliament” immediately before the word “approval” to read as follows:-

“The names of persons nominated for appointment under Subsection (2)(f), (g), (h) and (i) shall be submitted to Parliament for approval.”

The Senate had proposed that we include both National Assembly and the Senate. We agreed that, under the Constitution, Parliament means both the Senate and the National Assembly.

Under Clause 32, the Committee agreed that we retain the proposed amendment by the Senate in Sub-clause (1) to insert the word “ten” appearing immediately after the words “fine not exceeding” at the end of the sub-clause to read as follows:-

“---commits an offence and is liable, on conviction, to a fine not exceeding ten million shillings or to imprisonment for a period not exceeding five years, or to both”

The Senate had proposed that anybody who violates summons issued by the National Climate Change Council should be fined Kshs10 million. However, when we sat down, we agreed that that was not the way to go because the culprits are of different levels. We may have an individual, a company or an institution. We agreed to maintain Kshs10 million but we restructure the Clause as follows:-

“---commits an offence and is liable, on conviction, to a fine not exceeding ten million shillings or to imprisonment for a period not exceeding five years, or to both”

This, therefore, covers all the cadres of various people. This is what was deliberated and agreed by the Mediation Committee. I ask Hon. Chachu Ganya to second.

Thank you.

**Hon. Ganya:** Thank you, Hon. Deputy Speaker. I gladly second this Motion on the Climate Change Bill. I served as a member of the Mediation Committee on this Bill. We worked with some very fine Senators. Actually, it was not mediation but a meeting of minds. We were able to resolve all the issues within one meeting.

I really want to congratulate my colleague and friend, Hon. (Dr.) Ottichilo. It has been a long journey for him because I served with him in the 10<sup>th</sup> Parliament. This Bill went for assent to the President and the Government had a position that they were not fully consulted. They advised the President not to assent to this Bill. Gladly, he was back in the 11<sup>th</sup> Parliament and he was able to follow it through. Hopefully, today, after a long struggle, it is going to the President for assent. I am certain this time it will be assented to because all those concerns that were there in the 10<sup>th</sup> Parliament have been addressed and full consultation with the Executive has been done.

There were two issues here for mediation. One is whether the civil society should be represented in the National Climate Change Council. The civil society in this country is the one which has really worked very hard to make climate change an issue of concern for this nation. They are actually well organised. They have international umbrella bodies and, together with other stakeholders, they have worked with us in the National Assembly to ensure that this country has climate change legislation.

As a country, we already have a climate Change Action Plan as a result of their effort, the effort of other stakeholders and the effort of many others in the Government. If this Bill will go through, we will be one of the few countries in the world with a climate change law. When we go to these global conferences on climate change, we will walk proudly as a nation with our heads up knowing that we are doing our bit to manage the crisis of climate change. For these reasons, we feel very strongly that members of the civil society should be represented in the National Climate Change Council so that they can contribute effectively towards the concerns and enable this country address the climate change crisis, which is a global concern for all of us.

The second issue is whether the persons to serve in this council should be approved by Parliament or by the National Assembly or the Senate. We strongly feel that climate change is an issue of national concern and is cross-cutting for both levels of government. Climate change affects our counties, nation and the globe in totality. For this reason, we strongly feel these nominees should be vetted by both Houses of Parliament.

On the issue of fines, the proposal by the National Assembly was good enough because it did not set the minimum or maximum fine. It basically gave discretion through which a judge could easily decide what needs to be done through his or her wisdom. On that basis, the Senate has agreed with the position of the National Assembly.

This is a very good Bill. It will enable us to deal with a major global crisis of our time, which is climate change. I hope our President will this time round assent to this Bill so that we can have a climate change law in Kenya.

I beg to second this Motion.

*(Question proposed)*

**Hon. (Dr.) Pukose:** Put the Question.

**Hon. Members:** No!

**Hon. Deputy Speaker:** Yes, Hon. Richard Tong'i.

*(Loud consultations)*

Order Members. The Member is also in order because we had debated the Bill very substantially. Remember that is his view. I have a list of 18 Members who want to contribute. I have given Hon. Richard Tong'i an opportunity to contribute. So, he has the Floor.

**Hon. Tong'i:** Thank you, Hon. Deputy Speaker, for the opportunity to speak to this Motion. This is a Motion whose timing could never have been better. We all live in this world and we know the challenges we are facing as a country and the challenges the world is facing due to changes in climate.

As a country, we can only count ourselves among the very lucky people, considering the gift of one of our colleagues, Hon. Ottichilo, who is one of the most renowned persons in the area of climate change and the environment. He is a man who commands a lot of respect the world over. He has done extremely well to articulate issues of the environment. He is a very intelligent person. So, when he gives a recommendation such as the one he has given, personally, I take it very seriously. He is a man who takes his work seriously. He has done enough research to come up with the position he has today.

As a country, we are having challenges. When I grew up in my village, we used to have rivers and swamps everywhere. But because---

**Hon. Wakhungu:** On a point of order, Hon. Deputy Speaker.

**Hon. Deputy Speaker:** What is your point of order? Allow Hon. Chris Wamalwa to raise his point of order.

**Hon. Wakhungu:** In terms of relevance, is the Member in order to debate things which are outside the mediated version of the Bill? Our Standing Orders are very clear that, on such a Motion, we are supposed to restrict ourselves specifically to the clauses which were being mediated. Can you give us guidance? We are wasting time debating things which had already been debated in the Second Reading.

**Hon. Deputy Speaker:** Thank you. I think your point is made. Yes, you have a point with respect to relevance. The Climate Change Bill had been debated sufficiently. So, please, let us confine ourselves to the mediated clauses.

**Hon. Tong'i:** Hon. Deputy Speaker, I was only laying the preamble of what I am about to say. I know Dr. Chris has challenges when he meets very intelligent people, like Dr. Ottichilo, challenging his wisdom. He does not feel very comfortable. Hon. Ottichilo is a governor in the making. He is a very serious person.

As I said, when I was growing up, we had good climate and water everywhere. Today, a region such as Kisii which was known for water and was called "God's bathroom", has challenges of water. It is all because we have not managed our environment very well. For those of us who read the Bible, we know it says that God gave us the environment and he commanded us to take care of it. We have failed to do that. That is why we are going through the challenges we have today.

The inclusion of the civil society as part of the Council is an apt idea. It is in order. The more the membership of the Council is increased, the better it is. The civil society can bring in the expertise from the world of study. That way we become richer as a country. We will have more information which is going to guide us in making better decisions to ensure that we are all inclusive. Ownership will be across the board.

The environment issues would never have come up at a better time. We need to support it. I support it. With those few remarks, Hon. Deputy Speaker, I support the Motion because I believe it is the way to go. Thank you.

**Hon. Deputy Speaker:** Hon. Robert Pukose.

*(Laughter)*

**Hon. (Dr.) Pukose:** Thank you, Hon. Deputy Speaker, for allowing me this chance to contribute to this mediated Version of the Bill. This Bill was introduced in this House, was taken to the Senate and came back with various amendments. I want to thank the Mediation Committee for a work well done. They spent two days to be able to arrive at the mediated version of the Bill. They talk about representation of registered national umbrella association of civil societies working on climate change. We know that civil societies have been very instrumental in advocating for matters related to climate change. We want them to be equally represented because they are a critical part of the society.

When it comes to the names being approved by Parliament, it makes sense. This is a Bill that was considered by both the National Assembly and the Senate. It is a Bill that touches on counties. Therefore, approval should be by both Houses.

On the issue of punishment, the provision allows for discretion of a judge in terms of handing down sentences to those who commit offences. It gives the limit, but the courts can vary it.

With those few remarks, I support the mediated version of the Bill.

Thank you.

**Hon. Deputy Speaker:** Are you on a point of order, Hon. Wafula Wamunyinyi? I can see your name in both the intervention and request screens.

**Hon. Wamunyinyi:** *(Inaudible)*

**Hon. Deputy Speaker:** If it is not an intervention, please let me follow the list that is before me.

**Hon. Wakhungu:** Thank you, Hon. Deputy Speaker. At the outset, I want to say I support this mediated version of the Bill. The civil society plays a very critical role as far as oversight and civic education are concerned. When this Bill came for Second Reading, I was very passionate that the civil society must be nominated to the environmental council. I thank God that this has been done. We need to support it.

We are being guided by the Sustainable Development Goals (SDGs). If we look at the SDGs, we will find that matters of the environment and climate are well stipulated. It is civil society who leads the advocacy to implement environmental care. Because it is the shoe wearer who knows where it pinches, it is good and important for a nominee of the civil society to be in this Council. Parliament means both Houses of representatives. This is a mistake being done by the Senators and some Members of the National Assembly.

Article 93 of the Constitution says “there is established a Parliament.” In this case, Parliament is composed of the Senate and the National Assembly. It is important for our Senators to know that Parliament involves them. We have not seen this happening in many occasions. It is important to say that we need the National Assembly and the Senate. Once the word “Parliament” is there as stipulated under Article 93 of the Constitution, it implies the Senate is included. I support this amendment.

On fines, we accept to put it at the discretion of the person presiding over the cases. We support because climate change is a global crisis. It is like terrorism. It is, indeed, important that any person summoned by the National Climate Change Council (NCCC) respects the summonses. If one does not, they are spoiling the future of the nation and the society. It is important these fines are included.

Thank you. I support.

**Hon. Deputy Speaker:** Yes, Hon. Kubai Iringo. If he is not in, let us listen to Hon. Joseph M'eruaki.

**Hon. M'uthari:** Thank you, Hon. Deputy Speaker. I rise to support the Mediated Version of the Climate Change Bill, (National Assembly Bill No.1 of 2014).

First, what has been agreed on Clause 7 – that a representative of the civil society nominated by the most representative national umbrella association be in the council – is important because it clarifies the mechanism for identifying who will be that representative. As far as we know, there are very many civil society organisations that work in the area of climate change and environment. This clause gives the opportunity of identifying the most representative and relevant NGO or civil society. We also know that the Climate Change Bill has to a large extent been contributed to and supported by the civil society. Giving them a place is very important.

The other issue is the question of submission and the mechanism for the nomination of the members to this board. The fact that Parliament is involved is important. Article 32 makes clear the maximum amount in respect of the fine one is liable to pay. It gives discretion both downwards and upwards. It is not left open to the whims of the judges.

I support the Mediated Version of the Climate Change Bill because the amendments clarify and strengthen the Bill.

**Hon. Deputy Speaker:** Hon. Ababu Namwamba, take the Floor.

**Hon. Ababu:** Finally, it is so good to sit in this House and say we are ready to join the global premier league in terms of taking substantive measures to take better care of our environment.

This law has been quite long in coming. It is a law that we had occasion to debate in the 10<sup>th</sup> Parliament. It went to the President for assent but it was not assented to. We are now concluding this journey. Of course, I applaud my brother, the Member for Emuhaya, Hon. Ottichilo. He has distinguished himself as a true champion of care for our environment.

Hon. Deputy Speaker, the clauses that have been mediated are important. They have definitely enriched this Bill. Clause 7(2), in so far as it retains the presence of the civil society in this Council, recognises the role and contribution that the civil society has made in making us have a framework that can better take care of our environment. That is where we are today.

Of course, we know that it is because of care for the environment through efforts of the civil society that this country boasts of hosting one of the Nobel Laureates of our times – Madam the late Professor Wangari Maathai. Through the Green Belt Movement, her works made a major contribution to the agenda of taking care of our environment. Those of us who follow these issues keenly will remember the work of Prof. Wangari Maathai through the Green Belt Movement and how it helped save important catchment areas like Karura Forest. She helped to save Uhuru Park from “vultures” who were circling these important resources. She did this through her efforts and working with the civil society.

It is very important that this House adopts the amendment that retains the presence of the civil society and appreciates their historic contribution. It gives them a platform to play a prominent role in the implementation of this Bill.

Clause 32 is also significant in the sense that it affords the Environmental Court the latitude to deal with penalties, especially in a scenario where it will be dealing with both natural persons and corporate or what you may want to call “artificial persons”. We want to allow this court to a fine of Kshs10,000 in some instances and give the extreme top of Kshs10 million in others. This is a good amendment.

I want to applaud the mediation spirit that is contained under Article 113 of the Constitution. I urge this House to appreciate the role of the Senate. Previously, there has been a lot of discomfort in the way the National Assembly has related with the Senate. I want to say here, without any fear of contradiction, that the Senate is an important component of Parliament. It is part of the constitutional architecture of representation. It is really gratifying when you see the Senate and the National Assembly coming together in their action in thinking on an important Bill like this one.

I also urge this House to support the Senate to become a strong and effective player in matters of oversight. The Senate would be playing a much more effective role in oversight of county governments if we gave it sufficient tools to play its role effectively.

Otherwise, let us pass this Bill. I urge His Excellency the President to assent to the Mediated Version of the Climate Change Bill, which heads to him this time, so that we can have an effective tool to take care of our environment and achieve all the targets we have set in the SDGs that are a global targets for better care of our environment.

I support, Hon. Deputy Speaker.

**Hon. Deputy Speaker:** Let us now have Hon. Barua.

**Hon. Barua:** Hon. Deputy Speaker, I thank you for giving me this opportunity to contribute to the Mediated Version of the Climate Change Bill.

First and foremost, I would like to congratulate my friend, Hon. Ottichilo, for working very hard for very many years to ensure that we have a legal framework that takes care of climate change in this country.

It is a fact that the climate of the world and, not just of Kenya, is changing at an alarming rate. This is mainly because of anthropogenic activities. These are activities by human beings. Human activities are a big threat to the climate of the world.

Hon. Deputy Speaker, the mediated version talks about three issues. The first and most important one is the representation of the civil society. This is a very important amendment. Personally, I am on record for supporting the inclusion of civil society in many other Bills, including the Environmental Management and Coordination Act, the Forest Bill, among others. In some of these Bills, the slot for the civil society has been taken up by the Council of Governors (CoG). I want to say categorically that the work that is done by CoG is important, but it cannot substitute the work that is being done by the civil society. As far as climate change is concerned, for many years, even before the real active participation in that initiative by governments, civil society organisations were working on climate change issues. We have in mind organizations like Climate Network Africa which has been working in this country on climate change issues for over 30 years. Now, we have Climate Action Group Network, which is very active and coordinated. I fully support the inclusion of a representative from the civil society.

The threat to environment and climate in general has already been manifested and the impact is being felt at the grassroots level. In some regions and areas where the Government cannot reach, there is active participation by the civil society. So, if we exclude the civil society, it will mean that the work that is being done in remote areas where the Government cannot reach is going to end. We will remain with a debilitated environment.

In terms of global financing, the civil society is receiving a lot of money. In fact, it is receiving more money than the Government on climate change work. It is high time we recognised that large sum of money. It is high time we brought the civil society on board. Once we bring them on board, we can put them to account. Civil society organisations get a lot of money and the Government must take the initiative of ensuring that, that money is used for climate mitigation activities. At the moment, without casting aspersions, that financing is coming to civil society organisations and NGOs in particular, and is being used for individual work. Instead of saving the planet, we are enriching some few NGO actors. So, this representation is going to bring some sanity in terms of how NGOs operate in that area.

In terms of coordination and solving problems, it is quite easy to identify the biggest network of NGOs working on climate change in Kenya and hence, it is going to be easy to get representation.

In terms of Parliament, I support this amendment which replaces “Senate” with “Parliament”. Parliament includes the National Assembly and the Senate, and is the representative of the people. By so doing, the National Assembly is going to approve and make the views of the people we represent at the constituencies. The issues of the counties will be brought aboard by the Senate. So, I support this amendment.

Finally, in terms of penalties, it is common knowledge in Kenya that we have enough laws in this country. But what is happening is that laws are there, but they are very easy to break because the penalties are cheap and affordable. So, the fine of Kshs10 million or five years imprisonment or both for violating the summons by the National Climate Change Council is to me, appropriate. The council, to be of use, must be given teeth. If the council does not have teeth, it means that the issues of climate will not be addressed properly in this country.

The other issue is that the council should have a wide representation. It is good to be empowered because it is going to be the link between the various organisations of both the Government and the NGOs that are working on issues of climate change.

As I conclude, I want to urge this House to take this issue very seriously because the rate at which the climate is being destroyed today is going to make the earth hotter by the day. If this thing goes unmitigated, this world will not be habitable for human beings. In due course, this world will just be habitable for reptiles.

In the just concluded Climate Change (COP21) Conference in France which I participated, there was an agreement - which is a mediated version again - that you must enforce climate change mitigation to ensure that global warming does not exceed 1.5 degrees Celsius. If we maintain that 1.5 degrees Celsius, it means that we are going to enhance the suitability of this world for our own existence as human beings.

With those few remarks, I support this mediated version.

Thank you for giving me this opportunity.

**Hon. Wamunyinyi:** Thank you, Hon. Deputy Speaker, for giving me an opportunity to add my voice to the contributions on the approval of the mediated version of the Climate Change Bill, 2014.

First, I wish to join my colleagues in commending the mediation team for the good work which has ensured that the issues in dispute have been agreed upon. Obviously, the civil society organisations are not just NGOs; they are major stakeholders in our community. Communities enjoy contributions from those organisations. This has been recognised by both Houses of Parliament, and particularly by the team that led the mediation.

Concerning the other two issues which were in dispute, the penalty which appeared punitive and unworkable has also been agreed upon. The Motion which is before the House is merely for us to go over the mediated version and approve the same so that we may proceed. It is not complicated for us.

I wish to thank the team once again and commend them for the good work. I appeal that we all aspire to ensure that we stick to the spirit of keeping our environment clean as led by our colleague Hon. Otichilo.

With those few remarks, I thank you.

**Hon. Tonui:** Thank you, Hon. Deputy Speaker, for giving me this opportunity to make my contribution. I believe, by large, I support the resolutions of this Mediation Committee, especially on Clause 7 on the issue of civil societies being included.

As already stated, they play a crucial role in supporting issues to do with climate change. They need to be represented. I know there was that competition between them and CoG. But the two institutions are very critical on the issues of climate change and the two need to be captured in this Bill, so that both the civil society and CoG are represented. That is quite acceptable.

On the issue of approval by Parliament, this is good because we are now accommodating the Senate. There is no need for us to compete with the Senate all the time. Let them also play a certain role in the approval. Although it is now going to take more time to approve the names to the board, it is a necessary evil in terms of accommodating democracy.

On the last one concerning the offences, I am quite uncomfortable with it, especially when we are talking of figures like Kshs10 million. It is not a small figure. We are talking of imprisonment not exceeding five years. Offences to do with climate change are not measurable. The offences which we can attribute to one individual are not exactly measurable. That the temperature has increased by 1 degree Celsius simply because of a certain offence committed by a certain person may not be possible to measure. If somebody cuts down a tree, then you say that it is a major offence which affects the climate and that he or she needs to pay Kshs10 million is excessive. Offences to do with the climate are well captured in the Environmental Management and Coordination Act (EMCA). That Act tackles issues of offences with regard to the climate whereas the Climate Change Bill is simply on measures to address whatever challenges there are in climate change.

I support the resolutions.

**Hon. Deputy Speaker:** Let us have Hon. Reginalda Wanyonyi.

**Hon. (Ms.) R.N. Wanyonyi:** Thank you, Hon. Deputy Speaker. I stand to support the mediated version of the Climate Change Bill. I feel privileged that the Bill came this far for some of us to give our input. I congratulate Hon. (Dr.) Wilbur Otichilo for the effort he has put into this Bill.

One key thing about the mediated Bill is the inclusion of the civil society representation on the board. For a long time, when we talk about *Wanjiku*, in most cases, the mainstream Government structures may not capture isolated marginalised cases that need to be noticed. The civil society is very key in ensuring that those single unnoticed aspects of climate change are

captured. Therefore, their inclusion is very key. I commend the Mediation Committee for what it has done. I also thank the Senate for their input into this Bill.

World over, climate change is a big problem. Kenya is on record as being among the first few countries that have come up with laws on climate change. This is something we must strongly commend. As Kenyans, we must be proud of it. It is high time that this Bill was assented to by His Excellency the President. This will make Kenya go down in history as one of the first countries to come up with laws on climate change. As it is, if we do not move as fast as possible, the effects of climate change will be clear. If we do not actualise this law and enable Kenyans to make it a culture and part and parcel of their daily lives to manage climate change, we will not go far in terms of development.

I support the mediated version of the Climate Change Bill. In that respect, let it be assented to.

**Hon. Deputy Speaker:** Let us have Hon. Makali Mulu.

**Hon. Mulu:** Thank you, Hon. Deputy Speaker for giving me a chance to also support the mediated version of the Climate Change Bill. I must start by thanking the Mediation Committee for agreeing on the additional amendments to the Bill. Those amendments are very important to this country. They will go a long way in ensuring that when this Bill becomes an Act of Parliament, it will help us on matters to do with the environment.

The whole issue of ensuring that the civil society is represented is very important. In this country, we have a very strong civil society in terms of experience and expertise on matters to do with the environment. In a situation where they sit on that important board, we will be sure that, as a country, we will get very strong input from the body that will add value to the whole process.

The issue of ensuring that Parliament approves those board members is important. Even as I support it, I want to make an observation. In situations where the two Houses are required to approve matters to do with legislation, we, at times, register quite a long delay in terms of the approval process. While I support this, it is important to note that both the Senate and the National Assembly need to hasten the process, so that we do not waste time in situations where both Houses are required to approve legislation. We have evidence, looking at the Bills which require approval by both Houses. Some Bills have been in either House for more than a year. We have a long list. If this board will still fit into the same arrangement, there could be unnecessary delays. While I support it, as both Houses, it will be important that we hasten the process so that we do not delay important decisions which have to do with environmental matters.

As I conclude, I thank my friend, Hon. (Dr.) Otichilo for the efforts he has put into this Climate Change Bill. The patience that he has demonstrated in ensuring that this Bill gets to where it is, is commendable. He started in the 10<sup>th</sup> Parliament and never gave up. I must commend him for this. I hope His Excellency the President will assent to this Bill so that it becomes an Act of Parliament immediately those amendments are approved by this House.

With those remarks, I support the approval of the mediated version of the Climate Change Bill.

**Hon. Deputy Speaker:** Members, remember the next Order is also on the environment. All of you keep mentioning the fact that we need to expedite what we are doing. If some of you would like to contribute during the next debate, we could expedite this Motion and conclude it so that we can move on. You will still have a chance to speak to environment issues in the next one. I suggest that we expedite debate on this Motion.

Let us have Hon. Nicholas Gumbo.

**Hon. (Eng.) Gumbo:** Thank you, Hon. Deputy Speaker. I want to be brief and thank my good friend Hon. (Dr.) Wilbur Otichilo, first, for the passion that he has on this subject. This is a universal subject that affects all countries of the world. Climate change is a big issue. I would only urge my friend, Hon. Otichilo that, as we look forward to this Bill being assented to, it is important that as a region, we collaborate. If we do not make matters on climate change regional or even international, what we do as a country will not matter because our carbon imprint is too small to be significant on matters climate change. With his networks, he has been doing what he can to put in place the necessary regional and international collaborations so that this becomes a foremost agenda on policy issues that affect the world as a whole.

The amendments that have been proposed, for example, the inclusion of a representative of the civil society in so far as enriching the Bill is concerned, are good. But let us make this wholesome so that we can achieve the intention of this Bill. Alone as a country, if the region and the whole world do not support us, the measures we take on matters climate change will be a good exercise but one undertaken in vain.

Otherwise, I support the Bill

**Hon. Deputy Speaker:** Let us have Hon. Ali Rasso.

**Hon. Dido:** Thank you very much, Hon. Deputy Speaker. I rise under Standing Order No.95. Gauging the mood of the House and the fact that all Members who have contributed are fully in agreement with the importance of this particular Bill, and also all of us are agreeing with the mediated version of the Bill, is it in order for me to request you to call upon the Mover to reply?

Thank you.

**Hon. Deputy Speaker:** It is in order. It is you to make the decision, Hon. Members.

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

**Hon. Deputy Speaker:** Hon. Member, it is your say. Can we then call upon the Mover to reply? Hon. Otichilo, you have the prerogative to give a minute or two to somebody.

**Hon. (Dr.) Ottichilo:** Thank you, Hon. Deputy Speaker. I want to donate a minute each to Hon. Ferdinand Wanyonyi, Hon. Neto and Hon. Kathuri.

**Hon. F.K. Wanyonyi:** Hon. Deputy Speaker, I take this opportunity to sincerely thank and acknowledge the effort Hon. Wilber Ottichilo has put into this Bill. He has brought many Motions that have to do with the environment. I take this opportunity to thank him and ask him to continue doing research. To come up with such Motions, he needs a lot of time and dedication. Hon. Ottichilo has done so much. I thank him. The Mediation Committee did a good job. All I want to ask is that we should take time to fast-track the implementation of this Bill so that we save our future generations.

Thank you.

**Hon. Deputy Speaker:** Hon. Neto.

**Hon. Oyugi:** Thank you, Hon. Deputy Speaker. I would like to support the mediated version of this Bill. The second thing I would like to do is to congratulate Hon. Ottichilo for the good work he has done. When this Bill passes, it will show lessons in resilience. I really would like to thank Hon. Ottichilo for being steadfast and eloquent. The research he put into this Bill is

really commendable. I look forward to speak the much I wanted to do during the Motion that is coming next.

I support the inclusion of the civil society in this Bill because it has played a great role in terms of climate issues. Hon. Wilber Ottichilo, congratulations! I am so happy for you that you have seen this Bill after several months of waiting. God bless you. Thank you.

**Hon. Deputy Speaker:** Hon. Kathuri.

**Hon. Murungi:** Thank you, Hon. Deputy Speaker. I thank Hon. Ottichilo for donating one minute to me. I want to talk about the civil society. Since I came to this House, I have been to the 20<sup>th</sup> Conference of Parties (CoP 20) and the 21<sup>st</sup> Conference of Parties (CoP 21). What the civil society is doing especially on matters climate change cannot go unnoticed. Therefore, I support the mediated version which I was part of in the Mediation Committee. We made an agreement with the Senators that we need to retain the law on civil society, which was removed. Once the Climate Change Act comes into law, it will help in the implementation of the climate change agreement that was signed in December last year in Paris.

I thank my brother Ottichilo whom I have learnt a lot from since I came to this House. He is my mentor in climate change issues. I am pursuing that matter. He is my big brother in this field.

Thank you, Hon. Ottichilo for this effort. Thank you, Hon. Deputy Speaker.

**Hon. Deputy Speaker:** Okay. Hon. Ottichilo.

**Hon. (Dr.) Ottichilo:** Thank you, Hon. Deputy Speaker. From the outset, I am very much humbled by the comments Members of this House have made regarding myself, climate change and the mediated version of this Bill.

This is, indeed, very encouraging realising that climate change is the single-most important aspect in the world today that is threatening our own survival. This Bill has taken a long time from the 10<sup>th</sup> Parliament and now the 11<sup>th</sup> Parliament. I am very happy that Members of this House and Members of the Senate have overwhelmingly supported the Bill. When we sat in the Mediation Committee, the Members of the Senate and Members of this House had a very cordial discussion which led to this mediated version of this Bill.

I am very happy that we have finally concluded this Bill. I am very hopeful that once we conclude it, His Excellency the President will assent to it. It is so crucial that it must become operational given that climate change is among the 17 agendas of the Sustainable Development Goals. In fact, it is agenda No.13. We need a legal framework to address that agenda. As our colleagues have indicated, once this Bill is assented to, Kenya will be among the first countries in Africa to enact this legislation. That has a lot of implications for this country. We shall qualify to receive many grants and donations in this area and we shall become champions in the African Continent on matters of climate change. In fact, a number of countries are already awaiting the enactment of this law so that they can use it to enact their own. So, this is a milestone. I take this opportunity to thank all hon. Members, both of the National Assembly and the Senate, who have supported this Bill and who understand the challenges climate change poses to our mother planet.

I thank all of them and beg to second.

**Hon. Deputy Speaker:** Thank you, Hon. Member but before I put the Question, I would like to recognise the presence of Liyavo Secondary School from Kwanza Constituency, Trans Nzoia County. You are welcome in the National Assembly.

*(Question put and agreed to)*

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

Next Order!

#### INITIATIVE TO PROMOTE CLEAN ENVIRONMENT

THAT, aware that Article 42 of our Constitution accords every person the right to a clean and healthy environment and that Article 69(1)(d) mandates the State to encourage public participation in the management, protection and conservation of the environment; deeply concerned that our homes, roads, public and private premises, work places, recreational areas and general environment are littered with plastics, solid and liquid wastes as well as lacking good general environmental aesthetics, this House resolves that the Government declares one Thursday of each month be dedicated by every Kenyan household, organized groups, public and private institutions and corporate organizations to cleaning and beautifying their immediate environment and public places and also initiates a proactive programme in all our schools to inculcate the culture of keeping our environment clean and healthy.

*(Hon. (Dr.) Wilber Ottichilo on 30.3.2016)*

*(Resumption of Debate interrupted on 13.4.2016)*

**Hon. Deputy Speaker:** Hon. (Dr.) Otichillo. It was already moved? Did anybody have a balance of time? It was Hon. Saney who had a balance of eight minutes. Is the Hon. Member in the House? He happens to have been my former student. Please, continue.

**Hon. Saney:** Thank you, Hon. Deputy Speaker. Our wellbeing and entire lives evolve around the environment. The environment is the single-most important resource that determines the food we eat, our culture, knowledge, lifestyles and the entire behaviour of human beings. Our genetic composition is to some degree contributed to by the environment. The initiative to access clean environment mostly depends on public participation and the attention of every Kenyan citizen to do his or her part. For the public to do their part, they need to be aware, informed and knowledgeable on environmental matters so that we can have behavioural change.

To change the Kenyan public's behaviour towards the environment, we need to pursue serious civic education. The public needs to know that they are not mere receivers or consumers of the right to a clean and healthy environment, but to participate in making sure that, that right can be available to all the citizens by helping their State. We can change the behaviour of the Kenyan public if we can include environmental matters in school programmes. This is so that we can have young people nurtured on matters environment and mentored all along from childhood to adulthood, so that they grow up as citizens who are aware of their environment. Further, it is good to mainstream environmental issues at all governance levels within all the facets of the country. This is so that we can end up having systems that are conscious, friendly and sensitive

to environmental matters so that, at the end of the day, whether servants or the normal citizens, we will have stewards of our environment, advocates, agents and people who can understand that the same environment affects their livelihoods and well-being.

*[The Deputy Speaker (Hon. (Dr.) Laboso) left the Chair]*

*[The Temporary Deputy Speaker (Hon. Cheboi) took the Chair]*

The intention to create environmental awareness and education is to ensure that we have a synchronized behaviour or attitude change to inculcate the practice of cleaning the environment. On the other hand, the work of the environment is not only cut out for the national Government, it is for both the national Government and devolved units. Ensuring a clean and healthy environment is a real capacity issue that requires a colossal amount of resources. I believe for that to be done, devolved units must enhance their capacity in waste collection and management so that they can also ensure that they do their part in accessing the attainment of a clean environment.

Furthermore, we were discussing climate change in the preceding Motion. It is an outline that affects the guarantee of this right. We must also mainstream climate change in matters of the environment so that whatever we do will not be adversely affected by climate change.

With those few contributions, I support.

**The Temporary Deputy Speaker** (Hon. Cheboi): Well. Let us have Hon. Mitaru, the Member for Embu County.

**Hon. (Ms.) Mitaru:** Thank you very much, Hon. Temporary Deputy Speaker. I thank Hon. (Dr.) Ottichilo for bringing this Motion that will help us clean our nation. We have been talking with him for a long time and he has been telling us that every corner of this House and nation should accept that our people and children should wake up at least once a month and organise themselves to clean the environment. This is so that we can have water in Kenya, plant trees and come up with an environment that will be the best. We have Mt. Kenya which has ice and the best rivers that take water all the way through my county and we harvest it to bring electricity to this nation. It is because of this that the environment in my county has been taken care of. I support because, at least, 10 per cent of Kenya is dryland. However, if we improve the environment in our nation in all the 47 counties, we will produce food and create employment for our youth and communities within the 47 counties. This is because the environment will bring resources together and food security in our nation. So, I support and thank Hon. Ottichilo. *Daktari*, keep it up because when you work like this and we have 10 people like you in this country, this nation will improve economically and there will be food security.

So, look for people like you as we support you so that we can have, at least, one or two hours in a month dedicated to environmental matters of this nation.

Thank you and God bless you.

**The Temporary Deputy Speaker** (Hon. Cheboi): Let us have Hon. Onyura.

**Hon. Onyura:** Thank you. I support this Motion by Hon. Ottichilo. The concern for the environment is timely. It is worthwhile and that is the right direction to follow. It is satisfying to note that this area is anchored in the Constitution as seen in Article 42 - which gives everyone the right to live in a clean and healthy environment. Articles 69 and 70 state the obligation of the State as well as the citizens.

What we are lacking is not the laws. There are adequate laws as seen in the Constitution and the Bill. The implementation and application of the law is what is lacking. That is where this comes in clearly, particularly the area that this Motion zeroes in; the issue of maintaining cleanliness. It is very unfortunate that in this region and continent, the simple issue of cleanliness and hygiene is not taken seriously, yet it is in our interest to maintain cleanliness and good hygiene. There are some diseases for example, cholera, typhoid and many others that occur as a result of poor hygiene, dirty environment, unsafe water and lack of toilets. These are simple issues that can be addressed at family, county and State level. This is what we are being called upon to do and it can be done.

I support the idea of setting aside a day where everybody can focus on cleaning. Soon after completing college, my first job was with the Provincial Administration. Through the initiative of the District Commissioner (DC) at that time in that town, he set aside every Friday as a day whereby everybody in the town would just come out and clean. Initially, the response was slow and a bit reluctant. As it picked up, it became routine and everybody seemed to be happy with it and they saw the benefits.

In addition to that, the issue of education and awareness should be integrated into our school curriculum and programmes. Right from nursery, the issues of personal and family cleanliness should be emphasized and awareness created. I do remember also during my school and college days there was a tree planting day. I do not know what happened to it. It was held every year at the start of the long rains and we looked forward to participating in tree planting. That needs to be brought back and taken seriously.

We should invest in waste disposal, including recycling. Apart from making our environment clean and getting rid of some of the nuisances like plastics, it will create an economic activity. It is an area we need to look at, research into and invest so that we can use waste to generate energy. As I end, there used to be public health officers popularly known as “Afya Bora”. I wonder what happened to them because they were effective. They went round homes giving necessary education and enforcing on matters of cleanliness and hygiene. That office needs to be revived, given capacity and strengthened so that it can also help in this area.

Hon. Temporary Deputy Speaker, I support the Motion.

**The Temporary Deputy Speaker** (Hon. Cheboi): Hon. Kubai Iringo.

**Hon. Kubai Iringo:** Thank you, Hon. Temporary Deputy Speaker, for giving me this opportunity to contribute to this Motion and thank Hon. Ottichilo for bringing it. It is almost in tandem with the one we have just concluded under Order No.10. I will say precisely and clearly that a clean environment is the way of life. A clean environment gives a nation a clean bill of health and the environment is protected.

Here in Kenya, there is culture of not minding where we litter or throw rubbish. We do not care about the environment. You find somebody walking over a heap of garbage next to their house, gate or any other public place. It is common knowledge that nobody cares about the cleanliness of where they live. People sweep or clean their houses and just throw rubbish next to their doors. The county governments do not bother about garbage collection. They collect taxes which should enable them to employ garbage collectors, buy garbage collecting materials, equipment and vehicles and find safe ways of disposal.

In foreign countries where most of us have had a chance to visit, you find the environment is so clean. After drinking water, one keeps the empty bottle in their car or bag until they find a waste disposal bin. We have a culture in our country that after drinking water, one

just throws the bottle wherever they are – whether they are walking on the road, driving or riding. So, you find plastic papers and bottles littered all over. After this Motion, we need a law. In European countries or America, if one throws an empty bottle, rubbish or even leftovers, he or she is liable to charges. Here in Kenya, we throw away anything anywhere and that is why our environment is littered. We are prone to diseases which are as a result of dirty environment like cholera and diarrhoea. Such diseases are history in some developed countries because their environment is clean. The Nairobi River water flows but what it carries is pathetic. It carries all kinds of things which bring about waterborne diseases.

This Motion is timely. I support the fact that a day has been set aside where everybody will be involved. In Rwanda, on the very day they have set aside for cleaning the environment, everybody comes out and cleans, including the President. If this is done in Kenya, it will go a long way in sensitizing the people. Let it not be a joke. We should not find certain towns like Thika, Meru, Taita Taveta or Voi setting aside a cleaning day and remembering it after three or four years. A rule should be made that if one litters or throws garbage anywhere, for example a banana peel on the road, that person should be held responsible.

The other day, I was in America and saw an old man walking around with his dog. As he was walking on the street, the dog stood and defecated on the road. He picked the stool and put it slowly inside a plastic bag which he was carrying and continued walking. I asked myself: What if it was in Kenya? He could just have continued walking away with his dog and people could just be stepping on that dirt. I was touched by that. If we move in that direction we will make our country clean. In a place like Eastlands there are heaps of rubbish. The Nairobi City County garbage trucks pile more rubbish there instead of seeing how they can dispose it. The heaps have become mountains and people still live in that environment. We are not conscious of our environment because we are ignorant. It should be emphasized that we should be careful about our environment. We should be clear on where we should throw our rubbish and ensure that systems, including recycling, are in existence. Whatever we collect, let us not just dump it. Waste materials can be recycled. Toilet papers are made from recycled materials. Even bottles can be recycled. This will help to reduce the heaps of garbage that we see around.

Hon. Temporary Deputy Speaker, Thursday comes in between the week. I would therefore propose that we make it a Friday, when people will be going for the weekend so that, after the exercise, they can rest or do other things. It should be done by the county governments, in tandem with the environmental institutions and each and every person. It should be done thoroughly and once it is repeated, we might find ourselves closer if not where others who have been taking care of their environment are.

With those remarks, I support.

**The Temporary Deputy Speaker** (Hon. Cheboi): Hon. Members, when students from Liyavo Girls Secondary School from Kwanza Constituency were introduced, something was forgotten. Accompanying those students is Mrs. Margaret Wanyonyi, who is a board member and who happens to be the wife of one of our colleagues, Hon. Wanyonyi. Using Standing Order No. 1, because it is not very easy for Members to bring their spouses here, I will give him an opportunity. I will give you strictly five minutes because you were not very high in the ladder yourself. I am just using Standing Order No.1.

**Hon. F.K. Wanyonyi:** Thank you, Hon. Temporary Deputy Speaker, for giving me the chance. I also thank you for recognizing my spouse who, as you have already said, has

accompanied the students from Liyavo Secondary School seated in the Gallery for benchmarking.

At the same time, I thank Hon. Otichillo for coming up with this very good Motion, which I would like to ask this House to pass. Those of us who have travelled know that Rwanda, and lately Tanzania, have dedicated a day in a month to clean the environment. I happen to have gone to Dar-es-Salaam, which had the same problem that Nairobi has. The first time President John Pombe Magufuli of Tanzania was to celebrate a national day, he dedicated it to cleaning up the environment. He forfeited all the money that had been put aside for the celebrations. He said that he must clean up the environment. We saw that happen in broad daylight.

I would also like to take this opportunity to thank the former Clerk of Nairobi, George Gakuo. Those of us who have been in Nairobi will remember that he did a very good job. The Nairobi River was choked with litter. He cleaned up Ngara area and planted trees. If today you cross the Nairobi River, you will see that a lot of litter has been dumped all over. In order for this country to do well, and in order for us to teach our children good manners so that they can be able to look after our environment, I support Hon. Ottichilo's Motion to ensure that we dedicate a day or two to cleaning of the environment. I suggest Thursday because Friday is a day for Muslims and Saturdays, we all go to our constituencies. On one Thursday in a month, we should clean up our environment. It is a good Motion.

As we clean up the environment, we should know where to take the waste materials. We have a problem in this City. The same problem is replicated in Kisumu, Mombasa and even in my county, Kitale. We have a problem of where to dispose of solid waste. I had an opportunity to go to Japan. I learnt that some of the waste is sometimes used to generate electricity. Therefore, I suggest that the Ministry responsible for the environment borrows a leaf from some of the developed countries, particularly Japan and West Germany, which have waste disposal systems that are used to generate electricity, which is added to the national grid. The Committee on Implementation, in which I sit, went to Japan and saw medical waste being used to generate electricity. I would like to suggest that we do the same.

The other thing I would like to say is that in the days when I was in primary school, Friday was dedicated to cleaning the school compound. Why can we not do the same? Our environment is bad and weak. When you pass through some roads in Kenya, you see people eating bananas and throwing peels on the road. I have seen people reading newspapers and throwing them on the road. Some chew sugarcane and throw the waste on the road. Hon. Temporary Deputy Speaker, since you have given me five minutes, I would like to thank you for the opportunity and urge this House to adopt this Motion, so that we can clean up the environment. I also urge His Excellency the President to borrow a leaf from Tanzania and declare the next national day environmental cleaning day. That will be very good.

With those remarks, I support the Motion.

**The Temporary Deputy Speaker** (Hon. Cheboi): Very well. Let us have the Member for Bureti.

**Hon. Sang:** Thank you, Hon. Temporary Deputy Speaker for giving me this opportunity. I want to start by thanking my friend, Hon. Ottichilo, for coming up with a very important Motion.

Hon. Ottichilo, I am surprised to learn that you are an environmentalist. I want to congratulate you and wish you well. Yesterday, my colleagues mentioned that you are running for the gubernatorial position in Vihiga. I was a constituent there. I would have voted for you

because every now and then, you come up with important Bills and Motions. For that reason, I want to wish you well.

On issues of environment, I know it cannot be over-emphasized. It is very important to keep our environment clean because of several issues that we always see. I know a good number of Kenyans do not keep their environment clean because of issues that cannot be understood. If civic education is done for Kenyans everywhere, we will change our behaviour on the protection of our environment. They say change starts with us. If we start changing, we will be one of the cleanest nations in the continent.

As I had said, behavioural change is also important. I also want to congratulate Hon. Ottichilo on the mediated version of the Bill that has just been passed because we are going to come up with a legal instrument which will enable us to, at least, have one of the cleanest environments in this continent. Once that instrument is in place, things will improve. Most of my colleagues have already spoken to the issue of the environment. It is very important for all of us to keep the environment clean. Once we budget for cleanliness of our nation, things will improve.

On collection and dumping of waste, this is a grey area. The instrument that Hon. Otichillo came up with a few minutes ago will cover the issue of collection and dumping of garbage. Everywhere you go, including my place in Kericho, you will see garbage. It is unfortunate that the Kericho County Government has decided to dump waste at Kapkatet District Hospital for reasons that cannot be understood.

Hon. Temporary Deputy Speaker, if we do not properly take care of our environment, we will have hazards; including diseases. It is unfortunate that in this era, we are still treating conditions that are preventable like water and airborne diseases. Western countries are dealing with conditions that are not preventable. But we are still treating conditions like cholera, typhoid and diarrhoea that we can easily prevent. Those conditions are closely related to the environment. If we take good care of our environment, then we will prevent most of those diseases.

Lastly, I want to congratulate Hon. (Dr.) Ottichilo. The Jubilee Government is very responsible and I know the President will have a look at this and in a short time, he will declare every Thursday a day when the citizens of this country will have the responsibility of cleaning our environment. Once our environment is clean, I am sure we will be comfortable.

I support. I want to wish Hon. (Dr.) Ottichilo well in the gubernatorial elections next year.

**The Temporary Deputy Speaker** (Hon. Cheboi): Member for Budalang'i.

**Hon. Ababu:** Thank you, Hon. Deputy Speaker. This Motion is innovative, timely and historic. Proposing every single Thursday of each month as a day when each one of us as individuals, households, schools, groups and institutions will set aside time to make the environment our primary concern by cleaning, celebrating and talking about the environment is a good move. We need to make places where we live and work friendlier and healthier. This is, indeed, a constitutional imperative and I want to commend my brother, Hon. (Dr.) Ottichilo, for the fore-sightedness on matters of environment.

Earlier this morning, we enacted a Bill that has provided upon assent, a legislative framework within which a lot of these things will happen. That Bill was equally sponsored by Hon. (Dr.) Ottichilo. In my view, this Motion is about inculcating and instilling a culture among all of us; a culture that you see in other societies when you travel around the world. A couple of

years ago, while on a visit to Germany, I was pleasantly surprised to notice that all the trees in the prefecture of Berlin have been allocated a serial number, just like the way we do a census to determine the number of people we shall budget for. They have a tree census to count the number of trees in Berlin City. For you to bring down a tree in your compound or your piece of land, you need to make an application to a tribunal that would then hear you defend the action of felling a tree in your compound. Upon felling that tree, they have to adjust the records to indicate that one of the trees in their records is not more, the same way you do when a human being passes on. That is just a culture.

In Rwanda, if you are crossing by road the border between Uganda and Congo or Congo and Rwanda, you do one of the things that are commonest in this country; you lower your window and after you have enjoyed a banana, an orange or French fries, you just throw the wrappings out of the window onto the road. It seems so nonchalant and it keeps on happening. You see this so often when you are driving behind a public transport vehicle like a bus or a *matatu*. If you are not careful when driving behind those vehicles, some of those wrappings will land on your windscreen and may even cause an accident. You see this in public transport and private vehicles. That is just our culture. It is our culture to soil, dirty and defile our environment.

A few years ago, you remember a debate raged in the 10<sup>th</sup> Parliament about the Mau Forest. The whole issue was whether we should protect that critical water tower. It was an issue that became a hot potato for the 2013 General Election. It was being asked: Who evicted people from the Mau Forest? If you were fingered as having evicted people from the Mau Forest, then it was supposed to be politically costly for you for attempting to save that water tower. Politicians who sat in the 10<sup>th</sup> Parliament would go to the Mau Forest to chest-thump and tell the people that they saved them from eviction from the Mau Forest. We politicised a critical environmental issue and lost an opportunity to send a clear message that when it comes to protecting the environment, there are no compromises. We either do it or we shall pay a heavy price.

I am very excited that we are making a critical decision to start a re-orientation of our thinking, approach and culture, when it comes to the environment. I am happy that the day set aside is a Thursday and not a Saturday as had initially been proposed. Thursday is a key working day and it is important that this happens on such a day. This task must become integral and part of the crucial critical tasks of all of us as a nation. On a Thursday, we want to see President Uhuru Kenyatta in the style made popular by the former Ghanaian President Jerry Rawlings, putting on his overall and gloves, taking a shovel, coming down from the hill up behind us to the streets of Nairobi and lead the people in a clean-up of this City. On that Thursday, we want to see all the 47 governors put aside all the responsibilities and lead their staff and families in cleaning the environment wherever they live. On that day, it will be very good if you will allow us to attend the session in overalls and gumboots so that you will lead us out of this Chamber to walk into the streets of Nairobi, Kibra or Mathare and clean the environment to demonstrate that we walk the walk. This is not just rhetoric. We are not just here passing Motions, run-of-the-mill and playing to the gallery. We are, indeed, committed to utilise that day to make our environment cleaner and healthier. We closed the week. We can look back on Thursday and be happy that that little hovel where you enjoy one for the road or the park, where you take your children for the weekend, will look a lot better because the previous day, you invested in making that place cleaner. This is a matter that will take an activity that can re-orient our thinking and re-culture our approach to the environment. Let this be a day on which to decisively and ruthlessly deal with those who have a tendency of polluting our environment. These should include people

who are used to throwing litter through the windows of their cars. Some of us in this House maybe do it. You lower your window without thinking twice about it and throw out litter. You should be dealt with ruthlessly on that Thursday.

Sometimes when you drive behind a truck or a car, you find that the fumes that come out of the exhaust pipe of that vehicle can send you to an early death. They rob you at least one year of your life span just by inhaling those fumes. That is a day when we should deal ruthlessly with those kinds of people.

Hon. Temporary Deputy Speaker, this is fantastic for Hon. Ottichilo. When the history of this country and House is written, his name will be inscribed in golden letters and shall exist forever for having initiated this kind of action.

I support the Motion on the initiative to promote a clean environment.

**The Temporary Deputy Speaker** (Hon. Cheboi): Let us have Hon. Chidzuga.

**Hon. (Ms.) Chidzuga:** Shukrani, Mhe. Naibu Spika wa Muda, kwa kunipatia nafasi ili niweze kuichangia Hoja hii yenye nia ya kuleta usafi kwenya mazingira yetu. Ninaiunga mkono Hoja hii.

Kwanza, nampongeza sana Mhe. Ottichilo kwa sababu ni mwanamazingira ambaye huzungumza kuhusu mazingira na anataka kuona vitendo ambavyo vitarekebisha hali ilivyo katika nchi yetu.

Hoja hii isiwe tu ndani ya Bunge la kitaifa bali iwe ni sheria mwafaka ambayo itaweza kuiokoa nchi hii. Kabla ya kupitisha Katiba ya Kenya, 2010, tulikuwa na serikali za mitaa. Wakati huo mazingira yalikuwa na nafuu na usafi. Tunazipatia serikali za kaunti pesa nyingi kupitia kwa magavana lakini yasikitisha kwamba kila unapopita wasikia harufu ya uvundo na waona takataka.

*(Hon. (Ms.) Chidzuga contributed while seated)*

**The Temporary Deputy Speaker** (Hon. Cheboi): Order, Hon. Chidzuga! What is it, Hon. Oyoo?

**Hon. Oyoo:** Tafadhali ningependa nijulishwe ni kwa nini mwenzagu hawezi kusimama ilhali wikendi hii alionekana akizungumza jukwaani katika Kaunti ya Kwale.

**The Temporary Deputy Speaker** (Hon. Cheboi): Hon. Oyoo, you are out of order. You can see a walking stick next to her. You should be a bit more sensitive in your comments. I have given her specific permission to sit.

**Hon. (Ms.) Chidzuga:** Shukrani, Mhe. Naibu Spika wa Muda. Hawa tunawaelewa. Ni wale ambao wanawapiga akinamama magongo. Kwa hivyo, hajali afya ya mama.

Ninamshukuru sana Mhe. Ottichilo kwa kuileta Hoja hii. Ni lazima tusimame na afya na mazingira yetu sio kwa kuzungumzia tu bali kwa vitendo pia. Tuitenge siku ambayo itakuwa maalum kwetu sisi sote kwa maana mazingira si jukumu la sehemu moja ama la watu fulani bali ni jukumu letu sisi sote.

Katika utamaduni wa Kiafrika, mama ndiye anayelinda mazingira, kuanzia mzee ndani ya nyumba akioga. Mama ndiye anayehakikisha usafi wa mzee akivaa. Kuna pesa ambazo zimepangiwa kupelekwa kwenye serikali za kaunti kutekeleza majukumu ya usafi wa mazingira na wameshindwa. Ni jukumu letu kama Bunge la kitaifa kuona kwamba pesa hizo zimepatiwa akinamama wawakilishi wa maeneo Bunge. Usafi utaweza kuonekana katika kaunti zetu na kila mahali mtakapopita, mtafurahia mazingira mazuri. Kwa mfano, mazingira ambayo hayana

takataka, upandaji wa miti na urembo kama vile kupanda maua katika bustani zetu. Hilo ni jukumu ambalo likiachiwa akinamama mtashangaa vile ambavyo Kenya hii itabadilika.

Ninampongeza Rais wetu. Hivi juzi nilikuwa kwenye msafara wake kwenda Ujerumani. Alikaa na wafanyibiashara na wawekezaji ambao wengi wao walikuwa wamelenga kuja Kenya kuhifadhi mazingira kupitia shughuli za kuzoa na kubadilisha takataka ziwe mbolea na umeme. Rais amelitilia jambo hilo maanani. Ni kwa nini sisi kama Bunge tusimuunge mkono Rais wetu na tuweke sheria dhidi ya ukiukaji wa sera ya kulinda mazingira ili watu hao wachukuliwe hatua mwafaka? Hiyo itakuwa hukumu ambayo itaweza kuwafunza watu wetu kulinda mazingira.

Nilitembelea nchi ya Zimbabwe. Usishangae kwa sababu ukipakuliwa chakula katika barabara za Zimbabwe, utakula na hakuna madhara utapata maana kuna usafi wa hali ya juu. Kwa nini Kenya isiwe kama Zimbabwe? Wale ni Wafrika kama sisi. Kwa nini tusiweze kulinda mazingira yetu? Tulipokuwa tukisoma, kila siku ya Ijumaa ilikuwa ni siku ya mazingira katika shule. Hayo mambo yote yametupiliwa mbali. Tujiulizeni ni kitu gani tumekosea ili tuweze kurekebisha na kuyalinda mazingira yetu.

Mhe. Naibu Spika wa Muda, ingia mlango wetu wa Kenya. Nikizungumza hivyo, ninamaanisha wakati unapotoka kwenye Uwanja wa Ndege wa Moi na kuingia Mombasa. Utakutana na uvundo. Kuna maradhi ambayo hizi sasa yameikumba kaunti ya Mombasa. Hii ni kwa sababu hakuna mtu anayeyajali mazingira bali watu wanajali mifuko yao.

Twende katika Kaunti ya kwale. Hapo awali kulikuwa kusafi sana. Hivi sasa kila mahali kuna makaratasi na kinyesi. Wakati umefika Bunge la Taifa lisimame kindete kuokoa mazingira, afya na nchi yetu kwa jumla bila kujali ni nani; tusimame kwa umoja tuamue.

Mhe. Ottichilo, tunaunga mkono siku ya Alhamisi itengwe kulinda mazingira. Sisi sote tuingie kiwanjani na mitaani tusafishe mji wetu. Pia, tuwape nafasi wawekezaji ambao wako tayari kushirikiana na Wakenya kubadilisha zile taka zote ziwe ni vitu vya manufaa. Tukifanya hivyo, tutaleta ajira kwa vijana wetu ambao wanalia hawana kazi. Tukitoa hiyo nafasi bila kuweka vikwazo vingi na kuleta ufisadi, tutaweza kuyaokoa mazingira yetu.

Shukrani, Mhe. Naibu Spika wa Muda. Pongezi kwa Mhe. Ottichilo.

**The Temporary Deputy Speaker** (Hon. Cheboi): Hon. Bunyasi.

**Hon. Bunyasi:** Thank you, Hon. Temporary Deputy Speaker. I rise to support this Motion on the initiative to promote a clean environment. Occasionally important things come along. This is one of those very important things that have hit us this season.

I thank Hon. Ottichilo for being present and dominant in the climate and environment debate in this House and country. By so doing, he has put our legislature on the world map. I know that he is very much at home with these issues. Thank you very much, Hon. Ottichilo.

I fully support the sentiments of my colleagues in respect of the advantages of having a day like the one proposed by this Bill. First, I will start with the symbolism that we are concerned about. As Members of Parliament, we live in an environment that is already well taken care of - groomed lawns and swept streets. However, these are islands. We are talking about this being the rule of the day and rule in Kenya that environments are clean. When I move around my market towns in my constituency, I see an extremely sad affair. It is not only in the constituency but also in the county as a whole. You see garbage all over the place and a lot of it is dumped by people who seem to know what they should be doing. However, they will throw plastics and other dirt without caring. In the colonial days and in the early years of post-independence in this town, Nairobi, if you threw a piece of paper on the ground, the city council officers, the *Kanjo*, would be all over you. If you did not look around for what used to be dirty

public toilets but now they have changed, *Kanjo* would still be after you. Things have changed. There is a lot of impunity on the streets. I think this is going to send the message that, that kind of impunity is unacceptable. Sometimes, I marvel at how small nations like Rwanda seem to have gone very far in plastic control. You can compare the capital, Kigali, with Nairobi and see the difference. Things have been made to be orderly in a society which has come out of deep turmoil. You do not see any plastics or papers thrown around. People wait for the vehicles at the bus stop. Men and women are wearing helmets whether they are riding or they are passengers. Things seem to work. I do not see any capacity Rwanda has that is greater than that of Kenya. In Kenya it is just the question of lack of will and orientation.

In supporting this Motion, my expectation is that it will send a powerful message that people and, as my colleagues have stated, perhaps even the Head of State will show their commitment by physically coming out to clean the environment. We should follow it with tough legislation that can ensure that we are able, willing and determined to keep our environment clean.

The other day I was thinking about the issue of malaria. I know malaria belongs to the domain of public health, but it has a basis in environment. We are told that stagnant water bodies enable mosquitoes to thrive. The Government can invest effectively in a clean environment and, therefore, add years and years to the life expectancy of the poor people, whose life expectancy is shorter. Making the environment cleaner may add five or 10 years. If we do not that, are we, in essence, committing a public crime? Are we being completely disingenuous in what we intend to do? We should take aggressive steps to disrupt the life cycle of the anopheles mosquitoes that cause malaria. Are we responsible for the loss of life of children under five years that occurs so much in our country? Are we not able to rise up as a legislature, working with the Executive, to put in place aggressive measures beyond us hiding behind nets at night instead of going out there and fighting the mosquitoes head on? We can take over from this process we have started. We should think about having a clean environment and not having stagnant waters that add to diseases. We will get things that will make a difference.

I am proud to say that my constituency, Nambale, has been voted not once but twice as the national leader in terms of the number of toilet facilities per household. We have led twice and I hope we are going to lead this coming year. We have gone in that direction where every household has a toilet. Hopefully, we can now follow through with aspects relating to the kind of waste that pollutes our environment. I would like to keep it that way.

Some of the things that people admire when they travel to countries that have gone ahead of us in respect of this kind of initiative are just how clean the environment looks, including being swept and maintained. If you walk in down town Nairobi on a day when the street lights are off, as it happens in many parts of Nairobi, you have to keep your eyes on the ground because you may find a pothole which you may sink in. Why is that pothole there? A manhole cover was taken out some years back and nobody has bothered to return it. Power lines lie there on the side of the street. Nobody worries about this thing. Contractors break down buildings and they do not remove the waste. They dispose it there as if a truck will come along to take it. Years later, it will be there. When I walked on the new road done by the Japanese Government, the Ring Road in Westlands going to Kileleshwa, I found that waste from repairs have been dumped on this beautiful road and nobody has bothered to take it out. Somebody must have seen it. That is not the norm. It is a beautiful road where you can ride and walk away from traffic. It has encouraged a lot of people to walk early morning, in the evenings and weekends.

When you go to our slum areas, you will be amazed at the level of dirt. You will wonder. Supposed the county government committed itself not to go to Lavington or Karen to clean their streets but go into these slums just twice a year and not twice a week, it will make a huge difference. Some of these mountains of waste could be recycled but they are not carried away. Flies that follow them are many. Are we not, in some way, culpable by ignoring this? We sit on public resources. We put them in a biblical sense that those who have shall be given more and those who have little, even the little will be taken away. We follow that blindly. We do that as we use public resources and taxpayers' money. I find the intent of this Motion wonderful.

With these few remarks, I support fully.

**The Temporary Deputy Speaker** (Hon. Cheboi): Hon. Fatuma Ibrahim.

**Hon. (Ms.) F.I. Ali:** Thank you, Hon. Temporary Deputy Speaker, for allowing me to contribute.

*(Hon. Neto gestured to Hon. (Ms.) F.I. Ali)*

**The Temporary Deputy Speaker** (Hon. Cheboi): What is the cause of your complaint, Hon. Neto? I thought you are a human rights lawyer.

Proceed. Hon. Fatuma.

**Hon. (Ms.) F.I. Ali:** Thank you, Hon. Temporary Deputy Speaker. First and foremost, I congratulate Hon. Ottichilo for bringing this timely Motion. It is necessary. Kenya is littered with a lot of garbage and waste. One time I was watching television and I saw the environment complaining. It says that it provides shade, water, beauty and fresh air but we are destroying it. That is a very powerful complaint of the environment. A clean environment supports the life of human beings and plants.

Kenya needs an institutional framework which is active and proactive in involving Kenyans to be part of promoting a clean environment. Speakers have said that Kenyans have not created a culture to contribute to a clean environment. If you walk in town and villages, you will see plastic papers hanging from trees, houses and settlements. The biggest challenge for this country is to enforce laws for a clean environment. Article 42 of our Constitution is very clear that a clean environment is an obligation of the State. This is not happening. Many Kenyans are suffering from diseases caused by effluents from industries. They are not controlled. They are released to our rivers and to our environment. They are hazardous to our health. There are many sites which are no go zones like dumpsites which have hazardous waste.

Even my county, which is an arid area with very limited capacity to regenerate, our environment and many of our trees are littered with plastic papers. Garbage is thrown everywhere with no particular designated location. The public is not sanctioning some of the things that are happening. The public think that the role of promoting a clean environment is a State function, which is a misunderstanding and lack of appreciation of the citizens' role in contributing to a clean environment.

The other challenge this country has is lack of a culture of appreciating that it is our responsibility to contribute to a clean environment. Everybody is littering everywhere. The National Environment Management Authority (NEMA), which is supposed to protect and assess damages to the environment, is not taking a proactive role. The other challenge is weakness in or absence of enforcement of laws to give responsibility to citizens to be part of promoting a clean environment. Garbage is a resource which should be managed and recycled to produce biogas,

fertiliser and many other products, but this is not happening. We are not utilising waste as is done in many other countries.

The other challenge we have in this country is inability to enforce sanctions to environmental polluters. People who cause pollution to the environment as individuals, groups, industries or communities should pay fines. There was a documentary one time, and the Departmental Committee on Environment and Natural Resources investigated the claims, of industries that have caused suffering to communities, children and mothers by releasing waste into the surrounding settlements.

There is no sanction, fine or punishment to those who are polluting the environment and destroying the lives and health of people. Personally, I support the proposal that the mandate to manage the environment should be given to both the county governments and the national Government. This will ensure that it is a funded function of these levels of government so that we have a more proactive promotion of a healthy environment. We should have restoration of a clean environment. Institutions such as schools and colleges should be compelled to work towards a clean environment so that we have a healthy nation, healthy citizens and we get the benefits that can be tapped from waste management and other products that are easily disposed of without recycling.

I think we need to appreciate that the environment is a common natural resource for everybody. Every individual in a country, whether a citizen or non-citizen, has an obligation to contribute towards a clean environment. It is a global requirement. The more we destroy our setup within the house, compound or surroundings, including destroying trees and plants, the more we are likely to destroy our future. We will not have a healthy nation. I think what is necessary is an annual event to celebrate clean environment. I think it would be very expensive and consuming in terms of time and resources of the public to have a monthly environmental day. I support an annual environmental day, which should be celebrated all over the country. It should be anchored on international standards so that we have standards for sustainability. This will compel all actors, including individuals, to take the responsibility of promoting clean environment.

Hon. Temporary Deputy Speaker, I support the Motion.

**The Temporary Deputy Speaker** (Hon. Cheboi): I will give two minutes to the Member for Ikolomani then I will call upon the Mover to reply.

**Hon. Shinali:** Thank you, Hon. Temporary Deputy Speaker, for giving me this opportunity. First and foremost, I want to join my friends in congratulating Hon. Wilbur Ottichilo for bringing this Motion. It is timely.

Article 42 of the Constitution, which is under the Bill of Rights, states that every person has a right to a healthy environment. Having had an opportunity, through our inter-parliamentary games, to be in Rwanda in December last year, I noticed that Kigali is a clean town. There is a law in Rwanda which sets aside one day in every month to clean their cities, specifically Kigali. Each and every citizen comes out to clean the environment. I also realised that in Rwanda, it is the responsibility of citizens to arrest any person who litters the environment.

**The Temporary Deputy Speaker** (Hon. Cheboi): Your two minutes are over. Let us have the Mover replying. Hon. Ottichilo, I cannot locate your request here. Proceed now.

**Hon. (Dr.) Ottichilo:** Thank you, Hon. Temporary Deputy Speaker. Because of high demand by Members to contribute to this Motion, I beg that you allow me to donate at least one minute each to a few Members who have approached me.

**The Temporary Deputy Speaker** (Hon. Cheboi): Give the names.

**Hon. (Dr.) Ottichilo:** I will donate one minute each to Hon. Ngeno, Hon. (Prof.) Sambili, Hon. Toboso, Hon. Lusweti, Hon. Odanga and Hon. Kedogo.

**The Temporary Deputy Speaker** (Hon. Cheboi): Let us hear Hon. Ngeno for one minute.

**Hon. Kipyegon:** Hon. Temporary Deputy Speaker, thank you. Thank you, Hon. Ottichilo. One minute is too little to debate such a Motion. On this matter of the environment, I think we not only need to have a Thursday, we also need to have something like a competition between counties. We need to assess which county is cleaner than others. This will encourage the governors and all the people working in the county governments to have a clean environment.

When God created the earth, he started with the environment, including trees. We came later. It is only prudent that we give priority to the environment because it was actually the wish of God to have a clean environment. The suburbs of this city are very dirty. We need to encourage our governors, especially the Governors of Nairobi City County and Mombasa County, to ensure there is a very clean environment.

**The Temporary Deputy Speaker** (Hon. Cheboi): Prof. Sambili.

**Hon. (Prof.) Sambili:** Thank you, Hon. Temporary Deputy Speaker and Dr. Ottichilo. I strongly support this Motion. It is important to inculcate the culture of cleanliness among our people. If we have three or four hours every Thursday dedicated to cleaning the environment, and we have 20 million of us, we can have so many man-hours to be able to keep our environment clean. We can have our schools, churches and neighbourhoods work together to maintain a clean environment.

**The Temporary Deputy Speaker** (Hon. Cheboi): Hon. Toboso.

**Hon. A.T. Anyanga:** Thank you, Hon. Temporary Deputy Speaker.

First and foremost, I thank the Mover of the Motion, Hon. (Dr.) Ottichilo for coming up with such a noble idea.

It is so imperative that we, as a country, manage and take care of our environment. It is not lost to us that many of our urban centres have been turned into jungles. There are heaps of garbage in towns. There is a lot of uncollected rubbish lying around. This cannot be left to other people. As citizens working together with government and private institutions, we have to ensure that our environment is clean. That is how we avoid the emerging infectious diseases which are airborne or waterborne. They come as a result of mismanagement of our environment.

**The Temporary Deputy Speaker** (Hon. Cheboi): Hon. Kedogo.

**Hon. (Ms.) Kedogo:** Thank you, Hon. Temporary Deputy Speaker. I just want to support the Mover of this Motion and say that we really need neat and clean environment for our safety. Our health is very important.

Apart from setting aside one Thursday, we must also observe cleanliness of our environment even on other days. If we leave it, we will suffer. There are so many diseases which are airborne, waterborne and so on. There is an outbreak of Hepatitis "A" in Mombasa because of dirty water.

We need to make the environment cleaner. Penalties should be put in place to curb bad use of the environment.

**The Temporary Deputy Speaker** (Hon. Cheboi): Who was the last one? Is it Hon. Odanga?

**Hon. Odanga:** Thank you, Hon. Temporary Deputy Speaker. I also support this Motion as moved by Hon. (Dr.) Ottichilo.

We need to develop aesthetic values in this country. We need to develop a culture which is lacking. We also need the state to stand up and do its mandate to ensure that our environment is well managed, protected and conserved. Not just sitting and waiting until we come up and start discussing these issues in Parliament and other forums.

I support.

**The Temporary Deputy Speaker** (Hon. Cheboi): Hon. Lusweti.

**Hon. Mukwe:** Thank you, Hon. Temporary Deputy Speaker. I support by saying that there were special days for planting trees in our schools when I was there. They acted as barriers to wind. In my constituency recently, roofs of two schools were blown off as a result of lack of trees.

In addition, there are no special dumping places in major towns in our country. We do not have toilet paper or water in Chwele Market of my constituency. People wash vehicles in rivers and other water bodies like Lake Victoria. That is endangering marine life.

I support and congratulate Hon. (Dr.) Wilber Ottichilo.

**The Temporary Deputy Speaker** (Hon. Cheboi): Hon. Ottichilo, you have four minutes. You have donated six.

**Hon. (Dr.) Ottichilo:** Hon. Temporary Deputy Speaker, I had donated another minute to Hon. Emaase. So, I will remain with three minutes.

**The Temporary Deputy Speaker** (Hon. Cheboi): Okay. Let us have Hon. Emaase.

**Hon. (Ms.) Otucho:** Thank you, Hon. Temporary Deputy Speaker. I must, from the outset, congratulate Hon. (Dr.) Ottichilo for this very important Motion. Our lives and health depend on a clean environment. If there is one thing we can leave as a legacy for this nation, it is a legacy of healthy future generations.

There is a slight awareness towards the importance of a clean environment and increasing levels of pollution. That is one very important aspect this Motion attempts to address.

It is a very important Motion and it should be extended so that whatever legislation we develop is extended to our counties. That is so that we begin to see clean counties and cities.

**The Temporary Deputy Speaker** (Hon. Cheboi): Hon. Ottichilo, you have three minutes only.

**Hon. (Dr.) Ottichilo:** Thank you, Hon. Temporary Deputy Speaker. I take this opportunity to thank all Members who have contributed to this Motion. I am really humbled and moved that all Members who have contributed to this Motion have overwhelmingly supported it. I am also impressed by the levels of understanding and concern regarding our environment.

The only single most important issue we need to consider as Kenyans is the health of our environment. If we do not, whatever we are doing is going to come to nothing. That is because the environment is what determines our life on this planet.

As we have heard from Members, we have been raping our environment over the years. We have been making it impossible to sustain life. We are reaching a level which, unless we take very strong decisions to save our environment, we are going to blame ourselves when life on this planet becomes impossible. Already, some of the people who live in slum areas are experiencing that. You need to visit those areas. We visited St. Elizabeth Primary School on Lunga Lunga Road yesterday. If you see the conditions under which our Kenyans are living, you will not believe that they live in this country.

As a country, we need to take very strong measures to save our environment.

Therefore, I thank Members for supporting this Motion. I hope the Committee on Implementation moves with speed to see this Motion implemented once it is through. I am calling upon our good Jubilee Government and everybody to consider this Motion very crucial. It is anchored on Articles 42, 70 and 69 of the Constitution.

I beg to move.

Thank you, Hon. Temporary Deputy Speaker.

**The Temporary Deputy Speaker** (Hon. Cheboi): Very well. We will not be putting the Question because we do not have sufficient numbers.

We will move to the next Order.

#### DECLARATION OF CATTLE RUSTLING AS A NATIONAL DISASTER

**Hon. Cheptumo:** Hon. Temporary Deputy Speaker, I beg to move the following Motion:-

THAT, aware that cattle rustling is a major menace and security threat in the South and North Rift regions and other regions in the country; noting that cattle rustling leaves behind destruction of property and loss of lives; deeply concerned that the menace has since left irreparable and negative socio-economic impact which include but are not limited to increased number of widows, widowers, orphaned children, poverty, displacement of people leading to the emergence of Internally displaced persons (IDPS), disruption of educational programmes and other economic activities owing to the destruction and/or closure of educational, health and other institutions; deeply concerned that the people living in the affected regions have been denied the enjoyment of their social, economic and political rights as guaranteed to them under the Bill of Rights as enshrined in Chapter Four of the Constitution; this House urges that the National Government declares cattle rustling as a national disaster and establishes a Special Fund to be used in mitigating the losses suffered by and in compensating all victims of cattle rustling and resettle all Internally displaced persons across the country created by the menace.

This is a very important Motion because this country is faced with a number of challenges from within and without. The security threat is external as you are all aware. We have had the *Al Shabaab* terrorists who have caused a lot of destruction and loss of lives in our country. You remember when we had the Westgate situation, attacks in Mombasa and our churches in Nairobi and other areas. Massive property has been destroyed. It has been one of those challenges that the country and the Government has been trying to deal with. Because of that this House through the budgetary process has been able to allocate substantive resources to help the Government deal with the situation of terrorism and so on.

As we recognise the external threat caused by the *Al Shabaab* and other terrorist groups, it is equally important that we also address the cattle rustling menace which in my considered opinion has and will continue to be a serious threat to our peace and security as a nation.

This menace of cattle of rustling has caused untold suffering in most parts of our country. Baringo County has suffered a great deal from this practice. I am not here to address the situation in Baringo County, this is a national issue. I am aware, and I know Members of this House are

also aware, that we have had this challenge in Turkana, West Pokot, Migori, Narok, Marsabit, Elgeyo Marakwet, Meru, Samburu, Tana River, Wajir and Isiolo counties, just to name a few. So, it is a national challenge. I am only addressing it because my county and my constituency in particular, is a victim of this menace.

This practice should not be allowed to continue; it should be stopped. It is no longer acceptable that innocent Kenyans continue to suffer and are denied the enjoyment of their social, economic and political rights which are guaranteed by Chapter 4 on the Bill of the Rights of the Constitution. It is important for this House.

I recognise that this is the House where national leaders assemble to deal with the issues facing the people. This menace, as I said earlier, has caused a lot of suffering. This House, and indeed the country, would want to know the extent of the suffering the Kenyan people have gone through. As a result of this cattle-rustling menace, which as I have said has affected many counties in our country, Kenyans in thousands, perhaps even millions, have been killed, injured or maimed. Arising from this, we have had widows, widowers, orphaned children in thousands, perhaps even in millions. If the Government were to care and take statistics in every affected county, the statistics would be shocking because I know the number of people who have suffered would be in thousands and millions.

That is the first effect of this primitive practice which has affected the lives of our people. There have been thousands and millions of lives lost, orphaned children, widows and widowers created in our country. I want the country and this House to also note that livestock in millions have also been stolen from the owners of the livestock. You talk of cows, goats, sheep, camels and other livestock.

If they were stolen and recovered, that would be a comforting situation. More often than not, this livestock is not recovered. They are stolen and never recovered. This is the only economic resource for a person who relies on livestock as a livelihood to pay fees for his child, buy food for the family, clothe the family and do anything touching on the family. When they lose their livestock through this theft, you can imagine the suffering. Those children end up not going to school, families end up having no food and clothes. Every part of their lives is affected.

When I was in Standard One, my father had about 110 cows, 150 goats and several sheep. In 1977, this livestock was wiped out one afternoon on a Thursday between 2 p.m. and 3 p.m. I would describe my father then to have been a millionaire. Why? If you have 150 cows and you sell one cow for Kshs10,000, that is not small money. I am not even mentioning the value of the goats and sheep. In short, my father then, was a millionaire. From a millionaire on a Thursday morning, by the end of the day, he was a beggar with nothing to feed the family, clothe the family and so on.

That is why my entire education life was paid for by the public. There was nothing that my parents could afford to pay. That is just an example. I am very sure in Kisii County, Turkana County, West Pokot County and other counties, families can narrate a similar story. I am privileged that I am able to say it in this House because there are many others who do not have a chance to say it. I want to speak for them at this point. This is a scenario which should be dealt with and concluded

Hon. Temporary Deputy Speaker, the other suffering brought about by this challenge is that when raiders strike, they not only steal livestock but they also burn houses and stores. Not only do the people lose their livestock but their shelters are also burnt. So a person ends up having no food, livestock or shelter. Therefore, they face serious challenges. They also face

destruction of other facilities such as schools and hospitals, which are burned, and boreholes are vandalised. Even water points are also destroyed. They end up having nothing. Their livestock is gone, their houses are burnt and there are no water points. They have nothing else to do. Children are denied education because they are unable to go to school. Mothers cannot give birth in the health centres because they have been displaced or the health centres have been burnt. The people are denied access to education, health care and other basic rights. These are the consequences of the cattle rustling menace.

I would like to move to the fourth type of suffering. I am trying to show the country and this House the consequences of this challenge. As a result of the destruction of houses and loss of livestock, we have another set of Internally Displaced Persons (IDPs) arising from cattle rustling and not post-election violence. I want to go on record in this House that a victim of post-election violence whose house has been burned, store destroyed and who has moved from his house, is in the same condition as a victim of cattle rustling. This is because a victim of cattle rustling does not live in his house; does not have shelter, school or hospital because they are displaced. I want to call upon the Government to recognise the IDPs arising from cattle rustling and give them the same protection and care that we give to victims of post-election violence who have a fund of close to Kshs10 billion to support them. These Kenyans are as innocent as those who were affected by the post-election violence.

There may not be any IDP centres in the case of cattle rustling but these people live in a unique way. After the violence and a lot of suffering, they integrate with their relatives or friends. They go and live with other people. They do not live in their houses. The absence of IDP camps in the case of cattle rustling should not be understood to mean that there are no IDPs. That is a very serious challenge that has caused a lot of suffering for our people. It is the same case, not only in Baringo North, Baringo South or Isiolo, but in any other place. When this happens, the kind of suffering mothers go through where they live in the bushes with their children is very serious.

In the case of Baringo County, and in particular my constituency, we have faced this situation for the last 40 years, from 1977 to date. This is the situation that my people have gone through. If one was to go back and look at the factors that give rise to this situation, one would realise that the Government knows what they are. I do not want to go into that because I do not want to dwell on the issue of the causes of this menace. Our Government knows why this situation arises. As a result of this situation, over 3,000 cows have been lost in my constituency; over 6,000 goats have been lost; over 500 beehives have been destroyed; over 20 boreholes have been vandalised, over 2,000 houses have been burnt and over 1,000 people have been killed. Killing gives rise to thousands of widows, widowers and orphans. Over 2,000 people have been injured and maimed and over 15,000 people have been internally displaced over the years. This loss is untold. The value of property destroyed is not less than Kshs1.5 billion to Kshs2 billion. That is only in one constituency. I am sure my colleague, Hon. Kipchoim will have a story to tell. I am sure what is happening in Isiolo, Tana River and Wajir is a long story. I have just given an estimate. Even that estimate may not be the actual value but I want to show this House the extent of the challenge that we face.

**The Temporary Deputy Speaker** (Hon. Cheboi): You have one minute to go.

**Hon. Cheptumo:** Hon. Temporary Deputy Speaker, this is not the time to assign blame. This is the time to look for solutions. It is on the basis of this, therefore, that I call upon the Government to declare cattle rustling a national disaster and set up a fund that is going to be

spent to compensate those affected. I would like to refer the House to the constitutional responsibility of the Government to provide safety for the Kenyan people and their property. If you look at the article of the Constitution---

**The Temporary Deputy Speaker** (Hon. Cheboi): You do not have time to go to the Constitution, Hon. Cheptumo. I will only give you 30 seconds to wind up.

**Hon. Cheptumo:** Hon. Temporary Deputy Speaker, I request this House to support this Motion. It is for the betterment of all Kenyans. I request Hon. Lomenen to second.

**Hon. Ekomwa:** Thank you, Hon. Temporary Deputy Speaker for giving me this opportunity. I stand to second this Motion and support it. This Motion is timely. I start by acknowledging Hon. Cheptumo for taking his time to come up with this Motion. I had also prepared a Bill. We had agreed.

I thank Hon. Cheptumo for this Motion.

Hon. Temporary Deputy Speaker, “cattle rustling” are wrong words. The right words are “persistent robbery with violence in pastoral community areas”. Cattle rustling is worse than cholera and HIV/AIDS. The HIV/AIDS disease is gradual; it gives you notice. Cattle rustling is more than any disease that we know. Cattle rustling has become perennial and persistent in the communities we live in. Just as Hon. Cheptumo has highlighted, many people have lost lives for more than 100 years. One of my names affirms that I was born during a night of cattle rustling when the *boma* was raided. I was named after a raid. I went to primary and secondary schools when there were raids. I also went to university and got my first employment when there were raids. I have now become a Member of Parliament and raids still take place. Thank God we have made a difference. I thank leaders from pastoral communities who sat down and declared that killings must stop. I thank them wherever they are.

As I stand here, last week we were celebrating 12 months of peace between the Pokot and the Turkana. Women, children and even those who were travelling along the highway were very happy. This is exactly what we have been yearning for. While others were waiting for the second coming of Jesus, for us who have suffered under cattle rustling, we have been waiting for peace before Jesus. Thank god that peace has come.

We request the Government to take affirmative action and affirm that it is responsible. You know very well that the prime role of any government in this nation or in the whole world is to ensure that it protects the lives and properties of the citizens. The reason citizens vote for any government is that they give it their rights to protect them. When it fails to protect them, people go back to the state of nature. That is exactly what happened in the communities that indulge themselves in cattle rustling. They go back to the state of nature because there is no security and have been marginalised for so long. Because of that they try to survive by killing and taking by force. That is what we call a raid. You come, kill then take livestock then you displace. There is a question we are asking and that is why we have this Motion. The Internally Displaced Persons (IDPs) of post- election violence were considered because of the interest of leaders, whereby people reacted by the assumption that power was taken, and people were killed for two or three weeks. Thereafter, the Government sat and said that it must say sorry to those people and that it must show responsiveness. Those were Kenyans but here comes a scenario where people are killed, displaced and their livestock taken just because they have been marginalised for 50 years. They have nothing to eat just because they have been neglected, as it happened during the post-election violence. That is why we are saying that if the Government affirms that it is responsible, it must also compensate and take care of the IDPs due to cattle rustling. It was not their fault to

begin with, neither was it their fault for their livestock to be taken. It was the role of the Government. So, why should others be given special consideration as if they are more of Kenyans than others? We were celebrating in Nakuru and saying: "Let us stop more killings and enmity." However, forgiveness does not remove the consequences of sin. If your ear was removed during the conflict, it will not be replaced even after forgiveness. We are saying, even as we forgive and settle down for peace, let us show responsiveness by ensuring that those who suffered innocently are compensated.

There are people who are still poor and who do not have even one goat. Hon. Temporary Deputy Speaker, you have some livestock. I am very sure all Hon. Members who are seated here have livestock. How long do you take to bring up livestock? It takes more than three years. You have taken over 60 years to breed your livestock and it is taken within a day. People have been crying recently about their money being lost in the banks, while people are not responsive to the livestock lost by the pastoralists. Are we in the same country or those who are involved in cattle rustling are in a different country?

If we are in the same country we must all enjoy the rights. If negligence has happened somewhere, it must be corrected. So, as the Government finalises on the issue of Internally Displaced Persons (IDPs) of the post-election violence it must start--- Pastoralists are very patient and most adaptable. Even after being displaced, they can live in a temporary structure for 10 years while people in Nairobi and Kisumu cannot.

We want to confirm to the Government that those affected by cattle rustling are very patient. The Government can finalise with the PEV victims and then start compensating pastoralists and setting aside special funds for those affected by cattle rustling. This is because, if the Jubilee Government is meeting its targeted promises, those who were affected by cattle rustling were also promised just the way the PEV victims were. So, all the promises made must be uniform. This is very important because we are the Government. The Government is not the Executive, we are the Government. For us to be respected, for this Government and you the Hon. Temporary Deputy Speaker to be respected, let us ensure those victims that were affected by cattle rustling are compensated and are respected. They should be taken back to their roots, given rest, happiness and all that they deserve so that they enjoy being Kenyans, appreciate that this Government is responsive and can compensate them. We will be very happy and will always support this Government. We will be very patient.

So, I support my brother. Most of the owners of this Motion are not here. They are on leave and they will come next time. However, those who are here will support it. This is because if you do not have livestock you will have it one day.

*(Question proposed)*

## ADJOURNMENT

**The Temporary Deputy Speaker** (Hon. Cheboi): Hon. Members, Order! The time being 1.00p.m., this House stands adjourned until this afternoon at 2.30p.m.

The House rose at 1.00p.m.