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Wednesday, 15th April 2026

(The House met at 9.30 a.m.)

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

PRAYERS

Hon. Deputy Speaker: Serjeant-at-Arms, ring the Quorum Bell for 10 minutes.

(The Quorum Bell was rung)

Serjeant-at-Arms, ring the Quorum Bell for an additional five minutes. We are almost there.

(The Quorum Bell was rung)

Serjeant-at-Arms, stop ringing the Quorum Bell. Clerk-at-the-Table, call out the first Order.

PAPER

Hon. Deputy Speaker: We have a Paper from Hon. Wamuchomba, Member for Githunguri.

(Hon. Gathoni Wamuchomba stood in her place)

Hold on for a minute. The first Paper is from the Chairperson of the Departmental Committee on Health. He is not in. We can move to the next one. Is there any Member of the Committee who has been tasked with laying the Paper? Is the Vice-Chairperson present? You may proceed.

Hon. Patrick Ntwiga (Chuka/Igambang'ombe, UDA): Hon. Deputy Speaker, I beg to lay the following Paper on the Table:

Report of the Departmental Committee on Health on its inquiry into alleged malpractice and ethical breaches of kidney transplant services at Mediheal Group of Hospitals.

Hon. Deputy Speaker: Next Order.

NOTICES OF MOTIONS

Hon. Deputy Speaker: Vice-Chairperson of the Departmental Committee on Health.

ADOPTION OF REPORT ON ALLEGED MALPRACTICE AND ETHICAL BREACHES AT MEDIHEAL GROUP OF HOSPITALS

Hon. Patrick Ntwiga (Chuka/Igambang'ombe, UDA): Hon. Speaker, I beg to give notice of the following Motion:

THAT, this House adopts the Report of the Departmental Committee on Health on its inquiry into the alleged malpractice and ethical breaches of kidney

transplant services at Mediheal Group of Hospitals, laid on the Table of the House on Wednesday, 15th April 2026.

Hon. Deputy Speaker: Next is the Member for Githunguri, Hon. Wamuchomba.

POWER SUBSIDIES FOR EXPORT-ORIENTED
AGRICULTURAL PRODUCTION

Hon. Gathoni Wamuchomba (Githunguri, UDA): Hon. Deputy Speaker, I beg to give notice of the following Motion:

THAT, agriculture remains the backbone of Kenya's economy, contributing substantially to the Gross Domestic Product (GDP), rural employment and foreign exchange earnings with the key export crops such as tea, coffee, avocado, cut flowers, macadamia nuts, cashew nuts and related horticultural produce collectively accounting for a significant share of the country's total export value; further aware that these commodities are largely produced for the export market, positioning Kenya as a global leader in cut flowers exports, one of Africa's largest producers and exporters of avocado and macadamia nuts and major supplier of tea and coffee; noting that the commencement of the duty-free access to the Chinese market for these products, effective May 2026 present a historic opportunity to widely expand export earnings, create thousands of rural jobs, promote value addition and strengthen the country's position in global agricultural trade; concerned that the high cost of electricity in Kenya, as evidenced by commercial and industrial rates, significantly exceeding those of regional competitors such as Ethiopia and Tanzania continues to erode the competitiveness of export-oriented agriculture by inflating the cost of critical operations such as irrigation, cold chain storage and logistics, processing, drying, grading, packaging and other value addition additives essential for meeting stringent international quality, food safety and vital sanitary standards; cognisant that affordable and reliable power supply is a critical input for smallholder farmers, farmers cooperatives, aggregators, agro-processors engaged in these export crops; further cognisant that the lack of targeted electricity subsidies has led to reduced profitability, discouraged investment in modern technologies such as solar-assisted irrigation and energy-efficient cold rooms, and increased vulnerability to global price volatility and climate shocks; acknowledging that whereas the National Energy Policy 2025-2034 and the policy framework for sustainable financing and subsidy management in agriculture, provide a broad foundation for targeted interventions, no specific mechanism exists on subsidised electricity tariffs exclusively for export-oriented agricultural production, processing and related infrastructure; now therefore, this House resolves that the Cabinet Secretary for Energy and Petroleum formulates a national policy on power subsidies for export-oriented agricultural production that provides for tiered electricity tariffs and subsidies, including off-peak and off-time use rates exclusively for registered producers, cooperative societies, processors and exporters of coffee, tea, avocado, cut flowers, macadamia, cashew nuts and other designated export crops. Now therefore, this House resolves that the Cabinet Secretary responsible for Energy and Petroleum formulates a national policy on power subsidies for export-oriented agricultural production that provides for tiered electricity tariff subsidies, including off-peak and off-time use rates exclusively for registered producers, cooperative societies, processors, and

exporters of coffee, tea, avocado, cut flowers, macadamia, cashew nuts, and other designated export crops.

Thank you, Hon. Deputy Speaker.

Hon. Deputy Speaker: Thank you. Next Order.

QUESTIONS AND STATEMENTS

Hon. Deputy Speaker: The first Question is by Hon. Tandaza, Member for Matuga.

ORDINARY QUESTION

Question 12/2026

COMPENSATION OF PEOPLE AFFECTED BY DONGO KUNDU BYPASS PROJECT

Hon. Kassim Tandaza (Matuga, ANC): Hon. Deputy Speaker, I rise to ask Question 12/2026 to the National Land Commission:

Could the Commission—

1. Explain why the Persons Affected by the Project (PAPs) in Matuga Constituency, whose land was compulsorily acquired for the construction of the Dongo Kundu Bypass Project Phase 3, have not been compensated despite the Kenya National Highways Authority (KeNHA) having disbursed the money for payment?
2. Clarify whether Mr Abdullahi Ali Mwakunena of I.D. No. 9394540 and Ms Fatuma Ali Mwakunena of I.D. No. 31956978, who were the landowners of L.R. No. Kwale/Ngombeni/756 and L.R. No Kwale/Ngombeni/749 were duly compensated, considering they were requested to open bank accounts in the year 2025 for compensation, and if not, provide reasons for the delays.
3. Consider factoring the inflationary changes to the compensation awarded since 2019 to date, and state the timeframe within which the Persons Affected by the Project will be compensated, considering that the Bypass Project Phase 3 has since been completed?

With your permission, I request an additional two minutes, as this matter has been pending since the 12th Parliament.

It is worth noting that the last time this matter came before the House, the response given was that payment would be made within two weeks. The NLC officials subsequently conducted verification and advised the affected persons to open bank accounts. However, the issue is that the officers told the affected persons that unless they paid bribes, sometimes as high as Ksh500,000, they would not receive their compensation. One year later, no payments have been made.

I called the Finance Officer two weeks ago, and he was surprised that they had not received their money from where he sits. So, this question is so critical for the Chairman and the NLC to come clear on why they are putting unnecessary demands on the people affected, that they need to be bribed first before they wire their money. The accounts of affected persons are open, but they were told flatly that if they do not provide what the officials need, payment will never be made.

So, I hope the answer to this question will also address that issue, rather than another timeframe for when they will be paid, while there is a restriction that they need to bribe the officials before they are paid.

Hon. Deputy Speaker: This question shall be replied to by the Departmental Committee on Lands. Any Member of this Committee? Hon. Waqo, as part of House leadership, you can give an undertaking on behalf of the Committee.

Hon. Naomi Waqo (Marsabit County, UDA): Hon. Deputy Speaker, I will ensure that the Chairman provides a response within two weeks.

Hon. Deputy Speaker: Next are Requests for Statements. The first is by Hon. Edith Nyenze, Member for Kitui West.

PROVISION OF MOTOR VEHICLES TO NGAOS
IN KITUI WEST CONSTITUENCY

Hon. Edith Nyenze (Kitui West, WDM): Hon. Deputy Speaker, pursuant to the provisions of Standing Order 44(2)(c), I rise to request a statement from the Chairperson of the Departmental Committee on Administration and Internal Security regarding the provision of functional motor vehicles to the National Police Service and National Government Administration Offices (NGAOs) in Matinyani and Kitui West sub-counties.

The Motor Vehicle Leasing Programme, initiated in 2013, was designed to enhance the mobility of the National Police Service and National Government Administration Officers, thereby facilitating the effective provision of crucial security and administrative services. The programme has progressively increased the availability of vehicles for police operations, resulting in quicker response times, improved visibility and enhanced service delivery across the country.

Hon. Speaker, despite the importance of this programme, the Deputy County Commissioners for Matinyani and Kitui West sub-counties, the only two sub-counties in Kitui West Constituency, have been without functional vehicles since the expiry of the previous lease agreements in 2022. Regrettably, neighbouring sub-counties within Kitui County have already received vehicles through renewed lease agreements. This discriminatory consideration has created service delivery disparities and delayed responses to security and administrative needs in the affected areas.

Hon. Deputy Speaker, it is against this background that I seek a Statement from the Chairperson of the Departmental Committee on Administration and Internal Security on the following:

- (a) The reasons for the delay in the delivery of motor vehicles and the renewal of motor vehicle leasing agreements for the National Government Administrative Offices in Matinyani and Kitui West sub-counties, which have been forced to operate without functional vehicles since 2022.
- (b) The steps being taken to provide the two sub-counties with motor vehicles, considering that other sub-counties within Kitui West Constituency have already received their vehicles.
- (c) The measures put in place to ensure alternative means of transport are provided to the affected areas, as the renewal of leases and provision of vehicles are being finalised.

Thank you, Hon. Deputy Speaker.

Hon. Deputy Speaker: That will be responded to by the Departmental Committee on Administration and Internal Security. Hon. Raso, I see you are the one who is here.

Hon. Ali Raso (Saku, UDA): Thank you, Hon. Deputy Speaker.

What Hon. Nyenze raised is a significant matter that is already before the Committee, and we are in discussion with both the National Police Service and the Ministry of Interior and National Administration. We have increased the number of sub-counties by over 250 and the

police stations by over 500. This requires a colossal amount of resources on the ground, yet there is no commensurate budgetary allocation.

For that reason, we will respond to her in two weeks and will also ask the Ministry to consider her case among the priorities already on the table.

Hon. Deputy Speaker: So, that will be in two weeks?

Hon. Ali Raso (Saku, UDA): Yes.

Hon. Deputy Speaker: Thank you, Hon. Raso.

Next is a Statement request by Hon. Karitho, Member for Igembe Central.

GUIDELINES ON PARTICIPATION OF SCHOOLS IN CO-CURRICULAR ACTIVITIES

Hon. Daniel Karitho (Igembe Central, JP): Hon. Deputy Speaker, pursuant to the provisions of Standing Order 44(2)(c), I rise to request a Statement from the Chairperson of the Departmental Committee on Education regarding guidelines on the participation of primary and junior secondary schools in co-curricular activities.

On 13th February 2024, the Ministry of Education issued interim guidelines for Junior Secondary School co-curricular activities. These guidelines established a framework for the participation of Primary and Junior schools in the annual school calendar, designating the Kenya Primary Schools Sports Association (KPSSA) to manage activities on an interim basis. They further required education directors at sub-county, county and regional levels to nominate caretaker committees from existing KPSSA structures for oversight and coordination.

Notably, these guidelines impose stringent age restrictions, limiting participation in these activities to those under 12 years in primary schools and under 15 years in Junior Secondary Schools. This capping excludes certain learners and denies them equal opportunities to participate in sports, music and other creative arts, potentially sidelining capable students, especially those transitioning to sport-based pathways under the Competency-Based Education (CBE) phases. These restrictions undermine the holistic development principles enshrined in the Basic Education Act.

It is against this background that I seek a Statement from the Chairperson of the Departmental Committee on Education on the following—

- (a) Plans being put in place for a review of the guidelines to align them with the requirements of the Basic Education Act on holistic development.
- (b) Steps being taken to make the guidelines more age-appropriate and inclusive for sports, music and creative arts, including measures to address equity gaps in participation across regions.
- (c) Measures being taken by the Ministry of Education for monitoring the effectiveness of Kenya Primary Schools Sports Association's (KPSSA) interim management role and the nominated caretaker committees at sub-county, county, and regional levels in managing schools' sports.

Thank you.

Hon. Deputy Speaker: Thank you. That will be answered by the Departmental Committee on Education. Any Member of the Committee who can give an undertaking? Prof. Bartoo.

Hon. Phylis Bartoo (Moiben, UDA): Hon. Deputy Speaker, I undertake to communicate to the Chair and Members of the Committee, and we will give feedback in the next two weeks.

Hon. Deputy Speaker: Thank you. Next is a Statement request by the Hon. Member for Mvita, Hon. Mohamed Machele.

HARMONISATION OF HOUSE ALLOWANCE AND REVIEW OF
DELOCALISATION POLICY FOR TEACHERS IN MOMBASA

Hon. Mohamed Machele (Mvita, ODM): Thank you, Hon. Deputy Speaker. Pursuant to Standing Order 44(2)(c), I rise to request a Statement from the Chairperson of the Departmental Committee on Education regarding the harmonisation of house allowance and the review of the delocalisation policy for teachers in Mombasa County.

Mombasa is the second-largest city in Kenya and among the most expensive places to live. Despite the high cost of housing, the Teachers Service Commission (TSC) continues to categorise Mombasa under Cluster 2, while Nairobi is classified as Cluster 1, resulting in a wide disparity in house allowances. For example, teachers in Job Group C5 earn Ksh25,000 in Mombasa compared to Ksh35,000 in Nairobi, while those in Job Groups D1 to D3 earn Ksh28,000 in Mombasa compared to Ksh25,000 in Nairobi.

This disparity demoralises teachers in Mombasa, who struggle to afford decent housing despite working in a city with a cost of living comparable to Nairobi. Making matters worse, TSC continues to enforce the delocalisation policy, under which teachers promoted to administrative positions such as Head Teacher or Deputy Head Teacher are transferred outside Mombasa County. This not only disrupts families but also reduces their house allowances when they are moved to lower-cost clusters, effectively turning promotion into a financial demotion. This policy is both unfair and counterproductive.

It is against this background that I request a statement from the Chairperson of the Departmental Committee on Education on the following:

1. A report on the reasons for the continued classification of Mombasa City under Cluster 2, despite the high cost of living comparable to that of Nairobi City.
2. Clarification on the criteria for clustering house allowances and whether the TSC has conducted any recent cost-of-living assessment in urban areas and cities, especially Mombasa City, to inform house allowances.
3. Steps being taken by TSC to harmonise house allowances for teachers in Mombasa and those in Nairobi, given the comparable cost of living.
4. Mechanisms in place to cushion teachers affected by the delocalisation policy from the reduction of house allowances upon promotion to lower-cost cluster regions.
5. Steps being taken to repost delocalised teachers who were moved through promotion back to their previous preferred stations, in line with the Government's commitment to end punitive transfers.

Thank you.

Hon. Deputy Speaker: That will also be responded to by the Departmental Committee on Education. Hon. Ikiara, do you want to say something before Prof. Bartoo responds?

Hon. Dorothy Muthoni (Nominated, UDA): Thank you, Hon. Deputy Speaker. I wish to support the Hon. Member on the concerns raised regarding disparities in house allowances for teachers. There should be a clear policy such that where cities have been designated and gazetted, teachers in those areas should enjoy house allowances equivalent to those in other cities. I support the Statement.

Hon. Deputy Speaker: Prof Bartoo, on behalf of the Committee.

Hon. Phylis Bartoo (Moiben, UDA): Hon. Deputy Speaker, I undertake to communicate to the Chair and the rest of the Members of the Committee, and we endeavour to provide feedback within two weeks from today.

Hon. Deputy Speaker: Thank you. Next is a Statement request by the Hon. Fatuma Masito, Member for Kwale County.

MINING EXPLORATION IN KWALE COUNTY

Hon. Fatuma Masito (Kwale County, UDA): Hon. Deputy Speaker, pursuant to Standing Order 44(2)(c), I wish to request a Statement from the Chairperson of the Departmental Committee on Environment, Forestry and Mining regarding the proposed mining activities in Kwale County.

In January 2026, the Ministry of Mining, Blue Economy and Maritime Affairs announced a proposed mining project in Mrima Hills, Kwale County. The Ministry indicated plans to undertake exploration of rare earth minerals and niobium in the area. While the discovery and development of mineral resources present an opportunity for national economic growth and local development, the proposed project has raised concern among residents due to limited public information, uncertainty regarding the scope of the project, and fears of possible displacement, environmental degradation and the potential impact on livelihoods.

Additionally, residents are keen on the modalities for revenue sharing in place to benefit the local community.

It is against this background that I request a Statement from the Chairperson of the Departmental Committee on Environment, Forestry and Mining on the following:

- (a) A detailed report on the current status, scope and timelines of the proposed mining project in Mrima Hills, Kwale County.
- (b) A report of public participation and community engagement undertaken by the government and relevant agencies on the proposed exploration activities, including the outcome of the exercise.
- (c) The environmental and social impact assessment conducted including measures to safeguard biodiversity, cultural heritage, sites and community livelihoods.
- (d) The proposed framework for benefits sharing between the national Government and the locals, including any Community Social Responsibility (CSR) obligations earmarked for the community.
- (e) Plans for the resettlement of affected residents and the framework in place to ensure fair and timely compensation where necessary.

Thank you, Hon. Deputy Speaker.

Hon. Deputy Speaker: Yes, Hon. Tandaza.

Hon. Kassim Tandaza (Matuga, ANC): Thank you, Hon. Deputy Speaker, for this opportunity. I rise to support a detailed Response to that statement, given that the same area in Kwale had the biggest base of titanium mining activity in the whole Republic. While the Mining Act is very clear that 70 per cent of royalties remain with the National Government, 20 per cent to the county government and 10 per cent to the community, 12 years later and after ten years of mining, the community is yet to receive the 10 per cent as per the Act.

As my colleague stated, there is currently a proposal to mine rare earths. That is where the problem with the community arises. As they respond to that Statement, they should, in the same breath, try to right the wrongs done. Otherwise, the community will always be apprehensive about mining in Kwale, given that they have never received their due share.

Thank you, Hon. Deputy Speaker.

Hon. Deputy Speaker: This will be responded to by the Departmental Committee on Environment, Forestry and Mining. Is there any Member who can give an undertaking on behalf of that Committee? In their absence, Hon. Waqo.

Hon. Naomi Waqo (Marsabit County, UDA): Thank you, Hon. Deputy Speaker. The Committee will give a Response in two weeks.

Hon. Deputy Speaker: Thank you. Next Order.

BILLS*Second Reading*THE UNIVERSITIES (AMENDMENT) (NO. 5) BILL
(National Assembly Bill No. 79 of 2023)*(Moved by Hon. Mejjadonk Gathiru
on 11.3.2026 – Morning Sitting)**(Resumption of debate interrupted
on 1.4.2026 – Morning Sitting)***Hon. Deputy Speaker:** Hon. Gathiru.

Hon. Mejjadonk Gathiru (Embakasi Central, UDA): Thank you, Hon. Deputy Speaker. At the outset, I sincerely thank the Members for the very rich, thoughtful and constructive debate that the Bill has generated. What we have witnessed in this House is not just a debate on the Bill. It is a serious national conversation on the future of our education system. The obligations made have significantly strengthened both the intent and direction of this legislation.

Allow me to begin by appreciating Hon. Members who have supported this Bill and clearly articulated its necessity. I thank Hon. Mwangi, who ably seconded the Bill and rightfully framed it as a restoration of order within our higher education system. I also wish to thank Hon. Rahim Dawood, who strongly supported the separation of mandates while reminding us of the need to strengthen Technical and Vocational Education and Training (TVET) institutions and protect students during transition. I equally appreciate Hon. Gideon Ochanda, who took us back to the time when our education system had clear progression pathways and warned us against losing the structure.

Further, I wish to acknowledge Hon (Dr) James Nyikal, who reminded this House profoundly that the primary mandate of a university is research and the generation of knowledge. That point goes to the very heart of this Bill. I also wish to express my appreciation to Hon. Komogoi, Hon. Ndakwa, Hon. Rahab Mukami, and Hon. Gichimu for raising critical issues regarding regulatory overlap, certification standards, and the need to define what constitutes a university.

I also wish to acknowledge, with equal respect, Members who expressed reservations and caution. One, I acknowledge Hon. Kwenya, who spoke about infrastructure and institutional impact. Hon. Bartoo defended university autonomy, while Hon. Ombaka raised concerns about access to financing. Additionally, Hon. Sabina Chege emphasised progression pathways, Hon. Ruto spoke to equity, especially in marginalised areas, and Hon. Millie challenged us to ground these reforms in international best practices. These views are not in opposition to the Bill. They are guiding its refinement, and I thank Members for that.

Hon. Deputy Speaker, let me now come to the central issue before us. The problem we are addressing is clear. We have, over time, created a system in which roles overlap; university and TVET institutions overlap in mandates; regulatory bodies duplicate functions; and certification lacks uniformity. The result of this is confusion for students. The employers are ultimately weakening our education system. Allow me to clarify that this Bill does not eliminate opportunities. It organises it. It does not revoke certificates or diplomas or deny access. Instead, it ensures that each institution plays its proper role. It ensures that training is delivered at the appropriate level and quality is maintained across the system.

A key issue that has arisen in this debate is the place of specialised institutions such as the Kenya Medical Training College (KMTC), maritime academies and defence institutions. These institutions are critical in our national development. I want to assure the House that this Bill does not seek to undermine them. On the contrary, at the Committee of the whole House, we shall introduce amendments. One, we will formally recognise these institutions within the national framework. We will allow them to continue operating under their established status and ensure they align with national standards and the quality of their certification. Specialisation must be preserved, but regulations must be harmonised.

Hon. Deputy Speaker, another critical issue, as rightly raised, is certification. Today, universities design, examine and certify their own diploma and certificate programmes, while TVET institutions operate under a standardised national framework. This creates inequality, inconsistency and unfair advantage in the job market. Going forward, we must adopt simple but firm principles; one level, one standard and one examining framework. And for that reason, at the Committee of the whole House, I will be moving amendments to ensure that any university that wishes to offer diploma or certificate programs must align with the TVET Authority regulatory framework. Such programmes must meet national standards, and certifications must be standardised across the country. This is not about limiting universities. It is about ensuring fairness and credibility in our education system.

Hon. Deputy Speaker, let me also assure the House on a very important matter. No student will be disadvantaged. All students currently enrolled will be allowed to complete their programmes, and institutions will transition in an orderly and structured manner. The Bill also strengthens progressive pathways. A student will be able to move from certificate to diploma, to degree and to postgraduate level in a clear, structured and predictable manner. In doing so, we will ensure that no learner is locked out of opportunities.

On the issue of international best practice, which was rightly raised, globally successful education systems maintain clear institutional roles. For example, Harvard University offers certificate programmes primarily as professional and postgraduate development programmes, not as a substitute for its core degree mandates. Similarly, the Oxford University offers diplomas and certificates through structured continuing education frameworks while maintaining its core focus on research and advanced learning. This is exactly the direction that this Bill is taking.

Arising from contributions of Members, I will be moving amendments at the Committee of the whole House stage to recognise specialised institutions, align diploma and certificate programmes with the TVET Authority, strengthen transition provisions, allow limited specialised exemptions, enhance progressive progression pathways and, finally, harmonise the regulatory framework.

Hon. Deputy Speaker, before I conclude on the proposed amendments, allow me to highlight one important issue that was raised, particularly by Hon. Gichimu Githinji. The current Universities Act does not expressly define what a university is. This is not a minor omission. It is, in fact, at the centre of the confusion we are trying to cure. Without a clear statutory definition, institutions drift from their core mandates, regulatory boundaries become blurred, and the identity of a university as a centre of higher learning and research is weakened.

For this reason, at the Committee of the whole House stage, I will move specific amendments to introduce a clear legal definition of a university, anchoring it as an institution of higher education focused on teaching, research and innovation and authorised to add postgraduate qualifications. This definition will ensure that universities remain true to their purpose, that the policy direction is clear, and that future deviations are prevented. In this regard, Hon. Deputy Speaker, allow me to invite all Members to feel free and bring forward their proposals and actively participate in enriching the Bill at the Committee of the whole House stage. This is where we perfect legislation as a House. At the core of this Bill is a simple

principle: differentiation strengthens systems; duplication weakens them. Hon. Deputy Speaker, add one minute to complete.

Hon. Deputy Speaker: Allow him time to finish.

Hon. Mejjadonk Gathiru (Embakasi Central, UDA): Thank you, Hon. Deputy Speaker. The definition will ensure a university remains true to its purpose, policy direction, and prevents future deviation. In this regard, I invite all Hon. Members to bring forward their proposals and actively participate in refining the Bill at the Committee of the whole House stage. This is where we perfect legislation as a House. This Bill is guided by a simple principle: differentiation strengthens systems; duplication weakens them.

This House has interrogated the Bill, refined and strengthened it. The question before us now is not whether reform is necessary and how best to perfect it. I therefore urge Members to support the Bill at the Second Reading and to actively engage at the Committee of the whole House stage so that together, we can deliver a coherent, fair and future-ready education system for Kenya.

I beg to reply. Thank you.

(Question put and agreed to)

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

THE BASIC EDUCATION (AMENDMENT) BILL
(National Assembly Bill No. 3 of 2025)

*(Moved by Hon. Antony Oluoch
on 8.4.2026 – Morning Sitting)*

*(Resumption of debate interrupted
on 8.4.2026 – Morning Sitting)*

Hon. Deputy Speaker: Hon. Members, this Bill has 31 minutes remaining. Members who wish to contribute should press the intervention button. Hon. Tandaza, you had indicated a desire to contribute. Hon. Mbeyu, do you wish to contribute? I can also see Hon. Karimu. Kindly press the intervention button. So far, only Hon. Tandaza has indicated. Hon. Tandaza requires a few more minutes. Anyone else who wishes to contribute? Hon. Dorothy, you are on the list. Hon. Esther Passaris is also on the list. Prof Bartoo is on the list. Who else? Hon. Emmanuel Wangwe, as we wait for Hon. Tandaza, you may proceed.

Hon. Emmanuel Wangwe (Navakholo, ODM): Thank you, Hon. Deputy Speaker. Allow me to appreciate Hon. Antony Oluoch, the great Member for Mathare, for proposing amendments to the Basic Education Act in support of Kenyan children.

This Bill seeks to incorporate disadvantaged schools, not only in cities and urban centres but also in rural constituencies. It is a requirement that before a school is registered in this country, it must have a specified acreage and the necessary infrastructure. The question that arises, and which I support the Hon. Member in raising, is, where does this leave the Bill of Rights? The question lingering in our minds concerns the Bill of Rights, particularly the rights to life and to education.

Article 43 addresses the right to education but does not specify the framework within which it must be implemented. Therefore, it allows us to consider what is required to establish a school. We must look at the few who have been disadvantaged. A donor from overseas or a church might be able to establish a school, regardless of the acreage they have. They can simply

establish an institution within their compound. However, this has been limited. One is required to have at least two acres of land to register a school, something this Bill seeks to address. It proposes that we consider the morals of an institution seeking to establish a school, something that is very important.

On the same, I will give examples of various churches in my constituency. You find that a small church has an acre of land but has around 45 students, yet they cannot be listed and registered as a school, despite having enrolled several students to undertake their studies. If we go way back, the Catholic Church managed to set up good institutions. One only had to begin by attending Sunday school and church sermons, and one would be eager to join school and study. On the contrary, we have a situation where we are setting a condition that, for a school to be established, it must have a certain number of acres of land, yet under our law, the same church has already been registered as an institution of assembly.

We only need to be cautious about the entry of Non-Governmental Organisations (NGOs). Whereas they are good, we should look at the Western culture they intend to transfer to us. We should not register a school blindly against an NGO without understanding the culture behind it. Its culture should respect our culture and the ways people from different regions of the country behave; the local people's culture should be considered. An NGO can support the establishment of the school and its infrastructure, and respect the well-being and culture of our people. It should not just be about money buying our culture; instead, it should support and improve our culture by transferring knowledge through learning institutions.

Secondly, in my constituency, Lukhuna Primary School has suffered setbacks for almost 15 years. It has struggled to come up. For the last three years, I have been working to set it up, despite the initial classrooms being in place for over 15 years. Whenever it started, it would collapse. I thank Hon. Khamala, the Member of Parliament for Lurambi, who is also the Bishop of the school. We held hands and tried to re-establish it, but it did not work. I really thank the Catholic church. Three years ago, they approached me, took over the leadership, and the school is up and running. Lukhuna Primary School exists courtesy of them and the National Government Constituencies Development Fund (NG-CDF) input. I agree with the Member for Mathare. We should consider and open it up. Basic education is a provision in the Constitution. Let us give a chance to institutions that can help us achieve and actualise Article 43, read together with the relevant regulations.

Thank you, Hon. Deputy Speaker. I beg to support.

Hon. Deputy Speaker: Hon. Tandaza.

Hon. Kassim Tandaza (Mutuga, ANC): Asante sana, kwa kunipa fursa hii. Kwanza, namshukuru Mhe. Oluoch kwa kuleta Mswada huu, ambao ni wa maana. Umefika hapa wakati unaofaa, kwa kifupi, hata nitasema umechelewa. Sisi Waislamu, watoto wetu huwa wanaenda madrassa wakiwa wadogo sana. Kando na hilo, huwa wakati ambao pia wanapohitajika wawe katika shule za kawaida ambazo vipengee vyetu vinatambua kwamba ndio shule. Jambo hili limeturejesha nyuma sana sisi Waislamu. Mzazi hajui kama mto aende madrassa ama shule ya kawaida. Madrassa ni njia moja ya mtoto kusoma, kwani wanasoma vitu tofauti. Kwa sasa, haitambuliki kuwa mtoto akihudhuria madrassa ni sawa na kwenda shule.

Kwanza, Mswada wa Mhe. Oluoch unapendekeza kuwa ni wakati Serikali ama Wizara ya Elimu iweze kutambua njia m'badala ya kusoma kwenye sehemu zingine isipokuwa shule, ambazo sheria zetu zinazotambua. Vilevile, nasititiza kuwa kuwe na walimu waliosajiliwa na *Teachers Service Commission (TSC)* kwenye madrassa, kwani wako na kila kinachohitajika shuleni, kama vile darasa, viti na stima. Hili likifanyika, watoto wetu wataweza kusomeshwa mtaala unaohitajika. Hii itawiana na Katiba, ambayo imesema kuwa kila mtoto ana haki ya kupata elimu ya msingi.

Pili, namshukuru sana kwa kuzungumzia swala la Bodi ya Kaunti ambayo hupitisha usajili wa shule. Sasa hivi, vipengee ambavyo vimewekwa vinatambua sehemu ambazo zina

uwezo ama ng'ambo. Ni lazima kuwe na mijengo ambayo yamejengwa kulingana na sheria za Wizara ya *Public Works*, kuwe na wanafunzi kiasi fulani, na vifaa vinginevyo. Ikiendelea hivyo, na twajua hukuna taratibu zozote za Wizara ya Elimu kuanzisha shule, wazazi wataumia, kwani wao ndio huanzisha shule. Utapata wazazi hawana uwezo kufikia mahitaji ambayo vipengee vinahitaji. Unapata kuwa kuna sehemu zingine ambazo watoto watakosa haki yao ya kikatiba kwa sababu sheria ambazo zimewekwa haziwezi kutimizwa, kwani wazazi hawana uwezo.

Jambo la tatu, wakati mzazi anaanzisha shule, hutarajia kuwa waalimu watatumwa pale, lakini hili halifanyiki. Bodi hii haiwezi kutuma walimu mpaka shule isajiliwe, ilhali shule haiwezi kusajiliwa kwa sababu haijatumia mijengo na kanuni ambazo zinahitajika. Inabaki tu watoto wanaenda kucheza shuleni kwani hawana waalimu. Kwa sababu ya mapungufu ya wazazi na jamii, inabidi wabaki vile vile. Hatimaye, wanapofanya mtihani wa kitaifa, matokeo yanakuwa mabaya yakilinganishwa na ya wale ambao walikuwa na waalimu. Unapata wanabaguliwa kuwa sehemu zingine watu hawana akili ya kutosha, ilhali ni zile sheria ambazo zimewekwa.

Naunga mkono Mswada huu. Naomba utiliwe maanani na kuzingatiwa, kwani utasawazisha sekta ya elimu. Haitakuwa tena kwamba sehemu zingine watu ni werevu - kuna madaktari na maprofesa - na sehemu zingine unapata kwenye wadi nzima hakuna mtu ambaye amepata shahada kwa sababu ya sheria zinaohitaji kusajili shule na kutoa utendakazi katika Wizara.

Asante sana, Mhe. Naibu Spika.

Hon. Deputy Speaker: Asante.

Hon. Makali Mulu.

Hon. (Dr) Makali Mulu (Kitui Central, WDM): Thank you so much, Hon. Deputy Speaker. I wish to add my voice to this important debate. I would like to start by appreciating Hon. Oluoch for effectively representing his people. The reason why some of these community schools exist is that they serve a very unique group of students, most of whom are in our slums or in areas where our low-income populations reside. You realise that, without these schools, the chances are high that these students would never attend school. Many of them are unable to join the formal schools. Therefore, as we debate, we must recognise that these community schools reach out to very disadvantaged groups in our country. It is important that we support this debate so that we give these students an equal chance.

You will find that some of these schools are relatively inexpensive. Some do not even require students to wear uniforms. Parents see them as a good option for their children because they are more affordable. Additionally, many of these schools are located within the neighbourhood, making it easier for a child to wake up in the morning and attend school. I know much has been said on this issue, and I would like to join my colleagues in supporting it.

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

*[The Temporary Speaker
(Hon. (Dr) Rachael Nyamai) in the Chair]*

By registering these facilities, we can open doors for them in terms of benefiting from competition, just like other schools. They will also be able to benefit from teachers. As it is now, TSC teachers are not posted there. However, if we formalise the process, they can also receive teachers. I understand that there is a requirement that you must have a certain level of education before you can register a school. However, I believe the proposal here to allow

exemptions for these unique situations is essential, so that we can still register while appreciating the environments in which the schools operate.

In that case, we will create more opportunities for children to attend school. Since education is a constitutional right, we must enable all Kenyan children to enjoy their right to education. We all know education is a powerful equaliser. The more we discriminate against these schools, the more we perpetuate inequality within our community regarding opportunities. We know well that the higher one goes in education, the better the chances of gaining employment opportunities. Therefore, if we exclude these students from such opportunities, it means they will likely not find employment in a formal environment. As representatives of the people, it is imperative that we acknowledge this reality and support this Bill, ensuring that these schools are formalised through proper registration.

With those remarks, I want to express my support for this Bill and once again thank our colleague, Hon. Oluoch, for representing the environment we are discussing in this House. Thank you.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Thank you very much, Members. The time allotted for this Motion is up. I now call upon the Mover to reply. Hon. Oluoch, you may proceed.

Hon. Anthony Oluoch (Mathare, ODM): Thank you, Hon. Temporary Speaker. First, I would like to thank all the Members who showed up, contributed, and provided useful insights that I will carry forward to improve the Bill and possibly *make* amendments in the Committee of the whole House.

Allow me to briefly retrace the journey of this Bill. At some point during the 12th Parliament, I was approached by members from Mathare Constituency. This later expanded to members of what you call the Alternative Provision for Basic Education and Training schools (APBET) Association across Ruaraka Constituency. Eventually, an entire team of close to over 10,000 directors, teachers, and individuals who assist in administering alternative provision for basic education came together and appointed me as the ambassador for APBET in Nairobi and the Republic of Kenya.

I accepted this mantle and filed a Bill, which underwent pre-publication scrutiny. I want to express my gratitude to Hon. (Dr) Makali Mulu. I do not know if you recall that when we appeared in Mombasa to defend this Bill, we received a clean bill of health from the Budget and Appropriations Committee. At that time, you, Hon. Temporary Speaker, were chairing that committee, and we received a very useful analysis from it. The committee indicated a rich comparative jurisdiction; this situation not only exists in Kenya but also in Malawi, India, Nigeria, and many other countries that face similar educational challenges. Unfortunately, the Bill did not progress to the Second Reading and therefore lapsed. When the 13th Parliament began, I was once again tasked to reintroduce this Bill.

I thank the Departmental Committee on Education because, from the very beginning, I could sense the serious challenges in conveying what I was aiming to do—creating a category outside the definition of the Basic Education Act. The Basic Education Act defines basic education as either public or private. They questioned me, asking whether I intended to create another tier or category of schools outside of this. Hon. Emaase, together with Prof. Bartoo and many other members of the Departmental Committee on Education, experienced what I would describe as a Damascus moment during their visit to Kibra and other informal settlements. They managed to align their oversight and legislative roles under Article 95 with the actual situation on the ground. That was the Damascus moment, and I received 100 per cent support from this committee. I thank Hon. Melly and his team for their support.

I also wish to thank the legal team in Parliament, the Clerk, the Speaker and a highly skilled and professional team that guided me through the process of putting together over

70 clauses of this particular Bill. We have one of the most progressive and competent legal teams in Parliament.

Hon. Temporary Speaker, a number of points have been raised that I need to address, and I want to thank the Members for their contributions. However, I want to reiterate that this is an affirmative measure, entrenched in the Constitution itself. I am not attempting to introduce anything that lies outside of the Constitution. The Constitution of 2010 did not contemplate that after 10 or 12 years of its existence, over 3 million Kenyans could be excluded from the education system, particularly in light of what exists under Article 43 of the Constitution, which outlines our policy of free compulsory education. This is in contrast to Article 10, which speaks of inclusion, equity, and equalisation, and against Article 27 (2) and (6), which highlight non-discrimination.

How else could we describe a situation in which children in certain categories and regions of this country—and I am now glad that Members have enlightened me that this issue does not only affect informal settlements but also extends to rural areas—are excluded? How can it be that over 3 million Kenyans remain outside the ambit of our education system regarding registration, recognition, and mapping, simply because they cannot meet stringent conditions, such as the requirement for a title deed, in informal settlements like Mathare, Mukuru kwa Njenga, Kibra, and other areas? You do not have the benefit of title deeds even in rural areas. This is a continuing problem. The Government is still solving it. You are required to have at least an acre of land. Mathare Constituency is about the size of the Central Business District, four square kilometres. Where will you get an acre of free land to build? That is why you have these mushrooming informal schools.

Let me also settle this by giving some statistics. I mentioned earlier that we have over 56,000 learners, or schoolchildren, in Mathare. Out of this, only 26,000 can fit in public schools in my four square kilometres. About 32,000 are out there. The Government and this House must worry.

Under Article 95 of the Constitution, it is our role to resolve issues affecting the people. We must worry. Where do these 32,000 learners go? They do not have the National Education Management Information System (NEMIS), which is now referred to as the Kenya Education Management Information System (KEMIS). They do not have registration. They do not have recognition. As we sit here every year to do budgeting, as we will do beginning this month of May, it means we have closed our eyes to the 32,000 learners in Mathare Constituency.

It is this gap that these informal setups have come in to fill. Churches, NGOs and volunteers provide something between continuing education, adult education, and night schooling. Ordinarily, the children would not go to school because of shame. They cannot afford a uniform or lunch. Simple things such as a lack of uniform and an inability to afford a pair of shoes make them not allowed in school. They cannot afford a school bag. These things are simple yet very important to people in our informal settlements.

Now, let me specifically address some issues that came up. I hope Members will bring them up again. I will also bring them up through amendments. Hon. Millie raised one of the issues. It is whether the Bill would entrench discrimination by saying that there are public and private schools, and creating another tier for people in informal settlements. Are we not entrenching discrimination?

I have taken it under advisement. I will bring amendments to ensure that we do not create a third tier. The issue is to find how to incorporate these alternative learning lanes into public schools so that the definition of public schools incorporates informal settlements and disadvantaged people. We should not create another tier that may open us up to court action for entrenching discrimination. This Bill will definitely not do that. We will bring amendments to deal with it.

The other issue that came up was raised by Hon. Caroli and several other Members. Hon. Caroli approached me and asked the same question. That the Public Finance Management Act contemplates that public finances can be deployed only to fund public purposes. How will we ensure there is no proliferation of briefcase schools? It is because people think that there will be funding. I challenged Hon. Caroli, and he came up with several recommendations.

One, once defined as part of public schools or a lane under public schools, these schools must have a public character and be registered as a trust. Hon. Temporary Speaker, I ask that you add two minutes to my time to wind up. The schools must have accountability and governance systems. They must also have boards and physical structures where you can find them. Then they will not be offending the Public Finance Management Act. I have spoken on governance.

The Temporary Speaker (Hon. Rachael Nyamai): I will give you a minute. You will have a lot more to say in the Committee of the whole House.

Hon. Anthony Oluoch (Mathare, ODM): Thank you. The governance structures will create a community's trust in the Committee of the whole House. It will delimit who can run public schools and must be non-profit making. We must also innovate around housing because they are mostly informal settlements. Some of the social amenities that the housing levy is being used to come up with must include physical and social infrastructure that will incorporate and consider some community houses.

We must also deal with NEMIS and KEMIS so that every student is registered and accounted for. Therefore, each school will be budgeted for and given a capitation to have the TSC posting. In the end, this will truly lead to the Government's 100 per cent transition and compulsory free education. We will, therefore, meet the dictates of Article 43 of the Constitution.

With those remarks, Hon. Temporary Speaker and Members, I thank you again. I beg to reply.

The Temporary Speaker (Hon. Rachael Nyamai): Thank you very much, Hon. Oluoch.

(Question put and agreed to)

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

THE PREVENTION OF LIVESTOCK AND PRODUCE THEFT BILL
(Senate Bill No. 12 of 2023)

Hon. Rahim Dawood (North Imenti, Independent): I beg to move that the Prevention of Livestock and Produce Theft Bill (Senate Bill No. 12 of 2023) be now read a Second Time. The Bill is co-sponsored. The original Bill was by the Hon. (Sen.) Samson Cherargei, Member of Nandi County. The Bill has been in the halls of Parliament since 2023. It went to the Departmental Committee on Agriculture and Livestock in 2024. It is now two years down the line when I am moving it in the National Assembly.

The Prevention of Livestock and Produce Theft Bill proposes to provide for the establishment of mechanisms for preventing, combating, and eventually eradicating livestock and produce theft in the country. The background is that theft of livestock and produce has continued to persist over time and has often led to loss of lives and destruction of property. Therefore, negatively affects the livelihoods of the affected communities.

Despite the existence of the Stock and Produce Theft Act (Cap. 355) of the laws of Kenya and provisions under the Penal Code (Cap. 63) of the laws of Kenya that prohibit livestock and produce theft, the practice has continued unabated. It has become necessary to

address the issue comprehensively through a legal framework with specific provisions to address the challenges at hand. Here is the overview of the Bill.

Part II of the Bill provides for the branding of livestock. In this regard, the Bill assigns specific responsibilities to the Cabinet Secretary and the County Executive Committee Member in charge of livestock.

Clause 4 obligates the Cabinet Secretary to, among others, formulate a national policy and set standards for the identification and movement of livestock, and to develop and coordinate intergovernmental mechanisms for the delivery of services under the proposed Bill. The Bill also requires the Cabinet Secretary to collaborate with security and other relevant agencies to establish mechanisms of disarmament and confiscation of firearms held by livestock owners.

Clause 6 of the Bill requires a livestock owner to register the design of their brand by making an application to the County Executive Committee Member. The application shall be in a prescribed form and meet the requirements provided in the Bill and those to be set out in county legislation. The County Executive Committee Member is required to consider and approve the said application within 30 days. However, an application can be rejected if the brand is already registered, resembles a registered brand, or does not meet the requirements set out in the Act. Upon registration, a livestock owner shall be issued a certificate. Where the original certificate is lost or misplaced, the County Executive Committee Member may issue a duplicate certificate upon fulfilment of the said requirements.

Further, Clause 8 of the Bill provides that the proprietor of the registered brand may apply to transfer the rights to another brand upon fulfilment of the said requirements, which include the consent of the person to whom the proprietor wishes to transfer the right.

Clause 9 provides that a registered brand may be cancelled if the proprietor no longer requires to use the brand or has died or, in the case of a proprietor or body corporate, has been wound up or dissolved. However, where the proprietor of a registered brand dies, the person representative may use the brand until the appointment of a personal representative is terminated or the distribution of the deceased's estate is completed.

Hon. Temporary Speaker, Clause 10 requires livestock owners to brand their livestock with a registered brand before the livestock reach the age of six months. Further, where at the commencement of this Act, a livestock will have attained the age of six months, the livestock will be registered within three months of the commencement of the Act.

Part III of the proposed Bill provides for the regulation of livestock movement. Clause 12 requires a proprietor who intends to move livestock from premises where they are ordinarily kept for purposes of sale or slaughter to apply for a permit. Under Clause 13 of the proposed Bill, an owner of an abattoir is required to keep books and records of every livestock slaughtered and any carcass or produce leaving the abattoir. The Bill further sets out the details that shall be recorded in the books and records.

Clause 16 of the proposed Bill provides that the County Executive Committee Member shall designate inspectors for each ward in the respective counties for the purpose of enforcement of the provisions of the Act. The inspectors shall coordinate the implementation of the Act at the ward level by performing specific tasks, including inspecting removal permits, assisting in the investigation and recovery of stolen livestock, and facilitating the application for brand registration.

Hon. Temporary Speaker, Part IV of the proposed Bill provides for offences related to livestock and livestock produce theft. The offences include branding of another person's livestock or altering, defacing or obliterating livestock belonging to another person so as to conceal or disguise the identification of such livestock, whose penalty shall be a term of imprisonment not exceeding one year or a fine not exceeding Ksh100,000, or both. Clause 19(1) states that stealing or receiving stolen livestock or livestock produce is an offence whose

penalty shall be a term of not less than 20 years. Further, Section 32 provides for the offences under the Act that shall be tried by any subordinate court, as set out in Article 169 of the Constitution. The Bill further gives the courts unlimited jurisdiction to determine matters under the Act.

Clause 36(2)(a) of the proposed Bill gives powers to the Cabinet Secretary to make regulations:

1. For the registration and identification of livestock.
2. For the removal or conveyance of livestock or produce under this Act;
3. For the management of livestock centres under this Act;
4. The conduct of sensitisation programmes and the publication and dissemination of information under this Act;
5. For charges and fees to be paid to the Registrar under this Act.

Clause 37 of the proposed Bill seeks to amend the Penal Code (Cap 63 of the laws of Kenya) by deleting Section 278 of the Act, which provides for the stealing of livestock. Further, Clauses 38 and 39 seek to repeal the Branding of Stock Act (Cap 357 of the laws of Kenya) and the Stock and Produce Theft Act (Cap 355 of the laws of Kenya) respectively.

The legislative proposal was referred to the Committee, which gave a go-ahead. This was after waiting for the Ministry of Agriculture and Livestock Development to present the Bill. Initially, when I appeared before the Committee on 29th April 2024, the Ministry opposed the Bill, saying that they had a similar Bill which they would bring to the Chamber through the Leader of the Majority Party. However, it has never been brought, and in August 2025, in the report of the Committee, they gave a go-ahead for this Bill to be moved, which I have now done.

Hon. Temporary Speaker, the import of this Bill is that we cannot be moving livestock because there is a lot of livestock theft, especially in pastoralist areas, and recently in Meru County, where we have lost not just livestock but also lives. That has been a big burden on the people of Meru, Isiolo, and the other counties. There is no way of knowing whose livestock is where. Thus, with this Bill, we will know that through branding.

While this Bill was being moved in the Senate, one question that came up from a Senator was how chickens would be branded to prevent them from being stolen. That was not in the right context, because while chicken is still livestock, branding it would be very difficult. Nonetheless, branding livestock would be worthwhile. If the cattle have a mark and it moves, similar to a number plate...

(Hon. Amina Mnyazi and Hon. Dorothy Muthoni consulted loudly)

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Order! Member for Malindi, you are seated on our United Democratic Alliance (UDA) nominated Member from Meru. You are literally seated on her.

Hon. Amina Mnyazi (Malindi, ODM): No.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): No? Are you not? Are you seated in the seat? That is completely out of order. You can be orderly. The seat next to you is vacant. Take the seat next to the distinguished Member moving the Bill. That will be in order, or you move to the next row. Thank you. You may proceed, Hon. Dawood.

Hon. Rahim Dawood (North Imenti, Independent): Thank you, Hon. Temporary Speaker. Branding is like the number plates we have on cars. It identifies which vehicle is attached to the number plate. We are leaving the branding to legislation, which will be done by the county executive members in the counties. They will propose how to go about it. If livestock from Meru moves up to Samburu, branding will ensure livestock movement is followed up. Therefore, there will be a register. Nobody will be allowed to move their livestock. Even if they sell it to an abattoir for slaughter, one can still follow it up because the abattoir will need

to keep a register or logbook showing who they have bought from, to ensure people do not sell stolen livestock and get money that is not theirs. That will assist in a way.

The Cabinet Secretary for Interior and National Administration, Hon. Kipchumba Murkomen, recently gazetted a few regions as disturbed. The Samburu Governor said that he would not agree with that Gazette Notice. I was surprised because he was once a Member of this House. Our livestock in Meru County is stolen and taken to Isiolo, all the way to Samburu. That needs to stop. The only way to achieve that and identify our livestock is through branding.

In the Rift Valley, livestock theft is treated as a cultural practice. During wedding ceremonies, a young man has to steal cattle to prove himself strong enough to protect the community. We need to brand our livestock. The Ministry of Agriculture and Livestock Development mentioned that there was a Stock and Produce Theft Act, which has not been implemented because people were not taking heed of it. The National Police Service has an Anti-Stock Theft Unit (ASTU), but it is either understaffed or the officers look the other way. There is no way of identifying to whom the livestock belongs. Branding will go a long way in recovering stolen cattle.

The Committee will propose a few amendments during the Committee of the whole House, which we will look at and agree on. If we pass the Bill, livestock owners will know which livestock belongs to them.

With those few remarks, I beg to move and request Prof. Bartoo to second the Bill.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Hon. Members, before Prof. Bartoo seconds the Bill, take your seats.

COMMUNICATION FROM THE CHAIR

DELEGATION FROM THE PARLIAMENT OF GHANA

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Hon. Members, I wish to introduce to you a delegation from the Parliament of Ghana seated in the Speaker's Row. The delegation, which is drawn from the House Committee responsible for overseeing the review, provision, maintenance and continuous improvement of Members' services and facilities, comprises the following Members:

- | | | |
|---------------------------------------|---|--------------------------|
| 1. Hon. Isaac Boamah Nyarko, MP | - | Leader of the Delegation |
| 2. Hon. Godwin Dorgbadzi - Dorani, MP | - | Member |
| 3. Hon. Abdul Rauf Tubazu, MP | - | Member |
| 4. Hon. Owen Kwame Frimpong, MP | - | Member |

The delegation, accompanied by one staff member, is on a benchmarking visit with the National Assembly Members' Services and Facilities Committee and the Parliamentary Broadcasting and Library Committee to share experiences and best practices in executing their mandates. On my own behalf and that of the National Assembly, I welcome them to Parliament and wish them fruitful engagements during their stay in the country.

Before we proceed, I want to invite Hon. Ng'elechei to welcome them to the National Assembly.

Hon. Caroline Ng'elechei (Elgeyo Marakwet County, Independent): Thank you, Hon. Temporary Speaker. I also wish to join you in welcoming the Members of Parliament from Ghana to the National Assembly of Kenya. Thank you for coming to benchmark with us and to learn from us.

The day-to-day management and subsistence of the National Assembly is courtesy of the Members' Services and Facilities Committee. It has ensured that our proceedings are aired live on YouTube. When you go back to Ghana, you will be able to follow our proceedings on

YouTube. Another important aspect of their work is Members' welfare. For example, when we have sessions in both the morning and the afternoon, the Committee ensures that Members are provided with meals. Members who may want refreshments before going home, especially as they wait for traffic to ease, also have access to those facilities. It ensures that Members deliver on their mandate without leaving the precincts of Parliament to look for meals or other services elsewhere. We also have a gym for Members who want to exercise. One can access the gym as early as 4.00 a.m. and leave as late as midnight. If a Member was forced to travel back home to access a gym, they might not get enough time to take care of their health.

You can learn a lot from us. We welcome you once again and encourage you to maximise this opportunity. The Members' Services and Facilities Committee has helped us to deliver on our mandate to the people of the Republic of Kenya. It has also helped us to improve our welfare.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Thank you very much, Member, for Elgeyo Marakwet County. I just want to add that our services have improved. Our Speaker and the Clerk have very good taste. Communal areas and offices in Parliament look very good, courtesy of the Clerk and the Speaker, who have done a wonderful job. We want to thank them.

Let us have the seconder of the Bill, Prof. Bartoo.

Hon. Phylis Bartoo (Moiben, UDA): Thank you, Hon. Temporary Speaker, for giving me the opportunity to second the Prevention of Livestock and Produce Theft Bill, 2023 by Hon. Dawood. The provisions of the Stock and Produce Theft Act (Cap. 355) and the Penal Code, (Cap. 63) have not been effective because livestock and produce theft are still prevalent. Communities that keep livestock have devised their own security measures. I saw a case on YouTube where a farmer painted his dog in the colours of a leopard to scare away thieves from breaking into his compound to steal his sheep.

One of the important provisions in the Bill is the branding of livestock. Branded livestock is easier to identify and recover if stolen. Another important provision in the Bill is certification. A certificate is equivalent to a title deed. It is not only a security document, but it can also help farmers to secure loans from banks, which is very important. Moreover, there is a provision on livestock and produce theft offences. If you are a farmer and your animals or produce is stolen, you can use the courts to recover them. There are penalties against the thieves. This will avert stealing because people will be cautious and stop doing it.

I support this Bill, which is well-structured. Identity is very important. When your livestock and produce are branded by a mark, that identity defines your wealth.

With those remarks, I second the Bill.

The Temporary Speaker (Hon (Dr) Rachael Nyamai): Thank you, Professor.

(Question proposed)

Members interested in this Bill should press the intervention button. I will start with Hon. Kassim Tandaza.

Hon. Kassim Tandaza (Matuga, ANC): Thank you, Hon. Temporary Speaker. I normally contribute in Kiswahili, but because we have guests from Ghana who might not understand what I will be talking about, I will speak in English. We contribute in either English or Kiswahili. I do not know the languages that are used in the Parliament of Ghana.

I thank Hon. Dawood for bringing this Bill. Where I come from, we are not pastoralists. I have two concerns. When it comes to livestock movement, we have faced many challenges with our colleagues, particularly in Tana River, Lamu, and Kwale Counties. People move their livestock from Kajiado, Garissa, and other parts of the country to graze in agricultural areas. This leads to conflict between pastoralists and agriculturalists. Sometimes, the herders claim

that the livestock belongs to influential individuals, such as Hon. Dawood, and that it should therefore be allowed to graze on our crops, including maize, cassava, and others. There is an element of livestock movement in this Bill. Apart from branding the livestock, the Bill should address how to manage conflicts arising from livestock movement between pastoralists and agriculturalists.

On a light note, Hon. Dawood mentioned the branding of chicken, which is a serious matter. Once this Bill becomes law, policemen will harass chicken farmers. They will insist that chicken or other small animals must be branded before they are moved. This will lead to confiscation and extortion. The Committee should take up this matter seriously. You can say that branding applies to cattle, sheep, goats, and camels, and then exclude small animals. Otherwise, this law will create an opportunity for our law enforcers to harass innocent citizens. We know them. They will look for every excuse to harass livestock keepers, given that the requirement to brand livestock will be statutory.

With those remarks, I support.

The Temporary Speaker (Hon (Dr) Rachael Nyamai): Hon. Members, I would like to comment on the use of Kiswahili in Ghana. The Members of the delegation do not have the ability to tell us, but I have looked it up. Kiswahili is not widely spoken in Ghana, but it is taught in universities as an academic language. The commonly spoken languages are Twi, Akan and Ga. We thank you very much for speaking in English today. You would have done it very well in Kiswahili.

Next is the Member for Marakwet, who will contribute from personal experience.

Hon. Caroline Ng'elechei (Elgeyo Marakwet County, Independent): Hon. Temporary Speaker, allow me to inform you that I am the Member for Elgeyo Marakwet. Marakwet is just half of the county.

Thank you for the opportunity to contribute to the debate on this Bill. I am concerned because the Senator, who is the sponsor of this Bill, is not a pastoralist and does not come from a community that keeps animals. The Bill was introduced on 14th March 2023, when banditry and cattle rustling were at their peak across the country, causing significant unrest among pastoralist communities. Maybe that is what prompted the Senator to introduce this Bill. This Bill will help to avert cattle rustling. I come from a pastoralist community. We have been affected by banditry and cattle rustling for over 30 years due to the laxity of the previous governments in dealing with the menace. Since the current government took office, there has not been any recorded case of cattle rustling in my county. There have been minimal cases of rustling in the neighbouring counties. That is as a result of people not doing what they are supposed to do.

Hon. Temporary Speaker, I oppose this Bill. People from the North Eastern Region, Narok and parts of the Rift Valley Region can attest to me that being a pastoralist is very difficult and challenging. Farmers move with their livestock from one place to another in search of pastures and water. During the dry seasons, pastoralists trek several kilometres in search of pasture. Pastoralists have unregistered associations. As they move, they can decide to sell some of their livestock along the way or exchange some with another pastoralist. We have a culture of exchanging bulls and rams because you may need to introduce a bull of a different breed into your stock. You do not need to go back to the market to register and get a certificate to hand over a bull to another pastoralist. They do barter trade. You can give away a bull in exchange for two cows.

Requiring livestock keepers to register their livestock complicates their lives. It will be very difficult for them to go to the registration centres. Most pastoralists do not even have documentation for their own human beings. Many of them do not have identity cards or birth certificates. If you tell them to require birth certificates for animal registration, you will cause

more problems. These are people who have challenges. It can happen, but not now. Let us, first, complete the registration of the pastoralists before we ask them to register their animals.

We also have a way of identifying our animals. We do ear notching. Where I come from, you can identify that particular animals come from a certain clan by the notch or mark that is put on their ears. When marriages happen, because we exchange our cows...

Hon. Rahim Dawood (North Imenti, Independent): On a point of order, Hon. Temporary Speaker.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Order, Hon. Member for Elgeyo Marakwet. There is a point of order by Hon. Rahim Dawood, who is the Mover of this Bill.

Hon. Dawood, I hope you are not agitated that...

Hon. Rahim Dawood (North Imenti, Independent): Hon. Temporary Speaker, I did not want to interrupt...

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Are you agitated that they have not finished the registration of human beings, and now you are telling the Member for Elgeyo Marakwet that they should register their animals?

Hon. Rahim Dawood (North Imenti, Independent): I am not agitated by that fact, Hon. Temporary Speaker.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): What is out of order?

Hon. Rahim Dawood (North Imenti, Independent): Hon. Temporary Speaker, the Member made reference to "loitering animals." I was wondering what 'loitering animals' are. She also talked about branding, where she mentioned that they are notching the ears. What is that? Is that not branding? I fail to understand what 'loitering animals' are.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): She has the freedom to debate the Bill in whichever way she wants. I would not like this to be a question-and-answer session but, Hon. Ng'elechei, if you would like to comment on what the Hon. Member has said, you are free to do so.

Hon. Caroline Ng'elechei (Elgeyo Marakwet County, Independent): Hon. Temporary Speaker, a very good example of loitering animals are chickens. In my village, during the day, we have many chickens loitering because people may have plenty of food, or because there was a *sherehe* at your homestead. In the evening, those chickens go back to their homesteads. So, chickens are an example of loitering animals.

On the matter of ear notching, I was trying to explain that we already have a way of identifying our animals without having certificates for them or having them registered.

To continue with what I was saying, we have the administration present deep in our villages. We have chiefs, assistant chiefs, and even village elders. We can have them register the individuals or families who already exist, along with the number of animals each family has. Whenever we have a dispute or whenever animals are stolen, the chief can authoritatively say that so-and-so, like Hon. Caro, is a farmer who keeps 500 chickens and 10 cows.

Branding of livestock happens when we have marriages. This is because we are a community which exchanges our girls with cows. Specifically, where I come from, when you give away your daughter for marriage, the only valid exchange that is honourably accepted is cattle. As a result, you will give that person the hard task of deregistering the animals and registering them on the other person's account.

Nonetheless, we still have more challenges. If we had functioning extension officers in the counties to keep records of animals in every ward, there would be accountability whenever there is theft. However, since there are no extension officers in most of the counties, our animals still die.

The other day, somebody said that our President has turned into an announcer of *vifo vya wanyama*. That is because the President said that someone had lost their animals to a tick-

borne disease. It is not foot-and-mouth disease, but a tick-borne disease. It is because we still have challenges of our animals dying from tick bites. Others are dying from a lack of pasture. You might wake up in the morning and find that a farmer has lost 100 heads of cattle because there is no pasture. You can imagine putting that farmer through another challenge: deregistering those animals from his name or registering them afresh. That is just a farmer in the North Eastern Region who decides to sell 1,000 heads of cattle. Somebody wants to change the animals that he has because he has decided to sell some. You now tell this farmer to go to the nearby administrative county headquarters to register that he has now acquired 1,000 heads of sheep and has sold 100 heads of *ngamia*.

I think we are just giving ourselves unnecessary responsibilities when we still have key challenges. If administrative officers, such as chiefs and assistant chiefs, can account for the wealth in their villages, there will be no need for registration.

Lastly, regarding laws and regulations, they already exist. In this country, you are not allowed to transport livestock before 6.00 a.m. and after 6.00 p.m. There are already penalties for violating that law, but they have not been enforced. Law enforcement officers should ensure that people do not move their livestock from one place to another without a permit. Right now, if I want to move a dairy cow from Kiambu to Elgeyo Marakwet, I have to get a permit from the area chief. The idea is to partly ensure that people do not steal livestock in one area and move them to another. We have a police unit within the General Service Unit (GSU) called the Anti-Stock Theft Unit (ASTU), which is responsible for the issues we are discussing here. They are the ones who always deal with pastoralist communities whenever there is animal theft. They ensure that animals are returned to their rightful owners. They prevent petty thieves from stealing livestock belonging to other people.

What we need to deal with is the issue of law enforcement. Every unit involved in public administration in this country must do its part. We do not have to burden livestock farmers with extra legal requirements when already existing basic laws regulating the livestock sector are not being enforced. Therefore, I oppose this Bill because it will bring more problems to our people. What we need is a...

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): I will give you an extra two minutes because of your area. Give her two minutes, please.

Hon. Caroline Ng'elechei (Elgeyo Marakwet County, Independent): Thank you, Hon. Temporary Speaker. I was saying that enacting this Bill would be tantamount to introducing more problems to our people. We all understand the challenges that we have in this country. If the law enforcement officers do their part, they will help to address the issues raised in this Bill. Animal theft is just like any other theft. A person who comes to your homestead and steals your animals is as bad as a person who steals a motor vehicle from someone. If we can enforce the law and ensure that public administrators play their roles...

Hon. Mugambi Rindikiri (Buuri, UDA): On a point of order, Hon. Temporary Speaker.

Hon. Caroline Ng'elechei (Elgeyo Marakwet County, Independent): Hon. Temporary Speaker, protect me from Hon. Rindikiri.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): What is out of order, Member for Buuri Constituency?

Hon. Mugambi Rindikiri (Buuri, UDA): Hon. Temporary Speaker, I come from a bandit-prone area.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): What exactly is out of order?

Hon. Mugambi Rindikiri (Buuri, UDA): Hon. Temporary Speaker, trivialising banditry as normal theft is belittling a serious problem we face where we come from.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): I know that you have just walked in. I can see that you are interested in contributing to the Bill. You should wait. I wanted to know what exactly is out of order.

Hon. Mugambi Rindikiri (Buuri, UDA): Hon. Temporary Speaker, she is trivialising cattle theft by suggesting that it is just petty theft like any other. That is wrong.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): No. Actually, before you came in, the Member for Elgeyo Marakwet explained that this is a very serious menace. She has been speaking for the last 10 minutes. In fact, I have just added two minutes to her time to conclude. The most respectful way for you to contribute to this debate is to let her finish. I have seen that you have logged in your card. You will have your chance to contribute to the debate. Otherwise, there is nothing out of order.

Please conclude, Member for Elgeyo Marakwet. You have one minute.

Hon. Caroline Ng'elechei (Elgeyo Marakwet County, Independent): Hon. Temporary Speaker, you now understand the challenges you will face with pastoralists. A pastoralist has just walked into the chamber and, without even knowing what we have been talking about, is already over the roof boiling just because I said livestock theft is normal theft, just like any other theft. He feels that I am diluting the whole affair.

What I was saying is that we do not have to give our people the unnecessary burden or problem of registering their livestock. We just need to make sure that law enforcement units are working, and that the public administrative units do their work, so that any person who violates the law is brought to book.

Hon. Caroli Omondi (Suba South, ODM): On a point of order, Hon. Temporary Speaker.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): What is out of order again? Hon. Caroli, I cannot even see your card. I hope your card is working today.

Hon. Caroli Omondi (Suba South, ODM): It is here, Hon. Temporary Speaker.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): I can only hear your voice. That means there is a problem. It could be the place where that card is. Table Office, please, take note. Last week, we were not able to see him on the login system. Again, today I can only hear his loud voice.

I can now see you, Hon. Caroli. What is out of order?

Hon. Caroli Omondi (Suba South, ODM): Hon. Temporary Speaker, is the gracious lady in order to describe what in law amounts to robbery with violence as ordinary theft? When you take somebody's property using force or threatening to use force, it is defined as 'robbery with violence.' That is what it is in law. It is not ordinary theft.

The Temporary Speaker (Hon. (Dr.) Rachel Nyamai): Member for Elgeyo Marakwet, this matter has been raised by two Members now – the Member for Buuri and the Member for Suba, Hon. Caroli Omondi. I now want to give you 1 minute to comment on it. If you tell me that you have concluded, I will let you go.

Hon. Caroline Ng'elechei (Elgeyo Marakwet County, Independent): Thank you, Hon. Temporary Speaker. I did not dispute the existence of robbery with violence. There are people who steal your livestock violently and others who con you by false pretence and go away with your animals. So, it depends on how the animals are stolen. There are thieves who kill the owner and take his livestock. Other thieves convince the owner and take his animals away, promising to return with the money, but they never do. The way pastoralists work is that they ask the owner to let them take away their bull and bring the money the following day, but they never return.

The Temporary Speaker (Hon. (Dr.) Rachel Nyamai): Are you, therefore, trying to say that the mode of capturing the animals is what matters?

Hon. Caroline Ng'elechei (Elgeyo Marakwet County, Independent): Yes, that is what matters, Hon. Temporary Speaker. Thank you.

The Temporary Speaker (Hon. (Dr.) Rachel Nyamai): There are many ways of dealing with it. However, I believe that you should not trivialise this matter. Your time is up.

Hon. Members, I said that those with an interest in this debate should hit the intervention button so I can see your names on my screen. I can see Hon. Dorothy Ikiara, Nominated Member, UDA. Please, proceed.

Hon. Dorothy Muthoni (Nominated, UDA): Thank you, Hon. Temporary Speaker. I want to add my voice to this very important debate. I thank Hon. Rahim as the co-sponsor of the Prevention of Livestock and Produce Theft Bill (Senate Bill No. 12 of 2023). The Bill is specific about what it wants to achieve. I come from an area where cattle rustling has caused untold suffering and agony to our communities. Cattle theft is not like any other theft. It is well planned and executed. We lose human beings and animals as a result. Therefore, I thank Hon. Rahim for introducing this Bill to the House. It speaks directly to the challenges faced by people in the Northern grazing zone – the Buuri, Igembe North, Igembe Central, and Tigania West Constituencies – where cattle rustling is very rampant.

The Bill proposes a mechanism to prevent, combat, and, if possible, eradicate livestock theft in the country. It goes on to provide a well-structured framework to address the cattle rustling menace once and for all. The economic activity of livestock farmers is keeping animals. Since this Bill aims to address issues affecting livestock farmers, it should be embraced by all. We should set aside all issues that may interfere with the Bill and streamline it so our people can go on with their economic activities without interference.

One of the things this Bill has addressed is how we can determine the number of animals each farmer has. Livestock branding is one way of ensuring that every farmer can identify his or her animals. I say so because in my community, when our livestock are taken and find their way to the Samburu area past Isiolo, the security agencies trace the animals and bring them back to our community. There is no other way for farmers to identify their animals except by looking at the branding marks applied to them. Since the Bill proposes a mechanism to ensure that all animals in our communities are branded, it will make it easier for our security agents to recover stolen livestock. When stolen animals are returned to their rightful communities, they will be returned to their rightful owners. We should ensure that the branded animals are also registered. Branding without a proper registration mechanism will not help in identifying that a particular animal belongs to farmer 'A' or farmer 'B.' Therefore, the Bill guarantees transparency and accountability in the way the livestock will be accounted for.

The only way we can boost the morale of livestock farmers is to assure them they can earn a living from the livestock business. The only way to guarantee our communities that, when they go to the grazing fields with their livestock, they will return home safely is to support this Bill. We cannot engage in retrogressive practices that accept cattle rustling as the norm. We cannot go back to that practice. Providing a legal framework to ensure that livestock farmers are well protected is something no one should oppose.

We know that cultural practices like the exchange of animals in some communities are proper, as the Member put it. For animal exchanges, someone will call you and express interest in exchanging their animals for yours. For us in the Meru community, there is nothing like an animal exchange. We know our cattle are being stolen by livestock thieves. The only way we can deal with them is by instituting more punitive measures so that cattle theft can be stopped once and for all.

I want to thank His Excellency the President. For the last year or so, the Meru community has been crying. A month ago, our community buried people who were killed by cattle rustlers. We talk about streamlining this area to benefit our people. That is the only thing the government needs to do to encourage livestock farming in our areas. I dare say that we are

not blessed in the same manner. We have areas where communities keep animals, and areas predominantly inhabited by agricultural communities that have ways of securing the animals they keep. I do not see anything wrong with this Bill. We should ensure its enactment becomes a game-changer for the communities affected by cattle rustling.

Above all, as we discuss this Bill, let us examine the mechanisms for compensation. Ensuring farmers are compensated for branded cattle lost to theft is crucial for their livelihoods. The government has a duty to support these communities and their daily economic activities. I support this Bill and thank Hon. Rahim Dawood for bringing it forward. I urge all Members to support it.

Thank you, Hon. Temporary Speaker.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Thank you, Hon. Ikiara. Hon. Agnes Pareyio, Member for Narok North.

Hon. Agnes Mantaine (Narok North, JP): Thank you, Hon. Temporary Speaker, for this opportunity to add my voice to this Bill. I thank Hon. Rahim for bringing this Bill to the House. To us pastoralists, livestock is part of our lives. Livestock theft touches us because they are our riches. We depend on livestock; it is our livelihood. However, I doubt whether we will succeed on the issue of animal registration. This is because, for example, today, a farmer has 100 cows, but if there is an outbreak tomorrow, the same farmer is left with 50 cows. This means farmers will continue to register their animals. In my opinion, that bit on registration is not a good proposal.

However, we must look into matters of theft. Some people live by stealing and killing people so that they can benefit. For example, yesterday, a farmer was almost killed, as he approached his house, by people who wanted to steal his animals. Luckily, he was rescued by the neighbours. As we speak, he is in Kijabe Hospital, and some of his cows are missing. In this case, I support preventing theft because it is a livelihood people depend on, as they have no other way to raise their families. There is a need for a law to prevent theft in communities that depend on livestock. I support this Bill, but with amendments, especially regarding animal registration. We need to look into that part because animals are not permanent possessions. Today, a farmer has 100 cows; tomorrow, it may not be the case, depending on outbreaks.

Hon. Temporary Speaker, I support the Bill. Thank you.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Thank you. Hon. Rindikiri Mugambi, Member for Buuri.

Hon. Mugambi Rindikiri (Buuri, UDA): Thank you, Hon. Temporary Speaker. I came in because I wanted to contribute to this good Bill. I come from the neighbourhood of Laikipia, Isiolo and Samburu Counties, specifically Samburu East. Every year, particularly after the initiation season of certain neighbouring communities, there is terrible cattle rustling that takes place, leading to loss of livestock, death and injuries.

The northern grazing area of Meru County covers Buuri, Tigania East, Tigania West, Igembe Central and Igembe North Constituencies. I am pained because almost every village in our constituency has a grave as a result of cattle theft. It is not only cattle theft but also goats and sheep. This Bill is an attempt to curb this menace. Since I support the Bill, it is skewed in that it only addresses livestock, not cattle rustlers. We must define livestock. This is because livestock covers a wide range of animals.

There is also the issue of traditional and modern identification marks in the intergovernmental operation. This is a good bill, but implementing the entire process could be enormous. For example, number one, the identification and registration of animals is a continuous process. We also have to know the type of branding that exists. Number two, when it comes to movement, we need to build in the issue of tracking through electronic systems and technology. This is very important.

The issue of theft prevention in this Bill is very weighty. I support the Bill because it seeks to address both the animals and the thieves. There is a lot of bitterness over animal theft because the culprits are known to security agencies and the government. Yet theft keeps on recurring year in, year out. Since we intend to do branding and movement control, the thieves are still there. This issue has a traditional connotation. That is where I had picked the issue with the Marakwet. The only solution we need is how to prevent theft. This needs to come out in the Bill. We cannot prevent theft without a strong security establishment in these areas.

I expected the Bill to include not only the return of the stolen animals but also compensation. We can return the animals, but how many? The Bill assumes that once we brand the animals, they can be recovered when stolen. But I can assure you that not all stolen animals are recovered. We need to build on the compensation issue. This is very important because the communities that lose animals depend on them for their livelihood, food and income. Children are educated through livestock sales. So, the Bill needs to address compensation and its implementation. I know that is an issue of regulations, but it is very important.

On the issue of firearms, we must speak clearly and without fear. How do some communities acquire legal arms? For example, in Buuri, there are armoured vehicles, but these people still come with other mechanised equipment. How do they acquire them? Who acquires them?

Number three, we need to know that cattle are stolen and they go a long distance. If cattle are stolen in one village, they will traverse almost 20 kilometres. So, what is the problem of preventing the movement? Because the way the Bill is structured, the movement of animals is for sale. But we also need to examine animal movements after theft. The Bill is silent on that issue. We need to ensure how that will be prevented.

Hon. Temporary Speaker, I have a problem with who will meet the costs of identification and branding? What type of branding is it? We have to know through this Bill. We have no such traders in this country. We will come up with these items and install them as well. What safety measures are in place for our animals' branding? We could put some unsafe items in our animals'. We also have animal rights.

So, we need to know who will supply the branding equipment and how the equipment will be tracked. I support, but with those observations. I am sure I will sit with Hon Rahim so that we can also put some meat in what is missing. Lastly, there is a time limit. What are the deadlines? The Bill is silent on the time limits. I do not know how you will enforce time limits.

With those few remarks, I support, but with those amendments. Thank you.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Hon. Hassan Yusuf, Member for Kamukunji.

Hon. Yusuf Hassan (Kamukunji, JP): Thank you, Hon. Temporary Speaker, for the opportunity to contribute to this particular Bill. I want to say that something fundamental is missing from this Bill. If you look at the common thread linking communities and regions that experience cattle rustling, you will find one thing in common. That is widespread poverty, underdevelopment, marginalisation and exclusion.

So, there are very serious socioeconomic problems in those communities that lead to some of this undesirable behaviour that we want to regulate. Without understanding that fact, I think creating a regulation out of emotion because you are so concerned about what is happening in that particular sector is not going to resolve that particular problem. This Bill does not address any of those issues.

This Bill is trying to be punitive because we are unable to deal with this particular issue, and the state machinery in those regions has failed to govern and provide governance. There is widespread corruption and mismanagement in those regions, which has created a gap between the community and the Government of the day.

I want to say that many bills already address criminal prevention. Instead of creating a new Bill, this House should be asking itself, why are those other Bills not working? What is the reason? This is because there are over 101 bills that could deal with cattle rustling. In my poor judgment, there is no need for another Bill, because I see some emotional representation here. There is absolutely no need for another Bill.

I would also think that because these communities are extremely poor and struggling for their everyday survival, droughts hit them, and their cattle die. Instead of imposing more restrictions on them, like paying more Money for branding, cattle die and are sold every day. It just does not seem rational to me that you would want to impose more legislation that will demand a poor man or woman who is struggling for her survival in rural pastoral societies of Kenya to pay more Money on paperwork and legislation.

As you may know, many of the laws we pass here create jobs and opportunities for corrupt elements, which places a heavy burden on our people. So, I would like to say that we should not overburden our communities with over-legislation. We should consider this Bill unnecessary, as it will not benefit our communities.

Hon. Temporary Speaker, I would like to say that this Bill is ill-advised and should be rejected by this House. Thank you.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Hon. Esther Passaris, Member for Nairobi City County.

Hon. Esther Passaris (Nairobi City County, ODM): Thank you, Hon. Temporary Speaker, for giving me this opportunity to contribute to the Prevention of Livestock and Produce Theft Bill (Senate Bill, No. 12 of 2023), co-sponsored by Hon. Rahim Dawood.

Hon. Temporary Speaker, one cannot reap where they did not sow, and that is exactly what livestock theft represents. Taking what one has not worked for at the expense of another's livelihood is morally wrong.

In many parts of Kenya, livestock is not just property. It is school fees, food security, dignity and survival. When livestock is stolen, families are pushed into deeper poverty and communities are destabilised. I commend the mover and the co-sponsor for bringing forward this Bill, particularly the provisions of registration, branding and movement permits, which will enhance traceability and accountability.

However, as we support this Bill, we must ensure that it is not overly punitive nor insufficiently preventive. Prevention requires adequate budgetary allocations. Without resources, even the best laws remain on paper. We must invest in modern livestock identification and tracking technologies, strengthen local enforcement systems and community-based surveillance mechanisms. We should also draw on best practises globally, where coordinated systems and technology have reduced livestock theft.

Importantly, we must look at localised solutions and hotspot areas. Establishing feedlots and water points in regions prone to livestock theft will reduce unnecessary animal movement when they are most vulnerable. Further, we must strengthen intelligence-led prevention. Communities often know when theft is being planned and who is involved after the theft. I propose that we introduce a structured reward system for credible information on planned or past livestock thefts. When communities are empowered and incentivised to speak, we can disrupt criminal networks before theft occurs and hold perpetrators accountable. At the same time, we must ensure witness protection and confidentiality so that those who come forward are not exposed to retaliation.

We must also address the root causes of poverty, youth unemployment and organised criminal networks. If we fail to do so, we risk punishing the symptoms while leaving the cause intact. We must guard against duplication of laws and ensure harmonisation of existing frameworks to avoid confusion and weak enforcement. Finally, implementation must be practical. Many small-scale farmers and pastoralists operate informally. Compliance

mechanisms must be accessible, affordable and supportive, not punitive to those we seek to protect.

Hon. Temporary Speaker, this is a good Bill. Let us strengthen it to ensure it is preventive, practical, properly resourced and truly effective in protecting livestock.

With those remarks, I support the Bill.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Hon. Members, as you may be aware, this Bill is from the Senate. It is a co-sponsored Bill. Listening to the Members as they contribute, it tends to become a Money Bill. Hon. Dawood should note this.

Hon. Timothy Toroitich, Member for Marakwet West. Before he speaks, Hon. Members, I would like to take this opportunity to welcome our guests seated in the Public Gallery this afternoon. We have students from the MCK St. John's Sponsored Learners Group, Buuri Constituency, Meru County. They are welcome to the National Assembly to observe the proceedings of the House. Although I cannot see them, I hope they are seated there.

Member for Buuri, would you like to welcome students from your constituency for two minutes?

Hon. Rindikiri Mugambi (Buuri, UDA): Thank you, Hon. Temporary Speaker. I take this opportunity to welcome these beautiful children from Buuri Constituency. We admire and love them. We knew they were coming. This is the House of Parliament, where we make laws that govern this nation. This is where their Member of Parliament sits. I want to tell them that one of them could be a Member of Parliament in the future.

We want them to learn how this House conducts its business. We are aware that they are striving to make their lives. Let them know that doctors will come from their class, school, and all schools in Buuri. I would like them to feel welcome. I will see them behind the tent. Hon. Temporary Speaker, these are very nice and good students. We love them. Let them feel welcome.

Ahsanteni sana.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): I wish you good luck behind the tent. Members of this House know what good luck behind the tent means. You may proceed, Hon. Toroitich.

Hon. Timothy Kipchumba (Marakwet West, Independent): Thank you, Hon. Temporary Speaker. I rise to comment on this very important Bill, the Prevention of Livestock and Produce Theft Bill (Senate Bill No.12 of 2023), by my good friend Hon. Rahim Dawood. I congratulate him on such a progressive piece of legislation. The Bill seeks to provide a legal framework for the identification of livestock, the movement of livestock, the prevention of livestock theft, the regulation of livestock trade, the return of illegally acquired livestock and firearms, and for connected purposes.

At the outset, the government has an obligation to protect the life and property of its people. Sometimes, we forget that Parliament is the government. Since the government is the Executive, the Legislature and the Judiciary. Therefore, as an Arm of Government, Parliament has an obligation to protect the property of our people, and that includes livestock. The problem in this country is not the number of laws we pass. I have looked at existing legislation. We have the Stock and Produce Theft Act, the Penal Code, the Trespass Act, the Cattle Cleansing Act, and many other laws that provide a legal framework for the subject matter we want to enforce here.

Registration, branding and movement of livestock are not foreign concepts. Other countries have adopted registration, branding and movement of livestock. In South Africa, for example, they have the Animal Identification Act, 2002. This law requires livestock owners to mark their animals with a registered brand, such as hot-iron or freeze branding, to prove ownership and deter theft. South Africa has an entire legal framework. Senegal has a law that establishes a national identification system, Uganda has a digital livestock-tracking system,

and Rwanda has a digital database for all its cows. This is to mention a few countries in Africa for comparative analysis to show that this is not a foreign concept.

I come from a region affected by cattle rustling. There cannot be peace and development when cattle rustling still reigns supreme in certain areas of this country. Therefore, we must put in place a legal framework. There is nothing wrong with legislation that provides for the branding of our livestock, issues permits to ensure a framework for livestock movement, or registers our livestock. The only challenge is that if we pass a law, it may be shelved. Hon. Temporary Speaker, you have properly guided us that this is a Money Bill. Therefore, we will have to appropriate funds in this House to the Exchequer to actualise it.

Before giving my proposal, before I joined Parliament, I was handling a matter in court. It was about theft involving banditry. The prosecutor brought a cow skin to court. The defence lawyer asked the complainant to identify whether the skin belonged to his animal. Of course, he affirmed. He was prevailed upon by the court to prove that the skin belonged to his cow. He could not prove. But if there had been branding, the court could have easily identified the skin of that particular cow. So, there is an element of wisdom in enacting this legislation to provide for the branding, registration, and movement of livestock. This being a money Bill...

Hon. (Dr) Lilian Gogo (Rangwe, ODM): On a point of information, Hon. Temporary Speaker.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Is that Hon. Gogo? Hon. Member, would you like to be informed?

Hon. Timothy Kipchumba (Marakwet West, Independent): Hon. Temporary Speaker, I would not mind being informed.

Hon. (Dr) Lilian Gogo (Rangwe, ODM): Thank you very much, Hon. Member, for your well-articulated contribution on the matter on the floor of the House. I want to inform my Hon. Brother that cows do not have skins; they have hides. So, the point of identification must have been a hide.

Thank you, Hon. Temporary Speaker.

Hon. Timothy Kipchumba (Marakwet West, Independent): Hon. Temporary Speaker, I am well-guided. So, I replace the word "skin" with "hide". I was talking about a Money Bill. I propose that we already have the Stock and Produce Theft Act. We can convert this Bill into regulations to be placed under the Stock and Produce Act for ease of implementation and resource allocation.

Hon. Temporary Speaker, with those few remarks, I support this legislation, but with a rider that we consider converting it to regulations in the near future. Thank you.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Thank you. Hon. Amina Mnyazi, Member for Malindi.

Hon. Amina Mnyazi (Malindi, ODM): Asante sana, Mhe. Spika wa Muda. Nasimama hapa kuunga mkono huu Mswada wa kuepuka maswala ya wizi wa mifugo. Kama unavyojua sisi, kama Wakenya na Waafrika, tumeyaweka kipaumbele maswala ya mifugo. Katika sehemu zingine za kenya, mifugo ndiyo biashara ambayo inalisha familia mzima, inasomesha watoto, na inakidhi mahitaji yao ya kila siku ili wajisaidie.

Kule sehemu ya Pwani na Malindi ninapotoka, tunalisha mifugo, lakini sio kwa idadi kubwa. Nimeupitia huu Mswada na kuna vitu ambavyo vimegusa jicho langu, na ndio maana najieleza. Naona hakuna shida ya watu kujiandikisha majina na *kuregister* kwa sababu hiyo ndiyo itakayotupatia nafasi ya kujua ni nani mwenye hao mifugo, na hao mifugo watapatikana wapi. Shida yangu pia sio maswala ya kuweka chapa kwa hawa mifugo, kwa sababu kama vile wazungumzaji wenzangu walionitangulia walivyosema, vituko hutokea wakati unataka kujua hawa mifugo ni wa nani kupitia hizo chapa ambazo zimewekwa.

Nayaunga mikono pia maswala ya usafirishaji wa mifugo kulingana na huu Mswada. Lakini naomba yule ambaye ameuleta huu Mswada hapa ahakikishe kwamba maneno yote

ambayo yametajika hapa, baadaye yasiende yakawa ni gharama kwa mkulima kule chini mashinani. Kama haya yote yanaweza kupatikaniwa katika gharama ya kueleweka, watu wetu kule chini hawatalalamika sana. Lakini kama gharama ya kufanya mambo haya yote itarudi kwa yule mfugaji na kumkandamiza, basi litakuwa sio jambo la kufurahikia.

Wacha ieleweke kwamba kuna wakulima wa aina nyingi. Leo hii tunazungumza kuhusu wakulima wa mifugo. Wacha ieleweke ya kwamba kule Malindi, ambapo mimi na watu wangu tunatoka, kuna vita baina ya wakulima wa wanyama na wakulima wanaopanda mimea. Nimekua na kesi sio moja, sio mbili, wala sio tatu. Sehemu za Jirole na Magarini, kuna wafugaji ambao wanaleta mifugo kule ilhali wanaona watu wa pale wamepanda mimea yao. Watu wa kwetu wanaishi kwa kupanda mahindi, *tomato* na viazi katika mashamba yao. Kumekuwa na kesi nyingi kwamba wafugaji wanaingia katika mashamba ya wale watu ambao wanafanya ukulima wa mimea.

Nimezungumza na ndugu yangu ambaye ameuleta huu Mswada, kwa sababu hili ni jambo ambalo tunafaa kuliangazia. Kama kule Malindi kumekuwa na kesi za watu kupigana mapanga na kutaka kuuana. Hii ni kwa sababu kuna wafugaji ambao wamekuja pale, na wanataka kulisha ng'ombe na wanyama wao, ilhali kuna wale ambao wamepanda bidhaa zao na wanataka kwenda kuziua. Ningependa kuongea na aliyeleta Mswada huu ili tuangalie pia wakulima wa mimea wasipoteze haki yao. Tunapotetea wafugaji wa mifugo waweze kulisha wanyama wao na *kuwa support* katika Mswada yao, haimaanishi kwamba mkulima wa mimea anyamazishwe ama asipate haki yake. Nauunga mkono huu Mswada. Lakini lazima tuweke marekebisho na tuongeze maneno mawili matatu, ili tuhakikishe haki za mkulima wa mimea na yule mfugaji wanyama ziko sawa, na hawatatanishani.

Kwa hayo machache, ahsante sana.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Ahsante. Mhe. Rashid Bedzimba, Mbunge wa Kisauni.

Hon. Rashid Bedzimba (Kisauni, ODM): Ahsante sana, Mhe. Spika wa Muda kwa kunipa fursa hii kuchangia Mswada huu wa kuzuia wizi wa mifugo katika nchi yetu ya Kenya. Nimesimama kuzungumzia na kuutilia nguvu Mswada huu kwa sababu mimi nimefanya kazi ya askari wa *General Service Unit (GSU)* kwa miaka kama tisa. Nilikuwa na bahati ya kulinda sehemu ambayo kulikuwa na wizi wa mifugo, kama vile Chepchoina, Japata, Kakuma na sehemu zinginezo.

Ninamshukuru Mhe. Dawood kwa kuuleta Mswada huu, kwa sababu wizi wa mifugo sio wizi tu, kwa sababu kila wizi unapotokea, maisha ya watu hupotea. Askari wengi sana wa GSU wamepoteza maisha yao kwa sababu ya wizi wa mifugo; aidha kufuata ama kuzuia kwa sababu wale watu wanaishi na mifugo wana mbinu na hikma za kuingia ndani ya mifugo bila wewe kujua kwamba wako pale ndani. Wakati mmezingira ndio huwa wanatokea na huwa wako na silaha za moto ambazo zinaleta maafa ya mauaji na majeruhi. Kwa hivyo ni vyema sana amekuwa na mfumo wa kwamba kuwe na chapa. Hili ni jambo zuri kwa sababu mwizi anapomchukua yule mfugo na kukimbia naye, itamtatiza. La kwanza, itakua kujaribu kutoa ile chapa, na hii inakuwa ngumu kwa sababu ile chapa itapigwa ikishikana na nyama. Lazima atakuwa na wasiwasi kwamba sio rahisi tu kuiba mfugo, kwa sababu kuna kitu ambacho kinadhahirisha kwamba huyo mfugo sio wake.

Ni vyema sana na nakubaliana kuwe na chapa. Lakini chapa hiyo isiwe ya gharama kwa sababu wafugaji wengi hawana uwezo. Wengine hata ni wazee sana hata hawana vitambulisho. Inafaa iwe kitu ambacho jeshi la utawala kama *sub-chief* litachukua jukumu, kwamba mifugo wote watapigwa chapa bure na malipo yatoke *county government*. Pia sio vibaya kujua kwamba mtu fulani ako na mifugo wangapi. Mifugo wakizaa, anapeleka ripoti ya idadi ya mifugo wake kila mara kusudi kwa bahati mbaya ama nzuri, mifugo ikizidi idadi yake, ako na sababu ya kueleza mifugo wengine wametoka wapi. Ni vizuri sana kufanya hii mikakati ya kuzuia kwa sababu sehemu zile ziko na wizi wa mifugo zinarudi nyuma; haziendelei. Watu

wengi hawakai huko kwa sababu wako na wasiwasi kuwa wakati wowote wanyama wao watakuja kuchukuliwa. Kwa hivyo, tukifanya haya, itasaidia pia maafisa wa usalama kujua kwamba sasa kuna taratibu ambazo zitaifanya iwe sio rahisi mtu kuchukua mifugo wa wenyewe.

Kule kwetu, mifugo wengi wanaingia katika mashamba ya watu. Hakuna wizi wa mifugo sana, lakini wanaingia katika mashamba ya watu, wanakula mimea kama mahindi. Mara nyingi wale wachungaji huwa wamechukua mifugo ya watu kama kumi, na kuwaweka pamoja na kuwachunga. Lakini ni vizuri mifugo wakiwa na chapa, tutajua mwenyewe. Hivi ni rahisi bwana chifu ama koti kumhukumu wakati mifugo wake wamehusika katika mambo haya.

Kwa ukweli, hili jambo limekuwa donda sugu katika taifa, mpaka sasa tumechukua hata majeshi ya Taifa la Kenya kwenda kupigana na wezi wa mifugo. Imekuwa ni hatari zaidi mpaka tumeshuka kwamba badala ya jeshi kulinda mipaka yetu, wanatumika kulinda wizi wa mifugo. Lazima hili jambo likomeshwe kusudi watu waende katika mfumo mwingine. Pia serikali wanafaa kuhakikisha kwamba sehemu ambazo ziko na wizi wa mifugo wameweka maendeleo makuu kama viwanda. Hii itasaidia watu waachane na mambo mengine waanze kuangalia hali kulingana na maendeleo yanayotendeka hivi sasa duniani.

Nimesimama kuupongeza Mswada huu. Naomba tusizungumze tu, lakini serikali itie nguvu kuhakikisha kwamba jambo hili linatekelezwa ili wizi wa mifugo ukome kabisa.

Asante sana.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Mbunge wa Baringo.

Hon. Jematiah Sergon (Baringo County, UDA): Thank you, Hon. Temporary Speaker. I also want to take this opportunity to thank and congratulate the Member, my colleague, who has brought this Bill from the Senate, Hon. Dawood. I must say this is a timely Bill, having come from Baringo, where we have been experiencing a lot of problems with cattle rustling and banditry. As I went through this Bill, I realised that the mover of the Bill describes the importance of branding very well, which will give livestock farmers a good reason to keep and preserve their livestock. I also want to say that formulating national policy will give farmers assurance and enable them to grow their livestock and keep them safe.

Branding will also enable livestock owners to identify them in case of theft and when recovering them after any theft by bandits, for instance, in Baringo and other places. In my opinion, this is a progressive Bill, and I want to support it. I would probably say we should add more on public participation so that farmers can understand, especially when we talk about the county formulation, where they have to register in the counties and be part and parcel of the process of keeping this livestock.

Thank you.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Thank you. Hon. Dekow.

Hon. Dekow Mohamed (Garissa Township, UDA): Thank you, Hon. Temporary Speaker, for the opportunity. I intend to contribute to this Bill by stating that, from the outset, I oppose the Bill as it is. First, is the practicability of implementing this Bill, in that the Bill appears to me to have taken into account only... There are two types of livestock producers in this country. We have the pastoralists and these small-scale livestock keepers who do dairy farming and that kind of production. I believe it did not take into account the other part of this country that has a large number of animals of different types, and that the reality on the ground is that this Bill is not practicable in any way. As it is on the ground now, our animals in pastoral communities are branded; they have marks, and the communities there identify which type of brand belongs to which community or clan. So, branding 1,000 or 2,000 per family, of 1,000 goats, 300 cows and 200 camels, is not realistic in that sense. It will be very expensive if we go with a modern branding approach for these animals.

The issue of cattle rustling is confined to a very small area of this country. The North Rift is where this problem is. In northern Kenya, we have minimal cattle rustling or animal theft. That is a cultural issue the Government needs to address, not engage in this kind of wholesale condemnation. The issue of registering these animals, if I have 100 animals, for example, and I have registered them, and I want to sell them, we do not sell some of these animals in markets, we do local trades in the vicinity we are in. A farmer or pastoralist cannot move from one area to sell an animal and then report the sale to the nearest administrative unit, office, or branding authority. This requirement implies that the purchaser must register the animal again and perform their own branding, which would be cumbersome.

We already have existing laws. Why do we not strengthen the laws that exist to address the issue of cattle rustling? For example, in our community, when we get married, the dowry that we pay is in the form of animals. If I give my in-laws a certain number of animals, they are removed from my stock and added to theirs. How is that practicable? The reality is that this issue, or the Bill as it is, involving registering, deregistering, and monitoring, is not realistic. We have laws in place that we need to address, input into, and strengthen to address the issue. The intention here is to address cattle rustling. That is the main thing. It is going to be too expensive for the farmer down there, who has so many cows, goats, and camels. In a family, the head of the family, as the father who has sons, allocates each animal to his sons. It means that each one who has been allocated that animal must also do their own branding. This is not possible, and I oppose this Bill.

Thank you.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Hon. Shakeel Shabbir, Member for Kisumu East.

Hon. Shakeel Shabbir (Kisumu East, Independent): Thank you, Hon. Temporary Speaker. Change always has a reaction. It is not the branding issue that is the problem. The issue is identifying animals. I come from Kisumu East, and a number of our animals are stolen, especially between Nandi and ourselves, and they are taken very far, and they are taken to butcheries, and they are illegally butchered. Now, in many countries, even in Africa, you have to tag your pet, whether it is a dog or a cat. They even have passports for these animals. In Europe and many other countries, animals are not branded. There is a small tag that is put under the ear. That tag is a locator. That tag tracks that animal's health and transportation. If you give that animal to someone or sell it to someone, you just change the tag electronically, like on M-Pesa. We are very articulate on M-Pesa and ICT.

We are on e-Citizen. We are on so many other issues. One of the issues we want to talk about is animal identification, so we can track them and identify those that are cattle-rustled. It is not only cattle. There are camels; there are goats; there are sheep; and there are pigs. Each of these items... It does not require Ksh2,000 to do this. I have a dog, or two dogs, at home, and I have to register them with the County of Nairobi. I see no problem with the members of the nomadic clan who know their animals by name, even when there are a thousand animals. The nomads... I am an adopted Maasai, but I do understand the way the Maasai identify their animals.

There are other Members of Parliament, including my late departed friend Hon. Ng'eno, who were so committed. At one time, they would follow cattle rustlers, together with people armed with AK-47 rifles, to recover stolen cattle. There is no difficulty in identifying cattle. The fact is that it would take very little to identify them through small tags placed in the ear. Many cattle herders already vaccinate their livestock and are taking such measures.

Not more than a year or two ago, I recall the government proposing certain inoculations and treatments for cattle that were strongly opposed. That was meant to inoculate livestock from certain diseases and prevent passing unnecessary gases that were not good for the environment. I see no reason why our nomadic brothers are against this proposal. Yes, there

may be a small financial cost, but it would ultimately be borne by the cattle's owner. It would benefit them as they would know exactly how many cattle they have. Some cattle herders may not want others to know how many cattle they have or where they got them. That may be one reason some attempt to justify cattle rustling as something other than theft. Theft is theft. There is no doubt about it.

Some individuals use cattle for money laundering. I speak as the chair of the African Parliamentarians Network Against Corruption (APNAC). Livestock is used to launder money. They use the ill-gotten wealth to buy livestock, sell it, and return with the laundered money. This is why many large-scale cattle holders would object to proper identification. Even small-scale holders would benefit from knowing how many cattle they have, the names of the cows, bulls, or camels, and where each animal is.

For instance, my nephews and I purchased a share in an animal called a whale. I have it on my phone and can track it wherever it goes across the world. I see no reason why we cannot adopt some sort of identification for our livestock. It costs less than Ksh50 to acquire a SIM card; tagging an animal would cost even less. As a renowned game warden, I have tracked major wildlife—elephants, lions, and rhinos. I can tell where a specific rhino or elephant is at any given time. Others can track them as well.

Therefore, I see no reason why there is an objection from our colleagues in nomadic areas. They want to cling to customs that have existed for centuries, yet we are offering an opportunity for modernisation. These herders already use mobile phones, rely on M-Pesa, and know where to take their animals for grazing. It is all done using technology. I do not see why there is an objection at this moment in time. Whether termed cattle rustling or otherwise, I re-emphasise that livestock loss and the purchase of livestock have been used to launder money. That is one of the reasons we would like to know who buys what from where and how. After all, all our transactions on M-Pesa are now recorded. The Kenya Revenue Authority (KRA) knows what we are doing. We want to pay our regular tax, which we feel is important. That does not exclude our colleagues with thousands and thousands of cattle. Of course, there is an identification of cattle lost during drought. One can then go for insurance and claim a specific loss for one cattle identified by such-and-such a number. He or she will state where it died or was stolen. You can file a claim for that identifiable item with the insurance provider.

With those few remarks, Hon. Temporary Speaker, I support. Thank you.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Hon. Nzambia.

Hon. Thuddeus Nzambia (Kilome, WDM): Thank you for the support you have given.

(A Member spoke off the record)

I will spare a few minutes for you.

I rise to support this Bill. However, from where I sit, identification is not the main concern here. You may be thinking that it is only in Pokot and Northern Kenya where livestock theft is rampant. I want to surprise you by using my constituency, especially in Malili Ward, where we host the Konza Techno-City and where livestock theft is rampant. I suggest that identification is not the main problem, and it will not prevent theft.

I can cite a recent example. There has been much theft within the last two years. We have been reporting the incidents to authorities, such as police stations, even when the culprits are present. I am suggesting that it would be better if we did away with corruption in this country. Some of the people stealing livestock have been identified and taken into police custody. At the end of the day, you realise that they have been released or set free.

Last month, the people themselves or my constituents, caught three thieves and just burned them. I think there has been no incident of cattle theft since then. The Bill should focus on security enforcement. As we speak, I have stated that it has relieved my constituents a bit

when they marshalled the thieves. I am speaking about one of my wards, Kiima Kiu/Kalanzoni Ward. It is near Konza Techno-City.

I want to repeat that lack of identification is not the main cause of cattle theft. We should look into security enforcement more as we look into this Bill. It is a matter of concern that has been happening in North-Eastern Kenya, Pokot and Turkana. All we need is to ensure we have well-trained special units and anti-stock-theft police. I have stated that corruption is the main problem. You will find that some officers are compromised, making change difficult.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Order, Hon. Nzambia. You will have a balance of six minutes if you wish to come to the House to continue with this debate.

ADJOURNMENT

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Hon. Members, the time now being 1.00 p.m., the House stands adjourned until Wednesday, 15th April 2026, at 2.30 p.m.

(The House rose at 1.00 p.m.)

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