

# NATIONAL ASSEMBLY

## OFFICIAL REPORT

Wednesday, 2<sup>nd</sup> December, 2015

The House met at 9.30 a.m.

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

PRAYERS

QUORUM

**The Temporary Deputy Speaker** (Hon. Cheboi): Order, Hon. Members! Clearly, there is no quorum though we are doing very well. I order the Quorum Bell to be rung for 10 minutes.

*(The Quorum Bell was rung)*

Order, Hon. Members! We now have the requisite quorum. Therefore, the business will start. Can we have the Chairperson of the Committee on Implementation, Hon. (Ms.) Tuya.

PAPERS LAID

**Hon. (Ms.) Tuya:** Hon. Temporary Deputy Speaker, I beg to lay the following Paper on the Table of the House today Wednesday, 2<sup>nd</sup> December 2015:-

The Report of the Select Committee on Implementation on the implementation status of House resolutions for the period from April to November 2015.

NOTICE OF MOTION

ADOPTION OF REPORT OF THE SELECT  
COMMITTEE ON IMPLEMENTATION

**The Temporary Deputy Speaker** (Hon. Cheboi): Hon. Soipan, you will give a notice on this one.

**Hon. (Ms.) Tuya:** Hon. Temporary Deputy Speaker, I beg to give notice of the following Motion:-

THAT, this House adopts the Report of the Select Committee on Implementation on the implementation status of House resolutions for the period from April to November 2015, laid on the Table of the House today Wednesday, 2<sup>nd</sup> December 2015.

**The Temporary Deputy Speaker** (Hon. Cheboi): Hon. Wandayi, what is out of order?

**Hon. Wandayi:** Hon. Temporary Deputy Speaker, I am rising on a serious note. As you know, I hardly engage in ---

**The Temporary Deputy Speaker** (Hon. Cheboi): Ordinarily, you rise not on a very serious note but today you are.

**Hon. Wandayi:** Hon. Temporary Deputy Speaker, I rise under Standing Order No. 199 which deals largely with the issues of Select Committees. The Select Committees do their reports on various matters and present them before the House. In the last few days, if not one week, this Parliament has endured very bad Press reports.

**The Temporary Deputy Speaker** (Hon. Cheboi): Though I know that you are actually building your case, go straight to the point on what you think is out of order and then we can make a decision on it.

**Hon. Wandayi:** Hon. Temporary Deputy Speaker, just indulge me a little bit here.

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

**Hon. Wandayi:** Hon. Temporary Deputy Speaker, I rise to request you to make a determination as to whether it is in order for this House to demand that a delegation of Hon. Members who attended the just concluded Assembly of State Parties (ASP) in The Hague to present a report to this House on its deliberations.

I am raising this issue because the media reports attributed to that delegation and its activities in The Hague have not been very good for the reputation of this House.

In the recent past, the image of this House has been battered on account of various matters. That delegation and its activities in The Hague have compounded the matter in the sense that the reports emanating from The Hague and have spread globally, pointed to a very sorry state of affairs there.

**The Temporary Deputy Speaker** (Hon. Cheboi): You have made your point.

**Hon. Wandayi:** I have not made my point, Hon. Temporary Deputy Speaker.

**The Temporary Deputy Speaker** (Hon. Cheboi): You have made your point. So, you have asked me to make a determination on that one.

**Hon. Wandayi:** Let me finish, Hon. Temporary Deputy Speaker.

**The Temporary Deputy Speaker** (Hon. Cheboi): Hon. Wandayi, I will not entertain any point of order on that one.

*(Loud consultations)*

Order, Members! You have sought direction.

**Hon. Wandayi:** Hon. Temporary Deputy Speaker, the second issue was for you to order that delegation or whoever appointed that delegation to explain to the membership of this House the criteria that was used to select the Members of this House who went to The Hague.

**The Temporary Deputy Speaker** (Hon. Cheboi): You have made your point, Hon. Wandayi. Let us hear from Hon. Chepkong'a and then we will probably have Hon. Njagagua.

Proceed Hon. Chepkong'a.

**Hon. Chepkong'a:** Thank you, Hon. Temporary Deputy Speaker. It is unfortunate that my very good friend Hon. Wandayi is raising issues when he is a member of the Departmental Committee on Environment and Natural Resources and Departmental Committee on Agriculture, Livestock and Co-operatives. They have undertaken many foreign trips, but they have not filed their reports here.

**Hon. Member:** They have brought reports here!

**Hon. Chepkong'a:** No. We have not seen the reports. I know it. I just came back on Monday from the International Criminal Court (ICC). I am the Chairman of the Departmental

Committee on Justice and Legal Affairs. What you should be asking me is the relevant committee that deals with ASP. You should be directing it to me. The Departmental Committee on Defence and Foreign Relations does not support ASP.

**The Temporary Deputy Speaker** (Hon. Cheboi): Order, Hon. Chepkong'a!

**Hon. Chepkong'a**: It is an affair of the Departmental Committee on Justice and Legal Affairs. If there is any report that will be filed, it will be by the Departmental Committee on Justice and Legal Affairs.

**The Temporary Deputy Speaker** (Hon. Cheboi): If there is a commitment that a report will be filed, then I do not think that I need to make any determination on this particular one.

**Hon. Chepkong'a**: There is no determination to be made. I am the one who will make the report.

*(Loud consultations)*

**The Temporary Deputy Speaker** (Hon. Cheboi): Order, Members!

**Hon. Chepkong'a**: You do not determine where it goes. It is an issue of the Departmental Committee on Justice and Legal Affairs. I attended that meeting. Can I be heard?

**Hon. Wakhungu**: *(Inaudible)*

**Hon. Chepkong'a**: I do not like Hon. Wamalwa shouting at me. I also have the capacity to shout at him. He is an honourable Member. It is not fair that he shouts at me and he comes from Kiminini where I also come from. First and foremost, he is a former lecturer. If his students see him shouting at me, it is unfair. He is a PhD student and he knows that I do not have one. So, I should be learning from him. Surely, if that is the experience that we are going to have in this House, it is terrible!

*(Laughter)*

**The Temporary Deputy Speaker** (Hon. Cheboi): Let us leave it there.

**Hon. Chepkong'a**: Hon. Temporary Deputy Speaker, in 2013, the Departmental Committee on Justice and Legal Affairs led the delegation that went to ASP Conference. We made a report here because the Attorney-General is the one responsible for ASP.

Secondly, Hon. Cheptumo, who is standing next to you, also formally attended the meeting with his Committee on Delegated Legislation. So, we did it jointly. We will make a report together with Hon. Cheptumo.

Thank you.

**The Temporary Deputy Speaker** (Hon. Cheboi): We do not need to open up this issue. I also know that the Chairman of the Departmental Committee on Defence and Foreign Relations was there, but let us not delve too much into it.

**Hon. Wakhungu**: Hon. Temporary Deputy Speaker---

**The Temporary Deputy Speaker** (Hon. Cheboi): Hon. Wamalwa, I heard you shouting. I am not giving you the Floor now. I will give you when you make a request. You are far down the line. In any case, Hon. Wamalwa, even when you visited the Pope and he gave you blessings, we did not ask you to bring the report. Let us leave these things at that. We are grateful that, at least, we had some people who went there.

*(Loud consultations)*

Hon. Members, we are not going to open this issue. Let us proceed. We cannot waste the time of the House. Hon. Chepkong'a and Hon. Cheptumo have committed themselves to bring a report.

So, we are going to proceed. I would actually be tempted to give Hon. Pkosing a chance because he had a Motion. I really do not want us to open up this issue. We will deal with it when the reports are tabled. Nobody has specifically mentioned you. I would have given you an opportunity. What is it, Hon. Pkosing? You are being very disorderly? Hon. Pkosing, have you folded your coat ready for war or that is the design of the coat?

**Hon. Losiakou:** Hon. Temporary Deputy Speaker, I have not folded the sleeves of my coat to fight my brother. That is not correct. However, the Member wanted to cast aspersions on the Members who went to the ASP. As the sponsor of the petition, it was signed by 190 Members. It was theirs. So, why would one want to cast aspersion on Members who want to rescue this country, including his Chairman, who signed the petition?

**The Temporary Deputy Speaker** (Hon. Cheboi): Order! By the way, nobody has cast aspersion. In fact, Hon. Wandayi has just arrived from India on a caucus on anti-corruption. Let us not open this issue unnecessarily. I am not giving any more Members the opportunity to speak. Let us proceed. We will not open that issue. We will proceed to the Order as it is in the business today.

Let us have Hon. Katoo ole Metito prosecute his Procedural Motion.

**Hon. (Dr.) Simiyu:** On a point of order, Hon. Temporary Deputy Speaker.

**The Temporary Deputy Speaker** (Hon. Cheboi): Let me give Hon. Eseli an opportunity and it has to be different. We cannot go back to the same thing. Many Members have spoken on this.

**Hon. (Dr.) Simiyu:** On a point of order, Hon. Temporary Deputy Speaker. You are very well aware that I do not stand on frivolous points of order, but is Hon. Pkosing properly dressed to be in the House.

**The Temporary Deputy Speaker** (Hon. Cheboi): Let me look at Hon. Pkosing. As far as I am concerned, in my estimation and sometimes I suffer from short-sightedness and so, I am not able to look at him clearly, but let me assume that his suit has shorter sleeves. He has actually won a smaller size of a suit. But I can see that he has a necktie. I can see the colour between the arms looks the same. Many of the ladies have come to the House in shorter sleeved tops. Hon. Pkosing, are you properly dressed? Let me see.

Well, Hon. Members, can any Member look at the Standing Orders and give me some provisions on dressing? If that is the case, let us be sure. It is a very pertinent issue.

*(Hon. Ngikor raised his hand)*

Even Hon. Ngikor is also out of order. He is putting up his hand with one finger vigorously shaking. I do not know whether he is pointing at me or he is showing a symbol of a certain party. Well, I will consult on that one, Hon. Members and I will make a decision on whether Hon. Pkosing is properly dressed. I will send somebody to go close to where he is. This is something that we will have to dispense with.

Hon. Members, there is a bit I want to read for the Members and we will all look at it and see whether Hon. Pkosing is improperly dressed. If you look at the Regulations or Code of Conduct for Members of the National Assembly within the precincts of Parliament, No.5 states as follows:-

“Members are required not to enter the Chamber, lounge or dining room without being properly dressed”.

That is qualified down there to mean a coat, a collar, a tie, a long trouser and not a short one, socks, shoes or service uniform or decent national dress for men and an equivalent standard for women with hats optional. The only difficulty I have is that when I talk about a coat, I wonder whether what Hon. Pkosing has is a coat. It is a coat which has shorter sleeves. Hon. Amina is a fairly older Member of the House. Let me hear what she has to say on this one.

**Hon. (Ms.) Abdalla:** Hon. Temporary Deputy Speaker, I understand where Hon. Eseli is coming from. But having allowed the Maasai Spiritual Leader into this House with his traditional clothes and secondly, knowing that Hon. Pkosing is a Pokot, we should be grateful that he is even wearing a shirt.

*(Laughter)*

**The Temporary Deputy Speaker** (Hon. Cheboi): But obviously, that is not a national dress for the Pokots. Let us get a middle ground, Hon. Members. The description here is so clear. The only thing is that it does not describe the type of a coat. But we know decent clothing here. Because I want to get the feeling of the Members, let us have Hon. Mbadi as we wind up on this one. We will not take longer than that.

**Hon. Ng’ongo:** Hon. Temporary Deputy Speaker, we have had a bit of light moments, but on a serious note, this is a matter that we need to be clear on the precedent. I want to remind Hon. Amina that the Standing Orders talk about Members and the Maasai that she has talked about is not a Member.

**The Temporary Deputy Speaker** (Hon. Cheboi): Hon. Mbadi, you are always much more audible. I do not know whether you are getting a little older or it is the rigors of the campaign.

**Hon. Ng’ongo:** Hon. Temporary Deputy Speaker, I am the Chairman of the largest party in this country and we are just a year to elections. So, a lot of preparation is going on in a bid to take over power, which is very likely. However, there is a precedent on this matter. Hon. Marende, if I am not wrong, ruled on the Kaunda Suit, which is very close to what Hon. Pkosing is wearing.

*(Hon. Ochieng stood up in his place)*

**The Temporary Deputy Speaker** (Hon. Cheboi): Order, Hon. Ochieng! You are interfering with your party Chair.

**Hon. Ng’ongo:** Hon. Temporary Deputy Speaker, we can get Hon. Marende’s ruling which has set a precedent. He made a ruling on Kaunda Suit which is very close to what Hon. Pkosing is wearing. I am not an expert in describing whether a cloth is a Kaunda Suit or anything, but looking at Hon. Pkosing’s dressing, it is close to Kaunda Suit. I remember Hon. Marende made a ruling that Kaunda Suit would not be acceptable. It was on the basis that if the coat is short sleeved, then it does not qualify to be a coat. On a serious note, we need to rule my good friend, Hon. Pkosing, out of order, who convinced me and I agreed with him to sign his petition to the ASP for re-opening of the investigation on the ICC matters.

I think the Member is not properly dressed. He may be cautioned not to dress that way because of ignorance. I think he did not know. It is not that he is not very knowledgeable, but

these matters of dressing, you may just wake up and feel that a cloth is very nice for you. Maybe, your wife told you that you look so good in Kaunda Suit more than others.

**The Temporary Deputy Speaker** (Hon. Cheboi): I did not come dressed in a Kaunda Suit unless you are talking about Hon. Pkosing. Hon. Mbadi, I think what Speaker Marende ruled was that Kaunda Suits are in order as long as they are long-sleeved. I am just trying to clarify that bit. In this particular one, Hon. Pkosing has had his say in the House. I will ask him to step out to avoid us going into unnecessary discussions on this as we clearly state what Members are supposed to be.

In my own estimation, he does not look badly dressed. He looks very well dressed in my own opinion, but my opinion in this one will not carry the day. We do not want to set any precedent. It is better if we decide later that he is properly dressed. If we do so right now, Members would still come to the House in the manner in which he is dressed. It would not be proper to make a decision that he remains and then we create a precedent which is not proper. That is the better way for us. It is a middle ground.

Hon. Pkosing has had his opportunity. It is better when you have a long sleeved suit.

*(Hon. Losiakou withdrew from the Chamber)*

Hon. Pkosing you do not need to go very far. I am informed that Hon. Gumbo normally dresses around in this place. He can give you---Members, let us proceed. Let us not waste too much time on this one.

Hon. Katoo.

## **PROCEDURAL MOTION**

### **EXEMPTION OF BUSINESS FROM THE PROVISIONS OF STANDING ORDER NO.43(3)**

**Hon. Katoo:** Thank you, Hon. Temporary Deputy Speaker. I beg to move the following Procedural Motion:-

THAT, the business appearing in today's Order Paper be exempted from the provisions of Standing Order 40(3) being a Wednesday Morning, a day allocated for business not sponsored by the Majority or Minority Party or a Member belonging to the Majority or Minority Party or business sponsored by a Committee.

According to the calendar of this House, it is good for Members to note that we are only left with two days, that is today and tomorrow to transact the business of this Session. So, it is in agreement with the House Business Committee (HBC) that today's morning session, we try to finalise the adoption of Sessional Papers as they appear on the Order Paper that is before this House. Some of them have been there for a period of three years. This will give way in the afternoon for the Committee of whole House to debate the amendments to the National Government Constituencies Development Fund (CDF) Bill, National Assembly Bill No. 59 of 2015 and subsequently other Bills which have constitutional timelines as they appear in the Order Paper.

I wish to plead with my colleagues that in our sittings today and tomorrow, we try to finalise these sessional papers and also urge Members to be very keen in the afternoon as we go for the Committee Stage of the CDF Bill. That is because once we go for the break - that is according to the Calendar of this House which is in the public domain - we will come back in February. The window given by the court will have elapsed. That is why we are requesting this House to do other business this morning.

I, therefore, want to take this opportunity to thank my colleagues who have been very steadfast in the performance of their duties. Kindly allow me as I move, to ask Hon. Chris Wamalwa to second.

**Hon. Wakhungu:** Thank you, Hon. Temporary Deputy Speaker. I rise to second the Procedural Motion. It is, indeed, true that we have urgent matters that we need to transact. But as we move on, it is my humble request to the HBC, bearing in mind that today is a Private Members' day--- These Members have worked tirelessly in terms of research. They have Motions and Bills which are lined up. If we continue interfering with the Private Member's businesses, in the long run, they are going to get demotivated. We have seen people who submitted their Motions and Bills more than six months ago. So, as we move on, it is my humble request that we must be able to prioritise our business. As we move on, it is true that in this country, we need to expedite some of the businesses that are appearing. More important, as the Pope was here, he talked much about the issues of corruption. We know very well His Excellency the President had given names of nominees who are to become commissioners. We need to move with speed in vetting those nominees. Now, we are waiting for the Cabinet Secretaries and Permanent Secretaries.

I second. Thank you.

*(Question proposed)*

**Hon. Members:** Put the Question.

*(Question put and agreed to)*

## **BILLS**

### *First Readings*

THE BANKING (AMENDMENT) BILL

THE PUBLIC FUNDRAISING APPEALS BILL

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

## **MOTIONS**

THE ADOPTION OF SESSIONAL PAPER ON NATIONAL  
POLICY AND ACTION PLAN ON HUMAN RIGHTS

**The Temporary Deputy Speaker** (Hon. Cheboi): Hon. Chairman of the Departmental Committee on Justice and Legal Affairs Committee, are you ready to move this one? Proceed.

**Hon. Chepkong'a:** Thank you, Hon. Temporary Deputy Speaker. I beg to move the following Motion:-

THAT, this House adopts Sessional Paper No. 3 of 2014 on the National Policy and Action Plan on Human Rights, laid on the Table of the House on Wednesday, 3<sup>rd</sup> June, 2015.

The Departmental Committee on Justice and Legal Affairs has reviewed this particular Sessional Paper No.3 of 2014 and has tabled its report to guide the debate before this House. It can be found in the Table Office. The Sessional Paper is also found in the Table Office for those Members who are interested in going through it. Kenya has encountered numerous challenges in the realization of human rights throughout its history, starting from the colonial period which characterised both political and social human rights violations mainly perpetuated by the colonisers against the colonised, that is the people of Kenya at that time. One of the most significant protestations at that time was the abuse of Kenyans rights that came in the form of *Mau Mau* uprising in the 1950s that had a great impact on the clamour for Independence. The subsequent regimes that followed after Independence, that is 1960s and 1970s were lauded for their commitment towards improving the situation of Kenyan citizens, especially in areas related to access to small land holders, health education and poverty alleviation.

However, during that period, Kenya was also a *de facto* one party State, which restricted the enjoyment of civil and political rights such as democratic rights and activities of opposition politicians and political parties. In the 1980s, the *de jure* one party state heightened restrictions on political pluralism and free electoral and democratic processes. The Inter-Parties Parliamentary Group (IPPG) of 1997 was as a result of clamour for political opposition for minimum constitutional reforms which included, among other things, creating a level playing field in elections.

The IPPG consensus provided for fundamental electoral reforms that in part contributed to the ouster from power of the then ruling party, Kenya African National Union (KANU); during the 2002 general elections. The ouster of KANU – a party which had been in power from 1963 to 2002 – provided an opportunity for deeper democratic governance reforms and a renewed commitment to the promotion, respect, protection and fulfilment of the people's rights in Kenya.

After decades of one-party rule and the attendant human rights abuses, the Government that took power in 2002 showed some commitment in terms of breaking away from the past and creating a necessary enabling environment for enjoyment of human rights by all Kenyans without discrimination. It was after this period that the Government enhanced the process of signing and ratifying relevant international and regional human rights instruments with a view to providing the citizens with the widest possible protection of their rights.

If Hon. Wandayi was here, he would recall that, that was the time when Kenya acceded to the Rome Treaty that set up the International Criminal Court (ICC), to which we attended as a party during the last Assembly of State Parties Conference. That was one of the ways of enhancing human rights by ensuring that we created a complementary court to ensure that if the local courts do not provide for remedies in terms of human rights violations, then we have a court of international stature that may deal with such issues. As hon. Members know, during the 10<sup>th</sup> Parliament, Kenyans decided to refer some of the cases to the ICC, which has created some discomforts in certain quarters.



This crisis brought into sharp focus the limitations of the country's democratic governance systems, which generally failed to diffuse the conflict and prevent human rights violations. The 2007 post-election crisis also brought with it a renewed sense of urgency for far-reaching constitutional and legal policy and institutional reforms that have a bearing on the inter-dependent issues of human rights, democratic governance, rule of law and security. This turbulent historical background has contributed largely to the economic, political and social challenges that have hindered the realization of rights by majority of Kenyans. The challenges can be grouped into about four different forms.

This policy identified inequality as a major issue that limits enjoyment of human rights in this country. Kenya's Vision 2030 has recognised the fact that problems of inequality pose economic, social and political challenges as well as threats that lead to major human rights violation. Consequently, Vision 2030 aims at economic growth while ensuring that the political system is issue-based, people-centred, resource-oriented and accountable.

The second threat that has been identified as a challenge to human rights is poverty, which remains a major impediment to both the fulfilment of basic rights and realisation of the full potential of many Kenyans, particularly women and children. That is why, as Members of Parliament, we have been concentrating very much on uplifting the standards of women and school-going children. The Constituencies Development Fund (CDF) has been allocating up to a maximum of 25 per cent of bursaries to students from the less fortunate families in the society to ensure that we eradicate the issue of poverty and create a level playing ground in terms of providing opportunities for the youth as they seek education.

About 56 per cent of Kenyans live below the international poverty line of less than one US Dollar per day. According to the Kenya Economic Survey Report of 2009, the number of Kenyans depending on others is about 84 per cent. It is very unfortunate that we have created a country where many people do not want to do much; they live off others. That is one of the problems we are seeking to regulate. Today we received the Public Fundraising Appeals Bill from the Senate seeking to regulate fundraising in this country, which has been a result of poverty across the country.

The third major impediment to the enjoyment of human rights in Kenya is lack of public awareness on human rights issues. A number of Kenyans are not aware of their rights. As a result, it has been difficult for them to enjoy their human rights. This has led to abuses, often without people seeking redress from the right institutions.

The fourth and final thing that has been identified as a major challenge, and which has been declared publicly by the President himself as a threat to national security, is corruption. This is one of the issues that have greatly impeded development and enjoyment of human rights in Kenya. This does not only affect economic growth and discourage foreign investment, but it also diverts public resources from investment in critical infrastructure that is crucial for strategic elements for poverty alleviation. It negatively affects access to resources.

As we sought to deal with these challenges, we passed the Constitution of Kenya, 2010, which has engendered a number of human rights safeguards to ensure that Kenyans enjoy their rights and find redress where there have been abuses and infringements.

With those few remarks, I beg to move and request Hon. Njoroge Baiya to second.

**The Temporary Deputy Speaker** (Hon. Cheboi): As Hon. Baiya seconds, it is important for hon. Members to be guided that every Member speaking, including the Seconder, will have only five minutes. As he proceeds to second, I want to recognise in the Public Gallery, pupils and teachers from Korowa Girls Primary School from Seme Constituency, Kisumu County; of

course, represented by the eminent scholar and doctor, Hon. (Prof.) Nyikal, who is a very active Member of this House.

Proceed, Hon. Baiya.

**Hon. Baiya:** Hon. Temporary Deputy Speaker, I rise to second the Motion. First, I would like to thank the Chairman of the Committee on Justice and Legal Affairs, Hon. Chepkong'a, for moving the Motion for adoption of Sessional Paper No.3 of 2014 on National Policy and Action Plan on Human Rights.

As it has been outlined, the purpose of this national policy and action plan is basically to give effect to Chapter Four of the Constitution with regard to implementation of the Human Rights Charter. The policy itself is a result of a consultative process that brought on board the various stakeholders in the country, seeking to outline the basic gaps and limitations to peace in this country, as far as the fulfilment of human rights is concerned.

Hon. Temporary Deputy Speaker, the background to this is the realization that the Bill of Rights in the Constitution is a mandatory framework for all social, economic and cultural policies in this country. This should be the key driver for public policies, programmes and budgets; the implementation of which will lead to the maximum fulfillment of human rights amongst Kenyans. As the Chairman has already outlined, the process of developing this policy brought out the historical challenges that the country has experienced. It has also brought out challenges such as inequality, poverty, diseases and corruption. Therefore, it has sought to provide a mechanism for implementation that will ensure that countries track the record with regard to human rights and that poor human rights practices are redressed.

The policy has identified key priority human rights areas. This has been done through hearings countrywide. They have been categorized as civil and political rights; the right to life; the right to liberty; security of persons; access to justice; right to political participation; right to the highest attainable standard of living and health; rights relating to property; rights relating to housing; rights relating to food; right to clean and safe water; right to clean environment and so on. Those are the group rights that relate to vulnerable groups, that is, women, children, persons with disabilities, older persons, marginalized and minority groups. These are the key areas that have been identified under the policy plan. So, the policy and the action plan list the Government's commitment to human rights through a broad undertaking. The policy is geared to be implemented within a time framework of five years. It will become the basis of allocation of resources. It will also involve all the key State agencies. We believe that every State actor will, in the process, help to observe, respect, protect and promote fulfillment of human rights. It will be used by the national Government and the county governments to consciously maintain---

**The Temporary Deputy Speaker** (Hon. Cheboi): Hon. Members, before I propose the Question, I had promised to make a decision as to whether Hon. Pkosing was improperly dressed. At the point I asked him to step out, I had not made that specific decision; I just asked him to step out. At this point in time, I want to affirm the position that he was actually improperly dressed. This is on the basis of a series of precedents of rulings.

Hon. ole Kaparo, in 1993, asked Hon. Shikuku who had come into the Chamber with a short-sleeved coat to step out. The definition of a coat according to the Oxford Learners Dictionary is this: "A coat is a long outer garment with sleeves and buttoned at the front." If, for example, Hon. Wamalwa comes to the Chamber with a very beautiful coat like what he is wearing now – he is properly dressed – and he puts buttons at the back of it, we will not consider that to be a coat.

In the last Parliament, Hon. Olago Aluoch came into the Chamber dressed in High Court attire. Hon. Marende ruled that dresses that are good only for other jurisdictions cannot be adopted in this Chamber. Be that as it may, Hon. Pkosing is improperly dressed. Hon. Members, you are asked to come into the Chamber in a dress that is acceptable inside the Chamber, however smart you are. On the other hand though, there has been clamour that we should relax our dressing code. That is a possibility but it has to be done by the proper Committee of the House and brought before the House for adoption. A decision can be made one way or the other to see if Members' dressing can be relaxed to make them more comfortable. As it is now, we have to follow the precedent that we have set as a House.

Incidentally, in 1969, Hon. Slade, the Speaker then, ruled that if a certain Member's dressing does not meet with the approval of honourable Members, he will doubtlessly hear about it and a step taken to ensure that, that Member is properly dressed. Therefore, I affirm that Hon. Pkosing was not properly dressed. He was very smartly dressed, but not properly dressed.

**Hon. Wakhungu:** Hon. Temporary Deputy Speaker, we have always said that this is a House of rules and procedure. Hon. Njoroge Baiya who was seconding the Motion did not actually do that. He needs to put that on the HANSARD.

**The Temporary Deputy Speaker** (Hon. Cheboi): You are right, Hon. Wamalwa. The reason he did not formally second on HANSARD is because he took too much time prosecuting his case. I will give him an opportunity to second. Let us hear you second on record.

**Hon. Baiya:** Hon. Temporary Deputy Speaker, for avoidance of doubt and to satisfy Hon. Wamalwa, I second.

*(Question proposed)*

**Hon. Ganya:** Thank you, Hon. Temporary Deputy Speaker. Advancing human rights in this country is something very critical. It is also very important for some of us who come from the marginalized parts of this country. The human rights enjoyed by the rest of Kenyans are hardly enjoyed by pastoralists and other marginalized Kenyans living in the periphery of this nation. Even getting ID cards is such a difficult thing for some Kenyans, especially those who are living along the borders of this country. We have had so many massacres in various parts of this country, and largely in the northern part of this country.

Hon. Temporary Deputy Speaker, cattle rustling is a major menace in the northern part of Kenya, among the pastoralists. It is just like any other arm of violence or nuisance. Thousands of Kenyans have been killed as a result and the Government hardly sees it as a serious problem that is affecting the lives and livelihoods of so many Kenyans in this great nation of ours. We really hope that such a solid Sessional Paper on human rights is supporting the various aspects of our Constitution and it will ensure that Kenyans, especially from pastoral communities, will be seen as equal to any other Kenyan from any part of this country and their rights will be upheld at the rates they deserve and what is provided for in the Constitution is guaranteed. I really hope that this Sessional Paper that we are going to pass today will not be in vain, but will ensure that the rights of Kenyans, especially those who have not really enjoyed the kind of lives they should have enjoyed, for the first time, will really enjoy those rights and feel that they are part of this nation.

I beg to support.

**The Temporary Deputy Speaker** (Hon. Cheboi): Hon. Members, I will give a chance to Hon. Nyikal and then I will give two Members from the right to the Speaker.

**Hon. (Prof.) Nyikal:** Thank you, Hon. Temporary Deputy Speaker for giving me an opportunity to express my support for this Motion.

First of all, I take this opportunity to also welcome the students from my Constituency. They have a grand opportunity to see us discussing human rights. The difference between human beings and other living things, particularly animals, is that we have human dignity that needs to be protected and human conscience. The whole basis of that in our Constitution is actually the whole of Chapter Four on the Bill of Rights that has taken into consideration all the rights that we think of. They are: The socio-economic rights, human dignity itself in Article 28, freedom of Press, freedom of information, socio-economic rights in Article 43, the rights of Children in Article 53, the rights of the youth in Article 55, persons with disability in Article 54 and rights of the elderly persons in Article 57.

The Constitution also goes ahead to establish a whole commission on human rights. It is, therefore, extremely important that this actually gets anchored further in policy that will give directions and strategies on how this can be achieved. Otherwise, what is in the Constitution will be a very important paper, but will not really serve Kenyans. Therefore, any society and any human endeavour really look at serving the human dignity on the basis of human rights. To that extent, it looks at the many programmes that we have in this country, even the ones for the youth. We have Members here who have really advocated for the youth. Look at the programmes for the persons with disability, orphans, vulnerable children and the elderly persons. All these really need to be encompassed in one major strategy and policy document that will ensure that we can, as people who are charged with oversight, task the Government to show us - strategy by strategy - what is being done and what results are coming out of that.

With that, I support this Motion.

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

**Hon. (Ms.) Kanyua:** Thank you, Hon. Temporary Deputy Speaker. I also wish to join in supporting this Sessional Paper on the National Policy and Action Plan on Human Rights of 2014. I also want to congratulate the many actors, partners and Government departments that were involved in its drafting. It took a very long time to put it together. For good reasons, the country has a history and a future with human rights. To merge the two, would really require that a lot of time and attention goes into the Sessional Paper.

As we approve and adopt the Sessional Paper, it will guide a lot of legislation that needs to come in terms of supporting human rights issues and in terms of supporting the implementation of the Constitution that we now have. Quickly, a lot of times, constitutions are very aspirational and promising. In fact, at one time, a lady is said to have gone to a hotel and got a menu. In that menu, the first choice of her meal was fish and *ugali*. She was informed they did not have fish and *ugali*. She asked: "Can I then have chicken and rice?" She was told: "We do not have chicken and rice." She said: "I do not like beef much but could you give me beef and *ugali*?" She was told: "We do not have beef and *ugali* either." At that point the lady asked the waiter: "Is this a menu or a constitution?" This is because it is a Constitution that says there is education, health care, freedom of expression, freedom of movement and the Bill of Rights. The Constitution promises many things unlike the lady's menu. It promises things which when you ask for you are told: "Sorry, we are not serving that now." When you ask for freedom of media you are told: "Sorry! The laws that we have do not particularly give freedom of media."

So, the Sessional Paper allows the country to not only have a Constitution that is similar to a menu, but a Constitution that promises things that are, indeed, available in our country. I

urge this House to look at adopting legislations that are very critical to human rights. We are in a country that does not have a housing law. One of our indicators of poverty has been the issue of housing, slums and dwellings that are not really up to human habitation. As a country, we need a housing legislation. I am glad many other laws need to be passed, for example, the Fair Administrative Action, the laws on media, including the Bill that I am moving on access to information. Many of those laws will see the light of day in this 11<sup>th</sup> Parliament. However, even as we do those ones that are on the queue, the ones that have been published and the ones that are set to come, including the Legal Aid Bill, it would be important that Members continuously bring laws that implement the human rights chapter of our Constitution. I particularly note the absence of the Housing Bill, but there are many legislations that need to be brought. Every time the country is audited on human rights standards, it is important that our country makes the right steps.

As I conclude, I want to alert our colleagues in the civil society that let us not cry wolf when there is no reason to. There has been no change in law in terms of the operations of civil society in this country. There is no active Bill before this House on changing the environment within which the civil society works. The environment that the civil society worked in under the Kibaki Administration legally remains exactly the same as we have it in the Jubilee Administration. In fact, in the Jubilee Administration, in our manifesto, we actually have partnership with civil society as one of the ways in which we want to build this country. So, it has not been right for the civil society to assume there is any change in how they should do their work. What they need to do like everybody else is engage with policies like the National Human Rights Policy now, action it and make sure the country continues to enjoy stability, a thriving democracy and, most importantly, continues to ensure that the human rights of all its citizens are respected and are enjoying a certain quality of life. That is what this House today is confirming by adopting Sessional Paper, No.3 of 2014.

I support, Hon. Temporary Deputy Speaker.

**The Temporary Deputy Speaker** (Hon. Cheboi): Very well. Let us have Hon. Sakaja.

**Hon. Sakaja:** Thank you, Hon. Temporary Deputy Speaker. I want to thank the Committee for their work on looking at this National Policy and also all the stakeholders. It has been a long process as the Vice-Chairlady has said - actually from 2005 in terms of coming up with this action plan.

The strength of a country is not measured by the size of its military or its economy, but by how the country treats the most vulnerable in the society, how the country looks at those who may not have, those below the poverty line and those disadvantaged by different aspects.

Hon. Temporary Deputy Speaker, this National Policy and Action Plan is testament to the fact that Kenya, having signed a lot of instruments internationally, including the Universal Declaration on Human Rights, the Convention for Persons living with Disabilities, the Protection of the Rights of People living with Disabilities and, ultimately, our Constitution, that our country is committed to actualize the aspirations that we have. The Constitution of this country has been hailed as one of the most progressive, mainly because of the provisions within the Bill of Rights. But those provisions will only remain so unless we have an action plan on how to look at this matter.

This Action Plan on Human Rights is in three categories. These include civil and political rights that have been pronounced by the Chair of the Committee, that is, access to life, liberty, security of the person and justice. These are very important rights as they are inalienable. A right

is not something that you are given, but something that cannot be taken away from you as a citizen of this country.

Economic and social rights are really important as well. These include the right to the highest sustainable quality of healthcare, the right to property, housing, food and clean and safe water.

More importantly is what we call group rights that are clearly enunciated in this policy. Those are the rights of vulnerable groups, such as women, youth, children, persons living with disabilities (PLWDs), older persons, marginalised and minority groups.

I chair a committee of both Houses on National Cohesion and Equal Opportunity. One thing we have realised in our Committee, and why we are focused on equal opportunities, is that unless we equalise opportunities for every Kenyan wherever they are, we cannot attain cohesion in our country. Every Kenyan wants the same thing, to go about their life peacefully and to make something for themselves. All Kenyans, wherever they are in this country, must feel equal citizens to other Kenyans. That is why this is one of those sessional papers that we feel very strongly must be quickly translated into very specific legislation that we will bring to this House.

We have proposed some legislation for the youth. I have sponsored two Bills that have passed. I thank Hon. Members of this House. However, we need to start implementing these Bills. We are also bringing amendments to the Disability Act to make sure that PLWDs in this country have appropriate access to infrastructure and facilities, especially in the public space. I will give an example of the Americans Disabilities Act that is very specific, even on the width of the door of a bus, so that when someone is being wheeled in on a wheelchair they can go in easily. It should also be specific on things such as ramps on our pavements, so that every Kenyan, regardless of their station in life or their physical ability or lack of it, can access services.

We have gone round this country and seen various areas, especially the pastoralist and far-flung areas. Hon. Chachu Ganya has mentioned his area. He comes from a constituency that is 38,000 square kilometres. His constituency is the size of Central Province, Nyanza Province, Western Province and six provinces the size of Nairobi combined. But since Independence, it has not had a single inch of tarmac. Unless the people in North Horr feel as Kenyans, as the people in Nairobi, we can never attain cohesion.

Therefore, I want to persuade this House to quickly translate this Action Plan on Human Rights into specific legislation, whether it is on cohesion or corruption, as Hon. Chris Wamalwa has said, or dealing with representation of women. I would like to reiterate that we must support the two-thirds gender rule in this House, so that women can also get equal representation. Only then will we be able to get cohesion in our country.

I support the Motion.

**The Temporary Deputy Speaker** (Hon. Cheboi): Let us hear from Hon. Nassir. Approach the Dispatch Box, Hon. Nassir and you will have to be very brief.

**Hon. Nassir:** Thank you, Hon. Temporary Deputy Speaker.

If there is any country which has some of the best papers and policies on helping people live together in harmony, it is Kenya. Needless to say, looking at situations that are on the ground as they are, you tend to literally feel the rot. You can smell the stench and see the inhumanity, despite the so called human rights that are enshrined in the Constitution of this country. I would like to contribute to civil and political rights.

The State is meant to fulfill its duty to protect human life as enshrined in Article 26(1) of the Constitution that guarantees the right to life, liberty and security of the person. This includes the right not to be subjected to any form of violence from either public or private sources.

Article 29 is on the right to freedom and security of the person. Article 30 is on the right not to be held in slavery or servitude. Article 49 is on the rights of an arrested person. Article 53(f) is on the rights of children who have been detained.

Article 53(d) is on the protection of children from abuse, neglect, harmful cultural practices and all forms of violence, inhuman treatment, punishment and hazardous or exploitative labour.

I come from an area where some of the things that were happening in this country during colonial times are actually happening right now. I come from a constituency where the police can just decide that today they are doing a swoop in a certain area, and they pick up 500 to 600 people. These are youth that have the capacity to build this country and have some meaningful impact in this country. Someone just picks up 500 to 600 people and the next day they go to court and charges are laid against them.

Those are the colonial laws that were used against the freedom fighters, when they were fighting for our freedom in this country. Someone is arrested and charged with loitering or for having no identity card.

This is something which I always question the police. They usually say that you were arrested “in *maeneo*” meaning that the police suspect that, that particular area is known to have a high rate of crime. They arrest you for just being in that place. That in itself is unconstitutional because the Constitution guarantees the right of movement to every person. What is more painful is that you get arrested---

**The Temporary Deputy Speaker** (Hon. Cheboi): You have one minute, Hon. Nassir. You are at the Dispatch Box where you cannot be guided by the time-keeper.

**Hon. Nassir:** Thank you for the reminder, Hon. Temporary Deputy Speaker. What is more painful is that you get arrested for not carrying a national identity card, and at the same time the Government does not issue you with an identity card, despite having the right documents for you to have it.

I would like us to be on record because someone here said that human rights defenders have had the same rights since time immemorial. It is only during the term of this Government that human rights defenders have had their bank accounts closed and suffered all sorts of inhumane treatment. This has happened to Haki Africa and Muhuri, which have come out and talked about people who have died mysteriously in this country, or have gone missing.

Recently, the courts have declared that they have been operating legally and without any problem. As much as I would support this national policy and action plan on human rights, I would equally say that the law needs to be followed. Everyone who breaks the law, including police officers who use guns to torture others, should be treated as criminals.

Thank you very much.

**The Temporary Deputy Speaker** (Hon. Cheboi): I will give a chance to Hon. Wamalwa. Let me go to this side first and then come to Hon. Wamalwa.

Hon. Kiptanui.

**Hon. Kiptanui:** Thank you, Hon. Temporary Deputy Speaker for giving me this opportunity to contribute to this Motion on the Adoption of Sessional Paper No.3 of 2014.

The formulation of this Sessional Paper, as has been said by other Members, started way back in 2005 when a steering committee was established and a baseline survey on the status of

human rights in Kenya was conducted. In 2006, a national stakeholders' conference was held and this process was officially launched. In 2012 the Cabinet considered the policy paper. This Sessional Paper was tabled in this House this year.

My concern is that from the time this process started in 2005 to 2015 it is a period of 10 years. If we take 10 years to formulate a policy or a sessional paper, then how long will it take this Government to implement the same? The implication is that if the Jubilee Government takes 10 years to come up with a policy paper, then it does not need to implement it. The Jubilee Government can just come up with a policy paper and wait for another Government to implement it.

This is a very good Sessional Paper. I wish to thank the stakeholders who were involved in coming up with this Paper. If the Government fails to implement the Sessional Paper, we will have wasted taxpayers' money. The document will just lie on the shelves of a number of State departments if it is not implemented. The key issue is the implementation of this Paper.

On page 41 of the document, it is indicated that a detailed implementation of this policy will be through periodic National Action Plans on Human Rights. The document is also very specific as to the need to review the Sessional Paper every five years. However, my concern is that as much as we are saying we shall review this document every five years, when is the first year starting? Is it 2015, 2016 or 2030? It should be very clear, so that we know which is the first year and the fifth year.

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

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

This Sessional Paper touches on quite a number of State departments. It should be very clear which State department is responsible for which Action Plans. We should also be very clear as Parliament that for proper implementation of these Action Plans, we must provide the necessary budgetary allocation required by the relevant State departments for them to fully implement this Sessional Paper.

There is a statement on page (vi) made by the Attorney-General (AG) which I agree with. He says:-

“While the protection of human rights is primarily the responsibility of Government, I call upon the private sector, civil society organisations, national human rights institutions, academic institutions and all stakeholders to collaborate in the policy implementation process to guarantee the meaningful realisation of rights for the Kenyan people.”

This means all stakeholders should be involved in the implementation of this Sessional Paper.

**The Temporary Deputy Speaker** (Hon. Kajwang'): The Member for Samburu East.

**Hon. Letimalo:** Thank you so much, Hon. Temporary Deputy Speaker, for giving me the opportunity to support this Motion. I want to comment on two areas, namely civil and political rights.



**Hon. Wakhungu:** (*Inaudible*)

**The Temporary Deputy Speaker** (Hon. Kajwang'): I do not see your request in my intervention list. How can you be on a point of order without your request being on the intervention list? I can now see your request. You have just pressed it now. Are you on a point of order?

**Hon. Wakhungu:** Hon. Temporary Deputy Speaker, before you took the Chair, I was the one speaking, then the previous Speaker said that he would give an opportunity to that side then I would be next. I do not know where the mix-up has come from.

**The Temporary Deputy Speaker** (Hon. Kajwang'): Were you on your feet speaking?

**Hon. Wakhungu:** Yes. He told me to give a chance to a colleague from that side before he came back to this side.

**The Temporary Deputy Speaker** (Hon. Kajwang'): He may have said that he would recognise you after someone had spoken. It is not that you were already speaking, because I do not see how a Speaker would cut you short in your speech.

**Hon. Wakhungu:** I am guided.

**The Temporary Deputy Speaker** (Hon. Kajwang'): The Member for Samburu East, you can finish.

**Hon. Letimalo:** Thank you, Hon. Temporary Deputy Speaker. I just want to comment on civil and political rights. Article 26(1) of the Constitution guarantees the right to life. The right to liberty and security of every person is also guaranteed. Just as Hon. Chachu has said, those of us who come from pastoral areas have witnessed very bad situations of insecurity associated with cattle rustling. Through cattle rustling people have lost their lives. Others have been injured and spent a lot of funds on medical treatment. Others are displaced and their children's education is disrupted, and others lose their livelihoods once their livestock are stolen. A good example is what happened in Merti Village in Samburu North, which *Mhe. Lentoimaga* represents. The entire village had to shift just because of insecurity. It is our appeal to the Government, more specifically the Ministry of Interior and Coordination of the National Government, to commit itself to eradicating cattle rustling and bringing an end to insecurity.

On property rights, land remains the single most important source of capital for a majority of Kenyans. A large percentage of Kenyans depend on land for subsistence use such as pastoralism and farming. The right to a clean and healthy environment is equally important. The key challenges facing the right to a clean environment include illegal deforestation, soil erosion, pollution and uncontrolled exploitation of natural resources. A specific example in my constituency is where the Government set aside and gazetted over 80,000 acres of land for military training of both the Kenya Defence Forces (KDF) and the British army. We appreciate the collaboration between KDF and the British army. However, what I consider to be a violation of human rights is that after the military trainings, those concerned do not go back to clear the fields. They leave a lot of unexploded ordinances and rounds of ammunition in an area inhabited by pastoralists. The pastoralists come into contact with the unexploded ordinances and many people lose their lives while others are injured. Nobody takes responsibility to pay medical bills for the victims or to compensate them. I appeal to the Government that even though we want the KDF and the British army to carry out military training exercises, they should confine themselves to the gazetted military area. They should not go beyond that gazetted area without involving the community or even informing the group ranches.

Hon. Temporary Deputy Speaker, with those few remarks, I support the Motion.

**The Temporary Deputy Speaker** (Hon. Kajwang'): The Member for Kimini.

**Hon. Wakhungu:** Thank you, Hon. Temporary Deputy Speaker, for giving me this chance. First and foremost, I want to thank the people at the Office of the AG and Department of Justice, who were involved in the formulation of this policy. This is a work well done. In many jurisdictions, normally there are sessional papers to guide legislation. This should be the practice going forward.

More importantly, we have had a lot of violation of human rights in this country. This Sessional Paper provides a clear framework for implementation. The methodology used in developing this policy paper is very good in terms of inclusiveness.

The methodology here was participatory and inclusive. All the regional areas were included. We have had historical injustices to man, but if you go to the western region, we also have issues of the Mr. Chitabe and Elijah Wanameme's wars that were there. These are the people who contributed so much as far as the fight towards Independence of this country was concerned. The fact that different regions were considered in the process, it is my humble belief that when it comes to implementation, regional discrimination is going to be put into consideration.

I was just looking at the critical areas, or agencies, that were used. I am happy to learn that the civil society was used. It plays a critical role as far as good governance of this country is concerned. Trade unions as well were involved. It is only that the church was not used, but it plays a very critical role in the governance of this country.

In future when we are handling issues of participation, we will want to involve the church, so that it can play a critical role, not only in spiritual matters, but also in matters of development of these policy papers. This is because once you put them on board they bring in an objective view.

We know very well the critical objective and rationale that was used in the development in this Sessional Paper. We have seen the Constitution 2010 that is very critical and provides a firm foundation for realisation of human rights. Last week, we were lucky to have the Holy Father, Pope Francis, who visited Kenya. In his speech, he was very clear on the issues of the poor. I was in Kangemi with him. We were told that in this city of Nairobi, 55 per cent of the people occupy the informal set-ups. These are the slums. When it comes to ownership, they only occupy about 5 per cent.

**The Temporary Deputy Speaker** (Hon. Kajwang'): Hon. Member for Kiminini, I am very sensitive to the words you use to describe people in low neighbourhoods. Therefore, call them neighbourhood homes, but not slums. You know why I am very sensitive to that.

**Hon. Wakhungu:** I agree with you, Hon. Temporary Deputy Speaker. I know you represent them.

**The Temporary Deputy Speaker** (Hon. Kajwang'): Call them low income neighbourhoods.

**Hon. Wakhungu:** Low income neighbourhoods or the informal settlements, also known as slum areas, for those people who might not understand the other jargon. So, you realise that 55 per cent of this city is composed of informal settlements. When it comes to the part of the land that they occupy, it is only 5 per cent. This tells you that we do not have equitable distribution of resources. So, it is, indeed, important that once this policy is in place, at least, it is going to ensure that we will have equal distribution of resources. We know very well as outlined in the Bill of Rights, that people have right to life. There is freedom of expression, association and access to information.

In this country many Kenyans do not have access to information. For example, majority of university students are not even aware that the Government provides higher education loans from Higher Education Loans Board (HELB). Therefore, the issue of access to information is very critical. It is going to help Kenyans so that in the long run, we can end up--- We know we are all equal in the eyes of God. We might come from different backgrounds and associations, but we are all equal before the eyes of God. Therefore, this policy is critical and will help us in matters of legislation. I am calling upon other departments and Ministries of the Government to develop policy papers for purposes of providing a clear framework when it comes to legislation. We should just come up with legislation, yet we do not have policy papers.

**The Temporary Deputy Speaker** (Hon. Kajwang'): Thank you very much for your contribution.

The Hon. Member for Rarieda.

**Hon. (Eng.) Gumbo:** Thank you, Hon. Temporary Deputy Speaker for giving me the opportunity to also contribute to this Sessional Paper.

As I contribute to this Sessional Paper, the crying shame for our country must always be that we are a country which tends to think that every problem must find a solution. The solution is thought to lie either in law, sessional papers and some form of statute. I have said here before that in noble societies what people need to govern themselves is not a plethora of laws, but just to be good people.

I was very closely following the speech of the Holy Father when he came to Kenya. He largely dwelt on four areas that I would call the four eyes. He dwelt on the perversity that is in my midst, the inequality, the inhumanity, the injustices and the intolerance that we see in our society. I say this because the genesis of these problems did not start yesterday.

This Sessional Paper is very good. It talks of recognition of primary responsibility to observe, respect, protect, promote and fulfil the rights and fundamental freedoms in the Constitution of Kenya. We have so many laws in this country that sometimes one wonders if really what Kenya needs are these many laws and sessional papers that we are discussing.

There are issues of inequality and inhumanity in our society today. I was so touched when I attended the Pope's mass in Kawangware. He spoke of a new breed of people. We have them here in Kenya. They think that the god of money is more important than human beings. We have heartless people. We see heartless conduct by a minority in our midst, who seem to think that the squalor in which the majority live does not matter. Therefore, even as we debate this Sessional Paper and many others to come after it, let us go back to basic definitions of what is good and bad. With those two, we will not even need to be talking about laws.

Look at where we started from, the highly acclaimed Sessional Paper No.10 of 1965. It divided Kenya into those who have and those who do not have. Kenya was divided into the so called high potential areas and the low potential areas. It was put on paper that the Government should spend its money in the high potential areas.

For example, how do you explain that my good friend, Hon. Chachu Ganya, represents the largest constituency in this country which is the size of Nyanza Province, Central Province, Western Province and four times the size of Nairobi Province put together, yet to date his constituency does not even have a single meter of tarmac, 50 years after independence? What are you telling the people who live in North Horr? Are you merely not telling them that they may want to call themselves Kenyans, but there are Kenyans who are more Kenyans than them?

Hon. Temporary Deputy Speaker, we will make these laws, but we must accept that the problem in our country is that the war that we are fighting today is between good and bad. Let us

accept to embrace the good and discard the bad. So long as we keep on ignoring the real problems in our country, these laws will be there. We will be having shelves full of laws, but our country will continue to be a country which is in conflict with itself and always quarrelling. Also, we are where a large majority are left behind and a small minority are the ones who seem to get the benefit of being independent.

Therefore, I support reluctantly, but let us go to the basics of humanity. Let us embrace what is common sense and we will move this country forward, instead of always resorting to a plethora rules.

**The Temporary Deputy Speaker** (Hon. Kajwang'): Thank you very much. I can see the Hon. Members for Samburu west, Wajir, Samburu North, North Horr and Yatta on the line. Hon. Member for Yatta, I can see you rising.

I know these are weighty issues, because they concern human rights violations. For the first time, they have been put on paper and we are thinking them through. Remember that you have just approved a Procedural Motion for us to discuss these sessional papers for one hour. I have been advised by the Clerk at the Table that this debate began at 10.10 O'clock and it is exactly 11.10 O'clock. So, I am really time conscious. Make it the last one and use very few minutes to make your submissions known.

**Hon. Lati:** Hon. Temporary Deputy Speaker, someone said here, rightly, that our Constitution is one of the most progressive Constitutions in the world. That is right, but what purpose does a progressive Constitution serve if it does not apply uniformly and equally across our land? What purpose do papers have if human rights are not anything to mention in some parts of our country, particularly where I come from? This article talks about the right to human life. Where I come from, people kill each other and walk scot free. What is the purpose of having an article on the right to life when people are killed and nothing is done? Nobody is taken to court. We have been telling the Government that we need to have home guards to help the Government to safeguard human life, but nothing has been done so far. The Constitution of the United States of America provides for a well-regulated militia that is necessary for a free State. People do not access justice when we have one court in the whole of Samburu County, 21,000 square kilometers. How can you walk over 21,000 square kilometres to get a court to serve you justice?

What purpose does the Bill of Rights have on economic rights when 70 per cent of our development budget is on Nairobi, Central Kenya and all these other parts along the railway line that was constructed in 1900? What purpose does it serve to have an economic right when less than 1 per cent economic development goes to those areas? We talk of clean water. What purpose does the right to clean water serve when nobody in those areas has access to clean water?

Where are human rights in the human-wildlife conflict? We just had a Bill in this House which provided that if you kill an elephant, you pay Kshs20 million but when an elephant kills a human being, he is paid Kshs3 million. This tells you who is more valuable in this country. For us from northern Kenya who have no chance of ever having a president ruling this country, we have nothing. There is a positive correlation between those communities that can produce presidents and those who cannot produce presidents. For us who are the trailers in this country, who will never produce somebody like a president, we will remain the most inhumanly treated people in this world. There is nothing human rights here for us. I want it to go on record that human rights should be specific that it is human rights for the people of Kenya, who live among the communities that can produce presidents.

**The Temporary Deputy Speaker** (Hon. Kajwang’): Hon. Members, what is instigating this excitement, Member for Kisumu Central? What is out of order?

**Hon. Mirenga:** On a point of order, Hon. Temporary Deputy Speaker. Allow me to ask my colleague, Hon. Lelelit, through you, if he is in order to say that the people of northern Kenya, and he is speaking with absolute conviction, have no chance of producing a president when we are doing everything we can with the Constitution and other pieces of legislation that we have to have a level playing field, and hope that, probably, in the next few years, the best president will come from northern Kenya? If at all he is in order, is he speaking for the people of northern Kenya, or is it a personal opinion that the people of northern Kenya will never produce a president in this country?

**The Temporary Deputy Speaker** (Hon. Kajwang’): Rephrased, your point of order seems to be whether the Member who just spoke is out of order to mislead the House that the people whom he has spoken about will never ever produce a president. I will not give you the chance to respond.

I want to give a chance to someone more senior than you and who seems to come from the general area, perhaps wider than Samburu, to respond to you. Hon. Amina Abdalla, I do not see you on my list, but I want to recognise you. There you go. Can you respond to the venerable Member for Kisumu Central, who is fairly a young man?

**Hon. (Ms.) Abdalla:** Hon. Temporary Deputy Speaker, the Member for Kisumu Central is trying to gag my good friend from Samburu West from stating what he has seen practically happening in the 50 years of Kenya’s Independence. The Member for Samburu West stated that there is a positive correlation between the amount of development that goes to areas where presidents have been produced. So, I do not see any misinformation in that statement. I totally agree with it. He will tell you that there is no tarmac in his county, and there is a lot of tarmac in counties that have produced presidents. So, there is no misleading in the statement from the Member for Samburu West. The fact is that he has stated that it is difficult to produce a president, and we must appreciate that with 50 per cent plus one, you will be contributing very little if your voter population is less than 50,000 and you require 10 million voters to get 50 per cent plus one. I am totally at a loss as to why the Member for Kisumu Central has raised a point of order.

**The Temporary Deputy Speaker** (Hon. Kajwang’): I am satisfied that, that is a correct response to the issues. We need to be serious and sensitive about these issues. When you talk about issues which generally concern marginalised people, that Member is voicing a bitter cry of a nation into several years. So, when you rise in your place to make it simplistic, the people who are hearing you and have been marginalised for a long time may find it very sarcastic that a Member of the National Assembly may think that their problems are light. We need to be deeper on some of these issues and be sensitive to the people that the Constitution speaks about to be marginalised in Article 100, and the basic rights that are given to all Kenyans. I will end that debate there, but we need to be very concerned about some of these issues and be very sensitive. Even those people from Nairobi County are marginalised. There is no Nairobi perspective about this thing, Member for Kibra. There is no Nairobi about this thing. There is something about the marginalised people that you talk about when you discuss human rights issue.

I order that business appearing as Order No.11 will be printed on the next Order of business as soon as it is practical for purposes of taking a vote.

Next Order, please. Just a minute, did I call the Mover to formally end this? I beg your pardon. I was consumed by Nairobi rights and basic human rights *vis-à-vis* marginalised people,

and forgot my procedure. I apologise for that. May I call upon the Mover to briefly respond in one or two minutes? Who is the Mover of this Motion? The Chairperson of the Departmental Committee on Justice and Legal Affairs, are you around? You are not around. The Mover not being around, therefore, that ends the discussion on the debate on business appearing as Order No.11. As I have said, I have ordered, therefore, that, that business appears on the Order of business as shall be practical for purposes of taking a vote.

All right; let us have the next Order.

ADOPTION OF SESSIONAL PAPER ON NATIONAL  
EDUCATION FOR SUSTAINABLE DEVELOPMENT POLICY

**The Temporary Deputy Speaker** (Hon. Kajwang'): This is from the Departmental Committee on Environment and Natural Resources. Nominated Member Amina Abdalla, senior ranking Member, please proceed.

**Hon. (Ms.) Abdalla:** Hon. Temporary Deputy Speaker, I beg to move the following Motion:-

THAT, this House adopts Sessional Paper No. 11 of 2014 on the National Education for Sustainable Development Policy, laid on the Table of the House on Tuesday, 2<sup>nd</sup> December, 2014.

As you will notice on the Order Paper, this is one of the myriad policy papers that have been lying in the Ministry of Environment and Natural Resources for very long, and have some of the achievements that helped this Ministry be ranked number one in the year 2014 in the review by the Public Service Commission.

This Sessional Paper is a result of Kenya having endorsed and adopted Agenda 21 during the United Nations (UN) Conference on Environment and Development in Rio de Janeiro in 1992, and which sought to provide the world with solutions to the challenges of environment and development. It also arose from the fact that there is still a considerable lack of information on the interrelated nature of human activity and environment, especially as a result of inaccurate and insufficient information. It was also felt that there was need to increase public sensitivity on environment and development problems and involve the persons in their solutions to address the same.

Agenda 21 on environment and development indicated that all levels of education and training needed to be re-oriented towards a more sustainable model of development. It was felt that despite the amount of investment most countries were putting in development and environment, there was lack of information that emanated from lack of investment in the education system that is able to make children at a young age to be sensitive to environmental concerns.

As I said, this policy has been in the making for a long time. As you note, Agenda 21 was passed in 1992. In 2005, the UN declared the decade of education for sustainable development that affirmed the important role of education, training and public awareness in achieving the goals of sustainable development. It required member states to integrate Early Childhood Development (ECD) into the education plans at all levels across all sub-sectors of education.

Kenya, like many African countries, is very good at ratifying international instruments. So, in addition to the 1992 UN Conference on Environment and Development, Kenya has further approved the Johannesburg Implementation Plan at the World Summit on Sustainable Development in 2002, recommending the declaration of a UN decade on education. Two, in

March 2006, it also agreed through the African Ministers of Education in the context of enhancing education, including environmental education in the education curricula in Kenya. We also signed in 2009, the Bonn Convention.

These are the basis of international instruments that required Kenya to have these policies because those are commitments we have made. Locally, our own Constitution in Article 42 declares that every person has a right to a clean and healthy environment, which includes the right to have the environment protected for the benefit of present and future generations. Every person has an obligation relating to environmental fulfilment that is also under Clause 70. So, this policy is long overdue and is required for purposes of ensuring that we create a pro-environment populace; having invested a lot and not getting the dividends, is clear that we need to have environmental education both formal and informal in order to change people's attitudes towards environmental concerns.

The aim of this National Education for Sustainable Development Policy is to provide a framework for mainstreaming education which inculcates sustainable development as a life-long practice at all levels of education in Kenya. The strategy is to create an overall re-orientation of the education sector both the formal and informal, so that we are able to achieve sustainable development.

My previous employer, the International Union for Conservation of Nature and Natural Resources (IUCN) defines environmental education as the process of recognising value and clarifying concepts in order to develop skills and attitudes necessary to understand and appreciate the inter-relatedness among man, his nature and his biophysical surrounding. Environmental education also entails practices in decision making and self-formulation of a code of behaviour about issues concerning environmental quality.

Whereas we appreciate that our economy is over-dependent on natural resources, the welfare and wellbeing of the health of our people is dependent on a good quality of environment. We as a nation have not invested in creating enough environmental awareness for purposes of getting more environmental positive action by the populace.

It is clear that Kenya has put in a lot of steps in ensuring that we have a better environment but without investment in education, the gaps will not be filled. That is the gap that this policy is trying to fill. We are trying to re-orient the education at all levels for sustainable development, enhance public understanding and awareness, and build capacity for sustainable development. So, that is what this policy aims to do. The question is how.

We, in Kenya, have a problem of having a policy that comes way after the enabling legislation has already been passed. The institution that is supposed to carry out and promote environmental education is the National Environment Management Authority (NEMA) whose Bill, the Environmental Management and Coordination Bill, was passed in this House in the beginning of this year to comply with the Constitution. It covers activities relating to environmental education as one of their responsibilities. That, in our opinion as a Committee, is one of the weakest responsibilities of NEMA that needs to be strengthened. It is our hope and prayer that now we will be able to pass this regulation; I understand that in the next one hour, we will then be able to push NEMA into doing the responsibility and showing results of what they have done with other stakeholders mentioned in this policy to integrate environmental education in the formal and informal curricula in this country.

People must have knowledge about environmental issues and attitudes in order to act pro-environment in a conscious way. However, environmental education *per se* is not a prerequisite for pro-environment behaviour. It is in this regard that we must go beyond just information and

look at incentives that will make people more pro-environment. I want to give an example of the fact that our Constitution speaks of 10 per cent forest cover, yet there is no document on a strategy for achieving that 10 per cent cover, let alone the environmental awareness messages to lead to that increase in environmental cover. It is important that we not only look at the awareness creation on matters but start with strategies for actualising those environmental concerns.

In conclusion, this is a timely, long awaited document that I would urge the House to pass, so that it can give us a framework for judging the institutions that have been given the responsibility to promote environmental education for sustainable---

**The Temporary Deputy Speaker** (Hon. Kajwang'): Allow her to say that on the microphone.

**Hon. (Ms.) Abdalla:** Hon. Temporary Deputy Speaker, with those many remarks, I beg to move.

**The Temporary Deputy Speaker** (Hon. Kajwang'): Departmental Committee Chair, who is seconding the Motion?

**Hon. (Ms.) Abdalla:** Hon. Temporary Deputy Speaker, I request the Member for North Horr, Hon. Chachu Ganya, to second the Motion.

**The Temporary Deputy Speaker** (Hon. Kajwang'): Proceed, Hon. Chachu Ganya.

**Hon. Ganya:** Thank you, Hon. Temporary Deputy Speaker, for giving me the opportunity to second Sessional Paper No.11 of 2014 on National Education for Sustainable Development Policy.

This policy tries to embed environmental education within all the facets of our education system for development strategies. Generally, it is good practice for a nation to have a policy that informs any legislation that is done in Parliament, as well as any other decisions that may be made by the Executive. Therefore, I appreciate that we are going to have a policy that will guide us whenever we formulate any policy, or work on any piece of legislation regarding environmental education for sustainable development in this country.

The policy paper tries to guide this nation on how to approach issues of environmental education. It is guided by four general policy guidelines, the first one being to improve the quality of education at all levels for sustainable development. The second guideline is on re-orientation of our education at all levels, both formal and informal, for sustainable development. The third policy guideline is on enhancement of public understanding and awareness of development in general; and last one is on building capacity for development at all levels of government, as well as all sectors of our society to enhance economic, social and environmental development.

Education for sustainable development aims at inculcating environmental values among the citizenry, and enhancing informed decision making processes. This is a very good practice for any nation. It is more important for Kenya because we are a country that is blessed with so many environmental goods, including our wildlife in our scenic environment. The great wildebeest immigration in the woods of the Maasai Mara Game Reserve is one of the great wonders of the world.

As a nation, we have a duty to ensure that we conserve our environment as much as possible not just for ourselves but for future generations as well. We should protect our environment not just for economic gains and values but also for the intrinsic values that are inherent therein. If we are to realise this, it is critical that we re-orientate our education system at all levels – from primary school through secondary school to university – to ensure that



sustainable educational principles are embedded in all academic disciplines; including law, environment, commerce, business and nuclear science, among others. It is very important that these strategic environmental values are made the cornerstones of our education system.

If this is eventually done well, education for sustainable development will contribute in improving the quality of learning through better understanding of our environment as well as our natural resources. In order to realise this, the policy paper clearly states that the National Environmental Management Authority (NEMA) will spearhead education for sustainable development in our country.

As an environmentalist and somebody who works on environmental issues once in a while, I am not very sure whether NEMA has the capacity, the resources and the ability to enable us realise the broad objectives enshrined in this policy paper. However, I wish them the best. I hope that, as Parliament, we will guide them through appropriate legislation to enable them achieve these objectives. We should also ensure that they get enough resources when we appropriate financial resources, so that they can realise the objectives that are contained in the policy paper.

With those few remarks, I beg to second the Motion.

*(Question proposed)*

**The Temporary Deputy Speaker** (Hon. Kajwang’): Member for Wajir, let us start with you.

If the Member for Wajir is absent, let us hear the Member for Yatta

**Hon. Kilonzo:** Hon. Temporary Deputy Speaker, I rise to support this Sessional Paper, which is on National Education for Sustainable Development Policy.

As we all know, the environment is everything in our lives. As I support this Motion, I believe that the country will come up with a strategy of dealing with the massive pollution that is going on across the country. I want to be specific because the policy is very clear regarding what needs to be done as far as educating and sensitizing our population, both young and old, on the importance of preserving our environment is concerned.

I want to cite a case in point, which has been a serious matter since I was elected to this House, and even earlier: pollution of Athi River, which is one of the main rivers in this country. With this policy in place, I believe that the Ministry responsible for environment, as well as the County Governments of Makueni, Machakos and Nairobi, in collaboration with other organisations that deal with environmental matters, will be in a position to tackle the issue of pollution of Athi River.

I would like to remind this House of the famous statement made by the late Hon. John Michuki, that “within a certain period of time, people will be able to swim in Nairobi River.” Nairobi River is among other rivers that empty their waters into the Athi River. On several occasions, I have attempted to speak to the Chairperson of the Departmental Committee in charge of environment about this particular issue. As a country, we are headed in the right direction, if we are going to implement this policy.

With those remarks, I beg to support.

**The Temporary Deputy Speaker** (Hon. Kajwang’): Let us now hear the nominated Member, Hon. Isaac Mwaura.

**Hon. Mwaura:** Thank you very much, Hon. Temporary Deputy Speaker. I rise to support this policy paper.

It is interesting because the decade for education for sustainable development came to an end last year. It lasted between 2005 and 2014. I was among 25 young people across the world who represented the youth in the Summit of 2009 in Bonn, Germany.

One of the aspects in this regard is that the forces against ESD *vis-à-vis* the intervening measures are very strong. We are looking at the conspicuous consumption of the environment and environmental related derivatives. It falls squarely into the issue of developing versus developed countries, and a sense of industrialization. The energy levels that are required for development are quite high. Right now, we have climate change talks taking place in the world. This policy speaks to this endeavor. It is a question of having sustainable development. The western hemisphere, and, of course, to a certain extent the Asian tigers, are already going there. In Africa, we can mention South Africa, Nigeria, Tunisia and Morocco. What remains supreme is the fact that the current level of development across the globe is not sustainable. Therefore, to come up with innovation through human knowledge, that is education which is a permanent change of behavior is to ask questions such as these: Can we have renewable energy? Can we consume while ensuring that we are also reserving for the future? We are borrowing from future generations. This is not something that you will find ably explained.

I think we are in a situation where primitive accumulation and greed within the system of capitalism is encouraged within our education system. It is about winner-takes-it all. Therefore, this policy, if you look at the three objectives, needs to ensure that there is a total overhaul of our education system, so that we are not just contextualizing sustainable development within the confines of the traditional ambit of the environment. We need to look at the totality of human development, so that there is sustainability and equality. We should not manufacture other forms of problems just because we want to develop. In fact, this policy is very important because we need to look at ways and means that make us achieve the same level of development without actually destroying the environment, and emitting a lot of carbon into the atmosphere. Naturally, this is supposed to be there. The creator, in his wisdom, made sure that chlorophyll carbons, hydrocarbons and fuels are down there.

I hope this policy will be implemented. I hope it is not just going to be another piece of paper. We want to imagine that the legislations that are supposed to be informed by this policy will be amended in the near future to ensure that they speak to this issue.

We agree that Africa needs to develop. We should not be told that we should not develop. Let us have a new paradigm, where we are developing in a sustainable manner. We need to develop by ensuring that we move our people away from poverty. We should develop in a way that we do not hurt the natural environment that God has given us.

With those few remarks I support and commend Kenya for this policy.

**The Temporary Deputy Speaker** (Hon. Kajwang): Member for Wajir North.

**Hon. Saney:** Thank you, Hon. Temporary Deputy Speaker. The poverty level in this country is very high and it is mostly related to environmental degradation. We mismanage our environment and it has a direct bearing on our livelihood.

This policy recognizes the existence of rights as espoused in our Constitution. We have a raft of rights in our Constitution, including environmental rights, food security, the right to safe and clean water and rights relating to recognition of the vulnerable communities. This is also related to people's livelihoods and the environment. It is an important recognition and I believe that this policy has come in to actualize the implementation of those rights. We have universal and regional charters which must be implemented now that this country is a signatory to a number of agreements.

The rights in the Constitution are mere guarantees. For them to be fulfilled, we are required to take a step further and come up with strategies and policies that are actually measurable and can enable us take stock of challenges, so that we come up with the necessary indicators. It is only through such strategies that we can, at least, progressively implement the rights enshrined in our Constitution.

This strategy further complements Vision 2030 on sustainable development; it is anchored on people development through rights-based approach. It is only through such kind of initiatives and strategies that we will be in a position to achieve the rights enshrined in the Constitution.

The strategy also defines commitments and priorities at all levels of Government to make sure that environmental issues are mainstreamed. This strategy offers an institutional framework for enjoyment of those rights. It is only through an informed and well-educated citizenry that we can achieve participatory development.

Above all, this education will guarantee us attitude change, which is key to making informed decisions and the realization of all rights as enshrined in our Constitution. I am talking about mainstreaming of environmental education and better livelihoods. That will go a long way in helping Kenyans alleviate poverty.

With those few remarks, I beg to support.

**The Temporary Deputy Speaker** (Hon. Kajwang): Member for Vihiga.

**Hon. Chanzu:** Hon. Temporary Deputy Speaker, this is a very important sessional paper. We know that ignorance is the worst enemy we could have in our midst. In order to achieve what we want to achieve there must be appropriate education. In this sessional paper on environmental degradation the role of education as a tool is very important. One of the aspects that were talked about was the role of NEMA. It was said that NEMA has spearheaded development of education for sustainable development. Most of the time, I hear about NEMA when we are talking about approvals for projects that we want to do. I do not know if NEMA understands the roles it is supposed to play. In this policy paper, those roles are coming out clearly. It is good for NEMA to take up its roles seriously, because I only hear of it when it comes to approvals. Realistically, they need to do much on the ground as they participate in these issues. I have not seen them do that.

On the issue of education, there is need to sensitise our people on the impact or effect of the high rates of population. That is a very important thing and can only be done through education. We have to sensitise our people that these proportionate rates of population have got a very severe effect on the environment. So, we must control the level of population based on the resources that are available.

The other aspect is the use of inappropriate technology. Because of poverty we do not get the right technology at the right time. We do right things but with wrong skills or tools. That has got a disastrous effect on the environment.

The other thing that has been talked about is unsustainable consumption and production patterns. If you look at the way we do our farming in areas we need to do cultivation and farming, sometimes because of the sizes of the area we are supposed to cultivate and the activities that take place, we end up overdoing it. We overdo cultivation and in the process we cause a lot of harm to the environment. There is need for planning even if it is small-scale farming so that we can also allow the land on which we are ploughing to recuperate. There are so many aspects and can only be achieved through education.

I support this Motion.

**The Temporary Deputy Speaker** (Hon. Kajwang’): Thank you, very much. Member for Kisumu Central.

**Hon. Mirenga:** Thank you, Hon. Temporary Deputy Speaker. I also rise to support this Sessional Paper. It is coming at a very important time in the history of this world. We are all aware that there is a climate change meeting in Paris, France going on right now that is meant to address the challenges that are brought about by these climate changes.

Last week, we hosted a meeting at the United Nations Environment Programme (UNEP) headquarters on the sustainable use of water resources. I am also happy that at the last United Nations (UN) General Assembly meeting this year, the world was able to pronounce the Sustainable Development Goals (SDGs). Aligning this thing without education system would not be the best thing to do.

Education is so important. It would help us change the attitude of people and make us raise children and young people who are fully aware of the need to have a sustainable development agenda in terms of environment and all other resources. Our Constitution in the preamble takes cognisance of the fact that there is need to have a good environment and have it protected. It says that we, the people of Kenya, are respectful of the environment which is our heritage and we are determined to sustain it for the benefit of future generations. Further into the Constitution, Article 42 states: “Every person has a right to a clean and healthy environment.” This includes the right to have the environment protected and have obligations relating to the environment fulfilled under Article 70. The need to have these fused in our educational system cannot be overemphasised. Education is so important. I am happy a lot of challenges in this country will be addressed through education including our own challenges to begin with as the National Assembly. We are happy that in the next few months we will have a Bill, an amended version of what was there before, to have Members of the National Assembly as well as those of Senate have a valid degree from a recognised university. This may sound a little bit off the cuff but there is no harm in mentioning that we will have such qualifications in future for those who intend to join the National Assembly or the Senate. This is good because as we talk about education for sustainable development policy, there is no harm in mentioning that we now want to have education and educational qualifications as a prerequisite for every level of management and leadership. If we begin to have our children educated at the primary, secondary levels all the way to college, both formal and informal on the need for sustainable development, we will achieve it.

I just want to thank Hon. Amina who has presented Sessional Paper No. 11 of 2014 to this House. I urge that we all support it so that we are able to meet the SDGs’ as a country.

**The Temporary Deputy Speaker** (Hon. Kajwang’): All right. Member for Awendo.

**Hon. Opiyo:** Thank you, Hon. Temporary Deputy Speaker. I also rise to support this Motion. We all know that our education system is the nursery upon which the citizenship of this country is bred. Coming up with a policy to try and integrate sustainable development goals with our education system and curriculum is a step in the right direction.

This Paper could not have come at a better time because as you may know, currently the country is trying to embark on curriculum review of the entire education system. This Paper, to me, is God-sent. As the stakeholders in the education fraternity are trying to come up with a revised or new curriculum, it will be important that the contents of this Policy Paper are put into consideration. Major stakeholders met about two months ago in Naivasha and agreed to take up the matter of the curriculum reform in earnest and that meeting actually gave a timeline of eight months. That means, if everything goes according to plan, in the year 2017 we shall be

struggling to implement the new curriculum. This Sessional Paper that has been presented by Hon. Amina has come at an appropriate time.

Hon. Temporary Deputy Speaker, even as we try to exploit our natural resources and our environment to sustain ourselves today--- Even as we try to exploit our natural resources to sustain ourselves today, it is incumbent upon us as citizens of this country to ensure that we preserve them for the future generations. It is our responsibility. This Sessional Paper tries to inculcate in our children the practice that any time they use or exploit the environment for development, they ensure that they do so in a sustainable manner. If it is done through the education system, I am sure that the children will grow with these things ingrained in their DNA.

With that, I support the Motion.

**The Temporary Deputy Speaker** (Hon. Kajwang'): Hon. Member for Njoro.

**Hon. J.K. Ng'ang'a:** Thank you, Hon. Temporary Deputy Speaker. I also rise to support this Motion.

This Motion is very timely. I want to thank the Mover of this Motion. As human beings, when we were born or brought to this world, it was well balanced but due to our negligence and greed, we have changed everything. That is why we are struggling to change our climate. During the old days we had a lot of forests and a good environment, but we have destroyed them. I can give an example. Where I come from; Njoro Constituency of the larger Molo, we used to have the Mau Escarpment Forest during the old days and it was well preserved. Nowadays there is nothing because we have destroyed it. After destroying it, the lower zone has turned out to be a semi-arid area and the people who live there are always crying for food and water.

It is high time as we talk about environment and natural resources abuse, we also consider the wildlife-human conflict. Njoro Constituency neighbours Nakuru National Park. Those people who live in the lower zone are always in conflict with wildlife. Wildlife from Nakuru National Park invade their farms and destroy crops. They hardly harvest anything. We need to look at it and ensure that those areas reserved for forests are well protected. Let there not be anybody, however mighty or strong he may be, to destroy forests. Let the area be gazetted so that it is not invaded like it happened in Mau Forest.

There is a lot of smuggling going on in forests. People are invading forests and cutting down trees with impunity yet we have forest and game rangers. As we talk about protection of our environment, we need to ensure that those people entrusted with that responsibility do so without fail. I recommend that all forest guards and rangers who engage in corruption be dealt with.

I support the Motion.

**The Temporary Deputy Speaker** (Hon. Kajwang'): Hon. Member for Baringo, what are you chasing around in the Chamber?

**Hon. (Ms.) Kiptui:** Thank you, Hon. Temporary Deputy Speaker for this opportunity. I support this Sessional Paper.

In this country, education has been given a lot of attention. In Kenya we cannot talk of people being illiterate. Majority of us have gone to school and if we tie our national agenda to the educational standards, it will do more and we will develop faster than before. In all spheres of our development, educational factors play a very major role.

I support the Motion.

**The Temporary Deputy Speaker** (Hon. Kajwang'): Hon. Member for Othaya.

**Hon. (Ms.) Munene:** Thank you, Hon. Temporary Deputy Speaker for giving me this opportunity to support this Motion.

This Motion is very important to this country. If we pass this Motion, this country is going to change. My constituency is next to a forest and we can see the effects of destruction.

River Gura in my constituency used to have a lot of water. When people destroyed Mt. Kenya Forest, the river dried up. The river used to supply water to the residents of Tetu in Nyeri County. If people are educated about the environment and resources, this country will change. There are some people who do not get enough food because there is no water.

The other issue is with regard to the National Environment Management Authority (NEMA). When Mr. Michuki was alive, he did a lot of work in cleaning the Nairobi River. I urge the Chair to ensure that this Motion is passed so that we educate our people. Some of our people are illiterate and they do not know what is happening to our forests. If we do not do that our animals will run away from forests and this may interfere with tourism.

The other issue is with regard to people who farm near forests. Animals destroy their food and injure them as well and it takes a long time for these people to be compensated. We want the Government to consider those people. It is sad when you cultivate your land and you get no yields because buffalos eat your crops and destroy your property. I urge the Chairperson of the Departmental Committee on Environment and Natural Resources to ensure that after we pass this Motion, she sits down with NEMA and consider ways of helping this country because we need forests.

Some people cut trees for firewood. We can provide them with an alternative as it happens in Germany. They can find alternative ways to get fuel for cooking because the Government is able to provide them with such.

I support the Motion.

**The Temporary Deputy Speaker** (Hon. Kajwang'): There being no other Member wishing to contribute, I ask the Mover to respond.

**Hon. (Ms.) Abdalla:** Thank you, Hon. Temporary Deputy Speaker. I thank all the Members for their contributions to this Sessional Paper. We have noted all the issues they have raised, especially on the overreliance of the National Environment Management Authority (NEMA) on licencing and enforcement rather than creation of environmental awareness. As has been said by the Members, this Sessional Paper has taken too long to be formulated and may have been overtaken by the fact that Sustainable Development Goals (SDGs) have been revised. I urge the House to pass this Sessional Paper. I also ask my colleagues to stay in the Chamber because the next sessional paper is wider and would really benefit from their contributions.

With those remarks, I beg to move.

**The Temporary Deputy Speaker** (Hon. Kajwang'): Thank you very much. I order that the business be placed on the Order Paper as soon as practical for purposes of taking a vote.

Hon. Members, pursuant to Standing Order No. 40(2), I hereby order rearrangement of business so that the business appearing as Order No. 14 will precede the business appearing as Order No. 13. In any case, I do not see the Chairperson of that Committee in the Chamber. For the convenience of the House, it would be better to proceed with business appearing as Order No. 14 because the Chairperson of that Committee is ready and prepared to prosecute the Sessional Paper. I therefore order that business appearing as Order No. 14 be called for transaction.

#### ADOPTION OF SESSIONAL PAPER ON NATIONAL ENVIRONMENT POLICY

**The Temporary Deputy Speaker** (Hon. Kajwang'): The Chairperson of the Departmental Committee on Environment and Natural Resources.

**Hon. (Ms.) Abdalla:** Once again, thank you, Hon. Temporary Deputy Speaker. I beg to move the following Motion:-

THAT, this House adopts Sessional Paper No. 10 of 2014 on the National Environment Policy, laid on the Table of the House on Tuesday, 2<sup>nd</sup> December 2014.

I must congratulate the Ministry of Environment and Natural Resources. If our environment would be conserved and managed as well as the written words on this policy paper, we would be very far. This policy paper is excessively well written and clearly stipulates the direction the country should be going on matters of environment. However, as a nation we are good at producing papers. As the English say, "the taste of the pudding is in the eating," I do not think we have good taste buds on matters of tasting the pudding. The pudding is in the pieces of legislation that the Ministry is proposing and today we are dealing with the policy. So, let me deal with this excessively well written policy paper on the environment.

This Sessional Paper is very inclusive of all the sectors covered under environment. The policy paper starts with a situational analysis on the problems that Kenya is facing on the environment, the fact that our high population growth, the shrinking productive land and technological changes are contributing to environmental degradation, including unsustainable land use practices, poor soil and water management practices, deforestation and pollution.

Allow me to go through some of the major challenges because it is important for Members to appreciate that it is in these challenges that we should incorporate some of the areas that have been mentioned in the Bills that we pass in this House. I am glad that the Ministry of Environment and Natural Resources acknowledges that environmental governance and the fact that our laws in the natural resource sector are not harmonised is one of the biggest challenges. We produce legislation on fisheries and yet we do not incorporate Environmental Impact Assessments (EIAs) in utilisation of fisheries resources. We produce legislation on livestock but we do not incorporate the fact that you need EIAs and other environmental assessments in all these activities. So, the number one challenge to solving environmental problems is the need for us to strengthen our environmental governance through harmonisation of our policies.

Our next challenge is the loss of biodiversity. We continue to lose our biodiversity through habitat destruction, overgrazing, deforestation and the like. The challenge of conserving our biodiversity is further weakened by the fact that we now have more institutions answerable on biodiversity. It is a shared function so we not only have to question the Ministry responsible but also the County Executive Committees (CECs) responsible for the environment in the counties. So, in addition to biodiversity in itself being a challenge, the challenges brought about by devolution need to be incorporated in any of the programmes we include to address loss of biodiversity.

I want to speak about the valuation of environment and natural resources. In our budgeting processes we assume that environmental goods and services are a public good. When we were considering the Water Bill, I spoke about the fact that many individuals believe that water is a public good. That is why we have a lot of challenges in the water services because many people believe that it should not be marketed at the value that it is. However, on this question of valuation, we end up burdening the communities that conserve resources and because we do not value the goods they conserve, we end up paying them nothing.

I want to talk about the communities that conserve the water towers; the Mau and the Cherangany. When we design programmes we design programmes that only look at the people downstream and not the people who conserve the water because the notion of valuing natural resources in our budgeting processes has not been inculcated in us.

On the question of rehabilitation and restoration of degraded areas, we all know that we are giving a lot of our resources to security, but the interlinkage between insecurity and environmental degradation needs this country to shift our focus from not only just dealing with the symptoms but dealing with the cause. We are now receiving a lot of rains but the money for digging dams has not been provided on time for us to capture the massive amount of water that has been showered upon us by the Almighty. So, on the issue of rehabilitation of degraded forest areas, this is the time we should be doing tree planting in a massive way, but we are not sensitive to the climatic influences required during rehabilitation.

The other challenge this policy addresses is urbanisation, waste management and pollution. As I have said before, waste management is a devolved function. However, without a strengthened policy and legislative framework, the county governments are not performing their waste management roles as well as they should. We have devolved waste management but we have not given the county governments the tools to address the same and as we speak no county in this country has a legally registered waste management place.

My colleagues and the whole world is in Paris dealing with the climate change conference because climate change, energy, security and disaster management is a serious problem in this country that this policy seeks to address.

Hon. Temporary Deputy Speaker, we have just concluded debate on the Sessional Paper that deals with the question of public participation, environmental education and awareness. Lack of this contributes to reduced success in the management of environment.

There is also the question of data information and distribution where we have serious institutions such as the Information and Remote Sensing Institute. That institution has serious equipment including aeroplanes and yet all counties are spending millions of shillings asking for data to be provided by the private sector. As we speak about data and information being some of the challenges in the sector, we have not fully utilised the resources that we already have. This policy is going to direct it in the right direction.

As a country, we have a serious problem of poverty. We know that it is directly related to the state of the environment and natural resources that form the basis of the livelihoods of a majority of our populace.

Finally, another challenge that is facing our people is the issue of chemical management. In today's media, the people of Marsabit were noting with a lot of concern the increase of cancer cases. It has been shown that there is some chemical pollution in their water system. That is a challenge nationally, but more specifically in areas where some extractive activities have resulted in chemicals being included.

The goals and objectives of this Sessional Paper include ensuring that we have a better quality of life for present and future generations through sustainable management. We have several objectives. For the benefits of Hon. Members, I would like to share the guiding principles of this policy because it is---

**The Temporary Deputy Speaker** (Hon. Kajwang'): You have been working very hard since morning. So, I will allow you few more minutes to wind up your submissions.

**Hon. (Ms.) Abdalla:** Hon. Temporary Deputy Speaker, because time does not allow me, let me just mention a few guiding principles of this policy that we really need to look into.



On pollution, I have been at the forefront of ensuring that the Ministry of Environment, Water and Natural Resource brings regulation. That regulation should ensure that any proponent of an investment such as in the extractive sector gives an environmental bond. If they cause degradation, we should retrieve that bond. I am very happy because this policy is talking about the need to have the polluter pay principal inculcated into the same.

**The Temporary Deputy Speaker** (Hon. Kajwang'): Should that be restricted only to the extractive industry? Should it not cover even factories and manufacturers so that urban centres are properly taken care of?

**Hon. (Ms.) Abdalla:** I mentioned the extractive sector because that is the one that we have put in the Bill, but the regulation is going to cover all sectors. There is the issue of Owino Uhuru Slums where there was lead poisoning. We cannot get money from the investor to rehabilitate that area because he did not put a rehabilitation bond. If he had done it, the Government would not have to foot that bill.

So, I am happy that, that has been covered by his Bill. This Bill then goes to all the sectors that are natural-resource related and say what they should do. What I am happy about is that some of the challenges have been put in the draft Bill. For example, this afternoon, we will be discussing the draft Forest Conservation and Management Bill. This Bill says that they are going to ensure that they have a strategy to meet the 10 per cent forest cover. The Bill as it is does not have that strategy. When we questioned them and said they need to bring that, it looked like it was our idea, but basically their policy states that. This policy is giving us a blueprint from which to judge whether their sessional papers are talk shop or they really mean what they say. If Ministries produce legislative proposals that inculcate what they have in this Sessional Paper, we will be moving forward.

Since my time was up and you indulged me, I want to take this opportunity to urge the House to pass this Motion, unlike the first one that might have been overtaken by events. This Sessional Paper is well done. It will serve as yardstick for us as a House when reviewing the legislation pertaining to environment.

With those remarks I would like to again, with pleasure and a lot of gratitude, urge my colleague, Hon. Chachu Ganya, Member for North Horr to second.

Thank you.

**The Temporary Deputy Speaker** (Hon. Kajwang'): Thank you very much. Hon. Member for North Horr, you may proceed to second.

**Hon. Ganya:** Thank you, Hon. Temporary Deputy Speaker. I have the pleasure of seconding this Sessional Paper No. 10 of 2014 on National Environment Policy. It was moved very well by the Chairperson of the Committee, Hon. (Ms.) Amina. I really want to add my voice to assure the House that this is a very good policy paper.

I have gone through this policy paper and I can tell you that it is holistically done. All comprehensive aspects of the environment have been covered, whether it is biodiversity, diverse ecosystem in our landscape, such as marine ecosystem, dry land ecosystem and other ecosystems. Almost all aspects of our ecosystem and diversity that comes with it have been covered.

This Sessional Paper will become a formal policy if approved by this House. It will guide our Parliament, both the Senate and National Assembly. Parliament will come up with legislations that are anchored on sound policies, with best practices borrowed from all parts of the world.

There are a number of issues that are addressed in this policy. I cannot go through all of them because holistically all aspects of our environment have been covered. I want to go to the issues of valuation, which was done a little bit by the Chair of the Committee when he was moving the Motion.

When we do valuation of our ecosystem, for example the well-known big five in this country, it is really critical to come up with the right methodologies and approaches. For instance, there has been debate for some time on whether as a country we should go for safari hunting as a measure and a strategy to earn revenue and conserve our wildlife. This will enable us establish whether we should just do what we have done traditionally, or we invest more in eco-tourism and go for these cheap tourists who come and flood the market, but with very little returns. Other countries like Tanzania and South Africa have gone for safari hunting.

When you do valuations, for instance for a Rhino or an elephant, the hunters and these people who are well endowed with resources can pay so much money for that licence to kill one elephant, lion or rhino. When you look at the revenues that one rhino or elephant will generate in its entire lifespan, then you can see that maybe going to eco-tourism as we have done so far is not such a bad idea. These arguments are out there. This policy will guide us to look at this issue holistically, rather than in very native ways.

We have a lot of groups in Kenya and abroad who have sentimental and emotive values to these great species. If it is done scientifically and with good methodologies, we can be well guided in the kind of policies we should adopt, whether it is a blend of the two or whether we should go for one or the other.

If this is done scientifically and in good methodologies, we can be well guided in the kind of policy we should adopt in terms of whether it is the blend of the two or whether we should go for one or the other. Most countries go for the blend of the two. In Kenya today, hunting is totally forbidden and you cannot even think or talk about it. In some countries, the sector collects a lot of revenue. For example, in Tanzania and South Africa, a lot of revenue is generated not just for the country, but even to conserve the environment and to support the local communities who live with the wildlife.

This policy is good, but it will be better if we come up with an appropriate legislation to enforce most of the aspects and issues that are duly well covered in this policy, whether it is hazardous waste management, tourism and issues dealing with dry land eco-systems in Kenya.

As I conclude, I want to suggest that this policy should also consider, even if not at the moment, but in future, the issue of Sovereign Wealth Fund.

*(Question proposed)*

**The Temporary Deputy Speaker** (Hon. Kajwang'): Member for North Imenti.

**Hon. Dawood:** Hon. Temporary Deputy Speaker, I wish to support the adoption of Sessional Paper No.10 of 2014. In supporting it, I agree with what the Chairperson has said regarding the County Executive Committees (CECs). They are not very well informed. We introduced devolution, but probably they did not understand how to go about some of the aspects that we devolved. For example, the County Executive Committee on Environment in my county does not know what a riparian reserve is. They look for data on their own instead of going to the national Government or the agencies which are mandated to protect the environment.

There are problems in many counties in the country where dam sites are located in forests. This Sessional Paper will probably tackle this problem. Many dam sites are situated in forests and when it rains, the waste gets into the water tower and the residents complain.

The Seconder has talked about wildlife hunting. I wish the Chair would look into ways of addressing the elephant menace. The issue is even in today's newspapers and we have had many demonstrations. Yesterday, the road from my constituency to Buuri Constituency was closed. The other day, we had many demonstrations. We have a problem where we have to protect the environment as well as human life. We will have drought even though we have a lot of rain because elephants have crushed everything in the farms. I wish the Chair would do something about this.

I spoke to the Cabinet Secretary last week, but something is not right here. I would not wish to do it, but I wish hunting was allowed so that, at least, we can sort out a few of these problems. The animals can be confined to game parks and forests instead of straying to people's farms. We have drought on our hands.

I like this environmental bond. That is the right direction to go because many people think that we, being the developing countries, are free places where they can dump their waste and do a lot of other things which would not normally be done in the developed countries. This would go a long way if we get people, companies or industries, to put a bond so that at least we are sure if there is environmental degradation or any other ill effects of the industry, they can be held responsible. I would even propose that we put penalties so that we can at least safeguard our people.

The other thing regards deforestation. It is good that in the Constituencies Development Fund (CDF) there is two per cent allocated to environment. This is the time to plant trees, like we have done in my constituency in the last two weeks. We gave a lot of money for tree planting. What we need is more effort from the Ministry of Environment and Natural Resources. They need to give us more trees so that we can plant and get the 10 per cent cover which is necessary.

With those few remarks, I thank you and I support.

**The Temporary Deputy Speaker** (Hon. Kajwang'): Member for Baringo.

**Hon. (Ms.) Kiptui:** Thank you, Hon. Temporary Deputy Speaker for the opportunity. I rise to support this Sessional Paper considering that even at the time of creation, God created the environment before the human being. He gave us a duty to control, conquer and use it for our benefit. Unfortunately, it is like we do not take that very seriously, no wonder at the moment, we are faced with issues of global warming. It has become a concern. It should come naturally to us that we need to conserve our environment because without it, our lives cannot be sustained. I am happy that the Ministry of Environment and Natural Resources has come up with this Sessional Paper which seeks to coordinate and give proper direction on how we should relate with the environment.

When it comes to issues of conservation for instance, at the moment you will find so many young people at shopping centres saying that they have nothing to do. At the same time, you find so many gullies developing within their environment and they just look at it as a Government function. Until the Government comes to fix it, they will do nothing about it. I hope that when we pass this Sessional Paper and the successive legislations come, we will do a lot of civic education to inculcate to our people especially the young ones that environment is key to our survival. The laws that will come, I hope, will portray environmental conservation as a social responsibility of each one of us and they should not expect to be paid for it.

The companies that will be extracting oil, geothermal or other minerals, should show by example. When they disturb the environment while looking for those minerals, at the end of it, they should be able to put it back as it was before. We find that the law is not strict on people who destroy our environment. People are drowning in deserted quarries because the people who dug them failed to cover them. We want to congratulate those people who mind the environment, for example, one company that was dealing with cement in Mombasa and after that, the area was converted into a conservancy. In fact, tourists visit the area to see animals. That is the way to go.

I support this and I am looking forward to the legislations that will follow.

**The Temporary Deputy Speaker** (Hon. Kajwang'): Member for Kwanza!

**Hon. F.K. Wanyonyi:** Hon. Temporary Deputy Speaker, I have an interest in this debate. Because of other business out there, I came in when the Mover had actually moved the Motion. I also support this sessional paper.

There is a meeting going on in Paris today because the leadership the world over has concern about what is happening to the environment, leading to global warming. I travelled to Romania some years back, on personal interests. While there, I went to Bucharest. I was very impressed to find a forest covering the entire city centre. The forest in Bucharest is so distinct that you will be impressed.

Recently, I had the privilege of travelling to New Delhi, and I was surprised. Despite the huge population of about 33 million, it is surrounded by vegetation all over. When I came back home, I was a bit disappointed because apart from Gigiri where we have forest, most parts of the city have been eaten up by greedy people looking for every opportunity to cut down trees.

We should pass this policy paper and give a warning to those who destroy the environment. We should conserve the environment for posterity. Our children are going to suffer because there are no forests in this country. I want to echo what the previous speaker said. After the people who do our roads extract murram, they move away without even covering the quarries. This is again an area where this policy will help us penalise companies which extract murram and leave open quarries. Therefore, this is a good policy paper, which we should all support and fast-track so that we can punish those people who destroy our environment.

Because of the need for us to conserve the environment, we should have lessons taught in primary and secondary schools as well as in the universities, so that people can take it as a duty to conserve the environment. If we do not conserve our environment, our grandchildren will ask us what happened to their environment. Therefore, environment conservation education should be taught in schools, including nursery schools, so that people can know how to conserve the environment.

Doing so is important because today you cannot even follow the rain pattern in this country. Forests help us to get rain but if I asked you when the next rains will come, you would not know. In previous years, we could predict that the short rains and the long rains would come during certain months. Today, we cannot do so because the environment is exhausted. It is actually abused all over. Therefore, we should move fast and help our people through civic education to conserve the environment for the posterity of this country.

With those few remarks, I beg to support.

**The Temporary Deputy Speaker** (Hon. Kajwang'): Member for Wajir East.

**Hon. Mohamed Abass:** Thank you, Hon. Temporary Deputy Speaker for giving me this opportunity. I beg to support this Sessional Paper No.11. When God created man, diversity had already been created. However, because of the increase in population man has destroyed his environment. It is the right time to have this policy paper which will enable us conserve our

environment. Today the world is realizing global warming. This country is facing floods. All these things are as a result of man's activities. This policy paper will help us do a little bit of conservation. We need to emphasize the importance of conserving our environment even within our youth. We need to educate them on environmental issues. We can do this by having in place a school curriculum.

There is a lot of pollution in Nairobi and its environs. It is high time the Government taxed higher those industries that emit pollution. There is also desertification. We need to have a policy in place that will support tree planting. Much of our land is now bare, but we could reclaim it for farming.

With those few remarks, I beg to support.

**Hon. Wamunyinyi:** Thank you, Hon. Temporary Deputy Speaker for giving me this opportunity to contribute on this important Sessional Paper. Matters of environment, world over at the moment, have drawn a lot of interest. Even recently, the conference in Paris drew the whole world to address environmental issues. This Sessional Paper comes at a time when we expect each one of us to address environmental issues. We need to ensure that issues like global warming and poor management of environmental systems are dealt with adequately.

When I was growing up, rains were predictable in Bungoma. We expected rains at a particular time and people would prepare their land for planting of maize and *wimbi*. People used to plant before the rains.

However, these days it fluctuates. Nobody knows when it is going to come. Sometimes even weather men do not tell us the truth. Measures must be taken to ensure that the environment is protected. Such measures cannot be put in place without a good policy. This Sessional Paper gives us a framework policy within which we will work to ensure that our environment is protected.

Hon. Temporary Deputy Speaker, we have seen a lot of money being spent on tree planting and protection of forests in the country. We have seen this campaign on tree planting. We need to encourage our people to ensure that it is not just tree planting. Tree planting should be given priority because there has been random destruction of trees and forests everywhere even in the water towers. However, there are other issues of environment during road construction. We have quarry excavation. This is where people excavate sand for construction and all these affect the environment. Measures must be put in place to ensure that our people are aware of this.

This brings about the point which we must remember and must also be inculcated into our curriculum that people, students or pupils are taught from early childhood the matters of environment. For example, we are talking about solidarity and patriotism. These are issues that can be brought about and can be injected into our young people and our community so that as they grow up they know it is important to protect the environment. It is important they have a responsibility as countrymen to make a contribution to our society and country. This Paper that has been brought before the House is very important and going forward it will help improve environment management.

Hon. Temporary Deputy Speaker, we have extraction of natural resources in our country that is going to be taking place. This Paper is timely and I urge that we all support it and ensure that it goes a long way in ensuring our environment is protected.

Thank you, Hon. Temporary Deputy Speaker.

**The Temporary Deputy Speaker** (Hon. Kajwang'): Okay. We would have wound up at that but there is a Member who seems not to have a card. I will give him a few minutes just to say something. He is an old ranking Member of this House.

**Hon. Isaack:** Thank you, Hon. Temporary Deputy Speaker. This Motion before us is very important. The environment is a very important issue in our country. If we talk about waste management especially in our counties, it is very wanting. If you go to Mombasa which is a gateway to Kenya, the whole area is stinking as you enter the town because of poor management of our waste. It is important that waste management in all our counties is done properly. Land must be allocated to ensure that waste is properly disposed of otherwise we will have stinking towns everywhere in this country. You are aware of Dandora in Nairobi. Every county and town in this country has waste littered everywhere. There is poor management of our waste and unless we take this matter seriously, we will have dirty towns.

Desertification is a real problem in this country. We continue to lose our forest and vegetation cover. Our rivers and streams, which hitherto were perennial, are no longer flowing because of the mismanagement of our natural resources. There have been many environmental policies which this House has passed since Independence. Somehow we have not managed our natural resources properly and in particular environmental management.

The Sessional Paper before us today is very important and I support it. But at the end of the day, when we pass this Motion it is important that these policies are well effected and we ensure that we have better environmental policies in place. They must be implemented to the letter.

With those few remarks, I support this Motion.

**The Temporary Deputy Speaker** (Hon. Kajwang'): There being no other Hon. Member wishing to debate on this Motion, I now call upon the Mover to reply.

**Hon. (Ms.) Abdalla:** Thank you, Hon. Temporary Deputy Speaker. I wish to thank all the Members.

**The Temporary Deputy Speaker** (Hon. Kajwang'): I beg your pardon, Hon. Abdalla. Hon. Member for Budalangi, what seems to be the issue? Can I give the Member of Budalangi just one minute? I am not able to see you anywhere. Are you able to press your intervention button?

**Hon. Ababu:** Hon. Temporary Deputy Speaker, I was surprised when you gave the Hon. Member for Kanduyi an opportunity to contribute. I thought I had made a request much earlier. There must have been a technical fault with the microphone, I was using in an attempt to catch your attention. But I had made a request to say a few things to this Sessional Paper.

**The Temporary Deputy Speaker** (Hon. Kajwang'): I apologise for that, but we are pressed for time.

**Hon. Ababu:** Hon. Temporary Deputy Speaker, please allow me a couple of minutes, with your indulgence.

**The Temporary Deputy Speaker** (Hon. Kajwang'): My digital clock says that it is two minutes to one o'clock. As a ranking Member you know that the Speaker does not have the power to extend the session unless there are very good reasons for doing so. I would have recognised you much earlier. As you can see on the Order Paper, there are a couple of issues coming up related to the environment. You may want to see how to craft your submissions and present them then.

**Hon. Ababu:** Yes, Hon. Temporary Deputy Speaker. I will do that. I support the Sessional Paper fully. I look forward to the next Paper.

**The Temporary Deputy Speaker** (Hon. Kajwang'): That is the best thing to do in the circumstances.

Mover, you have less than a minute to wind up your submissions.

**Hon. (Ms.) Abdalla:** Thank you, Hon. Temporary Deputy Speaker.

I would like to thank all the Members including the Secretary General of the Orange Democratic Movement (ODM) for supporting this very important Sessional Paper.

I beg to reply.

**The Temporary Deputy Speaker** (Hon. Kajwang'): Thank you, nominated Member, Amina Abdalla, for working so hard this morning.

I can see that there are a few other Sessional Papers you will be bringing to the Floor of the House. We want to speed up the legislative agenda in the course of the week so that we clear many of the sessional papers before the House. I, therefore, order that business appearing as Order No.14 be printed in the Order Paper as soon as it is practical for purposes of taking a vote.

### **ADJOURNMENT**

**The Temporary Deputy Speaker** (Hon. Kajwang'): The time being 1 p.m., this House stands adjourned until this afternoon at 2.30 p.m.

The House rose at 1.00 p.m.