

# NATIONAL ASSEMBLY

## OFFICIAL REPORT

Thursday, 1<sup>st</sup> December, 2016

The House met at 9.30 a.m.

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

### PRAYERS

### QUORUM

**Hon. Deputy Speaker:** Let us have the Quorum Bell rung.

*(The Quorum Bell was rung)*

Hon. Members, please, remain in the House once you have come in so that we are able to keep track of the numbers?

Okay, Members, we can now transact business. I would urge Members, without anticipating debate, to be patient because we want to finish business. Look at your Order Paper all the way up to Order No.14. It is all about putting Questions, so just be patient.

*(Hon. Members walked out of the Chamber)*

Hon. Members, I have just requested Members not to leave the Chamber until we finish this Order. It looks like I am talking to myself. Allow us to finish this business.

### BILLS

#### *First Readings*

THE STATUTE LAW (MISCELLANEOUS AMENDMENTS) BILL

THE NATIONAL CORONERS SERVICE BILL

THE PREVENTION OF TORTURE BILL

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

#### *Second Reading*

## THE REFUGEES BILL

*(Hon. Agostinho Neto on 23.11.2016)*

*(Debate concluded on 30.11.2016)*

**Hon. Deputy Speaker:** Hon. Members, please, be seated, so that I can put the Question. This had been debated, concluded and left to putting the Question.

*(Question put and agreed to)*

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

**Hon. Deputy Speaker:** Next Order.

## THE PUBLIC SERVICE COMMISSION BILL

*(Hon. Lentoimaga on 30.11.2016)*

*(Debate concluded on 30.11.2016)*

*(Several Members walked into the Chamber)*

Can the Members settle, so that I can put the Question? Hon. Wandayi, Hon. Gichigi and Hon. Pukose, I want to put the Question.

*(Question put and agreed to)*

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

## MOTIONS

REPORT OF THE COMMITTEE OF THE WHOLE HOUSE  
ON THE WITNESS PROTECTION (AMENDMENT) BILL

THAT, this House do agree with the Report of the Committee of the whole House on its consideration of the Witness Protection (Amendment) Bill (National Assembly Bill No. 12 of 2016).

**Hon. Deputy Speaker:** Hon. Members, I proceed to put the Question on the Bill.

*(Question put and agreed to)*

**Hon. Deputy Speaker:** Now, the Leader of the Majority Party will move Third Reading.

**Hon. A.B. Duale:** Hon. Deputy Speaker, I beg to move that the Witness Protection (Amendment) Bill, 2016 be now read a Third Time.

I request Hon. Sabina Chege, the Chair of the Departmental Committee on Education, Research and Technology, to second.

**Hon. (Ms.) S.W. Chege** seconded.

*(Question proposed)*

*(Question put and agreed to)*

*(The Bill was accordingly read  
the Third Time and passed)*

REPORT OF THE COMMITTEE OF THE  
WHOLE HOUSE ON THE BRIBERY BILL

THAT, this House do agree with the Report of the Committee of the whole House on its consideration of the Bribery Bill (National Assembly Bill No.16 of 2016)

*(Question put and agreed to)*

**Hon. Deputy Speaker:** Move Third Reading, Leader of the Majority Party.

**Hon. A.B. Duale:** Hon. Deputy Speaker, I beg to move that the Bribery Bill (National Assembly Bill No. 16 of 2016) be now read a Third Time.

I ask Hon. Sabina Chege to second.

**Hon. (Ms.) S.W. Chege** seconded.

*(Several Members walked into the Chamber)*

**Hon. Deputy Speaker:** Can the Members settle down, so that I can propose the Question?

*(Question proposed)*

Having confirmed that we have quorum, I proceed to put the Question.

*(Question put and agreed to)*

*(The Bill was accordingly read  
the Third Time and passed)*

REPORT OF THE COMMITTEE OF THE WHOLE HOUSE  
ON THE COUNTY ASSEMBLY SERVICES BILL

**Hon. Deputy Speaker:** Again, can I have Members seated so that I can propose the Question?

The Leader of the Majority Party

**Hon. A.B. Duale:** Hon. Deputy Speaker, I beg to move that the County Assembly Services Bill (Senate Bill No.27 of 2014) be now read a Third Time.

I request Hon. Richard Tong'i to second.

**Hon. Tong'i:** Hon. Deputy Speaker, I second.

**Hon. Deputy Speaker:** Hon. Maanzo, Hon. Mwadeghu and Hon. Kisang', can you be seated? Hon. Mwadeghu is not even listening. Can you find a place to sit so that I can propose the Question?

*(Question proposed)*

*(Question put and agreed to)*

*(The Bill was accordingly read the Third Time and passed)*

Next Order.

#### RATIFICATION OF THE PARIS CLIMATE CHANGE AGREEMENT

**Hon. Deputy Speaker:** Do we have the Chair? Hon. Ottichilo on behalf of the Committee.

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

THAT, this House adopts the Report of the Departmental Committee on Environment and Natural Resources on the Ratification of the Paris Climate Change Agreement laid on the Table of the House on Wednesday, 30<sup>th</sup> November 2016, and, pursuant to the provisions of Section 8 of the Treaty Making and Ratification Act, 2012, approves the Ratification of the Paris Climate Change Agreement.

Hon. Deputy Speaker, I would like to brief the House regarding this Agreement so that as the Members discuss and approve it, they know its intent.

The Paris Climate Change Agreement is a multilateral treaty under the United Nations Framework Convention on Climate Change. The Agreement provides a legal framework for all countries to address climate change. The Agreement was adopted on 12<sup>th</sup> December 2015 in Paris at the 21<sup>st</sup> Conference of Parties (Cop 21) to the Convention.

Kenya became a signatory to the Agreement on 22<sup>nd</sup> April 2016. Under the Agreement, parties, which are countries, are able to determine the level of their contribution to the global response to climate change according to their own national circumstances.

The Agreement provides for durable, robust and ambitious action on climate change. It is universal, inclusive and is applicable to all parties and would be implemented to reflect equity and the principle of differentiated responsibilities and respective capabilities in the light of different national circumstances.

The aim of the Paris Agreement is to strengthen the global response to the threat of climate change in the context of sustainable development and efforts to eradicate poverty including the following:

(1) Holding the increase in the global average temperature to well below 2 degrees Celsius above the preindustrial levels and to pursue efforts to limit the temperature increase to 1.5 degrees Celsius above the preindustrial levels recognising that, that would significantly reduce the risks and the impact of climate change.

(2) Increasing the ability to adapt to the advance impacts of climate change and foster climate resilience and low greenhouse gas emissions development in a manner that does not threaten food production.

(3) Making finance flows consistent with the pathways towards low greenhouse emissions and climate resilient development.

The Paris Agreement brings all parties to a common platform to undertake ambitious actions to compact climate change and adapt to its adverse effects.

How did this House get to consider this Agreement? The Memorandum to Parliament on the Ratification of the Paris Climate Change Agreement was committed to the Departmental Committee on Environment and Natural Resources on 15<sup>th</sup> November 2016 in accordance with Section 8 of the treaty making and Ratification Act for consideration and Report to the House. Once ratified, the Agreement shall become part of our Kenyan laws as provided for in Article 2(6) of the Constitution, which provides that any treaty or convention ratified by Kenya shall form part of the law of Kenya under this Constitution.

After receiving the Agreement, the Committee held several meetings. The first meeting we held with the CS in charge of Environment and Natural Resources; the CS is in charge of implementing the Agreement pursuant to Article 118(1)(b) of the Constitution on public participation and Section 3 of the Treaty Making and Ratification Act of 2012. The Committee placed advertisements in two local dailies on 21<sup>st</sup> November 2016 requesting submissions of memorandum on the subject matter. The Committee received memorandum from two civil society groups and from individuals. What are the constitutional implications of these Agreements?

Climate change is an integral part of the Constitution and is anchored in the national climate change framework policy and Climate Change Act of 2016. The preparation of the Climate Change Act took place during the period that the Paris Agreement was being negotiated and is, therefore, in line with the implementation of the Paris Agreement and will contribute towards the implementation of the Climate Change Act of 2016. It would also contribute towards the implementation of Vision 2030 and the relevant Articles of our Constitution.

Further, climate change mitigation and adaptation action anchored in the Agreement will strengthen the adaptive capacity of the most vulnerable groups and communities in our society. These groups include, but are not limited to, women, children, persons with disabilities and marginalised communities and will bring all these marginalised groups together to benefit from the implementation of the agreement.

What are the benefits of this Agreement to this nation? There are quite a number of benefits that this Agreement will, once ratified, make this country receive. Among the benefits are financial benefits that will benefit this country. Kenya, like other parties in the UN Framework Convention on Climate Change, has an obligation to prepare and implement nationally determined contributions covering mitigation and adaptation actions every five years. In addition, the country will have enhanced reporting requirements under this Agreement.

The estimated budgets to address the country's climate change response are reflected in the National Climate Change Action Plan and International Adaptation Plan. It is in the same actions that the country submitted its contribution to the nationally determined contributions.

Several of these actions have also been integrated in our MTP of 2013/2017 and our sector strategic plans.

Further, its implementation will now be anchored in the Climate Change Act, which was discussed, approved and assented to by the President on May this year. For the information of the House, Kenya is among the few countries in the world that have enacted climate change legislation.

Hon. Deputy Speaker, by ratifying the Paris Climate Change Agreement, the country stands to benefit from support, particularly finance, capacity building and technology development and transfer that is anchored in the Agreement.

What are the opportunities that this Agreement will provide to this country? First is access to climate finance. Kenya stands to benefit from global climate finance opportunities through the mechanisms in the Convention among others. These include, but are not limited to, support coming through the Global Environmental Facility which is commonly known as GEF, the Adaptation Fund and the Green Climate Fund. The Agreement presents enhanced opportunities to support the country's low carbon climate resilient goals. Additionally, the Agreement provides the market mechanism to spur private sector investments in developing countries, building on the Clean Development Mechanisms commonly known as CDMs.

Secondly, it enables climate technology development and transfer in mitigation and adaptation actions in line with low carbon climate resilient strategies through the Climate Technology Centre Network.

Thirdly, it enhances capacity building in the implementation of our nationally determined contributions to the United Nations Framework Convention on Climate Change, National Adaptation Plan and National Climate Change Action Plan.

Fourthly, the implementation of the Paris Agreement will facilitate the implementation of our Climate Change Act, and the National Climate Change Framework Policy, Vision 2030 and relevant Articles of the Constitution since response to climate change is the integral part of our Constitution.

Fifthly, it will further enhance Kenya's image internationally by giving Kenya full status for participation and decision making in activities and meetings pertaining to the Agreement such as in the Conference of Parties, serving as the meeting of the parties of the Paris Agreement whose first session was held in the just concluded Conference of Parties (COP) 22 meeting held in Marrakesh, Morocco.

Lastly, it will maintain and improve Kenya's leadership and exemplary status in Africa and other developing countries on climate change issues.

Hon. Deputy Speaker, the Committee recommends that the National Assembly approves the ratification of the Paris Climate Change Agreement as it is in Kenya's national interest.

I would like to call upon the Leader of the Majority Party to second this Motion.

**Hon. Deputy Speaker:** Leader of the Majority Party.

**Hon. A.B. Duale:** Thank you, Hon. Deputy Speaker. From the outset, I thank the Departmental Committee on Environment and Natural Resources led by its able Chair, Amina Abdalla, who is out of the country; the Vice-Chair, Hon. Alex Kosgey and Hon. Ottichilo for bringing this Report on the ratification in the shortest time possible; within one week.

Climate change is one of the most serious global challenges that requires international attention and action. Kenya, like most countries, is vulnerable to the impact of climate change. This is exhibited by the country's high dependence on climate sensitive sectors like agriculture, energy, wildlife, tourism, water and health. These are very sensitive sectors to climate change.

The Government has spearheaded various initiatives to address climate change. An example of such an initiative is the National Climate Change Response Strategy which was launched in 2010 followed by the National Climate Action Plan of 2013-2017. What do these strategies do? They chart a low carbon climate resilient development pathway for our country. Further, these action plans and strategies are in action following the President's assent on 6<sup>th</sup> May, 2016.

This ratification is a result of the Paris Agreement on Climate Change which was adapted during the 21<sup>st</sup> Session on the Conference of Parties to the United Nations Framework Convention on Climate Change known as COP21 which was held in Paris, France, in December 2015. Our President was among the Heads of State and Governments who attended that conference. That Agreement is universal, inclusive and is applicable to all countries and will be implemented to reflect equity and the principle of common, but differentiated responsibilities and respective capabilities in the light of different countries' national interests and circumstances. So, the implementation is anchored and adapted within the national interests and circumstances. This means that developed countries have to continue to take lead in mitigating climate change and support actions and initiatives taken by developing countries like Kenya.

What is the objective and aim of the Paris Agreement? The aim and objective of the Paris Agreement is first to strengthen the global response to any threat of climate change within the context of sustainable development and efforts to eradicate poverty. There must be a scenario where countries will be holding the increase in the global average temperature to well below 2 degrees above the preindustrial levels and to pursue strategies and efforts to limit the temperature increase to 1.5 centigrade above the prelevels recognising the need for us to significantly reduce the risk and the impact of climate change.

If I go to the document itself, in Articles 6 and 7 of the Agreement, parties, and in this case countries, are required to take action to enhance adaptive capacity, strengthen their resilience and reduce their vulnerability. These are very key and important features. We must have capacity to adapt, strengthen our resilience capabilities and be ready to reduce vulnerability to climate change.

Finally, all these will contribute to a higher global goal of ensuring that the global temperature increases to below 2 degrees centigrade.

On the same document on the aspect of conservation, the Paris Agreement encourages countries like Kenya to conserve and enhance as appropriate and sink reservoirs of greenhouse gases including forests. The Agreement also recognises the importance of averting, minimising, reducing and addressing both losses and damages associated with adverse effects of climate change. It recognises and acknowledges the need to cooperate and enhance understanding, action and support to different areas such as early warning systems, emergency preparedness and risk insurance.

If you look at Article 13 of the Paris Agreement, it provides for an enhanced transparency framework for action and support, so that no country is coerced or blackmailed. There is transparency within the framework of both action and support. Even the support that countries are getting is well documented. It is transparent and there are no strings attached, so that there is a clear understanding among all member countries in terms of mitigation, action and available climate financial resources.

The Agreement also defines sustainable development mechanisms that allow both private and public entities in their own way to support mitigation projects that generate transferrable greenhouse gas emissions. Hon. Ottichilo went through and through, but in conclusion, the Paris

Agreement like most other international agreements, goes through three stages before coming into effect. The three main stages are adaptation, signing and joining. Those are very key elements which are very common to all international agreements before respective Houses are asked to ratify. So, this Agreement was first opened for signature at the UN in New York from 22<sup>nd</sup> April 2016 to 2<sup>nd</sup> April 2017. Signing is important because it indicates the commitment of a country. That is the reason Parliament, more so the National Assembly, has been given the role to ratify the Agreement. This is what happened in the Eighth and Ninth Parliaments, where the Senator for Busia, Hon. Amos Wako, and the former Permanent Secretary, Mr. Peter Mwangi, who was then a junior diplomat in New York, sat somewhere in Rome and signed the Rome Statute, but 10 years later, we realised what we went through. That is why today, Parliament, particularly the National Assembly, has a role in making sure that never again will the Attorney-General or the Cabinet Secretary in charge of justice or some people in the Executive can go to capitals to sign and mortgage our rights. That is why the people's representatives have a serious role. I am sure the framers of the Constitution had that in place.

After signing, parties then formally join the Paris Agreement by depositing instruments of ratification acceptance. So, after we ratify, Kenya, through the relevant Ministries, will deposit the instruments for ratification. That is the second most important stage, so that the Agreement will have been already entered into on 4<sup>th</sup> November 2016 as required through the threshold of parties representing, at least, 55 per cent of the global greenhouse.

In a nutshell, this is very important and Parliament, more so the National Assembly, has lived up to its existence by doing a number of ratifications. Therefore, I recommend and urge that the House approves the ratification of the Paris Climate Change Agreement as it is. I am sure Hon. Ottichilo has put it better that it is in Kenya's national best interest. Kenya will benefit from the resource that will come, training and capacity building that it will entail and the transfer of technology that this Agreement is going to bring to our country.

I beg to second.

*(Question proposed)*

**Hon. (Ms.) Muhia:** Thank you, Hon. Deputy Speaker. I support this Report as it is for the best interests of the country as Members have said. Climate change is a serious threat to lives and livelihood for the whole world. It has brought about high poverty levels and health implications.

Last week, I was reading a journal and I found out that in China, several million people die of lung cancer. We are already there globally because of factories and climate change has continued to advance. Achieving low carbon in future will require innovation at every level of the economy. However, some ways are already discovered, for instance, the wind power. In Kenya, we have several wind power projects. As I assert what the Members have said, we should support this ratification for the interest of this country.

As I stand here, I am sad being a Member for Nyandarua County where this innovation was already in place. We were meant to have a project in Kinangop, which could have given this country over 60 megawatts through wind power. As always, some people do not have the interest of this country. We can ratify this Agreement, but ratification is one thing and implementation is another. It is the Government to sign the Agreement, but the implementation requires the efforts of every Kenyan. In Kinangop, we witnessed the loss of a wind power project which was one way of climate control. I ask myself every day how there is wind in Kinangop, but it is very cold.



In fact, you may not differentiate when you are in Europe and when you are in Kinangop. What do we gain by stopping the implementation of this wind power project? What does this wind use?

As we talk of innovation and creativity, today, we have young men and women who are thinking wide and loud and can come up with ways, but those ways can only be useful without much politics. Tree planting is one way, but you realise that the Forest Service Department in this country has relaxed and they do not seem to encourage Kenyans to continue planting trees. This will go into history as one of Jubilee achievements. I will continue to say that to sign the agreement is one thing, but to implement it is another. We have many youths who are unemployed and if they are motivated to continue planting trees, we can control the climate change.

Hon. Deputy Speaker, the poverty levels we see globally can easily be reduced, particularly in our country, if we engage ourselves in ways of climate control.

With those few remarks, I will consider myself as one who will go in history in support of this Motion and say Kenya has taken the right direction.

I support.

**Hon. Deputy Speaker:** Hon. James Nyikal? Hon. Nyikal is not here? Let us have Hon. Maanzo then.

**Hon. Maanzo:** Thank you, Hon. Deputy Speaker. I stand to support the ratification of this very important Motion. This will form part of the international law, in the international regime and it is part of the protection of the environment in which we reside.

Kenya is part of the global village. What happens in Kenya affects other countries in terms of the environment. What happens to our neighbours in terms of the environment also affects Kenya.

Research has shown that the globe is warming. Further research has shown that though the globe initially looked like a round ball, it is twisting because of volcanicity. That is part of the reason we did not receive rains in good time. Therefore, mitigating climate change is very important, especially for matters where we can participate as a country. In part of the Articles in this international law or agreement, there is indication of tree planting. When you plant trees in the rest of the world and even in parts of Kenya where forest cover is good, there should be a policy to guide it. I believe there is a policy in place and it is only that it is not being implemented well, probably at times because of budgetary constraints. Also, when we came up with the new Constitution and devolution, it is not clear who is responsible for what and who is in charge of national forests and who is in charge of county forests. There has been a lot of confusion and in the process, because of corruption in some parts, tree harvesting is happening without a proper policy, even when the trees are not mature enough and even when there is no method of replacing them.

I think we now need to move as a nation, once we ratify this, to have a serious policy where planting of trees happens every season and time. Also, there should be proper research to make sure that we have trees which survive in harsh climatic conditions like in the case of Makueni. Not every tree can survive there, but there is natural vegetation which can grow without much watering and without much preparation in its natural conditions. Researches of that nature should be sponsored. One of the main issues in the world is that of Genetically Modified Organisms (GMOs). As such, we could develop plants which survive harsh conditions. One of the issues was the *Mathenge* plant which became very injurious to animals and people. Animals who chewed it lost their teeth and some even lost their lives.

While we employ technology, we have to look at safety to make sure that while we want to improve the global situation, condition and climate, we at the same time should not injure and cause loss of lives because of some of the developments.

I want to support this ratification. It is a very important international law and instrument. There is a great concern. But most importantly is the attitude Kenyans adopt so that we can save trees. We should not just harvest trees carelessly. We need to control charcoal burning which is destroying natural vegetation. Some of these trees have taken hundreds of years to grow, but somebody destroys them in a day. Also, research to develop plants which will favour climatic conditions of different strains should be in place, so that we can protect the globe for the sake of the future of the world, the many nations which are there and the inhabitants, some of whom have been affected by the failing climate.

Lastly, the use of green energy like wind power where it is applicable and solar in drier areas where the sun is plenty, is good. Use of solar reduces emissions from any other sources. We should utilise the rivers that we have and increase the number of dams where we can generate power. A great plant was started during the Kibaki regime to do the Thwake-Athi Dam in Makueni which will generate power. That will save cutting of trees. People should embrace practices which reduce use of trees and firewood. Scientists in Kenya are helping us with that.

I support this and I thank you.

**Hon. Deputy Speaker:** Hon. Abdul Dawood.

**Hon. Dawood:** Thank you, Hon. Deputy Speaker. I want to support this ratification of the Paris Climate Change Agreement.

My reason for supporting the Agreement is that we will be in agreement with our international obligations. When we support the ratification of the Paris Climate Change Agreement, we will be saying that what is being done in Kenya ought to be upheld even by our international friends and partners.

As you are aware, pollution and the greenhouse gases are a big issue in the world at the moment. The other day, New Delhi in India was shut down for about two weeks because pollution levels are above 400 or 500 when they should not be above 100. The same case pertains to China. So, we hope the incoming President of the United States of America (USA), Donald Trump, will sign this Agreement as well, because we are uncertain right now with him coming in. It is not that we can do anything about it, but we encourage the USA to also sign this Paris Climate Change Agreement. Once all the countries of the world have signed, we can reduce the greenhouse gases and reduce the temperature by two per cent.

We need to see a way of getting carbon credits because we produce a lot of food and we have forests. I am glad there was a clarification from the Director of Forest Service, Mr. Mugo, in yesterday's newspapers. He said that there was no overcutting of trees and I have just heard my colleague say that we have depleted our forests. I think we need to take it up with the Director to find out exactly what he said and what is on the ground. It should be the same. But we should encourage planting of trees. About two or three weeks ago, we were with the Cabinet Secretary (CS) for Environment and Natural Resources, Prof. Judy Wakhungu, and we planted trees and launched the Meru Tree Planting for the Eastern Region. I believe we will be far ahead if we did the same all over the country. I am told Meru region is the highest in tree and forest cover after Kakamega.

We need to introduce mitigation factors. If we get the carbon credits and incentives to reduce pollution, we will go a long way in this Climate Change Agreement. We are waiting to see if our international partners and the developed world can put aside a Fund, so that it can help

the less developed or developing countries' to put in place mitigating factors. I think once we have that in place and there is funding, we will reduce the greenhouse gases. We will be able to keep the temperatures at less than two per cent.

With those few remarks, I support. I encourage Kenya to ask for that funding from our partners.

**Hon. Deputy Speaker:** Hon. James Nyikal?

**Hon. (Dr.) Nyikal:** Thank you, Hon. Temporary Deputy Speaker for giving me opportunity to contribute to this debate on climate change and the Paris Climate Change Agreement that we need to support as a country.

Hon. Deputy Speaker, climate change is global and there is very little we, human beings, can do to stop it unless we abide by the physical science aspects of it. We, as legislators and/or lawyers, all we can do about the forces of physical science with our social science is just to design ways in which humanity can live within the confines of those physical science factors. Therefore, the impact of global climate change knows no boundaries. The activity that we undertake as individuals, communities or countries have far reaching effects. Sometimes we may not realise how important these activities are. An example is a small issue such as carbon emission in transport. People may not realise that it has great effect not only where the carbon is produced, but also far off in other countries. So, what China is doing will definitely affect Kenya, and we cannot isolate ourselves from that.

There are things that look insignificant, for example, the sprays that we apply on our bodies, insecticides, detergents for cleaning utensils and furniture and so on, but they are, indeed, gases that get into the atmosphere. Even the forests that we cut, our mode of agriculture and how we use the rivers all have an impact on the climate. The effects are not confined to who is doing it and where it is being done. When these changes occur they affect the most basic needs of humanity and animals.

What we all know and is clear to us is food security. Unless we mitigate the effects of climate change, we definitely will not be in a position to sustain our food security. Even the modern ways of producing food may have an impact. So, we have to look at how our food security will be and how it is impacted by climate change. Water is the most important commodity for plants and animal health.

Hon. Deputy Speaker, climate change has a remarkable effect on availability of water. It is said that the next World War will be over water resources. This is something we need to look at. Communicable diseases move with animals such as birds which migrate in response to climate. If climate change occurs birds that, otherwise, would not move to certain parts of the world will move there carrying diseases that hitherto were not there, such as Bird Flu and Rift Valley Fever. In fact, even disease germs that did not exist may emerge. Our interaction with animals that previously were confined in forests could also enhance the spread of diseases.

Diseases like cancer will be impacted on by climate change. So, this is something we cannot avoid. The fact that it has effects all over the world regardless of who is doing what means that we must have multilateral co-operation in this matter hence the Paris Agreement, which we must, as a country, support. In any case we are signatories to it.

The Paris Agreement will bring many countries together. We hope that even the great and powerful countries will see the need for co-existence and sign this. We are party to this Agreement; we signed it in April, 2016 and by dint of the Constitution alone we do not need to adopt it. This Agreement distinguishes the unique circumstances of different countries at

different levels of development so that our responses, mitigation and adaptability measures will have to be different. Those have to be recognized in any agreement and this one does so.

This Agreement also realises that there is need for equity amongst nations and this equity must seek to put into consideration the different circumstances of the different countries. This Agreement does that. It carries with it issues on adaptability. The changes are occurring and will take place but we can adapt to them. In fact, our adaptation may even reduce the speed of change. We realise how small the margins of change are when we talk about one degree centigrade. That is something that you may not even perceive on a daily basis or in your daily activities and yet that is going to have remarkable effect. We need to be aware of that.

This Agreement also raises issues of mitigation. What do we do to mitigate the effects of climate change? When drought occurs, what kind of agriculture do we adopt? When diseases emerge because of climate change---

In this country, we used to have Highland Malaria, which was confined to certain parts. With climate change, such a disease could move to certain parts that hitherto did not have malaria. Luckily, we have now put measures in place to control the Highland Malaria.

The Agreement also looks at the international mechanisms of resource mobilization. This is going to involve all countries, both rich and poor. So, there must be a co-ordinated effort at the international level to mobilise resources because we all need to respond as one global family in this matter. That is important. This Agreement brings with it a reporting mechanism so that we can monitor what is happening in all the countries. There must be ways of addressing that. That is an extremely important part of this Agreement, and we cannot afford to be outside this Agreement.

Hon. Deputy Speaker, it also gives opportunities to this country. The most important one is access to information. As it is now, we may not have enough information to even do national climate change planning. This is the case and yet we need information. If we are part of this Agreement we will get information from other countries that have it. We need that information for public education because people can only respond better if they know what it means. It also builds our capacity. There are very complex technical issues that we need to address and our people need to have the capacity.

This Agreement will help us acquire that capacity. The other opportunity is the financial support that we are likely to get. We need to take advantage of all these opportunities so that we can mitigate the impact of climate change.

With that I support the Motion.

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

**Hon. Dido:** Thank you very much, Hon. Deputy Speaker. I rise to support the ratification of this Agreement. I want to thank the Committee and Hon. (Dr.) Ottichilo. One time, I was privileged to sit on that Committee. It is good to have experts in this House, people who are focused and forthright and individuals who are able to see far in this country.

In 1977 when UNEP was to open its offices in Nairobi, it needed a lot of canvassing for Kenya and developing world to bring the UN Habitat and UNEP to a Third World country. Many were saying that Kenya did not need to have UNEP here; that UNEP should be in Geneva, New York or other countries. Today, with climate change, we, as the people in the South; we the people in the developing world of this globe are likely to be the people who will save the earth.

When the former Vice-President of the USA, Al Gore made a heartrending presentation to the world on the effect of climate change, he brought fire into the debate that was only believed that scientists were becoming the individuals who were talking about climate change for

their own interests. The effect of climate change can be seen in reality even when you move around our country. We used to have long rains in April. We no longer get those rains. By October 15<sup>th</sup> we would have the short rains. That no longer happens. One of the major effects of climate change, if it is not mitigated, is conflict.

Hon. Deputy Speaker, a few years ago in our country there was debate about saving the Mau and the five water towers in this country. Many took that as just simple politics, but today we see the effects of having saved the Mau and other water towers. That is why we are able to still grow food naturally in Rift Valley. The effect of the ultraviolet rays, the rising of skin cancer and all types of cancers and the pollution of water are some of the adverse effects we continue to experience. Most of its contributory effects are as a result of climate change and the effect of weather change that has affected most of our communities and areas in a big way.

In the 1970s and 1980s when we began to have weather satellites, those were pointers and indicators to tell us some of the effects of some areas warming and temperatures rising. That is why some causative effects are things like tsunami, rising sea levels and flooding. Many areas that used to be inhabited are no longer inhabited because waters displace human dwelling.

On the issue of forest cover, one of the things that we were advised as Kenyans from the 1970s is to try and retain a 10 per cent forest cover, but our forest cover is much below that percentage.

Recently, we visited Berlin and what is very interesting is that every tree planted in the City of Berlin is numbered and it is put on computer. If that tree is felled, then it is known that tree number “X” on this street has been felled. That is the sort of scientific attempt particularly in terms of managing our environment that we need.

This Agreement also puts in place a nationally-determined contribution, where countries are told you move at your pace; you are not coerced; and, you must do what is in the best interest of your country in managing and mitigating the adverse effects of climate change. If you go to countries like the UK or most parts of Europe, you will find that every year, if you own a car, you take what is called “MOT” so that the exhaust is measured to find out how much it damages the environment. If it passes certain limits, that car is pulled off the road. It does not matter how old it is if it is not efficient, particularly for driving on the roads - not necessarily mechanically serviceable - but in mitigating its effects on the environment.

Hon. Deputy Speaker, we are looking at Kenya to be a middle-income country by 2020. What does that call for? Kenya must industrialise. To industrialise, one of the things we need is energy. Are we considering what energy we are to use if we are to be very careful about our environment? Members who have spoken have talked about clean energy. That includes wind, solar, hydro and any kind of energy that is safe to the environment. We are also seeing in Kenya attempts to look at coal as an alternative energy. The Europeans moved away from coal in the 1970s and 1980s because of its effects on the environment. Are we going back or forward? It is one of the things we must look at.

On the greenhouse gas inventory reporting, I think this is where the world must look at fairness and equity. The West might attempt to underreport so that countries like Kenya, the developing countries, do not get in that index of development.

I like the submission by the Ministry of Environment and Natural Resources. I think they have clearly told us what advantage is in us ratifying this Agreement.

With those remarks, I beg to support.

**Hon. Deputy Speaker:** Hon. Timothy Wanyonyi, you have the Floor.

**Hon. Wetangula:** Thank you, Hon. Deputy Speaker for giving me an opportunity to say something about this Motion.

Climate change has very serious effects on the life and development of all creatures in the world. We have witnessed changes in temperatures and weather patterns occasioned by climate change phenomenon. Some time back, we used to have a predictable weather pattern. We knew what time the rains would come. However, nowadays we cannot predict correctly when it will rain. Even the weather people are unable to predict accurately the timings of the rains. This is because of climate change. The phenomenon has affecting everything in the universe.

From this Report, I notice that this Agreement was adopted on 12<sup>th</sup> December, 2015 in Paris, France. Kenya became a signatory to this Agreement on 22<sup>nd</sup> April, 2016. Our Constitution provides, under Article 2(6), that any treaty or agreement ratified by Kenya becomes part of our laws. I believe that by us adopting the Committee's Report for ratification of this Agreement, we will be making this convention part of our laws as it will be enshrined in our Constitution. The legislation that will be enacted in this august House will provide a legal framework for us to deal with environmental issues.

We have had a very robust and articulate presentation by Hon. Ottichilo about issues of the environment. These are the things that we must be very clear about when debating this Bill. In this country, there is wanton destruction of the forest cover. Somebody said that we have recovered the Mau Forest. If you take a flight across the Mau forest, you will see the destruction that is still going on there. The Mau Forest is no longer there.

The only indigenous forests in this country are Kakamega Forest and some parts of Mount Kenya Forest. We need to make sure that we do not destroy our environment, as Prof. Wangari Maathai would teach us. She used to tell us that nature was very unforgiving and that if we do not take care of it, it would have negative effects on us. We must rise to the occasion and control ourselves and ensure that we protect the forest cover. People in this country may not appreciate the vegetation and the negative effects that have been occasioned by the destruction of the environment, especially trees.

In countries where there are no forests or any vegetation at all, the temperatures are too high that it is very dangerous for anybody to venture outside during the day. Everything in those countries is artificial. Everything is artificially controlled in those countries.

In Kenya, we have the benefit of breathing natural air and planting crops using the natural environment that we take for granted. If we take the environment for granted and continue to destroy it, we will, one day, regret but it will be too late for us to salvage the situation.

As we sometimes watch the wild beast migrate in the Maasai Mara, we must remember that this happens because of climate cycles. Many people come from all over the world to watch the migration of wild beasts. The animals know that at a particular time of the year they have to move to the other side of the Mara River to get pastures. If we do not control the environment, we might find ourselves losing those wild animals. The wild beasts bring us so much revenue. Therefore, we must be careful. Kenya is the host of the UN environmental agency, which is a great privilege. We must show the world that we are living up to this billing as we adopt and ratify this Agreement.

Most of the things have been highlighted in this Report. As ably articulated by Hon. Ottichilo, this Agreement will bring a lot of benefits to this country. Once we adopt this Report and ratify the Agreement, we will have the mandate of providing a legal framework for dealing with climate change issues and the benefits that will come with the ratification of the Agreement, including financial benefits. All of us must support this Motion.

Thank you, Hon. Deputy Speaker.

**Hon. Deputy Speaker:** It is now the turn for Hon. Nicholas Gumbo but he is not in. Let us hear Hon. Ferdinand Wanyonyi.

**Hon. F.K. Wanyonyi:** Thank you, Hon. Deputy Speaker for giving me this chance to contribute to the Motion. I was wondering whether I was going to have a chance to talk about it. I support the Motion.

It is good that the President personally attended the Conference to sign this Agreement in Paris. I want to congratulate him on the same. If you look at the issue of agriculture, you will realise that this week, we had a presentation by some technocrats from the Egerton University, who talked about food security strategy in this country. They explained why our food security strategy has been affected.

One of the reasons is that the rain cycle in this country is unpredictable. Weather forecast cannot be relied upon. The weatherman will predict a certain type of weather but the outcome turns out to be the opposite. I come from the North Rift region.

In Nairobi, we are currently having heavy rainfall at a time when we should not. That, again, is affecting our agricultural activities. There is the possibility of having food shortages next year because the harvests have been affected in both South Rift and North Rift because of unpredictable weather cycle.

Again, if you look at what we have here, you will find that because of the greed and population pressure in our country, our forests have been cleared. The Mau Forest is one of the major forests in this country, but it has been destroyed and people have settled in it. Mount Elgon Forest has also been cleared. The rains are not going to come at all.

Hon. Deputy Speaker, Kakamega Forest is the only tropical rain forest in the region. About three weeks ago, as I passed through that area, I realised that there is a lot of encroachment into the forest. The danger is that the weather patterns have changed completely. This phenomenon is caused by man-made problems.

Hon. Deputy Speaker, we are our own enemies. I know there are efforts to save Kakamega Tropical Rain Forest, but it may take a while. As a country, we are a signatory to the Kyoto Protocol which said that the more forest cover you have, the more carbon credits you will get. This has not been taken seriously by our country. Therefore, if we ratify this Agreement and take it seriously, we will have individual people accessing the Kyoto Protocol carbon credit facilities which are there once you reveal the number of trees you have planted in your area. We should take the ratification of this Agreement very seriously and move faster than before to---

About four years ago, I was in Romania and I was very impressed that it has 27 per cent of its land mass covered by forests. The forests extend to the city. In Kenya, I think, our forest cover is below 5 per cent.

When the Leader of the Majority Party was seconding the Motion, he said that this will enable us access some global funds one of which is environmental funding, green house fund and transfer of technology fund. All these are there beckoning. So, we should, after the passage of this Motion on the Ratification of this Agreement encourage Kenyans to seriously adhere to it.

The other objective of this Agreement is very encouraging. It means that everybody else in the world will adhere to its articles. We have seen that some islands, particularly in West Africa and in the Pacific Ocean have been swallowed because of global warming. We should pass this Agreement so that we can assist our country. The future and prosperity of this country depends on how we are going to implement this Agreement.

Last but not least, I want to talk about global warming. These days when you go to sleep at night, you do not have to cover yourself with a blanket because generally, it is very hot. It is very hot in Mombasa and even here in Nairobi. The cold highlands where I come from are also very hot these days because of global warming. Therefore, this Agreement should be taken seriously. I hope Hon. Ottichilo who is here will suggest ways and means of us reducing global warming as per the articles in the Agreement.

With those few remarks, I support the ratification of the Agreement.

Thank you.

**Hon. Deputy Speaker:** Let us now hear Hon. Kathuri Murungi.

**Hon. Murungi:** Thank you, Hon. Deputy Speaker for giving me this opportunity. I support this Motion which seeks to ratify the Paris Climate Change Agreement. This is an important Agreement which should have been---

**Hon. Deputy Speaker:** Hon. Kathuri, just give me a minute to recognise two guests we have in the Speaker's Gallery. First, Ms. Anna Elizabeth Burke, MP, a member of the Australian Labour Party served in the House of Representatives in from 1998 to 2016 representing the Division of Chisholm in Victoria. She is the immediate former Speaker of the Australian House of Representatives.

Secondly, we have Ms. Mariana Duarte who is a Programme Officer, Gender Partnership Programme. The two are here to facilitate Parliament in evaluating the level of gender sensitivity within the Parliament of Kenya, a self-assessment exercise by the Parliament of Kenya in collaboration with the IPU.

You are both welcome in the National Assembly.

*(Applause)*

Thank you. Hon. Kathuri, you may continue.

**Hon. Murungi:** Thank you, Hon. Deputy Speaker. I was saying that Kenya is a bit late because out of the 195 countries which participated in the climate change deal in Paris last year, almost 114 of them have already ratified it. Therefore, I thank the leadership of this House and the Ministry of Environment and Natural Resources for bringing this Agreement to the Floor of the House so that we can participate in the ratification as a country.

I thank His Excellency the President because for the last four years, he has actively participated in the Conference of Parties (COP19), COP20, COP21 and a week ago, he was in Morocco for COP22. This really shows that Kenya, as a country, has taken issues of climate change seriously.

This Agreement is crucial because during the COP21 in which I participated under the leadership of my mentor, Hon. Ottichilo, who was the team leader then, that Agreement benefited all countries. We were all very happy with the negotiations and what came forth during the negotiations.

Once we ratify this Agreement, as a Parliament, it is one of the instruments which will open up some of the benefits my colleagues have put across including access to climate change funds. Therefore, this is very important for this country. Already, even when we participated during the negotiations, Kenya got deals worth more than US\$500 million. We hope when this money gets to this country, it is put into prudent use.

The other advantage is that this House passed the Climate Change Act which was assented to by the President and is now law. I thank this Parliament because in the meetings I



have attended, every speaker, even in world forums, recognise the Parliament of Kenya for having passed the Climate Change Act. Up to the other day, the Speaker brought forward the names which have been proposed to be members of the Climate Change Council. So, when all these structures are put in place plus this Agreement, we will know that the implementation of the Climate Change Act will be good for this country.

Another important advantage is that the Kenya leadership itself will be at an advantage because Kenya will be one of those countries in the world which will have participated in the climate change issues.

We have talked about forest cover in this country. It is around 7 per cent. I wish to correct my friend who said we are below 5 per cent. But still we are below the global target of 10 per cent. As a Committee, we have put a lot of funds especially for tree planting during the rainy season.

For example, now there is money for green schools programme. We hope the Ministry is implementing these issues so that we can get to the target of 10 per cent. At the Climate Change Agreement, we said we try to reduce the global warming by 2 per cent but the target is 1.5 per cent. This can only be done by reducing emissions. Therefore, if we bring the forest cover to 10 per cent then we will benefit and the world would be able to mitigate the effects of climate change. The developed countries contribute highly towards global warming. Therefore, this Agreement indicates that developing countries should be well supported so that they can adapt to the effects of climate change. The developed world contributes a lot towards pollution, but some of them are not even giving commitments on how they would fund the developing countries in order to mitigate the effects of climate change.

In Kenya, as I conclude, the focal point on these issues of climate change is the National Environment Management Authority (NEMA). We hope that many communities will access this money when it comes. Let them not use a lot of bureaucracy as they engage firms, organisations and institutions which want to participate in the utilisation of climate change funds. Therefore, we hope NEMA will open up to as many organisations and communities as possible so that Kenya can participate in this process.

I support the ratification of this Agreement.

**Hon. Deputy Speaker:** Let us consider the female gender. Hon. Esther Murugi, you have the Floor.

**Hon. (Ms.) Mathenge:** Thank you, Hon. Deputy Speaker. I also wish to support the ratification of this Agreement on climate change. Even as we ratify it, we must also have home-grown solutions because ratification of a protocol is not good enough. We must look at the problems that affect us and seek to resolve them.

Indeed, climate change is going to be one of the world's biggest challenges as there would be competition between wildlife and human beings. There is competition for water, food and other things. As we do this, we must also urge the Ministry of Environment and Natural Resources to be very aggressive because in every small trading town there is a huge timber yard. The timber yards are now the in-thing and you keep wondering why they allow wanton destruction of forests. One of the things that we must do is to penalise those who destroy our forests by imposing high penalties.

We must also do what Wangari Maathai used to do. One of the things that she did in her Greenbelt Movement was that if you wished to cut a tree, you were supposed to prove you had planted three or more trees. Today, if you go to the forest, you will find that people just cut trees without planting more. So, we must look at that.

We must also start educating our children right from a tender age that we need forests for our survival. This is a good thing and I am hoping that climate fund is provided in Kenya, through NEMA or through the Ministry of Environment and Natural Resources. It should be replicated all the way to the village level; to the women who trek many miles as they look for water for their families. We must also look for solutions so that we do not just look at wood as the only source of energy. Let us look at trees as the source of our survival.

I do not think I can say more. This ratification has come at the right time. As a Government, we must also have our own home-grown solutions and policies to ensure that the ratification is not just at the global level, but also at the national level.

I support the Report.

**Hon. Deputy Speaker:** Yes, Hon. Gideon Ochanda.

**Hon. Ogolla:** Thank you, Hon. Deputy Speaker. Being part of the universe, this country has no option but to join the rest. The President has done very well. He has made a commitment and the best that we can do is to adopt this Report such that the process goes on for purposes of ratification.

Mutuma Mathiu sometimes does some nice commentaries. He made a comment that there is a very serious conspiracy by the human kingdom to bring the universe down. The conspiracy is happening many times in a manner that some do not even realise. It happens in a manner that we fight all manner of tiny insects around. We also fight all manner of natural entities around us. Accumulation of all these activities means that we are harming the universe. That was the summary of what Mutuma was raising in his article. We think that insects are our enemies constantly. The insects we see as our enemies make a very serious contribution to the climate. Those insects help a lot in the many processes that nature engages in and for our benefit. However, we keep killing them and yet the cumulative effect is that we destroy ourselves by preventing the insects from carrying out what is an important process in nature.

It is true because I remember little questions that were sometimes asked in the nature classes. When one was asked, say, the importance of a housefly, one would easily respond that a housefly cannot be important. That is exactly where Mutuma was trying to get us to. We are not doing enough as a nation, as a Government and as a people. It is true that our contribution is fairly meagre in terms of climate change. It is meagre but cumulatively, it counts.

To this extent, one needs to look at our settlement arrangement is. Every single day, we are fixing homes and every single day, we are moving from our parents to fix some homes. At the village level, if you move from one home to the next, chances are that you will fell trees. Chances are also that you are going to interfere with what exists there. So, we are contributing to this in some very small ways but when they add up, they are major.

Hon. Deputy Speaker, when we talk about our approach towards environmental conservation, for example, contributing to either forestalling or improving it, one of the things we must look at is how our settlement arrangement is. We have one of the poorest settlement arrangements in the world. Here in Kenya everybody is settling everywhere. There is no arrangement or policy. Until such a time that we will segregate and separate that this portion needs to be for forest, that one for agriculture and this one for settlement, we will not achieve much. We are engaging in very expensive exercises where we have to scatter power and water because we are trying to reach people with these services. Had people been clustered, it would be cheaper to provide everybody with health services, water and all manner of infrastructure. We cannot achieve this because of our poor settlement arrangement.

We are settling down in all the arable areas in a manner that is not conducive. This is not going to be very useful. So, when we talk about some of these things like carbon credit, we need to think of localising our actions. This means that we must treat our county governments as small governments. When we talk about tree planting, it is about making this kind of contribution. It needs to be mandatory. Something must happen.

Former President Moi is on record for all manner of very bad things but one of the nice things that I want to believe Moi did for this country was setting a date and time for moving the entire country to tree-planting. This is missing completely. Since Moi's time, nothing has happened.

Poverty knows no tree. A person who will be hungry in the evening will cut down a tree that has been there for years in order to burn charcoal, sell and buy food so that he can eat that evening. Poverty knows no tree. Unless we have deliberate ways of how to handle issues that are poverty-related, it is going to be very difficult to handle issues of the environment because our nature is such that man must eat. Human beings must eat. If you have to eat but you do not have a good source of food, the next place will be how to invade the environment.

In my view, I think it is important, as we move towards ratifying this Agreement that we get down there and work very seriously. It could be a policy for county governments. I do not see why it is difficult for county governments to, for example, run trees census in their places and even in homesteads such that you give credit to somebody who is able to maintain trees by the end of the day or year. If you had three trees and you are able to have six by the end of the year, you should be rewarded.

If we went into this kind of arrangement, it would be like the carbon credit arrangement. If we did this, some of these things will work out well.

So, I support this Motion but, it is important, in conclusion, that we get to know that we are massively engaged in a process of bringing the universe down.

Thank you, Hon. Deputy Speaker.

**Hon. Deputy Speaker:** Hon. Kang'ata, you have the Floor. Give him the microphone.

**Hon. Kang'ata:** Thank you, Hon. Deputy Speaker. I rise to oppose this Report and ask Members to ensure that we do not ratify the Paris Climate Change Agreement. The reasons are as follows. This Agreement will cause massive unemployment in our country. Why do I say so? When governments introduce very many regulations in their economy; and, when governments comes up with very many policies which entrepreneurs must adhere to, the net effect is they make investment too costly. This is one of the endeavours of this document. I will give you a very good example. Since we established the entity called the "National Environment Management Authority (NEMA)", you have to go and pay money when you want to come up with a building. We pay Kshs40,000 which is a lot of money. By the way, that depends on the nature of the building. Secondly, it takes a lot of time.

These are ideas of developed countries which developed by breaching the so-called climate. After they are up there, they manoeuvre to tell poor countries to follow suit. At what expense?

Ours is a very poor country. Our Gross Domestic Product (GDP) per person is about US\$1,800 per year. Here, we are going to negotiate with countries like France and the USA which have about US\$50,000 GDP per capita. Surely, that means they are about 50 times richer than us. So, we have contributed zero to climate change.

If you look at the percentage of carbon emission, you will find that China contributes almost a half to the best of my knowledge while the USA contributes about another half. Ours is

0.0007. This is very small and very tiny. Surely, what has climate change to do with us? To me, if I were a serious policy maker, I will go and announce:

“Hey, anyone who wants to come and establish a coal plant? Come!

Anyone who wants to establish whatever? Come! We do not look at climate agreements because they are fake.”

After that investors will flock here. We should start thinking about climate change when we become rich. But you cannot think about climate change when you are a poor person. Surely, these are rich man’s talk shops.

Hon. Deputy Speaker, if you look at these agreements---

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

**Hon. Deputy Speaker:** Hon. Kang’ata, you may have to let our guru on climate change who is on a point of order to prosecute his point of order.

**Hon. (Dr.) Ottichilo:** Hon. Deputy Speaker, is the speaker, my good friend Kang’ata in order to rubbish what has been established over years? If he is ignorant about science, why does he not come to scientists to educate him? Why is he using his ignorance to rubbish an agreement that is universal and mislead the country?

**Hon. Kang’ata:** Hon. Deputy Speaker, the scientist should answer one question. What percentage does Kenya contribute to climate change? Compare that to China or the USA. That is the question. Therefore, if you were to agree with me that we contribute zero point something to that thing called “climate change”, you agree with me that we have no obligation. We have no obligation at all. They lied to us via previous treaties that they will compensate us through a system called “carbon trading”. Show me one person who has been paid money in Kiharu for planting a tree through the system they are calling “carbon trading market”. Show me one single person and I will support his Motion. Show me one person Hon. Whip of the Minority Party. There is no one.

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

**Hon. Deputy Speaker:** Give the microphone to the Whip of the Minority Party. What is your point of order, Hon. Mwadeghu?

**Hon. Mwadeghu:** Mhe. Naibu Spika, Mhe. wa Kiharu anataka kupotosha Bunge. Ukija katika kaunti yetu ya Taita Taveta utapata watu wanapata fedha kwa kuhifadhi miti. Kwa hivyo, kutojua kwake na kutoelewa kwake kusije kukajumuishwa kuwa nchi yote ya Kenya haina ufahamu kama yeye.

Ninaomba Mhe. wa Kiharu asipotoshe Bunge kwa kutojua yaliyoko nchini.

**Hon. Deputy Speaker:** You have been informed.

**Hon. Kang’ata:** Thank you, Hon. Deputy Speaker. My point is very simple and I want to reiterate it again. What is the extent of our contribution to climate change?

**Hon. Deputy Speaker:** I think you have made that point. Let us not flog it further.

**Hon. Kang’ata:** Look here, Hon. Deputy Speaker: As a poor country, you should be aiming at what we call “full employment”. That should be what is taxing any policy maker. “Full employment” is not obtained by putting a lot of bottlenecks. These are bottlenecks you are putting for entrepreneurs. I will give you several examples.

One, there was an application by a company that wanted to establish coal mining in Kitui. That project was opposed by the so-called environmental activists. There was an application by a company over titanium at the Coast. It took 20 years for that company to establish. Why? It is because of opposition based on these ideas.

Presently, we have the same struggle in our region about water that is being brought here for you people to consume. Again, the objections are based on these ideas. These are ideas of rich people and not poor people like us. We cannot afford to think about climate change when we are a very poor country. For us, our aim should be employment and employment.

If we were to leverage, we should get out of this so-called Paris Climate Change Agreement and call out for various investors and tell them:

“Oh, in our region, we do not mind about this idea. Come, invest, build us the coal plant and ensure the SGR passes through the Nairobi National Park.”

Hon. Deputy Speaker, I do not know whether you are aware that as we speak there are people who are demonstrating against the SGR passing through the Nairobi National Park. In their idea, they want us to stay the way we were staying 500 years ago where there was a world full of trees and the environment was very intact and yet we are poor people.

Hon. Deputy Speaker, our aim and I want to reiterate this---

**Hon. Members:** On a point of order.

**Hon. Deputy Speaker:** I am really not going to allow any more points of order. Yes, you are controversial but you will have your say.

**Hon. Kang'ata:** Exactly, Hon. Deputy Speaker. Allow me to give my ideas and I am going to cite examples of countries which have developed by trashing these ideas. China, in 1979, was a very poor country. Deng Xiaoping assumed power and his first idea was to trash away these ideas of fettle business. One of the ideas that fettle business includes labour issues. You see the labour laws that we enacted the other day where we provide a minimum wage and so forth. Those ideas make business become very expensive. These are ideas for the rich and not poor people. I am going to cite other examples which retard development.

Hon. Deputy Speaker, in Rift Valley, already there are people who are objecting that water should not be taken from some parts of Rift Valley to Nakuru Town. It is as if people do not know there is no country that has ever developed without urbanization. We need that water to come from those regions, take it to town and ensure that we accelerate the rate of urbanization. That way, the living standards of our people will improve. The environmentalists, whose ideas are captured here, make us retard. Oppose this idea and make our country progress because these are ideas of rich people and some white men out there. We need business to provide full employment.

Thank you, Hon. Deputy Speaker. I oppose

**Hon. Deputy Speaker:** The Majority will have their way but the minority will have their say. So, we all have equal opportunities to contribute. Let us have Hon. Mwadeghu.

**Hon. Mwadeghu:** Ahsante sana Mhe. Naibu wa Spika kwa kunipatia nafasi hii ili nami nitoe mchango wangu kwa Hoja hii inayohusu Ripoti ya Kamati ya Mazingira. Ninaomba niseme kwamba ninaunga mkono Ripoti hii ya kuhalalisha Mkataba wa Paris.

Ni jambo la kufadhaisha kusema kuwa mageuzi ya hali ya anga hayatuhusu watu wa Kenya. Mageuzi yoyote ya hali ya anga yanatuhusu Wakenya kwa kuwa hata hivi sasa tukiangalia vile mambo yanaendelea na vile mvua inavyonyesha, tutaona kwamba hainyeshi kama hapo awali kwa sababu kuna mageuzi ya hali ya anga.

Ni jambo la kufadhaisha kuona kuwa wakati mwingine hata sisi Wabunge husimama na kusema kuwa kitu ambacho tunahitaji ni uwajibikaji wa watu kupata ajira na kazi. Tulikuwa China mwezi uliopita. Ukiamka asubuhi utakuta uwingu umetanda angani. Si kwamba ni wingu la hali ya anga bali ni wingu linalotokana na moshi wa viwanda ambavyo vinaunda makaa.

Inafadhaisha kwamba hata Serikali yetu wakati mwingine haihusiki kikamilifu. Kwa mfano, uwajibikaji uliokuwepo wa upanzi wa miti haupo tena. Umeachwa. Huko ninakotoka, Taita, utakuta misitu inakatwa kiholela. Watu wanaohusika wakiulizwa wanasema wanakata kidogo tu.

Serikali, hata kupitia kwa maofisa wake wakuu, haitaki kushtumu ukataji miti katika sehemu nyingine. Kwa sasa, ninazungumzia juu ya Taita. Jambo la kuaibisha ni kwamba mkuu wa kitengo hicho cha misitu ni mtu wa kutoka nyumbani lakini analinda wale maofisa ambao wanahusika na ukataji miti. Ninaomba nichukue nafasi hii kulaani vitendo kama hivyo.

Ipo miradi ambayo inafanywa ambayo inaenda kinyume na utunzaji wa hali ya anga. Mojawapo ni huu mradi wa reli ambayo inapita katika Mbuga la Wanyama la Tsavo. Hata kamati ambayo imepeana hii Ripoti ingekuwa tayari imeangalia madhara ambayo yanatokea hivi sasa huko Tsavo. Ndovu hawawezi kuvuka upande mmoja waende upande mwingine. Kwa hivyo, inawalazimu waende kwa mashamba ya wananchi. Wanapofika kule hamna lolote bali ni kuharibu mimea ya wananchi na kuwaua. Hili linasababishwa na mradi wa *Standard Gauge Railway* (SGR).

Kuratibu Mkataba huu kunamanufaa. Sisemi kuwa manufaa hayo hayana madhara. Sharti tuangalie manufaa hayo pamoja na madhara yake. Hivi sasa, tunahimiza NEMA na vitengo vingine vinavyohusika na mambo ya mazingira vitilie mkazo kwamba watu wapande miti. Wakati ambao tulikuwa tunakata miti kiholela umeisha. Tuna viwanda vingi humu nchini lakini bado hatujapitisha sheria ya kuvilazimisha vipande miti. Ukiwa kwenye ndege angani, kisha upitie sehemu za Ngong utaona sehemu kadha wa kadha ambazo zimepandwa miti na zinaendelea vizuri. Ingawa hivyo kuna sehemu nyingine ambazo zimeachwa wazi kabisa. Hiyo inamaanisha miti ikipandwa itaweza kudumu na kufanya vizuri. Je, kwa nini hatuna sheria ambazo zitawashinikiza watu wapande miti?

Kuna moshi mwingi ambao unatolewa na magari. Huu moshi ni mwingi zaidi kwa sababu ya msongamano wa magari. Ikifika jioni unapotoka kazini utajiuliza, “haya magari yanaenda wapi?” Utakuta yanaenda katika maeneo ambayo yako viungani mwa jiji la Nairobi. Swali ni, kwa nini watu wa Kenya wanaishi nje ya jiji? Kwa nini wasiishi ndani ya jiji na kufanya kazi ndani ya jiji ndiposa kule nje kuwe ni pahali pa wengine? Kwa hivyo, kama wewe umeamua unaishi jijini, hakutakuwa na msongamano wa magari maana huna haja ya kutoka jijini uende nje ya jiji. Haya ndiyo mambo ambayo tungependa tuyaangalie.

Nchi yoyote huendelea kwa kuangalia vile nchi zingine zimeendelea. Haya mataifa makubwa makubwa ambayo hayakujichunga kutokana na haya madhara ambayo tunayapata sasa, yamepata shida kubwa. Kwa hivyo, itakuwa vibaya kwetu kukosa kutumia mbinu za kisayansi kujichunga kutokana na madhara ya uharibifu wa mazingira. Hatupaswi kufanya makosa ambayo mataifa mengine yalifanya ama yalipitia. Kwa maoni yangu litakuwa ni jambo ambalo kizazi kijacho hakitatusamehe kwa sababu tulijua hili jambo ni kosa na hali tunaendelea kulifanya.

Mhe. Naibu wa Spika, ninaomba tuangalie mfano wa kiwanda cha Bamburi ambacho kinatengeneza simiti. Wakuu wa kiwanda hiki wana sera ya upanzi wa miti. Wana bustani nzuri yenye miti mingi na watu hupumzikia hapo ambapo kitambo palikuwa pamechimbwa. Katika nchi nyingine, sehemu za machimbo huwa zinarekebisha na watu wanaohusika kushurutishwa kupanda miti. Hivi sasa ukienda katika maeneo ambayo mifugo inalishwa, kwa mfano, Maungu, utakuta wameambiwa wapande na wahifadhi miti. Utafika wakati waliopanda miti watafidiwa kwa hela fulani. Wanafidiwa kwa sababu wamechangia kuchunga mazingira.

Ni jambo la kufadhaisha kuona kuwa sisi watungaji sheria wakati mwingine tunapotosha watu. Huwa tunawaambia eti turuhusu viwanda vijengwe na vifanye vinavyotaka. Ukweli ni kwamba viwanda hivyo vina madhara. Yale madhara ambayo yanaingia kutokana na moshi wa viwanda hivyo ni mengi. Watu wetu wataumia na tutatumia pesa nyingi kuwatibu hatimaye. Kwa hivyo, hamna haja kuwaacha watu waathirike ama wapatwe na shida eti kwa sababu haja yetu ni viwanda. Kuna mbinu nyingi za kuhakikisha kuwa vijana wamepata kazi ambazo ni nyingi.

Viwanda vikiwa vinaingia haimaanishi viingie kiholela. Sharti viingie kwa mpangilio. Pia ni sharti wenye viwanda hivyo waangalie mazingira.

Pili, viwanda vikiwa vinaingia, haimaanishi kuwa viwanda vikiingia vinaachwa kiholela holela lakini viingie kwa mpangilio. Kuwe na hakika kwamba wameangalia na kuchunga mazingira; hawayaachi kiholela. Mara nyingi tunawacha mazingira yetu yanachafuliwa bila kuweka mikakati ya kuhakikisha kuwa mazingira yetu yanalindwa na viwanda.

Kwa hivyo, naunga mkono ili tuhakikisha kuwa Ripoti hii imehalalishwa na Serikali na pia kuhakikisha kuwa Kenya itakuwa mojawapo ya nchi ambazo zitatekeleza Mkataba huu.

Mhe. Naibu Spika wa Muda, naunga mkono.

**The Temporary Deputy Speaker** (Hon. (Ms.) Shebesh): I now give the Floor to the Member for Kajiado South, Hon. Peris Tobiko.

**Hon. (Ms.) Tobiko:** It is Kajiado East.

**The Temporary Deputy Speaker** (Hon. (Ms.) Shebesh): Then we have to change it, because that is what is written on the screen. I hope the Clerk's Office will take note of that.

The Member for Kajiado East.

**Hon. (Ms.) Tobiko:** Thank you, Hon. Temporary Deputy Speaker. I rise to support this Motion. It makes a lot of sense that we globally address the issue of climate change. I do not know who cannot see the effects of climate change. We see it, we feel it. The effects are enormous.

I was surprised to listen to Hon. Irungu Kang'ata saying the issue of climate change only applies to the rich countries and rich people. We feel the effects of climate change in our villages and our lives have been changed. The droughts are longer. In the arid lands we feel it more. Like in my constituency, last weekend the issue that my people had was not about development---

*(Loud consultations)*

**The Temporary Deputy Speaker** (Hon. (Ms.) Shebesh): Hon. Members, please consult in low tones so that the Member on the Floor can be heard.

**Hon. (Ms.) Tobiko:** Hon. Temporary Deputy Speaker, I was just stating that last weekend I was in my constituency in a place called Mbilin and the only thing that my constituents told me is: Please, go and tell the Government to come and chase away the elephants from the constituency because they make our lives unbearable. These wild animals come out of the park because of the drought that is affecting them in the park. There is human-wildlife conflict. People do not live in peace. This is because of the changes in climate.

I agree with my former classmate Hon. Ochanda who said that even our ways of settlements contributes to climate change. There are more bricks and huge buildings all over and less trees. I was thinking that maybe we need to pass more laws that will enhance the Paris Agreement so that everybody, even if you are living in an area of 150 metres by 100 metres, you need to plant trees. It is important that we address it at our level. And it does not matter whether

we are contributing significantly or insignificantly to the pollution right now, as Hon. Kang'ata was claiming: That it is only the developed nations that contribute to pollution and that our contribution is less. We should aim and drive to be pure. We must not contribute even a small portion to the worsening of the climate.

Maybe we are at a better level to address climate change before it goes out of hand. We should be encouraging countries like China to ratify this Agreement because they contribute to pollution of the environment. We should show the way. There is no problem in a small nation showing the way to the mighty nations. I think it is very important that we address the issue of climate change. It is affecting all of us. The rains are less. The droughts are more. And the world is threatened. The only way we can save the world is to ratify this Agreement and to enhance it through other legislation.

Thank you, Hon. Temporary Deputy Speaker, for this opportunity.

**The Temporary Deputy Speaker** (Hon. (Ms.) Shebesh): I now give the Floor to the Member for Butula, Hon. Michael Onyura.

**Hon. Onyura:** Thank you, Hon. Temporary Deputy Speaker, for this opportunity. I support this Motion fully and wholeheartedly. Listening to Hon. Kang'ata speaking, he reminded me of one Donald Trump. He is the only other person who is living in denial and saying that global warming and climate change are a hoax. But even Trump is now starting to go slow on some of the crazy ideas and pronouncements that he was making, and saying that there could be validity in certain aspects of these areas. I was just imagining, based on what Hon. Kang'ata was saying, that we can then ask people to rush to Mau Forest and start felling trees for charcoal; rush into Karura forest and start cutting down trees for timber, because they will then make a few shillings. That is an extremely narrow-minded view.

It is good that we as Kenyans are supporting the ratification of this Agreement, and rightly so because we are the ones hosting UNEP. If anything, these are some of the things that UNEP has been fighting for all these years. We are also the land of the late Nobel laureate Wangari Maathai, and these are the things that concern degradation of the environment that she fought against throughout her life, at times at great physical and psychological pain. By ratifying this Agreement, we as Kenyans join other progressive countries to show and make sure that we protect the environment.

One other thing that needs to be highlighted is the issue of awareness of our population regarding matters environment, starting right from the schools and even ordinary citizens. At times due to lack of information, knowledge and awareness, you will find that certain activities that result in environmental degradation are done. We need to invest a lot in terms of campaigns for awareness and research. We need to encourage activities that will protect and upgrade the environment in our own small ways. I will be launching a programme to encourage the youth to plant trees and certain crops that protect rivers and springs. We want to plant plants like bamboo on riversides and springs.

I also want to encourage NEMA to be firm when it comes to issues that affect the environment. It is sad to find that development projects are allowed to be implemented on riparian lands near rivers, which eventually affect the environment. Only activities that will aid protection of the environment should take place in such areas. We used to have a programme on mitigation of soil erosion. I do not know what happened to it. An hon. Member talked about it. The unpredictable weather patterns that we are experiencing are a result of environmental degradation. We should also encourage use of clean energy as part of our contribution towards a



better environment. We should also invest much more on green energy like solar and wind, among others.

With those remarks, I beg to strongly support the ratification of this treaty.

**The Temporary Deputy Speaker** (Hon. (Ms.) Shebesh): Whip of the Minority Party, what is your point of order?

**Hon. Mwadeghu:** Hon. Temporary Deputy Speaker, would I be in order to ask the Mover to reply given the fact that we are repeating ourselves?

**The Temporary Deputy Speaker** (Hon. (Ms.) Shebesh): Hon. Mwadeghu, you have already contributed to this Motion. Therefore, you cannot raise that issue. Once you have contributed you cannot raise the issue of calling the Mover to reply.

Hon. Sakuda.

**Hon. ole Sakuda:** Hon. Temporary Deputy Speaker, can the Mover be called upon to reply?

**The Temporary Deputy Speaker** (Hon. (Ms.) Shebesh): Hon. Members, that is my work.

**Hon. ole Sakuda:** Hon. Temporary Deputy Speaker, we are repeating ourselves. About 95 per cent of us are in support of the motion that the Mover be called upon to reply.

**The Temporary Deputy Speaker** (Hon. (Ms.) Shebesh): Hon. Sakuda, the people supporting that motion have no right to do my job. Nevertheless, having sat here for a while, I know it is true that we seem to be repeating ourselves on some issues. Therefore, I will put it to the Floor whether we should call the Mover to reply or not.

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

I, therefore, call the Mover, Hon. Ottichilo, to reply.

**Hon. (Dr.) Ottichilo:** Thank you, Hon. Temporary Deputy Speaker. I would like to donate part of my time to some Members whom I know are eager to contribute to this debate.

**The Temporary Deputy Speaker** (Hon. (Ms.) Shebesh): You are allowed to donate part of your time.

**Hon. (Dr.) Ottichilo:** I would like to donate a minute to each of the following Members; Hon. Angwenyi, Hon. Birdi, Hon. Charles Geni, Hon. George Oner, Hon. Anami and Hon. Ngeno.

**The Temporary Deputy Speaker** (Hon. (Ms.) Shebesh): Which one do we start with? Hon. Angwenyi, you have one minute.

**Hon. Angwenyi:** Thank you, Hon. Temporary Deputy Speaker. I rise to support this Motion. Let us approve it because it bears heavily on our country if global warming is not controlled.

When I was young, there was snow on Mount Elgon. Today there is no snow there. I remember when I was in Form Three, we went out for a function at Mount Kenya. There was a lot of snow there. We could not get to the top because there was too much snow. As we speak, there is no snow. This country stands to gain a lot if we approve this Motion.

Thank you.

**The Temporary Deputy Speaker** (Hon. (Ms.) Shebesh): Hon. Birdi, you have one minute.

**Hon. (Ms.) Sunjeev:** Thank you, Hon. Temporary Deputy Speaker. A lot has been said by Members of Parliament. I would like to support the Motion for ratification of the Paris Climate Change Agreement. I would also like to say that I was present at COP 22 in Morocco, with Hon. Ottichilo. Kenya was amongst the top three countries worldwide which have done something about climate change. We should be proud of that. From that conference, it was evident that every country in the world has recognised climate change as a real problem. The nations of the world have joined hands in making sure that there is change amongst the residents in the various countries.

With those few remarks, I support the Motion.

**The Temporary Deputy Speaker** (Hon. (Ms.) Shebesh): Hon. Kipyegon.

**Hon. Kipyegon:** Thank you, Hon. Temporary Deputy Speaker. I also rise to support the Motion for the ratification of this protocol. Kenya, among other countries, either loses or benefits from these particular changes. Most of the countries where it snows heavily during winter experience heat waves during summer, whereas countries like the United States of America (USA) experiences hurricanes. In Kenya, we mostly experience drought.

I support the Motion knowing very well that a stable climate pattern is fundamental to all human beings and animals.

**The Temporary Deputy Speaker** (Hon. (Ms.) Shebesh): Hon. Lelit, do you want to speak on this Motion?

**Hon. Lati:** Yes.

**The Temporary Deputy Speaker** (Hon. (Ms.) Shebesh): You have one minute.

**Hon. Lati:** Thank you, Hon. Temporary Deputy Speaker. Although I support the Motion, I do not support the entire framework on climate change mitigation. This agenda is being pushed by the western countries. In the 18<sup>th</sup> Century, as the western world industrialised, nobody, including the United Kingdom (UK) and USA, talked about the effects of carbon emission into the atmosphere. Now that they are fully industrialised, they do not want African countries to industrialise. As we ratify this treaty, we must be careful as developing countries. We need to emit a lot of carbon into the atmosphere so that we can develop like the western countries.

Thank you.

**The Temporary Deputy Speaker** (Hon. (Ms.) Shebesh): Hon. Anami, you have one minute.

**Hon. Anami:** Thank you, Hon. Temporary Deputy Speaker. I support the Motion. However, to underline the importance of domestication, ratification is one thing but domestication is another thing. It is important that we have laws and the necessary financial support for the institutions and the communities that will sustain our climate situation. I come from a constituency where two-thirds of the land is covered by a tropical rain forest; namely, Kakamega Forest. We have challenges of rain patterns because of deforestation. This is an area where the Government needs to take seriously. After the ratification of this treaty, the Government should provide the necessary resources and legislation to ensure that the communities that have sustained this natural phenomenon can continue to serve us for sustainable development.

Thank you.

**The Temporary Deputy Speaker** (Hon. (Ms.) Shebesh): Hon. Mongare Charles, you have one minute.

**Hon. Geni:** Thank you, Hon. Temporary Deputy Speaker. Today is like the Clerks are biased. They have skipped my name more than four times. However, I would like to contribute

to the Motion. Before I go to one of my points, let me correct the impression created by Hon. Kang'ata to the nation that what we are doing here is completely negative and it will impact negatively on the country. That is not the case. Instead, let him go back to his constituents in Murang'a and encourage them to plant trees and conserve the environment.

Hon. Temporary Deputy Speaker, ratifying this agreement will benefit this country a lot because there are benefits accrued like financing of projects, capacity building and technology transfer. This will go down even to the shopkeepers. People will get something to do through this financing.

I support.

**The Temporary Deputy Speaker** (Hon. (Ms.) Shebesh]: Hon. Oner is the last one to contribute. One minute.

**Hon. Ogola:** Thank you, Hon. Temporary Deputy Speaker. I strongly support this Motion to approve the ratification of the treaty. There are people claiming that this is regulatory stifling of business. On the contrary, I want to state here clearly that adapting to climate change and growth of economy are not mutually exclusive. You can grow the economy with better technology, efficient mechanisms and still grow your economy without affecting the climate. Our nation is at the top. I have gone to Costa Rica and the USA. I can say here that we are respected worldwide for being the leader in climate change issues.

I support the adoption of this agreement.

**The Temporary Deputy Speaker** (Hon. (Ms.) Shebesh): Hon. Ottichilo.

**Hon. (Dr.) Ottichilo:** Hon. Temporary Deputy Speaker, first I want to say I am really humbled by the level of support on this Motion about the impact of climate change on the socio-economic welfare of our people and on our mother planet. Therefore, I want to take this opportunity, on behalf of the Departmental Committee on Environment and Natural Resources, to sincerely thank all the Members for supporting this Motion. I am saying this because this Motion is putting Kenya on the global map. Therefore, Kenya will become one of the beacons of climate change in the whole world. I do not want to repeat because the Members have articulated the issue of climate change. It is important that we move forward.

For my good friend, Hon. Kang'ata of Kiharu, I want to tell him to please go read and understand the issues of climate change and why it is important that all of us as a globe must tackle the issue of climate change. Even China, which he cited that it has done well, I want to inform him that China was among the first countries to ratify the agreement. Currently, as we are talking, China is suffering a lot particularly from the problems of pollution. If you happen to go to Peking, you cannot move.

Let us move as a country. We have done very well. We are among the few countries in the world which have come up with Climate Change Act and policy and with the ratification of this agreement. Kenya is going to be very competitive worldwide in accessing the climate change funds from Adaptation Fund, the Green Fund and GA Fund.

I beg to reply.

**The Temporary Deputy Speaker** (Hon. (Ms.) Shebesh): We will be doing the necessary passing of that ratification at the right time. Let me just say, Hon. Ottichilo, that for the sake of this House and for this nation, you will be written in history as the Member of Parliament, who without tiring, made sure that Kenya is compliant on the issue of climate change.

*(Putting of the Question deferred)*

Next Order.

## COMMITTEE OF THE WHOLE HOUSE

*(Order for Committee read)*

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

## IN THE COMMITTEE

*[The Temporary Deputy Chairlady  
(Hon. (Ms.) Shebesh) took the Chair]*

### THE LAND VALUE INDEX LAWS (AMENDMENT) BILL

**The Temporary Deputy Chairlady** (Hon. (Ms.) Shebesh): Hon. Members, we are now in the Committee of the whole House to consider the Land Value Index Laws (Amendment) Bill (National Assembly Bill No. 40 of 2016).

Hon. Sakuda, I believe you are holding brief for the Departmental Committee as the Vice-Chairman. Am I right?

**Hon. ole Sakuda:** Yes.

*(Clauses 3, 4 and 5 agreed to)*

### Clause 6

**Hon. ole Sakuda:** Hon. Temporary Deputy Chairlady, I beg to move:

THAT, Clause 6 of the Bill be amended –

(a) in subsection (1) of the proposed new section 107A by deleting the words “by the national government” appearing immediately after the words “land value index developed” and substituting therefor the words “jointly by the national government and county government”.

(b) in subsection (4) by inserting the following proviso immediately after paragraph (c)(i)—

“Provided that where the national government or the county government makes changes in the use of the land compulsorily acquired to affect other land owners, these owners shall be excluded from the application of this provision.”

(c) in the proposed new section 107B—

(i) by deleting the words “by the national government” appearing in paragraph 2(a) and substituting therefor the words “jointly by the national government and county government”; and

(ii) by deleting the proposed new subsection (3).

**The Temporary Deputy Chairlady** (Hon. (Ms.) Shebesh): Hon. Vice-Chairman, give us a bit of the import of that amendment for the sake of the Members.

**Hon. ole Sakuda:** If you look at Clause 6 of the Bill, it seeks to speak to various stakeholders who are supposed to be consulted by the national Government. That is why we ended up including the county government in Clause 6 (a)(1) section 107A. It is just trying to balance out issues so that the county government is involved and not just the national Government.

*(Question of the amendment proposed)*

**The Temporary Deputy Chairlady** (Hon. (Ms.) Shebesh): Members who have indicated they want to speak, do you want to speak to this? Hon. Oner, go ahead.

**Hon. Ogalo:** Thank you, Hon. Temporary Deputy Chairlady. Creating land value index and compulsory acquisition can be done by county governments or by national Government. So, exclusively giving the job to national Government would be disenfranchising the county government. This amendment should be carried through to ensure that the stakeholders necessary for compulsory acquisition are all included.

Thank you. I support.

*(Question, that the words to be left out be left out,  
put and agreed)*

*(Question, that the words to be inserted in place thereof be inserted,  
put and agreed to)*

*(Question, that the words to be inserted be inserted,  
put and agreed to)*

*(Clause 6 as amended agreed to)*

#### *Clause 7*

**Hon. ole Sakuda:** Hon. Temporary Deputy Chairlady, I beg to move:

THAT, clause 7 of the Bill be deleted and substituted therefor with the following new clause—

Amendment to section 111 of No. 6 of 2012. 7. Section 111 of the Land Act is amended by inserting the following subsections immediately after subsection (1)—

(1A) Compensation for compulsorily acquired land may take any one or more of the following forms—

- (a) allocation of alternative parcel of land of equivalent value and comparable geographical location and land use to the land compulsorily acquired;
- (b) monetary payment either in lump sum or in instalments spread over a period of not more than one year;
- (c) issuance of government bond;
- (d) grant or transfer of development rights as may be prescribed.
- (e) equity shares in a government owned entity; or

- (f) any other lawful compensation.
- (1B) Subject to subsection (1A), an owner of land compulsorily acquired shall elect the form of compensation.
- (1C) Compensation relating to compulsory acquisition shall not be paid to a public body unless there is a demonstrable inference that the land was purchased and developed by that public body.

If you look at Clause 7, just like Hon. Oner was trying to put across, it is about compulsory acquisition. Here, we are trying to give more strength to the land owners for them to choose the mode that they want the Government to compensate them.

*(Question of the amendment proposed)*

**Hon. Ogalo:** Thank you, Hon. Temporary Deputy Chairlady. Part of the reason for this amendment is to clarify that alternative land can be a measure of compensation. That if your land is compulsorily acquired, you can be given land in lieu of the land you had before. This amendment should be carried to give proper effect to that spirit.

*(Question, that the words to be left out be left out,  
put and agreed)*

*(Question, that the words to be inserted in place thereof be inserted,  
put and agreed to)*

*(Clause 7 as amended agreed to)*

*(Clauses 8, 9, 10, 11, 12, 13, 14, 15, 16 and 17 agreed to)*

#### Clause 18

**Hon. ole Sakuda:** Thank you very much, Hon. Temporary Deputy Chairlady. I beg to move:

THAT, Clause 18 of the Bill be amended in the new proposed section 133B by deleting the word “may” appearing in subsection (3) and substituting therefor the word “shall”.

That is just a matter of semantics. It is to delete the word “may” and put “shall”. Thank you.

*(Question of the amendment proposed)*

*(Question, that the word to be left out be left out,  
put and agreed to)*

*(Question, that the word to be inserted in place thereof be inserted,  
put and agreed to)*

*(Clause 18 as amended agreed to)*

*(Clause 19 agreed to)*

*Clause 20*

**The Temporary Deputy Chairlady** (Hon. (Ms.) Shebesh): Hon. Vice Chairman, you have an amendment.

**Hon. ole Sakuda:** Yes. Thank you very much, Hon. Temporary Deputy Chairlady. I beg to move:

THAT, Clause 20 of the Bill be amended in the proposed subsection (5A) by deleting the words “five hundred thousand shillings or to imprisonment not exceeding three months” appearing in the proviso and substituting therefor the words “five million shillings or to imprisonment not exceeding three years”.

When we were looking at this clause, we wanted to make sure that we put stiffer penalties. That is why we are proposing to delete the words “five hundred thousand shillings or to imprisonment not exceeding three months” appearing in the proviso and substituting therefor the words “five million shillings or to imprisonment not exceeding three years”. We wanted to make it a bit stiffer so that we can get out corruption in terms of the whole process. So, we are proposing that Clause 20 be amended as it appears on the Order Paper.

Thank you.

*(Question of the amendment proposed)*

**The Temporary Deputy Chairlady** (Hon. (Ms.) Shebesh): Hon. Oner?

**Hon. Ogalo:** Thank you, Hon. Temporary Deputy Chairlady.

The cost of public projects can escalate terribly if the cost of acquisition of land is not controlled. A person being part of this commission, knowing that a project is going to take place in a certain place and releasing that information so that people purchase land for speculation and therefore defeat the proper process of value for money in acquisition of land commits a criminal offence. It is an offence that must be discouraged and the penalties proposed by this amendment now are in tandem with national objectives of delivering projects at cost effective rates.

Thank you, Hon. Temporary Deputy Chairlady.

**The Temporary Deputy Chairlady** (Hon. (Ms.) Shebesh): Hon. Member for Naivasha?

**Hon. Kihagi:** Thank you, Hon. Temporary Deputy Chairlady. To the extent that land acquisition is mainly for infrastructural projects, that will not only utilise a lot of public funds but also have a major effect on our economy. We must have more strict laws to guard against abuse of the process of land acquisition by those agencies concerned.

To that extent, I support this amendment.

*(Question, that the words to be left out be left out,  
put and agreed to)*

*(Question, that the words to be inserted in place thereof be inserted,  
put and agreed to)*

*(Clause 20 as amended agreed to)*

*(Clauses 21 and 22 agreed to)*

*Clause 2*

**The Temporary Deputy Chairlady** (Hon. (Ms.) Shebesh): Hon. Vice Chairman?

**Hon. ole Sakuda:** Thank you very much, Hon. Temporary Deputy Chairlady. I beg to move:

THAT Clause 2 of the Bill be amended in the definition of “prompt” by deleting the word “three” appearing in paragraph (ii) and substituting therefor the word “one”.

It is a matter of removing the word “prompt”. If you look at what the Bill was intending to say, the Government can take up to three years in processing the payment, we are cutting it into one financial year that the Government needs to actually compensate the land owners within one year as opposed to three.

So, we are proposing that Clause 2 be amended as appearing on the Order Paper.

Thank you.

*(Question of the amendment proposed)*

*(Question, that the word to be left out be left out,  
put and agreed to)*

*(Question, that the word to be inserted in place thereof be inserted,  
put and agreed to)*

*(Clause 2 as amended agreed to)*

*(Title agreed to)*

*(Clause 1 agreed to)*

**The Temporary Deputy Chairlady** (Hon. (Ms.) Shebesh): Hon. Mover?

**Hon. A.B. Duale:** Hon. Temporary Deputy Chairlady, I beg to move that the Committee do report to the House its consideration of the Land Value Index Laws (Amendment) Bill (National Assembly Bill No. 40 of 2016) and its approval thereof with amendments.

*(Question proposed)*

*(Question put and agreed to)*

*(The House resumed)*

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

## REPORT

### THE LAND VALUE INDEX LAWS (AMENDMENT) BILL



**The Temporary Deputy Speaker** (Hon. (Ms.) Shebesh): Hon. Vice Chairperson, Hon. ole Sakuda.

**Hon. ole Sakuda:** Hon. Temporary Deputy Speaker, I beg to report that the Committee of the whole House has considered the Land Value Index Laws (Amendment) Bill (National Assembly Bill No. 40 of 2016) and approved the same with amendments.

**The Temporary Deputy Speaker** (Hon. (Ms.) Shebesh): Mover?

**Hon. A.B. Duale:** I beg to move that the House do agree with the Committee in the said Report. I also request Hon. Regina Ndambuki to second the Motion for agreement with the Report of the Committee of the whole House.

**Hon. (Ms.) Muia:** I second.

**The Temporary Deputy Speaker** (Hon. (Ms.) Shebesh): Okay, Hon. Regina, you have seconded.

*(Question proposed)*

We will be putting the Question at the right time.

*(Putting of the Question deferred)*

So, we have completed the Committee of the Whole House. We will move on to the next Order.

## BILL

### *Second Reading*

#### THE COUNTY GOVERNMENTS (AMENDMENT) BILL

**The Temporary Deputy Speaker** (Hon. (Ms.) Shebesh): Hon. Duale, we are on Second Reading.

**Hon. A. B. Duale:** Thank you, Hon. Temporary Deputy Speaker. I beg to move that the County Governments (Amendment) Bill (Senate Bill No. 4 of 2016) be read a Second Time.

The initial County Government (Amendment) Bill (Senate Bill of 2014) was rejected by the National Assembly. It was because of the choice of the headquarters of county governments of Kirinyaga and Taita Taveta. As such, the Bill was referred to a Mediation Committee.

*(Hon. Mwadeghu rose in his place)*

I really want the incoming Governor of Taita Taveta not to walk out but listen because he gave us hell in the House Business Committee. He really wanted this Bill to come. He cannot walk out on me; I am his senior.

**The Temporary Deputy Speaker** (Hon. (Ms.) Shebesh): The Leader of the Majority Party, I can defend him. He was only trying to whip Members but, I think you are right. He has to listen.

**Hon. A.B. Duale:** I want him to listen because I want him to be among the contributors.

So, I beg to move that this County Government (Amendment) Bill (Senate Bill No.4 of 2016) be read a Second Time.

The initial County Government (Amendment) Bill (Senate Bill Of 2014) was rejected by the National Assembly because of the choice of the headquarters of county governments of Kirinyaga and Taita Taveta. As such, this Bill was referred to a Mediation Committee. The Mediation Committee, however, seemed not to have addressed the headquarters issues of these two counties; that is very important. What followed were serious protests from the residents of the counties. It seemed very insensitive to have left them out.

So, the purpose of this Bill is to amend the Third Schedule providing for the physical location of county governments by changing:

- (i) The physical location of Taita Taveta County Government from Wundanyi urban area to Mwatate urban area; and,
- (ii) Kirinyaga County from Kerugoya urban area to Kutus urban area.

Unfortunately, there is no Member from Kirinyaga because they are dealing with those two ladies on the ground; one Anne Waiguru and the other who is my good friend and a serious leader in this country, Hon. Martha Karua. So, this Bill is originating from the Senate. It is seeking to correct these anomalies by stating that the headquarters of Kirinyaga County will be in Kutus where the Government has already invested a lot of money. Then the headquarters of Taita Taveta County will remain in Mwatate.

This is the gist of this small Bill. I have nothing else to say. I beg to move and ask Hon. Vice-Chairman of the Departmental Committee on Administration and National Security to second. Initially, I wanted Hon. Mwadeghu to move but, because he has an interest in this Bill, we do not want to be accused that this was a scheme between the Leader of the Majority Party and his counterpart from the Coalition for Reforms and Democracy (CORD). So, let him be part of the people who will contribute.

I ask the Vice-Chairman to second. I beg to move and ask Hon. Lentoimaga to second.

**Hon. Lentoimaga:** Thank you, Hon. Deputy Speaker, for giving me this time and opportunity.

Just as the Leader of the Majority Party has said, this Bill has been in our Committee and it is a short Bill. I stand here to second and agree that it is important to specifically identify county headquarters especially now that the Government is putting a lot of resources in construction, staffing and in many other issues. So this Bill, however short it is, gives direction to the locals and residents of these counties to identify where they can call the capital cities of those counties.

We know that Wundanyi and Kutus have long been old district headquarters in the previous dispensations. So, we are not going the wrong way. It is just the way the residents have said. These are recognised and important towns or urban centres in our country.

Some of them were town council headquarters and so in my view this is a good Bill. We really have no objection as a Committee. It is a matter of seconding this Bill and I totally agree with the Hon. Leader of the Majority Party. I also appeal to our colleagues in the House to support these amendments to the County Government (Amendment) Bill.

I second.

*(Question proposed)*

**The Temporary Deputy Speaker** (Hon. (Ms.) Shebesh): Let us have Hon. Ng'eno.

**Hon. Kipyegon:** Thank you, Hon. Temporary Deputy Chairlady. I also wish to support. Despite the fact that we have schedules in the Constitution that talk about this matter, at times it becomes a problem where to situate the headquarters of a county. I think that decision, perhaps, would best lie with the people of those particular counties. How I wish whenever we are making any decision, we do public participation. It is the only way we can get the views of the people. We need to know from them where they wish those headquarters to be situated. Remember there have been so many conflicts. There were some conflicts in Kiambu County, where some people wanted the headquarters to be situated in Thika. There are people who wanted it to be in another place. Last week there were demonstrations in Tharaka Nithi. It is because somebody had proposed that the headquarters of this particular county be situated in a certain place.

Let us have public participation and allow the people of these counties to determine where they want their headquarters to be, so that we do not force them to have unnecessary conflicts. Remember most of the counties are cosmopolitan. We have several clans, tribes and communities living in those counties and sometimes when you place county headquarters at a particular place, which, perhaps, favours one or two communities, the other communities will always be in conflict. So, let us do all this correctly so that we can have the county headquarters in places where it shall not favour one community.

So, we need to re-look the matter. I wish to support because I am one of those few people who would have wished that the headquarters of a county are located based on several issues such as proximity to the county residents, the capability of that particular proposed headquarter in terms of economic centrality and other factors. We cannot just take county headquarters to small villages although we would want to develop them. We need to choose a place which is already developed and which can give the residents of those counties accessibility to those areas. On matters of county assemblies, I would have wished we have rotational sittings like we were impressed initially that this National Assembly would be rotating in all the regions. I do not know what happened. County assemblies do not have complicated businesses to deal with. They do not use complicated equipment during their sittings. Those ones can rotate. They could move from one constituency to another.

I wish to support and we hope the people of Taita and other counties will agree with the resolution of this House.

**The Temporary Deputy Speaker** (Hon. (Ms.) Shebesh): Thank you. Hon. Member, I now give opportunity to the Member for Mbita. Hon. Millie Odhiambo.

*(Inaudible)*

We can hear you though you are still whispering. I do not know why. I can hear you but you are not projecting your usual voice. You can try the microphone behind you.

**Hon. (Ms.) Odhiambo-Mabona:** Thank you, Hon. Temporary Deputy Chairlady. I know I have a bad voice, but that also had to do with technology. First of all I wish to take this opportunity to support the Senate Bill. I am not supporting the specifics in the Bill but the principle behind the Bill. And the principle is the issue of public participation, especially on issues of where to have headquarters. I am saying this because these are usually emotive issues and sometimes lead to clashes. Yesterday, there were people from Tharaka Nithi that were demonstrating against the Deputy President on the issue of their headquarters. I have not seen it provided here. I would want to encourage that when we are dealing with issues that are serious

and important as this, we hear the voice of the public, and that we do what works best for the public.

It is a noble initiative that the Senate has taken, but I would want to urge that we go beyond the headquarters and also look at potential conflict over not just issues of headquarters but even the boundaries. In my constituency, two or three days ago, there were attacks from Uganda. I have said this consistently on the Floor of the House. The Government is not doing anything. I would, therefore, be urging the Senate, because of the issues of international waters. Perhaps if not the Senate, I will be forced to bring it myself because security is supposed to be a national Government issue. In this we are dealing with a local issue. But when we are dealing with international bodies, it goes beyond the Member of Parliament. When our own locals are being attacked by foreign elements and the Government is absolutely doing nothing about it--- In the past they were going to islands which were nearer Uganda and Tanzania. Now they have moved to Mfangano Island, in a village called Mulundu. That means they are about to reach Rusinga Island. And very soon they will be in Homa Bay Town. At some point you really wonder whether we are part of Uganda or part of Kenya. I will soon be asking the President that question.

I support. Again if you have a Bill like this, if you do not deal with the issues, the people who tend to be affected are women and children. I will stay true to my calling to serve women and children. If you do not solve conflicts, it is women and children who suffer.

I support.

**The Temporary Deputy Speaker** (Hon. (Ms.) Shebesh): I now give the Floor to the Member for Sigor, Hon. Rotino.

**Hon. Rotino:** Thank you very much, Hon. Temporary Deputy Speaker, for giving me the opportunity to support this very important Bill. I want to support my colleagues in saying that it is very important that we solve conflicts, we do not create conflicts.

I hope the Senate has discussed this matter and visited the place to discuss with the locals to ensure that when a decision is made by this House, it is a decision that enjoins everybody. Everybody should know that when you choose a headquarters it is not just for political gain or political support for any person, but what the communities require. It is important that we do not create problems in identifying headquarters for any county.

I support the Bill. It is long overdue. By supporting this, we are not just going to ensure that others rise up because of community or ethnic kingdoms created. Let us approve it as it is.

**The Temporary Deputy Speaker** (Hon. (Ms.) Shebesh): I now give the Floor to the Member for Rangwe.

**Hon. Ogalo:** Thank you, Hon. Temporary Deputy Speaker, for giving me the opportunity to also pronounce myself on this. I want to support the Senate Bill. The people reserve their right to determine how the structure of their government is implemented in their county.

The people of Taita Taveta and Kirinyaga have decided on new headquarters of their counties. I think the National Assembly needs to support the public participation that decided on these headquarters. I only hope that in deciding where to locate the headquarters, the people and the Senate considered the factors that make development of such headquarters absorb a lot of resources and are therefore the engines of growth of the counties. I hope where the headquarters are located there is sufficient land for rapid growth of those headquarters to ensure that as they grow, the other parts of the counties also grow. There should be efficient headquarters for business, investment and ease of engineering construction. That way, the cost of putting up

infrastructure in those headquarters will be reasonable and the public resources that will be used for that purpose will not go to waste.

As the National Assembly, we have to differ with the Senate on matters of devolution. It is their role to oversee funds that go to the county governments. Once they have been validated through the process of public participation by residence of those counties, it is only fair and orderly that we agree. I hope they validated the public participation that took place in those two counties, and in other counties they will be discussing in future. Most of the decisions that were made in 2011 through to 2013, in terms of enacting the various laws that enabled devolution to take off, were made in a hurry. As time goes by, we will determine what was hurriedly done and correct them in the way we are correcting the ones for Kirinyaga and Taita Taveta counties.

**The Temporary Deputy Speaker** (Ms.) Shebesh: Member for Turkana Central.

**Hon. Nakara:** Thank you, Hon. Temporary Deputy Speaker. The purpose of devolution is to decentralise development. As much as we considered the headquarters of the county, it is good to know how we can develop other areas so that development can be scattered across the country. There are towns which have been in existence for some time. We need to open up other centres in the counties to ensure that new town centres emerge within the counties. This is because we need to take services closer to the people. At times you find that development only takes place in the headquarters of the county. Such a scenario leads to massive rural-urban migration. We need to take services closer to the people. Although we need to have the county headquarters in place where there is electricity and reliable communication infrastructure, we also need to have some units taken closer to the people.

I am very happy about the devolution units that have been proposed up to the village level. We need to have that kind of structure in the rural areas so that the people can feel part and parcel of the county governments. The Turkana County Government has gone ahead to establish small administrative units like village councils, where elders sit. They have advertised such positions. That is the right way to take development closer to the people. There is also need for the governors to have vision for developing new cities within their counties to ensure that development is spread across the counties so that rural-urban migration can be minimised.

With those few remarks, I support.

**The Temporary Deputy Speaker** (Ms.) Shebesh: Member for Wundanyi.

**Hon. Mwadeghu:** Ahsante sana, Naibu Spika wa Muda kwa nafasi hii uliyonipatia ili nitoe mchango wangu na nipate kuwaeleza wenzangu ambayo yalijiri. Natumaini tuliunda kitengo cha mpito wa Serikali za Kaunti wakazunguke kila pahali, waulize wananchi na viongozi wao ni wapi wangenda makao makuu ya kila Kaunti yawepo. Sisi viongozi wote wa Taita Taveta tulikuwa 497 tulikutana Wundanyi. Tulikuwa na miji yetu minne, Wundanyi, Mwatate, Taveta na Voi. Sote, kwa kauli moja tukakubaliana makao yetu makuu yawe Mwatate. Lakini kwa sababu hakukuwa na vifaa wakati huo, wakaanzia Wundanyi iliyokuwa makao makuu ya serikali za mitaa wakati huo ndio washuke Mwatate.

Baadaye kulingana na hali ilivyokuwa, pakawa watu wakaanza utaratibu wa kuihamisha Mwatate waipeleke pahali pengine lakini wananchi wakakataa. Ndio maana Seneti ilipokutana pakawa na makosa ya kusema bado makao makuu ya Taita Taveta yabaki Wundanyi. Hayo yalikuwa makosa. Mimi kama Mbunge wa Wundanyi nikaona hapa kuna makosa. Wananchi na viongozi walikubaliana makao makuu yawe Mwatate na hayo ndiyo marekebisho yanafanywa ili makao makuu yawe katika mji wa Mwatate. Ni muhimu tusingitize yawe katika jiji la Mwatate maana kuna sehemu zingine kama Mugero ambazo zinatakiwa kuwa jiji. Jiji la Mwatate ndilo tulikubaliana kuwa litakuwa makao makuu ya kaunti ya Taita Taveta. Ndio maana Seneti

ikaamua ilete Mswada huu irekebishe yale makosa yalifanyika. Tungependa makao makuu yapelekwe Mwatate kwa maana hapo kuna nafasi ya upanuzi na kuna ardhi ambaye imewekwa.

Naomba niongeze kwamba Serikali kuu pia imeanza kujenga makao yake hapo hapo Mwatate. Kwa hivyo, tukiacha makao makuu yetu yaende pahali pengine, itakuwa tunafanya wananchi wapate shida ya huduma kwa sababu wakienda Serikali kuu, watakuwa Mwatate, wakienda kwa serikari ya ugatuzi, watapanda kule juu Wundanyi. Hapo ndio inaleta shida.

Kwa kauli moja tulikubaliana makao makuu yawe jiji la Mwatate na ndio Mswada huu umeletwa. Kwa hayo mengi, naunga mkono Mswada huu kuwa jiji la Mwatate liwe ndilo makao yetu ya Kaunti ya Taita Taveta.

**The Temporary Deputy Speaker** (Hon. (Ms.) Shebesh): Thank you, Hon. Member. I now give the Floor to the Member for Likuyani, Hon. Kibunguchy. Is he in the House? Yes, there he is.

**Hon. (Dr.) Kibunguchy:** Thank you, Hon. Temporary Deputy Speaker. Let me add one or two words on this Bill. First, I agree with it and second, as I you know and when I am listening to the Member of Parliament from that area, he is saying that people agreed. As you know and most of us are Christians, we have a saying in the Bible that “The voice of the people is the voice of God”. So, if the people agreed, that is the way to go. But generally, as we look at these headquarters, be they at the county or at the sub-county levels, one of the criteria I would like us to follow is that it should be fairly central so that people coming from each corner of the county or sub-county do not have to travel long distances. The headquarters should not be put in corners of this unit. Centrality is important.

Secondly, it reminds me of my sub-county of Likuyani. When we were thinking of the headquarters, we set it up in Kongoni not because of anything else but because it was fairly central and at that time that place was not developed at all, but over a period of time, the last three years or so, there is now a great difference from what it was three years ago.

Thirdly and finally, it is important that as we look at the headquarters, it is important to tell the leadership of the counties that they need--- Probably, as we go forward, it might become important for us to review this whole concept of devolution so that we form another lower layer of devolution at the level of the sub-counties. Now, it will be upon the Governor and his Ministers to make sure that every sub-county in his county is developed equally so that not all the resources are concentrated at the county headquarters.

**The Temporary Deputy Speaker** (Hon. (Ms.) Mbalu): Thank you, hon. Member. I now give the Floor to Member for Manyatta, Hon. Nyaga.

**Hon. J.M. Nyaga:** First, I would like to thank you, Hon. Temporary Deputy Speaker, for giving me an opportunity to contribute to this Senate Bill. Kirinyaga happens to neighbour my constituency. When there were demonstrations about the change of headquarters from Kerugoya to Kutus, I was affected. Therefore, I would like to take this opportunity to thank the Mediation Committee for the decision they have taken on this. Devolution came about because of getting services nearer to the people. It is the wish of this House and also the Government to take services nearer to the people. We have seen quite a lot because of devolution. Although we have some hitches here and there, those are teething issues. I hope from 2017, things will have changed. We have seen a lot of development because of devolution. However, there are some areas which we need to check because when it comes to corruption, you hear that some counties are involved. Corruption cuts across both Jubilee and CORD. So, you cannot identify corruption with one coalition.

The other thing is infrastructure. It was to be considered when deciding the headquarters of any county. The other thing that was considered was accessibility to the headquarters. Quite a number of county headquarters are located where people can access them. Once we take services to the people, they will enjoy the fruits of Independence. They will also see the Government nearer to them. The other factor is convenience. In quite a number of counties, it is now convenient to visit the Governor and also the national Government offices. So, some of these areas are inseparable.

In short, I support this Bill.

### ADJOURNMENT

**The Temporary Deputy Speaker** (Hon. (Ms.) Shebesh): Thank you, hon. Members. There is no more interest in that debate and our time is also up. Hon. Members, the time being 1.00 p.m., this House stands adjourned until this afternoon at 2.30 p.m.

The House rose at 1.00 p.m.