

# NATIONAL ASSEMBLY

## OFFICIAL REPORT

Tuesday, 9<sup>th</sup> June 2015

The House met at 2.30 p.m.

*[The Speaker (Hon. Muturi) on the Chair]*

PRAYERS

MESSAGES

REFERRAL OF BILLS BY THE PRESIDENT

**Hon. Speaker:** Hon. Members, this is Message No.21 of 2015. It relates to referral by His Excellency the President of:-

1. the Central Bank of Kenya (Amendment) Bill, 2014;
2. the Public Procurement and Disposal (Amendment) Bill, 2013; and,
3. the Retirement Benefits (Deputy President and Designated State Officers) Bill, 2013.

Hon. Members, you will recall that during the months of February, March and April---

*(Several Members stood at the Bar)*

Maybe the hon. Members who are at the Bar could make their way in so that there is silence in the Chamber.

Hon. Members, you will recall that during the months of February, March and April, 2015, the National Assembly passed the Central Bank of Kenya (Amendment) Bill, 2014; the Public Procurement and Disposal (Amendment) Bill, 2013 and the Retirement Benefits (Deputy President and Designated State Officers) Bill, 2013 respectively.

Thereafter, I presented the Bills for assent to His Excellency the President on 13<sup>th</sup> May, 2015 in accordance with the provisions of the Constitution and our Standing Orders. However, on 27<sup>th</sup> May, 2015, the President, by way of a Memorandum, referred the Bills back to the National Assembly for reconsideration pursuant to the provisions of Article 115(1)(b) of the Constitution.

Hon. Members, on the Central Bank of Kenya (Amendment) Bill, 2014, which was sponsored by the Member for Mukurweini, Hon. Kabando wa Kabando, His Excellency the President has recommended the deletion of Sub-section 2 of Clause 2.

Consequently, should the House concur with the President's recommendation, it follows that there will be no amendment to the Central Bank Act. The Departmental Committee on Finance, Planning and Trade, which the Memorandum is hereby referred to, therefore, is guided accordingly.

Hon. Members, the second Memorandum by His Excellency the President is asking the House to set aside the enactment of the Public Procurement and Disposal (Amendment) Bill, 2013, which was originally sponsored by Hon. Johnson Sakaja. The President is of the view that the sections to which the Bill was proposing to amend have since been repealed by the passage of the Public Procurement and Asset Disposal Bill, 2015. I will, therefore, not refer the Memorandum to any Committee as its effect is *fait accompli*.

Hon. Members, the third Memorandum by His Excellency the President relates to the Retirement Benefits (Deputy President and Designated State Officers) Bill, 2013, which I refer to the Departmental Committee on Finance, Planning and Trade. Since the House has up to 21 days within which to consider the President's recommendations, the Committee should report to the House on or before Thursday, 18<sup>th</sup> June, 2015.

I thank you.

## PETITION

### NON-PAYMENT OF RETRENCHMENT DUES TO TELKOM KENYA EMPLOYEES

**Hon. Speaker:** Hon. Members, this is Petition No.9 of 2015; conveyance of a Petition regarding failure by Telkom Kenya to pay retrenchment dues to 997 former employees.

Standing Order No.225(2)(b) requires that the Speaker reports to the House any Petition other than those presented through a Member. I, therefore, wish to convey to the House that my office is in receipt of one Petition.

The Petition is signed by nine persons representing 997 former employees of Telkom Kenya regarding non-payment of their retrenchment dues in 2006, and failure to honour a subsequent agreed upon settlement to the former staff.

In the Petition, the petitioners pray that the National Assembly:-

1. establishes the financial status of Telkom Kenya, including the possible sale of France Telkom's 70 per cent shareholding to a third party;
2. inquires into the conduct of the then Board and the transactions leading to a settlement deed with the petitioners that has since collapsed; and,
3. initiates appropriate measures to compel Telkom Kenya to fulfil its obligations to the petitioners.

Hon. Members, pursuant to the provisions of Standing order No.227, this Petition stands committed to the Departmental Committee on Energy, Communication and Information for consideration.

I thank you.

## PAPERS LAID

**Hon. A.B. Duale:** Hon. Speaker, I beg to lay the following papers on the Table of the House today, Tuesday, 9<sup>th</sup> June, 2015:-

The Kaimosi Friends University College Order, 2015 and the explanatory memoranda.

The Human Resource Management Professionals (Registration and Training Regulations, 2015).

The Legal Notice No.67 of 27<sup>th</sup> May, 2015 on the Income Tax Act, CAP. 470.

The Report of the Auditor-General on the financial statements of the Ministry of Sports, Culture and Arts for the year ended 30<sup>th</sup> June, 2014 and the certificate of the Auditor-General therein.

The Report of the Auditor-General on the financial statements of the Ministry of Environment, Water and Natural Resources for the year ended 30<sup>th</sup> June, 2014 and the certificate of the Auditor-General therein.

The Report of the Auditor-General on the financial statements of the National Industrial Training Authority for the year ended 30<sup>th</sup> June, 2014 and the certificate of the Auditor-General therein.

The Report of the Auditor-General on the financial statements of Sports Kenya for the year ended 30<sup>th</sup> June, 2014 and the certificate of the Auditor-General therein.

The Report of the Auditor-General on the financial statements of the National Museums of Kenya for the year ended 30<sup>th</sup> June, 2014 and the certificate of the Auditor-General therein.

The Report of the Auditor-General on the financial statements of the Public Service Commission for the year ended 30<sup>th</sup> June, 2014 and the certificate of the Auditor-General therein.

Thank you, Hon. Speaker.

**Hon. Speaker:** Hon. Members, on Wednesday last week, during the Special Sitting of the House, Hon. (Dr.) Pukose made allegations against the Ethics and Anti-Corruption Commission (EACC). When he was challenged to substantiate, he promised to do so if given time at the next sitting of the House. That, having been a Special Sitting of the House, the next sitting of the House is today. Therefore, Hon. (Dr.) Pukose is given the opportunity to substantiate his allegations.

**Hon. (Dr.) Pukose:** Thank you, Hon. Speaker. In March, 2015, a list was presented to the President of the Republic of Kenya of people named in corruption cases. When that list was presented to this office, the EACC started investigating those individuals.

In Trans Nzoia which is my county, some of those named Members of the County Assembly (MCAs) initially claimed to be corrupt, approached me. They told me that they were questioned by EACC. They wrote statements in which they had taken money and signed to cover the funeral expenses of one MCA.

The team from the EACC tried to extort money from them. They claimed that they were being asked to pay Kshs200,000 each so that their names could be cleared. I asked them to bring me the evidence which they were willing to although they were still trying to collect in terms of videos in their phones.

Unfortunately, up to today, these MCAs have not given me the evidence. Therefore, it presents difficulty in substantiating that claim. They are not the only ones who have also come forward. These are issues that individuals who have been named--- Some of them even came forward and said they were being asked to go to specific lawyers and deposit certain amounts of money with them. Some were told to even deposit Kshs3million. I asked them whether they can bring the evidence so that we could substantiate that but unfortunately, up to today, they have not done that. Therefore, I withdraw my statement.

*(Laughter)*

**Hon. Speaker:** Hon. (Dr.) Pukose, when you withdraw the statement, you must also apologise. You need to withdraw and apologise because you are unable to substantiate. Those are the requirements of Standing Order No.91.

**Hon. (Dr.) Pukose:** It has been difficult to get this evidence. Therefore, I withdraw and apologise.

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

**Hon. Speaker:** There is nothing out of order! Just familiarise yourselves with Standing Order No.91. If he is unable to substantiate, he withdraws and apologises. If he did not withdraw, he will then be deemed to be grossly disorderly in terms of Standing Order No.107. However, Hon. Pukose has taken the easier route of withdrawing and apologising. He is within the Standing Orders.

Hon. Linturi, I know that you may be doing some law classes. They are not covered in this one but let us hear you. I am hoping that it is an intervention.

**Hon. Linturi:** Thank you, Hon. Speaker. This is a House of debate. I have got the right platform to seek guidance and some ruling from you especially on matters that are said before this House. I may not remember very well which particular section of the National Assembly Powers and Privileges Act gives a Member of Parliament immunity to the effect that a matter that is said before this House cannot be a subject of debate outside there by the people who are not Members of Parliament.

Members of Parliament have raised serious issues before this House and considering that the Members of Parliaments have that privilege, I would like you to give us guidance on whether a matter that is said before this House can form the basis or can be a subject to investigation by any agency. That is the guidance I am seeking from you because I remember very well that sometime back I gave a Statement in this House and even before the dust settled, I had been requested to write statements. Members of this House have been called upon to record statements and yet they enjoy that privilege.

**Hon. Speaker:** Let me not claim to make general guidelines because what is general is provided for under the Standing Orders. Statements made in the House cannot be subject of investigations by other bodies. They are privileged. Whatever is said here is privileged. Unfortunately, some Members have a habit of saying certain things on the Floor of the House where they are privileged then when they go and see crowds in funerals, they think they are also privileged. Out there you do not enjoy any privilege. You run the risk of being dealt with by the other arms of Government with regard to the content of the statements you make out there. But when you say them here, they are

privileged. I would like to know a specific Statement that has been made so that when we intervene, we will be intervening on a specific matter. This should be specific.

Yes, Hon. Linturi.

**Hon. Linturi:** Hon Speaker, in that case, I will beg your indulgence so that I am able to pick the HANSARD recordings of that particular day. I will go further and pick a Statement that formed the basis of an inquiry by that particular agency and the questions that were being asked were completely in relation to what was said before this House. I am sure I will assist you in guiding this House.

Thank you.

**Hon. Speaker:** Let them be specific.

Yes, Hon. Nassir.

**Hon. Nassir:** Thank you, Hon. Speaker. Probably, you will need to give a bit of guidance on this particular matter. The Hon. Member knew that he would have been unable to substantiate the first allegations where people had been bribed and were wishing to be bribed. Before withdrawing and apologising which he knew he would need to, he immediately made another statement and as other Members were murmuring in the House, the damage had already been done.

Hon. Speaker, you need to give guidance for future reference so that hon. Members do not make such statements. When we make those statements, we need to realise that the nation is looking at this House. This is a House that is under siege of negative perception and what our stand is against corruption. We need to take this matter seriously. We need your guidance that if someone makes such statements with intent of being comical, the nation is watching and this affects each one of us here individually and collectively.

**Hon. Speaker:** I do not need to re-overemphasize that. Common decency dictates that when you make certain allegations about persons who do not have the opportunity to defend themselves here, you must have the facts. However, what your rules and the Powers and Privileges Act have provided for is if you are not able to substantiate when challenged to do so, then you withdraw. Once it is withdrawn, then it is no longer part of the record.

**Hon. Members:** We cannot hear you!

**Hon. Speaker:** Are you sure you are not able to hear me? But I do not have to repeat what I have said.

*(Loud consultation)*

If you make statements, please be advised and also bear in mind the fact that there are certain persons whom you might mention adversely on the Floor of the House who have no opportunity to defend themselves on the Floor of the House. If you intend to make any such allegations that may injure the reputation of others who do not have the opportunity to defend themselves here, be ready then to substantiate whatever allegations or statements that you make regarding other persons. That is what I was saying.

Let us move on to the next Order.

**Hon. Kemei:** Thank you, Hon. Speaker. I just want to say that corruption is a topical issue in this country. The threshold for proving corruption is fairly high. Since this

is a House of records and procedures, Hon. (Dr.) Pukose has made the most honourable thing to withdraw and apologise because he has not been able to prove the allegations. That is a good lesson for all of us in this House.

Thank you, Hon. Speaker. That is all I wanted to say.

**Hon. Speaker:** I assume that you have congratulated Hon. Pukose. Is that so?

**Hon. Kemei:** Yes, Hon. Speaker.

**Hon. Speaker:** Before we move to the next Order, allow me to recognise the presence in the Speaker's Gallery of Ikuuni Girls Secondary School from Egoji, South Imenti Constituency, Meru County; and, in the Public Gallery, Manu Chandaria Primary School from Ruaraka Constituency, Nairobi County and St. Marks Academy, Ongata Rongai, Kajiado County.

Next Order.

## MOTION

### APPROVAL OF PROTOCOL ON STANDARD GAUGE RAILWAY

THAT, this House adopts the Report of the Departmental Committee on Transport, Public Works and Housing on its consideration of the Protocol on Development and Operation of the Standard Gauge Railway laid on the Table of the House on Tuesday, 26<sup>th</sup> May, 2015, and pursuant to Section 8 of the Treaty Making and Ratification Act, 2012, approves the ratification of the Protocol on Development and Operation of the Standard Gauge Railway within the Framework of the Northern Corridor Integration Projects.

*(Hon. (Eng.) Mahamud on 3.6.2015)*

*(Resumption of debate interrupted on 3.6.2015)*

**Hon. Speaker:** Hon. Members, Hon. Mwadime was on the Floor and he has a balance of nine minutes, if he is present and willing to take up his nine minutes. If he is not, he loses the opportunity. Hon. Mwadime, is absent without apology or absent not desiring to be present.

Yes, Hon. David Kangogo.

**Hon. Bowen:** Thank you, Hon. Speaker. I want to support the Report of the Committee on the Approval of the Ratification of the Protocol on Development and Operationalisation of the Standard Gauge Railway (SGR). With the approval of this Protocol and the operationalisation of the SGR, as a country and as the East Africa region, we will achieve integration because the railway will add economic value to this region.

The railway is very important. We have seen that our roads are very congested with many tracks and lorries carrying goods from the Coast all the way to Uganda and other countries in this region. You will also find that with so many lorries on our roads,

the state of the roads is degraded and the maintenance cost by the Government is high because of overloading by those who are in the transport sector.

With the approval of the ratification and having the railway line in place, we will reduce the number of accidents that are caused by trucks, some which travel at night while others are overloaded. It is time this Protocol is approved by this House.

The SGR will also be extended to Uganda and Rwanda. The Port of Mombasa is very important for the country's integration to the Great Lakes Region. It will go hand in hand in improving trade in this region. In doing this, we should also be aware of the many allegations of corruption, which my colleagues have been talking about a few minutes ago. Policemen and truck drivers have been accused of perpetuating corruption on our roads. With the SGR, we will reduce the menace of corruption amongst policemen and truck drivers. As we talk about fighting corruption, we should be very serious.

I would like to say that I doubt the integrity of the House. Even in the list of shame that was presented before this House, there are cases of corruption and cases of integrity. For instance, the case of my friend, Hon. Alfred Keter, together with the Anglo-Leasing scandal surely raises a lot of eyebrows and questions. This raises a lot of integrity issues on the House.

We were told that some people were to be prosecuted, whether they are guilty or not. The 60 days period is almost over. We want the 175 cases to be brought before this House one by one and we are shown how they have been cleared. We do not want to see blame games between the EACC and the Office of the Director of Public Prosecutions (DPP). I do not have any doubt with the Office of the DPP. He should not be intimidated when he is discharging his duties. Those are two different offices. The DPP should be given time to investigate and the EACC should do its work.

Hon. Speaker, I want to support the ratification of this Protocol so that we can have the SGR network operationalised within this region. I hope to see it operational in a few years time. This will help this country in terms of creation of employment opportunities. With the new SGR, there will be a lot of employment opportunities in this country and the youth will benefit in terms of employment and trade.

With those very many remarks, I beg to support the Motion.

**Hon. Speaker:** Yes, the Leader of the Majority Party.

**Hon. A. B. Duale:** Thank you, hon. Speaker. I stand to support the Report of the Departmental Committee on Transport, Public Works and Housing on the consideration of the Protocol on the development and operation of the SGR within the Framework of the Northern Corridor Integration Projects.

This House is to approve or reject this Protocol pursuant to Article 118(1)(b) of the Constitution, Standing Order No.127(3) and Section 8 of the Treaty Making and Ratification Act. These are the gains of the new Constitution that before the national Executive can engage in cross-border or other international bilateral obligations, the National Assembly of the Republic of Kenya as provided under Article 95 must be given a chance to approve any protocol that is in existence.

This Protocol is not about the SGR or the railway line that we are constructing between Mombasa and Nairobi, but it is extending the SGR project to South Sudan, Rwanda and Uganda.

At the end of the Protocol, the Minister for Transport and Infrastructure of the Republic of Kenya, Eng. Michael Kamau has signed; the Minister for Infrastructure of the Republic of Rwanda has signed; the Minister of State for Works and Transport of Uganda has signed and the Minister for Transport, Roads and Bridges of the Republic of South Sudan has signed.

They have signed that, as far as the SGR project implementation is concerned, there will be a common protocol in terms of the scope of that project, their joint ministerial committee meetings, the functions of those committee meetings and the number of meetings they will hold. They have signed that in the implementation of the SGR project, the extension of the SGR from Mombasa-Nairobi-Malaba-Uganda-Kigali and to South Sudan, common standards will be applied. That is what is before the House.

As far as the provisions of the Treaty Making and Ratification Act No.45 of 2012, is concerned, due process was done by our country. The Cabinet has approved the Ratification where Section 7 of the Act is applicable.

The relevant Parliamentary Committee, and in this case, the Committee on Transport, Public Works and Housing was taken through by the relevant Cabinet Secretary. Today, this is before Parliament. What are we supposed to approve and what does the Protocol entail? The Protocol governing the SGR for these four East African countries has a number of interpretations. Article 43 of this Protocol which is subtitled "The Scope of the Protocol" says that in the development of the SGR, these countries will ensure the harmonisation of this project both in the legal and institutional frameworks. These countries will adopt a common logical framework of all the projects in terms of management. These four countries will agree on common SGR standards. So, the standards of SGR in Kenya, South Sudan, Rwanda and Uganda will be agreed as per this Protocol. One country cannot have its own standards as far as the SGR is concerned. The four countries will also co-operate and co-ordinate the human resource capacity, building strategies and injoint mobilisation of financial resources. This means that Kenya, Uganda, Rwanda and South Sudan will have a joint strategy in terms of mobilising international donor funding and other sources of funding in order to compete. These governments will work together and also undertake a joint monitoring and evaluation of this project.

On the membership of this joint ministerial, the Protocol has defined who members are and what the functions of these committees are. This is important because, as a country, already we are on schedule if not earlier and the SGR will be completed before 2017. It is the first railway of its kind in the East and the horn of Africa. It is a flagship project of the Jubilee administration and more so a signature project of President Uhuru Kenyatta's leadership.

This project will have immense economic advantages to individual countries and the region. This is because it will improve on the transportation of goods and services between our countries. It will spur close to 10 per cent economic growth rate to all individual countries. It will also make movement of people between our four countries easier.

This Protocol, in Article 9, even shows how to resolve disputes that can arise among these countries or parties. Article 10 of the Protocol talks about a session and any party interested in joining this Protocol shall apply to the Summit. That has been put

deliberately so that if Burundi, Tanzania and other neighbouring countries want to sign this Protocol and have an extension of the SGR to their countries they can do so. This is because those countries that have signed the Protocol are referred to as “The coalition of the willing.” Article 11 talks about entry.

Hon. Speaker, this is a very important Protocol in terms of economic and infrastructure development in our country. I must thank the Chairperson, the Vice-Chairperson and the Members of the Departmental Committee on Transport, Public Works and Housing for making sure that this approval is sought. It is only our country which has not approved this Protocol according to the Executive.

I am sure that the National Assembly was busy with the Budget, the Division of Revenue Bill and the reallocating of various items within the Budget. We are back from recess and I urge my colleagues to approve this Report on the Consideration of the Protocol on Development and Operation of the SGR within the Framework of the Northern Corridor Infrastructure Development.

I beg to support.

Thank you, hon. Speaker.

**Hon. Speaker:** Yes, Hon. Isaac Mwaura.

**Hon. Mwaura:** Thank you, Hon. Speaker. I rise to support this optional Protocol which falls within the ambit of the provisions of the Constitution in Article 2(5)(6) on how we, as a country, are supposed to sign international treaties and indeed optional protocols. The most significant thing about this is that there is really no treaty. We have an optional Protocol. This is because a protocol is supposed to ensure or give guidelines on how the Treaty itself is supposed to be implemented.

We are alive to the fact that we are under the East African Community Treaty, and the countries that are involved are currently either members of the EAC or candidates about to join this Community.

This optional Protocol is really significant. To me, it is glue that will stick together the people of the Eastern African region. This is with regard to having a common infrastructure, ensuring that they have something that they can speak to and opening of their own markets and movement of goods, services and people.

If you look at the expenditure of the SGR, you will realise that its budgetary allocation for the Financial Year 2015/2016 is, indeed, taking a huge amount of money. The Estimates clearly state that we will spend about Kshs143 billion on the SGR project. This is quite significant. If you look at it in the short-term, you will realise that we are going to spend about Kshs330 billion on this project. This is a very critical input in our economy.

The Treasury officials estimate that by virtue of this project, the economy will grow by about 1.5 per cent. If you look at our Gross National Product (GNP) or Gross Domestic Product (GDP), you will find that it is about Kshs6 trillion. Therefore, infusion of over Kshs100 billion every year would amount to that. I beg to differ because I do not think the growth of an economy can be that simplistic in that you just look at the inputs. There is the issue on whether we are getting value for money our money.

This project is critical and I hope and believe that the partner states will get value for their money. The reason I am saying this is because if you look at the Kenyan

scenario, you will realise that at some point we were treated to the shenanigans of the costing of this project.

This Parliament, through its committees, was treated to the theatrics of some officials not even knowing how much this project costs. Therefore, if and indeed, we are to get value for money, we need to ensure there is full and effective implementation of this project. If you look at our public debt register and the monies that we are paying under the Consolidated Financial Services, apart from about Ksh60 billion or so, we are using to pay for pensions and retirement perks for constitutional office holders, you will find that a lot of that is going to paying debts. Therefore, if you look at this debt that is being incurred because this project is being financed by the Government of Kenya - a very small amount of money - Exim Bank of China and the African Development Bank, you will find that we need to see to it that it generates enough resources to enhance the economy.

Hon. Speaker, if you look at other forms of infrastructural projects that have also been implemented in this country, you will find that those who are near the development projects benefit from the fact that their land increases in value. There is new settlement, but I do not know whether the tax man is able to capture this value addition for those people to start paying money to the Government that would not only go to the provision of services to Kenyans, but would also service the debt that would have been accrued.

I also hope and believe that as enumerated in the Protocol of the SGR, which is basically speaking about the manner of engagement between State parties that have acceded to the *jus-cogens* of this region, we will not be treated to some side shows like we have seen within the East African Community (EAC). This is where we have some countries which call themselves the “coalition of the willing” namely Kenya, Uganda and Rwanda. We also have Tanzania and Burundi mulling over the EAC. We would like to imagine that the option of the Protocol clearly puts in place mechanisms of engagement so that the inter-State Ministerial committees will be able to thrush out any emerging issue; that, indeed, the countries that will use our new port in Lamu and the corridor thereof will expedite the movement of their goods and services so that Kenya can also benefit.

It cannot be gainsaid that Kenya is around the so-called lunatic; that is the 1900 railway line, and yet you can see the growth of this economy. In fact, you can say that our economy revolves around the railway and the infrastructure that has developed thereof. Therefore, the opening of the new corridor will ensure that we have more job opportunities for a very young population. If you look at our demographics, indeed, you will realise that we shall reach out to areas that are perennially marginalised. We shall open up our country. By virtue of this project, we will re-base our economy further and ensure that we have proper middle income starters in our country.

I want to speak about the issue of distribution. These amounts of money are humongous and there are various companies that have been engaged in this project. I imagine that they can also sub-contract Kenyan companies, the youth, women and persons with disabilities so that they can also benefit from this largesse because there is a way in which public tenders create disproportionate gap between the rich and the poor.

I also want to imagine that this project speaks to the Pan African ethos of uniting our countries more than ever before. Africa has the potential to rise. Indeed, Africa is the fastest growing continent in the world.

Our economies are thriving, but for there to be a trickle-down effect, we must ensure proper execution of this project. If you look at the countries that surround us, you will clearly see that there is a huge potential for markets. As a country, Kenya has not utilised that opportunity to prove that it is the giant in this region. We have seen what South Africa has done in the southern region; what Nigeria has done to the neighboring countries and what Egypt was able to do before the collapse and going forward.

Therefore, this project will help our people move freely. It will also ensure that our human capital that is developed because we are using a lot of money in the current Budget to the tune of Kshs335 billion in education can find ways and means of executing their skills and earn a living. The Ministerial Committees and other ways of engagement will help improve the economy of Kenya and, indeed, the economy of Africa.

I support, hon. Speaker.

**Hon. Speaker:** Let us have Hon. Johana Ng'eno, the Member for Emurua Dikirr. Your card cannot be here and you are that far. The time you take to get here is eating into your allotted time.

**Hon. Kipyegon:** Thank you, hon. Speaker. I was in a small consultation.

*(Laughter)*

I am sorry for that. Thank you for giving me this opportunity to support this Motion. This is a matter which we also dealt with as the Public Investments Committee (PIC). We looked at the issues that were in this railway project. As much as we might be having some troubles especially on procurements and other matters which are not consistent with the rules and the law of this country, there are projects which are major to this country which will go a long way to bring this country in tandem with the rest of the world.

We have a railway that is 100 years old and it is no longer serving this Republic. On the introduction of the SGR, we felt that it will go a long way in helping this country especially in matters of connection with other nations and improving the economy of this nation.

I support the Chairman and the Members of the Committee for this Report on the Ratification of the Protocol on Development and Operations of the SGR within the Framework of the Northern Corridor Integration Project.

Sometimes we differ with most people in procurement and partisanship among the people who will do this project. We should ensure that whatever goes on with all the national projects which have been initiated is done in the fairest way and should follow the provisions of the Public Procurement and Oversight Authority (PPOA). We should also ensure that public money is used properly.

I support this Motion and state that we would like to see this project moving on.

**Hon. Speaker:** Let us have Hon. Michael Onyura.

**Hon. Onyura:** Hon. Speaker, thank you for giving me this opportunity to also contribute to this important Motion. I support the Motion on Approval of this Protocol on

the SGR. I support it because it is a well-thought out project and it is long overdue. This will take our transport system into the 21<sup>st</sup> Century. We all know that the railway line that we are using is the one that we read in history - the Kenya-Uganda Railway - which has become obsolete. It is of no use to the country and the region.

If we pass this Motion, we will allow the four countries to construct the railway line that will assist in trade and improve efficiency in terms of doing business as has been summarised here.

Hon. Speaker, those of you who were in primary school in the 1960s will remember how prestigious the railway was. As children, I remember we used to feel that when we grow up, we would like to work for the railway corporation as locomotive drivers. What I am getting at is that we should bring back the glory that was there in the past. This is a major economic activity that will open up the region in terms of trade and transport. It will help create wealth and employment throughout the region.

As it has been summarized in the Committee's Report, it will also reduce significantly the damage on our roads. We all know that the cost of constructing and maintaining roads is getting higher and higher. If we can get an alternative means of transport, like the railway and particularly, a modern railway, then we will gain a lot through preservation of our roads.

While on roads, I hope that the project of tarmacking the 20,000 kilometres is going on, and that it will be distributed equally throughout the country. We look forward to that as promised by the Government.

Hon. Speaker, I hope that when this project is complete, it will go a long way in terms of integration of people in this region. I hope that the Government will allow free movement of people within the four countries that will be benefiting from this project. I have seen in the summary of the Report that the Committee emphasizes that this is a national function and has nothing to do with the counties. I hope that we will not get to a stage where some parties will be interpreting this in a ridiculous way or say that since the railway line will pass through counties, the project should be considered as one touching on the counties and we, again, start wrangling about it as we have done in other cases.

I also see this as another opportunity for us to promote tourism. I am sure that this will be possible with free and efficient movement, as we see in other countries which already have bullet trains. We are struggling to catch up and there is nothing wrong with that. It is better late than never. I see this as an opportunity for opening up the region, and as something that can promote tourism within the whole region. Because it will be efficient and cheaper, it will reduce the cost of doing business. This will further translate into cheaper products within the region because transport costs contribute substantial to the cost of goods and raw materials. I believe this will also translate into a lower cost of living.

Hon. Speaker, I hope that we learnt a lesson from the East African Railways as this major project starts. I also hope that we shall not allow petty regional considerations, greed and vested interests to break up this good project that will cover the whole region. I hope we shall learn from those lessons on the East African Railways.

Hon. Speaker, this project will come in handy as we start to transport our oil. These days, I do not hear it being talked about very much, but as we start trading in the oil that has been discovered, our modern railway will assist us a lot.

Finally, I want to comment on procurement because it happens to be one of the issues that tend to mar some of the projects that are intended to help our country. Because of lack of transparency and corruption, particularly in the procurement systems, you will find that there are delays and a lot of wrangling. Therefore, the process hardly moves forward. So, I expect us to move forward and hope that there will be transparency in whatever is being done in this project be it in procurement or employment.

With those comments, I beg to support the Motion.

**Hon. Speaker:** Hon. Charles Njagagua!

**Hon. Njagagua:** Thank you, Hon. Speaker. I rise to support the Motion.

Hon. Speaker, the benefits of approving this protocol are numerous for this country. I must highlight one or two of them, starting with free movement of goods and people within the East African region. The other issue is about our road network from Mombasa to Nairobi, and all the way to Kisumu. Since rail services collapsed, many people bought lorries, which are being used on our roads. This has led to our roads wearing very fast. There are also numerous road accidents on the roads today.

Secondly, we are aware of the issue of corruption on our highways. We have the weighbridges at Athi River and Mariakani. Police officers are posted there and, within a month, they become millionaires at the expense of Kenyans. Therefore, issues of road carnage and corruption will no longer be there.

I believe that the railway line will bring numerous benefits to the people living along it. Those people are getting compensated for the land that is being taken away from them for the purpose of constructing the railway line. Even towns will sprout out along the railway line.

With those remarks, I beg to support the Motion.

**Hon. Speaker:** I hope hon. Members who have placed interventions here want to contribute to this one. Let me know if your card is there for something else because we do not want to give you a chance to speak and maybe you have not read the Report. We need to make a decision as to when to close this one so that we can move to the other one. The other one is about fisheries management and I see Dr. Nyikal is ready to deal with it.

Hon. Chidzuga.

**Hon. (Ms.) Chidzuga:** Shukrani Mhe. Spika. Ninasimama kuunga mkono Ripoti ya hii kamati. Wakati ninaiunga mkono, ningetaka kuzungumzia maeneo tofauti ambayo kusema ukweli kutokana na huu mradi ulivyoanza na kule unapotuelekeza, ni mradi ambao utaleta mabadiliko makubwa katika uchumi wa nchi hii yetu. Kwanza, ninapongeza huu mkataba kwa sababu umetuletea uwiano baina ya nchi yetu ya Kenya na zile nchi nyingine ambazo zimeingia katika mkataba. Hii ina maana kwamba wananchi katika hizi nchi zote nne wataweza kutembeleana kwa wakati wanaotaka bila kuchelewa hapa na pale kwa sababu ya usafiri.

Pili, mradi huu, ukilinganishwa na mingine ambayo Serikali imeanzisha, umeweza kukimbizwa kwa haraka. Huu mradi wa reli umetupa tamaa kubwa hata tumeanza kuona mazao ya pesa zetu kwa sababu mradi umeanza na unasonga mbele kwa haraka sana.

Tatu, mradi huu ukikamilika, barabara zetu zitaokoka. Ile hali iliyo katika mabarabara yetu saa hii ni mbaya sana. Kwanza, katika usafiri, kuna ajali ambazo

zinatokana na malori pamoja na mabasi. Mwishowe ni mauti ama majeruhi wengi sana. Lakini tutakapokuwa tunatumia reli, usafiri utakuwa na usalama zaidi.

Nne, usafiri wa reli utatusaidia kwa sababu ukiangalia tabia ambayo inaendelezwa na Shirika la Ndege la Kenya, utagundua kwamba shirika hilo halimsaidii mwananchi. Kwa mfano, utafika katika kiwanja cha ndege ukijua utaondoka saa fulani. Mtawekwa pale na kile mtakachosikia ni matangazo tu: “Tunawaomba msamaha.” Lakini wewe ukichelewa kwa sababu pengine ya msongamano wa magari barabarani, ukifika pale unatozwa faini. Hii inamaanisha kwamba hili Shirika haliko pale kutusaidia sisi bali wana mambo yao wenyewe ambayo wanayaendeleza.

Tano, mradi huu utawawezesha wananchi na hata sisi Wabunge kufika katika maeneo yetu ya kazi haraka sana. Kwa mfano, nitaweza kulala nyumbani Kwale na niingie pale Samburu kwa sababu nitapata usafiri wangu kwa wakati. Nitaweza kuhudhuria Bunge mapema vilivyo. Hii ni tofauti na kuwa Nairobi ambapo nitakumbwa na msongamano wa magari katika barabara kuu ya kuelekea Mombasa kisha nichelewa kufika Bungeni.

Mradi huu utaweza kutuondolea ufisadi kwa upande mwingine. Ukiangalia yale yanayotendeka katika maeneo yaliyo na mashine ya kupima mizani ya malori na matrela, kusema ukweli--- Tulizungumzia hili neno wakati ambapo Mhe. Birdi alileta Mswada wake hapa. Mimi binafsi nilipendekeza kwamba tuondoa maofisa wote walioko katika haya maeneo. Hii ni kwa sababu yanayotendeka pale yanatuvunja moyo sisi kama viongozi katika nchi hii ya Kenya. Serikali, kupitia kwake Rais, inajaribu kupigana na ufisadi lakini yanayotendeka pale ni maajabu. Ikiwa tutaweza kuwaondoa wale watu kule na kuweka watu wapya ambao wana malengo ya kusafisha ufisadi, tutaweza kuongoza hii nchi yetu na kupata usafiri ambao hauna matatizo mengi kama vile ilivyo leo.

Kwa upande mwingine, kidogo kuna tetesi. Sisi viongozi wa Kaunti ya Kwale tumezungumzia hizi tetesi. Hii ni kwa sababu kuna neno ambalo linaendelezwa na wale waliochukua hii kandarasi na ningeomba hili neno liende katika maandishi ya Bunge. Kuna mambo ambayo yanaenda kinyume na mkataba wa hii reli upande wa wale ambao walichukua kwa sababu kumekuwa na uchimbaji wa mchanga katika bahari yetu ya Kwale. Hakuna mahali tuliketi nao wakatueleza ni kiwango gani cha mchanga watachimba na ni faida gani watu wa Kwale ama Kaunti ya Kwale itapata. Hapo mbeleni, Kenya Ports Authority (KPA) ilichimba huo mchanga na hakuna kitu mpaka leo ambacho kimeweza kumfaidisha mwananchi wa Kwale licha ya kwamba kulikuwa na maelewano baina ya KPA na wavuvi wetu wa Kwale. Hivi leo, wavuvi wa Kwale wanaishi maisha duni kwa sababu walikuwa wakitegemea uvuvi. Uvuvi umekufa kwa sababu maeneo ya samaki yote yaliharibiwa na wale waliokuwa wakichimba huo mchanga. Hakuna lolote ambalo wametufanyia. Tunaiomba Serikali, kupitia Wizara zinazohusika; Wizara ya Mazingira na Wizara ya Usafiri, ipange mkutano ili tukae pamoja tujue mambo hayo. Tunashukuru kwa sababu mnamo Mwezi wa 11 mwaka jana, hiyo meli ilisimamishwa. Lakini hatujui bado kutatokea kitu gani na hali mchanga uliochukuliwa ni raslimali ambayo itamnufaisha mtu wa Kwale ama Kaunti ya Kwale.

Kwa hayo mengi, ninaipongeza hii kamati ambayo ilitoa hii Ripoti. Pia naipongeza Serikali kwa kufikiria kwamba huu mradi utaweza kusaidia wananchi wa Kenya. Sasa tutakuwa na usafiri ambao si wa gharama ya juu kinyume na vile ilivyo katika usafiri wa ndege. Shukrani.

**Hon. Ekomwa:** Thank you, Hon. Speaker. Before I support this Motion, I want to thank leaders from West Pokot, Samburu, Baringo and Turkana for making history in the last one month. We had very good peace rallies. For three weeks now, we have not lost any life. We have not lost any livestock in West Pokot, Turkana and Baringo. So, I want to thank my colleagues. We have ceased fire. The challenge is remaining with the Government to come up with its resolutions.

I stand to support this Motion because as Christians wait for the day when Jesus will come, Kenyans are also waiting for the day when they will have means of transport that is affordable even by a poor woman in the village. This is one of the means we have been waiting for. If you count the vehicles on the roads in this nation, you will realize that they are very few. It is the same thing with aeroplanes. We have travelled, Hon. Speaker. I know you also have travelled. You realize that in many countries people prefer to use trains because they are comfortable. This is what Kenyans are waiting for. I want to thank His Excellency the President for committing himself towards this. He goes down in history as having commissioned the first Standard Gauge Railway (SGR) in Kenya. This one will be the first one in this country. The existing one has broken down.

I support this Report because I know that Kenyans will afford this means of transport. This is not enough. When I went to Germany one time for a trip, I realized that Germany is getting a lot of revenue from such means of transport. If Kenya can adopt this, we will collect a lot of revenue from this means of transport. I realize that here in Kenya, citizens are not committed in paying revenue. We lose much of our revenue because people are not committed. If we can have this SGR, I am very sure that the Government will have a means of collecting adequate and maximum revenue that will spearhead the development of Kenya. So, it is not just a means of transport, but also a means that will boost Kenya in terms of revenue collection.

Hon. Speaker, we are also tired of the issue that the Women Representative from the other side said. When we go to book flights, we waste time and it is very expensive. In Kenya, the people who can afford airfares are only the Members of Parliament and the rich. The poor in the villages will die without having afforded airfare yet they are also Kenyans. We are supposed to reach a time when a Member of Parliament, the President, the Speaker and the voter in the village will use the same means of transport to enjoy power. Kenyans will want power to come down from heaven so that they can feel that they voted and it is part of them. Power should not be too high for them. So, when we travel by air all the time and in good vehicles all the time, they do not feel the power. This power that they have given to us is part of them. They are the ones who own this power.

Kenyans have been waiting for this SGR. So, the faster it will be operational, the sooner the burden that Kenyans have will be reduced. Oil has been discovered in Turkana County and I do not know how long the railway will take to reach there. If it has not started, how long will it take to reach Turkana? We are very thirsty for the benefits of the oil. I hope the Committee will speed up this process to ensure that the railway line reaches Lokichar, which is the hub of the oil, so that people in that area can benefit.

According to the Constitution, land is classified into three, namely, public, private and community land. The railway line will pass through community-owned land. When it passes through community-owned land, we expect a lot to be put in place to ensure the

respective communities are compensated adequately. It should not just be taken for granted. Parliament needs to enact a law to ensure that when the railway line or the pipeline passes through community land, the communities are compensated. I have experiences where most of the owners of this land are not compensated. They treat it like Government land. Projects pass through this land and the owners are left poor. If the railway line or the pipeline passes through communally-owned land, I am of the opinion that we should calculate that land and convert it into shares so that, that community can own that project and can benefit from it.

Otherwise, I support this Report.

**Hon. Speaker:** Hon. Regina Muia.

**Hon. (Ms.) Muia:** Thank you, Hon. Speaker. I support the Report of the Departmental Committee on Transport, Public Works and Housing.

I am one of the Members who supported the Committee on this issue because I was aware my people were going to benefit in terms of transport. Some of my people live far from the main road and most of them will benefit from this project. I wish to request the Committee to investigate what is happening in some parts of my constituency, namely Kalembwani, Nzeveni and Ngaamba. The Chinese are using very strong machines and about 200 houses have cracked. This is very serious. As we finish with this, there is need for the Committee to investigate that matter. The area residents were very happy waiting to welcome railway transport. However, it has turned to be a nightmare to them. I visited that area and I was surprised to see bricks falling off from brick houses and other houses with very big cracks. There is a lot of noise from the machines and families with small children are suffering. I wish to request this House to send some Members to investigate this as we wait for completion of the railway line to see whether the residents can be compensated.

I support halfway because the issue of my people should be looked into.

**Hon. Speaker:** Hon. Members, let me again try to draw your attention to the business that is before the House. The recommendation of the Committee is that pursuant to Section 8 of the Treaty Making and Ratification Act, No.45 of 2012, the House approves the ratification of the Protocol on Development and Operation of the Standard Gauge Railway within the Framework of the Northern Corridor Integration Projects.

There are certain requirements that the Committee looks at when considering every protocol. Among others, they look at whether it is in contravention of the national Constitution or any part thereof and whether it contravenes any other law. The Committee has made its recommendation basing it on the observation that it will reduce freight transportation and tariff charges, transit time, increase railway transport share of the northern corridor and reduce damage on the roads. Essentially, those are the matters that we should be considering. We are not considering the development of the railway line, but the Protocol. There is a difference between the two.

It looks like many Members have not looked at the Report. I quite appreciate that it is good for you to discuss even issues of peace among the Turkana and the Pokots, but the business is about the Protocol and not about those. Even if you are applauded, you are applauded for doing the wrong things at the wrong place. So, please, let us just look at this. If we allow ourselves to be limited by the business as is on the Order Paper, we shall transact more business as a House. If you have not read the Report, there is nothing

wrong with that. There is other business like the fisheries management and Report on the unpaid pension dues to retired teachers. I am sure most of you will be willing to give a lot of contributions on these.

Hon. Joseph M'eruaki.

**Hon. M'uthari:** Thank you, Hon. Speaker. I rise to support this Report by the Committee on the ratification of this Protocol.

First, having considered the Protocol and the Report by the Committee, I support the observations made by the Committee regarding the ratification of the Protocol. This particular Protocol is going to reduce the freight transport charges and improve transport. Again, it is going to make it easier for trade within the East African Community. It will increase business. Once we increase business, there is also the opportunity of improving trade.

When we reduce freight charges and the time taken in terms of transport, then we are also going to improve the profitability of the business. This will increase the competitiveness of our region as a business hub. As we know, Kenya is a regional power in terms of the economy and this will make it better.

I support this considering that these Northern Corridor projects are also going to directly affect my community and constituency. The second railway line from Lamu will pass through Garissa, my constituency of Igembe North, through Kasuru and Ndumoru up to Isiolo. That is going to open up a wide area within Igembe North and will ease the transport and movement of goods and services to Ethiopia and even Sudan.

Given the significance of trade, this is going to make it possible for the improvement and maintenance of our roads. As it is at the moment, we are making roads but because of the heavy trucks that are also congesting and destroying the roads, transport through the railway will make it faster. The fast movement of goods and services will improve the profitability and encourage more investors within the region. The more investors we have within the region the better. We will create more jobs and this will increase the opportunities for more Kenyans to improve and make their livelihoods better. When we have this effective transport system, it is going to decongest our roads.

The question of corruption will be reduced along the roads. We have all these checkpoints and instead of these being places for checking and regulating, they are centres for corruption. Once we have this kind of transport system, it will make it easier for business and better for us.

With these remarks, I support this Protocol given that it has taken into consideration our Constitution and there is nothing that contradicts our supreme law in the land. It also supports the integration of the East African Community (EAC). Given all the benefits accrued to it, I support this Protocol.

**Hon. Speaker:** Hon. Robert Mbui.

**Hon. Mbui:** Thank you, Hon. Speaker. I rise to support the Motion by the Departmental Committee on Transport, Public Works and Housing to approve the ratification of this Protocol on Development and Operation of the Standard Gauge Railway (SGR) within the Framework of the Northern Corridor Integration Projects.

I support this because I understand the importance of integration of the EAC to our country. I understand that by implementing the treaties, the Customs Union and the

Common Market Protocol, we get advantages as a country. One of the obvious advantages is a larger market for our Kenyan products and the free movement of goods, services and people, which has a direct bearing on the economy of this country. I support this understanding that it is going to be good for this country and Kenyans from all walks of life are going to benefit from the ratification of this Protocol.

As we talk about this, we need to realise that we cannot ignore the coalition of the willing. We know that Kenya is in direct competition with Tanzania for port services. They have their own services and when ours develops, we will be taking away the market from them and they would also like to benefit from the same market. As we deal with these issues, we need to look at that competition and figure out a way through which we can come up with an amicable solution to this. It is going to continue if it is not dealt with.

Much as I support this Protocol, I also have a concern. This Protocol is on an integration project. In this House, we have a committee which handles issues of regional integration but this was handled by the Departmental Committee on Transport, Public Works and Housing. Which protocols will be given to the Committee on Regional Integration and which ones will be given to all the other committees? The Committee on Regional Integration recently dealt with the Protocol on Peace and Security which is basically a protocol of integration. We need to address this issue and be careful that we use the committees of the House for the purpose for which they were meant.

This is an incredible project. It has obvious advantages as I have said. One of the other direct advantages is that it reduces the time by which goods are moved. It will also help us to reduce the rates. There is also the obvious advantage of reduction in damage of roads, which has been a major problem because the Government spends too much money on the highways and these highways are constantly destroyed by the heavy loads that are carried on the roads. It is a way forward. It is an advantage to this country.

We also have to be careful. When this project started, it was marred with allegations of corruption. We all know that the war on ignorance, poverty and disease is affected very seriously in this country by the issues of corruption. I propose that as we start these projects of integration, because we have this one and we also have the one of Lamu Port-South Sudan-Ethiopia-Transport (LAPSSET), we be careful that the procurement laws of this country are followed to the letter.

With those few remarks, I thank you for the opportunity and I support.

**Hon. Speaker:** Hon. Sakwa Bunyasi.

**Hon. Bunyasi:** Thank you, Hon. Speaker. I rise to give my support to this Protocol and make some observations that worry me a little bit as I look at the detailed Report.

First and foremost, the operation of the SGR is a thing that our economy badly needs. We know, as has been pointed out, that there have been concurrent advantages coming from lower costs of transport on roads. Everybody who will recall knows that the initial development of this country follows the railway line. The snake-like tracks around the Republic are where initial changes such as access to education, modern farming and good health services happened in the pre-independence days. Railway lines here and elsewhere such as in countries like China, not as a result of colonisation but as a result of railway expansion, developed a huge expanse of land. The United States of America

(USA) to this day relies a lot on railway lines. In Kenya, we did not make a lot of progress. It was very encouraging that finally we got round to it. Whether it is the SGR or any other railway, expansion would greatly support the economy of this country.

Having said that, it means therefore that it is important to pay attention, not just to agreements that relate to the new “snake” that is going to be built but to the concurrent developments that can take place along these new lines of the railway line. It is very important that our counties and Members of Parliament in various areas pay special attention to how they will benefit and take advantage of this new railway line in terms of development in agriculture, particularly in mining and forestry to move heavy goods rapidly.

I think we have an excessive focus, almost fascination with goods leaving Mombasa. Sure enough, like an onion, it is the first major layer of problems and therefore we think that when the problems are moved, we will reach near utopia. Far from it! The benefits that we will accrue to this will depend on the investments that are made in other sectors as well that can take full advantage of this.

Hon. Speaker, I note that the Standard Gauge Railway and the Rift Valley Railways have not been coordinated. In fact, it looks like it is work in progress. We have to look at how these two lines are going to be coordinated in their operations. That worries me because it means we are rushing with one line of investment whereas we have already sunk investment in RVR yet we have are not making sufficient effort to coordinate between the two so that they can complement each other. The SGR, as you know, is going to be a trunk line but so is the RVR. If we could link the proposed operations of the SGR into what the RVR is doing or what it proposes to do because it is a national asset, it will be powerful and extremely important.

The RVR is in the process of modernising and expanding access roads to its own railway line as the SGR is going forward. I have a feeling that the Government is extremely single minded about the SGR and is not thinking about the broad question of how the railway investment, in whatever form it is, whether it is the SGR or the one meter gauge, can spur economic development towards Vision 2030 even though we say so in our rhetoric. If you look through the deliberations of the Committee, it is clear that these are issues being brought up as we go along. It is an “as we go along” kind of approach which is not a very good thing. By now we should have had a decent master plan on railway transportation taking full advantage of the link of the proposed northern corridor arrangement but realizing ultimately that we want to grow our economy. We are not seeking to grow the economy of the last partner. We are seeking to grow our economy and countries along the line will also seek to grow their own economies. I would hope that as they think forward on these issues and as they try to marry the SGR plus the rest of the railway network that we expect to expand, parts of this country, the agricultural interior like western Kenya, will be considered.

We have many other options for transportation links across Lake Victoria. Some of the developments that will take place will in fact include facilities on the Lake so that we can cross the water with fewer issues. There should be no compensation to be made for the railway line that can link rapidly counties like Busia and other counties along the Lake. They can also link with Uganda and Central Africa.

Along the line were my concerns for what seems to be inadequate coordination, there is no sufficient coordination with the Ministry of Energy. They are still talking about looking for ways and means in which electrification could be done and implicitly that their demand for energy may not be what the Ministry of Energy can supply. I know that energy development is one of the highest priorities that the Government has given and we hope that even though they may be developing the SGR without use of grid energy, they will consider this seriously. That is the route many countries are headed; the intended rapid transport of goods across the country is considered. I would also hope that in these days in which transport costs are very high not just for motorists but even for passengers, we might all remember that in the early days, travelling by railway was a lot cheaper than travelling by road. It, indeed, brought together many communities from across the country. That is how we began our first integration process that brought us all the way to Independence even though it is beginning to become a challenge now. Now, our passenger transportation would be an important way for this kind of railway development, given the amount of money that we are spending.

There has been debate whether or not we should have had a single or double track. There have been indications that other countries have managed to get a double track with about the same cost as we are doing with a single track. Be that as it may, I hope that after it gets to Nairobi, the proposed extension to Malaba and hopefully beyond in the second phase will be followed so that we can move the goods across the border. I hope we will not create new congestion, as it is in Mombasa, at Malaba if the subsequent phase beyond Malaba fails. If that would be the case, the negative that would arise out of this would be extremely heavy for the fragile economies of the counties at the border. In this case, it is going to be Busia County. We will have transferred part of the congestion issues in Mombasa to the next port of exit but since this is going to be part of the consultancy study I hope that the Committee, in looking at it next time, will pay special attention and see that we are facilitating movement from Kenya across into the neighbouring countries.

This Protocol and many protocols have been signed before, none of which is exactly the same as the other. We know, for example, the East African Protocol before the collapse of the East African Railways (EAR) and what happened to the assets when the Community collapsed. I hope that there has been some forethought on how this is going to work so that it is not the high speed of the fast grabber that counts or how much of the movable assets can be accumulated. I hope that, that has been looked into but in all, I think that this Protocol points the way to areas of further development and Kenya is poised to benefit from it if we take care of all these considerations that the Report clearly brings out.

With those few remarks, I give my guarded support.

Thank you.

**Hon. Speaker:** Is it time for the Mover to reply? Hon. Ferdinand Wanyonyi.

**Hon. F. K. Wanyonyi:** Hon. Speaker, I want to take this opportunity, like the others to support and approve the ratification of this Protocol on very many issues that have been said. One of which, as mentioned, the development part of this Protocol on the railway line will help us as a region to extend up to other regions from Rwanda, Burundi, the Republic of Congo and the rest of the continent. This will enable us to expand the

market. As you know, Kenya is the hub of the region and with this railway line, I know they will expand the businesses to and beyond the East African Community (EAC).

Two, I know that Kenya will benefit because we are more educated. I am proud to say that Kenya has a very big educated workforce. Therefore, we can do business over and beyond the region's borders because Kenyans are very enterprising. No wonder you see them setting up businesses over and above what we are seeing at the moment. So, the opening up of the railway line will develop our infrastructure. It will take a very short time to move from Mombasa to Nairobi. I am told that from Mombasa to Nairobi, it may take less than three hours. When you go by road, it takes such a long time. The journey is coupled with risks on the road. The trucks are too many on the highway. The other day when I was going home, it took me almost three hours to get to Nakuru, and another three hours from Nakuru to Eldoret. By rail, it would be much faster. There will be less strain on the roads. So, as far as I am concerned, that is a very good initiative. I support it.

The other thing is the volume of business at the Coast. The Coast will have many clearing and forwarding companies as a result of the opening up of the region. Other than decongesting Mombasa, we will have more businesses at the Coast. It will improve the economy of our country.

The number of accidents will reduce. Accidents are not anything that one would want to talk about. I believe that with the railway that is going to be in use, accidents and trucks travelling at night will be a thing of the past. Therefore, I support this initiative. Above all, as Hon. Bunyasi has said, the development of the Standard Gauge Railway (SGR) line is going to revive Rift Valley Railways (RVR), which is dead.

Last but not least, more businesses will come up. From Mombasa to Voi, there will be a stopover. Tourists will go there and the purchasing level will be much higher. Recently, I was in Mombasa. I can tell you that the reason why there is a burden on the exchange rate is because there are no tourists. So, foreign exchange is dwindling because no tourists are coming to this country. If you talk to them, most of them will tell you that they fear coming here because Kenya is one of the worst-rated countries in terms of accidents. So, the tourists who come here fear going by road. So, I support this Protocol on development and operation of SGR because it will open up the region.

Thank you.

**Hon. Speaker:** Hon. Jessica Mbalu.

**Hon. (Ms.) Mbalu:** Thank you, Hon. Speaker, for giving me this opportunity to add my voice in support of the approval of the Protocol on SGR, and the Report by the Chairperson of the Departmental Committee on Transport, Public Works and Housing. Transport infrastructure in Africa is inadequate. It has a surface area of 30.2 square kilometres. Africa has only 89,390 kilometres of rail, 2.96 kilometres per 1,000 square kilometres. Compared with 60 kilometres per 1,000 square kilometres in Europe, the regional disparities are enormous. For that reason, I support the ratification of the Protocol on Development and Operation of SGR within the framework of the Northern Corridor Integration Project.

The Committee has carried out its mandate in accordance with Section 8 of the Treaty Making and Ratification Act of 2012. The regional integration in East Africa is one of the most advanced models in Africa. With reference to Kenya, the SGR project is starting in Mombasa to Nairobi in Phase I and from Nairobi to Malaba in Phase II. It is

going to enhance the transport network. As we sign Protocol, we are echoing the words of Nkrumah, who said that Africa must unite.

Let me cite some of the advantages that we will get from the protocol. The railway will facilitate long distance travel and transport of goods. Through the Northern Corridor Project, we will be able to integrate and trade within the East Africa as highlighted by the Protocol. The Northern Corridor is the transport corridor linking the land-locked countries of Uganda, Rwanda and Burundi with Kenya's maritime Port of Mombasa. Similarly, the Northern Corridor will serve the eastern part of Democratic Republic of Congo (DRC), South Sudan and northern Tanzania. Thus, the Northern Corridor infrastructure project will connect all the five countries of East Africa and beyond. Because of their heavy reliance on the Northern Corridor for overseas trade as well as trade among themselves, Burundi, DRC, Kenya, Rwanda and Uganda are the contracting parties to the Northern Corridor Agreement. The Agreement provides the legal framework for collaboration among those countries on matters to do with transport, customs control, documentation and procedures as well as supporting the connectivity of the countries.

Ghana became the first black African country to gain Independence in 1957. Kwame Nkrumah became the leading Pan-African in the negotiations leading up to the formation of the Organisation of African Unity (OAU) in 1963.

All said and done - and as I support this ratification and the Report from the Committee - we are unequivocally echoing Nkrumah's words: "Africa must unite."

Hon. Speaker, I thank you.

**Hon. Speaker:** Hon. Njoroge Baiya.

**Hon. Baiya:** Thank you, Hon. Speaker, for giving me this opportunity to also contribute to this important Motion. I also rise to support the Departmental Committee on Transport, Public Works and Housing with regard to its recommendation to approve the Protocol on SGR.

Some doubts have been raised quite a number of times about the wisdom or viability of the country committing itself to that kind of protocol. That is because the country is committing substantial investment resources into construction of a railway. To such doubts, we only need to ask the critics to look at the rest of the world, including Europe, USA and Asia. It is only Africa where, as regions, we are not integrated in terms of transport and communication. That means that amongst our regions, that is where trade and commerce is at its lowest and most expensive. So, the country is moving in the right direction by laying the framework for integrating the region. Even our own experience and history disapprove of what the critics of those projects are saying.

By the time the Kenyan Railway was done from 1901 to 1906, the country at that time hardly had anything that would have justified the construction of the railway in terms of economic activity. That is one of the main reasons why the Kenyan Railway was nicknamed "Lunatic Express". The Imperial British East Africa Company (IBEAC) which was undertaking that project through the colonial office did not have the benefit of a viability analysis of the project. They just decided that if they were going to make the colony work, they would have a railway. After finishing the railway, they started working backwards to establish projects that would make the railway viable or make it pay itself. That is how we found, for instance, the settlement of settlers in the whole corridor of the

highlands. So, Hon. Speaker, my contention is that, that Standard Gauge Railway (SGR) is being done where there is a development platform that was established after the Metre Gauge Railway (MGR) that was done years back. As we speak, that railway is now obsolete. Even if we attempt to revive, it is obsolete. If you are using that very outdated technology, you cannot achieve speed and efficiency.

So, the right direction to go for the country from the word go is to do a SGR that gives the country a modern means of transport that is both efficient and economic. It lowers the cost of transporting goods not just in Kenya, but across our neighbours. Even the contribution that we are making from the levies from cargo currently is sufficient to finance the railway. I take it very negatively when we hear advice from very reputable institutions telling us about how unwise it is for us to invest in a SGR. If we had a network of SGRs where we had the Lunatic Express, this country would achieve much greater milestones. When you think about the modern economic trends, including the increasing cargo being handled at the Kenyan Port and the increasing trade within our neighbouring countries, I believe it is absence of foresight for us to forsake the opportunity to give the country the SGR.

When you look at the amount of resources that we are spending by even attempting to repair the normal roads that we are constructing, we are losing a lot of money. The tarmac gets destroyed within no time. So, if we had, instead, invested in SGR all along, we would have saved the country the agony of using constructed roads which get destroyed within no time. Two, there is the cost of fuel. By fuelling all those trucks, the bills go to either Kenyans private pockets or to the Government. It is a cost to the Kenyan economy. We are going to bring down all those costs. I am sure that once we finish the first part--- I want also to acknowledge that Kenya has demonstrated leadership because, besides approving this Protocol, it has also taken the decisive step to undertake the first phase of SGR from Mombasa to Nairobi. I am sure the neighbouring countries will go beyond mere commitment to the Protocol and also move to finance their part so that, by the time the country is able to construct a SGR from Nairobi to Mombasa and then to Kisumu, the rest of the neighbouring countries, particularly Uganda and Rwanda, will have completed their bit. That will mean promoting trade, commerce and even providing means of mass transport to the people.

When it comes to liquid, pipeline is the standard way of transport. That is the standard world over. Once we do that, we shall have substantially brought down the cost of trade and investment in this country. It does not matter what our debt levels are. We can pay those debts with an efficient economy. We cannot afford to bring development to this country with an efficient economy that is relying on one MGR that is obsolete and long deserving of replacement.

With those arguments, I beg to support this Motion and urge the country to support that project. If we had invested in that kind of project 20 years ago, the country would be reaping abundantly. When we look at the main projects that are about to begin-- - If we are going to have minerals in places like Turkana and other parts of the country which are also becoming productive, it behoves the Kenyan economy to have a modern transport capacity for it to achieve efficiency and to attract investments.

With those words, I beg to support.

**Hon. Speaker:** Hon. John Waluke.

**Hon. Koyi:** Thank you very much, Hon. Speaker, for giving me this chance to also rise to support this very important Report. I support the Protocol for bringing other countries in Africa together. That is a very important project that we must support. That is an international project putting several countries together and trying to improve the economy, especially of our country Kenya. I know that the SGR is going to improve the economy of this country by almost 2 per cent. Therefore, it is very important.

Again, I take this opportunity to thank the Departmental Committee on Transport, Public Works and Housing. When development is realised in this country, it is for all of us to enjoy. Therefore, we need the improvement of the economy of this country. We have lost so much on our roads - repairing them all the time. I believe that the cost is too high. With the SGR, it is going to save our roads. I believe that we are going to save a lot of money in terms of damage of our roads. Therefore, it is important that I support this Report in totality. I support the Protocol on Development and Operation of the SGR. Thank you.

**Hon. Speaker:** Hon. Members, I had indicated to you that there are certain things that we need to do a bit fast. Perhaps, I will be proposing to House Business Committee (HBC) that when we are dealing with Reports, we must have a cap. If we say that we debate every report endlessly, then the amount of business your committees have conducted will never see the light of the day. More importantly, hon. Members, in Standing Order No.106, there is something called irrelevance or tedious repetition either of the Members own arguments or the arguments used by others. You have heard Members saying that there is corruption on the highways and, maybe, the railway would assist in that. There is also damage to our roads. Just break some new ground now so that we can seem to be saying something different. If we are going to dwell on just a simple report for four hours, then this House will be transacting very little business.

**Hon. Speaker:** Hon. David Gikaria.

**Hon. Gikaria:** Thank you, Hon. Speaker. I was scared that you will give me an opportunity to debate the Fisheries Bill, which is something that I have nothing to say about. I want to thank you. We tried some fish ponds in Nakuru but when we went to sell the fish, they said that it was tasteless.

Thank you, Hon. Speaker for giving me this opportunity to contribute.

As I appreciate the advantages that the SGR is going to bring and as guided by you that we should stop being repetitive, I just want to raise some of the issues in the Report that have made me to have some reservations as we support the ratification of this Protocol.

One of the issues is that this Protocol will not serve the purpose if it will not be complete in terms of Phase I and Phase II. As I was going through the Report, I came across where the Committee says that it is going to meet the Cabinet Secretary (CS) regarding Phase II of the SGR project. That is where my concern is. Even if we had Phase I--- I asked that once when I attended a meeting of the Departmental Committee in charge of transport. That is because Nakuru is part of Phase II and I was told it may be coming in 2017/2018. We are not objecting to the period that it is going to take but for us to realize the benefit of that project, then Phase I and II must be given some priority. I wish the Committee would have indicated whether they had met the CS or not so that he could keep them posted.

Secondly and fundamentally is that the Committee in their Report have indicated that they are waiting for some information from Rift Valley Railways (RVR) and the Kenya Railways that is on concession. That is something that is very important for us.

If you look at the RVR, it has completely collapsed. I look at the services that Kenya Railways was offering in relation to the services that are being offered by RVR and the number of employees who were working with Kenya Railways and who were transferred to RVR. Almost 80 per cent have already been sent home because of the inefficiency of RVR. Again, as we look for the concession from the RVR and Kenya Railways, I would want the Committee to look into ways and means to ensure that RVR does not interfere with the process and the management of the operations of SGR. This is very important.

Thirdly, the Committee is still, at this time and having presented their Report to Parliament, waiting for a master-plan of the SGR. I stand to be corrected. If that is so, then we are talking about a Protocol when even the Committee has not seen its master-plan. I do not know where we are headed to. We expected that by now, the Committee would have looked at the master-plan and advised this House on the issue. The Jubilee Government had made it clear that this is something that will benefit this country immensely not only now, but in years to come. It is unfortunate if, indeed, it is true that they do not have a master-plan. The Committee has not seen the master-plan. They are waiting for the submission of a master-plan of SGR.

Fourthly, it is about labour engagement. They are not sure. They are still asking whether it is 30/70, 40/60 or 50/50 arrangement. These are some of the issues that the Committee needed to tell us when it comes to, maybe, casual labour. Is it 100 per cent or when it comes to some specific profession within, it is 30? We are scared when the Committee tells us that, as of now, they do not know the labour component and how it is going to be shared in terms of percentage. This is a problem because we have been told from the places where the SGR has started that the Chinese are doing even the manual work that a common Kenyan is supposed to do. So, if, indeed, the Committee is telling us that, as we are talking now, they still do not have details regarding the employment aspect and the percentages, it is something we need the Committee, when replying, to tell us. These are some of the observations and resolutions the Committee made and it is scary. We might have millions of those Chinese doing the work right from where the SGR starting to Malaba. We need the Committee to explain to this House about the issues regarding labour commitment.

The other issue which is in the Report – and it is important – is that the Committee has made it very clear that when it asked the CS to visit, he confirmed that RVR will not be involved in SGR. If that is, indeed, the case, then we can see some light at the end of the tunnel.

The connection of SGR and LAPPSET projects is very important. We have told people in my constituency that one of the advantages of SGR is the reduction of transportation costs. My constituency and county are doing a lot of development. So, if the transport cost will be reduced – and it has been a hindrance - more development will take place. If you look at the cost of constructing building these days, you will find that the cost of transport takes almost 20 per cent. That is something that is acknowledged in the Report. There will be a reduction of transport tariff by up to 41 per cent. That is going

to reduce the burden of ordinary Kenyans who want to put up small houses. Most people have bought themselves some plots where they would want to put up some few permanent houses. So, the SGR is going to be a big advantage in that regard.

Production of electricity in this country has been enhanced through different means such as hydro and geothermal. The Committee says in its Report that they are still asking for the transfer of 5,000 megawatts of electricity that will be used in the SGR. It is important for us to look at that aspect. If we have an SGR that requires a lot of electricity that we cannot produce and deliver, then the whole programme is going to collapse. I am made to understand that the SGR and the fast movement of the trains will use a lot of electricity. We really need to enhance the production of electricity so that we can have enough that can be taken to SGR.

As I also look at the progress of SGR, it will benefit this country with the integration with the other States. They have indicated in the Report that the other countries have also made tremendous progress in the development of the SGR in their countries. That is important.

Lastly - and this is very vital - is the involvement of the public by the Committee regarding their views. It is unfortunate that not everybody will be satisfied with the issues of development. It has been alleged that people in some parts are still requesting for compensation. Their participation is also important for us, as Members of Parliament.

*[The Speaker (Hon. Muturi) left the Chair]*

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

**The Temporary Deputy Speaker** (Hon. (Ms.) Mbalu): Thank you. Well spoken. Hon. Sunjeev Birdi.

**Hon. (Ms.) Sunjeev:** Thank you very much, Hon. Temporary Deputy Speaker, for giving me this opportunity to support this Report on the consideration of the Protocol on Development and Operation of the SGR. At the outset, while I support many things that have been said this afternoon on the consideration and the opinions of my fellow Members of Parliament, I have a few reservations which I would like to express without fear or favour.

One of the opinions is regarding the Rift Valley Railways (RVR). According to the highlights that have been given by the institution, it is mentioned that the engineering technologists or technicians and craft persons are not presently registered. Therefore, they are not accountable for the work they are doing concerning engineering activities. That is one of the observations. I find it very shocking that after 118 years, Kenya has not produced the quality and calibre of employees that can do that sort of work. This Report has missed out on a few nitty-gritty issues. In as much as they have tried to get out the message that the SGR is required, there are some issues that have been missed out. As we go forward, issues like these will, perhaps, be looked into.

It is true that SGR is going to bring the East African community together. That is a logical way of going forward. When you go to a place like Mombasa, it can take you three hours to go from one point to another just because of the level of traffic. That is in

Mombasa alone. This will reduce costs, improve business and the economy. It is good for everybody and it is going to enhance trade and development. When we look at adopting a common logical framework, we need to ask whether we, as the East African Community, are reading from the same page. The reason I stand here today to comment on this Report is to bring my concerns on the table that hopefully, we, as East Africans, should be on the same page. We should not read from different scripts because that is going to cause a lot of confusion. In India, the Prime Minister, Narendra Modi, travels by train because of the high volume of expenses that India has been experiencing. The SGR is going to be a blessing to us in many ways. For that, I support it.

Recently, I read that there has been a diversion of the railway line. I hope that as far as compensation and its procedures are concerned, the affected persons will be paid what is due to them. If not, that is going to be a source of conflict. One of the things that have been mentioned by the Committee is the qualifications for one to be qualified as a technologist. The Committee needs to look into this. If this Bill lacks the provisions for the qualifications, then we are lacking something that is very important. The people who are going to take this process forward need to be qualified. They definitely need to be educated on the system.

**Hon. (Eng.) Mahamud:** On a point of order.

**The Temporary Deputy Speaker** (Hon. (Ms.) Mbalu): There is a point of order from hon. Mahamud, the Member for Mandera West.

**Hon. (Eng.) Mahamud:** On a point of order, Hon. Temporary Deputy Speaker. I am sorry to interpret the Member, but she is debating another Bill, namely, the Engineering Technologists and Technicians Bill. We are looking at the Report of the Committee on the approval of the Protocol of the SGR. Is she in order to debate a Bill which is not before the House?

**The Temporary Deputy Speaker** (Hon. (Ms.) Mbalu): Hon. Member, we are on the approval of the Protocol on the SGR. Unless you are just referring or quoting for the sake of debate, let us observe relevance as stated by the Member.

**Hon. (Ms.) Sunjeev:** Hon. Temporary Deputy Speaker, I was simply highlighting the observations of the Committee.

**The Temporary Deputy Speaker** (Hon. (Ms.) Mbalu): Okay. Those are observations but, generally Members, please, be advised and let us observe relevance as per our own Standing Orders. Let us not look like we do not know what we are debating.

**Hon. (Ms.) Sunjeev:** Thank you, Hon. Temporary Deputy Speaker. In conclusion, I do not intend to create a revolution against very good projects such as the SGR. I stand here simply to say that whatever the Committee decides, and however we decide this process to be followed, it should be followed with due diligence. Many Members have cited corruption. Of course, we all stand here against corruption. I support this Report wholeheartedly.

**The Temporary Deputy Speaker** (Hon. (Ms.) Mbalu): Thank you. There is an intervention by hon. Abdullswamad Nassir, Member for Mbita.

**Hon. Nassir:** Thank you, Hon. Temporary Deputy Speaker. I have been told to clarify that it is Mvita and not Mbita. The Member for Mbita was wondering. Pursuant to the Standing Order No. 95, it is very evident from the mood of the House on which direction this is going. We have been debating this for quite a bit. This has

continued from the last Session that we had and I beg you to allow the Mover of this Motion to reply, so that we can move to the other more pressing issues.

*(Hon. Angwenyi gestured at Hon. Nassir)*

I am sure the Member, a friend of my late father, will agree with me that there are more pressing issues at hand. The time of this House should be saved by us adhering to this Standing Order.

**The Temporary Deputy Speaker** (Hon. (Ms.) Mbalu): Thank you for your observation on the mood of the House but, of course, you do not beg me to allow you to call the Mover to reply. The Mover can only be called by the Chair. Before I feel the mood of the House, let me give a chance to only one Member as I have the other Members to decide on the vote. I will put it to a vote. The Members will decide.

The Member for Kaiti.

**Hon. Makenga:** Thank you, Hon. Temporary Deputy Speaker for giving me this opportunity to also put a word on this very important Motion. I support the Report of the Departmental Committee on Transport, Public Works and Housing on the consideration of the Protocol and operation of the SGR.

At the outset, the SGR has come at a time when this country and the region require fast infrastructure in terms of transport. The benefits that SGR is going to bring in the region are enormous and we cannot over-emphasize that. It is very clear that the regional network is going to open. The cost of doing business in this country and in the region is going to come down. There will be benefits in terms of moving bulk cargo. The volume of cargo on our road network is going to come down. When you look at the kind of congestion that is witnessed in our roads these days, it is due to lack of moving infrastructure like the railway. With the Standard Gauge Railway coming on board, I think it will cure the problem of congestion at the Port, the gridlocks on the roads and so forth. We cannot over-emphasize that. The business within the region is going to be robust since movement of cargo from Mombasa to the region is also going to be enhanced. When you look at the time it will take to move cargo from Mombasa to upcountry, it will definitely be reduced. For that matter, the cost of transportation will be cut down.

We should not also overlook the benefits of the employment opportunities the SGR is going to create. As we are talking, we have over 3,000 Kenyans working with the SGR. At the end of the project, more than 30,000 Kenyans are going to benefit from the project. It is a very important project to Kenyans because it is a single employer recruiting 30,000 employees at ago. The creation of business within the Northern Corridor will be enhanced. The benefits are really going to be enormous.

Finally, some importers have taken the Port as a storage facility. The Port is not a storage facility. It only facilitates the off-loading and movement of cargo from upcountry or overseas. For that matter, the SGR will be moving the cargo very fast, clearing it out of the Port and moving it to upcountry destinations as well as other regions.

I support this Motion and commend the Committee members for their hard work. The Framework in the Northern Corridor should be ratified without any further delay.

**The Temporary Deputy Speaker** (Hon. (Ms.) Mbalu): Members, as raised by the hon. Member for Mvita, pursuant to Standing Order No. 95, which is about closure of debate, I will put the Question that the Mover be called upon to reply.

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

**Hon. (Eng.) Mahamud:** I beg to reply.

**The Temporary Deputy Speaker** (Hon. (Ms.) Mbalu): On behalf of the Chairperson of the Departmental Committee on Transport, Public Works and Housing, the Mover has replied. But because of obvious reasons, I am not able to put the Question. I direct that the Motion be put on the Order Paper for the next sitting or at the most appropriate time.

Next Order!

## BILL

### *Second Reading*

#### THE FISHERIES MANAGEMENT AND DEVELOPMENT BILL

*(Hon. A.B. Duale on 23.4.2015)*

*(Resumption of Debate interrupted on 23.4.2015)*

**The Temporary Deputy Speaker** (Hon. (Ms.) Mbalu): This Bill was moved on 23rd April 2015 during the afternoon sitting. The following Members had contributed after hon. Naomi Shaban. Hon. Millie Odhiambo had seconded. I must mention them because you know very well we cannot contribute twice on a Bill or a Motion. The following Members had contributed to the Bill:-

Hon. Nassir, hon. (Eng.) John Kiragu, hon. Richard Tong'i and hon. Timothy Wanyonyi. The three had contributed to the Bill but hon. Timothy Wanyonyi had a balance of nine minutes. Is he in the House?

**An hon. Member:** No.

**The Temporary Deputy Speaker** (Hon. (Ms.) Mbalu): Then we move to the next request. Hon. Member for Vihiga, do you want to contribute to this Bill? We are on the Fisheries Management and Development Bill, National Assembly Bill No. 20 of 2014.

**Hon. Chanzu:** Thank you, hon. Temporary Deputy Speaker for giving me the opportunity. In fact, I have been waiting for a long time to contribute on the SGR, but now it is okay.

The Fisheries Management and Development Bill No. 20 of 2014 is important because of the value of fish in terms of nutrition and the fact that before the year 2005 or 2006, we did not have proper structures in place about the management and development of fish. That is because we did not have ministries and departments before. When the

Government decided in the year 2008 that we put money in every part of the country so that we can be able to develop and maintain the fishponds and so on, it became very clear to Kenyans that fish could come from anywhere and not just from Lake Victoria or from Indian Ocean. It is gratifying that even in areas where we never thought fish could be reared like in Central Kenya; they have been leading in rearing fish through fishponds. From the point of nutrition or food aspect, it is very important because it creates a variety of what Kenyans can be able to feed on and so on.

On the issue of markets, fish is also a commodity. Apart of being food for people particularly those who reside around lakes and now around ponds, it is an item that is used to earn income, revenue and foreign exchange. Therefore, it is a sector that has not been properly organized and was not properly exploited. With this Bill, it is going to be possible for Kenyans to get an opportunity to rear fish. Apart from areas which are salty, it is not hard to rear fish because it is a matter of just collecting clean water or where water can be treated in a nice way. Then you are able to keep fish and within a short time, you can harvest them.

In view of Vision 2030, we are talking about diversification and healthy living. It is very important that we all support the Bill, so that it can put in place structures and institutions which can enable us to rear fish for our local consumption and for export. If you look at it critically, for those who eat fish at home, leave alone those who fish around Lake Victoria and other areas, it is a very expensive meal. It is a special meal because of its nutrients. This will help us. If families rear fish, they will get fish for their food and for the market.

Fish is one of the things that can be used to boost our economy, if all Kenyans are encouraged to rear fish in areas where there is water. That means that the Government will have to put in a bit of funding. A lot of research needs to be done to look around and see the kind of fish species that we can rear and how they can be kept. There are varieties of fish starting with the *Omena* which, if we are not careful in terms of how we keep them, they will disappear. We have Eels and the famous Tilapia which, because of lack of proper care, the quantities have been dwindling - including the ones in Lake Victoria. That is because the *Mbuta* came in. We need to maintain all of them. The *Mbuta* is very good for commercial purposes.

This requires a lot of research and, therefore, a lot of funding. It requires a lot of organisation so that we can rear fish which can be used for all the purposes that we want. This is a very important Bill. I support it and I ask all of us to support and provide funding for it, so that we can all rear fish.

**The Temporary Deputy Speaker** (Hon. (Ms.) Mbalu): Thank you. Let us have the Member for Shinyalu, Hon. Silverse Anami.

**Hon. Anami:** Thank you, Hon. Temporary Deputy Speaker. Fisheries development is an intervention that has become very popular at the moment. It is a very important natural resource. It provides the alternative for fish farmers who have no facilities like huge tracts of land and machinery. We have challenges here. This intervention needs regulation and deployment of extension officers who can give advice to fish farmers.

This is a very important sector because it will alleviate poverty. However, it needs careful management. We are in a situation where our communities are faced with abject

poverty. There are issues of food insecurity. The Fisheries Management and Development Bill is very important because it is taking the management of fisheries to another level, where fish farmers can get some income to improve the welfare of their families.

It is important for that sector to be supported. Many times, that has involved people who live around rivers and lakes and have coping skills to manage the industry. However, being a traditional industry, there is the general feeling that it is not modern and, therefore, it cannot be brought up to the market. It is good for us to regulate that sector, so that the farmers and the communities living around those natural resources can be assisted with facilities and amenities to enable them to take their businesses to another level.

We have had stereotypes and speculations about communities that deal with fisheries. This is a good opportunity to get rid of those stereotypes. We have heard negative stories like “fish for love, fish for sex” and such stories. We must get rid of those stereotypes because they traumatise the communities that are involved in fishing and deny them the opportunity for marketing. It is important for us to develop facilities around those natural resources to promote fisheries. As a fast growing natural resource, we can leverage on it as a country, up our livelihood and move straight to the two digit economic growth rate.

So, we need to invest a lot in terms of capacity building. This will be done better through education, sensitisation and development of institutions that can train our people in the management of the resource. It will be better for us to incorporate that resource and its management in all our trade agreements within the EAC and at the international level. We have had instances where Kenyan fish has not been accepted readily in the international market. That is why we will need to have regulations to up that market and give us an opportunity to participate in the international market using the fish as our natural resource.

I want to agree with the speaker before me on the issue of nutrition. Many people are moving away from eating red meat. The alternative is readily found in fish. So, that is a good reason for us to invest and manage that industry. We can reap so much from the fish market to enhance the welfare of communities that are involved in that sector socially and economically. Let us pass this Bill and focus on the development of the necessary regulations that will make fish farming a major product of this country.

With those remarks, I support the Bill.

*(Some hon. Members consulted loudly)*

**The Temporary Deputy Speaker** (Hon. (Ms.) Mbalu): There are very serious consultations going on amongst hon. Members from the Lake Region. Let us hear the Member for Kabondo Kasipul.

**Hon. Magwanga:** Thank you, Hon. Temporary Deputy Speaker, for giving me this opportunity to contribute to this very important Bill touching on fisheries management in this country. This Bill is a bit late, but we are headed in the right direction. We know how important fish food is for the human brain. Those of us who grew up in the Lake-side know the value of a certain part of a fish we call the “engine”.

Therefore, a management Bill towards the same is very important. While supporting it, I would only record a reservation on introduction of seasonal harvesting of fish. I believe that we should have an alternative means because seasonal harvesting at times affects the fishermen. That entails closing a specific lake or area from harvesting and opening up another area. I believe that there is an alternative strategy we can employ to ensure fish multiplication.

Hon. Temporary Deputy Speaker, there is also the introduction of banning of lighting in fishing. That means we want to kill the harvesting of the small fish called *Omena*. Those who have had an opportunity to take fried *Omena* during lunch time would disagree. That is part of the best fish. So, we would support this Bill and even go further to recommend establishment of cooling plants along the areas where we have the fish industry, especially along Lake Victoria and the Indian Ocean. We have serious fishing activities taking place there, and the Government needs to install cooling plants and facilitate direct movement of the same from the counties to overseas, instead of passing through a lot of processes such that, by the time our fish reach the international market, it is declared tasteless. This could happen by opening up Kisumu Airport to international cargo flights. Doing so will increase the number of direct flights for the international market.

With those remarks, I beg to support the Bill and state that I will do the necessary adjustments at the right time to ensure that it goes through.

**The Temporary Deputy Speaker** (Hon. (Ms.) Mbalu): Thank you for being brief. Hon. Members, we do not need to repeat ourselves. Let us be brief and to the point. I can see that the requests are coming from hon. Members from the place where there is “engine”, as we are told.

Next is the Member for Kisumu, Hon. Nyamunga.

**Hon. (Ms.) Nyamunga:** Thank you, Hon. Temporary Deputy Speaker, for giving me this opportunity to support this Bill. It is a very important Bill because it will help in the management and development of fisheries in general. I know that Fisheries is a department that has been devolved to the counties. Therefore, a comprehensive Bill that takes care of fisheries in general is very important. The objective of this Bill is to make sure that there are proper regulations and a comprehensive development and governance of the investments in the lakes and oceans.

Hon. Temporary Deputy Speaker, fisheries should be looked at in general as any other form of agriculture. In the coffee and tea industries, there is a proper and a comprehensive way of running their affairs – which gives the farmers a lot of benefits. However, when it comes to fishing, nothing much has been done. Maybe, as leaders from the lake regions, we have not made enough effort to make sure that people from areas around Lake Turkana, Lake Victoria and the Coastal Region benefit. There is a lot of suffering. If you listen to people from fishing areas, you will hear a lot of negativity, as it has already been mentioned by an hon. Member. It has become an abusive thing to say that you are from the Lake Region or Nyanza because there is a lot of poverty that comes with fishing. It is because there is no proper machinery to take care of the fishing industry.

I support this Bill because it is long overdue, but with a lot of amendments. If you look at it, there are many things that are confusing. During the Committee Stage, it will

be very important for us to introduce some amendments to ensure that there are no repetitions or ambiguity in the Bill. There will be clarity. Fishing is a very important component. It will go a long way to improve the lives of our people, if it goes to the county level. There is a lot that can be done there. We can do a lot of fish farming in ponds.

The Government spent a lot of money through the Economic Stimulus Programme. A lot of money went into the fishing industry. However, I do not think there was proper planning. If there was proper planning for the ponds that were put in place, there would not have been wastage. A lot of resources were provided for establishment of fish ponds, but the programme was implemented during the rainy season. Some fish ponds were established in the middle of nowhere, with no sources of water. In such cases, fish farming ended at end of the rainy season.

Fish farming can be done properly by the county governments. They have many trained officers who can support farmers in making sure that fishing is done professionally, and that issues of hygiene are addressed. This will ensure that we compete at the international market. I know many fish farmers who have lost an opportunity to take their produce to the international market, including the European Union (EU), because of issues of hygiene. The issue comes about because the necessary infrastructure has not been put in place. There are no cold storage facilities on the fish landing beaches. If you go to Kisumu, you will see the way it is done. Refrigerated motor vehicles are not in place. By the time the fish reaches the market, it goes bad. Therefore, with the introduction of several amendments, this Bill should be supported by all Members, and not just by Members from the fishing areas. An hon. Member made a certain statement, but it does not mean that they can only support a Bill which concerns their constituencies. As leaders, we should support all Bills cutting across the country because we are doing this for the general good of the whole nation. It is because of that kind of thinking that fishing has lagged behind. The development programmes that have been undertaken in this country have been skewed in such a manner that the Lake Region has been left behind. That is why devolution is very important. The fact that some of the departments have been devolved means that each sub-county should develop their own resources and make sure that the citizens get maximum benefit from the resources that they have within their counties.

With those remarks, I beg to support this Bill, but with a lot of amendments that will come at the right time.

**The Temporary Deputy Speaker** (Hon. (Ms.) Mbalu): Hon. Members, I have ten requests, but there is indication that some Members have expressed interest to contribute to the next Motion, which is on the Report of the unpaid pension of retired teachers. I can almost tell from my requests the ones who want to contribute to the Fisheries Management and Development Bill. So, for separation purposes, if you want to contribute to the Fisheries Management and Development Bill No. 20 of 2014, please, put your buttons into the intervention slot; hon. Abdullswamad Nassir of Mvita has already expressed his interest. We can move on now. I know the Chairlady for the Departmental Committee on Education, Research and Technology, hon. Sabina, wants to contribute to the issue of education.

Hon. Member James Nyikal.

**Hon. (Prof.) Nyikal:** Thank you, Hon. Speaker, for giving me the opportunity to contribute to this Motion. Fishing as an industry is extremely important in this country. It is important for the welfare of people who are involved. It creates a lot of jobs for many young people in the areas where fishing takes place. It is a major source of income for the country. There is a lot of exportation of fish and, therefore, it brings in a lot of foreign exchange to the country. At the same time, this is an industry that has been exposed to a lot of exploitation, exploitation of the people who are involved in the industry. Where I come from, it is a known fact that the people who are involved in fishing are poor. These fishermen go out the whole night. They sleep out there and come in the morning. It is unfortunate that they remain poor while the middlemen who come in the morning with their refrigerated vehicles get rich at their expense. Therefore, there is need to see to it that the development and the management of fish and fishing gives these people an advantage in life. They deserve that because of the work that they do.

There is also massive exploitation of the fishing areas. Lake Victoria, Lake Naivasha, the shores of Indian Ocean and Lake Turkana are likely to run out of stock unless something is done with regard to surveillance and regulation of fishing. The situation is particularly bad in Lake Victoria, where the popular *Tilapia* is dwindling. Therefore, there is need for some regulation. The lack of structures for regulation, management, development and even research to improve methods of fishing is a big handicap in the fishing industry. I, therefore, support this Bill that has established a lot of structures. There is the Kenya Fishing Services Advisory Council, Kenya Fishing Services Board, and the Fish Marketing Board. We also have the Fish Research and Development Fund that has been put in place. These are extremely important institutions. This Bill will go a long way in helping the fishermen in terms of regulation, protection of the breeding areas, fish trading and improvement of aquaculture.

Somebody had indicated earlier that it has always been thought that fish is an industry only in the areas around the lake and the sea, but we know that with the new methods of aquaculture, fish can be a major income earner in all areas of this country. In fact, in the former Central Province, most of the people never used to eat fish. They considered them to be snakes! However, fishing now is a thriving industry. That goes to indicate that with new techniques, we can go a long way in producing fish for our own consumption and for export. The traditional fishing methods have stopped yielding adequate returns for the people who are involved. Therefore, we need to move into new areas of fishing that can improve returns.

I do not want to say much, but it is important to note something about the relationship between the structures that have been put in place with the Constitution and the devolution of the fisheries function. Whereas the structures that are proposed are good, comprehensive and very protective, there is a big danger that some of these structures that have been put in place will conflict with the functions that are at the county. I know that when this Bill is passed here and it gets to the Senate, many issues will arise. If you look at Clauses 33, 34, 35 and 36, you will find the functions of the Director-General and issues of extension work there. Under extension work, you realize that there is obviously a conflict. I, therefore, wonder whether this particular issue was discussed by stakeholders, and also whether the Commission for the Implementation of the Constitution (CIC) went through it. This is a wonderful Bill. I have looked at it. It is,

indeed, comprehensive and it covers everything, but what I have just stated is a major area that we need to look at. I support the Bill, but we may need more time to look at the areas where it can bring conflict after it has been passed here or in the Senate. We also need to look at the areas that might bring conflict when it is implemented at the county level.

I support.

**The Temporary Deputy Speaker** (Hon. (Ms.) Mbalu): Thank you, Hon. Nyikal. You have proposed amendments. I am sure they will be welcome at the relevant stages of the Bill.

Hon. Members, I have confirmed that the Member for Murang'a does not want to contribute to education, rather she wants to tell us about---

**Hon. (Ms.) S.W. Chege:** Thank you, Hon. Temporary Deputy Speaker. For the benefit of the doubting hon. Members, in central Kenya, as Hon. Nyikal has said, we are now consuming fish; I also want to speak on this Bill.

First and foremost, I support the Bill. I have briefly gone through the Bill. I looked at the objective of the Bill and I feel that the objective of this Bill sounds like a goal and not really an objective. It should be broadened. I know Hon. Millie Odhiambo-Mabona will be looking at amendments and it is important that the objective of the Bill is expanded a little bit.

Since I am speaking on behalf of women, I know women are a big part of the fish trade. I am aware that women do not necessarily go to the lake to fish, but are also the main traders. I feel that this Bill should have addressed that issue. I know women have been misused by the males who are able to go in vessels to fish. Women have to part with some kind of a favour for them to have fish to sell. It is important that this Bill also addresses the welfare of the women, especially the issues of the women who are in this business. It is not just about the people who are going to the lake.

I also looked at some of the definitions and it was not important to define "aircraft". Even a child knows what an aircraft is. Some of these definitions need to be looked at further. It is not important for an aircraft, again, to be explained in this Bill. I also feel that this Bill also needs to look at the expansion of fish farming.

As another Member has mentioned, we only see fishing in the lakes and sometimes in the sea. As I have said, my county may not have lakes, but we have rivers in which we fish. We now have fish ponds and there is a huge attraction of fish farmers in central Kenya. I feel that the person who came up with this Bill needs to think broader and have this small or part-time fishing in the Bill. The issue of sustainability of fish farming needs to be addressed in depth in this Bill. I know sometimes they need to ban fishing, so that fish can produce and they can fish again.

Sustainability of fish farming and marketing needs to be addressed by this Bill as a matter of urgency. Kenya has many fish farmers who are exploited by big marketers. People who go to lakes and do small time trading are exploited. So, marketing of fish also needs to be addressed, so that the maximum benefit goes to the local community and not just to the big fish marketers.

I looked at the Advisory Council and I felt that it is heavy with Government representatives. I tried to see whether the local community was part of the Council and I did not see them. I know I can work with hon. Millie Odhiambo-Mabona to propose

amendments to provide that the local community be part of this Advisory Council. When we look at the objectives and the functions of Kenya Fisheries, you realise that they need to be broadened, so that we do not just talk about management. There is much more to the management of fish farming. This is a very important Bill and has come at the right time. Once we involve the local community and think about expansion and the sustainability of fish farming, this is going to be a good Bill that is going to help fish farmers.

I support.

**The Temporary Deputy Speaker** (Hon. (Ms.) Mbalu): Thank you. Hon. Sabina Chege, your proposed amendments will be very welcome at the Committee Stage of the Bill. That is why Kenyans should be told what the Members of Parliament do when they come to this House.

Let us have the Member for Kwanza Constituency, hon. Ferdinand Wanyonyi.

**Hon. F.K. Wanyonyi:** Thank you, Hon. Temporary Deputy Speaker, for the opportunity. I also want to take this opportunity to support the Bill. It is a very important Bill in the agricultural sector. It provides for the legislative framework, development and governance of investment in this sector.

I come from a maize growing area. When I took leadership of the region as a Member of Parliament, having worked in the lake region, I embarked on fish farming as an alternative to the predominant activity of maize farming. Today, my constituents have taken up the activity of aquaculture. As I speak, over 40 farmers in my area have fish ponds and they are very excited because of the income that is generated from aquaculture as opposed to maize farming, which takes a whole year to harvest. A farmer harvests fish twice in a year. This has been generating income for my people. Youth and women groups have been trained in aquaculture. This morning, I was talking to a banker and they are saying that they are going to help me work with them to develop this sector, which is the best alternative to the monopoly of maize farming.

Secondly, this is a natural resource. As it is, fish farming offers jobs to the youth and women. However, I am afraid that generally in some areas like Lake Victoria, Lake Turkana and Lake Naivasha, there is a lot of exploitation and over fishing. This Bill will regulate fishing so that we do not over-exploit fish in these areas, particularly in Lake Victoria and Lake Naivasha. Even in Lake Turkana, some people are over-fishing and over-exploiting this resource. Therefore, this Bill will help us to regulate fishing activities in those areas.

The other thing is that fish itself brings industrial development. We have fish processing that comes up. In my area, the Chinese are proposing to bring in a fish processing plant, which is a welcome idea. We will process the fish from the farmers for export or store it for some time and sell it to Kenyans. This will develop the sector further. We have fish first as food and as a source of generating income.

The Bill will also ensure that the fish quality meets the international standards. As one of my colleagues has mentioned, sometimes we have a problem of exporting our fish because they do not meet international standards. Therefore, this Bill will deal with the sanitary issue in terms of how you handle fish from when it is fished, when it is processed up to the time it is exported. Our fish is natural as opposed to fish that we get from other

countries. This Bill will help us to deal with the way we handle our fish products for export.

The Government has taken an initiative to protect fishing within our borders, particularly in big oceans like the Indian Ocean. As a Member of the Departmental Committee on Agriculture, Livestock and Cooperatives, we have approved some money to purchase a vessel that can patrol the waters, so that foreigners do not exploit fish in our areas. We will have surveillance, so that whoever is caught exploiting our fish resources is arrested and charged. Therefore, the fact that this Bill seeks to control fishing within our borders is quite welcome.

Last but not least, this Bill will deal with aquaculture and will encourage fish farming as an alternative farm activity as I have done in my area. I am very proud because my people in Kwanza have taken up aquaculture and they are now supplying hotels and kiosks in the area with fish. I am very happy because we have exposed them. We took them for training in the Lake Victoria area and they have appreciated that aquaculture is the way to go as opposed to maize farming, which takes over nine months before you harvest. This will give them some income.

Therefore, I support the Bill. I hope it will be passed very soon to help our people to generate income. As I mentioned, this is a way of getting the youth and women groups engaged.

Therefore, I support the Bill.

**The Temporary Deputy Speaker** (Hon. (Ms.) Mbalu): From the lake, let me take you to the ocean. Hon. Member for Malindi, if you do not have your card, you can use the Dispatch Box.

**Hon. Muzee:** Thank you, Hon. Temporary Deputy Speaker for this opportunity. I just had to get a chance to speak to this very important Bill, because, as you know, we border the Indian Ocean and fishing is a very big activity in my constituency, apart from tourism and farming.

I look at this as a very important Bill, which I support. A lot of good points have been presented here; they were crucial. Our focus - I am glad that we will have a board here which will do that - should be empowering the fishermen either individually or as groups, so that they can be doing a good job of fishing. A lot of the complaints you hear are that you have people who are fishermen, and who want to do a good job, but because of lack of facilities, they are made to fish just around the shallow areas, which means they cannot get as much fish as they could. That is very important. We need to find a way, and the board will have a very tough job, to ensure that our fishermen are empowered through accessing facilities, so that they can acquire state-of-the-art equipment to do proper fishing and abandon the old way of fishing. That is really crucial.

Also equally important, as I think this Bill is very comprehensive, is the fact that there is a focus on data information. Let us face it, today, fishing is not the way it was done a couple of centuries ago. We need to be very clear on our numbers, quantities and market, so that real time data becomes very important whenever it is needed. I am glad that my colleague from Kwanza spoke on the issue of vessels from other countries getting into our international waters, doing a lot of fishing and depleting our capacity. This has to stop. We know we have friendly nations which do large-scale fishing in our waters,

sometimes indiscriminately, because we do not have the capacity to get to where they do fishing. I am glad that this has also been addressed here.

There is also the issue of marketing. It is one issue getting the fish and processing it, but it is another to ensure that we have markets for it, so that our fishermen can get income and contribute to their livelihoods and the economic development of the nation. I support. It is a very important and welcome opportunity for us to regulate and ensure that the people who rely on fish as a source of livelihood get it not just in the waters but even internally where we have fishing in hinterland; where people do a lot of fish-farming, they should be encouraged to do well. That is also a growth area and we know statistics favour that. We should be encouraging it.

What is important is focus on fishing in protected areas. As you know, we have marine areas--- We do not want those areas to be exposed to fishing, as this will spoil these marine areas, which are important as tourist attraction sites. That has been protected here.

Lastly, as I wind up, we have heard here that county governments have a function in terms of fisheries. We do not want conflicts because they may also have a say in this. We have to ensure that at another stage, the laws are fine-tuned, so that there is no conflict and we can work together to ensure that the fish industry is supported well, so that our people who rely on fisheries as a source of livelihood are empowered accordingly.

**The Temporary Deputy Speaker** (Hon. (Ms.) Mbalu): Thank you. Hon. Members, two more contributions and then I close the chapter on the contributions to the Fisheries Management and Development Bill.

Member for Rangwe, Hon. George Ogalo.

**Hon. Ogalo:** Thank you, Hon. Temporary Deputy Speaker, for giving me an opportunity to contribute to this Bill, which is timely. Fishery is a very big sector in our economy and not having it regulated, especially pursuant to the Constitution 2010, that requires that we sustainably use our natural resources, would be a disservice to the people of Kenya.

I note that my constituency has two fish landing beaches. I look at the way they practise fishing and the challenges they face. This time round this Bill, when it becomes an Act, is going to solve the myriads problems that they face.

First of all, this Bill must be able to deal with the resources themselves, namely where we get fish, rear fish, exclusive economic zones, the fishponds, aquaculture, the rivers, the small lakes, the major lakes like Lakes Victoria and Turkana, the places where fish grow and where we can get them. This Bill should have a clear mechanism through which we will efficiently manage and regulate the resource.

Having said that, the next thing is the actual fishing and exploitation of the resource itself. It must be done in a way that sustainably enables us to carry out this activity as a sustainable economic activity. I note that previously we have been using certain methods of ensuring restocking of fish in Lake Victoria, for example, barring fishermen from accessing the lake for periods of time. I tend to feel that now, with science and technology having advanced, this Bill should find it necessary to give regulations that will enable restocking of the fish resources in a way that does not disrupt economic activities of the fishermen.

Having fished, now you have the fish but there are challenges. I look at the people at Silanga and Gengu beaches in Rangwe Constituency and note that when they come back with fish from the lake in the morning, a lorry is parked there waiting for the price of the fish to drop. In the morning, fish costs Kshs500. The person who can buy fish at that price, refuses to buy knowing that by around 10 a.m., the fisherman would be desperate knowing that later, the fish will rot and fetch nothing. The fisherman just accepts whatever price this owner of the lorry, who has been taking tea nearby and just waiting, is going to offer. Immediately afterwards, the fish will leave and the one who spent the whole night looking for the fish will get the worst deal in the whole process. This Bill, when it becomes an Act, must find a way of ensuring that the fisherman, when he leaves the lake in the morning, has a way to store his fish and power to sell the fish at the right price.

Having stored the fish, it is important that we manage the way fish is marketed. Our fish can reach any market. We can do value addition on the fish. That will create more jobs where fishing is done. People who have fishponds need to know where to market the fish. They need to have the market regulated in a way that they do not have raw deals and they are not exploited. This Bill should address the whole area of value addition and marketing of fish. This Bill is going to help in a very big way. For the first time, give a fisherman and others who deal in fish, a legal mechanism through which proper management can be done.

Having said that, I look forward to the Stage of this Bill when we are going to look at the various clauses one by one to ensure that it attains the objectives we are seeking.

Thank you, Hon. Temporary Deputy Speaker.

**The Temporary Deputy Speaker** (Hon. (Ms.) Mbalu): Very well spoken. We look forward to the day when you will bring amendments, so that we can do the right thing.

The last one is hon. Gideon Ochanda, Member for Bondo.

**Hon. Ogolla:** Thank you, hon. Temporary Deputy Speaker. I am actually a fisherman. I know many of us have been contributing in support and none is engaged in fishing. I am a fisherman in the House.

This is a sector that has changed over a period of time and has all manner of good and bad things. If you look at the economy of this country, sometime in the 1990s, fish was the second biggest export in this country; it was the second biggest income earner after tourism. Over a period of time, the sector has been going down. While this is happening, there have been certain communities that for some time were dependent on fishing for their livelihoods, particularly the communities around Lake Victoria. The main commodities that were sustaining the communities in Lake Victoria region, when you put aside fish, were sugarcane, cotton; all these activities have been deteriorating. So, you can imagine what has been happening to these communities. We are getting to very desperate levels.

If you look at fishing, for some time, it was considered a peasantry kind of activity, but it has changed to be a heavily commercialized activity that is sometimes beyond the local communities that are dependent on it. This is exactly why when you

look at this Bill, it proposes and brings in many issues and a lot of nice things that, in my view, will answer many questions.

My colleague from Rangwe has mentioned this. Fish is the only commodity in the world whose buyer determines the price. For the other commodities, it is the seller who determines the price. It is not so in fish business. So, we have been in a situation where marketing fish has been a big problem. I see that the Bill is proposing a whole arrangement of the marketing authority which in my view is very good.

The Bill is looking into many other aspects in terms of conservation. It is looking at many other aspects in terms of licensing, registration and regulation of services in terms of how we have to deal with the sector. This is encouraging. One thing that the Bill has also looked at, which is encouraging, is that it recognizes that we have adopted different methodologies of fishing. We are no longer in the traditional way of looking at things. We are talking about aquaculture. We are also talking about the whole issue of conflict, particularly in the fishing areas where one is using a different type of fishing method and another one is using a different type of fishing method, and then they have conflict.

At the moment, for example, I have a big problem in my constituency where there are those who are using hook-lines and there are those using what we call “*tembea*” which is like a trawler in the real sense. The people who are use the trawler kind of a system, at the end of the day, run around and scoop all the lines of the others who are using the hook method. It is a big conflict in the lake and the Bill is addressing this kind of conflict, which is very positive.

The only thing that I want to believe is going to be a big problem with this Bill is that it interfaces the national Government and the county government, particularly in the area of the fisheries. It is going to be a potential conflict which the Bill has not addressed very well. This must be looked at properly.

If you look at Schedule IV, the whole issue of protection and development of natural resources is given to the national Government, but if you look at the actual service and fisheries, it is given to the counties. The Bill is proposing some element of interfacing where, if there is a conflict, it will state how the conflict is going to be handled. I think this is one area that must be looked at afresh. I want to believe that the Committee plus some of us who are in this sector, must look at this very carefully, otherwise it is going to be a potential area of conflict, including, as usual going to court. Counties, many times are happier going to court. This is one area over which they can easily go to court, if we do not handle it very well. In my county, the biggest source of local revenue to the county government is fisheries. When we look at the idea that they are going to be charged levies by the Kenya Fisheries Service, we definitely see that it is going to be a potential area of conflict and counties might not accept the arrangement. In my view, we have to look at this issue seriously.

The other thing that the Bill has brought, that is going to be a bit of a problem, is that the authority and the entities that it has created have been given conflicting functions. We are talking about a board, a service and an authority. At the end of the day, there will be some elements of placement of functions that are conflicting.

I will conclude by saying that fisheries is a concurrent function between the national Government and the county governments. This Bill has to look at it in a more serious manner.

Thank you, Hon. Temporary Deputy Speaker.

**The Temporary Deputy Speaker** (Hon. (Ms.) Mbalu): Thank you. Very well spoken and expressed sentiments by the fisherman in the House.

Hon. Members, I do not have more requests on the Fisheries Management and Development Bill. I request the Mover to reply. Since I do not have authority from the Leader of Majority Party---

**An hon. Member:** On a point of order, hon. Temporary Deputy Speaker.

**The Temporary Deputy Speaker** (Hon. (Ms.) Mbalu): Nothing is out of order, hon. Member. I can give you direction. I instructed and ordered that if you are contributing on the Fisheries Management and Development Bill, you put your card into the intervention slot. This was agreed in the House and interventions were accepted.

Hon. Members, you can contribute on the next one. The Leader of the Majority Party is not in; so, I do order that the Mover will reply in the next sitting. The Question will be put in the next sitting.

## MOTION

### REPORT ON UNPAID PENSION DUES TO RETIRED TEACHERS

*(Hon. Melly on 30.4.2015)*

*(Resumption of debate interrupted on 30.4.2015)*

**The Temporary Deputy Speaker** (Hon. (Ms.) Mbalu): Thank you, hon. Members. The next Order is the Motion on the Report on Unpaid Pension Dues to Retired Teachers that was laid on the Table on 3<sup>rd</sup> April 2015. We had the hon. Julius Melly moving the Motion and he had a balance of 53 minutes for moving the Motion.

**Hon. Melly:** *(Technical hitch)* It looks like that microphone was not functional. In fact, the High Court in Nakuru ruled that the Chief Executive Officer (CEO) of the Teachers Service Commission (TSC) be committed to civil jail for not honouring the Court's ruling. The Government was also supposed to pay the retired teachers' lawyers around Kshs700 million, which is a waste of public resources. The Government is trying to defend what is not defensible. If you follow the rules of natural justice, these teachers are supposed to even be paid their money with interest because the Government owes them what is due to them.

Every time you will realise that the Government has been looking for an excuse as to why it does not want to pay the teachers. In the latest instance, the Department of Justice headed by the Attorney-General (AG) said that they had no legal basis to pay these teachers. I want to urge this House - we are a House of rules; we are the lawmakers who make laws of this country. Members of Parliament are the representatives of the

people. If there is any law which is hindering the retired teachers from getting their right, then it is upon this House to move amendments and provide for how pensions and retirement packages are supposed to be paid.

Even the Government has a moral authority to respect senior citizens of this country. When I talk of senior citizens, I am talking of these teachers who taught and retired way back in the 1990s. Many of them cannot even afford medical bills, transport or a decent meal, yet they worked for this country faithfully. They were very diligent, honest and served their country with dedication. As retired heroes of this nation, we are now putting them through a lot of sleepless nights. Their children cannot even go to school. They cannot honour their bills.

I want to urge this House that we pay these teachers. Even if it is how much, let it be paid to the last cent. We have a moral obligation as leaders of this nation to also respect workers who have worked. When we also retire one time, we will need to be respected and heard. We will need our dues to be paid in time. So, I urge Members that we pay the retired teachers. I urge you to support this Motion.

Thank you.

**The Temporary Deputy Speaker** (Hon. (Ms.) Mbalu): Please, Hon. Member, move it. Say you beg to move.

**Hon. Melly:** I beg to move the Motion, Hon. Temporary Deputy Speaker.

**The Temporary Deputy Speaker** (Hon. (Ms.) Mbalu): Who is your seconder?

**Hon. Melly:** I will ask Hon. Anami to second.

**The Temporary Deputy Speaker** (Hon. (Ms.) Mbalu): Hon. Silverse Anami, Member for Shinyalu.

**Hon. Anami:** Thank you, Hon. Temporary Deputy Speaker. This country has a lot of historical issues that we must reflect on and reconcile ourselves with. One of the issues is this one upon which we are reporting as the Departmental Committee on Education, Research and Technology. I think of old teachers and know that some of them were our teachers. We worked with them, I am thinking of other workers as well.

The other day we were debating on the post office and then we were also talking about the East African Community (EAC). A lot of these institutions have unfinished business with Kenyans who worked with them. All of them are related to pension. I have in mind someone like Leo Musakala, who has not been paid his pension having worked for the defunct EAC. I have in mind Kalimendi Likale Musonye, who has never been paid. I have in mind Apollo Lisutsa, a teacher who has produced professors. He could not even raise his fare to come to Nairobi. Each one of us can name somebody.

It is only fair that we cause the Government to pay these teachers because they participated in building this country and they have made their case. It is only fair that we cause the Government to appreciate and take stock of the losses these senior citizens have incurred as the Government holds on their pensions; they should be compensated. It is only fair that we take full stock of this; it is only at the claim of pension that the Government does not want to spend money, yet we hear of a lot of losses in the country.

Every time we have the Auditor-General's report, we have unused and wasted resources. We hear of corruption. Why can we not once and for all get serious as a Government of the people and pay Kenyans whose pensions are due?

With those remarks, I second.

**The Temporary Deputy Speaker** (Hon. (Ms.) Mbalu): You have seconded.

*(Question proposed)*

The first one on the request is Hon. Abdullswamad Nassir, Member for Mvita.

**Hon. Nassir:** Thank you very much, Hon. Temporary Deputy Speaker. What we need to realise is that facts and figures do not lie. This is something that involves 52,338 Kenyans who gave their sweat, time and allowed their brains to be “sipped” by future generations. These were teachers of this country. A society is judged by how it treats its teachers and bearers of knowledge. Facts and figures do not lie. In 1997 under Legal Notice No. 534, an agreement was reached between the teachers and the Government of this country. It was agreed that teachers would be paid commencing 1997 in five annual amounts. In 1997, teachers were paid their first tranche. In 1998, 1999, 2000, 2001 and up to-date in 2015, the balances have been nothing else but a mere dream.

In March, 2012, teachers came knocking on the doors of this institution, an institution that is seen as a symbol of hope and representation. Those same teachers were here to ask us to intervene and get what is rightfully theirs. Those matters had been discussed previously as per the HANSARD record of 23<sup>rd</sup> June 2010, 7<sup>th</sup> December 2010, 1<sup>st</sup> November 2011 and 22<sup>nd</sup> February 2012. Until today, the Government is playing games and is not explaining why it is not going to pay these teachers.

Hon. Temporary Deputy Speaker, Kshs3.34 billion of Kshs16 billion had been approved to be paid by the Tenth Parliament but nothing was paid. I am a bit perplexed because on 6<sup>th</sup> December 2012, the Attorney-General decided to write to the Chairman of the Departmental Committee on Education, Research and Technology saying they were not paying because they wished to get advice from the Teachers Service Commission on various facts, figures and issues to do with those payments. Someone should have reminded the Attorney-General and his office that this agreement was signed in 1997. From 1997 to 2012, if a letter was to be signed every day and sent to him, he would have had every one of the figures he was requesting. So, this is nothing but Government dilly dallying, playing on the hearts and emotions of the retired teachers and dangling a carrot to them.

On 11<sup>th</sup> February 2014 vide a court ruling in Nakuru based on HCCC 65 of 2006 and Nakuru Civil Appeal No.300 of 2009, the teachers won; the courts decided that the teachers had to be paid. The Kshs42 billion was to be split among 52,338 teachers. The Treasury then budgeted for Kshs16.7 billion in the 2014/2015 Financial Year but till today, despite this very House passing that those teachers be paid, the Treasury has been unable to pay them for the reason that it is waiting for legal guidance and counsel from the Attorney-General's Office.

We need to realise that as much as this Report has recommended what should be done, it has failed on one element. That is the element of putting heat under someone's comfort zone. Without this House passing resolutions and without this House being able to stir the right emotions for someone to move, then things are going to remain as they are. We are going to remain in the *status quo* that we have always been in. People need to be held accountable. We have people who have defied two supreme institutions in this country. The Judiciary has been defied and Parliament has been defied.

Someone has to be held accountable because we are looking at losses. Teachers have suffered. The people who taught us, taught presidents, Cabinet Secretaries, Judges and the fishermen of this country are suffering because of negligence. Someone has to be held accountable. The Attorney-General falls under the Executive and Kenyans need to realise that failure by the Executive is costing this country an extra Kshs765,200,000. I wish to try to decipher how someone will explain that this is what it will cost the Kenyan taxpayers.

In my parting remarks, I ask this House whether we will allow ourselves to be equally judged as those who were before us, or we are going to make that right decision and ensure that these teachers are paid their money. The families of those who have died since 1997 till today are currently in poverty. There is an old man who has been walking around every corridor trying to get justice for himself and others. We are the ones who will set this straight. I urge my colleagues to ensure that we not only pass this Report, but we also ensure that we seek justice for those who have had their amounts delayed. We should take to task every person who defied the two supreme organs of this country.

**The Temporary Deputy Speaker** (Hon. (Ms.) Mbalu): I must appreciate the very well done research. The next on the request is the Member for Wajir East, Hon. Abbas Mohamed.

**Hon. Abass Mohamed:** Thank you, hon. Temporary Deputy Speaker. I beg to support the Report. It is very unfortunate that today, 52,000 Kenyans cannot access their pension after working for this country. Teaching is a noble profession and most of us have been nurtured by teachers. Today, most of us must say “Thank you” to teachers. The same people who have been taught by the same teachers are becoming ungrateful. The likes of Kimemia and the Teachers Service Commission (TSC) leaders do not understand the plight of the teachers. This is very unfortunate. This House must support this Report, so that we can give these retired teachers their dues.

This country has enough resources. We are spending a lot of money on non-essential services, but we are not able to pay retired teachers from 1997 to date. Some of them have even died because of frustrations. They cannot pay their house rents, educate their children or afford health services. This is very unfair and it will not be fair to leave them unpaid any longer.

Having said that, we give a lot of money to retired Presidents and other officers like the Chief Justice (CJ). The other day we passed a Bill here to give them huge amounts of money. This is a one-time payment. The people we are paying a lot of money will be paid until they die. It is easier to pay the teachers than paying other people whom we do not know how long they will take before they die.

In my constituency, about 200,000 students do not have teachers. Most of them are not going to school and 92 schools have been closed. If some of these teachers can still teach, we can deploy them to northern Kenya to teach Kenyans who have been neglected as a result of insecurity, which is the responsibility of the Kenyan Government.

## ADJOURNMENT

**The Temporary Deputy Speaker** (Hon. (Ms.) Mbalu): Order, hon. Member! You will have seven minutes in the next sitting to complete your contribution. You can research more on this.

Hon. Members, the time being 6.30 p.m., the House stands adjourned until Wednesday, 10<sup>th</sup> June 2015 at 9.30 a.m.

The House rose at 6.30 p.m.