

# NATIONAL ASSEMBLY

## OFFICIAL REPORT

### SPECIAL SITTING

Wednesday, 16<sup>th</sup> December 2015

The House met at 9.30 a.m.

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

PRAYERS

QUORUM

**Hon. Deputy Speaker:** Obviously, we cannot start. So, can we have the Quorum Bell rung?

*(The Quorum Bell was rung)*

Members settle down. We are now able to transact business. Members, we may begin.

### COMMUNICATION FROM THE CHAIR

**Hon. Deputy Speaker:** Hon. Members, for anybody coming in, I have a Communication to give. Please settle down.

Hon. Members, allow me, first of all, to welcome you to this Special Sitting convened pursuant to the provisions of Standing Order No. 29(3); the purpose of which is to consider various businesses as indicated in the *Kenya Gazette* Notice of 9116 of 4<sup>th</sup> December 2015.

During this Special Sitting we shall be considering special motions on appointment of persons to the offices as chairpersons and members of the Ethics and Anti-Corruption Commission; appointment of persons as Cabinet Secretaries and appointment of persons as Principal Secretaries.

Hon. Members, the House will also be considering parts of the Bills to implement various articles of the Constitution with an enactment deadline of 27<sup>th</sup> August 2016 as follows:-

1. Third Reading of the Physical Planning Bill, National Assembly Bill, No. 46 of 2015.
2. Second Reading of the Forest Conservation and Management Bill, National Assembly Bill No. 49 of 2015.
3. Second Reading of the Natural Resources (Classes of Transactions Subject to Ratification Bill, National Assembly Bill No. 54 of 2015.

Hon. Members, debate on these two Bills had commenced before the recess.

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I have also been requested by the Leader of the Majority Party to allow the First Reading of the Proceeds of Crime and Anti-Money Laundering (Amendment) Bill, National Assembly Bill No. 64 of 2015 so that the Bill can be committed to various committees for public participation during the long recess.

Hon. Members, today's morning sitting is reserved for the tabling of reports of various committees involved in the vetting exercise. Thereafter, chairpersons will give Notices of Motions for the approval or rejection of the nominees. It is the action of giving notice that will pave way for consideration of the reports in the afternoon today. Further, any Member(s) who may wish to propose amendments to the motions of respective nominees are hereby reminded to give notices of such amendments in writing to the Clerk at least two hours before the 2.30 p.m. sitting in accordance with provisions of Standing Order No.55(1).

Hon. Members, should we not be able to conclude the business of the sitting today, the House will resume tomorrow for the balance of the Special Sitting. Allow me to take this early opportunity to express sincere appreciation to the Chairpersons and Members of all the 13 Committees involved in the vetting exercise. Your commitment to this exercise is invaluable, especially for heeding the call for austerity measures and agreeing to hold sittings within the precincts of Parliament to consider the various reports.

I thank you.

### PAPERS LAID

**Hon. A.B. Duale:** Hon. Deputy Speaker, I beg to lay the following Paper on the Table of the House today, Wednesday 16<sup>th</sup> December 2015:-

The Fifth Report of the Committee on Appointments on the vetting of seven nominees for the appointment as Cabinet Secretaries.

**Hon. Chepkong'a:** Hon. Deputy Speaker, I beg to lay the following Paper on the Table of the House today, Wednesday 16<sup>th</sup> December 2015:-

Report of the Departmental Committee on Justice and Legal Affairs on the Approval of the nominees for appointment as Chairpersons and Members of Ethics and Anti-Corruption Commission (EACC).

The County Assembly Powers and Privileges Bill, 2014.

**Hon. Kiptanui:** Hon. Deputy Speaker, I beg to lay the following Paper on the Table of the House today, Wednesday, 16<sup>th</sup> December 2015:-

The Report of the Departmental Committee on Energy, Communication and Information on the vetting of Mr. Sammy Itemere, Eng. Victor Kyalo and Mr. Andrew Ng'ang'a Kamau, nominees for appointment as Principal Secretaries in the State departments of Broadcasting and Telecommunications, ICT and Innovation and Petroleum respectively.

**Hon. Gaichuhie:** Hon. Deputy Speaker, I beg to lay the following Paper on the Table of the House today, Wednesday, 16<sup>th</sup> November 2015:-

Report of the Departmental Committee of Finance, Planning and Trade on the vetting of Mr. Joseph Saitoti Torome, Mr. Julius Kiplangat Korir, Miss. Fatuma Hersi and Dr. Christopher Kiprotich Kiptoo, nominees for appointment as Principal Secretaries in the State departments of Planning, Statistics, Industrialization and Enterprise Development, Tourism and International Trade respectively.

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**Hon. Abongotum:** Hon. Deputy Speaker. I beg to lay the following Papers on the Table of the House today, Wednesday 16<sup>th</sup> December 2015:-

The Report of the Joint Departmental Committees on Administration, National Security, Labour and Social Welfare on the vetting of Ms. Lilian Mbogo Omollo, Principal Secretary nominee for the State Department for Youth and Public Service.

The Report of the Departmental Committee on Administration and National Security on the vetting of Principal Secretary nominee for the State Department for Correctional Services, Mr. Micah Powon.

**Hon. (Ms.) Abdalla:** Hon. Deputy Speaker, I beg to lay the following Paper on the Table of the House today, Wednesday, 16<sup>th</sup> December 2015:-

Report of the Departmental Committee on Environment and Natural Resources on the vetting of Principal Secretary nominee for the Ministry of Environment and Natural Resources, Mr. Charles Sunkuli, State Department for Environment and Dr. Margret Mwakima, State Department for Natural Resources

**Hon. Kamanda:** Hon. Deputy Speaker. I beg to lay the following Paper on the Table of the House today, Wednesday 16<sup>th</sup> December 2015:-

Report of the Departmental Committee on Transport, Public Works and Housing on the vetting of Principal Secretary nominee in the Ministry of Transport, Infrastructure, Housing and Urban Development, Ms. Aidah Njeri Munano, State Department for Urban Development; Prof. Maringa Mwangi, nominee State Department for Public Works; Mr. Wilson Nyakera Irungu, nominee State Department for Transport; and Mrs. Nancy Wakarima Karigithu, nominee State Department for Maritime Commerce.

**Hon. Deputy Speaker:** Thank you. The next one is the Chairperson for the Departmental Committee on Defence and Foreign Relations.

**Hon. Gethenji:** Hon. Deputy Speaker, I beg to lay the following Paper on the Table of the House:-

The Report of the Departmental Committee on Defence and Foreign Relations on the vetting of Amb. Peter K. Kaberia, and Ms. Betty Chemutai Maina, nominees for appointment as Principal Secretaries for Defence and East African Community Integration respectively

**Hon. Deputy Speaker:** Chairperson of the Departmental Committee on Agriculture, Livestock and Cooperatives.

**Hon. Nooru:** Hon. Deputy Speaker, I beg to lay the following Paper on the Floor of the House:-

Report of the Departmental Committee on Agriculture, Livestock and Cooperatives on the vetting of Dr. Andrew K. Tuimur and Mr. Patrick Nduati Mwangi, nominees for appointment as Principal Secretaries in the State Department of Livestock and Irrigation respectively

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

**Hon. (Ms.) R. K. Nyamai:** Hon. Deputy Speaker, I beg to lay the following Papers Table of the House:-

Report of the Departmental Committee on Health on the vetting of Dr. Nicholas Muraguri, nominee for appointment as Principal Secretary for Health.

Consideration of the Petition by Mr. Solomon Muriungi regarding amendment of the Cancer Prevention and Control Act, 2012,

Consideration of the Petition by Mr. Dennis Githinji on behalf of university students and graduates of Bachelors, Masters and PhD Degrees in Laboratory Medicine in Kenya regarding registration and regulation of the practice of degree holders in medical laboratory science and technology.

**Hon. Deputy Speaker:** Chairperson of the Departmental Committee on Education, Research and Technology.

**Hon. (Ms.) S.W. Chege:** Hon. Deputy Speaker, I beg to lay the following Paper on the Table of the House today:-

Report of the Departmental Committee on Education, Research and Technology on vetting of Dr. Dinah Jerotich Mwinzi, Principal Secretary nominee for the State Department of Vocational and Technical Training in the Ministry of Education, Science and Technology

**Hon. Deputy Speaker:** Chairperson of the Departmental Committee on Labour and Social Welfare.

**Hon. Were:** Hon. Deputy Speaker, I beg to lay the following Paper on the Table of the House:-

The Report of the Departmental Committee on Labour and Social Welfare on the vetting of Ms. Susan N. Mochache, Ms. Zeinab W. Hussein and Mr. Joseph Robert Okudo, nominees for appointment as Principal Secretaries for State departments of Social Security and Services, Gender Affairs and Culture and respectively.

**Hon. Deputy Speaker:** Lastly, in that order, is the Chairperson of the Departmental Committee on Administration and National Security. Do you have another Report to lay?

**Hon. Abongotum:** Hon. Deputy Speaker, I have already laid my Report.

**Hon. Deputy Speaker:** That must have been a mistake on the Order Paper. That brings us to the end of that Order. We will now proceed to the next Order, which is the most important as it will enable debate in the afternoon.

## NOTICES OF MOTIONS

**Hon. Deputy Speaker:** Hon. Members, we will follow the order in which the Papers were laid.

### ADOPTION OF REPORT ON VETTING OF NOMINEES FOR APPOINTMENT AS CABINET SECRETARIES

**Hon. A.B. Duale:** Hon. Deputy Speaker, I beg to give notice of the following Motion:-

THAT, this House adopts the Fifth Report of the Committee on Appointments on the vetting of seven nominees for appointment as Cabinet Secretaries, laid on the Table of the House on Wednesday 16<sup>th</sup> December, 2015 and pursuant to the provisions of Article 152(2) of the Constitution, approves the appointment of the following-

- (i) The Hon. Festus Mwangi Kiunjuri as Cabinet Secretary for the Ministry of Devolution and Planning;
- (ii) Senator Charles Cheruiyot Keter as Cabinet Secretary for the Ministry of Energy and Petroleum;
- (iii) Dr. Cleopa Kilonzo Mailu as Cabinet Secretary for the Ministry of Health;

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- (iv) Mr. Willy Kipkorir Bett as Cabinet Secretary for the Ministry of Agriculture, Livestock and Fisheries;
- (v) Mr. Joseph Wakaba Mucheru as Cabinet Secretary for the Ministry of Information, Communication and Technology;
- (vi) Ms. Sicily Kanini Kariuki as Cabinet Secretary for the Ministry of Public Service, Youth and Gender Affairs; and,
- (vii) Hon. Daniel Kazungu Muzee as Cabinet Secretary for the Ministry of Mining.

ADOPTION OF REPORT ON VETTING OF NOMINEES  
FOR APPOINTMENT TO EACC

**Hon. Chepkong'a:** Hon. Deputy Speaker, I beg to give notice of the following motion:-

THAT, this House adopts the Report of the Departmental Committee on Justice and Legal Affairs on the Vetting of Nominees for Appointment as Chairperson and Members of the Ethics and Anti-Corruption Commission (EACC), laid on the Table of the House on Wednesday 16<sup>th</sup> December 2015 and pursuant to the provisions of Article 132(2) of the Constitution and Section 10 of the EACC Act, approves the appointment of Philip K.B. Kinisu as Chairperson; Dr. Dabar Abdi Maalim, Paul Mwaniki Gachoka, Sophia Lepuchirit and Rose Mghoi Mtambo-Macharia as Members of the Ethics and Anti-Corruption Commission (EACC).

ADOPTION OF REPORTS ON VETTING OF NOMINEES  
FOR APPOINTMENT AS PRINCIPAL SECRETARIES

**Hon. Kiptanui:** Hon. Deputy Speaker, I beg to give notice of the following Motion:-

THAT, this House adopts the Report of the Departmental Committee on Energy, Communication and Information on the vetting of Mr. Sammy Itemere, Eng. Victor Kyalo and Mr. Andrew Ng'ang'a Kamau, nominees for appointment as Principal Secretaries in the State Department of Broadcasting and Telecommunications, ICT and innovation, and Petroleum respectively laid on the Table of the House on Wednesday 16<sup>th</sup> December 2015, and pursuant to the provisions of Article 125(3) of the Constitution, approves the appointment of Mr. Sammy Itemere as Principal Secretary for the State Department of Broadcasting and Telecommunication; Eng. Victor Kyalo as Principal Secretary for the State Department of ICT and Innovation, and Mr. Andrew Ng'ang'a Kamau as Principal Secretary for the State Department of Petroleum.

Thank you, Hon. Deputy Speaker.

**Hon. Gaichuhie:** Hon. Deputy Speaker, I beg to give notice of the following Motion:-

THAT, this House adopts the Report of the Departmental Committee on Finance, Planning and Trade on the Vetting of Persons for Appointment as Principal Secretaries, laid on the Table of the House on Wednesday, 16<sup>th</sup> December 2015, and pursuant to the provisions of Article 155(3) of the Constitution, approves the appointment of-

- (i) Mr. Saitoti Torome as the Principal Secretary, State Department of Planning and Statistics;
- (ii) Mr. Julius Korir as the Principal Secretary, State Department of Industry and Enterprise Development;
- (iii) Ms. Fatuma Hersi as the Principal Secretary, State Department of Tourism; and,
- (iv) Dr. Chris Kiptoo as the Principal Secretary, State Department of International Trade.

Thank you, Hon. Deputy Speaker.

**Hon. Abongotum:** Hon. Speaker, I beg to give notice of the following Motions:-

THAT, this House adopts the Report of the Joint Departmental Committees on Administration and National Security, and Labour and Social Welfare on the vetting of nominee for appointment as Principal Secretary for the State Department for Youth.

THAT, this House adopts the Report of the Departmental Committee on Administration and National Security on the vetting of the nominee for appointment as Principal Secretary for the State Department for Correctional Services, laid on the Table of the House today, Wednesday 16<sup>th</sup> December 2015 and pursuant to provisions of Article 155(3) of the Constitution, approves the appointment of Mrs. Lilian Mbogo Omollo as Principal Secretary for the State Department for Youth and Public Service and Mr. Micah Powon as Principal Secretary for the State Department of Correctional Services.

Thank you, Hon. Deputy Speaker.

**Hon. Deputy Speaker:** Thank you. Let us have the Chairperson of the Departmental Committee on Environment and Natural Resources.

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

THAT, this House adopts the Report of the Departmental Committee on Environment and Natural Resources on the vetting of persons for appointment as Principal Secretaries laid on the Table of the House today, Wednesday 16<sup>th</sup> December 2015 and pursuant to the provisions of Article 155(3)(b) of the Constitution approves the appointment of Mr. Charles Sunkuli as Principal Secretary, State Department of Environment and Dr. Margaret Mwakima as Principal Secretary, State Department of Natural Resources.

Thank you.

**Hon. Deputy Speaker:** Thank you. Let have the Chairperson, Departmental Committee on Transport, Public Works and Housing.

**Hon. Kamanda:** Hon. Deputy Speaker, I beg to give notice of the following Motion:-

THAT, this House adopts the Report of the Departmental Committee on Transport, Public Works and Housing on the vetting of the Principal Secretary nominee in the Ministry of Transport, Infrastructure, Housing and Urban Development laid on the Table of the House today, Wednesday 16<sup>th</sup> December 2015 and pursuant to provisions of Article 155(3) of the Constitution approves the appointment of Ms. Aidah Njeri Munano as Principal Secretary nominee for the State Department of Housing and Urban Development, Prof. Paul Maringa

Mwangi, nominee Principal Secretary Department of Public Works, Wilson Irungu nominee for Principal Secretary, Department of Transport and Mrs. Nancy Wakarima Karigithu, nominee Principal Secretary State Department for Maritime and Commerce.

Thank you, Madam Deputy Speaker.

**Hon. Deputy Speaker:** Thank you. The next Chairperson is for the Departmental Committee on Defence and Foreign Relations.

**Hon. Gethenji:** Hon. Deputy Speaker, I beg to give notice of the following Motion:-

THAT, this House adopts the Report of the Departmental Committee on Defence and Foreign Relations on the vetting of nominees for appointment as Principal Secretaries for Defence and East African Community and Integration laid on the Table of the House today, Wednesday 16th December 2015 and pursuant to provisions of Article 155 (3) of the Constitution approves the appointment of Amb. Peter K. Kaberia as Principal Secretary for Defence and Ms. Betty C. Maina as Principal Secretary for East African Community and Integration.

**Hon. Deputy Speaker:** Thank you. The Chairperson, Committee on Agriculture, Livestock and Cooperatives.

**Hon. Nooru:** Hon. Deputy Speaker, I beg to give notice of the following Motion:

THAT, this House adopts the Report of the Departmental Committee on Agriculture, Livestock and Cooperatives on the vetting of Dr. Andrew K. Tuimur and Patrick Nduati Mwangi as nominees for appointment for Principal Secretaries in the State Department of Livestock and Irrigation respectively laid on the Table of the House today, Wednesday 16<sup>th</sup> December 2015 and pursuant to the provisions of Article 155(3) of the Constitution approves the appointment of Dr. Andrew K. Tuimur as the Principal Secretary for the State Department for Livestock and Patrick Nduati Mwangi as the Principal Secretary for State Department of Irrigation.

Thank you, Hon. Deputy Speaker.

**Hon. Deputy Speaker:** Thank you. Let us have the Chairperson of the Departmental Committee on Health.

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

THAT, this House adopts the Report of the Departmental Committee on Health on the vetting of the nominee for the appointment as Principal Secretary for Health, laid on the Table of the House today Wednesday 16th December 2015 and pursuant to the provisions of Article 155(3) of the Constitution approves the appointment of Dr. Nicholas Muraguri as Principal Secretary for Health.

Thank you, Hon. Deputy Speaker.

**Hon. Deputy Speaker:** Thank you. Let us have the Chairperson of the Departmental Committee on Education, Research and Technology.

**Hon. (Ms.) S.W. Chege:** Hon. Speaker, I beg to give notice of the following Motion:-

THAT, this House adopts the Report of The Departmental Committee on Education, Research and Technology on the vetting of the nominee for appointment as Principal Secretary for the State Department of Vocational and Technical Training in the Ministry of Education

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Science and Technology laid on the Table of the House today, Wednesday 16<sup>th</sup> December, 2015 and pursuant to the provisions of Article 155(3) of the Constitution approves the appointment of Dr. Dinah Jerotich Mwinzi as Principal Secretary for the State Department of Vocational and Technical Training.

Thank you. Hon. Deputy Speaker.

**Hon. Deputy Speaker:** Then finally, the Chairperson of the Departmental Committee on Labour and Social Welfare.

**Hon. Were:** Hon. Speaker, I beg to give notice of the following Motion:-

THAT, this House adopts the Report of the Departmental Committee on Labour and Social Welfare on the vetting of Ms. Susan M. Mochache, Ms. Zainab W. Hussein and Mr. Joseph Robert Okudo nominees for appointment as Principal Secretaries for State Departments of Social Security and Services, Gender Affairs and Culture and Arts respectively laid on the Table of the House today, Wednesday 16<sup>th</sup> December 2015 and pursuant to the provisions of Article 155(3) of the Constitution approves the appointment of Ms. Susan N. Mochache as the Principal Secretary for the State Department of Social Security and Services, Ms. Zainab W. Hussein as the Principal Secretary for the State Department for Gender Affairs and Mr. Joseph Robert Okudo as Principal Secretary for the State Department of Culture and Arts.

Thank you, Hon. Deputy Speaker.

**Hon. Deputy Speaker:** That brings us to the end of that Order. Before we go to the next Order, I see Hon. Hellen Sambili and Hon. James Nyikal on intervention. Are you on a point of order? Hon. Nyikal and Hon. Sambili, I see you have pressed the intervention button. So, silence means you are okay. Just be aware that you have pressed the intervention button. Next Order.

## BILLS

### *Third Reading*

#### THE PHYSICAL PLANNING BILL

*(Question put and agreed to)*

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

**Hon. Deputy Speaker:** Hon. Members, as is indicated in the Bill, it concerns county governments in terms of Article 109 (4) of the Constitution since it contains provisions that affect the functions and the powers of the county governments as set out in the Fourth Schedule of the Constitution. This Bill will now proceed to the Senate.

Thank you.

## BILL

### *Second Reading*

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## THE FOREST CONSERVATION AND MANAGEMENT BILL

*(Hon. Katoo on 3.12.2015)**(Resumption of Debate interrupted on 3.12.2015)*

**Hon. Deputy Speaker:** The Hon. Amina had a balance of seven minutes in “seconding” the Bill. Proceed to use the seven minutes.

**Hon. (Ms.) Abdalla:** Thank you, Hon. Deputy Speaker. I was “seconding” the Forest Conservation and Management Bill in which I was highlighting to the Members the major changes. I had noted that pre-publication scrutiny of Bills tends to assist in the amount of amendments that are needed because the Committee had already interacted with this Bill.

The issue is the process through which the de-gazettement or the realignment of forest boundaries is to be undertaken. In the 2005 legislation and in the current proposal, it is the Ministry and the Kenya Forest Service (KFS) that is to provide a Motion for de-gazettement or change of boundaries. The effect of this is that if a civil servant colludes with the KFS, they can decide to declare your area a forest. This is the challenge that is facing the Members of Parliament from Tana River County. A high percentage of their land mass has been declared a forest reserve. For now, even though the House has passed two petitions to de-gazette the said forest reserves or to change the boundaries, that responsibility is still taken back to the civil servants who were in the first place the persons who pushed for the gazettement of the same. We will be urging that those Bills be streamlined so that this House does not act in vain where we approve petitions to alter boundaries of forest reserves. We realize that that is not in our powers to implement, rather it has to go back to the same civil servants.

This Bill is very progressive because it appreciates that the Government should not be in business but should look for the best practices and the most profitable means of managing resources under their docket by providing for concessions of Government forests. This Bill, given the amendments that I had previously spoken about, will recognize all forests, either county or national, as public forest. This is because once an area is declared a forest, it becomes public forest in line with our Constitution.

This Bill is going to strengthen the KFS, the Kenya Forest Training Institute (KFTI) in Londiani and also the Kenya Forest Research Institute (KEFRI). As I had said earlier, our KEFRI is doing great research. It is the interpretation of that research into tangible profit-making and sustainable beneficial activity that is lacking. So, due to those realities that my committee has noted, we intend to ensure that the Board of the KFS has representation from the KEFRI for purposes of integrating the great research that is being done.

I had spoken for over 20 minutes before, therefore, with those many remarks, I would like to “second” this Bill and urge this House to pass it.

Thank you, Hon. Deputy Speaker.

**Hon. Deputy Speaker:** Thank you. Hon. Members, I would like to propose the Question. Can the Members getting out of the House do so quickly?

I am guided that the Question had been put. Hon. Amina was contributing as the Chairperson of that particular Committee. So, we may continue with debate on this. The first on my list is Hon. Daniel Maanzo.

**Hon. Maanzo:** Thank you, Hon. Deputy Speaker. I rise to support this very important law which originates from Article 69 of the Constitution. It is one of the laws where the original Forest Act had to be amended to conform to the new Constitution. The issue of forest cover and forest conservation is a very serious matter because we have a small percentage of forest cover in the country. Indeed, we have been taking personal initiatives. For example, recently in Makueni, the professionals went out to conduct a tree planting exercise. We have also been encouraging individuals to plant trees because the forest cover in Kenya is low, hence the need for afforestation.

There are a few things to note as far as forest conservation is concerned; most families in the rural areas use firewood every day. It is estimated that they use a minimum of 10 to a hundred kilos of firewood daily. This means that a tree is lost to a family every day without being replaced. Therefore, a general policy and law to guide re-afforestation is very important.

The other issue is protection of indigenous trees. We need to protect them so that we not only have exotic trees. Most of the indigenous trees grow naturally. In some countries of the world the indigenous forest cover is high and the desertification is checked.

*(Loud consultations)*

**Hon. Deputy Speaker:** Order, Hon. Members! The consultations are too high.

**Hon. Maanzo:** This will protect the Ozone layer thus reducing the warming effect in the world. Global warming leads to a lot of calamities such as *El Nino* which we are experiencing now, among other things. Therefore, this law is very important because it is going to check a lot of things relating to the environment.

There is also the issue of charcoal burning. Most families use charcoal as a source of energy. What solutions are we providing? The more affluent Kenyans like the Members of Parliament rear livestock. It would be a good proposal that they use biogas since it will reduce the use of firewood and charcoal. Kenya is now a rich country since oil and gas deposits have been found. It is also good to exploit this since it will save our forests. If gas is sold as it is done in Europe and other places, it will reduce the cutting of trees and the use of charcoal and firewood and other material that may poison people. For instance, some type of trees if used as firewood in houses that are not well ventilated produce carcinogens which are cancer causing agents.

I have looked at this law and I realize that it provides for groups taking up the role of developing seedlings and marketing them. This is a matter that will be handled at both the national and the county level where seedlings could be purchased from such groups. In my constituency we have used a percentage of the CDF money for environmental purposes. We are funding such groups and they are now able to sell seedlings to various places. We have also hired people to protect trees which have been planted by these groups in the forest areas. If that is done in many parts of the country, it will be a good thing. This, therefore, calls for sensitization and Parliament and county governments are the places to begin with. This will ensure that every time we have rains, Kenyans are asked to plant trees. Also, when one cuts a tree, they must replace it with two or more trees.

There has also been participation by Non-Governmental Organizations (NGOs) and international bodies, which have been providing seedlings. Most importantly, since I am running out of time, is the alternative use of energy such as electricity. We have proposed Thwake Dam

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in Makueni, which will generate electricity to be used by locals. The electrification going on in the country will enable more people to begin using it in their homes so that we can save trees from being cut down. Otherwise, this is a very important law. I want to support it and urge Members to also support it so that we can save our forests and grow more trees in our country and have a better global environment.

**Hon. Deputy Speaker:** Hon. Justice Kemei! Is he in the House? If not, let us have Hon. Ali Wario.

**Hon. Wario:** Asante Mhe. Naibu Spika kwa kunipa fursa hii. Nimesimama kuiunga mkono Mswada ulio mbele yetu kuhusu uhifadhi wa misitu.

Duniani nzima, na Kenya kama nchi, ni muhimu tuhifadhi misitu. Lakini huo mchakato wa kuhifadhi misitu ni lazima uwe na utu na uheshimu jamaa ambao wanaishi katika sehemu hizo. Mwezi wa nne mwaka uliopita nilileta teteze Bungeni juu ya kubadilishwa kwa mpaka wa misitu katika kaunti ya Tana River.

**Hon. (Prof.) Nyikal:** On a point of order, Hon. Deputy Speaker.

**Hon. Deputy Speaker:** Hon. Nyikal, I cannot see your card on the system although it was there before as you had put it as an intervention.

Please, proceed.

**Hon. (Prof.) Nyikal:** Thank you, Hon. Deputy Speaker. I stand under Standing Order No.29. This is a Special meeting of the House. According to the Standing Orders, we are expected to discuss the specific issues contained in the Gazette Notice that we saw. One would have expected that the specific Motions or Bills would be listed down. So, I seek your guidance on whether the House is really proceeding in a procedural manner.

Thank you, Hon. Deputy Speaker.

**Hon. Deputy Speaker:** You will need to give me a few minutes so that I can get the Gazette Notice and respond. In the meantime, we continue.

**Hon. Wario:** Asante, Mhe. Naibu wa Spika.

Kwanza, ingawaje ninaunga mkono Mswada huu, nina dukuduku kadhaa. Hektea 123,000 za ardhi katika sehemu ninayowakilisha Bungeni zimechukuliwa. Shule za msingi na zile za upili, pamoja na hospitali, sasa ziko katika sehemu ya msitu. Nilileta teteze Bungeni mwezi wa nne mwaka uliopita. Kamati husika ya Bunge hili ilitumwa huko na kujionea ukweli wa mambo. Kamati hiyo imeleta pendekezo kwamba mipaka ya misitu katika kaunti ya Tana River, na haswa katika sehemu ya Bura, ibadilishwe. Kwa bahati mbaya ama nzuri, Ibara ya 28 ya Sheria ya Misitu, ambayo ilipitishwa na Bunge kabla ya Ripoti ya Kamati husika kuwakilishwa Bungeni, imeipatia Wizara husika mamlaka ya kubadilisha mipaka ya misitu, licha ya Bunge kupitisha tetezi iliyowakilishwa hapa, baada ya kujionea matatazo yanayowakumba wakazi wa Tana River. Wizara ya Misitu imeshikilia msimamo wake wa awali, na mpaka leo wamekataa kubadilisha mipaka ya misitu katika eneo la Bura.

Langu ni kuliomba Bunge hili kwamba, ingawaje sisi wakazi wa Bura tunapenda kuhifadhi misitu, tusichukue ardhi ambako kuna shule za umma, hospitali na vituo vya polisi na kuifanya sehemu ya msitu. Ndiposa ninawaomba Wabunge waniunge mkono ili nilete rekebisho kwa Kipengele cha 33 ili mamlaka ya kubadilisha mipaka ya misitu yaondolewe kutoka kwa Wizara na kuletwa Bungeni ndiyo tukishirikiana na National Land Commission, tuangalie mchakato wa kubadilisha mipaka ya misitu.

Kule Tana River, shule ambazo tuko nazo tayari ni chache. Je, Wizara ya Misitu ikizifunga kwa madai ya kuwa ziko katika sehemu za misitu, licha ya kwamba gazetttment

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ilifanywa 2013, hali ya elimu itakuwaje katika sehemu ile? Shule hizo zilizengwa miaka 20 au 30 iliyopita. Hii ni thuluma kwa watu wa Tana River. Ingawaje tunataka kuhifadhi misitu, uhifadhi wa misitu usitumiwe kutunyima sisi fursa ya kuelimisha watoto wetu.

Kwa hayo machache, hii ni arifa ninatoa kwa Bunge: Ninaomba siku hiyo itakapofika, niruhusiwe nilete pendekezo la marekebisho ya sheria hiyo.

Ahsante, Mhe. Naibu Spika.

**Hon. Deputy Speaker:** Before we continue, so as to allay any fears that you may be having, Prof. Nyikal, I would like to bring to your attention the contents of the Gazette Notice that called for this Special Sitting. I do not know if you were here when I communicated to the House on this matter this morning. Clearly, as per the relevant Standing Order, as you said, we specified in the Gazette Notice what we were coming to consider. The Gazette Notice, a copy of which I am holding, clearly states the matters to be considered as follows: Special Motion for appointment of persons to the office of chairperson and members of the Ethics and Anti-Corruption Commission; consideration of Special Motion for appointment of persons as Cabinet Secretaries; consideration of Special Motion for appointment of persons as Principal Secretaries; and consideration of Bills to implement various Articles of the Constitution with enactment deadline of 27<sup>th</sup> August 2016.

That is the point where the debate that is ongoing now is. As I indicated in my Communication earlier on, we will be considering parts of the Bills to implement various Articles of the Constitution with a deadline of 27<sup>th</sup> August 2016. Remember that these are Bills which will be going to the Senate. We are trying to make sure that there is ample time for them to be dealt with by the two Houses.

Thank you.

We may continue. Hon. Leshoomo.

**Hon. (Ms.) Leshoomo:** Ahsante Mhe. Naibu Spika, kwa kunipatia nafasi hii ili nijaribu kuiunga mkono Mswada huu.

Nikizungumzia mambo ya misitu, kisheria ingekuwa muhimu kujua njia, barabara na mipaka ya misitu. Katika kaunti ya Samburu tuko na shida sana kwa sababu kuna watu wengi ambao wanaishi kwenye misitu. Ukiangalia ramani, utaona kwamba wako nje ya msitu. Lakini kwa sababu mpaka wa msitu huo haujulikani, wananchi wanahangaika. Hawajui mpaka wa msitu na mahali ambapo wanaishi. Mara kwa mara, wananchi husumbuliwa na kuambiwa wako ndani ya msitu.

Wananchi hao wako na shida sana. Hata mimi, na miaka yangu yote, nilizaliwa ndani ya msitu huo. Watu hawana shule, hospitali ama maji, na wanateseka. Mara kwa mara, wanaambiwa wahame kutoka kwa msitu. Kwa hivyo, ni muhimu mipaka ya misitu ijulikane ili wananchi pia wapate kujua iwapo wanaishi msituni ama la. Hii ni kwa sababu tumesumbuka sana katika Kaunti ya Samburu. Katika baadhi ya sehemu hizo, shule zilizengwa miaka 40 iliyopita na watu sasa hivi wanambiwa wahame kwa sababu makazi yao yako katika sehemu ya msitu. Kwa hivyo ni muhimu mipaka katika makazi ya wananchi na misitu ijulikane. Kuna mpaka ambao umechorwa mara mingi. Kila mwaka huo mpaka uko kwa ramani nyingine. Ramani zinatolewa kila wakati. Wananchi wanaishi kwa njia ambayo haistahili na watoto wao hawaendi shule. Nikiwa mwakilishi wa Kaunti ya Samburu, nimesema kuwa hapo wanapoishi watakuwa na shule. Tumeagana na gavana wetu tukasema lazima tuweke shule na hospitali ili watu wapate njia ya kujisaidia. Mara kwa mara wanaambiwa wako kwa msitu na hawako msituni. Kwa hivyo ni vizuri mpaka ujulikane.

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Asante kwa kunipatia nafasi hii. Tutazidi kufuata njia ya kutafuta mpaka wa msitu.

**Hon. Deputy Speaker:** Hon. Jackson Kiptanui.

**Hon. Kiptanui:** Thank you, Hon. Deputy Speaker for giving me this opportunity to contribute to this Forest Conservation and Management Bill. As we debate this Bill, it is good to note that a few weeks ago, there was a conference which took place at Safari Park, where quite a number of members of parliament from this Continent attended. The main issues they were discussing were to do with climate change.

Two weeks ago, over 150 leaders of the world, especially a number of heads of state including our President, were in Paris, France, to attend a United Nations (UN) Summit to save the earth from adverse effects of climate change. We are all aware that issues to do with climate change are not only environmental but also affect our social, political and economic life. Some of the measures that are being deployed to contain this global warming and climate change challenge include issues to do with increase of forest cover to at least 10 per cent in each and every county.

If we do not play a key role as a country in conserving our forest and our environment we should be ready to adapt to the changing climatic conditions. We should be ready to adapt to the changing temperatures and rainfall patterns. We should also be prepared to face the challenges of *El Nino* and *La Nina*. When it comes to adaptation to these climatic changes, those who conserve the environment and those who destroy it will all feel its effects. Therefore, we should all be ready and willing to conserve this environment.

I come from Elgeyo Marakwet County. When it comes to environmental conservation, I believe we are among the leading counties in this country. Our forest cover is over 20 per cent. The main challenge we have is that as much as we have maybe the largest or second largest forest cover in the country, the local community is not benefiting from this resource. We conserve the environment, especially the forest, but when plantations are mature and ready for harvesting, you find that investors from other areas of this country are given first priority and licence to harvest this forest. After harvesting these trees, these investors do not plant others. They destroy our road network and leave it in a very bad state. They do not even construct one classroom or dispensary. They do not give bursaries and that is why I support the provision in Part IV of this Bill which talks about incentives for increasing forest and tree cover.

I also support Part V which talks about community participation. Once this Bill is passed, investors will be required to share the benefits with the local community. This Bill has given options on what the investors and those who benefit from the forest are required to do for the locals, including improving infrastructure, schools and other social amenities. My view is as much as we are passing this Bill, first priority should be given to the local community when it comes to harvesting of this resource.

Another issue of concern is that some of the facilities we have in our forested areas do not have title deeds. In Elgeyo Marakwet County, we have over 23 schools without title deeds. We have dispensaries and trading centres. These facilities were given allotment letters by the previous regimes. It is my wish that the current Government moves ahead to formalise and issue them with title deeds because they were given allotment letters by a government. Indeed, what the previous government did should be honoured by the current regime. If, indeed, they respect what the other regimes did then in future they will also be respected.

Hon. Deputy Speaker, we have people who have been living in forests for quite a number of years. As we pass this Bill, we should consider the issue of forest evictees. We should

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consider people who have been moved from escarpments, landslide-prone areas and people who have been moved through exchange programme. We should ensure that these people we have moved from the forested areas must and should be resettled once and for all and should be given title deeds. It is so sad that a number of them who were moved over 20 years ago are yet to be given title deeds in the areas they were given.

As I finalise, we should provide a simpler way of getting permission to do some programmes through the forested areas. I am talking about the road network. Why are we forcing citizens to cover a long distance when we can provide a shortcut through the forest? If a community requests for a road network through a forest or they want to do a water pipeline, the process should be very clear. We should ensure that as long as the forest is being conserved, members of the public should be allowed to pass through the forest.

On page 2668 on the board of management, there is a provision for having directors from different bodies. My concern is that when you look at Clause 8 on the formation of the board, we have not considered gender and regional balance. Clause 8(e) says: "Four other persons appointed by the Cabinet Secretary, of whom one shall be nominated by the Forest Society of Kenya; one shall be nominated by a national body representing community forest associations; one shall represent the forest industry and one shall represent the civil society working in forest conservation."

I think there will be a lot of conflict of interest when you have over 25 per cent of the members of the board having some interest in this area. I will propose some amendments on the same so that we ensure that this board becomes independent, respects the Constitution and we have regional balance.

When you look at Clause 8(b) you will realise that the Principal Secretary (PS) responsible for forestry is a man, the PS responsible for the National Treasury is also a man and the Director-General is also a man. I am sure the others will be men. We must consider issues to do with gender and ensure that this board will comply with Article 6 of our Constitution.

Finally, all of us should play a role and borrow a leaf from the former Head of State, Retired President Moi. During his time, he was a champion of forest conservation. He used to have a motto saying that when you cut one tree, you plant two. We should borrow ideas from him and we conserve this environment. Also, as a House, we need to give more money to the Kenya Forest Service for them to plant trees where they have been harvested.

With those few remarks, I support. Thank you.

**Hon. Deputy Speaker:** Let us have Hon. Cyprian Iringo.

**Hon. Iringo:** Thank you, Hon. Deputy Speaker for giving me the opportunity to contribute to the Forest Conservation and Management Bill.

This Bill is timely as we are experiencing climate change in this country and all over the world. More so, forests are getting dilapidated and deserts are converging from all corners of the continent. Kenya is not spared in this problem. This has been all along been as a result of human error, carelessness, corruption and many other issues bedevilling our communities as well as our leaderships. Without forests, the ecosystem will be destroyed. We will not have rains and when the rains eventually come, there will be a lot of soil erosion arising from surface runoff water. This destroys our soils and farms. So many things get out of hand without forest cover.

This Bill should be enacted and put to use. We have the problem of enacting laws in Kenya which we do not implement. We do not take caution even where the law exists. We have the adjudication process of demarcating our land. We have the National Lands Commission,

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which surveys and allocates people land. However, the same offices go out of their way to demarcate swamps, riparian areas and river beds. Once people are allocated such pieces of land, in the absence of a law prohibiting them from destroying that ecosystem, they will go ahead and cultivate the land, saying: "This is my farm and I can do anything with it". However with this law in place, I strongly believe that even if you are near a river bed, or next to a forest, or even in your own farm; there will be limitations on usage of such land to ensure that you do not destroy the environment. There will be limitations as to how much forest cover should be in that locality.

In Europe, nobody can interfere with areas which have been declared forests. Even if such area is part of your ancestral land, you cannot interfere with it. However, in Kenya, if one has forest land of even 10 acres and decides to clear the forest cover overnight; nobody will follow up the matter. That is what is destroying our forests. We have the charcoal burning business, which has destroyed so much forest cover. Very many trees have been felled in the name of looking for fuel. We should have an alternative source of fuel for our people, especially for those in the low income earning category and those who cannot afford gas. There should be a way of getting charcoal sustainably instead of letting people go berserk, get into forests and clear them.

I know that the Board will have many problems as they will have to work in tandem with the National Lands Commission. They have to work with the county governments. Even the local people should know exactly where the boundaries of certain forests are. Because of misdeeds by some lands officers who might have left the public service through retirement and other ways, there will be conflicts between citizens, who complain that their land is being taken away by the Government. The Board and the National Lands Commission will have to clarify where the boundaries are. There should be a legal framework for the removal of such people from gazetted forest areas. All along, these people believe that this is their land. However, you cannot remove people from such land, throw them out and leave them landless. There should be an alternative settlement for them.

Going back to the issue of historical injustices, people were given land by certain regimes but the demarcation was done illegally. That is not a misdeed of such individual or family; it is a misdeed of the individuals who were in authority and served the Government of that time. These are matters which must be harmonised so that people can be resettled elsewhere when the Government eventually reclaims forest land. If there are areas where we need to plant trees, the law we are enacting should encourage that every person should plant trees. We now have *El-Nino*, which has brought a lot of rain. We need to plant as many trees as possible on our own land as well as in riparian areas.

In this country, we have the problem of certain exotic trees planted near river beds and swamps sucking the water and leaving the rivers and swamps dry. Through this Bill, we need to encourage people to plant indigenous trees which attract rainfall and hold water in the soils for longer periods, so that we do not make our river beds dry. The Board should come up with a framework to regulate cultivation near river beds or swamps. There should be reasonable distance between rivers where people cultivate so that we do not interfere with riverine ecosystems. Anybody breaking such provisions should be punished so that people can refrain from cultivating up to the river bed, which causes many rivers to dry up.

In every community in this country, including the communities in Igembe Central, which is my home place, there were rivers. When I was young, there were very many rivers and streams flowing all over with a lot of water but today they are dry river beds. Once there is no rain, there

is no water. We are crying on a daily basis that there is no water and yet we are the ones who destroy our environment and forest cover. This can be very dangerous for future generations. Therefore, this Bill will go a long way to mitigate forest degradation.

I would encourage the Board, once the law is put in place, to have people on the ground. They should establish a database of the forest cover that we have in this country. They should also work out the percentage of the forest cover and develop a plan on how each year we can reclaim desert or ASAL areas by many thousands of hectares with a view to increase the percentage of forest cover to, at least, 20 per cent. We normally talk about maintaining forest cover of between 10 and 15 per cent but if we can get that cover to 20 per cent, why not? We have a lot of land in Kenya where we can settle our citizens. Forty million of us are concentrated in a small area namely, the Central Kenya region. We have the Northern Region sprawling from Garissa to Wajir, Mandera and Moyale. That part of the country can be conserved. We can plant trees and, through irrigation farming, be able to settle many people. We can improve our forest cover. That way, we will be playing our part in conserving the environment and saving our country and the world from environmental degradation and ensuring that future generations reap the benefits of the efforts that we put today.

I support.

**Hon. Deputy Speaker:** Let us hear the Minority Whip. Hon. Mwadeghu, you have a *kamukunji* and yet you have asked for a chance to speak. You are being given this opportunity because of your position.

**Hon. Mwadeghu:** Asante Mheshimiwa Naibu wa Spika. Ninaomba nami nitoe mchango wangu kwa Mswada huu ambao uko Bungeni leo.

Tukubaliane kwamba misitu ni moja ya rasimali za nchi hii, ambazo zinahitaji kulindwa na kuhifadhiwa. Mutakubaliana nami kwamba nchi ya Kenya imepiga hatua kubwa ya kuridhisha katika jitihada za kuhifadhi misitu.

Ijapokuwa Mswada huu unaangazia changamoto ambazo zitakuwepo, ni muhimu tuangazie matatizo ambayo yapo katika uhifadhi wa misitu yetu nchini Kenya. Wakenya kwa ujumla ni watu ambao wanapenda miti na wanapenda kuhifadhi mazingira lakini mara nyingi wanavunjwa moyo na wale ambao wamepatiwa majukumu ya kuangalia na kutunza misitu yetu.

Naomba kwa ufupi tu niangazie sehemu ya Taita Taveta ambayo ina misitu inayojulikana ulimwenguni kama misitu ya Mwandango, Ngangao, Vuria na Susu. Misitu hii ina miti ya kienyeji ambayo imekuwa kwa muda wa miaka mingi. Shida ni kwamba unakuta wale wanaopatiwa nafasi ya kuvuna hii misitu wanakuja na hawaangalii nani wamehifadhi hii misitu. Wananchi wamehifadhi hii misitu na wameingalia na kuhakikisha kuwa haiharibiki. Watu wanapewa kibali na kukata miti kiholela. Wale wananchi ambao wameshughulika kuhifadhi hii misitu hawana chochote cha kusema.

Hao maofisa ambao wamepatiwa majukumu ya kuangalia na kutunza misitu yetu wamekuwa chanzo cha kwanza kuharibu hiyo misitu. Ukienda pale Wundanyi, vibali vinatolewa kiholela. Hata juzi, imebidi watu washikwe. Walienda msitu wa Mwandango kuvuna miti tunayoita *Sandalwood* ambayo inahitajika kuhifadhiwa na kutunzwa. Naomba niwapongeze Naibu Kamishna wa Kaunti kwa kuhakikisha kuwa watu hao wameshikwa. Ijapokuwa walitoroka, gari lao limeshikwa ambalo nia yake ni kuangamiza msitu ya Mwandango.

Moja ya vitu ambavyo ni lazima tuangalie ni uchomaji wa makaa. Hili jambo limekuwa kero kwa watu wengi kwa sababu wenye kuhifadhi misitu wanachukua nafasi ya kunyanyasa wale watu ambao wamechoma makaa. Ukishikwa na magunia saba, gunia moja tu ndilo

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litapatikana kama *exhibit*. Maofisa wa Serikali wanachukua hayo mengine na kuyatumia. Utakuta kwamba wao wenyewe ndio wanaendeleza hii biashara ya makaa kinyume na sheria. Ni ombi langu kwamba wakati huu tunahitaji kuhifadhi misitu. Tunataka kuhakikisha kuwa misitu imehifadhiwa. Kuna mpangilio mwafaka umewekwa kuhakikisha kuwa wale ambao wanashughulikia misitu wanafaidi kutoka hiyo misitu. Wale watu ambao wameamua kupanda na kuhifadhi miti binafsi, wataruhusiwa kupanda. Wakati wa kuivuna pia wapatiwe mpangilio vile wataivuna. La sivyo, tukiendelea hivi, utakuta hii nchi yetu imekuwa janga, ukame umeingia na hakuna chochote nchi hii itaweza kufaidi.

Langu ni kuomba Wabunge wenzangu tuupitishie Mswada hii lakini tuangalie vile vipengele ambavyo vitasaidia mwananchi kuhakikisha kuwa misitu inayovunwa katika sehemu wanapotoka pia wao wenyewe wanapata faida. La sivyo, itakuwa vigumu sana sisi kuhifadhi hii misitu.

Mchango wangu unakomea hapo. Ahsante.

**Hon. Deputy Speaker:** Hon. Alois Lentoimaga.

**Hon. Lentoimaga:** Thank you very much, Hon. Deputy Speaker for giving me this opportunity. I support this Bill because it is very important. As my colleagues have said, forest covers are important for our livelihoods because they provide water. Most of the water towers in this country originate from the forests. The forest cover encourages rain. It provides food and many other issues that relate to our lives.

For a long time especially in Samburu North, we have had one of the biggest indigenous forests in our mountains. We have Nyiro Mountain, Ndoto mountains and the rocky plateau which has the biggest forest cover in that region. It is indigenous. If you want to go and look for the very rare species of trees, you can find them in those areas especially the Red Cedar. They are very important species of trees. In fact, people covet those kinds of hard wood. In many ways, some loggers illegally go there and extract those trees and take them out of Samburu because of lack of proper protection by the Ministry of Environment.

This particular forest has been gazetted for a long time. The last time it was gazetted was during the colonial time in early 1900. No review has ever been done since that time. With the challenges of insecurity, many of our people for the last 25 years have run away because they are displaced from their residential areas. They run for safety to some of these mountains. It is natural all over the world that when a war breaks out, people go to safe havens like high mountains or places that are fortified. So, in my constituency, more than 4,000 families have run to these areas that are protected. The problem is, we are not sure of the boundary. The colonial government put the boundaries and no review has ever been done. To make it worse, there is very little involvement of the local people in the protection of forest. The Samburus see forest officers as aliens. They see them as threats to their lives because every time, they issue threats of eviction yet we are not sure about the boundary.

This Bill is good because Part IV of it provides for review of boundaries. These Kenyans have lost their livelihoods. They do not have a place to cultivate, build a hospital or school. They are totally in a deplorable situation. So, as I support this Bill during the Committee of the whole House stage, I will bring very strong amendments to ensure that we help to determine the boundaries. We are not saying that we are going to destroy the forests but I am saying we need to allow Kenyans to participate fully and transparently on the issue of management and conservation of forests so that we are able to protect, nurture and to make sure that forests grow even bigger. As I said, forests are part of our livelihood and we want to preserve them. In fact,

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most Kenyans cut down trees to get charcoal not because they like doing that but because there is no livelihood. They are in a very poor situation. Poverty is thriving so much.

Hon. Deputy Speaker, that is why they look for this coping mechanism of burning charcoal so that their livelihoods continue. If they are provided with an opportunity to participate and get involved in the protection of these forests, I am sure they will work together with the officials of the forest department. In my area, we have Ministry of Forestry and Wildlife. In this Bill, community participation is allowed. In fact, there is a community forest association but in these areas, these community forest associations have not been very good. Although they are elected by the community, the process of electing and managing that election is sometimes not proper. We end up getting people who are not so much experienced or concerned about community participation and forest protection. So, we should strengthen those community forest associations through amendments to get people with credibility. They should be honest and not harass those who are there to protect the forest and also take care of the concerns of the community.

There is also an issue that must be addressed. Local youths within the boundary of the forest must be employed as scouts to guard against people who come all the way from other counties to log at night and destroy forests. The youth can assist in protecting forests.

There is also the issue of board members. This Bill should also ensure that people who are appointed to the boards must have good reputation and know this country well. They should be people who know our forests and have transacted this business before. They should be people who understand the country. When some of us tell somebody that we come from Samburu, they ask: "Where do I go if I want to go to Samburu? Do I pass through Lowdar, Eldoret or Garissa?" Many Kenyans have no idea about this country. When you appoint somebody to be in that board and he has no idea where northern Kenya is, then I do not think he can be of any use on issues that pertain to this particular matter that we are discussing here.

There is also the issue of indigenous species in the areas we live and in these forests. As I have mentioned, we have special trees which are regarded highly by the communities because of medicinal power and because of the nature of those trees, they are given special attention. They must be protected. There is a species of tree that is under serious threat all the time. Some of them are sold every time. There must be a big market somewhere, especially of the Sandalwood.

Since my time is over, I want to rest my point and say that we need to assist Kenyans who are living near forests to be settled somewhere. They have been living there for more than 25 years and are now official squatters now. The Government of Kenya should address their situation as quickly as possible.

Thank you, Hon. Deputy Speaker.

**Hon. Deputy Speaker:** Hon. John Mbadi.

**Hon. Ng'ongo:** Thank you, Hon. Deputy Speaker, for giving me the opportunity to make my contribution on the Forest Conservation and Management Bill. At the outset, I want to say that failure to conserve forests is very expensive. Just recently, during this ongoing *El Nino* rains, we lost nine people in my constituency primarily as a result of destruction of Gwasi Hills. Losing a life is not something that can be taken lightly but, the moment we fail to conserve forests, we are endangering the lives of our population. Take the case of Narok Town which we have been complaining about and the damage that floods have caused. It can be traced to failure to conserve the Mau Forest.

The environmental effect of failure to conserve forests is something that cannot be overstretched. Where is the problem? The problem is not with the people who encroach forests; the problem is not with the people destroying forests, but the problem is with the Government that is supposed to have officers managing our forests. I remember in the 1980s, you would find forest guards residing literally in forests. Nowadays, it is very difficult for you to even know where a forest office is. A whole 4,000 hectares of forest in Gwasi Hills does not even have a single office or place where forest guards reside. The forest guards live several kilometres away from the forest. How then can they protect the forests?

So, the first step that the Government must take is to have forest guards within the forests so that they are able to monitor and police forests. Secondly, boundaries are not clear. Sometimes, you find the Government burning people's houses outside the forest and yet the gazetted forest area is not protected. Recently, I brought a petition to this National Assembly on Gwasi Hills. The petition included the issue of demarcating the boundary of Gwasi Hills which was not even there. I am happy that after the Committee of Parliament went and verified what was happening on the ground, we can now see some work going on of demarcating this forest. The community around is happy because at least now, they know where the forest ends. So, whoever encroaches the forest will have himself or herself to blame. In the absence of that, you cannot even be sure of what you need to do to protect and preserve that forest.

I want to urge the Government to set up enough resources to employ enough forest guards to protect our forests and to plant trees. There is no need to have a forest without trees. Trees are cut down, people set up fires and no one takes action. I am happy because this Bill is proposing to have research institutions to do research on specific species of trees that are conducive for each area and which can grow quickly in each and every region. I am equally happy that we are setting up a Forest Conservation and Management Trust Fund, but I am afraid corruption in this country is so much that this fund will end up being misused. It may not achieve its intended objective. Unless we are assured that the monies that we will be voting to this Forest Conservation and Management Trust Fund will be put to good use, it is as good as throwing money to waste.

Hon. Deputy Speaker, we need to be very clear on how this needs to be done. I am happy that it will be subjected to parliamentary approval, but we need to respect that procedure because it has been there. In fact, to gazette or degazette a forest, you need parliamentary approval. But you will find forest officers, instead of conserving the forests under their areas, they unilaterally, without any legal basis, try to increase forest cover without asking the stakeholders and Parliament as required.

In 2006, just before I become the Member of Parliament for my area, forest officers invaded private property. They burnt peoples' houses and property in a bid to evict them from their private land and yet, they had failed to protect the gazetted forest land. Up to now, there has been no compensation even after the forest guards accepted that they actually went overboard. In my Petition, there was the matter of looking into the compensation of the people who lost their property. That has been deliberately and technically left out even though the other part of the Petition, which is about clear demarcation of the forest, has been properly taken care of.

I am a bit uncomfortable with Clause 35 of the Bill which talks about exchanging forests with private land. Even though it talks about the Cabinet Secretary doing that having followed some due process, which includes impact assessment, we have experienced situations where

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progressive legislations have been misused in the past to hive off forests and give them to private individuals in this country. Karura, Ngong and Mau forests have been encroached by people who are entrusted with the responsibility of protecting them. The moment people see a loophole in legislation or in a statute, they will misuse it to the disadvantage of Kenyans and to the advantage of a few individuals. The moment you create a loophole in legislation or in a statute saying that the Cabinet Secretary has discretion--- By the way, even parliamentary approval is not required for this. What the Cabinet Secretary will do is to ask me to give out some land if they want me to benefit out of the forest land which may be considered more productive. They will take my otherwise not very good land for forest of the same size and give me forest land. Therefore, this particular provision needs to be looked into properly. Otherwise, I see possible abuse of this particular Clause once it becomes law.

Hon. Deputy Speaker, there are individuals who have a passion for growing trees. There are people who have a passion for protecting forests. We need to offer specific compensation to such people in order to motivate them to plant more trees. There is need to look into how to involve the county governments in forest conservation. I know that forests are one of those natural resources that are provided for in the Constitution.

**Hon. Deputy Speaker:** Hon. Mbadi, your time is up. As much as you may be passionate about the topic---

**Hon. Ng'ongo:** Hon. Deputy Speaker, I was not shown the warning that my time was about to elapse.

**Hon. Deputy Speaker:** You did not show the Member the warning sign? Okay, you will get a minute for winding up.

**Hon. Ng'ongo:** Hon. Deputy Speaker, thank you for that one minute. I was actually concluding. We need to involve the county governments in conservation of forests even though in the Constitution, forests are one of those natural resources that are given to the national Government to manage. We need to involve the local communities and the county governments in forest management and conservation.

Thank you, Hon. Deputy Speaker. I support.

**Hon. Deputy Speaker:** Hon. Joseph Limo.

**Hon. Limo:** Thank you, Hon. Deputy Speaker, for giving me this opportunity to contribute to this very important Bill on Forest Conservation and Management.

A forest is a very important resource in this country and all of us should be in the forefront in conserving it. At the same time, we should not really focus on the official forests only because at the end of the day, what we are actually aiming at is to ensure that our forest cover in this country is up to the internationally accepted standard. We should give incentives to Kenyans to plant more trees within their farms so that they can plant up to 10 per cent of their land with trees.

*(Hon. Deputy Speaker left the Chair)*

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

We should look for a system where we can actually offer incentives to individuals so that they can plant up to 10 per cent of their land with trees. In my constituency, a big chunk of land is covered by a forest. However, that forest is not celebrated by my constituents because most of

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the time, it has negative effects. People complain about the benefits. Given that this is actually a resource Bill, we should introduce a very clear way of how communities will share the benefits accruing from the resources. We should indicate clearly whatever percentage the local community will get so that the resource is seen as a blessing rather than a punishment.

Hon. Temporary Deputy Speaker, we have a big problem because this Bill indicates that to participate in harvesting forest products, we should have a certain capacity. I have a problem there. We should introduce a classification of how one qualifies, for instance, taking into consideration the various categories of people. We should have people with disability, youth and women in line with the procurement law. We should not close our eye here and lump all of them as one group. You must have a certain level of financial capacity, or you must have a certain level of technical capacity. That will actually lock out the youths and yet they are the ones who are a real threat to our forest cover. When the youth are not involved in harvesting those products, they will turn to illegal logging. That illegal logging will not end unless we have an elaborate plan to bring the youth into the programme of sharing benefits, especially when we are giving people contracts to do logging.

Hon. Temporary Deputy Speaker, this has improved the benefits given to the forest associations. We should have a requirement that forest associations must have membership, taking into consideration the same classification I was talking about. In many places, including in my constituency, the forest associations are formed by a certain clique of people, who exclude the minorities and the youth. The youth do not benefit from such associations. Having listed many benefits that will accrue to forest associations, including but not limited to setting up industries that will use forest products to run, the minorities will not benefit if we do not introduce a requirement in this Bill.

In my constituency, I have a problem. Harvesting of trees is going on without due consideration of the changing weather patterns. In the past, we banned logging during wet seasons. With the ongoing rains, there is a group of people who are going on with logging and destroying our road network. When the roads are destroyed, the local leadership is blamed for not maintaining them. Last week, the people of Kiplatiu in Londiani almost destroyed machinery belonging to a contractor. The workers of that contractor were logging and destroying local roads. We should have a way of ensuring that logging does not continue when we have rains. We should introduce a requirement to ensure that once harvesting takes place, the roads are maintained to their origin standards. That is because those roads belong to the local communities. We are not happy because when the roads are destroyed, we continuously deplete our limited resources to repair. The people who use those roads while harvesting trees do not take care of them.

The Bill also encourages the opening of recreational centres around local communities. I support this provision. I want to encourage county governments, especially in Kericho, to set up a fund for establishing a recreation centre in our historical mountain called Kiptulwo Kipsigis, which is in a forest. It is a good historical site which can encourage tourism and create income for the local people. The local community should have a share.

I support the variation of boundaries. There is a big market called “Hill Top” and we have a problem in asking for land to set up a serious market. There has been a conflict between the local community and the forest management. We should provide for flexibility with proper approval, now that we are bringing in the National Assembly in approving variation. This will help us create enough land in the “Hill Top” to set up a recreation centre.

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I support the setting up of a cultural and recreation centre at a place called Kiletien, which is also a raised hill. This will encourage training of our athletes there. The Bill allows for use of forest cover for the good of the people.

This is a good Bill, but we have to make amendments to ensure that communities living around those forests benefit more.

I support the Bill.

**The Temporary Deputy Speaker** (Hon. Kajwang'): Member for Kipipiri, I see you, but let me allow your neighbour, the Member for Gichugu, to say what he has to say.

**Hon. Barua:** Thank you, Hon. Temporary Deputy Speaker, for giving me this opportunity. At the outset, let me say that I support this Bill in totality. However, we should introduce a few amendments to make it better and more representative of the people of Kenya.

The forest cover in any country is very important. At the moment, there are very few countries in the world which have attained the 10 per cent forest cover as the minimum requirement for a sustainable forest regime. The other day, we concluded the International Global Conference on Climate Change in France. As a global community, we came up with the COP21 Agreement on climate change. We have made a commitment as the Globe - Kenya included - of reducing global warming to a minimum of 1.5 degrees centigrade compared to the pre-industrial situation. Achieving that calls for sacrifice and commitment from everyone of us in this House and the Globe. We require commitment from every government. I am happy to state that Kenya, as a nation, has endorsed the COP21 Agreement to contain the increase in global temperatures and emission of greenhouse gases. As it is now, Africa contributes about 3 per cent of the global greenhouse emissions. Although we contribute that percentage, we are the most affected by climate change. Climate change affects the entire world. We have to contribute and be players in the global initiative of reducing greenhouse emission. We should ensure that the world is sustainable and habitable for future generations.

I support the Bill as it provides for the establishment of Kenya Forest Service (KFS) as a competent authority to co-ordinate the management of forest conservation in this country. This country will be receiving a report on the state of the forest cover in the country every two years. If this Bill is approved and assented to, KFS will be required to prepare a state of the forest cover report every two years. From the state of the forest report, we should know how we are faring on in terms of forest conservation, regeneration of forest and expansion of the forest cover. The report will help Kenyans know how much of the forest cover that we have is indigenous and how much is exotic. Indigenous plantations have greater environmental impact in terms of conservation. That is the forest resource assessment report. This will tell us the value in terms of forest cover and wealth of the nation in terms of the forests that we have.

Hon. Temporary Deputy Speaker, once we have those two reports, it is important to know that, as citizens, we shall manage the forests for sustainability from a point of information.

The principal of sustainable development, which is very critical in this situation, assumes or prescribes that nature, is able to cater for the current generation and, at the same, for the future generations. In other words, the forests we are conserving and planting should address environmental issues as well to meet the economic aspects of societies. So, exploitation of forest plantations is also an important aspect because people who conserve forests should benefit from them.

The only issue I have about that exploitation is that the exploitation of mature plantations is not properly coordinated. It has become an issue which is controlled by a small cartel without

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any conservation initiatives. The idea is to make a quick kill out of that. It is important for us to ensure that the harvesting or economic exploitation benefits those who conserve forests and the people living in the community.

The people of Gichugu whom I represent have made a complaint to me. They argue that although the law allows neighbouring communities to access the forest plantations for firewood, as per now, the people in Kabare, Ngariamama and Karumande cannot access forest plantations to harvest firewood as before. That is because a fence has been erected and is limiting access of the people into the forest.

I would like to say that if we have to do proper conservation, we should stop forthwith treating our people as suspects. We are a community that is concerned and actually committed to conserving the environment. So, the access should be granted by both Kenya Forest Services (KFS) and Kenya Wildlife Service (KWS).

The Bill provides for establishment of conservation areas. Hon. Iringo mentioned the degeneration of riparian vegetation. As we stand now, the rivers which were big about 30 years ago have now become so small that you can jump across them. That is because the riparian vegetation has been harvested and there is no effort to regenerate or replant it. So, the rivers are facing threats of siltation. This must be addressed.

I would like this Bill to consider riparian vegetation which is well captured in law. It should be considered to be part of public land so that it can be managed by KFS in collaboration with the neighbouring communities for the improvement of the environment.

Finally, I would like to comment on the provision in the Bill of honorary foresters. An honorary forester is a good idea, but there is no provision on the qualifications of an honorary forester. We have seen this aspect being abused in KWS for a long time, where we have honorary wardens. Honorary wardens in KWS are from one community. You cannot say that they are Kenyans. There is an assumption that indigenous people cannot conserve the environment. The position of honorary foresters should not be used to entrench or to bring on board foreigners so that they can have access to our forest resources. Those people could have ulterior motives and we can have our genetic resources harvested and exported without our consent. So, we need to amend this law to ensure that it provides for the minimum qualification of an honorary forester.

I would like to stop there as I support. This Bill is timely. I will bring an amendment in terms of the appointment of honorary foresters. I support. Thank you.

**The Temporary Deputy Speaker** (Hon. Kajwang'): Hon. Members, we want to make the best use of our time today. This is a Special Sitting. It is not an ordinary Sitting. So, we should not unnecessarily stay on a subject so that we get almost everything we want to cover according to the Gazette Notice covered. As you are aware, we have done about one and half hours on this Bill. We did a lot of discussions on it in the previous Session. The next Order is also touching on the same thing. As I hear comments and debates from Members, most of your debates are around natural resources which are still in Order No.10. So, I suggest that some of you can reserve your submissions and put them where necessary. I am not saying that your submissions are not substantial, but also think about the time we have.

So, I want to pick one or two debates and then we call it a day. You know that those are Bills which will still go to the Senate and back. We still have a lot of time to look at them. If, therefore, you see where I am trying to go, I will call for your co-operation.

According to the requests that I have, most of the Members I see here are from my right. That is as it should be. So, I will call them in the way they are, but I can see one Member from my left, Member for Kibwezi West. I see you in my request. Where are you? Are you in the Chamber? Okay. You are sharing a good time with your colleagues. Then, let us have the Member for Kaiti from my left.

**Hon. Makenga:** Thank you, Hon. Temporary Deputy Speaker for giving me this opportunity. I rise to support this very important Bill, the Forest Conservation and Management Bill. I would like, from the outset, to say that it is very timely. Our forests are being dilapidated in a very fast manner. The way they are being dilapidated is a threat to our country. It is important to maintain forests. As the last speaker has said, forests should be maintained for sustainability. They should not only be for the current generation, but also for the future generation. I have a passion for planting trees. For the last four years I have planted, in every rainy season, 10,000 seedlings. In any subsequent season, I usually plant 10,000 seedlings. In other words, for the last four years, I have been able to plant close to about 80,000 trees. Those trees have grown and can be harvested. I encourage my constituents, particularly the people who come from the mountain areas of Kaiti, Ewani and Kilungu, to continue planting trees particularly in this time of El Nino rains. We should make use of the *El Nino* rains which are in abundance and continue planting trees up to February. Forests are a source of rain. They are also water towers. It is, therefore, important for forests to be established in areas where trees can grow. This will help increase the forest cover.

I would also like to talk about the threats which are posed to some of our forests. The forests are threatened by Government officers who are entrusted with the responsibility of looking after them. Recently, about three or four weeks ago, in an area called Iguani, Administration Police officers (APs) were found felling mature trees, some of which were over 15 years old. They were doing that with a lot of impunity. I want to warn them that my constituency will not take the destruction of forests lightly. We have preserved those forests for quite a long time now. I also want to request the Government to ensure that the officers who are entrusted with maintaining the forests do not take that opportunity to destroy them. The community should be involved in afforestation programmes. Incentives should be given to communities to grow trees.

The other issue is the dependency on firewood as a source of energy. We need to encourage the use of renewable energy such as biogas. There is also another source of energy which, if we embrace, we could minimize the destruction of forests. I am talking about briquetting. One can use the leaves which fall during the dry season. Those leaves can be collected and briquettes made out of them. Those briquettes can be used as firewood. I would therefore encourage the relevant departments to sensitize people and make use of briquetting as a source of energy.

This Bill will ensure the establishment of arboreta and green zones. My area is more or less like Switzerland. An establishment of a green zone will make it closer to Switzerland. Growing of trees will do away with erosion, especially on our roads and the slopes.

I would like to end by saying that this Bill is very important and we should encourage our people to continue planting trees. The provision for agreements between private owners of forests and people who have land and want their forests to be managed is very important, as it will encourage people to have more forests in their respective areas.

With those few remarks, I thank you, Hon. Temporary Deputy Speaker.

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

**Hon. Gichigi:** Thank you, Hon. Temporary Deputy Speaker. I would like to support this Bill.

**The Temporary Deputy Speaker** (Hon. Kajwang'): Hon. Members, is it possible to apply the rule on repetition and relevance so that we are able to get things going?

**Hon. Gichigi:** I rise to support this Bill, Hon. Temporary Deputy Speaker. I am happy that for once, the law governing forests in this country has provisions in Clause 4, which are dealing with good governance in accordance with Article 10 of the Constitution. I also come from the fringes of the Aberdare ranges and the destruction that I have seen there since I was born has converted a very good indigenous forest into almost bare rock. The people who have been charged with the responsibility of taking care of the forest are the same people who have sold all the trees for timber, charcoal and firewood until there is hardly anything remaining of that forest. Clause 4 is good because it prescribes harsh penalties for the offences prescribed. The first target should be the forest officers who have been contributing to the degradation of our forests.

I have had a chance to compare what Kenya Wildlife Service (KWS) has done against what Kenya Forest Service (KFS) has done. I can tell you that if KFS was the one that is charged with the responsibility of taking care of our wildlife, we would not even have a rat in this country. They would have sold everything. They have been a disservice to this country. So, even as we create a new body to oversee our forests, it is very important that a thorough vetting be done for the people who are going to be in charge of our forests so that we do not have people who, according to them, their mandate is to sell our trees through the backdoor. I am hoping that this is a fertile ground for the Ethics and Anti-Corruption Commission (EACC) to find out what is ailing this country.

I also support the provisions that take care of special species of trees in this country. Sometimes, you go to our forests and you find that there are trees that cannot be found elsewhere in the world. Under normal circumstances those trees are not protected. They end up being destroyed together with the common trees that we have in our country. It is important that we deal with that problem.

Hon. Temporary Deputy Speaker, I am also happy about the provisions on incentives. Take care of the forest and you get either tax holidays or physical incentives. That is a very good provision.

We need to re-look at the provision that touches on community participation because we have attempted to make use of the community forestry associations, but they have not helped much because they exploit the resources without necessarily taking care of our forests. We need to re-look at that so that members of such committees are committed people. We should not elect people who are popular because they will assist the neighborhood to exploit the forest illegally.

Hon. Temporary Deputy Speaker, the final issue that I want to talk about is on research. We have not had any serious research on trees that can benefit our people. If there has been any research, especially on agro-forestry; it has not gone down to the common farmer who would want to plant trees. Where I come from, you hardly know which trees can do well. It is guess work for the people planting trees. Let those research services trickle down to all the areas in this country, so that we do not unnecessarily and heavily rely on public forests. We should also assist in growing trees in farms so that we ease the pressure on public forests. With those remarks, I beg to support subject to amendments.

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

**Hon. Ngunjiri:** Ahsante Naibu Spika wa Muda kwa kunipa nafasi hii. Nasimama kuunga mkono Mswada huu.

Naelewa kwamba Mswada huu pia utapelekwa kwa Bunge la Seneti na urudishwe hapa na, hivyo basi, tukakuwa na nafasi ya kuuzungumzia zaidi. Ningetaka tu kuwaunga mkono wenzangu waliozungumzia mambo ya kuhifadhi misitu. Katika Serikali ya Rais mstaafu mzee Moi, nilikuwa mwenyeketi wa KANU katika Wilaya ya Nakuru. Wakati huo, misitu yote ilikuwa imefungwa ili watu waweze kulima ndani. Niliweza kunyenyekea kwake na nikajua kitu kimoja. Hakuna wakati juhudi za kuhifadhi misitu zitafulu bila ya kuwahusisha wananchi. Hapo mbeleni, uharibifu wa misitu ulikuwepo kwa sababu wananchi walifurushwa kutoka kwa misitu.

Misitu haiwezi kulindwa kwa njia ya haki bila kuwahusisha wananchi. Ni lazima wafahamu kwamba misitu in mali yao na ni muhimu kuichunga. Siku hiyo nilipata nafasi hiyo na nikawa mtu wa kwanza - kabla nichaguliwe kuwa Mbunge - kurudisha mambo ya kulima ndani ya misitu. Imetufaidi sana kwa sababu Serikali haikuwa na pesa za kupanda miti na kulimia katika misitu. Wananchi wakihusishwa, itakuwa ni jambo rahisi sana. Hata sasa ni rahisi kwa sababu wananchi watapewa sehemu fulani ambako watalima. Kawaida, misitu hufukuza wakulima baada ya miaka mitatu kwa sababu miti ikifika miaka mitatu, hauwezi kupanda kitu kingine ndani. Kwa hivyo, tulijaribu sana.

Naunga mkono Mswada huu kwa sababu yale tunayoyazungumzia leo hii ni mambo nyeti ambayo tunastahili kusukuma ili yapite. Baada ya wananchi kulima na kupanda miti bila kulipwa, kuna mambo machache ambayo yataleta mabadiliko. Hii ni kwa sababu baada ya wananchi kuilinda miti hiyo, kuna shida ambazo zinawapata. Kuna watu kutoka Nairobi ambao hupewa vibali vinavyowaruhusu kuikata miti hiyo. Wananchi hao hawapewi hata kuni kutokana na mabaki baada ya miti kupasuliwa mbao licha ya kwamba wao ndio walioipanda miti hiyo. Uhusiano wa wakazi na misitu unaanza kuharibikia hapo. Wananchi wakikosa imani na kuona kwamba hawahusishwi kwenye juhudi za kuhifadhi misitu, uharibifu wa misitu unaanza. Lakini sheria ambayo tunaipendekeza hivi sasa itawawezesha wananchi ambao wanalinda misitu kupewa nafasi wakati wa kuvuna miti ili nao wafurahie. Serikali ikipata pesa kutokana na bidhaa za misitu, wananchi pia watafurahia kuni na malipo mengine.

Sisi kama Wajumbe tunahitaji kuziendeleza juhudi za kuwafunza wananchi ili wapate kufahamu kwamba hakuna utajiri mkubwa kama misitu. Tukiichunga misitu yetu kwa njia nzuri, tunaweza kuweka nyuki na watatusaidia. Kule kwetu Nakuru, tunapanda pareto ambayo inawawezesha wananchi kupata kiasi kizuri cha pesa kila wiki kutokana na mazao yao.

Kwa hivyo, Mhe. Naibu Spika wa Muda, nimeshukuru. Kama ulivyosema, Mswada huu utapelekwa kwenye Bunge la Seneti alafu urudishwe hapa tena, na tutaendelea kuuangazia.

Kwa hayo machache, naunga mkono.

**The Temporary Deputy Speaker** (Hon. Kajwang'): Member for Gatanga, you are on an intervention?

**Hon. H.K. Njuguna:** Thank you, Hon. Temporary Deputy Speaker. Pursuant to Standing Order No.95, I beg to move that the Mover be now called upon to reply.

**Hon. Members:** No! No!

**The Temporary Deputy Speaker** (Hon. Kajwang'): Member for Gatanga, as you know, it is the business of Members to make resolutions on how to proceed with the business of this House. Members, you may find yourselves adverse to the Member, but if you have been following the debate, it began in the last Session. We still have it here. It will still go to the

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Senate and come back. We are in a Special Sitting and the agenda is in the Gazette Notice. We need to manage time wisely so that we can finish everything on time. Without making comments that would reflect badly on your submissions, it is also good to consider how wisely we can use our time because there is a lot of repetition and irrelevances in the contributions. Many of us are speaking to growing trees, but the Bill is not about growing trees. It is there only in one part but the most parts of this Bill are on how to get funds and infrastructure. You are supposed to deal with all those issues. We are all repeating on how we are growing trees and doing 10,000 seedlings and so on.

Let us be relevant and conserve time. Before I put that issue to vote, let me hear from the Member for Narok North. He has been on the queue for some time.

**Hon. ole Kenta:** Thank you, Hon. Temporary Deputy Speaker, I really appreciate. I would like to join my colleagues in supporting the Bill because it is very important.

When we talk about Kenya Forest Service (KFS), it is very crucial at this time because forests, as we all know, create livelihoods. Forests give us clean environment and more than anything else, actually balances nature and how we relate with it. I come from Narok North Constituency. I think Kenyans, if not the whole world, have been witnessing floods that have destroyed property and killed people. As somebody rightly said, this is because of the destruction of the Mau Forest. A few people got into the forest, allocated themselves land that did not belong to them, made fake titles deeds and proceeded to destroy the forest. I have always insisted that while we think that we are benefiting from the destruction of nature, we are actually killing ourselves.

When you look at the effects, it does not just affect Narok. It even affects the coffee plantations in Upper Rift Valley and the tea plantations in the neighbouring Bomet and Kericho counties, Lake Magadi, Maasai Mara as well as farming activities in the whole county. I believe that if we are serious about compensating those people in order for them to come out of the forest, we will be getting somewhere. Those who sold forest land to unsuspecting Kenyans must be called upon to refund the monies that they received, in addition to being prosecuted for alienating land which did not belong to them.

The Act sets out the functions of the KFS and the Board. I believe that there should be an additional Member from the affected community because they have given the national committee organisations only one slot. I believe that they deserve two or three slots because they remain stakeholders.

The other issue is on conservation management of forests. Whilst the KFS gets all the part, it is also important that the communities living around forests, who are the real owners of those forests, benefit and play a role in their conservation. We have seen, for example in the Mau Forest, that KWS rangers have abandoned their job of taking care of wild animals and started logging and burning charcoal, among others things. I wonder what we are doing. As a country, we have lost it because playing politics with forests is playing politics with our lives. Professional forests are forests whereby an individual can give it to another individual or even to the Kenya Forest Service (KFS) to run for a particular time to ensure that the forests are replenished. I believe that is a very important thing. More than anything else, I believe that instead of just talking about boundaries of forests, we should ensure that we keep those boundaries intact and ensure that nobody gets into the forest because boundaries have been abused.

Hon. Temporary Deputy Speaker, because this Bill has been talked about for a long time, I do not think I really need to take much time. But I want to commend the Bill for proposing to bring the Kenya Forestry Research Institute. It is very important that we retain the institution and strengthen it so that we can do research and ensure that indigenous trees that are actually almost being depleted are replenished for purposes of future generations and ensuring that the ecosystem is maintained.

I support the Bill. I will also ensure that the appropriate amendments are made. I believe it is a Bill that should be supported by everybody else.

I thank you, Hon. Temporary Deputy Speaker for giving me the opportunity.

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

**The Temporary Deputy Speaker** (Hon. Kajwang'): Member for Cherangany, you are on intervention. Can I hear you? What is the intervention?

**Hon. Korir:** Hon. Temporary Deputy Speaker, I was just trying to raise a concern that you are trying to pre-empt the idea of ending the discussion.

**The Temporary Deputy Speaker** (Hon. Kajwang'): You are out of order. It is within the rights of the Speaker presiding---

**Hon. Korir:** But you cannot tell us what---

**The Temporary Deputy Speaker** (Hon. Kajwang'): Order. Next time you speak when the Speaker is on the microphone, we will enforce Standing Order No.107. The Speaker controls the debate, discipline and procedure in the Chamber. It is not open to you to rise in your place and make comments that disparage the Speaker's ruling.

Anyway, a Motion has been made by the Member for Gatanga on Standing Order No.95. I put it to vote.

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

Where is the Mover of this Bill, the Leader of the Majority Party? There being no Mover to reply, I, therefore, order that business appearing as No.9 be listed in the next Sitting for purposes of taking a vote.

Next Order.

### *Second Reading*

#### THE NATURAL RESOURCES (CLASSES OF TRANSACTIONS SUBJECT TO RATIFICATION) BILL

*(Hon. A.B. Duale on 1.12.2015)*

*(Resumption of Debate interrupted on 1.12.2015)*

**The Temporary Deputy Speaker** (Hon. Kajwang'): This is resumption of debate that was going on, on Tuesday, December 1<sup>st</sup>, 2015, afternoon Sitting. Where were we? We had taken the Mover and the Seconder. The Question was proposed so we begin the debate.

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I have requests here but I think they are from the previous debates. Let me go through the request list. Member for Mogotio, are you in the Chamber? He is not there. Member for Cherangany, are you in the Chamber?

**Hon. Korir:** I was interested in the other debate.

**The Temporary Deputy Speaker** (Hon. Kajwang'): Thank you very much. Member for North Imenti, are you in the Chamber?

**Hon. Dawood:** Yes.

**The Temporary Deputy Speaker** (Hon. Kajwang'): Please proceed.

**Hon. Dawood:** Thank you, Hon. Temporary Deputy Speaker. I support this Natural Resources (Classes of Transactions Subject to Ratification) Bill. Natural resources are the most important asset that any country can have. Some countries do not have natural resources. In Kenya, we have a lot of natural resources. This Bill says how we are going to provide any agreements which will be made by Parliament for people to get the natural resources.

We need to be very careful when we make agreements for natural resources. What normally happens is that we get people to come and extract or mine natural resources and, at the end of the day, the communities do not benefit from the natural resources which are found in their areas.

I question Clause 12 which says that the Cabinet Secretary (CS) does not need to make public what the agreements are and even Parliament will be given redacted agreements which, I believe, is not in the best interest of the public. When an agreement is hidden from public view, there is something which is being hidden. That is a way where corruption will thrive. We should reject that part of the clause but, the rest are good. We need the agreements to be brought before Parliament for ratification because as you are aware, we are probably looking at pumping oil in the next few years. It has already been prospected and found that it is there. I believe we should even go further and see how those agreements will benefit the communities, say in Turkana or Meru. We may even have oil in the borders of Meru and Isiolo. How will it benefit the Meru or Turkana people? Those are the kind of agreements which need to be made public. If a prospecting firm comes and prospects for oil and the host community does not get anything out of it, we will need to scrutinise that.

Another issue is on water resources. In Kenya, we have a problem. Many people are diverting the waters which would flow naturally downstream. They do irrigation and they stop the natural flow of the water. We need to manage our water resources even during rains. We need an authority on natural resources to tell us how we are going to maintain that water, instead of it flowing into the ocean. We need to look into those things as well.

Regarding wildlife, especially in my area, as much as we want to protect wildlife, we need to see that human-wildlife conflict is reduced. I know it is not in this Bill but I would want to put it there. When we give some people the license to prospect in wildlife zones, we want the Government to fence the appropriate forests or wildlife areas so that we do not have wildlife conflicts in human settlements. In my area, we have a problem. Every other day, we have demonstrations. Farms have been raided by the elephants. We do not even have food. We probably will be asking for food aid from the Government. We normally do not ask for food aid but this time, because of what the elephants have done, it is a big havoc.

Regarding concession of forests, which is in this Bill as well, we have a case in point in Meru where a forest was degazetted and an estate built, but it took a long time for the people to get title deeds in that estate. Now we have the county government that wants to construct a golf

course within a forested area, which was given to the Agricultural Society of Kenya (ASK). We will need to know all those agreements. They should be brought to Parliament so that we know where we are as a country and as the host community. That is because at the moment, the host community is in the dark. It does not know the concession between ASK and the county government. There is a fight and when there is bitterness between the host community, the county government and others, it does not augur well for everybody.

With those few remarks, I support this Bill. When it comes to Third Reading, I will want to put some amendments.

Thank you, Hon. Temporary Deputy Speaker.

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

**Hon. Chanzu:** Thank you Hon. Temporary Deputy Speaker for giving me this opportunity. I support the Bill.

It is an important Bill because it is dealing with what has been contained in the Constitution. It gives effect to Article 71 of the Constitution. Matters to do with natural resources for any country are very important. Therefore, for any matters of exploitation or extraction, there must be order. In the past, there have been cases where residents would be the owners of the natural resources. But because of the way those resources have been exploited, due regard has not been taken of the area of origin. An example is water. Water can come from one place and utilized in another area that is many miles away. I will give an example of the Nol-Turesh Water Pipeline from Oloitokitok. The way it was done at first, due regard was not given to all the factors affecting the areas around there. The water comes all the way from that area to Kajiado and for onward transmission to Machakos. The people living along that water pipeline cannot benefit from the water or make use of it. At that point in time, the people around there had to construct some water troughs in order for their animals to benefit.

Therefore, this is a very important matter. Looking at the issue of electricity, we generate power from Kindaruma Dam using water. That electricity is loaded to the national grid for onward transmission to Nairobi and other places. The people living around Kindaruma do not benefit because we did not have proper legislation in place on what should be done.

In a matter like this one, what is required is a lot of consultations. There must be adequate consultations before any action is taken in terms of exploitation or utilization of forest resources. Look at the issue of minerals and oil. The oil that we have in Turkana County is facing the same challenges. That is why you find that, at times, we end up having a stalemate. You do not know what the repercussions will be if we do not put adequate legislation in place.

Therefore, it is important that this very important matter is properly legislated on so that we have guidelines within which the natural resources can be sustainably utilised and conserved for posterity.

With those few remarks, I support.

**The Temporary Deputy Speaker** (Hon. Kajwang’): That was very brief and to the point. Let us hear the Member for Njoro.

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

The Bill has come at the right time. As Members of Parliament, it is important that we look at it thoroughly because natural resources are God-given. It is upon us to protect and maintain them well.

Hon. Temporary Deputy Speaker, I hope that many will people support me. It is true that those resources have been exploited and used by some foreigners. It is good for them to come and educate us on how to mine. Unfortunately, once they come here, instead of educating our people, they manipulate us and we become their slaves.

We have many natural resources such as oil, precious stones, gases and even gold. Those resources are there for our benefit. As a Government, we are supposed to set good rules and regulations on how they are supposed to be mined and managed. However, when foreign experts come to the country, they give the Government so many conditions such that even if the Government wanted the citizens to benefit from the resources, it is, somehow, tied up to signing some unreasonable agreements. Therefore, those who benefit more are the foreigners. They mine the minerals and instead of processing them locally, they send them to their countries raw, have them processed there, import them back to our country as finished products and sold to us very expensively.

I would suggest that as we pass this Bill, we need to put in place proper measures to ensure that the process is well maintained. Recently, we discovered some oil reserves and everybody is very happy. We are looking forward to the day when that resource will be extracted for commercial consumption and export. However, I would like to caution the Government that, as we sign agreements with multinational corporations, we need to be very careful. We had better be slow but sure. We might rush and destroy everything or find ourselves in a situation where the future generations of this country will blame us for entering into agreements that this country may not be able to get out of.

For instance, some time back, the colonial authorities in Kenya signed a treaty which ceded this country's right of use of the waters of Lake Victoria for irrigation and other usage locally. The water is supposed to flow all the way to Egypt for that country's irrigation because that territory is semi-arid. In East Africa, we have that water but somebody from Kisumu and Migori cannot use it because of that treaty. When we tried to raise that matter, the Egyptian Government came out very strongly condemning us and threatening to take us to the International Court of Justice (ICJ) for violating that treaty, to which we are a signatory as a country. We are still negotiating.

When it comes to those other resources like oil, gas and other precious resources, we should be very careful not to make a treaty which will not be helpful to our dear country and citizens. I would like to emphasise that we should let our own people have that expertise so that they can take over from those foreign masters. They have been exploiting us since the old days of slavery. Now, we have liberated ourselves but they are still colonising us mentally.

Right now, Kenya is hosting the World Trade Organisation (WTO) Ministerial Conference. They have come here demanding to dictate everything. They are the ones to say what to export. It high time we Africans thought again whether those superpowers or rich nations are there for our benefit or for their own selfish benefits to protect themselves. They stole from our fore-fathers during the slavery times. They came and colonised Africa and they are now colonising us economically. We need to unite as Africans and see how we can assist each other with the little resources that we have. If only we can unite and agree as African brothers that is the only way we shall be able to protect ourselves and grow as a super continent where even those superpowers will respect us. I have a feeling that unless we Kenyans and Africans sit down as Africans and see how we can sort out our own problems, I have a lot of reservations on those white people.

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I support this Bill with those reservations. Let us go back and try to reason as Africans and take advantage of ourselves. We have a lot of markets within ourselves. Now, we have the knowledge. It is not like during those old days when we did not have the knowledge or the skill. Let us utilise the skills that we got from the whites to the maximum.

I support the Bill. Thank you.

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

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

The last time I checked, Member for Kibra, unless of late you are in the diaspora--- When you will switch it on with your lawful card, I will recognise you. Why does it bring you as Member of Makueni? Even when you have put an intervention, you are still reading Member for Makueni.

**Hon. Okoth:** I think the Member for Makueni sits here too often and the hardware he is reading is wrong.

**The Temporary Deputy Speaker** (Hon. Kajwang’): That is what happens in the digital world? If that is the case, I will give you a benefit of doubt. You may proceed.

**Hon. Okoth:** Thank you, Hon. Temporary Deputy Speaker. I am glad that technology and your graceful Chair have “caught my eye or my eye has caught yours.”

I rise to support this Bill. It is very important in the new constitutional dispensation that we have here in Kenya. Parliament represents the sovereign voice and power of the people. When you look at the issues that are raised here, it is not only this Bill that we are working about, but there is an existing Treaty Ratification Act upon which Kenya enters into agreements and international obligations which the Committee on Implementation in this House must follow beyond the annual presidential reports on the status of our international obligations and how those are being implemented by the different ministries and agencies. When we talk about natural resources and the wealth of this country, I have always argued that the biggest resource and asset of this country is our human raw resource-base and potential in our young people. Can we educate them appropriately and empower them to engage in business but also in the conservation of our environment? Also, can we engage them to participate in the governance of this country so that they do not give up and tune off the issues of governance? Can we engage them to also be empowered to participate in the exploitation in a manner that our natural resources, including our wildlife, our water and our forests, will be sustained for years and generations to come? I still believe the youth and the young people of this country, when given the platform, can do a great job. This law is the first step in that direction. As a Member from Nairobi County, this Bill could not be timelier. When you look at the classes of transactions subject to ratification in this Bill, we are talking about resources such as crude oil and natural gas which in many parts of Africa, have been called the resource curse. Countries such as Nigeria have over 50 years been producing and exporting oil and yet, their own energy and consumption needs at home are not reliably, effectively and cheaply met for their own people. It is a curse. There are conflicts that we have seen in many other countries over minerals whether it is diamond, gold, titanium or uranium. There is a lot of potential in this country. Let us think about that.

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When we look at places such as Kwale, can we put the interests of our people first and not the economic interests of multi-national corporations which declare losses year-in, year-out in Kenya? When we go to the Stock Exchange in Canada, London, New York or Australia, their parent companies are declaring major profits and their managers operating and running operations in Kenya are given bonuses for their performances and yet here, the book value of their transaction and their business, despite the exports that they do five or ten years, they keep reporting losses. There is something that does not add up.

It is the high time we woke up as a country and be more aggressive and diligent about pursuing our interests when it comes to our natural resources. In the County of Nairobi, we have a major issue right now. When we look at the issue of wildlife, the schedule that addresses this issue talks about, for instance, wildlife in three ways. Where wildlife preservation areas will be affected by oil, gas and minerals extraction and exploration, what are the procedures and what ratification must this Parliament give? Where there are issues of exporting and re-export of endangered wildlife species, if Kenya got into an agreement, for instance, with endangered species such as rhino, to exchange our rhino and scientific arrangements with zoos and research facilities, perhaps, even with the United States of America (USA), can we have a chance to bring back those species and regenerate them? That is important. Can we make sure that we are not entering into agreements where wildlife from Kenya is exported to one country for scientific legitimate purposes and then re-exported for private purposes without proper rules? That is really important, particularly for Nairobi. There is the key third issue on wildlife where it talks about excision or exchange of boundaries of gazetted national park or wildlife protection areas.

Lang'ata Constituency is a special constituency where Hon. Joash Olum, my friend, is its Member of Parliament. It is the home of the Nairobi National Park. Even as we host the WTO Ministerial Conference today in Kenya, you will find that Nairobi National Park is a very unique asset that Kenya has. Yet we are putting it at great risk with the construction of the Standard Gauge Railway (SGR). The SGR's original design was not supposed to enter into the park and ruin it.

There was a proposal last year that it was going to skirt on the edges of the park and will take away about five kilometres off the park. The most recent reports that we are seeing is that up to 20% of the park may be affected by the construction of the SGR once it hits Syokimau and goes right across to Nairobi National Park. During the period of construction, we want to make sure that such an agreement or a plan for development within that park would be brought to this House for debate and ratification. We Members of Parliament of Nairobi County and all goodwill members of Kenya would ask: "What is the best position? What is the best interest for posterity and how can this construction happen if it is at all going to happen within the park?" The plan is to try and get the Standard Gauge Railway (SGR) across the park down the Southern Bypass and out to Dagoretti. There is a great risk there. We must make sure that this House ratifies a proper environmental plan that will preserve the pristine nature of that park and keep it in its unique place.

Hon. Temporary Deputy Speaker, last but not least, from my perspective as a Member of Parliament for one of the constituencies in Nairobi County, is the issue of water resource management. In Nairobi, we are very much at risk because it the fastest growing urban area with major needs for water. We need to enter into agreements with other counties to make sure that our water supply for this city will be guaranteed always for the quality of life. Otherwise, this

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city's quality of life will go down because the cost of water would be too high. We want to make sure that there are proper agreements for inter-county sharing of water. We should have an agreement whether the water comes from Ndakaini or any other dams. Water must be delivered to the citizens of Nairobi in a manner that guarantees a great quality of life.

So, with those few remarks, I beg to support this Bill. I hope that it will be implemented quickly. I also hope that the Government will not only follow the spirit of constitutionalism after the Bill is passed, but also not undermine this House to make sure that any treaty or agreement that must be ratified by Parliament is brought and ratified. I have seen a few cases where important matters that must be brought for parliamentary ratification are not done. For example, there are the security cases. Two years ago, there was authorisation for the Kenya Defence Forces (KDF) to operate in parts of Northern Kenya, but the accountability for its actions within Kenya has not been done to this House. There is no proper report and regular forum for parliamentarians to see whether they need an extension. Those extensions have been done *carte blanche* just like that. It is a threat to constitutionalism in this country. When we say that we sign treaties, we want to follow our Constitution and set our laws. But certain institutions are above the law. We are not doing this country justice for the long term. We will hold even the Cabinet Secretaries in charge of implementing this treaty to book. They must report to Parliament every year on the status of those agreements.

Hon. Temporary Deputy Speaker, I beg to support.

**The Temporary Deputy Speaker** (Hon. Kajwang'): All right. Thank you. Member for Shinyalu.

**Hon. Anami:** Thank you very much, Hon. Temporary Deputy Speaker, for giving me this opportunity to contribute. This is a very important Bill. Our natural resources are fundamental. They are the fundamental source for the formation of our culture, identity and aspirations. It is, therefore, very important that we develop legislation that does not only protect them, but also enhances their resourcefulness and the sense of sustaining our identity as a people. We should sustain their resourcefulness as fundamental providers of our tomorrow and future.

I am very happy that we have this Bill, but it is like trimming the wings and branches of a tree without the interest of the trunk. This is the same thing which I have found with the Bill on protection of our traditional knowledge. Those are sub-sets of our fundamental resource. In this case, we are talking about the natural and cultural resources that we have in this country. Our Constitution recognises communities as custodians of our culture. It recognises communities as custodians of those natural resources. If we respect and uphold the policies and provisions in our Constitution, then we must, first and foremost, embrace those natural resources and their spectrum. We must embrace the interests and the knowledge that those communities have such resources.

I come from a community of the Isukha people. How important is Kakamega Forest to them? How important *Ikhongo Murwi* is to them? How important is *Omutere* tree and *Imburi ya Omutakha* to them? All those can only be expressed in the indigenous language of those people. We need researchers--- Hon. Temporary Deputy Speaker, I am developing a point.

**Hon. Temporary Deputy Speaker** (Hon. Kajwang'): I will allow you to make the point. However, I have heard several names which I am not familiar with in the English language. I am waiting for the translations.

**Hon. Anami:** That is where I am going, Hon. Temporary Deputy Speaker. I put forth those terminologies from the Isukha People to show the importance of the indigenous people and

the communities in the exploitation of those resources. For example, the Kakamega Forest is not a forest without Omutere tree, which has no English equivalent. The *Ikhongo Murwi* has no English equivalent too. When the English speakers came close to giving *Ikhongo Murwi* an English equivalent name, they called it, “a crying stone,” which is an abomination. This is because *Ikhongo Murwi*---

**Hon. Temporary Deputy Speaker** (Hon. Kajwang’): Member for Kibra, just hold your horses. I am enjoying this. Just give me a minute. Let the Member for Shinyalu develop his point.

**Hon. Anami:** Hon. Temporary Deputy Speaker, *Ikhongo Murwi* can never be a crying stone, whether you translate it directly or in terms of philosophy, history or whatever way. *Ikhongo Murwi* can only be *Ikhongo Murwi*. We have so many resources and we need to send our researchers there. We need to send our institutions in charge of environment there. We need to post our intellectuals there so that they can come up with scientific expressions for those resources, so that we share them with the world.

**Hon. Temporary Deputy Speaker** (Hon. Kajwang’): Now that I follow your argument, allow the Member for Kibra to make his intervention.

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

**Hon. Okoth:** On a point of order. Hon. Temporary Deputy Speaker, with all due respect, would I be in order to request the Member for Shinyalu to educate us and not just to debate? He could educate those of us who do not have the privilege to understand the beautiful language and the cultural heritage he has mentioned. He has mentioned three or four other important things and he is not telling us what they are. When I leave here, I will know there is something called *Ikhongo Murwi*. He knows what it is although he is not explaining properly. Would I be in order, for the purpose of records, to ask him to explain to us properly so that we can read in history what those things are and we are then persuaded to preserve and protect them?

**Hon. Temporary Deputy Speaker** (Hon. Kajwang’): There you are, Member for Shinyalu.

**Hon. Anami:** Thank you, Hon. Temporary Deputy Speaker. I also want to thank the Member for Kibra because I was going there. He is only being in a hurry. Yes, he is an active student. *Ikhongo Murwi* is the greatest stone or rock that is the foundation of the Isukha people and there lies a lot of cultural heritage. For example, when a newly married couple had a problem of having children in their marriage, they would go to *Ikongo Murwi*, which is a rock that is the foundation of Isukha people. They would live there until they get their children. The rest, as I said, are so complex. That is the reason we need to inculcate this in our education system. The five minutes I have left---

**Hon. Temporary Deputy Speaker** (Hon. Kajwang’): I will give you those five minutes because your very interesting debate has elicited a few interventions that you cannot run away from. One of them is from the Member of South Imenti, who is already on his feet.

**Hon. Murungi:** Hon. Temporary Deputy Speaker, as an expert in the field of names of trees, I would like to notify my friend that the scientific name of the *omutere* tree, which is popular in Kakamega Forest, is *myosotis emini*. He should use that name and avoid the Luhya one.

**The Temporary Deputy Speaker** (Hon. Kajwang’): That is information that was not solicited but, anyhow, you have it.

Member for Shinyalu, you have a minute to wind up your submission.

**Hon. Anami:** Hon. Temporary Deputy Speaker, you promised to give me three minutes. We can follow up on these details during the Committee of the whole House.

**The Temporary Deputy Speaker** (Hon. Kajwang’): Hon. Anami, you mentioned a rock, and not a tree.

**Hon. Anami:** Yes, I mentioned several rocks. I did not want to stop at *ikhongo murwi*. We also have *kit mikai*. The *Luanda* rocks have also been misrepresented. People see them and only talk about them. We would like to have a process where researchers can establish the history and cultural significance of those rocks, so that we can have that information in the public domain.

We have very important resources in rivers. Our wetlands are diminishing, courtesy of estate developers. There is need to protect our natural resources. With climate change, we have to be sensitive. Local communities should be involved so that we can have a way of nurturing and protecting them.

We have laws that do not indulge our people. We should revisit such laws. The laws that suggest that people do not own rivers are not correct. We should indulge people so that we have the right names of rivers as they also prescribe their significance.

Our education system has no respect for our indigenous resources. We should protect our natural resources so that they can feature in our education system. Our people should understand where they came from so that they can chart their destiny. Without knowing where you came from, you might never know where you are and where you are going.

It is important that our natural and cultural resources are protected. We should indulge our communities to understand them better so that we do not lose important natural resource like Misango Hills. Awasi Hills are diminishing because of the construction of murram roads. Climate change will negatively impact on us and we will not be the best trustees of our future generations.

**The Temporary Deputy Speaker** (Hon. Kajwang’): Thank you. Let us have the professed expert in the names of trees. Did you say that riparian riverine should belong to the communities and not to the national Government?

**Hon. Murungi:** Hon. Temporary Deputy Speaker, I could give good information on that profession. Unfortunately, the Bill is not dealing with names of trees. I will concentrate on the contents of the Bill. This Bill is here in fulfilment of Article 71 of the Constitution.

We should have transactions subject to the Ratification Bill. Therefore, fortunately, this time round, this Parliament has been empowered to protect our natural resources. The natural resources need ratification by Parliament before the people who come here to extract them are given concessions. That is in order. Those concessions include tax rebates and other concessions which those people enjoy. Before they are given those permits, Parliament must agree that they should proceed and do their business in this country.

First, I want to go to Part II of this Bill which has the timelines on how this should be enacted in this House. Part III has time-frames on how that business should be transacted when those people get an agreement from the county government or from the national Government. It should not take more than 14 days before they submit their agreement to the Cabinet Secretary (CS) in charge of that natural resource. I am happy because the time-frame given when the CS should submit the agreement to this House is historic. It is seven days. This means that there will be no red tape between when those guys get the agreement and when they should be ratified by Parliament.

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I am concerned that after this Parliament rejects any agreement or any concession, it is like the last resort. The transaction is declared null and void. The drafters of this Bill should also give a leeway where those guys can go, if Parliament disapproves their transaction or concession. Therefore, we may be unfair to those people coming here to do business. Any investor coming to invest US\$500 million in a mineral business, for example, is a serious investor. When Parliament in one way or the other decides that this agreement cannot be approved, then it becomes a problem to those people.

Therefore, those are the grey areas which when the Bill comes to the Third Reading, we should tooth-comb it and see the best thing to do. If the CS should not stay with this agreement for not more than seven days, when it comes to the Floor of the House, we should give ourselves a total of 60 days. Therefore, we should try to be fast in thrashing out this issue. If it provides 14 days between when the agreement is made and the CS is given seven days and this House takes 60 days to do this transaction--- know there are Bills which are rushed here. This is one of the Bills which should be rushed so that such a person, who could be trying to get loans from the international donors or banks, can complete the process. If those days can be reduced, then this law will be okay.

In the Schedule, I am happy because all the protected areas or conservation areas where we have those natural resources such as wildlife and forests are marked in four key areas which need parliamentary approval. I am happy because this Bill is here today. I am aware that some acres will be hived off the Nairobi National Park so that the Standard Gauge Railway (SGR) can pass through it.

I am happy because this House will determine whether it is important for that transaction to go ahead or change it - that is the route of the Standard Gauge Railway (SGR). This is because if we interfere with our national parks, we will be killing our heritage, which is helping the economy of this country, especially now that we are grappling with low number of tourists who are coming to Kenya. If they realize that we are doing away with our national parks, they will have no business visiting this country. I am aware that public participation is being carried out. Before that process is done with, this Bill will have been signed into law. As a House, we will be in a position to make a decision one way or the other. We could decide that the national park be left intact or we could decide that we give a lee-way for the SGR to pass through that route.

Hon. Temporary Deputy Speaker, I thank you for giving me this opportunity to contribute.

**The Temporary Deputy Speaker** (Hon. Kajwang'): Thank you. Member for Budalangi.

**Hon. Ababu:** Thank you, Hon. Temporary Deputy Speaker. I want to support this Bill and in doing so, I want to applaud the efforts and steps that the international community is taking towards ensuring better management of our environment. I particularly want to applaud the Kenyan delegation to the climate change gathering in Paris that concluded a few days ago. For the first time, the world was able to strike, maybe to borrow the words of Obama, "perhaps the best deal ever" on management of the environment ever discussed and adopted by the international community. I applaud everybody who was party to that, especially the Kenyan delegation that included our honorable colleagues in this House like the Member for Emuhaya, Hon. Wilbur Otichilo, among others.

This Bill comes at a very appropriate time in terms of identifying areas that would require international treaties or international attention in the manner in which we deal with them. Because of time, I just want to focus on the issue of wildlife, especially in view of the fact that

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Kenya is on track in becoming a producer of oil and gas. That is an area that this Continent has suffered enough troubles as it were. It will be important that we engage in this exercise as country learning from the experiences of other countries like Angola and Nigeria, which have reaped lots of tears out of those natural resources.

But even closer to where we are right now is our wildlife resource, which we know has brought great fame and recognition for this country. We know that a few years ago, the Maasai Mara was identified and classified as one of the wonders of the world of our times. That should be an encouragement for us as law makers and as leaders of our country to jealously protect those resources. I was shocked the other day to read about plans to route the SGR through the Nairobi National Park, which is the only park of its type in the whole world located within the vicinity of a capital or a major city. I want to use this opportunity to condemn such plans and to say that whatever it takes, we must revise those plans to ensure that we protect the Nairobi National Park. There are many other routes that the railway line could take; certainly one of those routes should not be through the Nairobi National Park.

This is a law that will help us focus more attention on how we manage our natural resources by bringing the international element. The world is now a global village. No country is an island and the more we discuss those matters from an international perspective the better. Anytime you ignore a matter from an international perspective, you can only make it worse. Indeed, it pains some of us to see what is happening in Burundi for instance, as it is swiftly becoming a victim of international abandonment. Let me use this opportunity to call upon this House and country that we cannot sit back and watch what is going on in Burundi. That is why some of us have gone ahead to start a bipartisan caucus in this House called “Friends of Burundi” so that we can rally political attention on what is going on there.

I support this Bill and pray that through it, we can manage our natural resources better in a manner that is beneficial to us and future generations.

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

**Hon. F.K. Wanyonyi:** Hon. Temporary Deputy Speaker, I come from Kwanza.

**The Temporary Deputy Speaker** (Hon. Kajwang’): I thought my eyes were playing a trick on me because I happen to know you as Member for Kwanza.

**Hon. F.K. Wanyonyi:** I am a student of geography and I do not know where that is. That constituency is not familiar to me.

**The Temporary Deputy Speaker** (Hon. Kajwang’): I know you are digital but I am not so sure what you have done to your consul for it to reflect Fafi. I will find out from my system what is happening. Anyway, now that you have the microphone, please, proceed.

**Hon. F.K. Wanyonyi:** Thank you, Hon. Temporary Deputy Speaker. Let me take this opportunity to say I support this Bill and I think it has come at the right time. I am aware that there are quite a number of transactions and agreements that have been taking place in our country, and which would need to be rectified. This Bill, therefore, empowers Parliament to protect some of the natural resources that we know.

I will start with the natural resource that comes from this country – River Nile. The source of River Nile is actually the highlands in the Aberdares. I can tell you that, that agreement was made before some of us were born. It may be necessary for us to revive some of those agreements. As it is today, any extraction of water upstream from River Nile, we must get permission from Egypt to the extent that it can even be a threat to the security of our country just because of treaties that this country entered into “donkey” years ago. I do not understand and I

do not know who did that and for what benefit. That again gives us time and power to look at some of those things. I hope that when we come to the Third Reading, we will look at some of those treaties and see if we can rectify them since we have been empowered.

Secondly, I am also aware of a recent discovery of oil and natural gases in our country. This is not something that the CS can just go and sign without this Parliament being involved. Yesterday, I heard some good news from Turkana that they have found another field which has got a load of natural resources - that is gas and oil. I do believe that if we are going to enter into any agreement with those who are going to do the extraction of oil, this Parliament should be empowered to look at it so that the local communities can benefit most. That will improve the livelihoods of the people.

Thirdly, and as the Member for Shinyalu was mentioning, my roots are from western Kenya although I stay in the Rift Valley. Kakamega Forest is one of the areas that I want to talk about. It has very special species. For example, it has a very special type of butterfly. The Member for Shinyalu mentioned that some people are actually taking some of our butterflies to their countries for various reasons, maybe for research. Even the birds in Kakamega Forest are very unique. It is an attraction centre for tourists but I am afraid because I am told that some of these species are being taken to other countries I do not want to name. This is something that is of common knowledge in the area. Again, if somebody is found dealing with that without permission of this Parliament, he will be contradicting this Bill which is about to be passed.

**The Temporary Deputy Speaker** (Hon. Kajwang'): Member for Kwanza, would you want rest it at that butterflies' submission so that you will still have a balance of five minutes? You will take advantage of five minutes.

**Hon. F.K. Wanyonyi**: I hope they will inform me when that will be because sometimes we are very busy.

**The Temporary Deputy Speaker** (Hon. Kajwang'): No, we do not inform. When the matter is called next in the Order Paper, you need to avail yourself. That is how the Standing Order is drafted. If you are on your feet when the matter is called, you will take advantage of the five minutes.

**Hon. F.K. Wanyonyi**: I am most obliged.

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

### ADJOURNMENT

**The Temporary Deputy Speaker** (Hon. Kajwang'): Hon. Members, the time being 1.00 p.m., this House stands adjourned until today, Wednesday, 16<sup>th</sup> December 2015 at 2.30 p.m. It is so ordered.

The House rose at 1.00 p.m.

