

PARLIAMENT OF KENYA**THE NATIONAL ASSEMBLY****THE HANSARD****Tuesday, 19th October 2021**

The House met at 2.30 p.m.

*[The Speaker (Hon. Justin Muturi) in the Chair]***PRAYERS****PETITIONS****UNPRECEDENTED RISE IN PRICES OF ANIMAL FEEDS IN THE COUNTRY**

Hon. Speaker: Hon. Members, as you know, Standing Order No. 225 (2) (b) requires the Speaker to report to the House any Petition other than those presented by a Member. Further, Article 119 of the Constitution defines for the rights of any person to petition Parliament to consider any matter within its authority, including petitioning the House to enact, amend or repeal any legislation.

In this regard, I wish to report to the House that my Office has received a Petition signed by five representatives of livestock producers and animal feed manufactures on behalf of the Broiler World Co-operative Society Limited, the Association of Kenya Animal Feed Manufacturers, Kiambu Poultry Co-operative Society, Pig Producers and Githunguri Co-operative Society Limited, among other stakeholders.

The Petitioners have raised concerns regarding what they describe as unprecedented rise in prices of animal feeds in the country. They claim that the increase has been occasioned by policy gaps that have resulted in low production of plant-based animal feed components extracted from soya beans, sunflower and cotton, among others in the country. Also, the regulated exportation of locally produced animal feeds additives, high dependency on imports from neighboring Tanzania, Uganda, Zambia and Malawi; high taxation of imports used in manufacture of animal feeds and the ban on importation of genetically modified components that would have supplemented local production.

The Petitioners lament at the sharp price increase of products used to manufacture animal feeds which has adversely affected the sector, including causing closure of the one thriving farming enterprises and animal feeds and in turn resulting in loss of many jobs in the agriculture subsector.

They are also concerned that high cost of livestock farming and unregulated exportation of food products is a threat to the country's food security. They further aver that over-reliance on agricultural imports from neighboring countries is reducing Kenya's competitiveness in the sector and negatively affecting production due to high prices of imports and irregular supplies from across the borders due to COVID-19 restrictions.

The Petitioners are, therefore, praying for the intervention of this House to look into the issues raised and:

1. Recommend to the relevant Government ministries to consider lifting the ban on genetically modified agricultural materials that are vital raw materials in the manufacture of animal feeds in order to lower the cost of production and prices of animal feeds hence revitalizing the livestock sub-sector in the country.
2. Recommend immediate ban on exportation of milling by products especially wheat bran, wheat pollard and maize germ to improve the quantities supplied to the local manufacturers of animal feeds so as to stabilize the market prices for animal feeds.
3. Amend the relevant provisions of VAT Act, 2013 and any other relevant tax laws by lowering or abolishing the taxes imposed on vitamin and mineral premixes and additives used in producing animal feeds in order to reduce their price.
4. Make any other recommendations that deems appropriated in remedying the situation decreed by the petitioners.

Hon. Members, having determined that the matters raised by the Petitioners are well within the authority of this House, I order that pursuant to the provisions of Standing Order No. 227(1), that the Petition be committed to the Departmental Committee on Agriculture and Livestock. The Committee is required to consider the Petition and report its findings to the House and to the Petitioners in accordance with Standing Order No.227 (2).

Thank you.

I will just take my seat to allow those other Members to make their way quickly because there is another one.

(Several Hon. Members walked into the Chamber)

Hon. Members, make your way quickly. I appreciate that you have just had your lunch and you could be finding it a bit tricky to walk fast. It is said that when snakes swallow boiled eggs, they become inactive. Do not be in similar situations.

(Loud consultations)

Is that a rattle snake? What is that now? Please be in the Chamber.

URGENT RESOLUTION OF THE KWA KADZENGO LAND DISPUTE

Hon. Members, this second Petition is again brought under the provision of Standing Order No.225. It is regarding urgent resolution of the Kwa Kadzengo land dispute.

I also report to the House that I have received a Petition from a Member of County Assembly (MCA) Victor Mwanganda Gogo of P.O. Box 332 Malindi, on behalf of the residents of Kwa Kadzengo Village in Mtepeni Ward of Kilifi County, calling for urgent resolution of the Kwa Kadzengo land dispute to save residents from impending eviction.

The Petitioner elucidates that the Kwa Kadzengo land, registered as Kilifi/Kikambala Block 285/3, was initially owned by Ms. Sheila Norton who divested her interests in 1968 and gave instructions to have the land subdivided and transferred to her ex-employees whose families currently reside on the land. Subsequently, for over 50 years, the families constructed houses, built churches, mosques and schools and cultivated the land for sustenance and commercial purposes.

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Additionally, they claimed that their ancestors are buried on the parcel of land. The land was later converted to become part of the Kikambala Settlement Scheme for purposes of settling squatters residing thereon but, unbeknown to the Petitioners, Francis Kinuthia was irregularly allocated the parcel of land in unclear circumstances and later sold it to the Railway Housing Co-operative Society in April 2006.

The Petitioners aver that the fact that the Railway Housing Co-operative Society has for over 15 years never attempted to develop the said parcel of land confirms that its management is fully aware that the land legally belong to the residents of Kwa Kadzengo Village currently residing on it. However, the management of the Society is said to be currently using illegal unorthodox avenues in attempts to evict residents from the land such as resorting to harassment, threats, brutal force and a host of other inhumane treatments.

The Petitioners, who constitute over 100 households comprised of about 600 men, women, children and the elderly, now risk being unjustly and illegally evicted out of the land that has been their home for over 50 years, thereby condemning them to an anticipated life of homelessness, poverty and misery.

It is on account of that concern that they seek the intervention of the House in urgently intervening to forestall the impending eviction, the investigation into the circumstances by which the Railway Housing Corporation Society ostensibly purchased the land despite knowing that its *bonafide* owners were already in occupation. The said parcel of land was secured by the Government through direct purchase from the Railway Housing Co-operative Society or through provision of alternative land for settling the residents of Kwa Kadzengo Village.

Having determined that the matters raised herein are well within the authority of this House, I order that, pursuant to the provisions of Standing Order No.227 (1), the Petition be committed to the Departmental Committee on Lands to look into and report its findings to the House and the Petitioner, in accordance with Standing Order No.227 (2).

Member for Likoni, Hon. Mishi Mboko, you also have a Petition.

SECURING LAND OWNERSHIP RIGHTS OF MWANANGUVUZE RESIDENTS

Hon. (Ms.) Mishi Mboko (Likoni, ODM): Thank you, Hon. Speaker.

I, the undersigned, on behalf of the residents of Mwananguvuze Village in Timbwani Ward of Likoni Constituency, draw the attention of the House to the following:

THAT, Mwananguvuze Village, which is located in Timbwani Ward of Likoni Constituency, is a pre-colonial centre that was started in 1860 and traces its roots to Mzee Rashid Mbaya Mwazara, who was born in 1830, as well as Mr. Ali Juma Mwangare, born in 1927, and Mr. Mohamed Hamisi Mbaya, born in 1929;

THAT, the land registered as Plot No.120 in Mwananguvuze Village is currently home to over 12,600 residents composed of men, women, children, and the elderly; whose ancestors have undertaken agricultural activities, as well as fishing on this land resource for more than 150 years, as exemplified by ancient gravesites. The Mwananguvuze Mosque whose foundation stone was laid by former Minister Hon. Shariff Nassir in 1980, has old indigenous trees that are decades old, among others;

THAT, when adjudication of land commenced in Likoni Constituency, residents of Mwananguvuze Village were assured of securing their right to the land, but were greatly shocked and disappointed when the Ministry of Lands irregularly and illegally issued title deeds of the land to strangers and newcomers that the residents had never heard of before;

THAT, the residents have recently been informed of plans by Mr. Mahesh Jatantilal Haria to assume ownership of the land under unclear circumstances and evict the residents from their ancestral land;

THAT, efforts to address these concerns through various agencies have been futile; and,

THAT, the issues in respect of which this Petition is made are not pending before any court of law, constitutional or legal body.

THEREFORE, your humble Petitioners pray that the National Assembly, through the Departmental Committee on Lands with the support of the National Lands Commission:

- (i) conducts a fact-finding mission to Mwananguvuze Village to ascertain the situation on the ground as highlighted in this Petition;
- (ii) urgently intervenes to forestall the impending eviction of residents of Mwananguvuze Village from the land registered as Plot No.120 Mwananguvuze/Timbwani;
- (iii) investigates the circumstances under which the said Mr. Mahesh Jatantilal Haria seeks to assume ownership of the said parcel of land;
- (iv) secures the issuance of title deeds of Plot No.120 Mwananguvuze/Timbwani to the residents who are the *bonafide* owners of the land; and.
- (v) makes any other recommendation it deems appropriate in the circumstances of the Petition.

Thank you, Hon. Speaker.

Hon. Speaker: Very well. Hon. Members, comments on the three Petitions will be limited to a maximum of two minutes for each Member. I also observe that the two Petitions - the one by Hon. Mishi and the last one that I read out - seem to identify people in some interesting categories: men, women, children and the elderly. I do not know which gender the elderly belong to.

First off the block is the Member for Endebess.

Hon. (Dr.) Robert Pukose (Endebess, JP): Thank you, Hon. Speaker. I support the first Petition directed to the Departmental Committee on Agriculture and Livestock on the issue of livestock feeds.

Genetically modified organisms (GMOs), especially when it comes to BT cotton, maize and other crops like soya beans, are a common practice in European countries, Brazil and North America. We have been very slow in accepting what science has to offer. As the Committee looks into this, we have a body within the country that looks into approval of GMO foods and technology. The Committee could look into this and identify technology that can be of use to the country.

(Technical hitch)

On land matters, the Ndung'u Report needs to find its way to this Floor so that Members can debate it.

With those few remarks, I support.

Hon. Speaker: Let us have the Member for Makueni.

Hon. Daniel Maanzo (Makueni, WDM-K): Thank you, Hon. Speaker for giving me an opportunity to comment. Issues to do with the GMO have been very controversial in the last three Parliaments and the matter is yet to be settled. In fact, other than the BT cotton, no other genetically modified material has been used.

On the land issue, there are reports that exist. There is the concept of adverse possession whereby if somebody has been living on a piece of land uninterrupted for over seven years, they automatically acquire some rights. Therefore, those people have lived there for over 150 years meaning therefore that it is their land. This is a matter that can be settled by the National Land Commission (NLC) assisted by the Committee, so that the rightful owners of the land occupy it, especially where the history is clear.

On the matter of co-operatives and the feeding, serious research has to be done. One time in India, some animals were fed on the by-products of GMO cotton and they died. So, the team and the Government department charged with the issue of GMO must advise.

That is a matter that has not been settled by this House. I believe the country has a responsibility to decide whether to use GMO's or not. However, many countries in the world are not using GMO's courtesy of their laws and policy. So, we need to come up with a solution. They have provided quite a number of solutions which could favour them, including lowering of taxes. Also, some of the foods manufactured for animals at times have aflatoxin and animals have died as a result of having been fed with such food.

So, it is an area we need to be careful. We must ensure that farmers do not lose out simply because the food products are already poisonous and have not been kept well before they are sold to farmers.

I thank you.

Hon. Speaker: Member for Chepalungu.

Hon. Gideon Koske (Chepalungu, CCM): Thank you, Hon. Speaker. On the issue of GMOs, the high cost of feeds drives farmers out of the dairy and poultry industry. It is true that the more we receive imports from outside countries, the more it makes the dairy and poultry industry very expensive. The price of animal feeds has gradually been increasing and farmers barely make profits.

Hon. Speaker, it is worrying that in Kenya, a litre of water cost Kshs109 while a litre of milk goes for Kshs32. It does not make sense since water is just purified, bottled and sold unlike milk which you must invest heavily in feeds before you get it. The principle of "Buy Kenya Build Kenya," has never been implemented. It is high time that, as highlighted by the Petitioner, we looked at it as the Departmental Committee of Agriculture and Livestock. Kenya depends on imports from Zambia, Tanzania, Uganda and Malawi. The major sources of proteins in animals come from Soya beans, sunflower and cotton which have by-products.

Hon. Speaker, we need to look into the pricing model on products in Kenya.

I thank you and support the Petition.

Hon. Speaker: Let us have the Member for Igembe Central.

Hon. Kubai Iringo (Igembe Central, JP): Thank you, Hon. Speaker for giving me this opportunity to comment on the first Petition with regards to livestock, farming and expenses. The agriculture and livestock sub-sector is one of the biggest employers in this country; where most of the citizens in the country-side stay. The products which come from agriculture and especially livestock are so expensive that you can never make ends meet. That is why people are running away from farming because the inputs for the growth of the animals are expensive. It becomes very expensive when it comes to selling the milk or meat. I, therefore, urge the Committee to holistically look at the production cost of agricultural input. This needs to be checked and controlled so that farmers can benefit from using those materials or when they sell milk from their animals.

We should also check against importing what can be produced locally. We do not have to import things from outside for the sake of it. We need to put control measures so that we can sell the inputs cheaply, produce them locally and consume them here so that farmers can benefit.

I support the petition.

Hon. Speaker: Let us have the Hon. Member for Bomachoge Borabu.

Hon. (Prof.) Zadoc Ogutu (Bomachoge Borabu, Independent): Thank you, Hon. Speaker. First of all, I support the Petition on animal feeds. As this Petition is being considered by the relevant Committee, I would like to urge the committees to find out about government policies in place that address issues of raw materials related to the production of key crops such as cotton and soya beans.

In this country, we have many farmers who are disgruntled because they have no market for their products. How much of that is currently being produced in Kenya? If they consider that, it will help us understand the complexity of this pricing. It is also important for the Committee to understand the implications of this trend, especially in terms of how many people are losing jobs. We hear of 30 companies having closed down because of the increase in pricing of raw materials or the lack of it. How many people are affected?

We are talking of a country where unemployment is skyrocketing and, at the same time, we have companies closing due to unavailability of raw materials. So, it is important for us to ask the technical people in the industry to tell us what they are doing to counter this bad image in terms of income, food insecurity and unemployment.

I support and thank you Hon. Speaker.

Hon. Speaker: Let us have the Member for Mumias East.

Hon. Benjamin Washiali (Mumias East, JP): Thank you Hon. Speaker. I support the Petitioners of Livestock Producers of Kiambu. Despite the fact that this country is rich agriculturally, we have done poorly in protecting our farmers. Hon. Speaker, expect many more petitions coming your way because we have left farmers on their own.

How many times have we complained that eggs from South Africa are cheaper than our local eggs? How many times have we complained that tilapia fish from China is cheaper than that from Lake Victoria? How many times have we complained that sugar from Uganda and Brazil is cheaper than that produced in this country?

Therefore, fuel is an enabler of all these agricultural businesses and, as long as it keeps increasing in price, we will not support our farmers. So, Kenya will no longer be an agricultural country.

On the other two petitions, I am a ranking member of the Departmental Committee on Lands and I will look at them accordingly at that level.

Thank you, Hon. Speaker.

Hon. Speaker: It is also fair to appreciate. Hon. Washiali, you mentioned the issue of sugar from a few neighbouring countries being cheaper. I think either our Departmental Committee on Trade, Industry and Co-operatives or the Departmental Committee on Agriculture and Livestock or both or other people are asleep. It is fair that they try to find out this policy where year-in, year-out, for close to 20 years, this country keeps seeking extension for the COMESA exemption to bring in duty free over 200,000 metric tonnes of sugar. Some of you have written to me. Some other citizens have also written to me. There is a new practice by the Ministry of Trade and the Kenya Revenue Authority (KRA) to go and limit the quotas from those COMESA countries. You would find countries like Eswatini being allocated some quotas and then you are told you can bring 70,000 metric tonnes of sugar from Eswatini, 60,000 metric tonnes from Burundi and only 10,000

metric tonnes from Egypt. Kenya does a lot of trading with Egypt. So, what happens so as to bridge that gap because not a single kilo of sugar comes into Kenya from Eswatini? It means, therefore, that those allocations are later converted into some dubious things given to cartels that later bring them in. What was supposed to come from Eswatini lands in Kenya at the expense of sugar-cane growers in Kenya?

Surely, our two committees, please, this is something which you should move with speed. The Departmental Committee on Trade, Industry and Co-operatives and the Departmental Committee on Agriculture and Livestock, that matter is serious. I have received too many petitions and letters of complaint.

Next is the Member for Kiminini.

Hon. (Dr.) Chris Wamalwa (Kiminini, FORD-K): Thank you, Hon. Speaker, for giving me this opportunity. First and foremost, I will comment on the Petition about animal feeds. It is true as we speak right now; the prices of animal feeds have skyrocketed. Even the farmers cannot break even.

In my own village, we had a very successful farmer called Njoroge who was doing very well in dairy farming. He even sold His Excellency the President a bull at a cost of Kshs2 million. He has closed down and the reason he will tell you is the animal feeds are very expensive and one of the critical contributor is taxation.

Even the Departmental Committee on Finance and National Planning needs to look into this matter because when it comes to dairy farming and matters of poultry, farmers are no longer breaking even. It has become very difficult especially at such a time of the pandemic. Businesses have closed down and the Government needs to come up with a policy on how it can help those farmers in terms of reducing their production costs so that they can compete favourable.

On the other petitions on land, land is a very critical matter. It is a factor of production. How I wish that the National Land Commission can look into the aspects of historical injustice so that it can advise accordingly.

The issue of squatters is not only in Kilifi, but even in Trans Nzoia. Issues of titling, historical injustices and all that should be looked into. We have had similar petitions coming to the Floor of the House. We wonder whether they are resolved or maybe it is an issue of a PR exercise. The Committee on Implementation needs to tell us because these petitions are not new on the Floor of the House. They have come before and they have been repeating. So, the relevant committees need to look for an overall solution once and for all.

I thank you, Hon. Speaker.

Hon. Speaker: Member for Tongaren.

Hon. (Dr.) Eseli Simiyu (Tongaren, FORD-K): Thank you, Hon. Speaker. I wish to support the first Petition on animal feeds. It is very interesting in this country that as we stand now, we are unable to feed our people and now the people are unable to feed their animals. I think this is a very critical time. I urge the Departmental Committee on Agriculture and Livestock, which the Petition has been given to, will really dissect this matter properly and bring a report to the House. This is because it is not right that we say that agriculture is the mainstay of our economy and yet, we are shooting ourselves in the foot the way we are doing it. Even those of us who have decided to make our own animal feeds on the farm are finding it expensive because the ingredients have become too expensive. Many of us are abandoning that part of livestock farming.

Hon. Speaker, I would like to urge you that you use your powers. When this Petition is ready, it should be tabled for a brief debate so that, at least, the Government can be woken up to realize there is a big problem in this country. This is because if we let it go like the other petitions

that they just hand in a report and leave it at that, perhaps it will not wake up the Government. Perhaps, if you could use your powers so that when this Petition is ready, it could be tabled so that we debate and pass it with proper recommendations. I urge the Departmental Committee on Agriculture and Livestock, which is actually up to the task, to bring us a good report.

As to the Petition by Hon. Mishi Mboko, it is sad that this time after Independence, we still have people being dispossessed of their ancestral land. It is not right, not in an independent country because those people are Kenyans. This is their ancestral land and they should not be mishandled in that manner. Hon. Speaker, I hope the Departmental Committee on Lands will look at this matter diligently and bring it to a closure.

Thank you, Hon. Speaker.

Hon. Speaker: Member for Kabuchai.

Hon. Majimbo Kalasinga (Kabuchai, FORD-K): I thank you, Hon. Speaker. I would like to comment on the first Petition. It is a sad experience when see the prices of livestock feeds skyrocket and yet this is exactly what makes food. When you tax feeds which produce food, this will bring us so many issues. It is pathetic that when we are bringing in animal feeds raw materials from another country to come and manufacture ours here and you tax them so highly, that is increasing the prices of those feeds here. It is about the tax regime.

As much as our Government wants to get revenue and develop other sectors, food being the backbone of the economy of this country, must be given priority and be given tax reliefs. It is also very sad to find that you might have double taxation. You are taxing the raw material and then you tax the product. Look at the pressure that we have. Sometimes, we have a lot of pressure on some feeds. The fish commonly known as *omena* is food for humans and feeds for livestock. Sometimes, we must be very clear on our tax regime. If we control taxes, we shall have the best feeds in this country. Thank you, Hon. Speaker.

Hon. Speaker: Hon. Sossion.

Hon. Wilson Sossion (Nominated, ODM): Thank you, Hon. Speaker. I will comment on Petition number one by farmers of Kiambu. We are staring at imminent collapse of the dairy industry, the poultry industry, the piggery and even fishing. This is a threat to the national food security and these commercial enterprises. In fact, it is citing the current challenges. It is not just the cost of the products, but availability. You must import the raw products to prepare the various feeds and there are barriers when it comes to importation.

Hon. Speaker, I would request and seek your indulgence because this is about saving the country and the food security that this Petition be concluded in a shorter period than 60 days and, as has been proposed, we have the Report in the House so that we debate and have proper recommendations. It might require, beyond the Departmental Committee on Agriculture and Livestock, the Departmental Committee on Trade, Industry and Co-operatives and others so that we can save our farmers. Most of us in the House are farmers here and even to get a simple component like maize germ, you have to wait for it to be imported by the dealers from Zambia. This is a serious matter.

Hon. Speaker, give due direction!

The other one on the issue of land is recurring now and again. I believe the Ndung'u Land Commission Report should be treated earnestly by the Committee on Implementation so that we sort out the issues of land injustices once and for all.

I thank you, Hon. Speaker.

Hon. Speaker: Member for Funyula.

Hon. (Dr.) Wilberforce Oundo (Funyula, ODM): Thank you, Hon. Speaker. Allow me to comment on the three petitions, two of which are almost the same. The issue of animal feeds in this country could be the biggest thing after the exorbitant fuel prices. Most of the farmers I know are literally running out of business. I must confess I tried to do the same, but I had to shut down because of the high cost of animal feeds. Many are suffering because the cost of animal feeds is too high compared to the sale price of the end products.

As my colleagues have stated, I would urge the Departmental Committee on Agriculture and Livestock to treat this Petition with the seriousness it deserves and, as much as possible, try and submit a report to this House for debate, once we resume from recess. It is that urgent. It is not a matter to be joked around with.

On the issue of Genetically Modified Organisms (GMOs) and other things, the scientist and the food security experts need to have a very sober debate in this country. We cannot run away from climatic change. It is reducing the amount of food we can get through natural processes. It is time that we had a sober debate as a country and see how we can proceed.

On the final two petitions concerning land issues, the Constitution of Kenya, the National Land Commission and general laws, have a way of solving this issue. The issue of adverse possession that happens after 12 years is the guiding principle that the Departmental Committee on Lands should consider.

Thank you, Hon. Speaker.

Hon. Speaker: Nominee 001

Hon. David ole Sankok (Nominated, JP): Thank you very much, Hon. Speaker.

(Hon. Stephen Mule spoke off-record)

Hon. Speaker: Member for Matungulu, you will speak after that.

Hon. David ole Sankok (Nominated, JP): He cannot be nominee 001. Thank you so much, Hon. Speaker for giving me this opportunity. First of all, I have listened to your advice to the Departmental Committee on Trade, Industry and Co-operatives and the Departmental Committee on Agriculture and Livestock, particularly on the prices of sugar and how some countries like Eswatini are allocated many metric tonnes. Since I listened keenly to your advice, I think it is an advice of a presidential material.

I want to support the earlier Petition on the issue of the price of feeds. Those of us who are farmers are suffering. Buying animal feeds is too expensive for one to make any profit. The Departmental Committee on Agriculture and Livestock can consult with the likes of His Excellency, Hon. Ruto because, when he was the Minister for Agriculture, he played with it and reduced the price of fertilizer. When he did that, we were able to produce enough maize and our stores were full. We were able to produce wheat and barley. For the first time, we exported barley to Tanzania because of that price change in fertilizer. If animal feeds are made accessible and affordable, we will be able to export animal products.

Lastly, on the issue of land, the Ndung'u Land Report, the Akiwumi Report and TJRC Report should be brought to this House so that we can deal with this once and for all.

I support.

Hon. Speaker: Hon. Mule, Member for Matungulu.

Hon. Stephen Mule (Matungulu, WDM-K): Thank you very much, Hon. Speaker. On the Petition regarding animal feeds, it is very unfair if you look at the cost of animal feeds in this country. Through your wisdom and Standing Order No. 1, we need to loop in the Departmental

Committee on Trade, Industry and Co-operatives and the Departmental Committee on Regional Integration into this Petition because of the serious trade imbalance between Kenya and our neighbours. Some of us are very serious farmers. We are being forced to buy animal feeds from our neighbouring countries where they are cheaper than they are here in Kenya. You cannot compare the cost of those feeds in the neighbouring countries with what is being sold in this country. This does not only apply on animal feeds. If you look at pesticides which are used by most of the farmers in this country, they are cheaper in the neighbouring countries than they are in this country. I believe there is a very serious problem in this country which, as Members of Parliament, through these committees, needs to address once and for all.

On the other two petitions regarding land, there is also serious land issues that involve squatters. You find that once land has been purchased by a SACCO, the people who have been occupying those lands for over 50 years are asked to leave. Through the Departmental Committee on Lands, they need to work and ensure that all Kenyans have the right to live wherever they live and to ensure that justice is made for those people who do not have land in this country. If people have occupied a certain parcel of land for a long time, then a SACCO through brokers buy it and decide to displace those people...

Hon. Speaker: I can see the Chair of the Departmental Committee on Agriculture and Livestock, although he was busy on his phone for the longest time. Hon. Tiren, I see every Member even when they are hiding or when they are bending. There is no need of us saying that we include many other committees. I believe the Committee is up to task. If you read the allegations by the petitioners, they are claiming that the increase has been occasioned by policy gaps that have resulted in low production of plant based animal feeds components, extracted from soya beans, sunflower and cotton, among other plants in this country; unregulated exportation of locally produced animal feeds additives and high dependency on imports from neighbouring countries. Also, the high taxation of imports used in the manufacture of animal feeds and the ban on the importation of GMOs that would have supplemented local production. These are issues that the Departmental Committee on Agriculture and Livestock can be able to handle. In any event, they are all Members of this House.

I would agree with the suggestion from a number of Members who have said that this matter is so important that Hon. Tiren should bring a report to the House, so that where you find gaps, Members can add their inputs. It affects the entire country. We are talking about food security and all these things. I know there are many of you who still want to contribute, but remember comments are only limited to 30 minutes.

I will hear the Member or Nyando.

Hon. Jared Okelo (Nyando, ODM): Thank you very much, Hon. Speaker. The moment most regions in this country are experiencing drought, it means human life is at risk and livestock are at a higher risk. If the animal feeds would be affordable... At the moment, we have to juggle between human food and animal food. We have seen thousands of animals dying each day. If that affordability would be in place, then people would buy animal feeds for their livestock. So, it is absurd that we are losing this amount of animals which by inference means money and, therefore, the country is losing so much.

A country that prides itself in agriculture and yet, it cannot adequately address matters agriculture. We know agriculture presents number one revenue earner to this country and, therefore, how I wish that the committee as you have directed, will move swiftly to address this matter, so that we can conclude this most important thing. It has been said how we import animal feeds and other related products like sugar that you have talked about. Each time we are shipping

anything into this country, by inference, we are shipping our jobs abroad. At a time when most of our youths and the productive lot of our society are reeling under joblessness, this country must quickly do something to that effect.

The United Arab Emirates (UAE) and the rest of the Arab world are in dire need of beef, but this country cannot provide beef to cushion that market. Therefore, I hope that my good friend, Hon. Tiren, will move swiftly.

Hon. Speaker: Member for Mvita.

Hon. Abdullswamad Nassir (Mvita, ODM): Asante sana, Mhe. Spika, kwanza ningetaka kumpa kongole dadangu, Mhe. Mishi Mbogo, Mbunge wa Likoni kwa kuleta Ardhilhali hii kwa lugha almaharufu *Petition*, kuhusiana na kijiji cha Mwananguvuze kilicho katika eneo la Twimbani, Likoni.

Mhe. Spika, hii ni jambo la kusikitisha ambalo halieleweki kwa sababu ardhi hii inahistoria kuanzia mwaka wa 1830 na kunajulikana watu walikuwa hapo kuanzia mwaka 1927. Kwa niaba yangu, Marehemu Mzee Shariff Nassir, aliyekuwa Mjumbe wa Mvita na baba yangu, ni mmoja wa walioweka jiwe la msingi la kujenga msikiti katika eneo hio mwaka wa 1980. Leo hii, mtu amekuja kutoka Nairobi na kuambiwa atapatiwa *Title Deed* ya msikiti ule. Wakaazi walio pale ni 12,600 na hatuwezi kukubali mwenendo huu. Hawa ni watu walio na hamu ili Serikali iweze kuwatolea fidia na huyu mtu hakutoa jasho lake wala kufanya jambo lolote. Sio hapa pekee, hata kule Mvita nimeweza kupeleka ombi kwa *National Land Commission (NLC)* na wakatoa rasimali inayofaa kulipwa ambayo nitaleta rasmi katika Kamati. Asante sana, Mhe. Spika.

Hon. Speaker: Member for Igembe South.

Hon. John Paul Mwirigi (Igembe South, Independent): Thank you, Hon. Speaker. I want to support the *Petition* on animal feeds import in this country and their prices. Farmers in this country will always import animal feeds because of the high cost. Why do these farmers import from foreign countries? This is because our neighboring countries governments are interested in their farmers and that is why farm feeds are very favorable in those countries. The Departmental Committee on Agriculture and Livestock should recommend that the Government lowers taxes on the animal feeds ingredients, so farmers in this country can be encouraged to produce more. Secondly, farming equipment is very expensive and the Government has raised importation taxes of these equipment. There is urgent need to reduce farm machinery taxes, so our farmers can farm well and animal feeds prices can be reduced.

Thank you, Hon. Speaker.

Hon. Speaker: Member for Jomvu.

Hon. Bady Twalib (Jomvu, ODM): Asante sana, Mhe. Spika kwa kunipa fursa hii ili nami niweze kuchangia. Wenzangu wamezungumza juu ya Ardhilhali tatu ambazo zimeletwa hapa. Lakini, mimi nitazungumzia Ardhilhali ya Mhe. Mishi, Mbunge wa Likoni, juu ya watu wa Mwananguvuze.

Mhe. Spika, haiwezi kuwa kuanzia mtu mmoja mpaka wakafika watu 12,000 na mtu huyu hata hajui historia ya ardhi ile na anatakakuinunua. Kwa hivyo, ni muhimu Serikali hii iwezekuona kuwa mambo haya ya watu kuhamishwa kiholela yamekomeshwa. Mimi nampongeza Mhe. Mishi kwa sababu tumekuwa na yeye kutoka Bunge la 11, na wakati huo alienda kwa NLC mara mbili kuwatetea watu wale. Akifanya hayo wakati huo, nami nilikuwa nawatetea watu wa Aldina kutoka eneo Bunge langu la Jomvu. Kwa hivyo, watu 12,000 hawana mahala pengine pa kuishi, hapo ni kwao na hawawezi kuenda Uganda au Rwanda. Hapo ndipo walizaliwa, mahali ambapo kuna misikiti, makanisa na shule.

Kwa ufupi, ningependa kamati iwezekana kuenda Likoni haraka iwezekanavyo na kutoa uamuzi kuwa wananchi hao waendeleo kukaa hapo kwa sababu ni kwao. Vile vile, sehemu ya Aldina kule kwangu Jomvu tuweze kuwapa watu wale hati miliki. Huyu anayeitwa Mahesh, atafute Serikali iliwa*discuss* na kujua watafanya vipi, lakini aachane na watu wa Mwananguvuze. Asante Mhe. Spika, namuunga mkono Mhe. Mishi.

Hon. Speaker: Member for Saku.

Hon. Ali Rasso (Saku, JP): Thank you, very much, Hon. Speaker. On the first Petition on Genetically Modified Organisms (GMOs), as far as this country is concerned, scientifically, there are issues that must be looked at in breadth and depth, to see if we are ready for that. Of importance is that agriculture contributes 22 per cent to the Gross Domestic Product (GDP) and employs 60 per cent of the Kenyan population. So, this is an important sector and the question we must ask ourselves is: why is our agriculture not competitive? Are we paying our farmers enough as an incentive for food production?

Hon. Speaker, I think the Petition brought through you has far reaching effects and the Committee must not only look at the substance of it, but go deeper. Is agriculture sustainable in Kenya, if it is contributing so much to our GDP? On the issue of land brought by Hon. Mishi Mboko, I think one thing she has said is that there is one person possessing all that land. We must ask ourselves, if one person is more important than 20,000 families living on that land? We must move away from the haves and the have nots and Kenya must be for all. Those who have petitioned this House, we must look at them with fairness and the substance they deserve because they are Kenyans and want a dwelling to call their home.

Thank you, Hon. Speaker.

Hon. Speaker: Finally, the Member for Mwatate.

Hon. Andrew Mwadime (Mwatate, ODM): Shukrani, Mhe. Spika. Naunga mkono Ardhihali ya kwanza kuhusu **umasia** kule Kiambu. Kwa kweli, hili Bunge linapaswa kuamka maanake kwa sasa, maswala kama haya haliwezi kutofautisha kama ni mtungaji sheria, mzalishaji au yule anayekula. Mhe. Spika ukiruhusu, kwa Kiingereza, ni *consumer politician and producer politician*. Kenya tunaelekea mahali ambapo si pazuri, kama maswala ya vyakula vya mifugo vitaendelea namna hii.

Pia, naunga mkono Ardhihali ya pili na ya tatu, yale ya kwa Kazengo na vile vile, haya ya Mwananguvuze. Haya malalamishi ni mengi sana nchini Kenya. Juzi tu, kule kwangu, nimeshangaa watu walioishi zaidi ya miaka 20 na, wanafurushwa na Shirika la Wanyama Pori. Hii miaka yote, wamekuwa wapi wakigojea watu wajenge hapo. Kamati husika linapaswa kuchunguza maswala haya kwa undani na wayatatue haya malalamishi kwa haraka, angalau wananchi wanaoishi kule wasaidike. Katika eneo Bunge langu, sehemu ya Maungu, watu zaidi ya 500 wamefurushwa kama wiki tano au sita zilizopita. Wote wanakimbia kulalamikia viongozi wao na ukiangalia hela ilivyo kwa sababu ya huu ugonjwa wa Korona, kuna matatizo mengi sana. Kwa hivyo, Kamati husika inapaswa kuamka na ile Kamati tekelezi isilale lakini iyende mbio ndiyo maswala kama hawa yamalizike.

Asante sana, Mhe. Spika.

Hon. Speaker: Very well, the petitions are accordingly committed as earlier on directed. We move to the next Order.

PAPERS LAID

Hon. Speaker: The Leader of the Majority Party.

Hon. Amos Kimunya (Kipipiri, JP): Hon. Speaker, I beg to lay the following Papers on the Table of the House today Tuesday, 19th October 2021:

Reports of the Auditor-General and financial statements in respect to the following constituencies for the year ended 30th June 2019 and the certificates therein:

- (i) Narok South Constituency
- (ii) Kilgoris Constituency.

Thank you, Hon. Speaker.

Hon. Speaker: Next Order.

NOTICE OF MOTION

INTRODUCTION OF MANDATORY GUIDANCE COUNSELLING PROGRAMMES IN PRIMARY AND SECONDARY SCHOOLS

Hon. Speaker: Hon. Rahab Mukami Wachira, Member for Nyeri County.

Hon. (Ms.) Rahab Mukami (Nyeri CWR, JP): Hon. Speaker, I beg to give notice of the following Motion:

THAT, aware that most pupils in primary and secondary schools are currently facing ethical behavioural challenges manifested in the rampant cases of drug and substance abuse, socially unacceptable sexual misadventures and antisocial behaviour that has contributed to their poor study habits, academic and underachievement and increased conflict with parents, teachers and guardians; noting that there have been increased case of violence in the form of school strikes and burning of schools; cognisant of the fact that a break up from cultural norms, rising unemployment rates and stress from parents among other factors has patent and negatively affected the students behaviour in schools leading to increased suspensions or expulsions and drop outs; deeply concerned that students from families experiencing domestic violence, separation, single parenthood, terminal illness and the recent COVID-19 Pandemic among other myriad of problems are prone to depression; appreciating that there is need of guidance of teenagers at their formative stages in life, this House therefore urges that the Government through the Ministry of Education introduces mandatory weekly guidance and counselling to all students in primary and secondary schools in Kenya by definition of counsellor roles, restructuring curriculum programmes, implementation of comprehensive school counselling programmes and development of system support.

Thank you, Hon. Speaker.

Hon. Speaker: Next Order.

QUESTION BY PRIVATE NOTICE

Hon. Speaker: The first Question is by private notice.

Question No.07/2021

PENALISING CONSTITUENCY AND COUNTY OFFICES FOR DELAYS IN THE REMISSION OF TAXES

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Hon. Jared Okelo (Nyando, JP): Thank you, Hon. Speaker because this Question stems from your directive that you delivered last week on the Floor of this House concerning the taxes by the Kenya Revenue Authority accruing from our county and constituency offices. It is Question by private notice.

Hon. Speaker, I rise to ask Question No.07/2021 by private notice addressed to the Cabinet Secretary for National Treasury and Planning:

- (i) Could the Cabinet Secretary explain why Kenya Revenue Authority (KRA) has been penalising constituency and county offices for delays in the remission of taxes due for the staff emoluments and operational expenses in these offices, yet the delays are occasioned by the fact that the Parliamentary Service Commission always receives exchequer releases from the National Treasury late?
- (ii) Could the Cabinet Secretary ensure that the said offices are exempted from such penalties considering that the National Treasury is usually solely responsible for the delays?

Thank you, Hon. Speaker.

Hon. Speaker: I hope the Departmental Committee on Finance and National Planning notes that the Question is by private notice. The Question will be replied to before that Committee.

Next Question is by the Member for Ainabkoi, the Hon. William Chepkut who has written to request that the Hon. Pukose asks the Question on his behalf. Hon. Pukose.

ORDINARY QUESTIONS

Question No.375/2021

RATIONALE FOR FEES INCREMENT

Hon. (Dr.) Robert Pukose (Endebess, JP): Hon. Speaker, I stand to ask Question No.375/2021 on behalf of Hon. William Chepkut, MP, Ainabkoi to the Cabinet Secretary for Education:

- (i) Could the Cabinet Secretary explain the rationale for the recent increase in fees and student hostel accommodation cost by the University of Nairobi?
- (ii) Could the Cabinet Secretary explain whether the University conducted stakeholder engagement and consultations before effecting the increment considering that most students rely on the funds from the Higher Education Loans Board to pay for academic and accommodation fees?
- (iii) Could the Cabinet Secretary explain whether the fees increment affects all students at the University, including postgraduate students?

Hon. Speaker, I have asked the Question on behalf of Hon. Chepkut. I wish him quick recovery after he underwent surgery at Mediheal Hospital. Thank you, Hon. Speaker.

Hon. Speaker: The Question will be replied to before the Departmental Committee on Education and Research.

Given that the Hon. Chepkut had written to notify me of his situation, if the Question will be replied to before he has fully recovered, Hon. Pukose should be notified.

The next Question is by the Member for Meru County, the Hon. Bishop Kawira Mwangaza.

Question No.405/2021

MEASURES TO GUARANTEE FOOD SECURITY IN MERU COUNTY

Hon. (Ms.) Kawira Mwangaza (Meru CWR, Independent): Hon. Speaker, I rise to ask Question No.405/2021 to the Cabinet Secretary for Public Service, Gender and the ASAL:

- (i) What steps is the Ministry taking to ensure food security in Meru County, particularly during natural disasters such as floods, drought and famine?
- (ii) What measures has the Ministry put in place to establish natural disaster preparedness mechanisms in Meru County particularly with regard to floods, drought and famine?

Thank you, Hon. Speaker.

Hon. Speaker: The Question will be replied to before the Departmental Committee on Administration and National Security.

The next Question is by the Member for Rarieda, the Hon. Dr. Oteinde Amolo who has written to me requesting that the Hon.(Dr.) Ochanda to ask the Question on his behalf.

*Question No.407/2021*FAILURE TO RESOLVE THE DISPUTE OVER MIGINGO
ISLAND BETWEEN KENYA AND UGANDA

Hon. Gideon Ochanda (Bondo, ODM): Thank you, Hon. Speaker. That is my good neighbour, Hon. (Dr.) Otiende Amolo. He is raising the Question No.407/2021 to the Cabinet Secretary for Foreign Affairs:

- (i) Could the Cabinet Secretary explain why the long outstanding dispute regarding the ownership of Migingo Island in Lake Victoria between Kenya and Uganda has been unresolved leading to continuous harassment, torture and arrests of Kenyan fishermen who are subsequently tried in Uganda?
- (ii) Considering that most Kenyan families along the shores of Lake Victoria depend on fishing as source of livelihood and foreign exchange, could the Cabinet Secretary explain the steps taken to expeditiously and amicably settle the said dispute with a view to ending the constant harassment of Kenyan fishermen by security agencies from Uganda?

Hon. Speaker: The Question will be replied to before the Departmental Committee on Defence and Foreign Relations.

Next question is by the Member for Nyeri County, Hon. Mukami.

*Question No.411/2021*PROGRESS OF THE BIG FOUR AGENDA IN
RELATION TO AFFORDABLE HOUSING

Hon. (Ms.) Rahab Mukami (Nyeri CWR, JP): Hon. Speaker, I rise to ask Question No.411/2021 to the Cabinet Secretary for Lands and Physical Planning:

- (i) What is the progress of the realisation of the “The Big Four Agenda” with respect to affordable housing?

- (ii) What steps is the Ministry taking to address the existing bureaucracy and cumbersome processes at the Ministry of Lands with respect to application and granting of the necessary approvals to facilitate home ownership through mortgage, causing many real estate developers to avoid mortgage?

Thank you, Hon. Speaker.

Hon. Speaker: The Question will be replied to before the Departmental Committee on Lands.

The last Question is by the Member for Kabete, Hon. Githua Wamacukuru.

Question No. 418/2021

ISSUANCE OF IDENTIFICATION DOCUMENTS TO KENYANS IN THE DIASPORA

Hon. James Wamacukuru (Kabete, JP): Thank you, Hon. Speaker. My Question is No. 418/2021 directed to the Cabinet Secretary (CS), Ministry of Foreign Affairs.

- (i) Could the CS outline the measures put in place in all Kenya Missions abroad to ensure that Kenyans in the diaspora receive all the necessary services promptly and are served with dignity particularly with regard to issuance of passports and Identity (ID) cards, among other services?
- (ii) Could the CS indicate whether there are any plans to open more consulates in the United States of American considering the large population of Kenyan citizens living in the different States in that country?

Thank you.

Hon. Speaker: The Question will be replied to before the Departmental Committee on Defence and Foreign Relations.

That is the end of that segment. The next segment is request for Statements.

POINT OF ORDER

KILLINGS IN MARAKWET EAST

Hon. Kangogo Bowen (Marakwet East, JP): On a point of order, Hon. Speaker.

Hon. Speaker: What is your point of order, Hon. Kangogo Bowen?

Hon. Kangogo Bowen (Marakwet East, JP): Thank you, Hon. Speaker. I seek for your indulgence in regard to a Statement which I sought sometimes back this year in June. On 12th June 2021, there was an attack in my constituency by bandits whereby seven people were killed. I came to your office and you approved for me to seek a Statement from the CS and, in July, through a Statement which was read by the Hon. Chairperson here, he gave quite a number of measures that they are going to put in place to make sure that those killings and the banditry in my constituency are not going to continue anymore.

The CS gave a lot of measures including establishing General Service Unit (GSU) camps there. Some chiefs were also suspended and there are some locations without chiefs. They also gave measures like deployment of National Police Reservists (NPRs) and putting up a police station.

As we speak this afternoon, there is a whole family of a mother together with her three children whose bodies are in a mortuary. They were killed on Friday together with a livestock officer who is not even from Marakwet. He was just...

Hon. Speaker: What is your question? Has the Statement ever been given?

Hon. Kangogo Bowen (Marakwet East, JP): Hon. Speaker, I just want to seek for your indulgence and this is from the people of Marakwet East. They are seeking your indulgence. When the CS tabled this Report before you, he stated that, within 14 days, they will put in place some immediate measures to make sure that those banditry attacks and killings will never occur again. I want to tell you that since the CS visited there together with the Inspector-General (IG) of Police and the Rift Valley Regional Commissioner (RC), Mr. Natembeya in July, we have lost nine people including the four who were killed last week. And because the Chair is here and he is the one who read this Statement, I want him to tell us how long the CS is going to take to implement the measures that he presented before this House to make sure that these banditry attacks will never happen again. It is very sad that...

Hon. Speaker: You have now made it a debate. I thought you wanted something from the Chairperson of the Committee?

Hon. Kangogo Bowen (Marakwet East, JP): Hon. Speaker, this was a Statement read by the Chairperson of the Committee and there is nothing that has been implemented up to today. So, I am seeking for your indulgence to compel the CS to implement the measures he outlined in the Statement to make sure that my people live in peace. This is a constitutional issue.

Hon. Speaker: Hon. Kangogo Bowen, if the CS tabled something in which he gave assurances, that is where our Select Committee on Implementation chaired by the able Hon. Ole Kenta comes in. That is where you should direct the question that: "This is the assurance given by the CS and nothing has happened." The National Assembly will then facilitate the Committee to go and confirm whether what you are saying is true so that appropriate necessary action can be taken because this Committee is supposed to deal with those kinds of assurances given by the Executive.

Nobody, no matter their station in life in the Executive, is supposed to come and take the House for a ride. If they have given an undertaking that they are going to put up certain infrastructure and nothing has happened, then there should be some reasonable explanation failure to which the House should be moved to take the necessary action.

Hon. Kangogo Bowen (Marakwet East, JP): That is okay, Hon. Speaker. I am obliged to what you are telling me that I should direct my issue to the Select Committee on Implementation, through the Chairperson and, of course, the Chairperson of the Departmental Committee on Administration and National Security who read the Statement is here.

Under our Constitution, the right of life is the first one. So, I seek for your indulgence.

Hon. Speaker: I thought you were seeking some intervention. About the right to life, if you can remember, I told you to come and raise the matter here so that either the Chairperson of the Committee who read the Statement...

Hon. Mwathi, what is your response?

Hon. Peter Mwathi (Limuru, JP): Thank you, Hon. Speaker. It is true that I read that Statement. That Statement contains some undertakings such as deployment of special unit and establishment of a police station. I have just learnt through the Member that those have not happened. As you have rightfully said, this is a matter that should have been taken by the Select Committee on Implementation, but since I am also responsible, having read the Statement, I will also reach out to the CS because this matter is very serious. I can imagine the loss of lives. He has

said a whole family has lost their lives against the assurance by the CS that they are going to deploy a special unit. So, it behoves me to go back to him and tell him that those assurances have not been achieved. I will then transmit the answer I will get whether in written form or verbal to Hon. Kangogo Bowen even if we proceed on recess. At the same time, I also expect that the Select Committee on Implementation is going to follow that very rigorously.

Thank you.

Hon. Speaker: Very well. So, Hon. Kangogo Bowen, even in the meantime, you can also approach the Select Committee on Implementation with the recent response. That is why everybody in the Executive must be held accountable if they forward certain commitments to the Chairpersons of the Committees. It cannot just be a piece of paper. If it is tabled and brought to the House, then it means that the Government is serious about what it pledges to do. If they are not ready, they should not commit themselves. Otherwise, they can say that they are unable to do it and then call for a national prayer in a *msitu* in Marakwet East so that we all congregate there and say some prayers. They should do that if they are not able to do it because why are they not able to?

Hon. Kangogo, you are right in what you are saying.

(Hon. William Kisang spoke off record)

There is no debate. I can see the Member for Marakwet West also wants to speak. It is not a Marakwet issue because you are talking about loss of lives.

Hon. Kangogo I will give you only one minute because we really need to go to business.

Hon. Kangogo Bowen (Marakwet East, JP): Thank you, Hon. Speaker, for that direction. I also thank the Chairperson of the Departmental Committee on Administration and National Security for committing to follow up with the CS because we are always attending funerals during the weekends.

Thank you very much.

Hon. Speaker: Very well. There is a request for Statement by Hon. Christopher Omulele, Member for Luanda.

FUNDS REMITTED TO THE TOURISM FUND AND JUSTIFICATION OF ITS BOARD MEMBERSHIP

Hon. Christopher Omulele (Luanda, ODM): Thank you, Hon. Speaker. I rise to request a Statement on the Public Finance Management (Tourism Promotion Fund) Regulations, 2019.

Pursuant to Standing Order 44(2)(c), I wish to request a Statement from the Chairperson of the Departmental Committee on Finance and National Planning regarding the Public Finance Management (Tourism Promotion Fund) Regulations, 2019. The Tourism Promotion Fund was established under Section 24(4) of the Public Finance Management Act of 2012, through the Finance Act of 2016. It was operationalised through *Legal Notice No. 24 dated 12th April 2019*, the Tourism Promotion Fund Regulations of 2019.

The purpose of the said Fund is to provide finances to support development, promotion and granting to the tourism sector. The main source of the Fund is proceeds, realised under Section 3 of the Air Passenger Service Charge Act, collected by the Kenya Airports Authority and remitted to the Fund. However, it is not clear the amount of funds collected since the Fund was operationalised and the activities that have been funded by proceeds from this Fund.

The Public Finance Management (Tourism Promotion Fund) Regulations, 2019 provides for the establishment and composition of the board. It shall consist of the Cabinet Secretary (CS) responsible for tourism who is the chairperson of the board or, in his or her absence, the Principal Secretary (PS) responsible for matters relating to tourism and six Principal Secretaries, and two persons of opposite gender appointed by the CS responsible for matters relating to tourism, in accordance with Article 27 of the Constitution. Consequently, this raises the concern regarding supervision and oversight aspects of the Fund because the CS of the Ministry of Tourism and Wildlife who should play this role and ensure that there is proper checks and balances is also the chairperson of that board.

It is against this background that I seek a Statement from the Chairperson of the Departmental Committee on Finance and National Planning. In the Statement, the Chairperson should address the following matters:

- (i) Could the Chairperson provide a full disclosure detailing the proceeds collected under Section 3 of the Air Passenger Service Charge Act and remitted to the Tourism Promotion Fund since its operationalisation to date?
- (ii) Could the Chairperson provide the justification of Regulation 14(1)(a) which designates the Cabinet Secretary responsible for tourism as the chairperson of the board, as opposed to an appointment of an independent chairperson akin to other Funds created under the laws of Kenya?

I thank you, Hon. Speaker.

Hon. Speaker: The Request of Statement is directed to the Chair of the Departmental Committee on Finance and National Planning. There was an indication that the Hon. Mboni would stand in for the Chair or the Vice Chair of the Committee.

Hon. David Mboni (Kitui Rural, CCU): Yes. Thank you, Hon. Speaker. I beg to give notice of the following Motion...

Hon. Speaker: No, it is not that. When can you respond to this Request?

Hon. David Mboni (Kitui Rural, CCU): In three weeks.

(Laughter)

Hon. Speaker: In fairness, let the Request be channelled through the Office of the Leader of the Majority Party so that the Hon. Mboni is not put to task over it. His mind was not here.

Hon. Members: Point of order.

Hon. Speaker: What is out of order, Hon. Members? I can see all of you have pressed the Intervention Button. Hon. Duale.

Hon. Aden Duale (Garissa Township, JP): Hon. Speaker, there was a matter that was asked in this House. It was a Statement sought by the Hon. Kimani Ichung'wah on why Kenyan businessmen and businesswomen, it is more of traders, going to China are quarantined for 14 days when the Chinese are coming to our country in thousands, every evening. An Answer was brought by the Chair of the Departmental Committee on Defence and Foreign Relations but the House, through your direction, accepted that he said he had to consult the Departmental Committee on Trade, Industry and Cooperatives. It has taken two months. When the British or the UK Government did a similar move based on Covid-19, the Government of Kenya did a counter move to protect its citizens. Since Covid-19 started, this country is receiving thousands and thousands of Chinese businesspeople and no Kenyan person can go to China.

(Applause)

If the people going to China, who are small and medium-sized businesspeople, are quarantined for 14 days, what does that mean? This House must, through you, protect the people. The Chinese are now informally telling Kenyans: “use emails and telephones to talk to our people. Give business to our people. Do not go to China”. So, this Committee and this House must protect Kenyan citizens. So, I really want you to direct against this trade imbalance, this trade discrimination, that is happening to Kenyan businesspeople. This Government must do something, unless this Government is an appendix of the Chinese Government. When the British did the same, the Government acted very fast. What is so special about these Chinese that they can dump their people here, they can dump their goods here, and they cannot allow Kenyans to go and do business in their country? That is number one.

Secondly, you remember I sought a Statement that I was told I would be given in two weeks. It was about the Capital Markets Authority (CMA) and was based on the thousands of Kenyans who lost their hard-earned savings through the Cytonn scheme. I appeared before the Committee that promised, in the *Hansard*, Response would be in two weeks. I appeared. There is no Answer. I also asked a similar Question on the late publication of key economic reports and documents by the Kenya National Bureau of Statistics (KNBS). I am yet to receive the Response, two months since then.

Hon. Speaker, some of us bring Requests here and were are told “two weeks” or “three weeks”. We are now two months without Answers. We are asking for these Statements on behalf of the people of Kenya. We are asking on behalf of the people who lost their money through Cytonn and the fraud that the CMA as a regulator has taken. I asked for a serious Statement on the KNBS. That, certain reports must be given to this House and country even before the Budget is formulated. The CS violated. What has happened even with independent power producers is that it takes two months every time I seek a Statement, and the national Executive goes on to sanitise.

So, particularly on the matter of the Chinese, I really want you to direct. At least for the one to the Departmental Committee on Finance and National Planning, I spoke to Hon. Wangari. She promised to bring it by Thursday. But, Hon. Speaker, you need to put your foot down and give direction on why, since Covid-19, the only country that does not allow Kenyans to go to it and do business with it is China. If you go there today, they will do a quarantine on you for either 14 days or 21 days—specifically telling Kenyans who do business in Gikomba, Eastleigh and other parts of the country: “use your email if you want to do business with us and our companies in China”. This Government must also close doors on the Chinese. Until they comply, no Chinese should come to this country. So, the Chair of the Departmental Committee on Trade, Industry and Cooperatives promised to give a Response in two weeks. It is now one month.

Hon. Speaker: He is very rare. Is he here today? It would be a shock if he is present.

(Laughter)

Does the Chairperson of the Departmental Committee on Trade, Industry and Co-operatives live in Kenya? Does he have a Vice-Chairperson? Hon. Members, the House should take action. Otherwise, we will become a laughing stock. Chairpersons are not here to respond but are quick to rise in their places and claim that they will give a response in two or three weeks and then the matter just dies there. Who is the Vice-Chairperson of the Departmental Committee on Trade, Industry and Co-operatives? Is it the Member for Kigumo? Is she in the House? I know those are

some of the Members who normally come and crowd at the door waiting for there to be confusion and then they exit.

(Laughter)

Do they know why they were given those responsibilities? Leader of the Majority Party, you must also crack the whip. They are your Members. If they are not willing to be in the House, let them go and look after camels or grow coffee and tea for those who do so. It cannot be that you are given a responsibility and you cannot be in the House.

(Loud consultations)

The Leader of Majority Party should give a statement with regard to those two on Thursday.

Hon. Amos Kimunya (Kipipiri, JP): Hon. Speaker, it is quite disappointing that Members are promised something and the promises are not kept. I undertake to liaise with the two - the Departmental Committee on Finance and National Planning and the Departmental Committee on Trade, Industry and Co-operatives. I will look in to the matter and ensure that action is taken.

Hon. Speaker: Member for Funyula, what is your point of order?

Hon. (Dr.) Wilberforce Oundo (Funyula, ODM): Thank you, Hon. Speaker. I rise on a point of order regarding two issues. First, last week on Thursday, I mentioned that I had a pending issue before the Departmental Committee on Finance and National Planning. They told us to hover around today for a miracle to happen, so that we are called to receive Statements and answers. As I indicated, we truly hovered around. At around five minutes to 10 o'clock, we were sent a short message stating: "Sorry for the inconvenience. The Cabinet Secretary (CS) will not be available to answer your Questions or issue Statements."

This is becoming unbearable, frustrating and extremely inconveniencing. Pursuant to what the Leader of the Majority Party said, we need to find a way. When you tell Members of Parliament to come for their Statements on a particular day, you know very well that now that we are at the tail-end of the Session, we will forgo other activities to come and receive the Statements because we asked for them on behalf of the public. We need to find a way.

Secondly, I had a discussion with the Chairperson of the Departmental Committee on Transport, Public Works and Housing. There is a Statement that has been pending since February this year. He sent me a soft copy on 23rd August. I have been patiently waiting for it to be tabled in the House but it has not been forthcoming.

I seek your indulgence and guidance on those two issues.

Hon. Speaker: It is the Chair of which Committee?

Hon. (Dr.) Wilberforce Oundo (Funyula, ODM): The Chair of the Departmental Committee on Transport, Public Works and Housing.

Hon. Speaker: Hon. Pkosing is in the House. Hon. Pkosing, you can respond.

Hon. David Pkosing (Pokot South, JP): Thank you, Hon. Speaker. With regard to the Statement Hon. Oundo asked for, I invited him to my Committee and he came. I think Hon. Oundo should have started like that in good faith. Chairpersons are not super human beings; they are Members of Parliament like the rest of us. We should begin from a point of good faith. Hon. Oundo came and was unsatisfied with the response. The Committee agreed with him. We asked the Ministry to come up with a proper Statement, which they did, and I forwarded it to Hon. Oundo.

I was waiting for Hon. Oundo to tell me that it was now fairly satisfactory. If he is not satisfied, there is no sense in tabling a Statement which an hon. Member is not satisfied with and

he ends up lamenting on the Floor of the House. That does not help. It is not for his interest; neither is it mine. It is for the interest of the people of Kenya. I was waiting for him to say “Yes, Hon. Chair. It is fairly satisfactory and I can have it for purposes of reading.” If he is not satisfied, it is still within the timeframe where my Committee can refer it back to the Cabinet Secretary and tell him that the Statement is not satisfactory. I would then bring Hon. Oundo and the Cabinet Secretary together. Otherwise, he has the Statement. He has not told me whether he is still not satisfied.

Hon. Speaker: Are we going to get into a back and forth?

Hon. (Dr.) Wilberforce Oundo (Funyula, ODM): Hon. Speaker, let me clarify. I appreciate that the Committee has so much work such that he cannot keep tabs or track of everything that happens. I had two requests for Statements. One Statement was issued on that day and the second one concerning the air strip was not. I must admit and appreciate that with regard to the one on the border crossing point, some movement has taken place. We are moving somewhere.

This particular Statement was never presented. They had forgotten about it. I actually reminded him on the Floor. After a few days, he sent me a written Statement. There was no indication...I have no problem with the Statement. I needed him to present it here so that I go and transmit it to the people of Funyula that, that was the response and if there are any issues that are incorrect, the people can come back to me. As you always say, there are other avenues of raising supplementary issues arising from such kind of a response.

However, the one on Nangina Airstrip was never presented when I appeared before the Committee. I appreciate that he is too busy and cannot keep track of everything, but I suppose it is in good faith that he reads the Statement on the Floor on the House, I return to those who wanted the answer so that they can debate and we revert to the House.

Hon. Speaker: Hon. Pkosing, you need to read the Statement.

Hon. David Pkosing (Pokot South, JP): Thank you, Hon. Speaker. I will read it now that he has indicated that he is satisfied. I hope that when I read it, he will not raise any dissatisfaction. It has to be on record because some people want to gain what we call “political bonga points”, which is okay. I will do as you have directed.

Hon. Speaker: I hope we can progress to the next businesses.

Next Order.

Hon. David Gikaria (Nakuru Town East, JP): On a point of order, Hon. Speaker.

Hon. Speaker: What is out of order? Let us not make points of order part of the business. I detest this thing of...Hon. Members, if you want to raise some of these issues, you may be required to notify the Speaker in advance. We must progress with business. It cannot be that after 4.00 p.m. we are still dealing with preliminary issues. That is not prudent use of parliamentary time.

Hon. Gikaria, what is your point of order?

Hon. David Gikaria (Nakuru Town East, JP): Thank you, Hon. Speaker. Last week on Thursday, you directed that I give a progress report on the engagement of independent power producers (IPPs) and KPLC. That is why I am rising on a point of order to request you to allow me to do that.

Hon. Speaker: How long is it?

Hon. David Gikaria (Nakuru Town East, JP): It is quite lengthy but I can just give a few highlights then table the progress report as we retreat to go and write the report next week.

Hon. Speaker: You will give the progress report after we conclude the business appearing as Order No. 11.

Hon. David Gikaria (Nakuru Town East, JP): I wanted to run away, Hon. Speaker.

Hon. Speaker: It is for that reason, because I have to conclude certain business before you people run away. I can see the Chairperson of the Departmental Committee on Environment and Natural Resources is taking a cue from you.

Hon. Kigano.

PROCEDURAL MOTIONS

EXTENSION OF TIME FOR CONSIDERATION OF EACC NOMINEES

Hon. Muturi Kigano (Kangema, JP): Thank you, Hon. Speaker. I rise to move the following Motion:

THAT, notwithstanding the provisions of section 10(3) of the Ethics and Anti-Corruption Commission Act, 2011, and pursuant to the provisions of section 13 of the Public Appointments (Parliamentary Approval) Act, 2011, relating to extension of period for consideration of nominees for appointment to a public office, this House resolves to extend the period for consideration of the nominees submitted by His Excellency the President for appointment as members of the Ethics and Anti-Corruption Commission by a period of fourteen (14) days from 26th October, 2021.

This Motion is grounded on the fact that my Committee has already met the deadline. Today was the date we interviewed the nominees. If we were to table a report for consideration, it would be ready by Thursday but the House will not have time to consider that report. Section 10(3) of the EACC Act obligates this House not only to have the report tabled, but also to consider the report and approve or disprove the nominees within 21 days. If we go by the 21 days, the deadline will fall on 26th October, 2021, which is next week. However by that time, the House will be on recess. My Committee has completed its work. The statutory deadline for appearance before the Committee was yesterday. Today, the nominees came before the Committee and we completed vetting them this afternoon. In two days, we are ready to table our report but the report will not be considered by the House by the time we rise for recess. Those are the grounds.

I beg to ask the Leader of the Majority Party to second.

Hon. Amos Kimunya (Kipipiri, JP): Hon. Speaker, I beg to second this Motion. It is a fair request. Like the Chairperson of the Committee has said, they have complied with the requirements. The notice was read out here on 6th October, 2021; so the period of 21 days lapses next week when we will not be here; we will be out for a two-week break. Rather than convene the House for a special sitting just for this matter, it might be more prudent to let Members concentrate on other issues and handle this matter immediately we resume. I would urge the House, for the convenience of all of us, to extend the time. In any case, we are talking of integrity and ethics. We should not do anything that would be seen to have a semblance of trying to rush the process. If anything comes through the woods, the Committee would still have to look at it.

With those remarks, I beg to second.

(Question proposed)

Hon. Members: Put the question.

Hon. Speaker: It is the desire of the House that I put the question, which I hereby do.

(Question put and agreed to)

Hon. Speaker: Hon. Mboni.

EXTENSION OF TIME FOR CONSIDERATION OF PRIVATISATION COMMISSION
AND THE COMPETITION AUTHORITY OF KENYA NOMINEES

Hon. David Mboni (Kitui Rural): Thank you, Hon. Speaker. I beg to move the following Motion:

THAT, pursuant to the provisions of section 13 of the Public Appointments (Parliamentary Approval) Act, 2011, relating to extension of period for consideration of nominees for appointment to a public office, this House resolves to extend the period for consideration of the nominees submitted by the Cabinet Secretary for the National Treasury and Planning for appointment as members of the Privatisation Commission and the Competition Authority of Kenya by a period of 14 days from 6th November, 2021.

I request Hon. Edith Nyenze to second.

Hon. (Ms.) Edith Nyenze (Kitui West, WDM-K): Hon. Speaker, I rise to second the Motion as stated. Thank you.

(Question proposed)

Hon. Members: Put the question.

(Question put and agreed to)

MOTIONS

CONSIDERATION OF REPORTS AND THIRD READINGS

THE CENTRAL BANK OF KENYA (AMENDMENT) BILL

Hon. Speaker: Order, Members. The cripple, the one with what we call in Kiswahili “*Mkongojo*”. Is that the Member for Bungoma County, Hon. Wambilianga?

(An Hon. Member spoke off-record)

Mkongojo is a Swahili word for the... That was to draw her attention to the fact that she was walking on very slippery ground.

Hon. David Mboni (Kitui Rural): Thank you, Hon. Speaker. I beg to move the following Motion:

THAT, this House do agree with the Report of the Committee of the whole House on its consideration of the Central Bank of Kenya (Amendment) Bill (National Assembly Bill No. 10 of 2021).

(Question proposed)

(Question put and agreed to)

Mover, Hon. David Mboni again.

Hon. David Mboni (Kitui Central, CCU): Hon. Speaker, I beg to move that the Central Bank of Kenya (Amendment) Bill (National Assembly Bill No. 10 of 2021) be now read the Third Time. I request Hon. Edith Nyenze to second.

Hon. (Ms.) Edith Nyenze (Kitui West, WDM-K): Thank you, Hon. Speaker, I second the Motion.

Hon. Speaker: Member for Eldas.

(Question proposed)

It is the desire of the House that I put the Question, having confirmed the quorum.

(Question put and agreed to)

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

Next Order.

REPORT OF THE COMMITTEE OF THE WHOLE HOUSE ON THE TRUSTEES
(PERPETUAL SUCCESSION) (AMENDMENT) BILL

Hon. Speaker: Hon. Members, again debate was concluded on this Motion, and what remained was the Question to be put.

Member for Kirinyaga, just remain there even though you have the lights on.

Hon. David Mboni (Kitui Rural): Thank you, Hon. Speaker. I beg to move the following Motion:

THAT, this House do agree with the Report of the Committee of the whole House on its consideration of the Trustees (Perpetual Succession) (Amendment) Bill (National Assembly Bill No. 23 of 2021).

(Question proposed)

(Question put and agreed to)

Hon. Mboni, the Mover.

Hon. David Mboni (Kitui Central, CCU): Thank you, Hon. Speaker. I beg to move that Trustees (Perpetual Succession) (Amendment) Bill (National Assembly Bill No. 23 of 2021) be now read the Third Time. I also request Hon. Edith Nyenze to second.

Hon. (Ms.) Edith Nyenze (Kitui West, WDM-K): Hon. Speaker, I second.

Hon. Speaker: Member for Kiambaa, please, relax. I have confirmed that the quorate is okay.

(Question put and agreed to)

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

At this point, I will allow Hon. Gikaria, the Chairperson of the Departmental Committee on Energy to give a progress Report. Please, do not take more than five minutes.

PROGRESS REPORTED

VARIANTS IN COST OF PURCHASING POWER BY KENYA POWER FROM KENGEN AND INDEPENDENT POWER PRODUCERS.

Hon. David Gikaria (Nakuru Town East, JP): Hon. Members, the progress report into the inquiry of the various variants in cost of purchasing power by Kenya Power (KP) from KenGen and Independent Power Producers (IPPs).

On 14th October 2021 during the afternoon sitting, this House directed the Departmental Committee on Energy to table a progress report on the inquiry into the variance of cost purchasing power by KP from KenGen and IPPs. Pursuant to the direction of the House, I wish to table the following Statement on the progress Report as directed.

Hon. Duale, the Member of Parliament for Garissa Township sought a Statement from the Cabinet Secretary, Ministry of Energy on 25th March, 2021, regarding the Kenya Power inflated electric power procurement cost. He sought to know, among other issues, the rate at which KenGen and IPPs supply KP with electric power. He also sought to know the list of all IPPs, including their shareholders, directors and their physical addresses, and the amount of money that have been paid by the Ministry of Energy and KP to the IPPs to date.

On 9th June, 2021, the Ministry of Energy submitted a Statement in response to Hon. Duale's request, and the same was read on the Floor of the House on Tuesday, 15th June, 2021.

Pursuant to Standing Order 218(2), the Hon. Speaker on Tuesday, 15th June, 2021, directed that the Departmental Committee on Energy conduct an inquiry into variance of cost purchasing power by KP from KenGen and IPPs and report these findings and recommendations to the House following the unsatisfactory response given to a request for a Statement by the Member for Garissa Township, Hon. Aden Duale, M.P.

The Committee deliberated, reviewed the instructions to the Statement by Hon. Duale, M.P., and the *Hansard* and developed the 12 thematic areas as terms of reference for conducting the inquiry:

1. Establish the kilowatts power charged by KenGen to KP.
2. Establish the kilowatts powered by IPPs.
3. Establish the basis for variance between the rates.
4. Establish the details of existing tariffs by KP.
5. Establish the rate of consumption of electricity in Kenya.
6. Establish the megawatts of electricity generated.
7. Establish megawatts of electricity generated by KenGen and IPPs.
8. A list of all IPPs.
9. Establish whether there is connection between IPPs and persons formerly employed by the energy sector.
10. Establish the amount of money payable to these IPPs.
11. Establish the measure that KP is taking to support the Big Four Agenda.

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12. Establish measures by KP to reduce the cost of electricity to households, businesses, factories and other consumers with a view of supporting the Big Four Agenda.

Hon. Speaker, the Committee identified all the stakeholders and invited them to appear before the Committee, and to provide submissions. Consequently, the Committee met the Ministry of Energy on 21st July, 2021; the KP on 22nd July, 2021; the KenGen on 22nd July, 2021; the EPRA on 22nd July, 2021; the Business Registration Services (Formerly the Registrar of Companies) on 22nd July, 2021; the National Treasury on Tuesday, 19th October, 2021; and lastly the Attorney-General on Tuesday, 19th July, 2021.

Hon. Speaker, the Committee also met 15 Independent Power Producers (IPPs) on various dates, starting with Lake Turkana Wind Power and ending with Rabai Power Plant. We were unable to meet Mumias Sugar Company because it has never honoured an invitation to appear or made a written submission.

The Committee has gathered a lot of information relating to the terms and reference as well as the subject matter of the inquiry. We looked at the recommendations made by the Taskforce appointed on 29th March, 2021, by His Excellency the President to review the power purchase agreements. The information the Committee has obtained from the inquiry will go a long way in informing the preparation of the Committee's Report, including the observations, findings and recommendations that will be tabled for consideration and adoption by this House. Lastly, the Committee has scheduled a retreat to consider a draft Report on the inquiry among others between 24th to 29th October, 2021, during the short recess.

Hon. Speaker, I want to add that before you gave your direction last week, there were two very notorious people who never wanted to come before the Committee; that is the Solicitor-General and the National Treasury. I think because of the direction you gave, both of them came on time and gave their presentations. So, the Committee is ready to do the Report.

Thank you, Hon. Speaker.

Hon. Speaker: Hon. Duale.

Hon. Aden Duale (Garissa Township, JP): Thank you, Hon. Speaker. I am happy with the Chairman for giving us the chronology. However, I want your indulgence on two matters; one, there is a taskforce which was formed by the President and they have handed over their Report to him. Since this is a public document, you can direct that the Leader of the Majority Party first tables it here for the Committee to use, since it is very important. This taskforce was formed after I raised this matter.

Two, the various IPPs are all companies registered in the British Virgin Islands, offshore and Pandora things and are not registered in our country. So, we need the Committee to unmask the local ownership of these companies.

Hon. Speaker, you were the Chairperson of the Public Investments Committee (PIC) in the 10th Parliament. This matter is bigger than Anglo Leasing to the tune of Kshs400 billion, with about 15 companies since Mzee Moi was in power and have been receiving huge sums of money called capacity growth.

When I appeared before the Committee, I brought to their attention one of the companies, Rabai Power Plants, which in one Financial Year 2019/2020 received Kshs2.4 billion for not supplying. The other thing that the Committee must be aware of is KenGen supplies 78 per cent of their power to Kenya Power. The IPPs supply about 28 per cent, but when it comes to payment, Kenya Power is paying promptly to the IPPs and not to KenGen. As we speak today, KenGen is owed by Kenya Power to the tune of Kshs23 billion.

The 12th Parliament will be remembered just like the way the 9th Parliament was remembered during the Goldenberg, Anglo Leasing and the death of Robert Ouko, because of the kind of investigations they did. Let the 12th Parliament be remembered for bringing to book the owners of these companies who stole close to Kshs400 billion for not supplying. As this Committee retreats, it should not do a cosmetic or public relations exercise. I have a lot of information and I am waiting for the Committee's Report. This morning, I attended an online meeting and a presentation was done by the National Treasury, but the Cabinet Secretary disappeared. He is very notorious; he disappeared this morning and sent his Principal Secretary (PS). I have the Report by the PS and of all the 15 questions asked, and he only answered one. On the other 14 questions, he said the National Treasury was not aware of them. In fact, the Solicitor-General came to the Committee this morning to protect certain IPPs. This House must rise to the occasion and the people who made Kenyans pay high power bills must be forced to return that money, there must be force.

Hon. Speaker, I am sure from the experience you have on this matter, three questions must be answered by this Committee when they sit. One, who are the real owners of these IPPs, whether public servants or private citizens? Two, this Committee must bring to this House how much each company was paid as a capacity charge for not supplying. Three, how will Kenya Power pay the Kshs23 billion they owe KenGen, yet they have been paying the IPPs frequently?

Hon. Speaker, you saw that when I raised this matter, everybody went into motion. There was panic in the country and Kenya Power became the centre of attraction. So, where there is smoke, there is fire. I want you to direct – and I know our Chairperson will do his best – so that this House brings to book the culprits behind the rip-off of Kenya Power. There are people who have been eating and making Kenyans pay high power bills while they make their pockets heavy.

Thank you, Hon. Speaker.

Hon. Speaker: I thought Hon. Gikaria said they interacted with the Taskforce Report.

Hon. David Gikaria (Nakuru Town East, JP): Yes, Hon. Speaker. We have requested for a copy through the normal Parliamentary procedures. So, when we will retreat, we will look at what they have recommended. I want to promise you that we have done very comprehensive inquiries and will bring to this House a Report which befits it. So, it can make its decision.

Hon. Speaker, I beg to submit.

Hon. Speaker: Very well. I am aware that the letter requesting for the report has gone out using the normal administrative channels.

Let us move to the next Order.

MOTION

RATIFICATION OF THE BILATERAL AIR SERVICES AGREEMENTS BETWEEN
THE REPUBLIC OF KENYA AND THE REPUBLIC OF SOUTH AFRICA; AND
BETWEEN THE REPUBLIC OF KENYA AND THE REPUBLIC OF BOTSWANA

Hon. Speaker: Hon. Pkosing, Chairperson of the Departmental Committee on Transport, Public Works and Housing.

Hon. David Pkosing (Pokot South, JP): Thank you, Hon. Speaker, for giving me this opportunity to move this Motion,

Hon. Speaker, I beg to move the following Motion:

THAT, this House adopts the Report of the Departmental Committee on Transport, Public Works and Housing on the Ratification of the Bilateral Air Services Agreements between the Republic of Kenya and the Republic of South Africa; and between the Republic of Kenya and the Republic of Botswana, laid on the Table of the House on Tuesday, 28th September, 2021, and pursuant to the provisions of section 8(4) of the Treaty Making and Ratification Act, 2012, approves the Ratification of: -

- (i) the Bilateral Air Services Agreement between the Republic of Kenya and the Republic of South Africa; and,
- (ii) the Bilateral Air Services Agreement between the Republic of Kenya and the Republic of Botswana.

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

*[The Temporary Deputy Speaker
(Hon. Christopher Omulele) took the Chair]*

Hon. Temporary Deputy Speaker, as it is in the Motion, we are being asked to ratify those two agreements. The first question that I would like to address, as I move, is what these agreements are asking the people of Kenya and the House to do. In simple terms, the agreements, which I have put as an appendix in my Report, is requesting for the designated airlines of South Africa and Kenya to come into the respective countries. Those from Kenya to land in South Africa and vice versa. They are asking for permission to land anywhere. The same thing is required for that of Botswana.

People may be asking what has been happening since they have been seeing the South African Airways landing into our country. They are doing that under a Memorandum of Understanding (MoU), since we have not done proper processes to achieve where we want to go. That is why the Executive, through the Cabinet Secretary (CS), myself and my Committee, are asking the House to ratify that agreement so that everything is in tandem and legal. In a layman's understanding, that is what this agreement is seeking.

In legal terms, I indulge the House to look at Article 2. I want to start with the Agreement between South Africa and Kenya. Article 2 of the agreement is the meat or the spinal cord of the agreement. It says, for the record of the House, that:

(i) Each contracting party shall grant to the other contracting party the rights provided for in this agreement to enable its designated airlines to establish and operate international air services on the routes specified in the annex.

(ii) Subject to the provisions of this agreement the designated airlines of each contracting party shall have the right:

- (a) To fly across the territory of the other contracting party without landing;
- (b) To make stops in territory for non-traffic purposes;
- (c) To land in the territory of the other contracting party for the purposes of taking on board and discharging traffic in passengers, baggage, cargo and mail while operating on agreed services.

(iii) The airlines of each contracting party other than those designated in terms of Article (III) shall also have the rights provided for in paragraph (a) and (b) of Sub Article (ii).

For purposes of understanding, there are airlines which are registered in South Africa from Kenya but they may not be designated as Kenya Airlines. However, as long as they are registered in those countries, they have permission so that there is what we call a clear or level playground so that it does not mean that it is only Kenya Airways. This is because what happens to the others that are registered in this country? That is what Article 3 is trying to address.

(iv) Nothing in Sub Article 2 shall confer on a designated airline of contracting party, the right of taking on board in the territory of the other contracting party, passengers, baggage cargo and mail carried for remuneration or hire destined for another point in the territory of the other contracting party.

That is the gist of that agreement between Kenya and South Africa. It might look repetitive among other articles, but if you go through it, they are more or less administrative. However, the gist of the matter that the House is being asked is what I have read in Article 2.

Hon. Temporary Deputy Speaker, for record purposes and because I am dealing with two agreements, allow me to quickly take the House through the request between ourselves and the Republic of Botswana.

The gist of that is found in Article 2 of the Agreement between our country and Botswana; and for record purposes, this is what this agreement is asking the House to do.

In Article 2 on the Sub Title on Grant of Rights,

- (i) Paragraph (i) states thus: Each contracting party shall grant to the other contracting party the rights provided for in this agreement to enable its designated airlines establish and operate international air services on the routes specified in the annexes in this Agreement.
- (ii) Subject to the provision of this Agreement, the designated airlines of each contracting party shall have the rights;
 - (a) To fly across the territory of the other contracting party without landing.
 - (b) To make stops in that territory for non-traffic purposes; and,
 - (c) To land in the territory of the other contracting party for purposes of taking on board and discharging traffic in passengers' baggage cargo and mail while operating on the agreed services.

Paragraph 3 of that Article 2 continues to say that: The designated airlines may exercise unrestricted freedom traffic rights at inter-Africa points in accordance to the Yamoussoukro Declaration.

Paragraph 4: The airline of each contracting party other than those designated in terms of Article 3 shall also have the rights provided for in paragraph (a) and (b), which I have just read above.

Paragraph 5 states thus: Nothing in Sub Article 2 shall confer on a designated airline of a contracted party the rights of taking on board in the territory of other contracting party, passengers, baggage, cargo and mail, carried for remuneration of hire and destined to another point in the territory of the other contracting party.

Those are the gist of the two agreements apart from other Articles which are attached in this Report. As I said, it is making it clearer and more administrative. However, the gist of it is what the agreements are asking, to allow the airlines come to our country.

Having said that, one would be interested in knowing how these agreements were arrived at. We did public participation and we need to inform the House how these agreements were arrived at. When you are asking about that, what you must have in mind is the Constitution of the Republic of Kenya, and the Treaty Making and Ratification Act, which provides the procedure upon which you can arrive into an agreement that comes to the Floor of the House. Therefore, I

would like to inform the House as follows with regard to the road upon which we arrived where we are to have this agreement on the Floor of the House.

I want to begin with the Kenya /South Africa Agreement. The Bilateral Air Service Agreement between Kenya and South Africa was negotiated and initiated on 15th October, 2008. It is some time back. Of course then, people understand the procedure of these negotiations before they arrive on the Floor of the House. I do not know where some of us were in 2008. Of course, we were in this country in Nairobi. It was operationalised by the signing of a Memorandum of Understanding on the same date. That is why now you can see the South African Airlines landing in Nairobi. It is because of that Agreement; but it is not fully done until when we do what we are asking the House to do today as a Committee. The Agreement was subsequently approved by the Cabinet during the 5th Cabinet meeting, as it is required by the Constitution and the Treaty Making and Ratification Act, held on Thursday, 21st November, 2019.

I am emphasising Article 2. The Agreement provides for multiple designations of airlines, unlimited number of frequencies, no restriction on aircraft capacity and an open and liberal route schedule. Exercise of the 5th freedom traffic rights is subject to approval by the respective aeronautical institutions. When we talk about that, of course we are talking about in Kenya, the Kenya Civil Aviation Authority (KCAA). These are the people to give those rights. That is the process upon which the Kenya-South Africa Bilateral Air Service Agreement was arrived or reached at.

Hon. Temporary Deputy Speaker, allow me to quickly go to the one by Kenya and Botswana. This Agreement between Kenya and Botswana was reviewed and signed on 23rd July, 2019, in Nairobi during the state visit to Kenya by the President of the Republic of Botswana on the 22nd and 24th July, 2019. The Agreement was subsequently approved by the Cabinet during the 5th Cabinet meeting held on Thursday, 21st November, 2019.

As it is emphasised by Article 2 of the Agreement, it provides for multiple designations of airlines and unlimited number of frequencies. Many people might not understand the meaning of frequencies. It is not the air wave frequency; it is landing. This is so that people can understand what we mean by that. That is jargon within the transport sector. It is landing so that people do not think that we are doing airwaves in this. The Agreement also provides no restrictions on aircraft capacity and an open and liberal route schedule. As I said earlier, exercise of the 5th freedom traffic rights is subject to approval by the respective aeronautical authorities, like for our case the KCAA. Having said that, it is now very clear what the Agreement is asking for. It is very clear how it arrived here. It went through all that.

Hon. Temporary Deputy Speaker, allow me to say that this Agreement reaching on the Floor of the House, and we are asking you to ratify it and agree with the Report, followed the requirement of Article 118 of the Constitution, which of course details on whether there was public participation. Yes, we did public participation and that is why we arrived on that. In terms of law, did it satisfy the requirement of the Treaty Making and Ratification Act, particularly Sub-section 8? Yes. What demonstrates that in accordance with that law is that it is accompanied by a memorandum from the Cabinet, which is also attached to this Report. That is exactly what we are asking and more other details are in this Report.

Why are we doing this? What are we, as a Committee, asking the House to do for us? Both agreements are completely within the interest of our Republic of Kenya. Why? The House might recall that in 2017 and 2018, my Committee brought a report in this House. We proposed to restructure how we do aviation in this country, of course from the Executive. This is because we wanted and we still want to make Nairobi and particularly the Jomo Kenyatta International Airport

(JKIA) a hub in East Africa. What do we mean by a hub? A hub means a connecting point. For example, somebody who wants to go to China or America can come from Botswana if the House agrees with us. That means that our Kenya Airways and other registered airlines in this country can then go to Botswana, bring people to Nairobi, populate our Dreamliner and then take them to Bangkok or bring them to Nairobi and take them to West Africa, Nigeria or Cameroon; or bring them to Nairobi and take them to America. That way, we are making our country, and particularly Nairobi, a hub. When people land in a country, of course they come and eat in our country. Maybe they come and move around to see our wildlife and then our country will be making money through that kind of process.

Therefore, these two agreements seeking the three tripartite countries – Botswana, South Africa and Kenya – make it critical that we ask the House to agree with us. This is because that is growing the economy and creating jobs for our children and our people when we do that here in Nairobi. Of course we will grow Nairobi. For the benefit of the House, if you go to the JKIA now, there is a lot of remodelling so that we can be able to handle passengers, visitors and people who are transiting through the JKIA in the best interest like any other model airport in the world that you might imagine. You can imagine Dubai. You will see Dubai very soon in Nairobi. That is why you might see that this week and last week, as a Committee, we have been asking for a lot of ratifications. In fact, the next to this one will be the one between Kenya and Russia. This is because we want to make our country grow and when we grow the country, of course you grow the economy and you grow the basket or the pie.

Therefore, we are asking the House to agree with us quickly so that then we can have these flights. This is a good thing for our country, particularly now that there has been this fear that maybe Kenya Airways, being the preferred airline, will get a lot of advantages. No. If you look at this Agreement, it is saying it is not only the designated one, but the other registered airlines in this country can enjoy the same advantages. The designated airline is the one that carries the flag of the country. That is a great opening in terms of business in this country should the House agree with this proposal from my Committee.

The second reason why we are very convinced that it is for the interest of the Republic of Kenya, is because there is a negotiation now between us through Kenya Airways and South African Airlines to combine efforts in building what we might call a Trans-Africa airline. What does that mean? It means that if you book the South African Airlines and you want to go to America, and if the South African Airlines cannot take you to America, it can then take you there through Kenya Airways although you have already booked for the flight in South Africa. What an amazing opening within the industry. That is why we are asking the House to agree with us. This is really purely 100 per cent for the interest of our Republic of Kenya.

As I conclude, I ask the House to agree with us and approve this Report. I ask my colleague, Hon. Shadrack Mose, to second me, with your permission.

I thank you.

Hon. Shadrack Mose (Kitutu Masaba, JP): Thank you, Hon. Temporary Deputy Speaker. I stand to second this Bilateral Air Service Agreement between South Africa, Botswana and our country. You will note that we are having territorial boundaries in the whole world opening up for various reasons, but for ours, one of the prime effects of these agreements is firstly to enhance our friendship with South Africa and Botswana. It will also increase our understanding and our cooperation with the member States. At the end of the day, Kenya as a country will benefit and this will be in the best interest of the country. I would urge this honourable House to move with speed and approve this because it will vastly enhance Kenyan businesses. There will also be access

to businesses by Kenya in South Africa and Botswana as new markets. These agreements are, therefore, going to help us a great deal.

Secondly, there is no doubt that with an increased market, we will create job opportunities for our many young men and women who are languishing in poverty out there. These are people who completed university and tertiary college education in big numbers, but have no jobs. So, the signing of this Agreement, and with an enhanced new market, will definitely create job opportunities for our youth. There will be flow of goods across the three countries. That means goods will come in at cheaper prices.

The other thing that will come into play is that air travel will be affordable. It will not be so restricted. We will have opened up air travel avenues to South Africa and Botswana with unnecessary restrictions being eliminated. There will also be exponential growth of air travel and that will assist a lot.

With those few avenues opened, we will increase competition in the market, both locally and in South Africa, Botswana and other areas where the airlines will be connecting to. We will also have route connectivity. You realise that for a long time, there have been a lot of restrictions on the number of routes that you could travel to. Once this air service Agreement comes into force, it will open other destinations that one can travel to. That will lead to what we call 'improved quality of life.' The moment you have more businesses, you will have more access to travel, and that means people's income is bound to increase. We will also have opened up new opportunities in the academic field, which means that our students will move to South Africa and Botswana more easily. We will have enhanced tourism. Kenya is a good tourist destination. I am sure we will have an influx of tourists from the countries.

This Agreement resonates well with our Constitution and satisfies the requirements of the Treaty Making and Ratification Act.

With those remarks, I beg to second.

(Question proposed)

The Temporary Deputy Speaker (Hon. Christopher Omulele): Hon. Sankok.

Hon. David ole Sankok (Nominated, JP): Thank you very much, Hon. Temporary Deputy Speaker. I rise to support this very important Report that will enhance business opportunities within the African Continent. Hon. Pkosing, who is the Chair of the Departmental Committee on Transport, Public Works and Housing, has been the most active Chairperson in this House. He never misses the proceedings of this House. Most of the Questions that are directed to his Committee are broadly answered. Other than being the international petitioner, who petitioned ICC, Hon. Pkosing has a lot in his legacy. This will only add to the many caps he has because under him and his Committee's watch, we have seen improvement in terms of infrastructure, particularly an increase in tarmac roads, the SGR metre gauge railway, and the Nairobi Expressway that will ease transportation to and from the Jomo Kenyatta International Airport. There has also been refurbishment of the Lamu Port and the Manda Airport in Lamu, which will be an international airport; Kisumu Port and many others, including Homa Bay Airport.

When we open our airspace, we create job opportunities. Apart from the South African Airline, other airlines registered in the republics of South Africa and Botswana will land in Kenya. I am quite sure there will be need for ground engineers and crews. There will also be need for air hostesses, and they may prefer Kenyans because they use different languages in their aeroplanes including Kiswahili now that they will land in our country. They will hire our Kenyan youth.

We will also get market for our produce. We are one of the highest producers of flowers. These are perishable goods that need air transport, and not any other form of transport. We will export our flowers from Naivasha all the way to South Africa and across the world because it will be made easier. If you look at our airports, including the Jomo Kenyatta International Airport, we have massive land, but we have not utilised it because our air traffic is still low. Increasing the number of aeroplanes that will land in our country will make us improve and utilise the pieces of land to have space for runways.

At the moment, Kenya is using instrumental landing. Instrumental landing is limiting in terms of how many aircrafts can land at a time. There is another form of landing that is not in Kenya or anywhere in Africa. I cannot remember the name, but it is one that allows aircrafts to land blindly and even in bad weather. We will improve with increased air traffic. Many airlines are registered in Kenya and owned by Kenyans. For example, Safarilink, Fly540 and other airlines that do business within our borders. We should open up so that they can fly to Botswana or South Africa. Those are business opportunities for our people who have ventured into air transport. We will also improve airports within our counties because some airplanes might want to land in Kisumu or Narok.

With those remarks, I support this Motion.

The Temporary Deputy Speaker (Hon. Christopher Omulele): Hon. Kevin Wanyonyi, Member for Kwanza.

Hon. Ferdinand Wanyonyi (Kwanza, FORD-K): Hon. Temporary Deputy Speaker, I take this opportunity to support this noble Motion.

First and foremost, I have worked for Kodak, where I was a regional manager and I served 12 countries, namely, Botswana, South Africa, Lesotho, Seychelles and Mauritius among others. At that time, we had lots of problems connecting to these countries. I was the sales and marketing regional manager for Kodak East Africa in charge of this region. It was very difficult to connect to these countries. For example, if you wanted to go to South Africa, you had to go all the way to Addis Ababa first. The Agreement that has been presented by the Chair is long overdue.

There are many advantages. I have been to Botswana many times, which is bigger than Kenya, and there are a lot of resources there. If you know Geography, there are lots of minerals there. There are Kenyans who work in Botswana and for them to come to Nairobi, they have to go to Johannesburg first. When the Departmental Committee for Agriculture and Livestock went to South Africa, we had to go to the west of South Africa first. There are lots of complications. The free movement that will arise from the ratification of this Protocol will open up our country. As the Chairman puts it, there is going to be a Pan-African airline. We will have a lot of opportunities. Some of our products will be sold directly to Botswana.

Botswana majorly deals with dairy farming. For instance, we are now importing milk from Uganda. We talked about this the other day, but we will be getting some of the powder milk from Botswana, which will add to what we have for us to export the same milk products to the Middle East. This is a very good idea. I want us to move very fast and support this Motion.

Nominee 001 also mentioned that an airliner from South Africa or Botswana can now fly to any destination in Kenya. It can fly to Eldoret, Kisumu and Mombasa. Therefore, we will be promoting local African tourism in the region. For those who have not been to that part of the world, I have been there many times as the Regional Manager for Kodak East African Region, and I want to tell you that Botswana is a lovely country. We will have our people going to Botswana. People there are not as highly educated as Kenyans, and I am sorry to mention that, but do not

quote me, because we are more educated than them. Again, the population in Botswana is not as high as it is here. We are going to have job opportunities for our people.

This is something that we have to support. As someone mentioned, we need to move fast and pass this Motion for us to open up these connections. Our country is going to benefit from the same.

With those remarks, I support.

The Temporary Deputy Speaker (Hon. Christopher Omulele): Hon. Wanyonyi, I want to agree with you that Botswana is one of the most beautiful countries you visit in Africa.

Hon. Ferdinand Wanyonyi (Kwanza, FORD-K): Thank you.

The Temporary Deputy Speaker (Hon. Christopher Omulele): I will be among those people who will be visiting Botswana. Some of the best meat I have ever tasted in Africa was in Botswana.

Let us now hear Hon. Maanzo Kitonga.

(Hon. David ole Sankok spoke off-record)

Hon. Nominee 001, I will also come to your farm so that I can have a comparative assessment of the two and maybe we can infuse yours with the Botswana experience and Africa must be number one.

Hon. Maanzo, you may proceed.

Hon. Daniel Maanzo (Makueni, WDM-K): Thank you, Hon. Temporary Deputy Speaker. First, I want to thank the Chairman, Hon. Pkosing, for a job-well done, assisted by Hon. Mose, who is an advocate. This matter involves a little bit of law and the Committee has done very well. In 2008, just like the Member for Kwanza, Hon. Pkosing was a Chief Executive Officer of a very important parastatal in this country. No wonder he is able to handle matters very well on the Floor of the House.

Post-COVID-19, this is a big move to revive the economies of the countries involved. Personally, I am very close to South Africa for other personal reasons. South Africa is a very big economy and when you combine that with the Kenyan economy, then you will have a massive economy. It is also a very large country with many mineral deposits. Ordinarily, if you fly to South Africa using Kenya Airways, after Johannesburg, you cannot access any of those other airports directly. You have to board a local airline there. Similarly, this happens when you are connecting to Lesotho and those other places. The same is the case with Botswana. I want to agree with you that Botswana is a very beautiful country. It is also very large with friendly people.

The three nations, namely, South Africa, Botswana and Kenya, are very good friends. For that reason, this House should support an initiative which supports the coexistence of these nations. Similarly, I am sure he is going to bring something on Russia. I have never seen Russian Airlines anywhere other than in their own country. East Europe is warming up to us, especially because of tourism. I believe when we come to that particular one, it will be as good as the Southern African-Kenyan relations.

Kenya has been leading in Africa and has been very instrumental in the air transport sector. The Kenya Airways airplanes are carriers of goods among other services. It makes it very easy for these countries to trade with each other in order to revive their economies post-COVID-19. One of the biggest challenges is that there are so many young people who have lost jobs and are looking forward to finding new jobs. Young professionals who are well trained can take up these jobs and contribute to the growth of their nations as they feed their families. They are looking forward to

working with the airlines. For instance, Wilson Airport is very busy. I am sure South Africa and Botswana have similar busy airports like Wilson Airport. This will increase the movement of people, goods and services. I believe with this development, Kenya will do better.

Kenya is a bigger economy although it is now facing a lot of competition from Uganda and Rwanda airlines. In fact, Rwanda Airlines has grown, but it is still working with Kenya Airways. You are likely to find Kenya Airways everywhere connecting to the rest of the world. We now have flights to New York, China, Hong Kong and other countries. However, for some time now, because of COVID-19, these planes have been empty. Now that the vaccination has been very effective in the world, and Kenyans are beginning to go back to business, I believe this Agreement will be great. I urge the House to support it. I support Hon. Pkosing and his team. We look forward to working better with South Africa and Botswana, which are our friendly nations, and many more other nations who are friends of Kenya.

Thank you, Hon. Temporary Deputy Speaker.

The Temporary Deputy Speaker (Hon. Christopher Omulele): Hon. Iringo Kubai, Member for Igembe Central.

Hon. Kubai Iringo (Igembe Central, JP): Thank you, Hon. Temporary Deputy Speaker, for giving me this opportunity to contribute to the debate.

First and foremost, I thank the Committee for adopting its Report on the ratification of this Agreement more so given that it is opening the boundaries amongst these countries and creating opportunities for Kenyans in general. It also makes it convenient to travel from Kenya to Botswana. Currently, we have to go to South Africa before we can travel to Botswana. This has happened to me. I have been to Botswana twice. The flight distance will shorten by over one-third if not two-fifths. When you land in South Africa, you also spend some time there and that is time wasting.

Botswana is a country with which we should have ratified this Protocol a long time ago because we have many Kenyans working there. When Botswana got its Independence, it imported a lot of skilled labour from Kenya, especially teachers. When I was there last in 2015, I met many Kenyans with their families, who are teachers, head-teachers and principals of schools. They say that they find it cumbersome to come home because there is no direct flight from Botswana to Nairobi, Kenya. This time round, it will be quite easy and convenient. Given that the country has a small population, if Kenyans want to go and live there, it will be easy. It will be easy to get a place to stay. We visited a ranch where we found a lot of cows. The ranch manager and director were Kenyans. We were told that they had come to benchmark at our abattoir in Athi River and they then went and did theirs to be very big and efficient. That is why they got the licence to export beef overseas. Having airlines flying to Botswana via Kenya will pave way for our farmers to go and bench mark there cheaply. More so, we have people who will be employed and it will be cheap for us.

I request the Chairman to go out and look for many other countries that we can open our airspace to. The more we are connected with other countries, the more we will know what they do and what we can gain from them cheaply because flights will be cheaper. Exchange of ideas through visits will help us. I know we are not connected to many countries in Africa and across the world. I would like us to engage other friendly countries willing to start such programmes so that we can ratify such protocols to open up our countries. Once we are connected to the whole world, it will be more beneficial to us.

With those remarks, I support the Report.

The Temporary Deputy Speaker (Hon. Christopher Omulele): Hon. Dr. Nyikal.

Hon. (Dr.) James Nyikal (Seme, ODM): Thank you, Hon. Temporary Deputy Speaker, for giving me an opportunity to contribute to this Motion.

I start by congratulating the Committee. They have done a good job. This is the third agreement they have brought to the House to be ratified in the same area. They are also talking about the fourth one coming in soon.

I support the ratification of the Agreement, which seeks to grant rights to designated countries to establish offices and premises to fly over our territory, land in our territory to discharge and take passengers, cargo, baggage, mail, and luggage. This is to be done without any limitation in order to allow unlimited number of landings by unlimited number of planes of all sizes. Any plane can land anywhere at any time, but of course, this will be regulated. That means we are basically creating a huge hub. One of the greatest problems in Africa has been the inability of Africans to move within Africa freely. This Protocol will make movement of people amongst these countries much easier and interstate travel will increase, particularly among young people. This country has a lot of skills. An increase in the number of flights will obviously result in cheaper tickets. So, there will be a lot of movement of people with skills who will be seeking to work in other countries. Tourists will say that if you want to go anywhere in Africa or southern Africa, all you have to do is to go to Kenya. That will generate a lot of business particularly in the hospitality industry. Tourism will definitely improve. People will come to Kenya on their way to other countries and they will spend two or three days in the country because it will be easy to move. That will be great. Definitely, goods and services will be traded.

Hon. Temporary Deputy Speaker, I was salivating when you talked about the fantastic meals that you enjoyed in Botswana. I am sure they can be brought here although we have ours that are not improving. Definitely, we will have that brought here or we can go there to taste their meals.

I hope that once we have this Agreement in place, we will salvage the financial situation of Kenya Airways. We know year in year out, we have had to support the airline we call "The Pride of Africa." We know that the pride comes from the money that is put into the airline every year. In a situation like this, it will be supported. I do not know whether it is only Kenya Airways that will benefit from this arrangement. I believe all the participating airlines, and more so small airlines like Fly540 and Safari Link, will also benefit. It will be a great thing for us if they can move around freely.

All this cannot be done through memoranda of understanding (MOU). I decry the fact that it has taken from 2008 to 2019 to move from an MOU to ratify this Agreement. That should have been done a long time ago. We know what MoUs mean. It is now time to ratify this Agreement. The Committee can go ahead and bring the Russian one and others to make Kenya a connectivity great hub of movement so that our people can enjoy the benefits that accrue from being a connection centre of not only Africa, but the world.

With those remarks, I support.

The Temporary Deputy Speaker (Hon. Christopher Omulele): Hon. Member Koyi Waluke, Member for Sirisia.

Hon. John Waluke (Sirisia, JP): Thank you very much Hon. Temporary Deputy Speaker for giving me a chance to contribute on this very important Agreement for our country.

This country needs to open up to a lot of business. As we very well know, Kenya is a hub in the world and we need direct flights. This Agreement has taken too long. We thought that because we had been to South Africa and Botswana, the Agreement had been ratified. This is the time to do so. It is not too late. Even though it has taken many years, we can do so. Countries in

Africa need to engage in business with each other. For instance, this Air Services Agreement will open up so many other businesses apart from air transportation. It will create opportunities for our people. I have been to Botswana and South Africa, which are beautiful countries. Although South Africa is not very friendly, we can engage in businesses like air transportation with them. South Africans do not allow other people to do business in their country and we saw what they did two years ago where even properties belonging to Kenyans were burnt down there.

The Temporary Deputy Speaker (Hon. Christopher Omulele): Hon. Waluke, you might have to withdraw that statement. South Africa is friendly to Kenya.

Hon. John Waluke (Sirisia, JP): No, it is not, Hon. Temporary Deputy Speaker. We need to call a spade a spade even if it is...

The Temporary Deputy Speaker (Hon. Christopher Omulele): Hon. Waluke, I know where you are coming from, but that is a friendly country and there are strictures.

Hon. John Waluke (Sirisia, JP): A mistake is a mistake, Hon. Temporary Speaker.

The Temporary Deputy Speaker (Hon. Christopher Omulele): Just withdraw and you proceed.

Hon. (Ms.) Odhiambo-Mabona (Suba North, ODM): (*Off record*)

The Temporary Deputy Speaker (Hon. Christopher Omulele): Yes, it requires a substantive Motion to discuss it.

Hon. John Waluke (Sirisia, JP): Okay. I withdraw, but the message has reached home.

The Temporary Deputy Speaker (Hon. Christopher Omulele): Thank you. Proceed.

Hon. John Waluke (Sirisia, JP): Hon. Temporary Deputy Speaker, because you have interfered with my contribution, I support the Motion.

The Temporary Deputy Speaker (Hon. Christopher Omulele): Very well, Hon. Waluke. Let us now have Hon. King'ola Makau, Member for Mavoko. He is not in the House. Let us have Hon. Odhiambo Akoth, Member for Suba North.

Hon. (Ms.) Odhiambo-Mabona (Suba North, ODM): Thank you, Hon. Temporary Deputy Speaker. I rise to support the Committee's Report. I just want to indicate that from listening to the Chairperson, this is a very straightforward matter of ratification of two treaties between Kenya and South Africa and Kenya and Botswana on the issue of air transport.

I have said this before in this House and I will say it again, that there is need for opening up of air space amongst African countries. It is disheartening that if you want to travel to many African countries, there are rarely any direct flights. About two years ago, I attended a meeting in Cote d'Ivoire and I took two days to arrive back in Kenya compared with a direct flight that would have enabled me to take six hours. So, treaties that will enhance cooperation in terms of air transport are very much welcomed.

I wish African countries could also open up the language space because other than easing air transport, which is cumbersome, to enhance intra-Africa trade, the other barrier is language. One of the reasons we do not go to Francophone Africa is language barrier. I have said before in this House, and will say again that even as the Ministry of Education comes up with new skills for students under the Competence Based Curriculum (CBC), one skill that I wish they could introduce is languages like French and Spanish because the world is becoming a global village. It is just the same way we tried to enhance Information Communication Technology (ICT) skills amongst students. Communication is not just about air. Now, with embracing ICT, the world scope is expanding and becoming more competitive for people who have enhanced skills.

With those remarks, I support the Motion.

The Temporary Deputy Speaker (Hon. Christopher Omulele): Very well spoken, Hon. Odhiambo. Let us hear Hon. Kirima Nguchine, Member for Central Imenti. He is not in the House. Next on my list is Hon. Nguna Ngusya, Member for Mwingi West.

Hon. Charles Nguna (Mwingi West, WDM-K): Thank you, Hon. Temporary Deputy Speaker, for the opportunity. I support the ratification of the agreements between Kenya and South Africa, and Kenya and Botswana. I am lucky because I worked for an airline for eight good years during my career.

Let me start by congratulating the Committee. If there is a Committee that has been overworking for the last five years, it is this Committee. We have seen the road network expanding in a free, fair and transparent manner. We have seen so many agreements coming to this House for ratification. Let me congratulate the Chairperson for a job-well-done. Just the other day, we ratified the Air Agreement between Kenya and the United States of America (USA).

Let me join my colleagues in supporting the Motion. One of the key issues that I will look at, having worked for an airline for a long time, is the issue of movement from Nairobi to Gaborone. For those who do not know, the Capital City of Botswana is very beautiful. It will boost tourism. We have been using a lot of money to market tourism in this country. So, if we ratify these agreements, it will be easier for us to increase the number of tourists coming to our country.

There is also the issue of reciprocal access to frequent flyer programmes. The Kenya Airways has been limited to only Flying Blue with the Royal Dutch Airlines (KLM) as one of the members. However, we are seeking more networks for this to be done in order to give Kenya Airways a lifeline. We know that it has been facing very stiff competition locally from the Ethiopian Airline. If we give more access to markets and direct flights for our national carrier, it will give our airline a lifeline.

There are many other benefits of embracing code sharing. For example, there are many Kenyan students schooling in Botswana. There are also many teachers and other people who have accessed job opportunities in Botswana. That is why we need to ratify these agreements. There are many benefits we can talk of. I will not raise the issue of commercial opportunities. Botswana is one of the best economies in Africa. It is a medium-income country. So, there is a lot of marketing and benchmarking we can undertake there especially with regards to their mineral exploration, which is better than ours. We can benchmark and learn a lot.

With those few remarks, I support the Motion.

The Temporary Deputy Speaker (Hon. Christopher Omulele): Let us have Hon. Dennitah Ghati.

Hon. (Ms.) Dennitah Ghati (Nominated, ODM): Thank you, Hon. Temporary Deputy Speaker, for giving me an opportunity to support the Committee's Report that seeks to ratify the agreements that are trying to open our country to the rest of the Sub-Saharan Africa.

I join other Members in thanking the Chair of the Committee. I have watched Hon. Pkosing with all these treaties, and he works so hard. I think I can compare Pkosing to my Chair of the Special Funds Accounts Committee. I have always seen him. You know I have a history with Pkosing. He went to university at Brandeis in the United States of America and I was also a student at Columbia University in New York at that time. So, we knew one another even before he got into Parliament. He is the kind of man that can get the job done when he really means it. I congratulate him for being the Chair of the Committee.

Hon. Temporary Deputy Speaker, the whole idea is really good because we are trying to open up our space. Kenya is a leading economy in the Sub-Saharan Africa. Kenya has really tried to build these multilateral and bilateral relations. Hearing the proposal that we want to increase the

airlines, it will make it easier for Kenyans to even find jobs down south. There are countries in the south, like Botswana, which access the Common Market for Eastern and Southern Africa (COMESA) market. This opportunity will enable Kenya because we are an aggressive country. We are by nature an aggressive people. So, we can tap into the COMESA market and the Free Trade area (FTA) markets, and that will increase employment opportunities for our people. We are Africa and Africa is our business.

Just two days ago, as the chairperson of the Commonwealth Parliamentarians with Disability (CPwD) Network, I hosted a team of parliamentarians from across the Africa Region of the Commonwealth. The Members came from as far as Sierra Leone, and they were here. As I listened to how long it took them to reach Nairobi from Sierra Leone, I felt that we must have had a direct route even to Sierra Leone because Members of Parliament have to travel from Kenya to Addis Ababa to Ghana and then to Sierra Leone. Can you imagine that this is a Member with a disability? You can imagine how difficult it is to do business when infrastructure is a problem.

This is, therefore, an extremely good treaty. It is a treaty that is opening up our country because Kenya belongs to the world. Within no time, Kenya will be moving out of the region. I have lived almost everywhere in this world and I can tell you that we must make it conducive because Africa is our business. I like the fact that Kenya is becoming a global leader. Wherever we put our feet, as a country, we get there. As an agricultural country, you can imagine how much Kenya would benefit if we had direct flights into and out of the COMESA market. Botswana is down there in that side. How easy would it be for us to sell our fresh farm produce and also create opportunities for our development in the region?

This is a good treaty that requires a lot of support. As we move forward, I want to ask the Committee to make it easier. Even airlines have responsibility to make it easier for everybody, including for persons with disabilities, to travel and get into lifts and ramps. Let us make it easier for everybody to do business. That is good.

With those remarks, I support the Motion.

The Temporary Deputy Speaker (Hon. Christopher Omulele): Hon. Mulyungi Mutemi, Member for Mwingi Central.

Hon. Gideon Mulyungi (Mwingi Central, WDM-K): Thank you, Hon. Temporary Deputy Speaker. Nominee Member No.01 misbehaved in that Committee and as the Vice-Chair, we kicked him out.

I support this treaty between Kenya and Botswana. I congratulate my Chairman, Pkosing, who is very able and energetic. Indeed, if we were in the days when cabinet secretaries came from Parliament, Hon. Pkosing would be a candidate for that position because he has proved to run the departments in the infrastructure sector.

(Applause)

I do not know what happened before KQ ceased operations in Botswana. I used to do business in Botswana between 2000 and 2009 and I used to fly directly from Nairobi to Gaborone with KQ, but this was lost along the way. Therefore, I want to support this move because opening the routes to those destinations creates business and reduces the cost of flights and the cost of time because of connections. Therefore, as I support this treaty, I wish it can be done like tomorrow because it is long overdue.

Young economies like Rwanda, which came from war the other day, have been growing faster than Kenya. Indeed, Qatar Airways has opened a hub in Botswana. This is very dangerous

for Kenya because the young democracies and economies are going to overtake Kenya if we are not careful. Therefore, I request that we even consider opening up destinations in all the major economies in Africa and the world, so that we can match other growing economies.

With those remarks, I support.

The Temporary Deputy Speaker (Hon. Christopher Omulele): Hon. Musimba, Member for Kibwezi West.

Hon. (Dr.) Patrick Musimba (Kibwezi West, Independent): Thank you, Hon. Temporary Deputy Speaker, for this opportunity.

First and foremost, I congratulate the Chair of the Departmental Committee on Transport, Public Works and Housing, Hon. Pkosing for the energy he has so far displayed as he steers one of the most critical facets of our economy, which is connectivity, to ensure that we grow our presence in the League of Nations. It is imperative that we rekindle the renaissance dream of Africa that our predecessors like Mandela, Kwame Nkrumah, the late Jomo Kenyatta and Haile Selassie had about the African Continent. Indeed, that can only be achieved by lessening the distance between ourselves as countries.

Kenya has taken a big stride in terms of opening up its borders. We see countries that are friendly to us, like China, USA and the European Union, partnering with us to open last-mile engagements into new market policies, taking our goods and services, and connecting our people by opening up the road networks. Our ports are equally the same. When it comes to air transport, it is such a critical pointer towards our connectivity and oneness as a people so that we tap the best that is within our borders in Africa.

During last year's Jamhuri Day Celebrations, His Excellency the President opened up and said that any country in Africa is a reciprocal partner in that in whatever engagement, Kenya would treat them in the same way they treat us. This has been true to countries like Botswana, Lesotho and smaller countries within the greater Southern African Development Community (SADC) area. Even for the Republic of South Africa, which our colleague was talking about, we used to enjoy a situation where we did not need visas to get into that country. The air spaces of our countries need to be opened up to ensure that we can trade and be one people, so that I do not have to think about a lag time of three days or one week to decide to travel across.

When it comes to bilateral agreements, we have to go further. This is to our able Committee led by Hon. Pkosing. Whenever we get agreements or routes given as rights to our country, they can be auctioned or made available to local airlines which display a will to tackle those routes so that we do not have lapses like what happened between 2009 and 2021. Flights should continue even when the bottom line or finances of an airline dwindle or are affected in one way or another. The loss of our aircrafts which were given away in order to rationalise the balance sheet of Kenya Airways would have been given to other local airlines like Fly Renegade Air and Silver Stone Air, among others.

The airline industry in Kenya is quite robust and you can see this from our airspace. We have budding entrepreneurs and a balance sheet that is able to support airlines which can handle this business. The innovation of getting smaller aircrafts like Embraer has brought down the cost of doing short haul routes. I think this is an investment which can be made by many of our local carriers to share and keep the presence of Kenya in such routes around African. What do we gain from that? There is a lot of commerce which goes up and down. Botswana is key in the beef industry and this can be a learning point to enrich areas like Timau or Arid and Semi-Arid Land (ASAL) areas which would be great in beef production. In return, they can enjoy our beaches because they are largely a land-locked country.

I think this is an agreement whose time has come and through the Committee, we need to keep pushing the Executive to map out every country in Africa where we do not have our footprint and rationalise all our investors to go there. Since many of our banking footprints have already reached many countries, we are able to support them and grow.

Hon. Temporary Deputy Speaker, with those remarks, I wish to support. Thank you.

The Temporary Deputy Speaker (Hon. Christopher Omulele): Hon. Obara Akinyi, Member for Kabondo Kasipul.

Hon. (Ms.) Eve Obara (Kabondo Kasipul, ODM): Thank you, Hon. Temporary Deputy Speaker. I also want to join my colleagues in appreciating the Committee for coming up with the bilateral treaty. For a long time, many of us believed that you could fly anywhere, across any country and go wherever you wanted until we realised that there are rules that are hindering that kind of movement without an agreement.

At the outset, this has given our country the confidence we really needed. Our airlines need the freedom to overfly foreign countries without any hindrance and stop for fuel. This is something many of us have taken for granted. Even locally, I can remember at one time a pilot saying he could not stop at a certain airport because he was not allowed to fuel there. I asked him why not because at that moment I did not realise he needed some rights to stop and fuel. He said he needed to get to the nearest airport meaning one which they had an agreement.

So, when we are given these rights, we should not take them for granted. We should appreciate even more that our country has developed to a level where we can fly to South Africa and Botswana. We can take our goods and trade in those countries without any hindrances. Recently, I had to fly to Senegal and the people who used the Ethiopian Airlines had to fly to Addis Ababa in Ethiopia, then Abidjan in Cote d'Ivoire and finally Dakar in Senegal. But for Kenya Airways, we flew directly to Abidjan and then Dakar. So, when you think about this deeply, you see why, as a country, we are way ahead of the rest. We should continue pursuing those kinds of agreements with the other countries to expand our horizon in terms of business opportunities that are available to our citizens

Thank you, Hon. Temporary Deputy Speaker and, once again, I support.

The Temporary Deputy Speaker (Hon. Christopher Omulele): Hon. Njiru Muchangi, Member for Runyenjes.

Hon. Eric Njiru (Runyenjes, JP): Thank you, Hon. Temporary Deputy Speaker. I want to start by supporting this Motion because I believe this is a very good decision and good work by the Committee. Ratifying this agreement will lead to increased business opportunities in our country. It will bring revenue and tourists especially at a time like this when business is so low and a time that our hotels at the Coast and many other parts are not getting enough costumers. So, I believe the ratification of bilateral air services will increase business in this country.

Hon. Temporary Deputy Speaker, I support.

The Temporary Deputy Speaker (Hon. Christopher Omulele): There being no other Member who has interest in speaking to this, I now invite Hon. Pkosing to reply.

Hon. David Pkosing (Pokot South, JP): Thank you, Hon. Temporary Deputy Speaker. I also thank Members for making fundamental contributions. This agreement will open business opportunities to our country and give our people hope for the future.

I beg to reply.

The Temporary Deputy Speaker (Hon. Christopher Omulele): Thank you, Members for your contributions. I, therefore, direct that the next step for this Motion will be undertaken when it is next listed down in our Order Paper.

I direct we move on to the next business on the Order Paper for today.

(Putting of the Question deferred)

MOTION

ADOPTION OF REPORT ON RATIFICATION OF THE BILATERAL AIR SERVICES AGREEMENT BETWEEN KENYA AND THE RUSSIAN FEDERATION

The Temporary Deputy Speaker (Hon. Christopher Omulele): Hon. Pkosing.

Hon. David Pkosing (Pokot South, JP): Hon. Temporary Deputy Speaker, I beg to move:

THAT, this House adopts the Report of the Departmental Committee on Transport, Public Works and Housing on the Ratification of the Bilateral Air Services Agreement between the Government of the Republic of Kenya and the Government of the Russian Federation, laid on the Table of the House on Thursday, 30th September 2021 and, pursuant to the provisions of section 8(4) of the Treaty Making and Ratification Act, 2012, approves the Ratification of the Bilateral Air Services Agreement between the Government of the Republic of Kenya and the Government of the Russian Federation.

Again, I thank you for this very fundamental opportunity to open our country again to other parts of Europe because these agreements are more or less the same. I was arguing with the Office of the Clerk to allow me to move all of them together but they told me they are two different Reports and I obliged. This agreement is asking for permission for airlines designated by the Russian Federation to come to our country and *vice versa*. As Members earlier suggested, this is even more special than the other two - South Africa and Botswana - because our airlines have been flying to South Africa and *vice versa*, but there is no direct airline between our country and Russia. So, it is really fundamental or historic and so, if this House agrees with our Report, we will make history and Kenya Airways or any other Kenyan Airline will fly directly to Russia and its airspace.

But before I delve into that, let me deal with the fundamentals of what this agreement is saying. The gist and meat of this agreement is found in Article 2. In this case, Article 2 says:

- (1) Each party grants to the other party the rights specified in the present agreement for the purpose of establishing agreed air services on the routes specified in the Annex to the present agreement, herein under called the agreed services and the specified routes.
- (2) Subject to the provisions of the present Agreement and its Annex, the designated airlines of each party, while operating the agreed services upon the specified routes, shall have the following rights—
 - (a) To fly across the territory of the State of the other party without landing.
 - (b) To make stops in the territory of the State of the other party for non-traffic purposes.
 - (c) To make stops in the territory of the State of the party to take on board and discharge international traffic passengers, cargo and mail separately or in combination at the points specified for the routes, making use of the traffic rights agreed between the aeronautical authorities as established in this Agreement.

- (3) Nothing in this Article shall be deemed to confer on the designated airlines of one party the rights of taking on board passengers, cargo and mail carried for hire or reward between points in the territories.

This agreement was negotiated as the earlier ones I presented. But allow me to highlight the process that it went through. This is also captured in our Report. This Bilateral Air Services Agreement between Kenya and the Russian Federation was negotiated and initialed on 22nd October 2015. It was operationalised by the signing of the Protocol on the same date. The Agreement was subsequently approved by the Cabinet during the Second Meeting of 2020 held on 19th March 2020. Further, the Agreement provides for multiple designation of airlines, unlimited number of frequencies, no restriction on aircraft capacity and an open and liberal route schedule. Exercise of the fifth freedom of traffic rights is subject to approval by the respective aeronautical authorities.

Without belabouring the point, I want to conclude this by saying a few things. We do not have a direct airline between Kenya and Russia. Russia is a very interesting country. I have never been there, but I have read that it is one of the most beautiful countries in terms of traffic and tourism. When you watch one of their programmes on television, you will see that it is actually one of the most beautiful countries. Therefore, this agreement might open a greater opportunity in terms of tourism. Above all, and more importantly, we have our flowers and agricultural products. Mostly, we take them to Europe. With Kenya Airways flying to America, we are offered another opportunity in Russia. I have also been informed that people who appreciate each other in terms of making friendships across the board and between women and men, it is Russia that leads. Therefore, our flowers might be the most wanted in Russia. So, if we get this approval, I am certain that the flower industry will flourish. I am told Russians look for flowers like nobody's business. They buy flowers in Europe where Kenyan flowers might be rebranded as coming from other countries. When the Russians get the flowers from Nairobi, because we will allow their airlines to carry cargo and parcels, it will be better. The majority of the cargo will be flowers. We will open up our country for business opportunities.

Russia holds one of our biggest contingents of students. But they go through different countries in Europe, mostly through Amsterdam in the Netherlands or Dubai. With the opportunity that my Committee urges this Parliament to agree with, Kenya Airways can schedule flights to any place in Russia. That will benefit our students. It will be an opportunity for KQ to venture into new business in Eastern Europe. Let me not belabour the point, because we seek the same approval as the previous ones.

With those few remarks, I ask the House to agree with us and approve this Report and ratify the Agreement. I ask Hon. Shadrack Mose, a member of the Committee, to second, with your permission.

I thank you, Hon. Temporary Deputy Speaker.

The Temporary Deputy Speaker (Hon. Christopher Omulele): You are right, Hon. Pkosing. Russia is the home of the City of St. Petersburg, the City of St. Peter. In terms of innovation, we might want to link up with the country.

Hon. Mose, you may second.

Hon. Shadrack Mose (Kitutu Masaba, JP): Thank you, Hon. Temporary Deputy Speaker. As I rise to second, I would urge the House to move with speed. Hon. Temporary Deputy Speaker, I hope you will be one of the first beneficiaries to visit the great country of Russia.

There are very many good things that are contained in this agreement between Kenya and Russia. One of the things that will naturally come into play is the issue of aviation safety. With

increased number of airlines coming to our country, we will have increased aviation safety. We will also apply our domestic laws. There will also be recognition of our certificates and licences, which means our revenue stream will enhance. It is also worth noting that we are bound to benefit through customs, duty, taxes, charges and transfer of earnings.

Principles governing operation of the agreed services are also contained in this agreement. Commercial activities will no doubt increase. Provision of information between the two countries, user charges and settlement of disputes are entrenched in this agreement. They will obviously provide a lot of opportunities to this country. I do not want to over-emphasize that Russia is one of the countries in the world that are known. I remember when we were children we used to hear of the Russia Hospital in Kisumu, which was financed by the Russian Government. How happy would we be to have some of those direct benefits accruing to us as a country and to Russia?

I am certain in my mind that the aspect of tourism which this country and the Russian Federation are known for, are areas that we would have an increase and influx of tourists. That naturally, in effect, will have the aspect of job opportunities and many other attendant opportunities.

There would be an increase in the number of students going to the Russian Federation. Students who have managed to find their way to the Russian Federation had to go through many bends to arrive there. With those direct flights between Kenya and the Russian Federation, I have no doubt that we will benefit as a country. We will have also opened up those networks across the globe.

When you pass through Dubai, you will be amazed with the kind of enhanced network interaction in the whole world. If the House passes the Motion which I have no doubt it will, we will have direct communication with South Africa, Botswana, the Russian Federation and all those other countries where we do not have direct flights. This will enhance and increase commercial activities to our country which will definitely be beneficial.

As a result, I beg to second.

(Question proposed)

The Temporary Deputy Speaker (Hon. Christopher Omulele): Hon. Mutunga Kanyuithia, Member for Tigania West.

Hon. John Mutunga (Tigani West, JP): Thank you, Hon. Temporary Deputy, for giving me the opportunity to contribute to this Motion.

I have listened carefully to the Committee's Report and they are telling us that we have an opportunity to open up the Russian Federation as one of the bilateral relations in terms of air travel. It is time we try as much as we could to create business for Kenya Airways (KQ). It has been struggling over time, and the more destinations we open up with less restrictions as has been presented in this House, the more we create business for KQ.

Many of our people studied in the Russian Federation and have experienced a lot of difficulties to access there. They had to travel with a lot of difficulty passing through countries with all forms of restrictions. Opening up direct flights to the Russian Federation will assist us a great deal in terms of shortening the distance, making the channels a lot clearer and, therefore, enabling us to have students taken care of. I am one of the victims. I have travelled to the Russian Federation. We had to pass through Kazakhstan and many other countries before getting there and you get into a lot of problems.

I have listened carefully to the rights that the Chair of the Departmental Committee on Transport, Public Works and Housing has specified in an article that specifies the establishment of those air services. I also believe the territorial boundaries have been clearly opened up for us. This will help us in two ways. One, we will support KQ as a vehicle that will take us there.

Two, we should also open up the market for our floriculture industry. Our industry suffers limitations in terms of the market availability across the globe. We have Europe as one of our major market, but the restrictions have been too much. Kenya has been forced to hike the standard so that it can produce a higher market than that specified by the European market to be able to access that market. It means we are capably prepared to access this market. When we access that market, we will increase opportunities to garner foreign exchange.

On tourism, Russia has many tourist destinations. On the other hand, Kenya has also many tourist destinations. Russia is purely temperate with a peculiar climate and we, at the Equator, we are not just the tropical. In other words, we are able to offer very different scenarios and touristic products that they may not have. We offer a good weather, white sandy beaches, wildlife and many other things that are not found in those climatic conditions. I am sure so many Russians will be streaming to Kenya. Many have been trying to come and it has also been as difficult as it has been for us. Therefore, we are creating a great opportunity for them to come and benefit us with the foreign exchange that we need to trade well with the other countries.

Hon. Temporary Deputy Speaker, it is really important for us that the negotiations did not put any restrictions on the destinations within Russia, sizes of the vehicles that go to Russia, in other words, the equipment; the planes, type of cargo and capacities.

Russia is an old economy. There is a lot for Kenyans to learn from Russia as much as there is for them to guide us in terms of technology transfer for our very young economy. I believe access is one of the easiest ways of conveying technology. Technology transfer has got to do with the contacts that you make and how well we can link with those large economies. Kenya is likely to benefit more and that is why I propose that we adopt the Report.

Thank you, Hon. Temporary Deputy Speaker.

The Temporary Deputy Speaker (Hon. Christopher Omulele): Hon. Gogo Achieng, Member for Rangwe.

Hon. (Dr.) Lilian Gogo (Rangwe, ODM): Thank you, Hon. Temporary Deputy Speaker. I rise to agree that we adopt the Committee Report. It is a very interesting and nice piece of Report as it touches on Russia and our relationship in aviation services. It has come at the right time and it is important that this happens. I have personally been to St. Petersburg with the Departmental Committee on Defence and Foreign Relations. I have a first-hand experience. We had to go through Vienna, Geneva and then Russia. It would be important for Kenya to have those direct flights because it would mitigate the many stop-overs that one makes to get to Russia.

Having said that, I think we have a Mission in Russia and if we capacitate it such that we foster other services, I believe it will strengthen our already existing relations with Russia as friends. Having been to St. Petersburg, I think Russia is one of the countries that are known to have very strong Christian relations especially in matters of faith. They also have very good Christian artifacts of Catholic faith and if we have direct flights and interactions, we would probably borrow that from them. As it has been indicated, there are extremes of weather in Russia and we will provide them with our flowers. We also provide them with fruits and vegetables and this will enhance trade which is good for our country.

Russia is known to be advanced in skills and technology in the field of medicine and engineering. Our students who go to Russia to study medicine and engineering normally come out

“cut” from a different coat. Having these direct flights would help our students. The last time we were in Russia, we identified a need to have more of our students study there. It happens that the Russian Government offers more scholarships but the challenge is the distance. So, having direct flights would be a good thing. Relations that lessen time of going to a place fastens our infrastructural development. We are looking at opportunities for our young people in terms of employment. If there would be direct flights, other than employment with our national airline which would directly benefit our young people, if our other airlines would have such direct flights, it would help mitigate youth unemployment and youth bulge.

If we were to have those kinds of flights and as it were, we implement them through this particular agreement, I am seeing a situation where Kenya would grow because you benchmark with a case at a different level. The way it has been indicated is that our airline service industry is going to improve its standards. So, I support this proposal and Committee Report and we need to ratify it.

I thank you, Hon. Temporary Deputy Speaker.

The Temporary Deputy Speaker (Hon. Christopher Omulele): Thank you, Hon. (Dr.) Gogo on your sentiments that Russia has got some of the deepest foundations of Christianity but somewhere along the way, Hon. Millie will tell you that there was some departure. But that is a debate for another occasion.

Let us have Hon. Kamene Joyce, Member for Machakos.

Hon. (Ms.) Joyce Kamene (Machakos CWR, WDM-K): Thank you, Hon. Temporary Deputy Speaker. I support the adoption of this Committee Report. This is a good opportunity for us to open our services as a country because we normally depend on tourism a lot. Those services will help us get more tourists from Russia. We have heard there is a lot of hindrance because you have to connect flights at different destinations in order to get to Russia.

We also know that Europeans love flowers and we, as a country, grow a lot of them. So, this is a good opportunity for business. We will increase our production and do business at such times when the economy is not doing well. This ratification will help us improve our economy by doing business with Russia.

We are all aware that Russia has taken in so many of our students. Many are the times we see our students stranded in Russia mainly because of connecting flights. It is very expensive for students to travel from Kenya to Russia and *vice versa*.

I am here to support the adoption of this Report so that, at least, we can advance our trade and also increase our good relations with Russia. I stand to support.

Thank you, Hon. Temporary Deputy Speaker.

The Temporary Deputy Speaker (Hon. Christopher Omulele): Hon. Gogo, I hope when you visited Saint Petersburg, you went to the church of Saint Peter. Did you?

Hon. (Dr.) Lilian Gogo (Rangwe, ODM): Thank you so much, Hon. Temporary Deputy Speaker. It is definitely a very beautiful scene. It is very heart warming and if you have a very strong Christian faith, then it is something that is worth visiting. Even after that, there are very many nice gold coated and silver craft for Christians. Saint Petersburg is a very beautiful place.

Thank you, Hon. Temporary Deputy Speaker.

The Temporary Deputy Speaker (Hon. Christopher Omulele): Then you indeed visited that City. It is called the “City of love.” This thing called valentine has some attachment to that City and that name called Saint Peter. He is a man who died because he loved so much. He got into so much trouble.

Next is Hon. Nyikal.

Hon. (Dr.) James Nyikal (Seme, ODM): Thank you, Hon. Temporary Deputy Speaker. I have not been to St. Petersburg but I think I should. I do not want to die of what that man died of.

I really support this and I do not think we should spend too much time on it. We have a lot of connections. A Member said that he remembers the Russian Hospital in Kisumu as a child. I remember I was treated there as a child. I worked there as a doctor and now it is becoming a university teaching hospital. So, it is the legacy we have. However, one thing that we may not know is that Moscow or any of the cities in St. Petersburg is where you will not have jetlag because you are actually exactly on the same time. It is exactly the same time now in Russia as it is in Nairobi. Apart from the cold weather and so on, I think that is something you do not get. Therefore, I think we should really encourage more movement. When this Agreement is signed and we have a direct flight, I think it will be a very different experience for those who travel there. It will be cheaper and easy to go. I think we, once again, must commend the Committee. Hon. Temporary Deputy Speaker, I support the Motion.

The Temporary Deputy Speaker (Hon. Christopher Omulele): You are absolutely right, *Daktari*. Russia is only eight hours directly from Nairobi.

Next is Hon. Musimba Patrick, Member for Kibwezi West.

Hon. Patrick Musimba (Kibwezi West, Independent): Thank you, Hon. Temporary Deputy Speaker, for giving me this opportunity once again. Today is an exciting day especially when you see things from the Cabinet in 2020 getting to this House for immediate ratification. In signing this Agreement, we are launching Kenya onto the world map. We are talking about non-aligned States coming into partnership with us. We are actually bringing down what used to be the cold war front and saying Kenya is open for business. I think the Committee, with a progressive Chair and progressive Members needs to go a step further. We have to start recognizing that JKIA is, indeed, small. We have to start thinking in the realms of Dubai International Airport and Hong Kong.

Hon. Temporary Deputy Speaker, I am sure you have already passed there before. You can see we need to actually launch an airport city and there is nowhere as profound as what we passed when we were discussing the Bilateral Air Service Agreement with America than the Konza City. This is because we have the land and we are able to dedicate a lot more space than we have at JKIA to actually house all those people. What we are discussing today is actually a nation which has... If I get my statistics right, their GDP is in excess of US\$418 trillion and I think they have a population of roughly around 150 million people.

You can see what inferences that brings to us; they are able to grow Kenya and they are a valued partner. If you look at the economy of America, it is almost \$20 trillion in terms of their GDP. Those are the kind of people you need to partner with. Russia's size is almost 1.7 trillion km² in comparison to Kenya, which is about 584000 km². If we are going to receive those kinds of guests into our country even if you will talk about 1 per cent, it is almost a million passengers a year. So, we need to be proactive. Already, we are experiencing a bit of congestion at JKIA. We need to be thinking about a Greenfields terminal. We should be thinking about a second runway. If we were talking about cargo, we are talking about passenger movement. We need to go bigger in scale and open up and have a complimentary airport that actually promotes the whole region, now that we are trying to connect the whole of Africa into Nairobi and launching Nairobi as a world capital. This will be quite momentous.

In the areas of partnership, we have talked about the flower industry. What Russia is big on, is oil and gas production. We know the potentiality out of Lake Kivu in Rwanda and us connecting pipelines. We have been talking about an oil pipeline from South Sudan through to our

Port in Lamu. These are things which are complimentary. We are able to get a lot of technical input but, more importantly, for investors to come and partner with us and move through, because when we are thinking about those projects, being able to put up a rail link between Lamu through to South Sudan, those are the projects which are going to take a CapEx of almost a trillion shillings moving forward in the next five years. We need to be thinking strategically on how to package this, what sort of partners we have and the incentives that will bring them here. The Russian business people are quite strong and robust. Their banks are even bigger and we are able to have those sorts of partnerships with their Exports and Imports (EXIMS). We call upon every single stakeholder through this air agreement to look proactively and forward and see the potentiality of bringing Kenya as a melting point for, indeed, the region's resources and tapping this to grow ourselves.

In the arena of education from around independence, we had many airlifts of people who were going out there. We need to embrace languages. If we are opening up to China, let us embrace Mandarin in to our curricular. English is already there for the Americans. Let us also embrace Russian language. Let people learn Russian. Let us have a lot of mix in terms of exchange students. How can we get Russian students to come and study here *vis-a-viz* even in the other countries like Botswana? We have universities which are power houses. They were programmes out of Jomo Kenyatta into Kaduna in Nigeria. We have the University of Nairobi which have satellite campuses which were traditionally there. Let us open this up so that in the area of education and science, we become a melting point that complements all those transport linkages.

I really support the committee.

The Temporary Deputy Speaker (Hon. Christopher Omulele): Hon. Musimba, every time you speak about these things, I get excited because you do well. These are the kind of conversations we need to have in this country, if we are to make our country truly a player in the League of Nations as you have said. That was the last Member who had indicated an interest in speaking to this. I will, therefore, ask, Hon. Pkosing to kindly reply.

Hon. David Pkosing (Pokot South, JP): I thank you, Hon. Temporary Deputy Speaker. Indeed, as Hon. Musimba has said, this has been a very monumental week for us in the Departmental Committee on Transport, Public Works and Housing, which is opening the entire world.

As I reply, I agree with Hon. Musimba and other Members that Russia is known for oil and gas. However, our country is new in terms of exploration of oil and gas. There are opportunities in Turkana and Kapedo, which is in Pokot. There are opportunities in the Lakes region and in the Coast region. These are serious matters as we have deliberated on them. On behalf of my Committee and the Ministry that has transmitted these agreements from the Executive through us; I want to thank the House and Members for agreeing with us this afternoon. We should move forward and open our country and so, this is a monumental opportunity.

Finally, I assure Members who were requesting that we open up the country and were looking forward to it. Hon. Musimba is a businessman, almost like me. We have something in common. We both play golf. I think we are the best golfers in Parliament. I am his back marker, which in other words means that I am ahead of him. When we play golf, he has to follow my rules. That is on a light note.

Hon. (Ms.) Odhiambo-Mabona (Suba North, ODM): I am better than you.

Hon. David Pkosing (Pokot South, JP): I have never seen Hon. Millie Odhiambo on any golf course, not even in Kisumu where there is a small one.

With those few remarks, I thank you and beg to reply.

The Temporary Deputy Speaker (Hon. Christopher Omulele): Very well. That is a job well done for your country. One of these days, when I get slightly richer like you, I might come to your school of golf. I am sure you will be the best teacher in that aspect, not ignoring Hon. Millie who is my senior in many other things.

Hon. Members, I direct that the next steps in regard to that business be undertaken when that matter will next be listed on the Order Paper.

(Putting of the Question deferred)

I direct that we move on to the next business on the Order Paper.

Hon. David Pkosing (Pokot South, JP): Thank you.

The Temporary Deputy Speaker (Hon. Christopher Omulele): Welcome.

BILL

Second Reading

THE KENYA NATIONAL COMMISSION ON HUMAN RIGHTS (AMENDMENT) BILL

The Temporary Deputy Speaker (Hon. Christopher Omulele): I direct that that business be deferred. I cannot see the Mover in the House.

(Bill deferred)

Next business.

COMMITTEE OF THE WHOLE HOUSE

THE WAQF BILL

I also direct that this business be deferred. I have received directions that the business will be on the Order Paper for Thursday.

(Committee of the whole House on WAQF Bill deferred)

BILLS

Second Readings

THE MEDIATION BILL

I also direct that this business be deferred.

(Bill deferred)

THE COMMUNITY GROUPS REGISTRATION BILL

I also direct that this business be deferred because the Mover is not in the House.

(Bill deferred)

ADJOURNMENT

The Temporary Deputy Speaker (Hon. Christopher Omulele): Hon. Members, the time being 6.38 p.m., this House stands adjourned until Thursday, 21st October 2021, at 2.30 p.m.

The House rose at 6.38 p.m.