

PARLIAMENT OF KENYA**THE NATIONAL ASSEMBLY****THE HANSARD****Thursday, 3rd March 2022**

The House met at 2.30 p.m.

*[The Speaker (Hon. Justin Muturi) in the Chair]***PRAYERS****QUORUM****Hon. Speaker:** Can you ring the Quorum Bell?*(The Quorum Bell was rung)*

Hon. Speaker: Very well. Thank you, we now have quorum. Indeed, it is true what nominee 001 said that people are just taking water. I hope they have taken sufficient quantities of water. We may start.

Let us have Hon. Sankok

PETITION**INTERVENTIONS TO ADDRESS THE DRASTIC RISE IN FOOD PRICES**

Hon. David ole Sankok (Nominated, JP): Thank you very much, Hon. Speaker, for giving me this opportunity to raise this Petition.

I, the undersigned, on behalf of citizens of Kenya straining under the current rise in food prices, draw the attention of the House to the following:

THAT, recent data as well as general observation of the market reveals a drastic increase in food prices, which is devastating news for citizens, majority of whom live on less than a dollar a day;

THAT, the high cost of food has been occasioned by prevalence of idle land that is in the hands of absentee landlords who fail to productively use the land for public good;

THAT, idle lands such as the 98,000-acre Kedong Ranch, among others; such large parcels across the country, can produce tons of food if distributed to hardworking farmers;

THAT, high taxes on food and food products, as well as State capture of businesses by leaders that creates regressive monopolies, have also led to a hike in food prices and exploitation of citizens, which is exemplified by the irregular increment in prices of milk products; where State-protected firms buy milk from farmers at Ksh27 per litre; only to sell it off at Ksh120 per litre after skimming the milk and with little or minimal processing;

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THAT, Sessional Paper No.10 of 1965 was the genesis of this problem because it prevented investment in and development of large tracts of land that account for 80 per cent of the Kenyan land mass in arid and semi-arid regions; while purporting to spur investments in high potential areas that placed unprecedented strain on the remaining 20 per cent proportion of arable land;

THAT, efforts by the Petitioners to have the matter of skyrocketing food prices addressed by relevant authorities have been futile;

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

Therefore, your humble Petitioners pray that the National Assembly, through the Departmental Committee on Agriculture and Livestock:

- (i) secures the urgent passage of laws to compel absentee landlords to either lease their land or put it into productive use;
- (ii) secures the waiving of all taxes on food and related essential commodities;
- (iii) secures the passage of laws to set maximum profit margins that big firms operating in Kenya can make;
- (iv) facilitates the passage of laws that protect small and micro-enterprises (SMEs) dealing with food products, including millers, milk-processing companies, among others;
- (v) facilitates the passage of laws to compel State officers to declare their conflict of interest in running monopolies and big firms operating in Kenya;
- (vi) secures the adoption of irrigation models that utilise gravity occasioned by the existence of the country's water towers that rise up to 2,000 metres above sea level such as those in Mt. Kenya, Mt. Kilimanjaro, Mt. Elgon, Mau and the Aberdare Ranges, and channelling of the water through irrigation; and,
- (vii) makes any other recommendation or order if it seems fit in a bid to bring down the exorbitant prices of food in the country.

Thank you very much, Hon. Speaker.

Hon. Speaker: Sergeant-at-Arms, please confirm whether we have quorum because there are Members who have come in and withdrawn.

(Loud consultations)

QUORUM

Sergeant-at-Arms, can you ring the Quorum Bell again? I am aware that there could be comments on the Petition.

Hon. Members, I am sure that you all know the provisions of the calendar that you passed on 2nd February 2022.

(The Quorum Bell was rung)

(Several Members walked into the Chamber)

Hon Speaker: Order, Hon. Members! Take your seats. Member for Mogotio, take your seat. We now have quorum. Let us allow the Majority Whip to come in. He has done a good job of whipping.

Hon. Members, I have taken this unusual step because I have noticed that we might soon not be able to conclude some of the business that is listed on the Order Paper. Some of the business is very crucial and it may be desirable that we conclude it today by merely putting the Questions. You will realise that there is a Supplementary Order Paper for the purpose of putting the Question. I, therefore, rearrange the Order Paper so that we stay Order No. 4 on Petitions as it is, and go to Order No. 8.

Therefore, I rearrange the Order Paper so that Order No.4 on Petitions remains as it is. Therefore, we very quickly go to Order No.8.

BILLS

Second Readings

THE DIVISION OF REVENUE BILL

(Hon. Benard Shinali on 2.3.2022)

(Debate concluded on 2.3.2022)

Hon. Members, debate on the Division of Revenue Bill was concluded yesterday and what remained was for the Question to be put, which I hereby do.

(Question put and agreed to)

(The Bill was read a Second Time and committed to a Committee of the whole House today by leave of the House)

Next Order!

THE PUBLIC DEBT MANAGEMENT AUTHORITY BILL

(Hon. Sakwa Bunyasi on 16.2.2022)

(Debate concluded on 2.3.2022)

Hon. Speaker: Hon. Members, I will still continue to put this Question even though the Mover, Hon. Sakwa Bunyasi, is not in the House. This is because the request to put this business on the Supplementary Order Paper was made earlier around 11.00a.m., so we can conclude.

(Question put and agreed to)

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

Next Order!

THE HELB (AMENDMENT) BILL

(Hon. John Paul Mwirigi on 2.3.2022)

(Debate concluded on 2.3.2022)

Hon. Speaker: Member for Bomet, take your seat! I have noticed these days you have a habit of wanting to shake hands with everybody on that line. I know this is the time where every face looks like a vote, including that of your colleagues.

(Laughter)

Member for Jomvu, take your seat! Hon. Members, again this is a Private Members Bill, but in the interest of concluding business before we take the short recess, I permitted this business to be put on the Order paper for purposes of concluding it. What remained is for the Question to be put, which I hereby do.

(Question put and agreed to)

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

COMMUNICATION FROM THE CHAIR

STATUS OF THE COUNTY GOVERNMENT GRANTS BILL

Hon. Speaker: Hon. Members, for convenience of the House, now that we have sufficient quorum, I wish to make this Communication.

Hon. Members, you will recall that the National Assembly passed the County Government Grants Bill (Senate Bill No. 35 of 2021) on Thursday, 2nd December 2021 with amendments. Subsequently, the Senate was informed of the decision of the House on Friday 3rd December 2021.

Hon. Members, on 21st December 2021 the Clerk of the Senate communicated the decision of the Senate on the County Government Grants Bill, 2021 and appointed Members to a Mediation Committee.

Consequently, on 23rd December 2021, I communicated to the Senate the progress made by the National Assembly with regard to the said Bill, that is, the appointment of the following Members to represent the National Assembly in the Mediation Committee on the Bill:

- (1) Hon. Kanini Kega, CBS, MP,
- (2) Hon. (Dr.) Kanyuithia Mutunga, MP,
- (3) Hon. Naisula Lesuuda, OGW, MP,
- (4) Hon. Millie Odhiambo-Mabona, CBS, MP, and
- (5) Hon. (Dr.) Makali Mulu, MP.

Hon. Members, to this end, the first meeting of the Mediation Committee was scheduled on Wednesday, 19th January 2022, at 9.30 a.m. at the Mini-Chambers, County Hall, at Parliament Buildings. However, the meeting did not take place and was postponed to Tuesday, 25th January

2022, at 10.00 a.m., which was further postponed on account of the Senate holding a Special Sitting on the appointed date to consider the Political Parties (Amendment) Bill, 2021.

The third meeting was called on 15th February 2022 in the Red Cross Building, Parliament Buildings at 11.00 a.m. However, it was postponed due to the fact that the four Members from the National Assembly were engaged in the Budget and Appropriations Committee retreat to consider the 2022 Budget Policy Statement.

With the foregoing, efforts to call for a subsequent meeting have not borne fruit on account that the National Assembly Budget and Appropriations Committee has been considering the 2022 Budget Policy Statement and the 2021/22 Financial Year Supplementary Estimates I. In this case, the Mediation Committee on the County Governments Grants Bill (Senate Bill No.35 of 2021) has so far not held any meeting to deliberate on the Bill as required under Standing Order No.149.

Once passed, the Bill will unlock the conditional grants for county governments and many stakeholders have been inquiring on its status. It is quite disturbing that the mediation process has not taken off.

In the circumstances, noting the importance of the said Bill, I direct the Chairperson of the Budget and Appropriation Committee and other Members of the Mediation Committee to avail themselves and attend the meeting of the Mediation Committee that will be called. In the event that the Members fail to meet within seven days from the date hereof, I will call upon the leadership of the House to nominate other Members to sit on the Mediation Committee.

Hon. (Dr.) Makali Mulu is in the House. The others are all busy in the field. When you are out there merely shouting in the field, you may think that you are doing a lot of work. You have been elected to come and serve here in the House. Those Hon. Members, namely, Hon. Naisula Lesuuda, Hon. (Dr.) Mutunga, and particularly Hon. Kanini Kega, this is where business is supposed to be transacted. You should avail yourselves. There is also Hon. Millie Odhiambo. If they do not, we will have to replace them.

I imagine that everyone remembers the nature of the Petition by Hon. Sankok. I will allow the usual period for comments. Every comment is limited to a maximum of two minutes.

Let us have Hon Otiende Amollo.

Hon. (Dr.) Otiende Amollo (Rarieda, ODM): Thank you, Hon Speaker. I would like to comment on Hon. Sankok's Petition. First, on the face of it, it appears to breach Standing Order No.220 (1) (b). Second, in so far as it appears to be a Petition not presented on behalf of a Petitioner, Standing Order No. 220(2) prevents an Hon. Member from presenting a Petition on his own behalf, which is clearly what Hon. Sankok was doing.

In any event, under Standing Order No. 223(h), the Petition does not have a clear prayer or object. It is pure politics which is fit for a political rally and not this august House or any of its Committees. It is a matter that should not detain any Committee of this House.

Thank you, Hon. Speaker.

(Applause)

Hon. Speaker: Further comment by the Member for Tharaka.

Hon. George Gitonga (Tharaka, DP): Thank you very much, Hon Speaker. Allow me to disagree with Hon. Otiende Amollo. This Petition is actually brought by petitioners and the Speaker is satisfied that there are definite petitioners on whose behalf Hon. Sankok has brought the Petition. In any event, Hon. Sankok is nominated and he represents a certain class of citizens, who can actually petition through him.

Secondly, he has raised a very important issue of food prices in the country. The position being that this is a crisis we are in now. Every Kenyan is crying because the price of food is prohibitive and it is high time it is addressed. The Standing Orders and whatever else being mentioned by Hon. Otiende Amollo are handmaidens and they are purely supposed to assist us to arrive at a fair and just decision. Therefore, we cannot rely on that to say that the Petition has no merit.

On my own part, I do support the Petition and urge the Departmental Committee on Agriculture and Livestock to move with speed and determine what exactly is ailing the country in terms of food and the food crisis.

We have been told that there are absentee landlords; people who own large tracks of land lying idle and are not being used for any agricultural purposes. It is high time this is examined whether there should be a redistribution of land in the country. We know some of these land came to the hands of these people through what was known as a Million-Acre Scheme in 1963 and 1964. If we are to go back to that and undo what we did that time, so be it. There is need for Kenyans to have land to grow sufficient food.

Hon. Speaker: Hon Members, I have been petitioned and I think this is important. If you look at the Order Paper, we have just put the Question on the Division of Revenue Bill (National Assembly Bill No. 8 of 2022) and we are supposed to consider it in the Committee of the whole House. Given the nature of the Bill, I suspect that we will take a very short time. I want to appeal to all of us to please just hold on for another 30 minutes. It is important that we conclude the Third Reading of the Division of Revenue Bill so that we can refer it to the Senate.

As you all know, this being an election year, some of these processes usually have to be finalised. Could I please appeal to all, to just hold on for another 30 minutes? For those who may be feeling very thirsty, we will have a lot of water in the Chamber so that you do not have to go out to take water. We will interrupt comments on the Petition so as to consider the Division of Revenue Bill in the Committee of the whole House. Do I have the concurrence of the House?

Hon Members: Yes.

Hon. Speaker: Very well. Order, Hon. Members! Let us just clear with the Division of Revenue Bill.

Let us go to the next Order.

COMMITTEE OF THE WHOLE HOUSE

(Order for Committee read)

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

IN THE COMMITTEE

[The Chairman (Hon. Moses Cheboi) took the Chair]

THE DIVISION OF REVENUE BILL

Hon. Chairman: Hon. Members, take your seats! It is going to be a brief one.

(Loud consultations)

Take your seats and kindly be around as the Speaker has asked. We will be through in the next few minutes.

(Clauses 3, 4, and 5 agreed to)

(Schedule agreed to)

(Clause 2 agreed to)

(Title agreed to)

(Clause 1 agreed to)

Hon. Members, let us have the Mover to move reporting.

Hon. Amos Kimunya (Kipipiri, JP): Hon Chairman, I beg to move that the Committee do report to the House its consideration on the Division of Revenue Bill (National Assembly Bill No. 8 of 2022) and its approval thereof without amendments.

Hon. Chairman: Very well. Then I put the Question.

(Question proposed)

(Question put and agreed to)

(The House resumed)

[The Speaker (Hon. Muturi) in the Chair]

REPORT AND THIRD READING

THE DIVISION OF REVENUE BILL

Hon. Speaker: Chair.

Hon. Moses Cheboi (Kuresoi North, JP): Hon. Speaker, I beg to report that a Committee of the whole House has considered the Division of Revenue Bill (National Assembly Bill No. 8 of 2022) and approved the same without amendments.

Hon. Speaker: Mover.

Hon. Amos Kimunya (Kipipiri, JP): Hon. Speaker, I beg to move that the House do agree with the Committee in the said Report. I also request Hon. Shinali to second the Motion for Agreement with the Report of the Committee of the whole House.

Hon. Speaker: Hon. Shinali.

Hon. Benard Shinali (Ikolomani, JP): Hon. Speaker, I second.

(Question proposed)

(Question put and agreed to)

Hon. Speaker: Mover

Hon. Amos Kimunya (Kipipiri, JP): I beg to move that the Division of Revenue Bill (National Assembly Bill No. 8 of 2022) be now read a Third Time.

I want to thank Members for the speedy processing of this Bill. I specifically thank Hon. Shinali who underwent an eye operation and still helped us to go through the Bill yesterday despite the struggles with numbers. That is why I am moving on his behalf. I request Hon. Shinali to second this Bill for the Third Reading.

Hon. Speaker: Let us have Hon. Shinali, Member for Ikolomani.

Hon. Benard Shinali (Ikolomani, JP): Thank you, Hon. Speaker. The Budget and Appropriations Committee has done a great job and speedy work. They burned the midnight oil to make sure that this Division of Revenue Bill is here on time, so that it can move to the Senate. Since county governments have already started preparing, we want it to be passed very quickly so that they can go ahead and come up with their budgets.

I second.

(Question proposed)

Hon. Members: Put the Question!

Hon. Speaker: I confirm that we have more than the requisite quorum. Therefore, I will proceed to put the Question.

(Question put and agreed to)

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

Hon. Speaker: Hon. Members, I wish to thank all of you. Having transacted those three very critical Businesses, more particularly, the Division of Revenue Bill, we can now go back to factory settings. Is it not so?

Hon. Gitonga Murugara, you had completed your comments on the Petition. What do you mean? The time allocated for comments on Petitions is two minutes. We will proceed to get comments from the Member for Nakuru Town East.

Hon. David Gikaria (Nakuru Town East, JP): Hon. Speaker, I rise to support the Petition by Member 001 on food prices. As Hon. Sankok put it, the cost of living in the country has risen to a point where Kenyans are losing hope in what they are supposed to do. As it is now, most Kenyans live on less than a dollar a day. Most of them have to walk long distances to their places of work.

The Petition which Hon. Sankok has just read will go a long way, particularly now that we are in the Budget-making process. I hope that the Committee will look into it and incorporate some of those issues that might go a long way in reducing the cost of food. It is important for the Committee to which you have given the responsibility to undertake that Petition to ensure that they incorporate their report in the Budget.

I have said in the past that it is not necessary for us to continue lamenting out there in political rallies, yet it is in this House where we should actualise the reduction of food prices. We must do that now that we are in the Budget-making process.

I agree with what Hon. Sankok has said and I appeal to the Committee that has been given this responsibility to fast-track this issue because it is urgent.

Hon. Speaker: Let us have the Member for Homa Bay Town.

Hon Peter Kaluma (Homa Bay Town, ODM): Hon. Speaker, this Petition appears to present a problem for solution, and also goes ahead to speak to the solutions. So, it is faulty in that regard.

Hon. Speaker, this Petition appears to present a problem for a solution and also goes ahead to speak to the solutions. In that regard, it is faulty. This is a Petition speaking politics and not genuinely seeking solutions. The matters concerning food crisis are multiple. They relate to the issues which have undermined our economy. These issues include the amount of debts we took in the Jubilee Government and how much of it was stolen, more so by the side that Hon. Sankok is now in. We know those cases of corruption. We also have matters of climatic change. So, this is a matter which should be dismissed by you on the grounds that Hon. Otiende Amollo has mentioned. If not, if we have time to waste as Parliament, this is a matter which should go to multiple Committees, namely; The Departmental Committee on Finance and National Planning, the Budget and Appropriations Committee, the Committee in charge of Trade for matters corruption by Hon. Sankok's side, the Departmental Committee on Justice and Legal Affairs and the Departmental Committee on Trade, Industry and Cooperatives. It is a waste of time. We are busy and this is not something to hold Members from the campaign trail.

Thank you, Hon. Speaker.

Hon. Speaker: Member for Mwea.

Hon. Josphat Kabinga (Mwea, JP): Thank you, Hon. Speaker. I think I would want to support Hon. Kaluma on the fact that food crisis in Kenya is a multiple problem. It will not be good at all for anyone to incite Kenyans out there at a time like this one when there is a problem. We are just coming from a serious corona problem, a drought period and serious economic problems which are not just in Kenya but worldwide. Therefore, this honorable House needs to be cautious especially when we bring issues that affect Kenyans out there. We should not look like we are inciting Kenyans. We are a House of solutions and it is important that whatever we come up with, we look at the solutions and do our homework.

For example, when we talk about milk being bought at Kshs27 and being sold at Kshs120, it would have been good if somebody went ahead to tell us the cost of processing that milk so that it does not look like you are buying, transporting and selling because there are some things which are involved in the processing.

On the Kedong Ranch that was mentioned, it would have been good to know the state of that ranch and the current owners of the 98,000 hectares and the use we can make as Kenyans. It could be another land that would probably not be viable in as far as agriculture is concerned. But when we mention 98,000 hectares here, Kenyans would think that somebody may have grabbed that land and it is sitting idle. I have an experience where...

Hon. Speaker: Member for Tinderet.

An Hon. Member: He is not in.

Hon. Speaker: Member for Dagoretti South.

Hon. John Kiarie (Dagoretti South, JP): Thank you very much, Hon. Speaker. I do not think that there is any Member who is more worthy than the other. I also do not think that there is any Petition that is any less than the other because there are critical issues that have been raised by this Petition that need to be addressed.

When we went to school, we used to be taught that the factors of production are land, capital and labour. But in this country, we are quickly learning that politics is also becoming a factor of production. That even as we pursue issues to do with weather patterns, land ownership, production of food and food prices, politics is also becoming an element that affects them. So, if there is any element of politics in that Petition, then it is true that politics is a factor of production in this country.

So, I do support this Petition, I think it is here properly; it has been presented to the Floor in the right way and the issues raised should be addressed by the relevant Committee.

I thank you for this opportunity.

Hon. Speaker: Member for Kiharu.

Hon. Ndindi Nyoro (Kiharu, JP): Thank you, very much, Hon. Speaker. I want to add my voice to this Petition. A country that cannot feed itself is very unstable and especially a Government that cannot craft policies and people sleep hungry is not worthy. Hon. Madam Speaker, the food we eat comes from agriculture which is a broad term for farming.

Hon. Speaker: I am of the male gender. So, madam does not apply to me.

Hon. Ndindi Nyoro (Kiharu, JP) Thank you, very much, Hon. Speaker. Maybe the gown confused me because it looks like a dress. A major input that goes into farming is fertiliser and currently in our country, it is selling at an average of Kshs6,500. There before, when our country was doing so well in terms of food production, it was way below Kshs2,500.

Hon. Speaker, I think we should start by lowering the prices of our inputs so as to spur food production. It is also good to note that our country Kenya, which is predominantly an agricultural economy, imports over Kshs200 billion worth of food especially from our neighbours. This makes Kenya to be on the losing end in terms of trade between our partners; Uganda and Tanzania. Our country used to be the big brother in terms of having the net import of trade among these two countries. Currently, as we speak, we import more from Uganda and Tanzania than before.

Hon. Speaker: Member for Yatta.

Hon. Charles Kilonzo (Yatta, Independent) Thank you, Hon. Speaker. The Petition by 001, Hon. Sankok is a very serious one. However, he has brought politics into it. When you talk about re-distribution of land it happened in Zimbabwe, where the former regime got all the arable land which was viable. These big parcels of land were subdivided, given out and agriculture in Zimbabwe collapsed. So, I want us to take this business very seriously.

Increase of food prices is an international issue even as we speak today. We need to brace ourselves because of the war happening in Europe. As you know in this country, we have allowed subdivision or change of user of arable land like Kiambu, to residential land which is criminal. We need to ensure there is no subdivision. We are allowing investors to move to Kajiado, get arable land for grazing and subdivide it into plots yet, these people are speculating.

Hon. Speaker, as I support this Petition, I want that team to know this is serious business. They should avoid telling people they want to do land re-distribution, so they can do politics out there. This will not work; it failed in Zimbabwe and cannot work here.

Hon. Speaker: Member for Mumias East.

Hon. Benjamin Washiali (Mumias East, JP): Thank you, Hon. Speaker. I want you to know that I always appreciate when you give me an opportunity to speak. I rise to support this Petition. There is a rule when a Committee is sitting, Members who want to attend should apply to be allowed. Due to the magnitude of this Petition, I want to request the Chairman to allow many of us to attend because this is a very important Petition.

I am surprised that my brothers Hon. Otiende and Hon. Kaluma were the first ones to oppose this Petition. Honestly speaking, as opposition they should have been the first ones to support it. Kenyans are suffering and I think the primary aim of Members of Parliament is to support them because of the situation they are in today. Therefore, I appeal again when the Chairman has a sitting to listen to this Petition, he should allow many of us to attend because this is not politics, but is addressing the problems Kenyans are experiencing today.

Hon. Speaker: Let us have Hon. Sossion.

Hon. Wilson Sossion (Nominated, ODM): Thank you, Hon. Speaker. I rise to support this Petition. It will be fundamentally wrong to try and politicise a Petition of this great magnitude that speaks to the scarcity of food in majority of the households in the country. The truth of the matter is that most households are currently starving because of lack of food due to deterioration of production in our agricultural systems within the country.

I thank Hon. Sankok for bringing this Petition. It presents the best opportunity for us to review our land tenure system. We might rethink going back to consolidating our farms so that we can mechanise and produce enough food for the country. We cannot stick to a land tenure system that has not worked for many years. Whatever proposals are brought to the House should be left open for engagement and canvassing, so that we end up with what is best for the country.

It has been mentioned many times that you desire to be the Chief Executive of this country. Looking at many countries like the United States of America (USA), there are moments where Americans have stood and elected lawyers as presidents because the rule of law is key. We are a country with a culture of lack of rule of law. Probably, it is time that we also had a president who is a lawyer so that we can strengthen the constitutional order and rule of law.

Hon. Speaker: Let us have the Member for Igembe Central. Sorry, comments are limited to two minutes.

Hon. Kubai Iringo (Igembe Central, JP): Thank you, Hon. Speaker, for giving me this opportunity. I stand to support the Petition. Food security in this country is very essential. It is high time that the Government and the powers that be, at least, came up with ways of conserving food, especially when there is a bumper harvest. We can preserve food in silos and when there is food shortage, it can be equitably distributed.

If you go across this country, some places produce more food than others. If there is good food preservation, it can be used to cushion areas with food shortages. Currently, we are being given relief food which is not enough for our villages.

I support the Petition.

Hon. Speaker: There being no other request...Hon. Mbadi, you did not press the intervention button. You are now on intervention.

Hon. John Mbadi (Suba South, ODM): Sorry, Hon. Speaker. I thought you had seen me. I also want to support this Petition very strongly. Really, a country that cannot feed its citizens has a problem governing it going forward. We must really understand what the causes are.

First, Hon. Charles Kilonzo got it right. We have subdivided agricultural land in this country to the extent that it becomes unproductive like in Kitale, which is a food basket. We need to think of how to make these farms viable.

Second, is the farm inputs that have been talked mentioned.

We have also got it wrong as a country in terms of managing corruption. We wanted to do irrigated agriculture by constructing dams in the country. The leaders of this country decided to "eat" the dam money. By now, if we had done the Aror and Kimwarer dams as well as the Galana-Kulalu Irrigation Scheme, we would have had sufficient food to feed our people. Some of the

leaders who are now crying the loudest are the same ones sitting around the same table with those who “ate” the money meant for dams. Why not tell those leaders that you sit and dine with them while Kenyans are suffering?

Hon. Speaker, they are carrying 31 people who are not even in Government, spending public money on people who are just street joyriders and have no function in Government. There is indiscipline in this country. If you hold a state office, please respect that State office until the end when you are out, like my party leader who has been out. We respect and we will never bother him. However, if you are high up there in Government, please remain in Government.

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

Hon. John Waluke (Sirisia, JP): Thank you, Hon. Speaker. When we are contributing on a debate on an issue such as this. We need to stick to the Petition, talking of other people who are outside Parliament is not helping this country. We are talking about food insecurity in this country. Many people out there are suffering because of lack of food. Areas such as Turkana have no food as we see in media. They eat some plants that you do not expect a human being to eat. So, I thank Hon. Sankok for bringing in this petition. We are going to support it as a House. We need to review and support it so that we talk about food and the reduction of fertiliser and seed prices. The prices are too high and there is no money in this country.

So, I support.

Hon. Speaker: Member for Jomvu

Hon. Bady Twalib (Jomvu, ODM): Asante sana Mhe. Spika. Mini pia nataka kuunga mkono Hoja hii ya Mhe. Sankok.

Kusema kweli, nchi ambayo hali ya uchumi ni ngumu, watu wake hawawezi kuishi vizuri. Kwa hivyo, inaonekana wazi kuwa katika nchi hii hivi sasa, bei ya chakula imepanda sana. Mengi yamezungumziwa hapa kulingana na hali hii ambayo imesababishwa na ufisadi na mambo mengine mengi sana.

Mhe. Spika, wewe ni mmoja katika wale ambao wanaazimia kuongoza nchi hii kama Rais. Kwa hivyo, mimi maombi yangu ni kuona Mhe. Spika kuwa wewe umeingia katika Azimio ukaungana pamoja na Mhe. Raila Amollo Odinga ili mchukue uongozi nchi hii tuone kuwa tumeweza kupunguza bei hii ya vyakula mwaka huu mtakapochukua uongozi wa hii nchi.

Asante sana Mhe. Spika na nakuombea mema uungane uingie katika Azimio.

Shukrani.

Hon. Speaker: Hon. Members, we were just making comments and perhaps clarifications on the Petition. It looks like we have already gone out there.

I will hear two more Members. Hon. Khatib Mwashetani, Member for Lungalunga

Hon. Khatib Mwashetani (Lungalunga, JP): Asante sana Mhe. Spika kwa kunipa fursa hii kuchangia kuhusu Hoja ambayo imeletwa na Mhe. Sankok. Kamwe tunafahamu kwa kweli kabisa bei ya vyakula imepanda. Sana sana tukikaribia uchaguzi utapata bei ya vyakula inapanda.

Lakini ukiangalia katika ujumbe huu ambao umeletwa leo na Mhe. Sankok umekuja na utabibu na suluhisho ambapo anazungumzia kuhusu yale mashamba ambayo wamekaa hayana kazi. Ikiwa kutakuwa na njia ambayo sisi Serikali tunaweza kuyapatia nafasi ili yaweze kutoa mazao zaidi.

Kumezungumzwa kuhusu masuala ya ufisadi. Nafikiri hili ni jambo ambalo liko dunia mzima na si jambo ambalo twaweza nyoooshea kidole kwa upande mmoja tukasema kuwa ati upande wa Azimio au Kenya Kwanza wako na matatizo ya ufisadi. Ufisadi uko kila mahali. Hapa Bunge Kuna ufisadi, na pia kwenye Judicial Service Commission (JSC) na kwinginepo. Kwa hivyo, ni jambo ambalo ni janga la Serikali hii.

Na wewe Mhe. Kama yule mmoja wa wale ambao wanaazimia kuwa viongozi wa Serilaki hili ni jambo ambalo yafaa tulitie maanani na kwa wakati huu ambao ni mgumu kabisa kwa Wakenya. Ni jambo ambalo ni lazima tuangali litaenda vipi. Mimi nimesimama kuunga mkono Hoja hii na kuomba Bunge hili la Kitaifa kuwa tuifanye haraka ili tuweze kusuluhisha maswala haya.

Nikimalizia, kuna zile taasisi ambazo zimewekwa hususa kuhakikisha kuwa iwapo Serikali itatumia njia zote za kupunguza bei ya bidhaa, basi zile taasisi pia ziwe zikitembea katika sehemu ambazo hizi bidhaa zinazuzwa kuhakikisha wakati Serikali imetia...

Hon. Speaker: Member for Funyula?

Hon. (Dr.) Wilberforce Oundo (Funyula, ODM): Thank you, Hon. Speaker for indulging me. I forgot my card, but nevertheless, as much as Hon. Sankok has raised weighty issues, but the way the petition is drafted is so wide. The scope is so extensive and incapable of being discussed and attended to by any single committee or group of people.

If I were him, I would go back and redraft the petition, separate issues to do with land, production of agricultural food with those of petty politics so that we focus on the real issue.

Hon. Speaker, the main issue about high food prices and food insecurity in this country can be broken into three issues.

First, the issue of Climate change and cultural practices.

Secondly, the issue of reducing land sizes for agriculture.

Thirdly and most important is the issue of corruption in the food system. If we can separate those three issues, we will delve deeper into the Petition so that we get better results from it. As it stands right now, I can foresee nothing useful coming out of the Petition. It is just a waste of Parliament time. We rather go back and redraft it and ensure Parliament does justice to this matter.

I thank you Hon. Speaker

Hon. Speaker: Well, the Hon. Sankok, you directed the Petition to which Committee?

Hon. David ole Sankok (Nominated, JP): The Departmental Committee on Agriculture and Livestock and the Committee of Lands, if you allow me.

Hon. Speaker: No. I am sure you have not directed to two committees.

Hon. David ole Sankok (Nominated, JP): The Departmental Committee on Agriculture and Livestock

Hon. Speaker: The Committee will be at liberty to make certain decisions on this. By the way, we do not have to debate results of petitions. So, the Committee is at liberty to make a recommendation and direct it to you including recommending return to sender. The Committee is at liberty to do that. All those are options available to the Committee. So, it will look at it if they have time.

They will go through the petition and see what it is they can recommend.

Next Order.

PAPERS LAID

Hon. Amos Kimunya (Kipipiri, JP): Hon. Speaker, I beg to lay the following Papers on the Table of the House today, Thursday, March 03, 2022:

Report of the Auditor-General and Financial Statement in respect of Kenya Coast National Polytechnic for the year ended 30th June, 2017 and the certificate therein.

Report of the Auditor-General and Financial Statement in respect of Kenya Coast National Polytechnic for the year ended 30th June, 2018 and the certificate therein.

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Reports of the Auditor-General and Financial Statements in respect of the following Institutions for the year ended 30th June, 2019 and the certificates therein:

- (i) Chuka Technical and Vocational College;
- (ii) Tharaka Technical and Vocational College; and
- (iii) Kenya Coast National Polytechnic.

Reports of the Auditor-General and Financial Statements in respect of the following Constituencies for the year ended 30th June, 2020 and the certificates therein:

1. Igembe North
2. Rongo;
3. South Mugirango;
4. Sigowet/Soin;
5. Mwingi Central;
6. Kabuchai;
7. Kilome;
8. Kaiti;
9. Kabuchai;
10. Webuye West;
11. Buuri;
12. Kitutu Chache;
13. Luanda;
14. Kisumu Central;
15. Kitutu Masaba;
16. Borabu;
17. Laisamis;
18. North Mugirango;
19. Laikipia East;
20. Eldama Ravine;
21. Rarieda;
22. Konoin;
23. Kuresoi South;
24. Subukia;
25. Teso South;
26. Embakasi East;
27. Ndaragwa;
28. Webuye East;
29. Cherangany;
30. Mumias East;
31. Bura;
32. Mandera North;
33. Mandera South;
34. Lafey;
35. Ndhiwa;
36. Kisumu West;
37. Mwea;
38. Suba South;
39. Narok North;

40. Kibwezi East;
41. Kasarani; and,
42. Kajiado North.

Reports of the Auditor-General and financial statements in respect of the following institutions for the year ended 30th June 2020 and the certificates therein:

1. Kisumu National Polytechnic;
2. Sigalagala National Polytechnic;
3. North Eastern National Polytechnic.
4. Tourism Regulatory Authority;
5. Kibos Seeds Company Limited;
6. Mt. Elgon Lodge Limited;
7. Kenya Seed Company Limited;
8. Nzoia Sugar Company Limited;
9. Media Council of Kenya;
10. Kenya School of Government;
11. Postal Corporation of Kenya;
12. National Council of Youth;
13. Lake Basin Development Authority;
14. National Biosafety Authority;
15. Kenya Medical Supplies Authority;
16. Kenya Tourism Board;
17. Kenya National Convention Bureau;
18. Kenya Forestry Research Institute;
19. Kenya Water Towers Agency;
20. Export Processing Zones Authority;
21. Golf Hotel Limited;
22. National Council for Children Services;
23. South Nyanza Sugar Company;
24. Kenya Academy of Sports;
25. Nairobi Centre for International Arbitration (NCIA);
26. Meru University of Science and Technology; and,
27. Lake Victoria South Water Works Development Agency.

Reports of the Auditor-General and financial statements in respect of the following colleges for the year ended 30th June 2020 and the certificates therein:

1. Dr. Daniel Wako Murende Technical and Vocational College;
2. Okame Technical and Vocational College;
3. Tharaka University College;
4. David Mbiti Wambulu Technical and Vocational College;
5. Masinga Technical and Vocational Training College;
6. Sikri Technical and Vocational College;
7. Ndia Technical and Vocational College;
8. Chuka Technical and Vocational College;
9. Tharaka Technical and Vocational College;
10. Kimasian Technical and Vocational College;
11. Kipsinende Technical and Vocational College;
12. Ugenya Technical and Vocational College;

13. Bunyala Technical and Vocational College; and,
14. Bukura Agricultural College.

Reports of the Auditor-General and financial statements in respect of the following technical training institutes for the year ended 30th June 2020 and the certificates therein:

1. Bondo Technical Training Institute;
2. Jeremiah Nyagah Technical Institute;
3. Ekerubo Gietai Technical Institute;
4. Katine Technical Training Institute;
5. Kiirua Technical Training Institute; and,
6. Keroka Technical Training Institute.

Thank you, Hon. Speaker.

Hon. Speaker: Very well. Next is the Chairman of the Departmental Committee on Sports, Tourism and Culture. The Vice-Chair, Hon. (Dr.) Korei.

Hon. Korei ole Lemein (Narok South, JP): Hon. Speaker, I beg to lay the following Paper on the Table of the House:

Report of the Departmental Committee on Sports, Tourism and Culture on its consideration of a public Petition by Mr. Kennedy Kaunda Omuga regarding proposed amendments to the Tourism Act No.28 of 2011 to recognise tour guides and appointment to boards of directors of the Tourism Board and other related boards.

Thank you, Hon. Speaker.

Hon. Speaker: Chairperson, Departmental Committee on Education and Research.

Hon. (Ms.) Florence Mutua (Busia (CWR), ODM): Hon. Speaker, I beg to lay the following Papers on the Table of the House:

Reports of the Departmental Committee on Education and Research on its consideration of:

- (i) A Petition by Mr. Amos Kamotho regarding repeal of sections of the Universities Act, 2012, pertaining to the elections of university student leaders; and,
- (ii) A Petition by Hon. Omboko Milemba regarding suspension of Teachers Professional Development Programme (TPD) by the Teachers Service Commission.

Thank you, Hon. Speaker.

Hon. Speaker: Next Order!

QUESTIONS AND STATEMENTS

ORDINARY QUESTIONS

Hon. Speaker: The first Question is by the Member for Mathioya, Hon. Kihara.

Question No.055/2022

TENDER TO M/S MACNUT FARM PRODUCTS TO SUPPLY
COCONUT AND CASHEW NUT SEEDLINGS

Hon. Peter Kimaru (Mathioya, JP): Hon. Speaker, I rise to ask the Cabinet Secretary (CS) for Agriculture, Livestock and Fisheries the following Question:

- (i) Could the CS explain why M/s Macnut Farm Products located in Kairi area, Mathioya Constituency, which was awarded tender No.MOALF I/SDCD/REG/03/2018- 2019) on 24th May 2019 for the supply of coconut and grafted cashewnuts seedlings to five counties namely: Taita Taveta, Kwale, Kilifi, Lamu and Tharaka Nithi and issued with five Local Purchase Orders (LPOs) on 23rd June 2019 worth Kshs27 million out of a total of nine LPOs worth Kshs44 million under the tender, is yet to be instructed to supply the said seedlings?
- (ii) Could the CS state when the said farm will be instructed to supply the seedlings which are still in the nurseries in line with the said tender awarded?

Thank you, Hon. Speaker.

Hon. Speaker: The Question will be replied to before the Departmental Committee on Agriculture and Livestock. Next Question is by a Nominated Member, Hon. Dennitah Ghati. The other Question is by the Member for Rarieda, Hon. (Dr.) Otiende Amollo.

Question No.076/2022

ILLEGAL ACTIVITIES BY KENYA COAST
GUARD IN LAKE VICTORIA

Hon. (Dr.) Otiende Amollo (Rarieda, ODM): Hon. Speaker. I rise to ask the CS for Interior and Coordination of National Government the following Question:

- (i) What action, if any, has the CS taken against Kenya Coast Guard Service officers stationed at Mbita in Suba North Constituency and elsewhere around Lake Victoria, who are allegedly engaged in illegal economic activities in Kenya's territorial waters, including extorting, harassing and unlawfully obtaining money from fisherfolk and boat operators of Luanda K'Otieno Beach and other beaches in Rarieda Constituency?
- (ii) Could the CS state the mechanisms, if any, that the Ministry has instituted under the Community Policing Strategy to engage Beach Management Units (BMUs), which are the community-based institutions mandated to co-manage fisheries, to prevent such illegalities and harassment of fisherfolk in Rarieda Constituency?

Thank you, Hon. Speaker.

Hon. (Ms.) Odhiambo-Mabona (Suba North, ODM): On a point of order, Hon. Speaker.

Hon. Speaker: The Question will be replied to before the Departmental Committee on Administration and National Security. Hon. Member, there is an intervention button.

Hon. (Ms.) Odhiambo-Mabona (Suba North, ODM): It is not working, Hon. Speaker.

Hon. Speaker: Go to the next one. Let us proceed. The next Question is by the Member for Alego-Usonga who wrote to request permission to be granted for the Question to be asked, on his behalf, by Hon. (Dr.) Otiende Amollo.

Hon. (Dr.) Otiende Amollo (Rarieda, ODM): Hon. Speaker, I rise to ask CS for Interior and Coordination of National Government...

Hon. Speaker: I can see an intervention by Hon. Millie Odhiambo.

Hon. (Ms.) Odhiambo-Mabona (Suba North, ODM): Thank you, Hon. Speaker. First of all, let me apologise because my system is not working. With your indulgence, in regard to the Question that was asked by Hon. Otiende Amollo, can I, please, request the CS to include Suba North Constituency, because the Question was in relation to Rarieda Constituency? The Kenya

Coast Guard Service officers are stationed in Suba North Constituency. However, the entire lake region faces this problem. We even had meetings on the same. I request him to cover the entire lake region including Suba North Constituency.

Thank you.

Hon. Speaker: Since Hon. Otiende Amollo's Question touches on Kenya Coast Guard Service officers being stationed in Suba North, I believe that the CS will cover those areas. Hon. Otiende Amollo or, indeed, yourself, can then file further supplementary questions on the occasion that the Cabinet Secretary comes to respond.

Proceed, Hon. Otiende Amollo on the Question on behalf of Hon. Samuel Atandi.

Question No.79/2022

INCREASED INSECURITY IN SIAYA

Hon. (Dr.) Otiende Amollo (Rarieda, ODM): Hon. Speaker, on the behalf of the Member for Alego-Usonga, Hon. Samuel Atandi, I beg to ask the Cabinet Secretary for Interior and Coordination of National Government the following Question:

- (i) Could the Cabinet Secretary explain the causes of the increased insecurity in Siaya Town, Siaya County and its environs that has seen numerous cases of breakages in shops and homes, theft of property, the murder of Ms. Monica Anyango Wayodi on the night of 11th February 2022 at Pandi Estate in Siaya Town and the shooting of a fifteen-year old girl on 22nd February 2022 at Ngiya Market?
- (ii) Could the Cabinet Secretary state whether any investigations have been carried out into these cases of insecurity, and if so, what is the status of investigations and whether any culprit has been apprehended?
- (iii) What measures has the Ministry, in particular the security personnel in Siaya County, put in place to curb insecurity in said area?

Thank you, Hon. Speaker.

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

The last Question is by the Member for Meru County, Hon. Bishop Kawira Mwangaza who wrote to request that the Question be deferred. I have acceded to the request, therefore, the Question is deferred.

Question No.81/2022

ESTABLISHMENT OF TALENT FACILITIES AND SUPPORT TO ARTISTS

(Question deferred)

Question No.075/2022

CONSTRUCTION STATUS OF NGURUNA GBV CENTRE IN KURIA EAST

Hon. Speaker: For the second time the Question by Hon. Dennitah Ghati. Hon. Dennitah Ghati has not written to make any request, therefore, the Question is dropped.

(Question dropped)

We go to the next segment. Part one is Request for Statement and the first request is by the Member for Nandi Hills, Hon. Keter.

REQUESTS FOR STATEMENTS

IMPACT OF TEA HARVESTING MACHINES IN NANDI HILLS

Hon. Alfred Keter (Nandi Hills, JP): Hon. Speaker, pursuant to the provisions of Standing Order 44(2)(c), I wish to request for a Statement from the Chairperson of the Departmental Committee on Labour and Social Welfare regarding massive unemployment caused by introduction of tea harvesting machines in Nandi Hills Constituency.

Hon. Speaker, the high rate of unemployment has now become a major occurrence over a period of time especially recently where tea factories in Nandi Hills Constituency have increased the use of tea harvesting machines to replace tea plucking workers in their plantations. As a matter of concern, tea plucking machines pose a threat to the jobs of more than 50,000 tea harvesting workers as each single machine replaces 100 tea plucking workers with only two workers remaining in the sector.

Further, high unemployment rates have led to increases in crime rates which is consequentially a threat to national security thus this matter requires immediate intervention and redress.

It is with this background that I seek for a Statement from the Chairperson of the Departmental Committee on Labour and Social Welfare on the following:

- (i) Could the Chairperson explain measures put in place to avert loss of jobs following the introduction of tea harvesting machines in Nandi Hills Constituency?
- (ii) Could the Chairperson explain whether the Government is aware that as a result of the said unemployment the crime rate in the affected regions has increased thus causing insecurity?
- (iii) What actions has the Government taken to ensure that the affected persons and in particular the tea pluckers in the said region are provided with other alternative sources of income for their livelihoods?
- (iv) What plans has the Government put in place to ensure that the rights of workers are not violated through arbitrary sacking by the tea companies?
- (v) What future plans and precautionary steps has the Government taken to ensure that no further losses of jobs by the workers as a result of mechanisation of tea harvesting in the country?

Thank you, Hon. Speaker.

Hon. Speaker: The Chairperson of the Departmental Committee on Labour and Social Welfare, how long do you think it will take you to bring this answer?

Hon. Josphat Kabinga (Mwea, JP): Hon. Speaker, I thank the Member for seeking that Statement. I also note that there was a similar request sometime back. I was not the Chair then, but as you know, I am a frequenter in the House so I am aware that there was a similar request for Statement that was put by, I think, Hon. Koech, if I am not wrong.

At the same time, since we are going on recess, and sometimes when we are in recess, we have many committee meetings that we will be attending, I request the Member to give us two weeks after we resume from recess so that we can exhaustively look at this issue. The issue of

mechanisation is a major problem to many. I am surprised that the person who sought the Statement is not listening to my response. I am surprised he is not paying attention.

Mechanisation is something that has been handled in many areas. We cannot run away from technology. We can only adopt the consequences of technology and, therefore, this is something we shall be asking the Ministry to seriously research on and come up with a comprehensive response to the Member and if it warrants, I will organise my Committee to even visit that particular area to see the effects of that mechanisation so that we can also try to be innovative in a way likely to enable us to adopt to what has come. In Mwea...

Hon. Speaker: Do not go to Mwea. I will allow the Member for Konoin, Hon. Brighton Yegon, who had raised a similar Question. Hon. Yegon.

Hon. Leonard Yegon (Konoin, JP): Thank you very much. I had, indeed, raised a similar request on 30th June 2021. The Cabinet Secretary concerned set himself a question and answered it. He answered my Question unsatisfactorily. On prompting him, he said that he was going to do further research and come up with an appropriate answer. But to date, I have not received any appropriate answer from the Committee.

Hon. Speaker: Was the Question directed to the same Departmental Committee on Labour and Social Welfare?

Hon. Leonard Yegon (Konoin, JP): Yes, it was Cabinet Secretary Chelugui prosecuting it. The issue of multinationals who have...

Hon. Speaker: There is no debate. The issue is that the Question was not satisfactorily answered and the Cabinet Secretary promised to give a more satisfactory answer. Since then, he has not. So, there is nothing to debate. It is important you observe the rules of this House. I allowed you to raise that point because the Chairman had alluded to that issue because he is a regular Member in the House. Therefore, I believe Hon. Kabinga Wachira, as he responds to the request for a Statement by Hon. Alfred Keter, will also take on board, as you had already said, what Hon. Brighton Yegon had raised.

I wanted the Member for Konoin to be heard because he had raised the same Question. You know, we are in that season of madness, and so, it is fair for the Member for Konoin to be heard so that he gets *bonga* points in the village.

(Laughter)

Because the Chairman has said that he was already aware, so he has already taken it on board. But it was important that Hon. Leonard Brighton Yegon, the Member for Konoin, reminds the House that his Question, which he placed on 30th of June 2021, was not responded to satisfactorily.

I had approved a few other requests for Statements from some Members. I suspect they may not have... I have seen one of them walking into the chamber three minutes to 4.00 p.m. If you are ready with your request, I will allow you because I am aware of the House Calendar. I know I approved all requests that were presented. My style is that I never leave my office with anything pending. I know I have approved all the requests. I will allow any Member who had made a request today to read it if they are desirous of doing so. Hon. Kiai, yes you are one of them.

RAMPANT CASES OF SODOMY IN SCHOOLS IN THE COUNTRY

Hon. Anthony Kiai (Mukurweini, JP): Hon. Speaker, pursuant to Standing Order 44(2)(c), I rise to request for a Statement from the Chairperson of the Departmental Committee on Education

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and Research regarding the rise in rampant cases of sodomy in our boys' boarding schools countrywide.

Hon. Speaker, cases of sodomy in our boys' secondary schools appear to be on the rise, with such occurrences becoming more frequent. Sometime back, a 19-year-old secondary school student was allegedly sodomised by a teacher, thereafter suffering from acute stigma from fellow students and teachers in that school. Following this incident, the student tried to join other learning institutions in the country to continue with his studies...

(Hon. Ngunjiri Wambugu walked out of the chamber)

Hon. Speaker: Member for Nyeri Town, you have just walked in and walked out. I said that I will regularly be naming and shaming Members who clock in and walk out. You are the Vice-Chairman of the Departmental Committee on Education and Research and this Statement is directed at your Committee. Every time I see a Member who clocks in and walks out, I will be naming and shaming them, so that people know that you came here for one minute or 30 seconds. Please, do not do it when I am on the chair because I will always do that.

Hon. Kiai, please proceed.

Hon. Anthony Kiai (Mukurweini, JP): Thank you, Hon. Speaker. Following this incident, the student tried to join other learning institutions in the country to continue with his studies but has unfortunately been rejected by several schools, with most of them claiming that he should pay fees for a whole year before being accepted.

There was a reported case that attracted widespread attention at Aquinas School in Nairobi in February this year. To date, the parents have still not received a proper explanation or a full report on the matter by the school administration. In fact, there seems to be a concerted effort to cover up this matter and deny the victims truth and justice, even after several other cases have been reported in the same institution. There have been several complaints levelled against security agencies and other Government institutions tasked with investigating such cases for their casual treatment of such heinous acts and lack of thorough inquiries to apprehend the perpetrators. Sadly, one of these institutions, the Directorate of Criminal Investigations (DCI), which has been identified as being among the slowest in taking appropriate steps to thoroughly investigate such matters.

Hon. Speaker, this grave issue now threatens the school system in Kenya and the lives of the young victims, especially boys. In addition, stakeholders in the education sector are concerned that minors are being subjected to humiliation, shame and pain that may affect them for the rest of their lives.

It is against this background that I seek a Statement from the Chairperson of the Departmental Committee on Education and Research on the following:

1. Could the Committee conduct an inquiry into the prevalence of sodomy in our boys' boarding schools throughout the country, and particularly the incidences at Aquinas School in Nairobi?
2. Explain why the incidents of sodomy in schools have never been thoroughly investigated despite many occurrences being reported in the country?
3. What measures has the Government put in place to avert more cases and eradicate the vice?

I thank you, Hon. Speaker.

Hon. Speaker: Hon. Florence Mutua.

Hon. (Ms.) Florence Mutua (Busia CWR, JP): Thank you, Hon. Speaker. The request for Statement by Hon. Kiai is a very serious one. However, next week, the Ministry is very busy with exams. Therefore, I request that we be given two weeks to respond to that issue.

Thank you.

Hon. Speaker: I have noticed that one of the requests is whether the Committee could undertake a countrywide inquiry, but more specifically, the incident at Aquinas School.

Hon. (Ms.) Florence Mutua (Busia CWR, JP): Yes, we will do what is necessary as quickly as possible.

Hon. Speaker: Very well. Any other Member whose request I approved? Hon. Aduma, this is not a request for a Statement. Member for Tigania West, did you have a request?

Hon. John Mutunga (Tigania West, JP): I had a request for a Statement, but I do not know whether it was approved.

Hon. Speaker: You are the one who walked in three minutes to 4.00 p.m. The way you sat there relaxed appeared to me that you are not aware that I approved your request. Have you gone to the Table Office?

Hon. John Mutunga (Tigania West, JP): If I ask in time, then we can pick it over here. If you do not mind, I can read it.

Hon. Speaker: Do you have it?

Hon. John Mutunga (Tigania West, JP): It has just been provided to me.

Hon. Speaker: I am giving you this chance because I am aware of the House Calendar.

DEPLOYMENT OF ENOUGH SECURITY PERSONNEL IN TIGANIA WEST

Hon. John Mutunga (Tigania West, JP): Hon. Speaker, pursuant to the provisions of Standing Order No.44(2)(c), I seek to request for a Statement from the Chairperson of the Departmental Committee on Administration and National Security, regarding demand for deployment of enough or more security personnel in Tigania West.

Leaders from Meru County, in particular Tigania West and Tigania East, have severally requested the Cabinet Secretary for Interior and Coordination of National Government to deploy enough security personnel due to many incidences of armed robbery and cattle rustling in the northern grazing area in Meru where several people have been killed. The residents of Meru have expressed their concerns on the increased cases of killing by armed criminals whose main agenda is to grab their land.

About two years ago, the Ministry of Interior and Coordination of National Government withdrew guns used by the National Police Service (NPS) in Tigania West. However, during the funeral service of one of the victims, a representative from the Ministry promised to ensure that such incidences of insecurity do not recur. Nevertheless, the ideal solution to the problem is to reissue the NPS with guns so that they can beef up security in the area.

Hon. Speaker, it is on account of this background that I seek for a Statement from the Chairperson of the Departmental Committee on Administration and National Security on the following:

1. Could the Chairperson explain the measures put in place by the Ministry to restore security in the northern grazing area in Meru County?
2. Could the Chairperson explain when the Ministry will deploy additional or enough security personnel to beef up security in the affected areas?

3. Could the Chairperson explain plans that have been put in place by the Ministry to reissue the NPS with guns?

I thank you, Hon. Speaker.

Hon. Speaker: The Chairperson of the Departmental Committee on Administration and National Security.

Hon. Peter Mwathi (Limuru, JP): Thank you, Hon. Speaker. We endeavor to bring that response in two weeks.

Hon. Speaker: Hon. Aduma Owuor.

DEMISE OF MZEE HON. ONDIEK CHILO

Hon. Aduma Owuor (Nyakach, ODM): Thank you, Hon. Speaker. Pursuant to Standing Order No.43(1), I wish to request for a Statement regarding the sad demise of the late Mzee Hon. Ondiek Chilo, who passed away on the night of Friday, 25th February 2022, in Kisumu while under medication.

The late Mzee Ondiek Chilo was a trained teacher. His political career started at pre-independence, long before many Members serving in this House had seen the light of day. He diligently served at the African District Council in Nyando Constituency from 1963 to 1965. He later became a member of the Central Nyanza Regional Assembly from 1963 to 1966. Upon the death of the late District Officer (DO) M'cAsembo, he contested and was elected the Senator of Central Nyanza until 1969 when the Senate seats were dissolved in a new political dispensation then. This mzee served the constituency of Nyakach and the people of Kenya diligently. He was a man of great integrity and a very dedicated Christian whose symbol during his elections was the Bible, popularly known in Dholuo as Muma Maler, the Clean Bible.

The demise of this mzee, Hon. Chilo, is perhaps the last curtain that is drawn on members of the first political generation. Under the stewardship of the late President Mzee Jomo Kenyatta and Jaramogi Oginga Odinga, and the late President Daniel Arap Moi, they worked selflessly for the Independence of this country from the British colonial rule. The family, friends and relatives are converging daily for prayer at his home in Thur Dibuoro in West Nyakach ahead of his send off on 11th March 2022.

May his soul rest in peace.

I have another Statement and an issue of great concern which I also want to raise pursuant to Standing Order No.43. It is on the alleged assassination of His Excellency the President, Uhuru Kenyatta, and the Commander-in-Chief of the Defence Forces of the Republic of Kenya.

Hon. Speaker: Has it been allowed? Has it been approved?

Hon. Aduma Owuor (Nyakach, ODM): Hon. Speaker, I suppose it was.

Hon. Speaker: No. I know I have not approved it. Do not sneak in things. It will not pass under my nose, Hon. Aduma. You know I am very diligent. I remember discussing with you and asking you whether, other than just going to make Statements here, there is a Committee with the wherewithal to investigate allegations of assassination. I thought I agreed with you that this is a matter that would be best left with the police, specifically the Directorate of Criminal Investigations, to investigate. Allegations such as those are weighty. I can see the mood in the House. I do not see any committee which is going to investigate that matter. To investigate that you would also require that the police tell you how far they are going. The police should just be left alone to do their investigations. I advised you to take the Statement to the relevant officers to

look at it. You appear not to have done so, and then you want to read it here. Let us not do that, Hon. Aduma, with respect.

The Leader of the Majority Party.

BUSINESS FOR WEEK COMMENCING 21ST TO 25TH MARCH 2022

Hon. Amos Kimunya (Kipipiri, JP): Hon. Speaker, pursuant to the provisions of Standing Order No.44(2)(a), I rise to give the following Statement on behalf of the House Business Committee, which met on Tuesday, 1st March 2022, to prioritise business for consideration this week.

As Members are aware, the House is scheduled to proceed on a short recess commencing tomorrow, Friday, 4th March 2022. Let me take this opportunity to thank all Members and the leadership of the House for the cooperation in discharging their mandate even within very tight timelines and in a very busy season inside and outside the House. I am extremely glad that we have concluded debate on the Budget Policy Statement as well as the Division of Revenue Bill, 2022. I am glad we have finalised the remaining stage of this Bill today, for forwarding to the Senate for consideration. This will allow both Houses to have sufficient time for the subsequent processes of the budget's consideration debates and approval.

Upon resumption of our Sittings on Tuesday, 22nd March, the House will continue consideration of the following Bills at Second Reading:

- (a) The Elections (Amendment) Bill (National Assembly Bill No. 3 of 2022).
- (b) The Huduma Bill of 2021.
- (c) The Children Bill of 2021.
- (d) The National Electronic Single Window System Bill of 2021.
- (e) The Public Finance Management (Amendment) Bill of 2020.
- (f) The Elections (Amendment) Bill (National Assembly Bill No. 41 of 2021).
- (g) The Election Campaign Financing (Amendment) Bill of 2021, if it is not completed today.
- (h) The Advocates (Amendment) Bill of 2021.

It is my hope that the Budget and Appropriations Committee will table its report on the First Supplementary Estimates for the Financial Year 2021/2022 soon. This business will be prioritised for debate during that week, given its urgency.

In accordance with the provisions of Standing Order No.42(a)(5) and (6), I wish to convey that the following cabinet secretaries are scheduled to appear before departmental committees as follows:

The Cabinet Secretary for the Ministry of Education, Science and Technology is scheduled to appear before the Departmental Committee on Education and Research on Tuesday, 8th March 2022, to respond to the following Questions:

- (a) Question No.10/2022 by Hon. Safia Sheikh on access to education in Marsabit County.
- (b) Question No.23/2022 by Hon. Peter Kaluma regarding the intended merging of exam centres by the Kenya National Examinations Council (KNEC).
- (c) Question No.28/2022 by Hon. Michael Kingi regarding the registration of all schools in Magarini Constituency.

- (d) Question No.32/2022 by Hon. John Wambugu regarding the issuance of the Kenya Certificate of Secondary Education (KCSE) certificates to students of Sacred Heart Kangaita Secondary School.
- (e) Question No.39/2022 by Hon. William Kamket regarding the sustenance of the School Feeding Programme in Tiaty Constituency, considering drought.
- (f) Question No.40/2022 by Hon. Michael Kingi regarding the infrastructure and staffing of Galana Teachers Training College and Waresa Technical Training Institute.
- (g) Question No.52/2022 by Hon. William Kamket regarding the details of schools benefitting from funds to build more classrooms.
- (h) Question No.54/2022 by Hon. Bishop Kawira Mwangaza regarding the quality of infrastructure in schools and the criteria for infrastructure funds' distribution in Meru.

The Cabinet Secretary for the Ministry of Environment and Forestry is scheduled to appear before the Departmental Committee on Environment and Natural Resources on Thursday, 10th March 2022, to respond to the following Questions:

- (a) Question No.33/2022 by Hon. Anthony Oluoch regarding the impending closure of Kiamaiiko Animal Slaughter House.
- (b) Question No.59/2022 by Hon. (Dr.) Robert Pukose regarding the suspension of community forest associations that undertook the Shamba System in various forests.

The House Business Committee will reconvene on Tuesday, 22nd March 2022, to schedule business for consideration for the rest of that week. I now lay this Statement on the Table of the House and wish Members a restful and a hardworking recess by the time we break later today.

Hon. Speaker: Very well.

Hon. Members, on the request by the Constitutional Implementation Oversight Committee, I rearrange business appearing on the Order Paper as follows: After the business appearing as Order No.12, the next business will be the one appearing as Order No.16 which will become Order No.13. Order No.17 will become Order No.14 and the rest will follow that order.

Hon. Members, I am sure when you get there, Hon. Peter Kaluma will take Members through to see the need for consideration of those two business before the House proceeds on short recess.

Thank you.

BILL

Second Reading

THE COFFEE BILL

(Hon. Silas Tiren on 1.3.2022)

(Resumption of Debate interrupted on 1.3.2022)

Hon. Speaker: The records show that the Mover was still moving. He has a balance of 40 minutes. Hon. Tiren, proceed.

Hon. Silas Tiren (Moiben, JP): Thank you, Hon. Speaker. You were interrupted on many occasions. I will continue from where I reached.

In Nandi, Kericho and Bungoma counties, the Committee conducted public hearings and received submissions from the following stakeholders:

- i) The National Coffee Cooperative Union Limited (NACCU).
- ii) Coffee Estate Producers and Processors Association.
- iii) Kericho, Bomet and Koru Coffee Growing Zones.
- iv) Mount Elgon Farmers' Cooperative Union Limited.
- v) Cooperative Leaders from Bungoma County.
- vi) Kenya Coffee Producers Association.

The Committee was still considering the Bill when it received the Coffee Bill (Senate Bill No.22 of 2020). The Committee then proceeded to consider the Senate Bill. Members of the public were invited through a newspaper advertisement to submit their comments on the Senate Bill on 12th November, 2021. One stakeholder, Coffee Subsector Reforms Implementation Standing Committee, submitted comments on the Bill. The Committee then proceed to consider the proposed amendments. The full details of its consideration and recommendations are contained in the Committee's Report.

The Committee also sought to incorporate progressive clauses in the National Assembly Bill to the Senate Bill so as to address some of the challenges facing the coffee subsector. The last part of the Committee's Report contains comprehensive proposed amendments to be moved during the Committee of the Whole House stage.

The Crops Act No.16, 2013, repealed the Coffee Act in its Second Schedule, whereas the First Schedule of the Agriculture and food Authority Act No.13, 2013 abolished the defunct Coffee Board of Kenya and in its place and the place of other crops is the Agricultural and Food Authority Act No.13, 2013, which establishes the Agriculture and Food Authority.

Although the establishment of the Agriculture and Food Authority has been co-opted to centrally address the challenges of farmers in various crops, this has not been the case and farmers have pointed out challenges they are experiencing in the growth and development of the various crops that had previously been separated and regulated. It had been envisaged that with the enactment of the Crop Act No.16, 2013, and the Agriculture and food Authority Act No.13, 2013, the challenges that face the agricultural sector, particularly crops, would be effectively and efficiently addressed, but this has not been the case and farmers have borne the brunt. This is not just in the coffee sector, but to sugar and other crops as well.

The Bill and the proposed amendments provided in the Report will go a long way in addressing most of the teething problems in the coffee subsector. An example is the proposed amendments to establish a Coffee Stabilization Fund. The fund will help coffee farmers in income price stabilisation, especially during the years when coffee prices will plummet.

I encourage Members to support the Bill to help relief the coffee farmer from the pain and challenges he has been facing. I beg to move and I request Hon. Mutunga to second.

Thank you.

Hon. Speaker: Hon. Mutunga.

Hon. John Mutunga (Tigania West, JP): Thank you, Hon. Speaker for giving me the opportunity to second the Bill. Coffee is important. We have two Bills coming up at around the same time, namely, from the Senate and from the National Assembly. The Committee took time to look at the two Bills, harmonised them and came up with one Bill that is before this House. Coffee is an important sector that earned Kenya a lot of foreign exchange in the past. That has

been dwindling with time because of the reduction in the amount of coffee that we export occasioned by the little amount of coffee that we are progressively producing up to now. Coffee is also a major foreign exchange earner. At one point in time, we were exporting 130 metric tonnes of coffee. The possibility of selling coffee in the western market today as a premium product is there and it can fetch more money. But this has not occurred. The sector needs a lot of support and backing. I believe this legislation has come up to organise the sector and support the necessary investments in the area.

Coffee farmers are some of the farmers who suffer most in this country as a result of the many managements related and climate related issues in the sector. They are a frustrated lot. There has been a major collapse of the coffee market in terms of what we sell as a result of this. In 2013, the AFA Act and the Crops Act lumped up coffee among the other commodities to be managed by the Agriculture and Food Authority. The hope that time was that it will be possible and cheaper to manage the sector. However, it has downed on us that it is not efficient because of the number of activities that have to take place. Therefore, there is need to isolate coffee as a product and have it as a stand-alone and have the Coffee Board of Kenya reborn.

In the Bill, several proposals have been made. There are key proposals on production and development of the crop including research, production related development and marketing. The Bill also sets up the Coffee Board of Kenya to deliver the functions of production, management, developing the coffee industry and selling the product. It also defines the players in the coffee industry. There are many players in the coffee industry. The growers are categorised into small, medium and large scale. We have coffee roasters, coffee marketers, the coffee auction system and many other stakeholders who are involved. They are clearly defined and their roles are outlined in this proposed legislation.

The Bill also provides the industrial representation in various aspects of the crop and various aspects of the value chain. It will cure the mischief of management related issues that led to extortion of farmers. It proposes measures that will improve the management of the crop to put it back to where it used to be so that farmers are encouraged to do more coffee production that will enable us to go back to exporting coffee as it used to be.

The Bill proposes setting up of a complementary and independent coffee research institute which was lumped under the Kenya Agriculture and Livestock Research Organization (KALRO). The Coffee Research Institute is one of the institutes within KALRO, but now it is being isolated and provided with its own functional mechanism and a board to manage it. It will specialise in coffee research, production of new varieties and dealing with pests and diseases so that farmers can have a better understanding in the production of the crop. The Bill also specifies the internal revenue-generating mechanisms within the industry. The income from the industry can support coffee research through a levy proposed in the Bill. It specifies and alienates roles of the national and county governments and those of other stakeholders in the industry. The Bill specifies the types of licenses and permits to be administered and by whom. It also specifies commodity exchange structures, selling of coffee, systems to be put in place and sets up functional limitations of the commodity exchange structures. It details quality assurance aspects, which recognise the geography within which types of coffee are grown. It also provides for traceability, so that buyers can know where the coffee they bought came from. There is a clear mechanism of identifying who produced a particular coffee and under what conditions. This Bill is important for the sector and farmers have been waiting for it for a very long time. Whenever we have meetings with coffee farmers, they want to know whether we are considering coffee with the much attention we considered tea.

Hon. Speaker, with those few remarks, I beg to second.

(Question proposed)

Hon. Speaker: Leader of the Majority Party.

Hon. Amos Kimunya (Kipipiri, JP): Thank you, Hon. Speaker. I rise to support this Bill. From the word go, what we are debating is an amalgamation of two Bills, namely, the Senate Bill and the Coffee Bill that was first read in this House. I want to thank the Committee for going through the motions of harmonising the two Bills. When we process this Bill plus the amendments we will propose, we will have killed two birds with the same stone. We will have passed the Senate Bill and the Coffee Bill that was introduced in the National Assembly. The Committee has gone through a very elaborate process. I commend the Chairperson of the Committee and his team. If we can achieve that feat of harmonisation, then it will be easy to take it back to the Senate. They will need to only agree with our amendments rather than processing our own Bill which would then fall in the queue of Bills in that House. There are Bills that date back to 2018 which have not been considered. I am optimistic that this Bill will see the light of day.

As Members are aware, coffee has some historical importance as a commodity in Kenya, specifically because of its contribution to foreign exchange earnings, farm incomes and employment opportunities in areas where it is grown. Unfortunately, neither coffee nor tea is grown in the area I come from in Nyandarua, but I have interacted enough with the people in coffee-growing areas to know the impact it has had on them. It has been a key player in the Kenyan agricultural sector. At some point, it has contributed up to 10 per cent of our export revenues. It was also one of the first major exports from Kenya and it remains a critical part of the Kenyan economy through its history. Again, it is one of the crops that concern small-scale farmers, who account for about 60 per cent of production. Another 30 per cent is through large-scale farmers at both plantations and estates levels.

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

[The Temporary Deputy Speaker (Hon. Patrick Mariru) took the Chair]

Over the years, to put matters in historical context, there have been several policy and legislative changes proposed in a bid to streamline the coffee sector. Members may recall that in the 1990s, as part of the structural adjustment programmes, the Government issued broad policy guidelines which started the liberalisation of the coffee industry. The liberalisation saw the Coffee Board of Kenya being given an opportunity to conduct the popular Nairobi Coffee Auction, which used the US Dollar as the unit of transaction. Additionally, the liberalisation saw changes in the payment and settlement system, from a pool payment system to a direct payment system. It was also about the same time that more millers were licensed. I recount that bit of history to bring to context the fact that we have come so far in experimenting with different approaches and taking on lessons.

In 2013, guided by the proliferation of so many parastatals within the agricultural sector, this House passed the Crops Act, which intended to amalgamate various boards and scheduled crops under one directorate in the Ministry of Agriculture; the Crops Directorate. The wisdom was that if all important crops are managed under a single umbrella, proper approaches to their management would be achieved with enhanced outcomes. However, with the benefit of hindsight

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and experience, we now know that that approach may have had administrative weaknesses and challenges that stifled the realisation of maximum benefits in terms of potential economic returns from the crops. This did not affect only coffee. It also affected tea and sugar. We are now going back to factory settings and saying let us have independent management and regulatory frameworks for each crop. This Bill seeks to remove coffee from that regime so that it has its standalone management and regulatory framework, in addition to many other reforms that it seeks to create.

The Chairman of the Committee has mentioned the principal objectives of the Bill. The main one is to establish a framework for regulating the coffee sector. When we talk of a regulatory framework, we look at registration, licensing, issuing of permits and certificates, production processing and quality assurance. There will be further amendments by the Committee as part of the harmonisation, which will further clarify objectives of the Bill. There have been weaknesses with registration, licensing and issuance of permits. This has also affected quality of coffee, marketing of coffee and processing of coffee. Kenyan coffee is high quality, but few Kenyans take it, which is different from what obtains in countries like Ethiopia, where they not only produce coffee, but are also major consumers of the coffee.

In Kenya, we produce coffee, but tend to think it is only for outsiders. There is very little consumption in the country and hence we have to export our coffee. It is processed out there and then we buy back. Now we have our Dormans, Sasini and other companies that also process it here for domestic and export markets. We know there are several drawbacks facing the coffee production in Kenya. We also know the issues of pricing which are being addressed. I am glad the Ministry of Agriculture is steering some of these major reforms within that sector so that farmers can get the benefits of their labour. High cost of inputs is something that has been given as leading to the deterioration in the quality of the coffee. If you do not address the input such as fertiliser, pesticides and all that is involved in the production and processing of coffee, you will end up declining the quality. This will mean fetching lower prices. Other factors are beyond our control as a country. The high cost of fertiliser is all tied to the international markets. However, I am sure there would be something that the Executive will do to sort out that in due course.

It has been noted that there has been poor quality of coffee seed varieties in the market. This coupled with the poor payment to the farmers has been demotivating them. Now, granted there has also been good research coming up with different variety of coffee for different areas, this Bill will help institutions get better, more defined and supported, so that together collectively, we can reactivate the coffee production, processing, marketing and even promote its own consumption in the country. That way, people can get much more from the Kenyan brand of coffee which is very good and fetches good price on good basis. Equally, much more could be done especially with the areas that have been chopped off in Kiambu and turned into housing land instead of coffee. Therefore, the remaining coffee plantations in other areas could be boosted so that we can increase our production and get higher returns at the foreign exchange levels.

In addition to all those issues, we have also noted some new consumption patterns which are posing challenges to Kenya. Large quantities of homogenous and undifferentiated coffees that is under global basis, people are moving from coffees and teas to other substitutes. This will require us to put more force in our marketing on a global basis and to address the issue of value addition, quality assurance, packaging and branding which will all become possible with the passage of this Bill. This Bill has appreciated most of the challenges highlighted above. It is in this sense that I wish to support the Bill.

I ask Members of this House to support the Bill. I equally ask them to support the Committee as they go on further in terms of creating for the Kenyan coffee farmer that conducive environment for them to realise their full potential from the labour we put into the production of coffee, so that, at least, they will be much better than they are today.

With those remarks, I beg to support.

The Temporary Deputy Speaker (Hon. Patrick Mariru): Who is saying “Put the Question” when we have quite a number of Members who would want to speak to this? I can tell somebody like Hon. Murugara is keen on this one. Yes, as many Members as are keen to speak on this, shall speak. Did Hon. Millie Odhiambo say there is coffee in her place or she drinks coffee? Let us have Hon. Murugara.

Hon. George Gitonga (Tharaka, DP): Thank you very much, Hon. Temporary Deputy Speaker. You are right, Tharaka does not have coffee, but my neighbours in Meru and the other part of Tharaka Nithi, coffee is widely grown. I am also a great consumer of coffee. It is a delicacy. Therefore, I support the Bill that we go back in having the Coffee Act. Coffee as a crop is one of the oldest cash crops in the country dating back to 1902 in Kikuyu. It was a reserve for the colonialists. Africans were not allowed to grow it until around 1920 when I think the Senior Chief Koinange was the first African to be allowed to grow it.

All this I know from history because that is what I studied in my school. I did not see coffee until I moved to Thika. That is when I saw the crop for the first time. However, I know as a matter of fact that coffee is one of the largest foreign exchange earners for this country. It has always been, in spite of its ups and downs, purely because we at first managed it very well at Independence and after Independence. Then we allowed the crop to deteriorate. It started fetching low prices at the international market as a result of which we came up with experiments to see what to do with the crop. We merged it in the Crops Act, a mistake we made and we have lived to regret. Having it managed by the Agricultural Food Authority was another mistake we made because by that, we killed the Coffee Board of Kenya and now we are realising the folly of what we did.

This is a timely Bill. I thank the Senate, and the Departmental Committee on Agriculture and Livestock. We actually need to support this purely because we will have an Act of Parliament that will deal with the Coffee Board of Kenya itself in Part II of the Bill. From there, we will have to know what our county governments would do when dealing with coffee matters. We are told to make regulatory provisions which we will do in this House and we will deal with production, processing and marketing of the crop and other issues that are provided in this Bill.

We must at all times have the wishes of the farmers being paramount and supreme in everything we do. We must uplift the welfare and wellbeing of farmers by investing in a crop such as coffee. This is what we are saying whenever we go especially those of us who subscribe to the bottom up economic model. At all times, we must move to the lowest levels of our citizens in the country, invest in them such that we open up their economic base. We also expand the taxation base as a result of which for the first time, we will move around to having investments in Kenyans as opposed to investments in development. Investment in production and manufacturing, then after that, we can think of investment in development. Let us have coffee grown widespread. This is why we were talking earlier on of the idle lands in the country which we must bring to agricultural production whichever way. We should not make a similar mistake like what made in dealing with coffee when we dealt with one million acres scheme. These were colonial schemes which were established soon after Independence to try and settle the landless Kenyans who were exploited by the high and the mighty. They awarded themselves thousands upon thousands of acres of land at the expense of the ordinary person. This is the time we need to re-look into this and see whether

every farmer can now have land to grow crops, including coffee. I know that we are also trying to decentralise tea, which is also a very important crop in the country. We are decentralising sugar; we will decentralise all crops from the Crops Act soon.

I have to go to my constituency to get views on a Bill which is pending before this House. It was passed by the Senate. The Mung Beans Bill is similar to the Coffee Bill. For those who do not know what Mung Beans are, these are *ndengu* that are enjoyed across the Republic of Kenya by every household. We want to develop this crop, which is widely grown in Tharaka Constituency. It is the leading cash crop but it is not a food crop. Farmers in Tharaka Constituency grow it. It is sold as a cash crop for consumption elsewhere in the country. Let us have Mung Beans Board to deal with it. Let us have a way of promoting its production, marketing and all that goes with the production of crops.

We also have other crops which we must decentralise. One of them is the Gadam Sorghum, which is a type of sorghum that is marketed to the Kenya Breweries Limited (KBL). It is for purposes of brewing an assortment of beers that we enjoy. There is no law that regulates it. It is a cereal. I know that we had the Cereals Crops Act, which was unfortunately also repealed and amalgamated with the Crops Act. It is high time we looked back and legislated on cereals to ensure that we grow them at reasonable and profitable margins across the country.

We had cotton, which is widely grown in Tharaka Constituency. It also went down and died for reasons that we know. There was poor management, and the Cotton Lint and Seed Marketing Board died. As a result, there was no much production of cotton. Everything went down with it, including the industries which we had that were making garments like the Rift Valley Textiles. They all went down. The crop is now a shadow of what it used to be. Let us go back to producing cotton so that we move away from these imports. Some of them have no benefit to our country apart from killing our industries, economy and doing everything else.

As I complete my submissions, we were just dealing with the reduction of food prices. The only way we can deal with it is to ensure that we have proper laws in place to control farm inputs of the crops that we grow in the country. Every Kenyan is worried because of the level of food prices today. Are we really on the right path? There are various reasons food prices are so high, including high taxation – which is not for the benefit of the country. Possibly, it is the taxation that enables the country to raise revenue to pay its increasing debt. We do not mince words that our country's debt situation is not the most palatable. It is not the best. Let us not be told by anyone that we are incurring these debts so that our children can have better roads, water and electricity tomorrow. We distribute development in a skewed way. Someone needs to address this matter. I can assure you that my child faces a debt of Kshs.250,000. Every child who is being born in Tharaka Constituency will face it. We do not have enough roads, electricity and water there. I submit that as we look into all the crops in the country and the reduction of food prices, let us also look at our debt levels and taxation, so that the lives of Kenyans can become easier, especially the lives of the hustlers.

Thank you, Hon. Temporary Deputy Speaker.

The Temporary Deputy Speaker (Hon. Patrick Mariru): Hon. Odhiambo Akoth.

Hon. (Ms.) Odhiambo-Mabona (Suba North, ODM): Thank you, Hon. Temporary Deputy Speaker for giving me an opportunity to contribute. At the outset, I support the Bill. I am not a coffee grower but a consumer, even though I love tea more than coffee. In solidarity with my husband, who loves coffee, I support the Bill.

Coffee is a major foreign exchange earner for this country. However, we have faced a lot of challenges in the production of coffee in recent years. You know that this is a big problem. A

lot of the friends I went to school with were there because of coffee. One of the challenges that plagues the coffee sector is the global competitiveness and marketing. This Bill seeks to redress some of the challenges that this sector faces.

I wish the Bill can address the issue of intellectual property rights, an issue I raised the issue in this House years back. We have coffee variants that are very specific to Kenya that have beneficial properties. An example is green coffee, which is beneficial for weight loss. We know that a lot of women spend millions of shillings on weight loss. If green coffee works, as it is indicated, then we would mint money from it in Kenya. You can imagine my shock when I learn about this from a television station in America but not in Kenya. We have very good products. However, as a country, we do not put in much effort and energy. I am happy because we have now separated the Independent Coffee Research Institute. The people who came up with the Agriculture, Livestock, Fisheries and Food Authority Act were very well-intentioned. However, it has proven that it is not the best way to go. Each of our crops needs very specific and particular attention, because the international marketers become overly aggressive. We must also become overly aggressive in the way we deal with these issues.

I am also happy about the Coffee Fund, because it will enable us to stabilise prices that may be compromised, especially because of climate change that affects production. As a country, we should not be reactionary. Because of the challenges that we face, we must deal with some of these issues proactively. I have looked at the Bill, and I hope the Committee will pick up the issue of intellectual property rights. I will only propose very minor amendments, including the issue of intellectual property rights so that we protect our product. We should also ensure that we have the face of Kenya in a lot of the management committees and systems that are suggested in the Bill. We also need to diversify coffee growing to other areas that may have potential.

I see a lot of consumption of coffee out of the country. The Government trains people in other areas to eat fish. Let us also encourage Kenyans to have a culture of consuming our products.

With those few remarks, I support the Bill and encourage the Committee to pick up my suggestions. I know that we have a pretty busy schedule. If I have time, I may bring those amendments.

The Temporary Deputy Speaker (Hon. Patrick Mariru): Hon. Waweru Kiarie.

Hon. John Kiarie (Dagoretti South, JP): Thank you very much, Hon. Temporary Deputy Speaker. I hear some murmurs that there might not be any coffee in Dagoretti South Constituency, it being a constituency within the city. However, I stand here to clarify that we have many acres of land under this very crucial crop in Dagoretti South Constituency.

It is true that coffee has a long history in this country, but it has not been a rosy one. If you go to the rural area today and find old persons who grew up in a coffee growing zone, they will tell you that they actually fear that crop because of how it was introduced into the country. The colonialists intended to make our ancestral land their overseas *shamba*. So, they brought coffee as one of the cash crops they would be growing in this country as they had done with sugar in Jamaica and in some of the Indian Ocean Coast countries. There were very many protocols that went with the growing of this cash crop. Some of the very punitive protocols have since been dropped. So, this Bill is actually our generation's contribution towards the journey of making this crop not only more profitable for our country, but even more acceptable to our people.

The Bill covers a wide area. It has good proposal that will help in the production and farming of this crop and its processing. However, some of us will bring a few amendments during the Committee of the Whole House because a very critical element has been left out. We need to bring amendments to introduce ways in which to ultimately market the product. After it has been

farmed and processed, the biggest gap to-date has been how to market this crop in our country. We have been told here that Kenya produces some of the finest quality of coffee in the world to a point where our coffee is used to blend coffees from other parts of the world. So, if we do not market it in the right way, I can tell that someone else will. We have seen big names or big brands that have grown to become international brands using Kenyan coffee, but they never acknowledging or recognising it, hence the issue that was raised by Hon. Millie Odhiambo is critical; the issue about intellectual property.

Even as we push it as an agricultural concern, I wish the Chairman, Hon. Tiren – because I know he is very diligent and dutiful – would also, in the same breath, push the Ministry for Information, Communication and Innovation so that they can stop sitting on the Intellectual Property Policy that they have been sitting on for quite a while. The Intellectual Property Policy would also protect some of the variants that we produce in Kenya that are of very high quality. When we were growing up, we only know of Arabica and Robusta variants of coffee, but things have since changed. Good research has gone into developing better quality variants.

Finally, there is a point I would like to make from the side of the world I hail from. It has to do with the very big risk facing coffee growing in this country.

(Hon. George Gitonga consulted loudly)

Hon. Temporary Deputy Speaker, I am being interrupted by some consultation that are going on close to me, which might disrupt my flow of thought.

The Temporary Deputy Speaker (Hon. Patrick Mariru): Hon. Murugara, give some space to Hon. Kiarie to prosecute his case.

Hon. John Kiarie (Dagoretti South, JP): Much appreciated, Hon. Temporary Deputy Speaker. Thank you for the protection, but I do not think you could protect me from Hon. Murugara. He is a good friend of mine. If he ever came against me, it would be like the case of President Sankara and his deputy when he said, “If Blaise Compaore stands up against me, to that I have no defence.” So, if Hon. Murugara were to ever attack me, I would not have any defence, because he is a very good friend of mine.

The final thing I would like to raise is that there is a big risk, especially in the corner of the world I come from; the larger Dagoretti area, which was traditionally part of Kiambu County. The trend today is that farmers upon farmers are uprooting coffee, “planting” houses and expecting to “harvest” rent. There must be a way of incentivising farmers so that they do not think that real estate is more lucrative than planting coffee. This is actually the biggest threat to the coffee in this country. The development of real estate in zones that had been mapped out as coffee growing zones is growing at a very fast rate, to an extent that very soon, we shall not be having any coffee farms left in the larger area of Kiambu, which extends to Dagoretti South Constituency, which was hived out of Kiambu. The reason as to why farmers are finding it more lucrative to uproot coffee, “plant” houses and expect to “harvest” rent instead of coffee bonuses is that coffee growing has become a preserve of a few very rich individuals. Also, people fear the coffee cartels that have proven to be so stubborn that even Government intervention over the last 15 years has not remedied the situation. Beyond this Bill, the Departmental Committee on Agriculture and Livestock will have to attend to the real issues that affect coffee growing in this country, key amongst which is how we shall protect the lands that had been demarcated for coffee growing so that they are zoned and not interrupted by the expansion of the city of Nairobi – especially in areas like Kiambu, which

are quickly becoming the bedroom of the city. People are finding it easier to put up houses than to grow coffee.

All in all, I would like to congratulate the Departmental Committee on Agriculture and Livestock, and I commend the Senate for processing their proposals. When we get to the Committee of the Whole House, some of us will propose some amendments that will add good clauses to the Bill that is already good. Congratulations to the Committee and thanks to the Chairman for moving it so ably. Also, thanks to Dr. Kanyuithia for ably seconding it. We support their efforts.

Thank you very much, Hon. Temporary Deputy Speaker.

The Temporary Deputy Speaker (Hon. Patrick Mariru): Hon. John Bunyasi.

Hon. Sakwa Bunyasi (Nambale, ANC): Thank you, Hon. Temporary Deputy Speaker. I rise to contribute to the Coffee Bill, which I support.

I would like to use this opportunity to lament a little bit. We have been going round in circles. Back in the late 1970s and in the early 1980s, our Coffee Board was doing very well. At that time, the debate on intellectual property rights was quite rife and active because we had managed to give unique varieties of coffee to Papua New Guinea and Vietnam. We were moving towards making minor modifications of the law to provide for claim of intellectual property rights.

I feel that as a nation, we have low self-esteem to an extent that we do not even realise what good we have, and how competitive we are globally. For that reason, we did not think highly of what we had achieved. Others did it not just for the *Kanga* and *Kikoi*, but also for coffee. So, we are getting round to it. I hope we are now in a new digital generation where information retrieval is much easier, even for people who have not studied history. Agricultural history was rarely taught. It is a bit saddening that we have just been going round in circles and remaining in the same position. Be that as it may, these are steps in the right direction.

The passing of the Agriculture and Food Authority (AFA) Act was a colossal failure by both the promoters of the Act and by this House. It is obvious that if you heap together many institutions and create a big bureaucracy, you cannot get productivity. We went for AFA without much thought, and we have essentially lost at least 10 years in the development of the crops that were put under AFA. That was a big mistake and I hope we will never again do something similar to that. I know there are similar moves to come up with something similar to that in the energy and transport sector, but those are big mistakes. I hope we do not go that route.

The corrections on AFA Act are progressive and I hope they will be adapted rapidly. We had the Coffee Research Institute, which was of global standards. Everyone sought to get sabbatical leave to be, in one way or another, associated with the Coffee Research Institute that was funded by a private foundation. The Institute was up there in terms of finance and technology, and it was not depended on the National Budget. The Coffee Research Institute was supported by funds that came from the crop itself. It was conducting phenomenal research. It is really sad that we forgot about it. For many people in this House, these are things that should have been done. This is just rewinding of things that were previously done well.

The right time is when everybody thinks it is the best time. I can guarantee you that in 20 years after we do this, others will think that they are doing something new, while we will be redoing this. Let us do this diligently. Let us deal with the confidence that those worked in the coffee industry before us had. Those who worked in coffee research did exceptional work and gained global recognition.

Hon. Temporary Deputy Speaker, I would light to slightly deviate from the topic. Let us not worry about coffee in Dagoretti. Let real estate be. We are not going to compete against real

estate, because doing so would be fighting a losing battle. This is because the land owner has a choice of investing on what gives them the best returns, in their perception. We cannot use national arguments to convince individual property holders to do something. I propose areas in the country that have similar climates, areas like West Pokot and Kapenguria, where they grow coffee. We can do a lot more there. There are also many areas around the country that have a conducive climate for coffee farming. We should think broadly and widen our scope. The coffee varieties grown in the lower and more humid areas are different, but they also have a big market. Coffee is also grown in Busia and Bungoma. I also know of an entrepreneur who has been promoting coffee growing in those areas, and they have successfully sold their product at the Dubai Expo. It is doable.

I urge that in thinking ahead, we should focus on new areas and the different agro-ecological zones in the country where we can grow coffee. Therefore, we will go beyond the intentions of Sessional Paper No.10 of 1965, and introduce coffee farming new areas. Some of these areas are not so new. Some of them were abandoned and we are now going back to them to broaden coffee production in the country. This can be done.

Hon. Temporary Deputy Speaker, this is also true of other crops. We should use the Coffee Bill as an example of what we are going to do even in areas that were not traditionally coffee growing zones. For example, if we had introduced *miraa* farming in Busia, by now we would be picking it up. Although I know we cannot do that for every crop, we can certainly do this for a large number of crops.

With those few remarks, I support the Bill with full knowledge that we are getting back on the track. We are not starting anything new. We are just getting back on track. So, let us stick to the track and be sure that going forward, if something does not look good, we should not agree to it, no matter who promotes it. Maybe that way, we will make fewer mistakes going forward.

With those remarks, I beg to support.

The Temporary Deputy Speaker (Hon. Patrick Mariru): Hon. Wambugu Munene.

Hon. Munene Wambugu (Kirinyaga Central, JP): Thank you, Hon. Temporary Deputy Speaker.

At the onset, I support this Bill. It is a big day for me and the people of Kirinyaga County, where coffee is the mainstay. We have three coffee growing constituencies: Kirinyaga Central, which I represent; Gichugu and Ndia. We have actually extended to Hon. Kabinga's constituency in Mwea.

I am nostalgic of those good old days when households in Kirinyaga County used to enjoy whenever there was a coffee payment in the late 1970s and early 1980s. Unfortunately, something happened and the coffee industry was neglected. It was plundered until people started uprooting coffee trees. The nail in the coffin was the passing of the Agriculture Food Authority (AFA) Act, where coffee became a scheduled crop together with other less significant crops. It was a great mistake to put crops like tea, sugarcane and coffee – which at one time were the largest foreign exchange earners – with other types of crops. Coffee also requires a lot of specialization. It is also the second most traded commodity after oil in the world. Thus it requires more than just growing. I believe this Bill should be signed into law by the President before the end of this Parliament. With the law envisaged by this Bill in place, the status of coffee will go back to where it used to be.

More importantly, Section 4 creates the Coffee Board of Kenya and goes on to define its roles. One of the main roles of the Coffee Board of Kenya is to ensure that proper marketing is done for this crop to earn more. In terms of quality, we know that Kenya produces some of the best quality coffees in the world. I hope that once this Bill becomes law, it will not meet the same

fate as the Tea Act. Even after enacting the Tea Bill, cartels continued to resist change in the tea industry. Currently, we also have a lot of cartels in the coffee industry. We have brokers who do not want to let go. The passage of this Bill will address all those issues. We also have some cooperative societies which do not want to let go. Once this Bill is passed, the cartels who have held the tea industry hostage will not do the same to the coffee industry. We also pray and hope that the war in Russia does not affect our coffee and tea. Russia is the fifth largest importer of our tea and coffee. If that war escalates, its ramifications will be more on these important sectors.

There is a very important proposed section in this Bill which seeks to create the Cherry Fund. The importance of the proposed Cherry Fund is that it will cushion farmers when the prices are not good, or when they want to invest in coffee farming but they do not have capital. Currently, there is a Cherry Fund which is managed by the Kenya Planters Cooperative Union (KPCU), but it has been faced with a lot of resistance from farmers because the farmers do not know its benefits. We say once beaten, twice shy. Farmers associate the revived KPCU with the collapsed KPCU, which went down with millions of shillings belonging to them. The first thing that should be addressed is to ask the hard questions. What has been done about the people who stole farmers' money when KPCU collapsed? This is so that we can restore faith in farmers to continue growing coffee.

I associate myself with Hon. Bunyasi, who pointed out that we cannot stop the expansion of Nairobi County. Whether we like it or not, Nairobi is going to grow both vertically and horizontally. It is going to eat into coffee growing areas. The best way is to move to areas that are still good for coffee farming. We should expand coffee growing to those areas so that this important crop can continue to earn Kenyans – a majority of whom are farmers; and the Government – some revenue as it used to.

Hon. Temporary Deputy Speaker, one of the most important aspects of this Bill is the establishment of the Kenya Coffee Research Institute as a corporate body with a mandate to do proper research. The growing of coffee, just as with other core crops, is involving. It faces new diseases, new charges, new chemicals and all that. So, it requires a professional body that is fully funded and does continuous research on that crop so that it can make it better and better as we go on. The only other issue on which I think we are going to propose quite a number of amendments is the qualifications of members of the Board of Directors and the CEO. I have also seen that the Committee has proposed amendments. Due to the importance of this crop, we need a well-qualified person with a lot of experience, not just the experience of three years as set out in the Bill. It should be someone who is well-versed with the coffee industry so that he or she can promote and safeguard the interests of farmers.

The same case applies to the general objects of this Bill. One of them is the mechanism for the resolution of disputes within the coffee sector. Currently, dispute resolution is very expensive for poor farmers. Whenever there is a small dispute, people rush to tribunals, which are costly. It will be better if a better mechanism is proposed. This is just a proposal. A better mechanism should be put in place so that it can be cheaper for coffee farmers whenever there is a dispute. Disputes should be solved very fast so that farmers continue with their lives.

We also know that agriculture is one of the biggest employers. If we promote these crops, especially coffee, I know even young people can go back to farming. From where I come, because of proper management of those societies, even young people have embraced coffee and tea farming. That way, we will ameliorate the requirement of jobs in the country and avoid creating white-collar jobs only. What matters at the end of the day is whether the engagement you have,

farming or not, can place bread on your table. That is what matters most. So, this Bill is very timely.

It was wrong to have brought coffee under the Agriculture and Food Authority (AFA) crops. I believe the intentions were good and Parliament always acts in wisdom. Maybe, that was the prevailing wisdom then. At least this Parliament, both the Senate and the National Assembly, have seen that the existing law is not working. It is time to fix it if it is not working. I believe this Coffee Bill will fix coffee farming in this country. We will then move back to the good old days. What eventually matters most is the goodwill of these bodies once they are established. We must ensure that the people who will be appointed to manage them are not corrupt. We know very well that coffee farming, just like most other farming activities in Kenya, has been killed by corruption.

The Temporary Deputy Speaker (Hon. Patrick Mariru): Hon. Munene, your space is gone. Shall we have Hon. Oundo?

Hon. (Dr.) Wilberforce Oundo (Funyula, ODM): Thank you, Hon. Temporary Deputy Speaker. It is a momentous day for me to stand here and contribute to the Coffee Bill that came from the Senate.

For many years, coffee was what we used to call the black gold of Kenya. For many years, Kenya was known for its fine exported coffee that was drunk and tasted all over the world. Coffee has been a major income earner. I remember, in the late 1970s, there was the coffee smuggling ring that was domiciled in my home town of Sio Port and the entire Busia, in Chepkube and the rest. That was the hallmark of the coffee business. We have had so many lamentations over the years. We have read so many Reports, and I have supervised so many students talking about the loss or the reduction of coffee growing in this country. It is a matter of big interest and urgency that we revive the coffee industry or sub-sector because the role it plays in the national economy is so monumental that we cannot afford to allow it to die off. I remember the Kenya Planters Cooperative Union (KPCU) with nostalgia. I remember the Coffee Board of Kenya with nostalgia. I remember the market that was associated with coffee with nostalgia. It is indeed sad that the coffee sector got a beating with the enactment of the Crops Act and the AFA, so to speak.

This Bill deals with three or four issues. Critically, its objective is to promote the growing and production of coffee. Secondly and in generality, it is to put in place structures that will ensure that we get value for money from the coffee sub-sector. Like all typical Acts that we have made after realising that lumping everything under AFA was a mistake, this has generally followed the same line. Probably, nobody wished to question the wisdom of Parliament then. Probably, there was very good reasoning and thinking. Probably, it was based on the economies of scale of bringing all crops under one Act and management. Probably, due to the diversity of the crops industry, it became difficult and impossible to have a strong team or authority to run the various crops.

As we stand here today, we must say that AFA and the related structures have not served farmers properly. That is why there has been clamour all over the country to dismember AFA. At this rate, in the next few years, AFA will remain a shell. We will have to dismember and abolish it so that we go back to individual crops. Coffee was a scheduled crop under the Crops Act. Consequently, there is a directorate under AFA that deals with coffee. These cash crops are individually so critical to this country. It was practically impossible to have coffee threshed and marketed by a directorate. That is why we must laud the Senate and the Committee for having had the opportunity to look at this.

The Coffee Board of Kenya is going to be the main body to oversee the coffee sector in this country. I hope and pray that the resistance we have seen in the tea sector due to the reforms

initiated by Cabinet Secretary Munya; and the amendments that have been made to the various Acts as well as the Regulations relating to tea, will not befall the coffee sector. Indeed, one of the biggest challenges in this country is the entrenchment of cartels – the bandit economy – in all sectors of this country's economy. I am sure it will be a fight. I hope whoever will be mandated as the Cabinet Secretary to midwife the implementation of this Act will have the courage, stamina and the no-nonsense approach to dismantle the existing cartels.

Hon. Temporary Deputy Speaker, the Bill also reintroduces the Coffee Research Institute. Many years back, I had many friends who worked in the Coffee Research Institute as it was then. They used to have very good ideas and progressive research undertakings to find the most suitable variety to be grown in this country. It was during those days that there was an attempt to introduce coffee in my constituency of Funyula, and as Hon. Bunyasi has said, Busia in general. Quite a number of farmers had grown coffee, but when coffee farming went down, they abandoned it. They have been pestering me all along that we revive coffee farming. Since I was aware that there was a Bill coming to Parliament, I told them to wait we midwife it to have a new Act, then they will be able to grow coffee while going through the entire process properly.

Another laudable provision in this Bill is the setting up of the Coffee Development Fund. Indeed, like any other crop, there has to be minimum or guaranteed prices. Whenever the international market does not achieve those guaranteed prices, farmers should be given some subsidy to ensure that they do not go at a loss. Like any other business, any person investing in the coffee business intends to make money. When they start making loses, that would be a sure way of killing coffee farming. I hope the attendant regulations will not stifle the market and make coffee farming so cumbersome as to kill the incentives of the various players in the market. On the issue of roasters or factories, farmers and middle chain brokers involved should be allowed to flourish so that it becomes business. We will review the existing Act. I do not come from a coffee growing area. So, I will allow our colleagues who come from coffee growing areas to lead in the amendments. For us who take coffee and are from ecological zones that can grow coffee, we will put in our amendments because we want to secure the business as we move forward.

Hon. Temporary Deputy Speaker, I have heard Hon. Kiarie complaining that coffee farmers are cutting coffee bushes and replacing them with real estate. It is important for Kenyans to understand that there is what is called “highest and best use of land.” At any given time, any person who owns land will always convert his land into an investment that guarantees the highest rate of return. If real estate guarantees highest returns, you cannot compel a farmer to retain coffee, yet his neighbour who has converted his land is getting higher returns. Naturally, like any other process, there is continuous land use change. Any person anywhere should embrace and put in place mechanisms and measures to allow seamless land use change that guarantees progressive increase in returns from land. In any case, the Coffee Research Institute must be able to produce varieties that can flourish in different ecological zones so that we do not have to just rely on Kiambu as the main producer of coffee. Busia and Turkana can produce coffee. We must be able to introduce cash crops all over the country.

With those few remarks, I support.

The Temporary Deputy Speaker (Hon. Patrick Mariru): Hon. Members, before I give the Floor to the next speaker, you are reminded about the opening of the refurbished bar lounge at 6.30 p.m. I can tell that Hon. Oundo and Hon Opondo Kaluma are excited about that development. The Speaker will be presiding over that event. Just in case a Member intends to exit before 6.30 p.m., he should know that there will be an important function at 6.30 p.m.

Let us have, Hon. Koyi Waluke.

Hon. John Waluke (Sirisia, JP): Thank you, Hon. Temporary Deputy Speaker for giving me a chance to contribute on this Bill.

Coffee, tea and flowers are the crops that have made this country to stand despite the many problems it has had in terms of the economy. When we were young, we used to get school fees from coffee and tea farming. At that time, flowers were not in the European market. Coffee farmers were disappointed by the management that just wanted to make money out of them. As such, they decided to uproot coffee bushes from their farms. During that time, coffee was referred to as gold. We are now urging Kenyan farmers to go back to coffee farming. As we speak, the tea sector is also suffering because of corruption. Those who are appointed to manage coffee and tea farming have discouraged farmers.

If you refer back to the old days, coffee and tea were the backbone of this country's economy. We cannot do big business in this country that can generate more money than these crops. We got oil, but we do not know where it is going. It appeared for one year that it was being exported, but now the country cannot be told where the oil from Turkana is going. What kills this country is corruption. The Kenyan people are poor because of corruption. People want to make money and forget that the county needs to grow.

If there was no coffee and tea, this country would be in a big problem. The borrowing that Kenya is doing to the tune of Kshs11 trillion is mostly based on the payment that the country will get from coffee and tea. The proposed Coffee Board of Kenya should be able to undertake proper marketing of our coffee overseas. The big problem in this country is millers. They are the ones that decide the price of coffee. They determine how many US Dollars a kilogramme of Grade "A" coffee will fetch. That is a big problem. At one time, I was a director of the Coffee Board of Kenya. I know that a lot of millers would collude with the management of the Coffee Board of Kenya. That is why coffee prices have been low. It is the only parastatal that is there to market our coffee, but for many years, it has failed to promote the coffee sector because they have vested interests. The Government must come out clearly to support the sector and coffee farmers as well as the tea sector. In Africa, it is only Ethiopia that is doing very well in the coffee sector. In Kenya, there are few farmers and companies that control the management and prices of coffee, which is not good for farmers. If we want this crop to do well, and if we want to encourage farmers to maintain the sector, the Government must speak loudly in support of this sector, because it is the main backbone of the economy of this country.

With those few remarks, I support. I thank the person who developed the Bill. I urge all Members to support it.

The Temporary Deputy Speaker (Hon. Patrick Mariru): Hon. Wanyonyi Kevin.

Hon. Ferdinand Wanyonyi (Kwanza, FORD-K): Thank you very much, Hon. Temporary Deputy Speaker, for the opportunity. I am a member of the Departmental Committee on Agriculture, and this has been a key proposal. I think we have done well. The Bill seeks to make some changes in the manner coffee matters are handled in this country. As you know, coffee was the second highest foreign exchange earner some years back. We exported a lot of coffee. I happened to have travelled to North Europe, and I was impressed by their confirmation that the best coffee came from Kenya. I was so happy to hear that. The only thing is that we, as a country, have done very badly. The AFA Act dismembered various Crop Acts. With the revival of the Coffee Board and the Coffee Research Institute, we are going to do well. We are doing badly in terms of foreign exchange earners, including tea. When I was young, the only foreign exchange earners we heard about were coffee, tea and, of course, tourism. The revival of the Coffee Research Institute and the Board is going to improve this sector.

Much as agriculture is devolved to the county governments, we are going to have a lot of work to be done. Some farmers have uprooted coffee trees because there are no incentives. Farmers will have incentives to go back to the farming. I know that land is becoming smaller and smaller, but some areas are very good for coffee farming, particularly the highlands. I am sure we will have more land that will be dedicated to coffee growing.

Lastly, we are not very happy with the way we have handled crops. The Ministry of Agriculture should come up with a specific section dealing with crops such as coffee and tea. Agricultural Extension Services that used to be available are no longer there. They used to advise farmers on how best to produce various crops. We should direct the Ministry to revive these services. We are blaming people for not being interested in these crops, but the biggest problem is that there are no incentives. Farmers are not being told what to do. At the Committee of the Whole House, we will insist on the inclusion of agricultural extension services to farmers. Even livestock farmers do not know what they are doing. That is why the country is doing badly in terms of foreign exchange earnings. I support the Bill.

As a member of the Committee, I am happy that everybody supports the Bill. We will improve it with the suggestions being made.

I support the Bill.

The Temporary Deputy Speaker (Hon. Patrick Mariru): Member for Mwea, Hon. Wachira Kabinga.

Hon. Josphat Kabinga (Mwea, JP): Thank you, Hon. Temporary Deputy Speaker. I was waiting for this opportunity. As you are aware, I come from a rice-growing constituency, but we also have pockets of coffee growing. I am here to largely support my brother, Hon. Wambugu Munene, who comes from a coffee-growing area; that is, Kirinyaga Central. Kirinyaga is the home of the best coffee factories in this country in terms of production and management. We have the Mutira and the Baragwi Coffee Farmers Societies; they are the best in this country. I am proud to come from Kirinyaga County.

Hon. Temporary Deputy Speaker, the history of coffee in this country is well known. Those of us who were schooling with students who came from coffee growing areas know very well that they were assured of school fees at any given moment. History is very clear that in the 1980s, the coffee industry was completely let down, and farmers who were doing very well turned into beggars. That is the lesson that the present generation should learn. As we go to the next general elections, people must be very careful to put in place managers of natural resources in this country, including farming. I believe that the formation of the Agricultural Food Authority (AFA) was an attempt to revive the coffee industry alongside other industries. That is why a number of crops were lumped together into one Authority. They include coffee, sugar, tea, coconut, cotton, sisal, pyrethrum and other horticultural crops. I am not sure whether rice was also lumped into the same Authority.

Over time, I realised that rice has always been forgotten as an important crop in this country. I thank God that now; the agenda of rice is on the table and not under the table. It will never be under the table again. This Bill seeks to do something very similar to what we are trying to develop in the rice industry. Having a stand-alone Coffee Board of Kenya and what we are referring to as the Rice Board of Kenya will give much more attention to the crop and ensure that the necessary resources and investments are put in place so that the crop can develop. With the Board the Research Institute in place, there will be several aspects of the industry that will be checked that will make it grow and benefit our country.

One of the things I picked from the Bill is defining the role that the county governments will be playing in this sector. This is one area that has been very confusing, not only in the coffee subsector, but also in my own pet product, rice. The role of the county government is not well defined. Quite often than not, you will find conflicting roles or blame games when it comes to some of the activities that are expected. In the rice industry, sometimes when we are infested by quill birds, and nobody knows whether it is the responsibility of the national Government or that of the county government to address the problem, knowing that agriculture is a devolved function. Therefore, by clearly defining the roles of the county government, we will avoid the conflicts that sometimes arise.

Another very important thing that I picked from the Bill is about the warehouses. We remember that sometime back, we passed the Warehouse Receipts Bill, which is yet to be implemented because we have not paid enough attention to the various crops. That is why we have not had any warehouse coming up out of that particular Bill. That is one area that will support farmers. Warehouses will be used by farmers to keep their products in a good way and also in a legal way that will enable them to go to banks and borrow against the products that they have put in the warehouses. That is a very important development, even for rice farmers, who are waiting for implementation of the same.

Another important aspect of this Bill is regulating of coffee exports so that not every Tom, Dick and Harry and paid cartels can come and interfere with the industry. I am looking forward to having a similar Bill that will regulate the importation of rice from some of our partner countries that bring in rice in the name of cheap products, yet the products are not of good quality for human consumption. They blend their products with our own products because ours are of the best quality in the world. Kenyan rice, for example, from Mwea is rated as the best in Africa. So, people bring in Pakistani Rice Grade 3 or Grade 4. The authorities in those countries reserve their Grade 1 rice for local consumption. So, traders bring in Pakistani Rice Grade 4 or Grade 3 and blend it with rice from Mwea so that they can sell it on the market. So, this Bill seeks to look into the blending aspects of coffee so that our coffee can be protected. I look forward to protection of rice through a similar law so that people do not take advantage of our best rice to market low quality rice from other countries. Just a few minutes ago, I had some rice in my car. Because of its aroma, Members could not resist it. They came and I gave it to them. In Mwea, we produce the best rice in this country.

Blending is very important in that you find rice coming from Mombasa landing in Nairobi. It is taken to Mwea for blending and brought back to Nairobi. We need serious regulations to prevent such practice.

Another aspect of the Bill that is very important and which I am impressed with is the proposal to establish a Stabilisation Fund. Farmers are never sure of what they will get from their products, because as they wait for their produce to mature, many things happen. In Mwea, sometimes the rivers dry up. Therefore, production will be very low. Having a Stabilisation Fund means that even during times of hardships and challenges, people in the coffee and the rice industry will no longer feel the challenges, because they will be supported.

The particular Fund could also be used to cushion farmers from the rising prices of fertilisers. I hope that the people who are talking about the prices of fertilisers will come up with serious solutions. Having such a Fund can ensure that when the international markets are bad, there will be somewhere farmers can turn to for support. Such a Fund is very important. I know that the Government, through His Excellency President Uhuru Muigai Kenyatta, has made some funds available to the rice industry to help in purchasing of rice from farmers to stabilise the price of the

commodity. That was goodwill from the current President. We want something anchored in law so that we no longer have to rely on goodwill gestures from the President, so that should there be a threat of the prices falling, there can be a way to cushion farmers. That is why I like and support this Bill. I believe in the coffee farmers in this country, and more so my brother, Hon. Wambugu, who has been very passionate about the prudent management of coffee affairs, will start enjoying the fruits of his hard work since this House is almost approving this Bill. I look forward to the great support of this Bill.

The Temporary Deputy Speaker (Hon. Patrick Mariru): Hon. Members, we do not have much time left, but let us have the next speaker, Hon. Lessonet Moses.

Hon. Moses Lessonet (Eldama Ravine, JP): Thank you, Hon. Temporary Deputy Speaker, for giving me an opportunity to contribute to this important Bill. I support it as it will go a long way to answer questions pertaining to *pesa mfukoni* or pocketed money.

We are aware that many Kenyans are engaged in agriculture. The backbone of this nation is farming. When we support a coffee farmer, we improve the well-being of our countrymen. We need to diversify to other crops. I know that we have been stuck on tea and coffee for a very long time. I tell people most of the time that coffee and tea are not crops for a lazy farmer who wakes up in the morning and goes to the shopping centre, or out of town and comes back after a week. Coffee will know that you were not at home! I come from Baringo County. I lobby the farmers to grow other crops. They should plant avocado which is just like any other tree. It requires very low maintenance cost.

Equally, I lobby the farmers to grow macadamia which requires very low maintenance cost. When you grow macadamia, avocado and mangoes and you are not at home for, say, two months, they will not know that you are not there to take care of them. However, coffee is a very sensitive tree. The challenges of the global market affect the coffee industry directly. I hope that the agenda of this House is to mitigate the global challenges that are in the coffee sector.

Going forward, the two levels of Government—the national Government and the county governments—have no option. For everyone in Kenya to feel proud to be a citizen, we should stop focusing on the trickle-down economics. Large corporations and investments employ labourers and pay them wages. The time for that has come to an end. We have to look at what we need to do for those who are at the bottom in this country. Those who have no specific training or skill to sell to the corporates of this world also need a decent life. That informs the current and very popular discussion in Kenya of the bottom-up economic model. It requires us to look at production of Kenyan citizens in our farms.

We are aware that the rice we produce in Kenya is not enough to cater for the 10 per cent demand. Look at that opportunity. We should invest in this area. The national Government and county governments should come up with various policies and interventions. We need to support the rice farmer. There is still 90 per cent excess capacity which has not been met by the Kenyan farmer. That is why Pakistan and other countries, which are major growers of rice, celebrate. They have a ready market here in Kenya.

When we talk generally about the agriculture industry, we cannot forget to mention the cost of production, including the cost of fuel. If we want the farmer to make something from his crops, we need to look at how we can eliminate the heavy taxes on diesel. We need to encourage industries in Kenya to produce farm machinery locally. Some of them are very simple like ploughs and arrows. Why should we import them and we have trained engineers who can sit down and design them?

We have talked for a very long time about fertiliser. It affects a tea farmer, coffee farmer, maize farmer or wheat farmer. We are lucky because we have election this year. We hope that we will elect leaders who are responsive to the needs of farmers. I believe that God will grant us quality leaders in this election, so that we can handle this issue of fertiliser once and for all and give the farmer a price that will make his produce very competitive, including in the global market.

We need to continue promoting other activities in our farms like horticulture. You are aware that flower farmers are major exporters and currently we are relying on them. Kenyans who work abroad in the Middle East, Europe and United States of America send remittances back home. The second highest form of remittance in terms of our currency is from horticulture. We need to promote them and give them an enabling environment to grow crops. We need to look at how we handle their shipments when they are at Jomo Kenyatta International Airport (JKIA). We need to bring down the freight cost for the flower farmer. They will complain about the cost of freight from here to Amsterdam and United Kingdom, which is very high. This country needs to do something at the JKIA. There are also bodies which handle such produce.

I want to emphasise that this discussion on coffee is the real bottom-up economic model. It is nothing else. For those who have any doubts about it, it is what we are talking about.

Hon. Temporary Deputy Speaker, I thank you. I support the Bill.

The Temporary Deputy Speaker (Hon. Patrick Mariru): Hon. Oyula Maero.

Hon. Joseph Oyula (Butula, ODM): Thank you, Hon. Temporary Deputy Speaker for giving me this opportunity to also comment on the coffee Bill.

If you recall in the past, coffee was the highest foreign exchange earner for this country. During those days, we had two types of coffee: Arabica and Robusta. One was grown in highlands and another one in the lowlands. A lot of coffee was produced in this country and exported to outside countries. In fact, Kenyan coffee was the best in the world. This is something that should now be re-introduced to enable the country to grow more coffee.

Uganda exports a lot of coffee yet the Government of Kenya restricted growing of coffee in Busia, Bungoma and Trans Nzoia. So, we ask ourselves, if Uganda exports a lot of coffee, why can't the neighbouring counties be encouraged to grow coffee, the one similar to Uganda's? Obviously, if Uganda coffee is accepted in the world, any coffee grown in the neighbouring counties will also be accepted because I am sure it will be the same. Right now as we talk, if you go to those counties, you will still find some coffee trees in the farms. But, because of the restriction from the Government not to accept coffee from those areas, the coffee trees are just as good as shades for the ordinary people there. I only pray that this Bill should have a Clause that will re-introduce and re-expand the coffee growing areas to cover the lowlands like Busia, Bungoma and Trans Nzoia. In some areas in Kiambu people are now uprooting coffee and planting houses. If only coffee was grown in those lowlands, I am sure we would not have the problem of coffee trees being uprooted and houses being planted in their stead. So, one amendment that should be done to this Bill is to ensure that the Government expands the coffee growing areas to cover the lowlands of Busia, Bungoma, Trans Nzoia and even West Pokot.

The other problem that our coffee has gone through is poor marketing. The country opened up to brokers. Brokers have controlled the marketing of coffee; brokers have swindled money from the farmers and at the end of the day the brokers take away a bigger chunk of money than the farmer who struggles to ensure that coffee is planted and managed. The Bill should also cover control of marketing of coffee to ensure that the farmer gets the rightful share of his sweat. If that is done, and the growing areas are liberalised, I am sure we will go back to the age when coffee was the biggest foreign exchange earner for this country. I am sure that can be done. It will only

depend on the Ministry looking backwards and ensuring the Bill covers all the areas that can grow coffee instead of restricting the growing of coffee to the highlands.

This Bill has come at the right time although it should have been here earlier. However, now that it has come, it is my wish that the House approves it and ensures that farmers are encouraged. Those who want to uproot, let them do so, but those who do not want to uproot, let them be encouraged. The Bill should cover the farmer to ensure that he gets his rightful share of the income.

I also urge that this House looks at the marketing aspect to ensure that strict regulations in marketing of coffee are brought into the Act so that we do not lose our income to brokers and other fellows who interfere with the market.

With those few remarks, Hon. Temporary Deputy Speaker, I beg to support this Bill. Thank you.

The Temporary Deputy Speaker (Hon. Patrick Mariru): Hon. Kiai Githiaka, Member for Mukurweini.

Hon. Anthony Kiai (Mukurweini, JP): Thank you, Hon. Temporary Deputy Speaker. I stand to support the Coffee Bill.

I am a product of coffee farming. I went to school through proceeds of coffee farming. That is how my school fees was paid. In my formative years, I played a part in picking and selling of coffee. Mukurweini is a constituency where coffee still remains the king cash crop.

Coffee farming in this country can well be described as a catalogue of mistakes. We jump from one mistake to another. Maybe we have to make these many mistakes before we get it right. I want to believe that in the Coffee Bill before us, we have got it right, at last.

When coffee was brought into this country by the White Settlers, it was seen as a symbol of elitism. Farming it was restricted to the Whites. It became a symbol of forced labour because Africans were forced to work in big farms to cultivate and produce coffee on behalf of the Colonialists. After Independence, it was given to the African to farm it and for some time it did very well. It supported the economy of many people. Indeed, it supported many households. We could not be chased from schools because as long as one was a coffee farmer, the coffee slip showing that you were a coffee farmer was enough guarantee for fees payment. It was a promissory note of a sort which was to be cashed when the money was released.

The Coffee Bill before us is a very timely piece of legislation which is meant to re-organise the coffee industry by transitioning the regulatory and commercial roles that are currently under the Agriculture and Food Authority to the Coffee Board of Kenya. The Bill further transits the research of coffee under the Kenya Agriculture Livestock Research Organisation to Coffee Research Institute. The same Bill targets to improve efficiency in farming, production and marketing.

The Agriculture and Food Authority, a precursor to this Bill, was meant to collapse the major commercial crops in Kenya to be managed under one institution and under one law. It was a bad experiment and we are still doing that today. The Coffee Bill that is before us sets out clearly the roles to be played by the different levels of government. At the national Government level, it is about policy making and the implementation of the policies cascades to the county governments. The role of the county governments as set out in the Bill will be implementation of the policies set out by the national Government. This means that good husbandry, farming permits and extension services will be offered at the county level. However, with issues relating to export of coffee, the national Government, through the structures that have been set out under the Coffee the Bill, will take it up.

In the same Coffee Bill, part V sets out the procedures on production and coffee processing. One of the key outstanding features of this section is that the cooperative societies, which are the drivers of coffee farming in this country, are streamlined to ensure that the greatest benefits that accrue from coffee farming do not end up in brokers' pockets, but with the farmers. This is meant to revive coffee farming. Part of the reason why many farmers, especially in Mount Kenya region, are uprooting coffee is because of the inefficiencies and poor pay by the coffee millers. The pay is bad because there are too many intermediaries between the coffee farmers and the millers. The Government does not help the situation as it also has many intermediaries in between and at every level. Money is deducted from the coffee farmers payment to sustain this bureaucracy.

Hon. Temporary Deputy Speaker, part of Part V also relates to commercial millers. The commercial millers in this country, and especially in Nyeri County, have been the biggest problem in coffee farming. They approach individual farmers and individual cooperative societies with very appetizing and lucrative deals. In the end, you find that what was promised is not what was delivered. Commercial millers are in some way hawkers of a sort. They compromise the officials and exploit the illiteracy that most of these farmers have. I can say here that most of the farmers are not well versed with coffee issues. This is a situation that was precipitated by the fact that the average age of a coffee farmer in Mount Kenya region is over 60 years old. This means that young people do not want to venture into coffee farming. One, because of the poor pay and secondly, because of the shrinking size of our farms. These commercial millers go around exploiting the farmers by giving them false promises. They target the coffee officials who once compromised. They no longer represent the best interest of their members.

The other issue on commercial millers is that once they come to an individual cooperative society, they must explain in finer details about how they are going to benefit the coffee farmer. They must also ensure that coffee produce from the farmers is insured against theft, fire and any other perils that may proffer huge losses on the farmer in the even of the risk attaching.

The other aspect is the digitization of the operations of the coffee millers. Currently, we have manual operations right from the where the coffee is weighed, all though to the end. We have a situation whereby the record keeping is deliberately altered to ensure that the coffee farmer loses his hard-earned and hard-farmed produce, whereas the brokers smile all the way to the bank. Once digitisation of the operations is done, then we are going to ameliorate the losses that farmers suffer every other day.

Finally, I see that my time is running out, we need also to talk about the Coffee Research Institute.

(Hon. Anthony Kiai's microphone went off)

The Temporary Deputy Speaker (Hon. Patrick Mariru): Hon. Kiai, your time is up. Let us have Hon. Ndindi Nyoro.

Hon. Ndindi Nyoro (Kiharu, JP): Thank you, very much Hon. Temporary Deputy Speaker for this opportunity. I also rise as a coffee farmer, as a person who went to school through the coffee funds and also as a representative of coffee farmers from Kiharu, Murang'a and the entire Republic of Kenya. I can say without fear of contradiction that in my village the households with good permanent housing either built those houses during the coffee boom period, or during President Kibaki's era when the economy was doing very well. Most of the people in Murang'a and specifically Kiharu, went through higher education when coffee was booming. Therefore, where I come from, coffee is a very important crop and coffee farming is an important segment of

agriculture. We know agriculture is broad. Generally speaking, Kenya is an agricultural economy because 26 per cent of the Gross Domestic Product (GDP) of the country comes directly from agriculture. Twenty-seven per cent of it is indirect through linkages with associated sectors. Also, in terms of employment, agriculture directly accounts for 40 per cent of all the jobs in Kenya and employment opportunities. It also accounts for 70 per cent of jobs created in the rural areas. Therefore, agriculture is very important. The Government must continually allocate enough resources to the sector that gives too much in terms of productivity. Agriculture is important and we must never hold the horse for donkey to catch up. Agriculture must always be well funded so that it continues to be an important segment of our economy.

Hon. Temporary Deputy Speaker, when we talk about coffee, we also generally talk about tea because these two crops go hand-in-hand. In the 1980s and the 1990s, when the Kenya shilling weakened, the Central Bank of Kenya (CBK) Governor would call the Kenya Planters Cooperative Union (KPCU) CEO because the strength of our Kenyan shilling relied on tea and coffee. Of course, imports and exports being a major factor of the strength or weakens of the local currency, he would consult with the KPCU leadership because that was a big portion of where our local currency would swing. It speaks to the importance of coffee as an export earner in our country. Next to remittances of Kenyans working abroad, coffee and tea as cash crops are also important in terms of export earnings. We need to specifically interrogate ourselves when we talk about coffee, tea and other cash crops. How should we approach the issue of productivity? How do we enhance productivity of tea and coffee? There are two areas we need to look at. Number one is called the supply chain and number two is called the value chain. When you talk about the supply chain, it starts with the procurement of inputs and ends up at the shelves and on the plate if it is an edible. Therefore, we need to look at the whole process.

What can we do to enhance quantity? The supply chain talks about quantity more than quality. The number one stage in that supply chain is cultivation—how we cultivate our coffee. There are seedlings and other inputs. How can we increase quantity per crop even as we talk about the quality of that produce? Number two is on how we process our coffee and tea because they are twin sisters. Number three is coffee roasting and number four is consumption. We need to interrogate these four stages. Where do we come in as leaders to spur the growth of this sub-sector of our agriculture?

We have some low-lying fruits. Number one is subsidising the inputs, fertiliser being a major input. Number two is making sure that our farmers are planting the right seedlings so that we have the right quality even as the quantity of production per tree or bush goes up. The most important part of cash crops, especially coffee, is not the supply chain. It is something called the value chain. Most times we confuse these two. The value chain is about adding value to the coffee we produce as a nation. There are two segments in adding value to our coffee. Number one is branding. It goes hand-in-hand with marketing. Number two is blending.

The most expensive coffee in the world is called the Kopi Luwak. It is an Indonesian coffee. One kilogramme of the Kopi Luwak costs between Ksh20,000 and Ksh100,000 per kilogramme. You will buy just one cup of Kopi Luwak at between Ksh3,000 and Ksh10,000. We need to ask ourselves why the Kenyan coffee is of very high quality yet there is no brand of coffee out there known as the Mount Kenya Highlands Coffee, the Kikuyu Coffee or even the Murang'a AA Coffee! We need to look at that because we also look at the vanity side in commodity business. For most of the commodities we farm, we need to add their value in branding. The person who buys does not just buy the value in use but also the value in exchange. Maybe that informed the rise of a company called Tata in India that is known for many things, including production of

automobiles and technology. Tata also has an agricultural arm. For example, it produces Tata Tea. Tata Tea's branding informed the purchase and buyout of Tetley because they were buying a brand. They bought it at US\$450 million which is around Kshs45 billion. Without a brand, you will end up doing donkey work because a huge chunk of profits goes into branding. We need to look at that very seriously.

We need transition. That is the point that I have. We need to transition our commodity business in agriculture into a status label. Let me give an example: you can buy a leather shoe in Kenya at Ksh2,000. Just adding a brand like Adidas to it will give value to that shoe and multiply its price! Even coffee and its commodity business needs some interrogation and input in terms of branding and blending. It is not just about increasing the yield per bush.

Looking at agriculture broadly, it also has segments. Number one is the example I gave before, about inputs. Number two is production. Number three is processing. Number four is where we have transportation, warehousing, retailing and food services. If you look at the percentages of agriculture, the segment that goes into farming is low. Many people confuse farming with agriculture. Farming accounts for just around 25 per cent of agriculture. Therefore, we need to interrogate the other close to 80 per cent. The 80 per cent is part of the reasons I gave before, that is, branding, blending and also taking advantage of the entire supply chain of warehousing, marketing and retailing.

As I wind up, we must look at the Global Monitoring Report (GMR). Coffee farming and tea farming are the only areas where you make an investment without knowing what is coming back in return. The GMR is a must. I am happy that it is part of our agenda as the hustler nation even as we go on to form the next Government.

The other thing is subsidy. Farmers in the West in countries like Denmark and the Netherlands are highly subsidised. Giving specifically the UK as an example, in this Financial Year, it gave subsidy to the tune of US\$3.5 billion to support its farmers.

The Temporary Deputy Speaker (Hon. Patrick Mariru): What is your point of order Hon. Opondo?

Hon. Peter Kaluma (Homa Bay Town, ODM): Hon. Temporary Deputy Speaker, I am moving humbly. Noting the views of the people here and how rich they are, the Mover should be called to reply. I am saying this so that we can fast-track this important Bill—we go to the Committee of the Whole House, we integrate views like those from Hon. Ndindi Nyoro and all our colleagues here, and we expedite this so that the sector can be reformed quicker than our debating for eternity in Second Reading.

I thank you, Hon. Temporary Deputy Speaker.

The Temporary Deputy Speaker (Hon. Patrick Mariru): Is that the mood of the House?

(Question and agreed to)

Mover.

Hon. Silas Tiren (Moiben, JP): Thank you very much, Hon. Temporary Deputy Speaker, for the opportunity. I thank Members for what they have done in supporting the Bill. We are going to make sure that the sentiments the Members have added are incorporated so that we move together. Nonetheless, I also thank the Members of the Committee for the hard work they have done.

I only want to touch a little bit on some of the issues Members have raised about marketing, which I think was also captured by board. We would want coffee to be marketed locally and also

internationally. We should have surveys so that we bring coffee back to where it was, to the glory it had earlier. You heard the sentiments of Members. They have said a lot on what coffee was doing to our farmers and the country at large. We will look into those things.

I also want to touch on bringing back the Coffee Board of Kenya. Many years back you would hear about the Coffee Board of Kenya all the time. People really talked about it. I think it is something we are also going to bring back and make sure that the entire sector becomes a better party in agriculture so that we move fast and improve things.

As my colleagues have said, agriculture is underfunded. These are some of the challenges you will find in the coffee industry. It has died. We are trying to bring it back to where it is supposed to be. By the way, it is not only the coffee sub-sector but also the cereal sub-sector. In fact, the entire agriculture sector. That is the reason we are saying that this is a sector that needs to be dealt with. We have started with coffee. We also did a very good thing with the tea sub-sector. The Bill was very good despite the fact that some people have gone to court. We also want to encourage that, instead of waiting for us to do all the donkey work and then go to court on behalf of farmers, please, bring your views. We are open if you have anything to share with us. We normally go to the public. We normally are very open and we make sure that we take all sentiments. I believe that those who are going to court are not genuine. They are the same people; the cartels that Members have been talking about here. They look for opportunities to make sure that all the good things we are doing do not see the light of day. Their days are numbered. Things are now heading in the right direction. We will be heading there.

So, I thank everybody who supported the Bill. I think we are going to consolidate everything that we have got from Members. You heard the Members talk very well on issues of coffee. We will combine everything with the section that is from the Senate. We will make sure that we put things together when it comes to Third Reading.

Thank you.

The Temporary Deputy Speaker (Hon. Patrick Mariru): Hon. Members, we shall not put the Question for that particular item until its subsequent time when we will have the numbers.

Next Order.

(Putting of the Question deferred)

BILL

Second Reading

THE ELECTIONS (AMENDMENT) BILL

The Temporary Deputy Speaker (Hon. Patrick Mariru): The Chairperson, Constitutional Implementation Oversight Committee.

Hon. Alois Lentoimaga (Samburu North, JP): Thank you, Hon. Temporary Deputy Speaker. I beg to move the Elections (Amendment) Bill (National Assembly Bill No. 41 Of 2021). The Bill seeks to amend Section 34 of the Elections Act, 2011 to provide that persons nominated to the county assemblies by political parties pursuant to Article 177 of the Constitution, shall be persons who are registered voters in the county which they are nominated.

The Temporary Deputy Speaker (Hon. Patrick Mariru): Order! Did you move for the Second Reading?

Hon. Alois Lentoimaga (Samburu North, JP): Yes.

The Temporary Deputy Speaker (Hon. Patrick Mariru): Okay. Proceed.

Hon. Alois Lentoimaga (Samburu North, JP): Hon. Temporary Deputy Speaker. I beg to move:

THAT, the Elections (Amendment) Bill (National Assembly Bill No. 41 Of 2021) be now read a Second Time.

The Bill seeks to amend Section 34 of the Elections Act, 2011 to provide that persons nominated to the county assemblies by political parties pursuant to Article 177 of the Constitution, shall be persons who are registered voters in the county which they are nominated. This Bill will ensure that persons nominated in county assemblies are persons who are registered voters in the specific county. The Bill will realise the wishes of Article 90(2) of the Constitution. It will enhance equity and ensure that the list of nominees of county assemblies reflects the face of the county as only persons registered as voters in counties will be eligible for nomination to county assemblies.

For a Member of County Assembly (MCA) to effectively discharge his duties of legislation, representation and oversight in a county, he should be knowledgeable and aware of the issues affecting the county. If they are not registered voters in a county, it means that they have no interest of the county at heart. Article 90 of the Constitution provides that elections for the seats in county assemblies under 177 (1) (b) and (c), shall be on the basis of proportional representation by use of party lists. Article 90(2)(c) provides that:

“(2) The Independent Electoral and Boundaries Commission shall be responsible for the conduct and supervision of elections for seats provided for under clause (1) and shall ensure that—

(c) except in the case of county assembly seats, each party list reflects the regional and ethnic diversity of the people of Kenya.”

A county assembly consists of members elected by the registered voters of the wards, each ward constituting a single member constituency; the number of special seat members necessary to ensure that no more than two-thirds of the membership of the assembly are of the same gender; the number of members of marginalised groups, including persons with disabilities and the youth, prescribed by an Act of Parliament; and the Speaker, who is an ex officio member.

Article 177 of the Constitution provides that the members nominated to county assemblies shall, in each case, be nominated by political parties in proportion to the MCAs seats received in that election in that county by each political party in accordance with Article 90 of the Constitution.

Article 90(2)(c) requires political parties submitting nomination lists for Parliament to reflect the regional and ethnic diversity of the people of Kenya. The same criteria is not required for persons nominated to county assemblies. This is critical because in the past, MCAs have been nominated and they are not from the counties nominating them. This Bill will ensure that that anomaly is sorted. In county assemblies, what is required is for the nominated MCAs to reflect the face of the country. Functions of county government as set out in the Fourth Schedule are limited to the geographical confines of specific counties. Therefore, MCAs will only add value to the county assemblies when discharging their duties if they understand the counties they work in.

The Committee, on diverse dates, undertook public hearings on the Bill in various parts of the country. Some of the counties visited included Nairobi, Nyamira, Bungoma, Homa Bay, Busia, Embu, Kirinyaga, Meru, Laikipia, Kilifi, and Kwale. In this public participation mission, many issues were raised and the Committee took them on board. While conducting public hearings in the mentioned counties, the Committee observed that in some county assemblies, the nominated MCAs who fill the gender gaps and represent the marginalised groups were members with no

relationship with the nominating counties by birth, as residents and as voters. The Committee also observed that some of the MCAs were nominated in 2013 in one county and in 2017 in a different county. This is a serious anomaly. They keep migrating from one county to another depending on their interests and who nominates them. Indeed, that is not fair. This may happen in 2022 if the Act is not amended.

Members of the public supported the Bill stating that the nominated MCAs who came from the nominating county understand the culture, customs and values of the people of that county. If an MCA is nominated from elsewhere and goes to serve in a county that they have no relation with, they might end up importing cultures that are not of that county and people may not understand such an MCA. This Bill will ensure that nominated MCAs are bonafide members and residents of a county, including knowing the culture of the people they are going to serve. If you nominate MCAs from other areas, they may come with cultures and values that are contrary to cultures of the nominating counties thus eroding the cultures and values of nominating counties and introducing a set of strange values.

In some counties, the Committee heard that there was nepotism in nominations. You would find more than one nominated MCA from one sub-county while other sub-counties did not have any nominated MCA. We have also noticed that some MCAs are nominated because of their relationship with the nominating party. That is not fair for the running and management of county assemblies.

The Committee has proposed that there should be regional balance in conducting nomination of MCAs in order to ensure equitable distribution of nominees among sub-counties. We also realised that there were counties where more than one nominated MCA came from the same ward or constituency. There is no balance. You end up having disputes between Members of Parliament or communities. I have a case from my place. Several MCAs nominated by the Jubilee Party are mainly from one constituency. We end up quarrelling and making a lot of noise over the matter. This Bill will go a long way in curing that anomaly in the coming general election. Regional balance is important and we recommend that it is adhered to.

I want to thank members of the Committee for the good work they have done. They critically looked at issues that were not fair in the Act and proposed amendments. I request support from Members. The House should fast-track this Bill now that we are going to the general election so that it can be passed and assented to before the August election. We request Members to come in large numbers so that we can pass the Bill.

I beg to move and call upon Hon. Kaluma, who is my Vice-Chair, to second the Bill.

The Temporary Deputy Speaker (Hon. Patrick Mariru): Hon. Opondo Kaluma.

Hon. Peter Kaluma (Homa Bay, ODM): I thank you, Hon. Temporary Deputy Speaker. This is a very small Bill in terms of the substantive provision, which is only one. The Bill is straightforward. What is being proposed is that the MCAs parties nominate to meet the two-third gender requirement should be nominated from their respective counties. We have had situations where people work very hard for parties across, but when it comes to nomination you find ladies who do not even know the county they are being nominated in. This is the anomaly the Bill seeks to cure. People should be nominated in the counties where they vote. If that is done, they will be more interested in matters in those counties. They will not just go to the county assemblies to earn as it has been happening. We will not have a situation where people pick their girlfriends from wherever to particular counties just to earn salaries. This is a Bill which got universal support across the country during public participation. I would not belabour its objective. I just need to emphasise that there are two or three views in terms of balancing and equity in distribution of

nominated seats within constituencies and wards, which we accepted as a Committee we will move amendments on.

Hon. Temporary Deputy Speaker, with those few remarks and to allow Members to contribute so that we may fast-track this Bill, I beg to second.

(Question proposed)

The Temporary Deputy Speaker (Hon. Patrick Mariru): On top of the list is Hon. Odhiambo Akoth.

Hon. (Ms.) Odhiambo-Mabona (Suba North, ODM): Thank you, Hon. Temporary Deputy Speaker, for giving me this opportunity. When we came up with the Constitution, our concern was to ensure that more women get into elective leadership positions. Indeed, I was very happy to meet a 24-year-old girl who is vying as a woman representative in Kisumu. One of the challenges we face, especially for those who may have fought for a party but do not manage to get positions or those who do not vie for positions, is that sometimes when they are nominated we end up with people who have not worked in a geographical area getting nominated because they have connections. You find that someone from Suba North is nominated in Kilifi or someone from Kilifi is nominated in Homa Bay. It creates a lot of friction and challenges. Here I do not mean people who originally come from the nominating county but live elsewhere. We have situations where people who have absolutely no connection with a county being nominated.

So, I wish to agree with the Committee. This is a very good Bill. We must ensure that people who come from a county are the ones nominated. We should also encourage parties to consider people who have worked very hard for them over the years so that we do not get strangers⁴ bribing people to be nominated. I also want to encourage the Committee to consider bringing an amendment to ensure that the panel conducting nominations is open and transparent. There are situations where it is one person nominating people. To ensure regional balance, sub-regional balance and village balance, let us have a panel to conduct nominations.

I support.

The Temporary Deputy Speaker (Hon. Patrick Mariru): What is it, Hon. John Bunyasi?

Hon. Sakwa Bunyasi (Nambale, ANC): Hon. Temporary Deputy Speaker, sensing from presentations made, this is a Bill that has wide support. I wish to move, under Standing Order 95, that the mover be called to reply.

The Temporary Deputy Speaker (Hon. Patrick Mariru): Is that the mood of the House?

Hon. Members: Yes.

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

The Temporary Deputy Speaker (Hon. Patrick Mariru): Shall we have Hon. Obara Akinyi.

Hon. (Ms.) Eve Obara (Kabondo Kasipul, ODM): Thank you, Hon. Temporary Deputy Speaker. I also support the amendment. This is not a story; it is a reality. We have seen it happen. It is only fair that only registered voters in a county are considered for nomination, particularly those who have support a party.

Thank you.

The Temporary Deputy Speaker (Hon. Patrick Mariru): Hon. Wanjiku Njuguna.

Hon. John Njuguna (Kiambaa, UDA): Thank you, Hon. Temporary Deputy Speaker. May I also add my voice to this Bill. I associate myself with the Committee resolutions. We have witnessed situations where MCAs have been nominated in counties where they do not come from. We must admit that there has been an oversight in terms of how those MCAs' have been nominated.

The Temporary Deputy Speaker (Hon. Patrick Mariru): Order Hon. Kwanjiku. It is 7.00 p.m. and the House must rise. That is not to say your time is up. When this comes back, you will have your eight minutes to finish prosecuting your case.

ADJOURNMENT

The Temporary Deputy Speaker (Hon. Patrick Mariru): Order Members, the time being 7.00 p.m. This House stands adjourned until Tuesday, 22nd March. Hon. Members take note: the recess starts now. You will be back on the stated date at 2. 30 p.m.

The House rose at 7:00 p.m.