DECEMBER 2016 KEWOPA MEMBERS HANSARD [NATIONAL ASSEMBLY]

CHAIRS

Date: 1st December 2016

Member of Parliament: Hon. (Dr.) Joyce Laboso

Contribution she made on: The Deputy Speaker

Date: 1st December 2016

Member of Parliament: Hon. (Ms.) Rachel Shebesh

Contribution she made on: The Temporary Deputy Speaker

Date: 1st December 2016

Member of Parliament: Hon. (Dr.) Joyce Laboso

Contribution she made on: The Deputy Speaker

PAPERS LAID

DATE: 1st December 2016

Member of Parliament: Hon. (Ms.) S.W. Chege

Contribution she made on: Motion on Report of The Committee Of The Whole House On The Witness Protection (Amendment) Bill

Seconded

DATE: 1st December 2016

Member of Parliament: Hon. (Ms.) Muhia

Contribution she made on: Ratification of The Paris Climate Change Agreement
Thank you, Hon. Deputy Speaker. I support this Report as it is for the best interests of the country as Members have said. Climate change is a serious threat to lives and livelihood for the whole world. It has brought about high poverty levels and health implications.

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

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

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

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

Hon. Deputy Speaker, the poverty levels we see globally can easily be reduced, particularly in our country, if we engage ourselves in ways of climate control. With those few remarks, I will consider myself as one who will go in history in support of this Motion and say Kenya has taken the right direction.

I support.

DATE: 1st December 2016

Member of Parliament: Hon. (Ms.) Tobiko

Contribution she made on: Ratification of The Paris Climate Change Agreement

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

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

DATE: 1st December 2016

Member of Parliament: Hon. (Ms.) Tobiko

Contribution she made on: Ratification of The Paris Climate Change Agreement

Hon. Temporary Deputy Speaker, I was just stating that last weekend I was in my constituency in a place called Mbilin and the only thing that my constituents told me is: Please, go and tell the Government to come and chase away the elephants from the constituency because they make our lives unbearable. These wild animals come out of the park because of the drought that is affecting them in the park. There is human-wildlife conflict. People do not live in peace. This is because of the changes in climate. I agree with my former classmate Hon. Ochanda who said that even our ways of settlements contributes to climate change. There are more bricks and huge buildings all over and less trees. I was thinking that maybe we need to pass more laws that will enhance the Paris Agreement so that everybody, even if you are living in an area of 150 metres by 100 metres, you need to plant trees. It is important that we address it at our level. And it does not matter whether we are contributing significantly or insignificantly to the pollution right now, as Hon. Kang’ata was claiming: That it is only the developed nations that contribute to pollution and that our contribution is less. We should aim and drive to be pure. We must not contribute even a small portion to the worsening of the climate. Maybe we are at a better level to address climate change before it goes out of hand. We should be encouraging countries like China to ratify this Agreement because they contribute to pollution of the environment. We should show the way. There is no problem in a small nation showing the way to the mighty nations. I think it is very important that we address the issue of climate change. It is affecting all of us. The rains are less. The droughts are more. And the world is threatened. The only way we can save the world is to ratify this Agreement and to enhance it through other legislation.

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

DATE: 1st December 2016

Member of Parliament: Hon. (Ms.) Kajuju

Contribution she made on: Ratification of The Nile Basin Cooperative Framework Agreement

Thank you, Hon. Speaker. I beg to give notice of the following Motion: THAT, this House adopts the Report of the Select Committee on Regional Integration on the Ratification of the Nile Basin Co-operative Framework Agreement laid on the Table of the House
on Wednesday, 30th November, 2016, and pursuant to Section 8 of the Treaty Making and Ratification Act 2012, approves the ratification of the Nile Basin Co-operative Framework Agreement.

**DATE: 1st December 2016**

**Member of Parliament: Hon. (Ms.) Kajuju**

**Contribution she made on: Ratification of EAC Protocol on Privileges and Immunities**

Hon. Speaker, I beg to give notice of the following Motion:
THAT, this House adopts the Report of the Select Committee on Regional Integration on the Ratification of the East African Community Protocol on Privileges and Immunities laid on the Table of the House on Wednesday, 30th November, 2016, and pursuant to Section 8 of the Treaty Making and Ratification Act 2012, approves the ratification of the protocol to operationalise the EAC Protocol Privileges and Immunities.

**DATE: 15th December 2016**

**Member of Parliament: Hon. (Ms.) Kajuju**

**Contribution she made on: Ratification of EAC Protocol of East African Court of Justice**

Hon. Speaker, I beg to give notice of the following Motion:
THAT, this House adopts the Report of the Select Committee on Regional Integration on the Ratification of the protocol to operationalise the extended jurisdiction of the East African Court of Justice laid on the Table of the House on Wednesday, 30th November, 2016, and pursuant to Section 8 of the Treaty making and Ratification Act 2012, approves the ratification of the protocol to operationalise the extended jurisdiction of the East African Court of Justice.

**COMMITTEE OF THE WHOLE HOUSE**

**DATE: 1st December 2016**

**Member of Parliament: Hon. (Ms.) Muhia**

**Contribution she made on: The Election Laws (Amendment) Bill**

Thank you, Hon. Temporary Deputy Chairlady. I also thank the Committee for bringing clarity as you know matters of nomination are emotive, especially on the primaries on same day. This is necessary going forward because we have experienced in the past people from different parties voting for other candidates, possibly the weakest candidate to just bring confusion. I feel the whole new amendment will bring clarity.
DATE: 1st December 2016

Member of Parliament: Hon. (Ms.) Muhia

Contribution she made on: Motion on Adoption Of Report On Ownership Of Mombasa Cement Limited Land

Thank you, Hon. Temporary Deputy Speaker. I stand to support this Report. Having heard what the Members have presented, it leaves every Member or Kenyans very sad.

Issues of land and corruption are more or less the same in this country. The Executive gives people jobs but the people given the jobs do not discharge their mandates to the expectation of the mwananchi. From what this Report contains, it is crystal clear that the people who are in charge of this docket could be the ones going in circles for ever, not minding about squatters or some people’s ancestral land, or about the Government that has given them the jobs. It is a routine in this country through the political desk. People in different corners of our nation will wake up and say the Jubilee Government is not addressing historical justices yet they are the people given the jobs or their friends are the ones given the job but they are not discharging their mandate properly.

On Tuesday, the Departmental Committee on Administration and National Security received some investors from Laikipia who had issues similar to this or worse because of insecurity. They were left wondering if Kenya really observes the rule of law. The people in charge of this docket – the NLC and the Ministry in charge of lands – must lead from the front, showing Kenyans that Kenya observes the rule of law.

In my county of Nyandarua there is a group of IDPs in Ol Jororok. Everything has been tried; Chairman Swazuri has been spoken to; the land is there and the IDPs are there. The Ministry of Land, Housing and Urban Development has said it is only subdivision that remains for more than 10 years now for these IDPs to be resettled. Sometimes it beats logic and you wonder what the mechanical or scientific method of dividing land to settle the squatters is.

In essence, there are some cartels in the Ministry which just make the work difficult and impossible. The best term I can use for these people is that they are not patriotic. A patriotic person cannot make life very difficult for fellow Kenyans. Any land that is acquired illegally, and it is clearly shown that it is acquired illegally, needs to be returned or the necessary action taken.

I have seen one recommendation which says “Investigate Dr. Mohammed Swazuri, Mr. Cyrus and others”, but by my understanding of this statement, it could have been better if it was written: “Investigate Dr. Mohammed Swazuri and the company and prosecute.” Investigations have become more or less similar terms in Kenya. We investigate and the stories continue. We have to conclude the matters of land.

This is a very good Report for Kenyans because every day, Kenyans in different corners, in barazas and funerals say the Jubilee Government is not sorting out the issues of land injustice in Mombasa and yet some of the people given the mandate come from the same community, and for us to differentiate if it is really the Jubilee Government or some cartels manipulate what Kenyans expect is necessary.
With those few remarks, Hon. Temporary Deputy Speaker, I beg to support and ask other Members to support this Report.

Date: 1st December 2016

Member of Parliament: Hon. (Ms.) Munene

Contribution she made on: Motion on Adoption Of Report On Ownership Of Mombasa Cement Limited Land

Thank you, Hon. Temporary Deputy Speaker, for giving me this opportunity to support this Motion. As I support this Motion, we have to think outside the box because even the people who are on the land we are talking about have had the titles for a long time. You could go to the Ministry of Land, Housing and Urban Development with a green card, but you would be surprised to learn that the title had been given to somebody else. I think the Ministry of Land, Housing and Urban Development is the most corrupt in this country. We need to think of how the Ministry is going to put in place structures that will ensure that when somebody buys land and they get a title deed, nobody else should have that title; not when the real owner of the title is still alive and has not sold the land. So, a lot of things are happening at the lands office. Even at the land board, people connive with others to sell land that does not belong to them. We want even the village administrators to know exactly what is happening and let the public know. When somebody wants to sell land, the family members must be there because that is what the law we passed in the previous Parliament says. You cannot sell property without your family members knowing. I know there are so many cases in Laikipia and other parts of this country concerning that matter. You go to the land offices to do something and you are told, “I am very sorry this is not your land.” You get shocked because you are sure you bought the land and you were even given a real title. It is quite unfair. So we want them to do better. People at the lands office are not supposed to issue any title to other persons when title of land has not reverted.

When you want your title deed and you happen to learn that somebody else has the same title you could easily say that the Government is not doing its work. However, it is not Jubilee Government. It is the people who are in those offices. We do not want to be blamed that Jubilee Government is the one grabbing the land. We are not land grabbers. We want to know the truth and we want the people who are given the job by the Government to do their job properly without thinking that they know so-and-so. Even if the land you are buying is clean— My colleagues from Eldama Ravine said that there is land that was given to squatters but nobody bothered about it. People went there and did other things without the knowledge of the community. It is not the Government doing these things, it is the Government workers.

SPECIAL SITTING

Date: 20th December 2016
Hon. Speaker, the secretariat tells me that the Report is being approved in your office.

Date: 20th December 2016

Hon. Speaker, the Report is in your office. That is what they told me. It is pending approval.

Date: 20th December 2016

Yes, Hon. Speaker.

Date: 20th December 2016

Yes, Hon. Speaker. I am aware of that, but I do not have a copy. We have approved the Report, but it has been taken by the secretariat to your office.

Date: 20th December 2016

Thank you, Hon. Speaker.
I beg to lay the following Paper on the Table of the House today, Tuesday, 20th December, 2016:
The Report of the Departmental Committee on Environment and Natural Resources on its consideration of the nominees for appointment as members of the National Climate Change Council jointly conducted by the National Assembly and the Senate’s Standing Committee on Lands and Natural Resources.
Can I give notice of the Motion?

Date: 20th December 2016

Member of Parliament: Hon. (Ms.) Abdalla

Contribution she made on: Approval of Members To National Climate Change Council

Hon. Speaker, I beg to give notice of the following Motion:
THAT, pursuant to Section 7 of the Climate Change Act, 2016, Section 8(i) of the Public Appointments (Parliamentary Approval) Act and Standing Order No.45(4), this House approves the Report of the Departmental Committee on Environment and Natural Resources on its consideration of the nominees for appointment as members of the National Climate Change Council, laid on the Table of the House today, Tuesday, 20th December, 2016, and approves the recommendation of the Committee as follows:
(i) Approves the appointment of Mr. Suresh Patel and Mr. John Kioli as Members of the National Climate Change Council;
(ii) Rejects the appointments of Ms. Cynthia Wechabe and Dr. Jane Mutheu as Members of the National Climate Change Council; and
(iii) Recommends that the appointing authority submits nominees of the female gender to represent the marginalised communities and the Commission for University Education as prescribed by the Public Appointments (Parliamentary Approval) Act.

Thank you.

Date: 20th December 2016

Member of Parliament: Hon. (Ms.) R.K. Nyamai

Contribution she made on: Adoption Of Report On Ratification Of Agreement Between The Government of Kenya and The USA

Hon. Speaker, I beg to move the following Motion:
THAT, this House adopts the Report of the Departmental Committee on Health on the Ratification of the Agreement between the Government of the Republic of Kenya and the

Hon. Speaker, the Cabinet Memorandum on the ratification of this agreement was tabled on 19th July, 2016 and committed to the Departmental Committee on Health for consideration. Once this is ratified, the agreement shall become part of the laws of Kenya as provided for under Article 2(6).

In consideration of the agreement, the Committee held five sittings and received comprehensive brief from the Legal and Budget departments. Pursuant to Article 118(1)(b) of the Constitution on public participation, Section 8(3) of the Treaty Making and Ratification Act 2012, the Committee placed advertisements in two local dailies on Thursday, 4th August, 2016. Hon. Speaker, the Committee also invited the Cabinet Secretaries (CSs) for Health, National Treasury, Foreign Affairs, International Trade, Defence, Interior and Co-ordination of National Government and the Attorney-General on 18th August, 2016 to deliberate on the Agreement. The CS for Health as a key stakeholder in the matter attended the sitting while the Principal Secretary for Defence represented the CS, Defence. The Attorney-General’s Office and the National Treasury sent representatives to the meeting.

On 14th December, 2016, the Committee also held consultative meetings with the Ministry of Health and key stakeholders with regard to the Agreement. Hon. Speaker, the Agreement desires to establish a cooperation programme to facilitate mutual benefit efforts to reduce biological threats of common concern between the two countries.

The purpose of the cooperation programme is to facilitate efforts to reduce the threats from naturally occurring diseases, biological attacks and unintentional release of biological pathogens and toxins and the risks posed by non-state actors. The objectives of this agreement are to enhance the Government of Kenya---

Date: 20th December 2016

Member of Parliament: Hon. (Ms.) R.K. Nyamai

Contribution she made on: Adoption Of Report On Ratification Of Agreement Between The Government of Kenya and The USA

Hon. Speaker, this Report is very important because it is about our international obligations on issues regarding threats which concern bio-terrorism. It is extremely important that the House considers it. The Report was tabled a while back and the expectation was that Members had time to look at it.

Date: 20th December 2016

Member of Parliament: Hon. (Ms.) R.K. Nyamai
Contribution she made on: Adoption Of Report On Ratification Of Agreement Between The Government of Kenya and The USA

Hon. Speaker, I will listen to your guidance but this Report is extremely important. It does not concern Kenya only but many other countries, and we are meeting our international obligations. However, I will go by the guidance that you give this House that the Report will be given the opportunity as soon as we are in the next Session because it has to do with funding that will be given to our country. Hon. Speaker, I will go by your guidance.

Date: 20th December 2016

Member of Parliament: Hon. (Ms.) R.K. Nyamai

Contribution she made on: Adoption Of Report On Ratification Of Agreement Between The Government of Kenya and The USA

Thank you, Hon. Speaker. The agreement between the Government of the Republic of Kenya and the Government of the United States of America (USA) concerning Co-operation in Threat Reduction Biological Engagement Programmes is majorly a health matter. We also appreciate what the Chair is saying---

It was signed by Mr. James Macharia, the then Cabinet Secretary for Health on behalf of the Kenyan Government and the US Ambassador, Robert F. Godec on 24th July, 2014. The agreement came to the House, and the reason the Parliamentary Committee considered it is because it was directed to the Departmental Committee on Health.

In terms of consideration, all the relevant ministries were invited, including the Ministry of Foreign Affairs and Defence. In terms of arrangements---

(Loud consultations)

Hon. Speaker, protect me so that I can give the information.

Date: 20th December 2016

Member of Parliament: Hon. (Ms.) R.K. Nyamai

Contribution she made on: Adoption Of Report On Ratification Of Agreement Between The Government of Kenya and The USA

Hon. Speaker, in the Kenyan situation, the Ministry of Health is in charge of health matters. In the American situation, it is the Ministry of Defence. However, with regard to consultations, as a Committee, we have done our best in terms of public participation, including publishing in the national dailies and asking for any memorandum. There is no memorandum that was presented to us. In terms of consideration, participation was done to the best of our ability, including an invitation to the Cabinet Secretary for Foreign Affairs.
Date: 20th December 206

Member of Parliament: Hon. (Dr.) Shaban

Contribution she made on: Alteration Of The Calendar Of The House (Regular Sessions)

Thank you, Hon. Speaker. I rise to second the Motion. It is important for us to consider that we need more time to be here to make sure that we follow the new budget calendar which has been set so that we can meet the budgetary obligations of the coming financial year, before we break off and go home for the coming elections.

Hon. Speaker, it is important for all of us to agree that the Constitution has set the election date for the second week of August. We all should agree that we need to go home for a shorter break and come back and continue with the rest of the work.

I beg to second.

Date: 20th December 206

Member of Parliament: Hon. (Ms.) Abdalla

Contribution she made on: Appointment of Members To National Climate Change Council

Hon. Speaker, it is in light of the fact that some of us have to build capacity for those who might return here. That is why the Member for North Horr has high chances of returning here. I am, therefore, building his capacity to be the next Chairman of this Committee in the next Parliament.

I wish to point out a few issues that may not have come up. We received three memoranda from members of the public with regard to these nominees. The first one was from the Kenya Forest Working Group which urged us to ensure that there was gender representation in the council. The second one was from the Kenya Industrial Research and Development Institute (KIRDI) in support of Mr. Suresh Patel’s suitability to serve as a member of the Climate Change Council and finally, the memorandum from the Green Belt Movement raising objection as to whether the Kenya Climate Change Working Group is a representative of the organisations that should nominate.

We rejected the third memorandum because the Green Belt Movement was proposing the Pan-African Justice Alliance, which is not a Kenyan registered organisation to nominate and so we are comfortable with the nomination of Mr. John Kioli as the representative of the most represented civil society organisation in this country involved in climate change.

Hon. Speaker, I want to speak on one issue that is becoming a trend when organisations are asked to nominate individuals. They ensure that the person they want has zero competition from their number two. Let us look at the nominee from the Council of University Education. They decided to give a tutorial fellow the nomination slot intended for women so that the President’s hands would be tied in not nominating their preferred person and yet we have
hundreds of women with qualifications in the climate change area working in different universities in this country.
So, we felt it was important for us to reject this nomination to show the Council of University Education that they cannot send us the person they did not want so that the President’s hands are tied to appointing a person they want. We are ordering them that they nominate another woman who has more experience and is qualified enough to sit in a council that is chaired by the President. So, as a House, we must stand firm and stop rubberstamping nominations, so that people force the appointing authority to nominate their friends. That is the same reason we rejected the nominee from the indigenous and marginalised groups. Whereas she works for an organisation that serves marginalised communities, she does not represent marginalised communities as anticipated by the Act.

(Applause)

So, mine will be to urge the House to agree with the Joint Committee and ensure that Parliament does not rubberstamp decisions made by people earmarking individuals of their choice to be members of important national committees. Thank you, Hon. Speaker.