

NATIONAL ASSEMBLY

OFFICIAL REPORT

Wednesday, 8th February, 2017

The House met at 9.30 a.m.

*[The Temporary Deputy Speaker
(Hon. Cheboi) in the Chair]*

PRAYERS

The Temporary Deputy Speaker (Hon. Cheboi): We are short of the requisite quorum. I, therefore, order that the Quorum Bell be rung for 10 minutes.

(The Quorum Bell was rung)

Order, Members! I can see we now have the required quorum. Therefore, business will begin. Resume your seats, please.

PETITIONS

The Temporary Deputy Speaker (Hon. Cheboi): I see there are two Chairpersons of Committees who will be reporting on two Petitions as indicated on the Order Paper.

Hon. Pukose.

Hon. (Dr.) Pukose: Hon. Temporary Deputy Speaker---

The Temporary Deputy Speaker (Hon. Cheboi): Of course, you are the Vice-Chairperson. Therefore, you are representing the Departmental Committee on Health.

Proceed!

ALLEGED DETENTION OF THE BODY OF BERETTA RERI BY NAIROBI WOMEN'S HOSPITAL

Hon. (Dr.) Pukose: Hon. Temporary Deputy Speaker, I beg to lay the following Report on the Table of the House today, Wednesday 8th February 2017:

The Report of the Departmental Committee on Health on its consideration of a Petition regarding alleged detention of the body of Beretta Reri by the management of the Nairobi Women's Hospital.

The Temporary Deputy Speaker (Hon. Cheboi): Very well. The other is the Departmental Committee on Finance, Planning and Trade. That is Hon. Gaichuhie, the Vice-Chairperson representing the Committee.

Proceed!

PAYMENT OF TERMINAL DUES TO FORMER

EMPLOYEES OF PAN PAPER COMPANY LIMITED

Hon. Gaichuhie: Hon. Temporary Deputy Speaker, I also beg to lay on the Table of the House, the Report of the Departmental Committee on Finance, Planning and Trade on its consideration of a Petition on payment of terminal dues to the former employees of Pan Paper Company Limited presented to us by Hon. Patrick Wangamati, MP.

We want to say that the Committee found that Pan Paper and the Ministry concerned should have a list of authenticated employees and ask the National Treasury to make those funds available during the Financial Year 2017/2018, so that we can pay the former employees of Pan Paper their dues.

The Temporary Deputy Speaker (Hon. Cheboi): Now, just give us a pledge. We will give you opportunity to lay Papers under Order No.5. So, you can relax a little, Hon. Gaichuhie. Let us proceed to the next Order.

PAPERS LAID

The Temporary Deputy Speaker (Hon. Cheboi): Very well. You can lay the Papers, Hon. Gaichuhie. Proceed.

Hon. Gaichuhie: Hon. Temporary Deputy Speaker, I beg to lay the following Paper on the Table of the House:

The Report of the Departmental Committee on Finance, Planning and Trade on its consideration of a Petition on payment of terminal dues to former employees of Pan Paper Company Limited, by Hon. Patrick Wangamati, MP.

I want to tell the House that after considering the Petition, the Committee has decided that Pan Paper and the Ministry should have an authenticated list of the former employees. We urge the Ministry of Finance and the National Treasury to make funds available, so that these employees can be paid. It should be put in the Budget of the 2017/2018 Financial Year 2017/2018 so that they can be paid their terminal dues.

The Temporary Deputy Speaker (Hon. Cheboi): Very well. Now, we can also have the Departmental Committee on Health to lay the Paper.

Hon. (Dr.) Pukose: Hon. Temporary Deputy Speaker, I beg to lay the following Paper on the Table of the House:

The Report of the Departmental Committee on Health on its consideration of a Petition regarding alleged detention of the body of Beretta Reri by the management of the Nairobi Women's Hospital.

The Temporary Deputy Speaker (Hon. Cheboi): Okay. That is fine now. You can now lay the Papers and we go to the next Order.

MOTION

PERSUASIVE VOTER REGISTRATION

THAT, cognisant of the provisions of Article 38(3) of the Constitution regarding political rights of the citizens, aware that the Independent Electoral and Boundaries Commission (IEBC) is currently conducting country wide mass voter registration; further aware that this activity forms an integral component of

democracy and specifically the exercise of universal suffrage; appreciating the fact that as elected national leaders, Members of Parliament are key stakeholders in the process; concerned that unlike in the previous dispensation where the Executive, as part of the House, would regularly apprise the House on progress of such activities; also concerned that Parliament is oblivious of the current progress; further concerned of reports of low voter turnout in the current enlisting; noting the need for the deployment of a persuasive mechanism to encourage voter registration and participation in election of all identity card holders in the country; further noting that this would go a long way in the furtherance of Article 38 of the Constitution; this House instructs the Departmental Committee on Justice and Legal Affairs to urgently formulate and propose persuasive and compelling mechanisms, for consideration by Parliament, to motivate and encourage all unregistered citizens to register as voters and ultimately participate in the general elections.

(Hon. Njomo on 1.2.2017)

(Debate concluded on 1.2.2017)

The Temporary Deputy Speaker (Hon. Cheboi): Order Members! I can confirm that we have quorum. Order, Leader of the Majority Party! What remained on this Motion was for the Question to be put. Members, I want you to concentrate, so that you make your decision one way or the other.

(Question put and negatived)

Hon. (Dr.) Pukose: On a point of order, Hon. Temporary Deputy Speaker.

The Temporary Deputy Speaker (Hon. Cheboi): What is your point of order, Hon. Pukose?

Hon. (Dr.) Pukose: Hon. Temporary Deputy Speaker, I stand under Standing Order No.227 to say that our Committee has not reported on the Petition. It is listed on the Order Paper. We only managed to table the Report.

The Temporary Deputy Speaker (Hon. Cheboi): Unless you did not do it because that is what you were supposed to have done. What is it that you were tabling, Hon. Pukose?

Hon. (Dr.) Pukose: We tabled the Report of the Committee under Order No.5, which was tabling of Papers. After that, we are supposed to report on petitions. I beg for your guidance.

The Temporary Deputy Speaker (Hon. Cheboi): I am trying to get what you actually want to do. What you have done is under Order No.4. You reported on the Petition. Under Order No.5, you tabled the Report. So, what is it that you would want to do?

Hon. (Dr.) Pukose: Under your guidance, we tabled the Report under Order No.4. Then when we went to Order No.5, you ordered that we repeat tabling.

The Temporary Deputy Speaker (Hon. Cheboi): Order No. 5.

Hon. (Dr.) Pukose: You ordered that we repeat tabling. So we were able to table. I do not know where the Report on the Petition, which is listed at the back of the Order Paper, is. Under Standing Order No.227, we are supposed, as Chairs of Committees, to report on petitions.

The Temporary Deputy Speaker (Hon. Cheboi): Are you saying that you would want to give a brief?

Hon. (Dr.) Pukose: Yes, Hon. Temporary Deputy Speaker.

The Temporary Deputy Speaker (Hon. Cheboi): Actually, that should have been done under Order No.4, so that after you have done the brief, you can then lay the Report. I could allow you to do the brief, but that is not the neater way to do these things. Since you did not do it at that point, you can do it now, briefly.

PETITION

ALLEGED DETENTION OF THE BODY OF BERETTA RERI BY NAIROBI WOMEN'S HOSPITAL

Hon. (Dr.) Pukose: Thank you, Hon. Temporary Deputy Speaker. Under Standing Order No.227, I want to give a brief regarding the alleged detention of the late Berreta Reri by the management of Nairobi Women's Hospital. This Petition was presented to the House by Hon. Agostinho Neto pursuant to Standing Order 225(2)(a). It was considered by the Committee on 19th October 2016 and we called the Ministry of Health officials. We also called the management of the school where Berreta Reri was schooling, namely, the principal and the teachers. We also called the grandmother to the late Berreta.

The Nairobi Women's Hospital management also appeared before our Committee. Subsequently, they agreed to release the body through a waiver system. Therefore, the body was released.

This Committee is thankful to the Nairobi Women's Hospital management for the action they took. This matter was resolved. Berreta Reri's body was taken and buried by the relatives in Hon. Agostinho Neto's constituency.

Thank you.

The Temporary Deputy Speaker (Hon. Cheboi): Thank you. We can now proceed. Any Member who would want to look at the Report, it has already been tabled by the Committee.

BILL

Second Reading

THE SEXUAL OFFENCES (AMENDMENT) BILL

(Hon. (Ms.) Mutua on 25.1.2017)

(Resumption of Debate interrupted on 25.1.2017- Morning Sitting)

The Temporary Deputy Speaker (Hon. Cheboi): On this one, we have a balance of one hour. I do not know if Hon. Kibunguchy is in the House. He had the Floor. It seems he is not present, so I will give the opportunity to the Member for North Imenti.

Hon. Dawood: Hon. Temporary Deputy Speaker, I want to support this Bill. I want to comment on a few parts of the Bill which I think are right. The Bill says that we should not have

plea bargaining. I believe plea bargaining is something that should not be allowed at all because it does not take care of what a woman or man who has been violated would feel.

There is a case in my constituency where somebody has defiled a girl and he keeps defiling girls. I think we should have a register of paedophiles. In this country, people get off the hook because they have not been charged in a court of law or there has not been enough evidence to take them to court. We should have a register of paedophiles, so we can know that one is a serial offender, but he gets away because either he buys the family or he does other things.

The other provision in this Bill which I do not accept because I think it is not right is sexual education. I believe sexual education should be left to the parents because it affects the religious autonomy of each and every person.

If we are to enact this Bill, it would have consequences on people who can shake hands with the opposite sex. The Bill talks of any contact. I believe by talking about contact, even if I greet somebody, it would mean that I can be taken to court for a sexual offence, which I do not think is right.

When other Members were contributing to this particular Bill last time, they talked about *boda boda* operators. We have seen how people ride *boda bodas*. Sometimes you see three or four people riding on a *boda boda*, with a member of the opposite sex in the middle. Will such a scenario constitute a sexual offence? I do not think so because those are passengers who are moving from one place to another. It is not intended to be a sexual offence. I believe there are a few things that need to be addressed in this Bill.

Hon. Temporary Deputy Speaker, on punishment to be meted out to people who defile underage girls or mentally unstable children, we need to find a proper way of getting these people off the streets. The other thing I like about this Bill is the proposal on establishment of sexual offences report desks at police stations. There used to be such a desk at Meru Police Station some time back. Anybody who had been raped or indecently handled would go and report there. Unfortunately, it has since been removed. It should be put there permanently and be manned by specific officers to listen to complainants of the same sex since it is not just girls or women who are sexually abused. Even boys are abused by some people. Such boys also need protection. In a way, this Bill needs to be rectified during the Third Reading, if it has to go through.

We should not let sexual offenders go scot free. If possible, I will propose harsher punishments than what is currently contained in the Bill. We need to get the people who take advantage of our young children put behind bars.

We could even add provisions to address issues of pornography through this Bill. Our young children should be protected from pornographic movie makers. I know this has already been banned, but we should provide for harsher penalties for those who use our children to make pornographic movies. We need to bring up our children in a way that will enable them to become morally upright adults.

With those few remarks, I remain non-committal to this Bill until it comes up for consideration at the Committee of the whole House.

Thank you.

The Temporary Deputy Speaker (Hon. Cheboi): Okay, let us hear the Member for Nyaribari Chache Constituency.

Hon. Tong'i: Thank you, Hon. Temporary Deputy Speaker. The Sexual Offences (Amendment) Bill has very good and bad clauses. I am particularly concerned with the

provisions seeking to allow children who are below the age of 16 years to consent to sexual issues. On that front, I do not think it is good. On that account, I do not support it.

However, we need to make the necessary amendments, so that we do not throw the bath water together with the baby.

The Temporary Deputy Speaker (Hon. Cheboi): What is it, Hon. Member for North Imenti?

Hon. Dawood: Hon. Temporary Deputy Speaker, is the Member in order to mislead the House? This Bill does not contain a clause seeking to allow children under the age of 16 to consent to sexual issues. That clause was in the Statute Law (Miscellaneous Amendments) Bill, and the Leader of the Majority Party agreed to drop it. Children who are under 18 years are not allowed to engage in any sexual activity. I think the Member is confusing the two Bills.

The Temporary Deputy Speaker (Hon. Cheboi): I am sure you have taken note of that correction, Member for Nyaribari Chache.

Please, proceed.

Hon. Tong’i: Thank you, Hon. Temporary Deputy Speaker. If that has been amended, then I support the Bill.

The Temporary Deputy Speaker (Hon. Cheboi): Okay, let us hear the Member for Machakos Town, Hon. Susan.

Hon. (Ms.) Musyoka: Thank you, Hon. Temporary Deputy Speaker. I want to thank Hon. Florence Mutua for bringing these amendments. This is an important Bill and, therefore, we should not trivialise it. The inclusion of unwanted and intentional body contact in this Bill is timely. This is something women have been victims of for a long time. This Bill will deter the perpetrators of such acts of sexual harassment. It is important that women also become responsible enough and dress decently, so that they do not attract such perverts.

It is also very important for our police officers to be friendly to victims of such crimes by establishing desks for gender crimes. Our policemen should be trained to be sensitive enough to handle such cases with the seriousness they deserve. In many occasions, violated women who went to police stations to report such cases were ridiculed. They were told to repeat the story over and over again. Such women have been embarrassed. Some policemen have even told them to show them what really happened. It has been very embarrassing and difficult for women who want to report such cases.

Therefore, having police stations that are friendly to women, with officers who are trained to handle sexual offences matters will go a long way in helping victims of sexual offences.

The other thing that people keep trivialising is the matter of body contact. It is not just body contact. I wish there was a way of including it in the Bill. There is a song with the words “*kula kwa macho*”. This is something which has been going on over the social cycles. It means looking at a woman, undressing her and even engaging in the act without the woman’s involvement. This should not be allowed. Even the Bible does not allow something of that sort.

(Laughter)

The Temporary Deputy Speaker (Hon. Cheboi): Member for Machakos Town, that is a bit interesting. You need to expound on this person who undresses with the eyes.

Hon. (Ms.) Musyoka: Hon. Temporary Deputy Speaker, let me explain. The song says that if you look at a woman lustfully, you have already done the act.

(Loud consultations)

The Temporary Deputy Speaker (Hon. Cheboi): I can see that a lot of Members want to intervene on that particular point. Can I hear Hon. Wafula on this one? What is your point of order?

Hon. Wekesa: Ahsante sana, Mhe. Naibu Spika wa Muda. Kuhusu dada yangu ambaye anachangia, ninafikiri hajaelezea vyema ama maongezi yake si ya haki. Inamaanisha kwamba nikimtazama, kama ninavyomtazama hivi sasa, nimetenda kitendo kibaya? Ninaomba aondoe hayo madai.

The Temporary Deputy Speaker (Hon. Cheboi): Member for Machakos Town, maybe, you need to expound a bit on that claim. Let me hear Hon. Dawood.

Hon. Dawood: Hon. Temporary Deputy Speaker, I want Dr. Musyoka to tell us how to identify lustfulness. How would she know that my eyes are lustful and that they are not? I may be seeing her as a sister. She has to define “lust”. How can she see lust in my eyes?

The Temporary Deputy Speaker (Hon. Cheboi): Hon. Musyoka, please, proceed as you also respond to those two concerns.

Hon. (Ms.) Musyoka: Hon. Temporary Deputy Speaker, women can explain this. You walk into an office or you are seated concentrating on some work and then somebody stares at you and makes some advances with his eyes thus making you very uncomfortable as you go about your work. I hear that song play in FM radio stations. I believe you have also heard the song “*Kula kwa macho.*” It is so explicit.

(Loud consultations)

The Temporary Deputy Speaker (Hon. Cheboi): Member for Machakos Town, what I do not want you to do is say that “you have heard” because in all honesty, I have not heard it myself. I want you to proceed. Your particular statements are raising a lot of excitements. Let me hear Hon. Angwenyi then I will come back to you. Probably you would have thought about it.

Hon. Angwenyi: Hon. Temporary Deputy Speaker, is the Hon. Member in order to challenge God, who has given us eyes to look at people and things, so that we can appreciate their beauty and admire them and so that we can make advances, if necessary? Is she in order?

The Temporary Deputy Speaker (Hon. Cheboi): Hon. Angwenyi, you are actually the one who is out of order!

(Laughter)

Then it would mean that, because God has given you hands, you can use them for matters other than those for which those hands are meant.

Hon. Musyoka, do not respond to the last one, but the other two, in my opinion, are valid concerns.

Hon. (Ms.) Musyoka: Thank you, Hon. Temporary Deputy Speaker. I just want to over-emphasise the fact that women need to be treated with decency at work and in public places. We need to have our space and people should not have insinuations, whether verbal, non-verbal or by looking.

However, let us leave it at that because there are more important things that are in this Bill. There is lack of knowledge amongst many victims with regard to what one is expected to do after a sexual offence has occurred. Most times, survivors of sexual violence tamper with evidence which could help prove the violation. People land in court without knowing what to do and they lose their cases. So, we need the county governments and the national Government to explain these offences through sex education. They should let the people know what sexual offences are and what people need to do when those offences occur.

I heard one of our Members say that parents should teach their children. I wonder how many of you learnt sex education through parents. We need to have sex education taught in schools and public forums. We should respect one another. Women know what decency means. A decently dressed woman should not be advanced in public places. We should have our space respected.

The issue of soliciting money from victims or their guardians should be taken seriously. There are cases where mothers have been paid as little as Kshs1,000 to cover up sexual offences committed against their own children. Such guardians and parents should face the full force of the law. Perpetrators of sexual offences should not be protected. They should get severe punishment for defilement.

With those few remarks, I support these amendments. I hope they will go through because they are important. We need to have the knowledge, so that we know how to conduct ourselves when such offences occur.

The Temporary Deputy Speaker (Hon. Cheboi): Very well. Let us have the Member for Kwale.

Hon. (Ms.) Chidzuga: Shukrani, Mhe. Naibu Spika wa Muda. Nasimama kuchangia Mswada huu ambao ni wa maana sana. Ninalo ombi kwa Waheshimiwa Wabunge kwamba tusikimbie tu kuupitisha Mswada huu bila kurudi nyuma kuufanyia ukarabati kidogo.

Kweli tunatetea haki ipatikane upande wetu sisi wanawake, lakini ifahamike kwamba hata sisi wanawake tunachangia hizi shida zingine. Ukiangalia mavazi ambayo tunavaa, yatamfanya huyo mwanamme agutuke nafsi yake.

(Applause)

Je, atakuwa amekosea huyo au la? *We are provoking problems.* Kwa hivyo, katika hii sheria, tuende nayo kwa utaratibu tuweze kurekebisha mpaka katika Katiba. Kwa sababu wakati tunasema mtu anaruhusiwa kuvaa anavyotaka, lakini mtu avae nusu uchi, uwe unategemea nini? Uwe unategemea ufuatwe kwa macho na kwa vitendo. Kwa hivyo, Mswada huu ni wa maana sana na utaweza kulinda haki zetu pande zote mbili; wanawake na wanaume.

Ningependa kusema kuwa hicho kipengele kinachosema kwamba watu wanaweza kujadiliana ili kesi iondolewe, ningepomba wakati mwafaka ukifika tukiondoe. Wanaopatikana na hatia wanafaa kuadhibiwa hata kwa adhabu ya kifo kwa sababu watakuwa wamemharibia mtoto maisha yake, awe ni wa kike au wa kiume.

Shukrani.

The Temporary Deputy Speaker (Hon. Cheboi): Let us have the Hon. Member for South Imenti.

Hon. Murungi: Thank you, Hon. Temporary Deputy Speaker, for this opportunity to give my comments on this important Bill.

This Bill has good clauses, but some need further amendments when we come to the Committee stage. There is great need to protect our girls who are vulnerable to sex pests. Some men have become perverts. Some men cannot differentiate between children and women. So, we need to take care of such caliber of people. As Hon. Dawood was saying, sexual offenders should be tagged. They should compulsorily wear tags so that everybody seeing them takes caution so that they do not get preyed upon. It is very important to introduce sex education to our schools especially from Class Six to university. That way, our children will be informed.

Research that was released last year shows that nowadays children as young as 12 years are engaging in sex. We do not know how this happens. It is very important not to shy away from giving education to our children as early as possible. Some parents, because of cultural backgrounds are unable to talk to their children about sexual issues. It is, therefore, important that this is introduced in school, so that teachers can compulsorily educate the pupils and students on what is expected.

We also need professionalism when these cases are reported to the police. Once somebody is sexually molested, they feel downgraded and are not able to express themselves. The people who are supposed to assist them in police stations should be well trained, so that they can handle them professionally. As the Bill has suggested, every county should have several stations which can handle such cases.

Another thing that bothers Kenyans is when a sexual offender negotiates for his freedom after defiling a child. They negotiate to pay goats or cows, something which is not necessary. It is, therefore, important to emphasise that once they commit this offence, they should be punished by the law. Nobody should be given that opportunity to negotiate with the parents. Some parents will be enticed to get cash rewards or animals, so that they can sell them.

I support this Bill, but also request the definition of “indecent act” to be clarified. The definition of the word “contact” is a problem and it should be qualified. What type of contact should be attributed to a sexual offence? At times you could be in a queue, say, as you board a *matatu* and accidentally you squeeze somebody. In the process, somebody could accuse you of molestation just because you are in the queue. So, this should be qualified. There are some contacts which are intentional and others are not.

The Member for Machakos said that just looking at a woman could be a sexual offence. She is barring potential suitors from marrying because that is how courtship begins. If there is no admiration for a woman, then for sure, that woman has a problem. Therefore, married ladies should not bar single ladies from being admired by men so that they can also get married. This is a marriage process. There are so many ways---

Hon. (Ms.) Musyoka: On a point of order.

The Temporary Deputy Speaker (Hon. Cheboi): What is it, Hon. Musyoka?

Hon. (Ms.) Musyoka: On a point of order, Hon. Temporary Deputy Speaker. I just want to tell the speaker that when admiring a person, it should not be in such a way like you are undressing them. Admiration is just that.

The Temporary Deputy Speaker (Hon. Cheboi): Which speaker are you talking to?

Hon. (Ms.) Musyoka: Sorry, I was informing the Hon. Member.

Hon. Murungi: Hon. Temporary Deputy Speaker, she should demonstrate properly how we should admire women.

The Temporary Deputy Speaker (Hon. Cheboi): I do not want you to take that direction. As you can remember, during Hon. Musyoka’s contribution, she was particularly worried about what you have just said on demonstrating admiration.

Hon. Murungi: Hon. Temporary Deputy Speaker, that is why it is important to give girls who have potential of getting married a chance to engage with men.

Lastly, about indecent dressing, as Hon. Chidzuga said here, some of these sexual offences arise as a result of our ladies dressing indecently. When you go to the streets of Nairobi, you will see some women exposing their bodies and that provokes the opposite sex because it is natural. I encourage our women to dress properly.

There are some churches which have now introduced a rule that while attending the masses, women should wear long dresses up to the ankle. It is important for us to respect our culture and dress decently, so that we do not get into these problems.

I want to support this important Bill and thank Hon. Florence Mutua for introducing it in this House.

The Temporary Deputy Speaker (Hon. Cheboi): Hon. Mbui.

Hon. Mbui: Thank you, Hon. Temporary Deputy Speaker for giving me an opportunity to contribute to the Sexual Offences (Amendment) Bill. First and foremost, we need to be careful, as a House, not to consider this gender based issue. This is because when it comes to sexual offences, even men, whether young or old, are prone to sexual abuse.

I remember when I was in school, a security officer in a public girls' high school was raped to death by some girls. This was something which needed to be dealt with the seriousness it deserved. I was young and I wondered how that happened, but since I could not get all the details, I just remember the report. This Bill needs a lot of work to be done on it. I thank God because we are on Second Reading and in the Third Reading, we will introduce amendments and changes to the areas which we feel need to be corrected.

As Africans, we need to be understood. For example, when people talk about African time, it is not because we do not understand time, but it is our cultures. If you have an appointment to meet people at a certain time and before you leave your house someone walks in, it is unlikely you will tell them you have made an appointment and then leave them and go away. So, there are certain things which differentiate us from the people in the western world and generally it is our cultures.

As we deal with this Bill, let us be careful not to erode our cultures. We have cultures of seduction and how we get women and marry them. Therefore, we need to be careful that we do not come up with a Bill which will block our youths from marriage in future. Some of the courtship processes may be affected by this Bill. I am not saying this in essence that the whole Bill is wrong, but there are only a few areas which I disagree with.

The definition of "indecent act" in this Bill has added the words "unwanted and intentional body contact." I am happy the owner of the Bill has specified that it is with regard to genital organs, breasts or buttocks of another person. So, basically we get to know it has to do with sexual contact. But how do you know if it is intentional? How can you know that it is intentional when a man's hand touches a woman's buttocks?

At times a man could be turning in a crowded place and accidentally touches a woman because it is difficult to keep one's hands in the pocket all the time. So, it can happen that he touches the woman on the wrong part and this has happened to every one of us. It depends on the person whom you touch. If it is somebody who has a problem with you or does not like the way you look, he or she will take you to court and say it was unwanted and intentional. If it is somebody who does not mind how you look and thinks probably you are a good man, he or she will not take you to court.

We are creating a situation where this Bill could be used by people for their own personal interests and sometimes to victimise others. My concern is how you will know if it is intentional. Secondly, the Bill states that this does not include an act that causes penetration. When there is penetration, there is evidence. What evidence will you give for these unwanted physical contacts if there is nothing to show? With penetration, at least, we know there will be Deoxyribonucleic Acid (DNA) evidence and somebody will know there was penetration when two people come into sexual contact. But without that, how do you prove a person touched you? It is going to be your word against theirs.

Kenya has become a country where people prefer to take each other to court and this is likely to be used by people for personal reasons. It is important for us to be careful on this and craft it in a way that makes it specific to avoid opening up avenues for a lot of litigation. There is also the proposal by the Member that women should be decently dressed. I remember after the promulgation of the new Constitution, women went to the streets saying, "My dress, my choice." Here, we are again saying it is no longer their dress their choice, but "our Bills our choice." We need to ask ourselves whether we are going to follow the Constitution which allows people freedom of dress.

I know when we talk about decency and indecency, then, we may need to specify which parts of the body should not be exposed to the public and I would find reason to support this. If it is left to the women to make a decision on what is decent or not, it will be difficult. We do not go to the same schools, come from the same background and are not cultured the same way. Some go to church and others do not. So, it will be difficult if we leave it hanging by saying decent. The word 'decent' does not mean the same to everyone.

I want to support the issue of forming a gender crimes unit in police stations. That is something which has been in existence, but not well staffed and managed. Special training should be given to the police officers who are supposed to handle the gender crimes. Probably it should not be just a desk, but a separate office should be provided. One of the reasons why people have a problem with the desk is because when one wants to report a crime, you find other people reporting other different kinds of crimes. It becomes difficult for people to express themselves and say what happened to them. It is important for us to create an office and a unit with specially trained officers with proper equipment to conduct DNA testing immediately to know what really happened. This will go a long way in ensuring that sexual offences in this country are stopped.

The issue of public awareness through schools is important and a good point. It is important for our children to grow up knowing what is right and wrong sexually. I am a father of three children and one of the most difficult things I have had to fight with all my life is how to talk to my children about sex. This is because of the way I was brought up believing that sex is a taboo. So, how do I start talking to my young children about sex, something they will have to do with somebody they love at a certain age? There are certain questions I do not want them to answer.

If we pass this law, then it means that teachers who are a bit detached will be given a curriculum which will be developed with proper training and wording, so that they will know exactly how to teach. This is something that we need to support. We need to support the issue of ensuring that public awareness on sexual offences is brought to the fore.

Finally, there is the issue of out of court settlement and plea bargaining. It is a tragedy in this country that up to now, so many years after Independence, we have children who are defiled by grownups and parents do not side with their own children. Parents are comfortable taking

small payments which allow those perpetrators to go free. When they do that, those perpetrators will go and prey on other children and this problem continues. It is important that we criminalise any parent and anybody who gets to know of a defilement case and does nothing about it. We need to make it a criminal offence for the chief, village manager, parent, guardian or anybody else to allow it to be discussed out of court so that it is clear that this is a deterrent. We should also make sure that there is a very hefty penalty for anybody who commits such an offence.

With those few remarks, I support this Bill but with amendments.

The Temporary Deputy Speaker (Hon. Cheboi): Let us have Hon. Mahbub Fathia.

Hon. (Ms.) Fathia: Thank you, Hon. Temporary Deputy Speaker, for giving me this opportunity. I want to add to this Bill. This Bill is very important and I support it.

This Bill is very important because there are cases of sexual offences in all our counties. We do not know how to address them because there is no law in place. In the upper classes in primary schools, we need to introduce sex education lessons so that students are taught what happens. There are cases where some young girls are raped and cheated by their classroom teachers who give them sweets and lie to them and most of them do not know that the repercussion is getting pregnant. We need to pass this important Bill. We need to educate our young students. Nowadays, there is *Facebook* and social media and they will learn many things including pornography through pictures and videos. We need to teach them very early. We need to talk about it. These are not the old days when we hid those things from our students.

We need to have a police unit that is trained to handle these cases. Whenever those young girls who are victims are affected, they do not know how to talk about it. When they go to police stations, the kind of questions they are asked--- Some of the police ask: “*Umekuja kufanya nini? Kwani ulikwama? Ukishikwashikwa kuna ubaya gani?*” You need to know that those are young girls. Even if it is an old woman, she has rights. She is the one to allow someone to touch her or not. We should have a separate police unit. We also need to have some units in the counties and special departments to handle such cases, otherwise, things will get out of hand. We even see in the media and on television many girls who have been raped by their teachers who cheat them.

Sometimes, we need to teach our young girls how to dress. Sometimes, you find your daughters seated with their father and uncles in the living room while in very tight skirts. You know men are men. They do not realise that those are their daughters or nieces. Sometimes, as parents and leaders, we need to talk about this either at home or in school.

Lastly, we need to have a law in place so that we know how to curb this. How do we go about the Sexual Offences (Amendment) Bill so that those things can be counterattacked? Things will be happening rampantly. Many victims are ashamed. They cannot report matters to the police just because they do not have an upper hand. People do not know how to handle those cases. I want to stop there.

I support this Bill. We should look into this urgent matter in the country.

Hon. (Dr.) Nyongesa: Thank you, Hon. Temporary Deputy Speaker, for giving me an opportunity to contribute to this Bill. I will start by congratulating Hon. Florence Mutua for bringing this Bill.

Having said that, the Memorandum of Objects and Reasons for this Bill says that its main objective is to prohibit plea bargaining and collusion in sexual offences which help perpetrators of sexual offences evade justice and become repeat offenders. It also goes further to give opportunities or capabilities to law enforcing agencies to conduct investigations that can stand the test of time in court and to bring about awareness or education on sexual offences.

Having stated the main objective of this Bill, we would like to see whether the amendments that we will propose to the principal Act really support those three main objectives. One of the amendment that has been talked about so much is trying to define what indecent behaviour is. I want to add to what my colleagues have said that we need to be a bit careful when we define what indecent behaviour really is. We know that within the diversity of our cultures, there are some places where what you may call indecent exposure may not really be indecent exposure in other communities. If you went to Turkana and parts of Pokot and even some of the places where you, Hon. Temporary Deputy Speaker, come from, the Dorobo community, there is some kind of dressing that may look indecent or inappropriate to others but within those communities, because of the cultural setup, is not seen indecent. We need to be very careful. In other communities, that would be indecent.

We are also living in a global environment. You may find if you go to the coast, where people are at the beach, they are dressed in bikinis and are sunbathing. In other places you may take that to be indecent exposure but it is acceptable there because of the environment that has been created in terms of tourism. If we just come up with very generalised laws that define indecent exposure, we may water down the main objective of this Bill which was to prevent collusion and stop repeated perpetrators of sexual offences.

The other amendment is where it states that if somebody has been a sexual offender and he is looking for employment, the employer must know if this person is a repeat offender. How would you know unless there is a national register and it is obligatory for the employer to go into that register and check if somebody is a sexual offender? It will be very important if that register is established through this amendment. I hope my sister, Florence Mutua, is listening. I know she is being over-engaged by Gladys Wanga. I hope that she is listening to some of the proposals that we are putting forward. We need a register which we can check.

Last but not least, today, with modern technology, people are sending a lot of indecent material on social media and even on *WhatsApp* groups. If you are a member of that group, those materials may unknowingly end up in your phone. I know there are some countries where the administrators of those various groups will be held accountable. How are you held accountable for an independent adult who decides to send his own literature or photos on those kinds of platforms? We need to be very careful when we talk about distribution of pornographic material. There must be a proper law that clearly defines or stipulates who carries the burden when that kind of material makes its way to social media or platforms that are shared within groups instead of victimising the group administrator yet he cannot censor the material that is coming in. By the time it comes on, some people have already downloaded and circulated it.

Hon. Temporary Deputy Speaker, I am saying this because I have seen in some platforms materials about small domestic quarrels posted in social media and, maybe, these people agree and try to bring down some of that material that has been posted. But, you will find that there are various groups that have already photoshopped these things and they are distributing them after adding their own things. Even exposure of indecent behaviour happens, and I am sure some colleagues here have been victims of those kinds of things where their private lives have been put out there in the social media without their knowledge. So, we must come up with a law that properly puts the burden of who is the real offender in that kind of situation.

Hon. Temporary Deputy Speaker, to finish up, I would like to find out, because we are talking of sexual offences, and living in an era where we cannot deny that there are people who have distorted sexual orientations, how to deal with those kind of people. You have seen it in girls' and boys' schools. How do you deal with that as a sexual offence? How do you deal with

those kinds of issues? I hope when it comes to the Committee of the whole House, we will include those kinds of situations to enrich this Bill.

Having said that, I support the Bill and congratulate my sister for coming up with it. Thank you, Hon. Temporary Deputy Speaker.

The Temporary Deputy Speaker (Hon. Cheboi): I would like to have some two Members share their time. First, let us have the Member for Westlands, Hon. Wanyonyi.

Hon. Wetangula: Thank you Hon. Temporary Deputy Speaker for giving me this time to contribute to this Bill. First, I will contribute on the setting up of special units in police stations to protect victims of sexual offences. We have seen many situations in police stations when a victim of a sexual offence comes to report and she is exposed to something that seriously embarrasses her or something that makes her shy away from even disclosing the issue that has brought her to the police station. It requires some confidence for somebody to confide in the police what has happened. So, this is an important amendment Bill. I believe that the special units and specially trained police officers to handle these cases are very important.

Plea bargaining is a very dangerous thing and should not be allowed in any of our legislations in these kind of offences because it demeans and indignifies the victims who have suffered sexual offences. This is something that sometimes, the person who has committed the offence comes around and tries to persuade the parents of the child to agree on some compensation and then they do away with the case. This is something that we should look at very carefully because it should not be allowed anywhere in our legislation.

I also want to comment of Section II of this Bill. I believe that this is a section we should be very careful about because we would like to give some leeway to ourselves. When you just say touching and doing all manner of things, these are ambiguous definitions. They will bring a lot ambiguity in law and law must be precise. It should not have any ambiguity. We do not legislate in vain. We must legislate and make sure that the laws we have passed can be used to protect and deter some people from committing certain offences. So, if we just talk about indecency and touching, in the current lifestyle, we find people in many situations so much in contact with each other. You might not be doing it intentionally, but you find yourself in such situations and you could easily be victimised for having committed an offence when in essence it was not your intention.

I believe that when we legislate, we should also mind our cultural values because we are a country of diverse communities and cultural practices. You will find some of these things defined as indecent, may not be indecent in some other communities. In some other areas, you will find that such a thing is a normal. So, we must be very careful when we describe some things because it will bring conflict in some of our cultural values and practices.

Finally, I also want to commend Hon. Mutua. I believe that when we come to the Committee of the whole House, we should do a proper clean-up of this Bill so that we come up with a refined legislation that will add value to our laws so that we have pieces of legislation that are properly crafted and can be used. Laws are open to interpretation and they must give room for the courts to interpret and get offences that are committed be punished.

I would like to end there. I support part of this Bill but I will propose some amendments when it comes in the next stage.

The Temporary Deputy Speaker (Hon. Cheboi): I will, therefore, give the last chance to Hon. Mitaru. Unfortunately, you will have only four minutes because the Mover has to reply in the next four minutes.

Hon. (Ms.) Mitaru: Thank you very much, Hon. Temporary Deputy Speaker for giving me giving me this chance. First, I support this Bill because each one of us has a mother and many of us have daughters, sisters and none of us would wish to see that our children, sisters and friends being sexual victims at 16 years of age or earlier than 16 years. When you go to hospitals today, we find many young girls between 14 and 15 years with babies and in very strange positions because when they are expectant they do not know that they are going to have babies.

This Bill is going to help not just the nation of Kenya, but many girls of the world. Those men who excite and incite and sometimes rape young girls should know that the law is going to be very harsh on them because no man here would wish that his daughter at the age of 13 or 15--

Hon. Mbui: On a point of order, Hon. Temporary Deputy Speaker.

The Temporary Deputy Speaker (Hon. Cheboi): What is it Hon. Mbui? I do not see anything that is probably out of order. Let us hear what you have, Hon. Mbui.

Hon. Mbui: Thank you, Hon. Temporary Deputy Speaker. I would not have liked to intrupt my colleague Hon. Member, but when I was making my contribution, the identification on the screen showed that I am Hon. Stephen Mutinda Mule, MP Matungulu, yet I am Robert Mbui, MP, Kathiani. So, I do not know whether that is why people say I do not speak in this House. Maybe, all my “credit points” are going to Hon. Mule. Can you please assist?

The Temporary Deputy Speaker (Hon. Cheboi): That is a very valid point of order. Unfortunately, you see that is fairly administrative. Of course, that is something that will be taken into consideration. We will send this message to the concerned parties. You must be identified as the person whom you are. We will have an opportunity in the afternoon to see that it has been corrected. It must be corrected. Continue.

Hon. (Ms.) Mitaru: Thank you, Hon. Temporary Deputy Speaker. Mine is to continue saying that we want to support that proposal where we can do amendments to help the girl-child who is the mother of today and tomorrow and is going to be a grandmother of today and tomorrow. The same girl, if harassed at an early stage, will not be able to help her family and the nation at large.

*[The Temporary Deputy Speaker
(Hon. Cheboi) left the Chair]*

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

I want to recommend highly that all young men should be given lessons and support to understand and care for their sisters and girlfriends until they are over 20 years so that we have maturity in the families, homes and in our nation. The young girl should not be terrorised and introduced to early sex. Police officers who do not take care of the cases related to sexual offences that have been taken before them should be also be dealt with seriously by this nation.

I want to thank my sister for bringing this Bill that is going to help not just the girl-child but also the parents. We will all know that our daughters are being taken care of by the nation and its laws. Thank you for giving me this chance. I support the Bill.

The Temporary Deputy Speaker (Hon. Omulele): Very well. We should have the Mover to reply. Hon. Mutua.

Hon. (Ms.) F.M. Mutua: Thank you, Hon. Temporary Deputy Speaker. First, I want to sincerely thank all the Members who have supported this Sexual Offences (Amendment) Bill. I want to thank them for the various amendments that have been raised, which I believe will be addressed at the Committee of the whole House stage.

There are some few amendments that were raised, which I feel I need to clarify as we move to the Committee of the whole House. One hon. Member raised the issue of the boy-child not being covered. The Bill talks about a person; it does not specify the gender. Therefore, the boy-child is already covered.

Before I proceed, I want to categorically speak on two issues that have been raised on the Floor of this House and they are not in my Bill. One is the issue of winking. That is not in my Bill. The issue of *kukula na macho* is not in my Bill. The issue of people greeting each other as an offence is not in my Bill. I want to beg the hon. Members to stop trivialising this Bill because it is a very serious Bill.

Another hon. Member raised the issue of the fine of Kshs500,000 being a small amount. The proposed fine of Kshs500,000 is against an individual who, while seeking employment as a caregiver, fails to disclose previous sexual offences conviction. The amount is sufficient noting that the employer who violates the same provisions and knowingly employs an ex-sexual offence convict will be faced with a fine of not less than Kshs1 million. It is important to note that the wording of the Act is such that the two figures are the minimum that the court can impose. Therefore, the court is left with a wide discretion to impose a higher fine taking into account the circumstances of each case.

On the issue of having the database of people who have been convicted, we need the Ministry of Interior and Co-ordination of National Government to have a live database where any employer can access the names of the people who have already been convicted of the sexual offences so that it can make their work easier. We do not want them to end up employing those who are already convicted.

Issues have been raised about the definition of “indecent act” and that the vagueness may land an innocent person in jail. However, the wording of the definition of “indecent act” is very clear. The same refers to “intentional act.” The issue of intention is clarified in law. Looking at the Penal Code, “intention” is described as an act or omission which is dependent on the person’s will. The courts are guided by that definition and, therefore, any accidental occurrences do not constitute an offence. The speaker gave an example of a car breaking hence people’s bodies getting squeezed. That is not intentional but an accidental occurrence, which is not an offence. All cases before a court of law are based on tangible evidence. The same may be direct or circumstantial evidence.

The issue that was raised by one hon. Member about women using trumped up charges to frame men can be sorted out by the court based on the evidence adduced before it. On the issue of maintenance of a child born out of a sexual offence, there are children courts that deal specifically with children issues. The decision to seek maintenance for the child solely rests with the mother but she is also at liberty to move to the children courts for such orders. Section 91 of the Children Act gives courts the orders to grant such powers.

It is important to take into consideration the mental status of a woman victim in relation to whether she could be comfortable with the man who violated her still lingering around in the name of providing maintenance of the resultant child. Such a decision should be left to the individual victims. This issue has raised a lot of debate in the USA with some states granting the perpetrators visitation rights.

The issue of abortion was also raised by one hon. Member. That is, if a lady who has been raped should abort the child. The victims of a sexual offence are at liberty to seek the opinion of a trained health professional. Article 26(4) of the Constitution provides for grounds when an abortion is permitted in law. The Legislature though has the mandate to come up with legislation to permit abortion pursuant to the above articles of the Constitution.

The issue of the DNA samples was raised here. In the offence of gang rape, DNA samples of all the accused are taken and subjected to analysis. The DNA of the convicted person shall then be stored in the databank for dangerous sexual offenders, but the acquitted person's DNA shall be destroyed. Section 36 of the principal Act is meant to deal with that. Mental case patients are treated as vulnerable witnesses and they are adequately covered under Section 31 of the principal Act. They are accorded special treatment by the courts.

The databank of dangerous sexual offenders shall be kept in such a place as the Cabinet Secretary (CS) for the time being responsible for matters relating to legal affairs and public prosecutions shall determine. Section 36(4) of the principal Act already provides for that. Therefore, this is a policy issue which should be implemented by the relevant Ministry.

Section 47(a) of the principal Act directs the Chief Justice to make rules to aid the implementation of the Act. The timeframe within which cases under this Act may be heard and determined should be left to the directions of the Chief Justice who shall be guided by various factors. The Legal Aid Act provides for legal assistance to the economically challenged accused persons which one hon. Member raised because most people cannot afford lawyers. The victims of sexual offences are well represented by the Office of the Director of Public Prosecutions (DPP). Section 40 of the principal Act provides that the only person who can withdraw a sexual offence case before a court of law is the DPP. This ensures that the perpetrator does not compromise any case with a view to defeating justice. The withdrawal is also further guided by the Constitution under Article 157(8), that any withdrawal is dependent on the consent of the court.

On the issue of the semen, a sexual offence is not only hinged on the DNA test only. The courts rely on various forms of evidence in arriving at a determination. The oral evidence of the victim may be sufficient to convict. Therefore, a rapist who uses a condom may have prevented his semen from being used as evidence but an acquittal will not be automatic. Semen is not the only form of DNA. An hon. Member talked about ensuring that a special cadre of police is trained on forensic science. A proposal in the amendment that a special unit be formed by the National Police Service (NPS) to take control of sexual offences in each county is sufficient in the circumstances, noting that the unit will undergo special training for capacity building. Therefore, forensic training will be expected to form part of that training.

As I conclude, sex education is an emotive topic. The introduction of sex education in the school syllabus is long overdue---

The Temporary Deputy Speaker (Hon. Omulele): Hon. (Ms.) Mutua, your time is up. I will, however, add you a minute so that you can wind up.

Hon. (Ms.) Mutua: Thank you, Hon. Temporary Deputy Speaker. Biology teaches students about the reproductive system but it does not go further to elaborate on the dangers of experimenting. Education in Kenya is compulsory but church attendance is not. As legislators, we must guide the country whether we should continue hiding under the guise of culture and morals while moral decadence eats up our society. We respect culture but some cultures are slowly disappearing from Kenya. Therefore, placing reliance on culture to eliminate the scourge of early pregnancies will be foolhardy. We all know that Female Genital Mutilation (FGM) is

backward and should be eradicated. We need to have a middle ground as we move to the Committee of the whole House. We need to agree on a point at which to introduce sex education. I want to thank Members. I hope that they will pass the Bill to the Committee of the whole House.

Thank you, Hon. Temporary Deputy Speaker.

The Temporary Deputy Speaker (Hon. Omulele): Hon. Members, for obvious reasons, I will not put the Question. I have heard you clearly. *Kula kwa macho* is not in your proposed Bill. The proponents of *kula kwa macho*, who have been making consultations while Hon. (Ms.) Mutua was on her feet, should know it has not been included in the Bill.

Hon. Members, let us now move to the next Order.

BILL

Second Reading

THE LIVESTOCK AND LIVESTOCK PRODUCTS DEVELOPMENT AND MARKETING BILL

Hon. Abdinoor: Hon. Temporary Deputy Speaker, I beg to move that the Livestock and Livestock Products Development and Marketing Bill (National Assembly Bill No. 44 of 2016) be now read a Second Time.

Hon. Temporary Deputy Speaker, the livestock sector contributes almost 24 per cent of the total Gross Domestic Product (GDP) in our country. As you are aware, only 30 per cent of this country's land is arable or productive in agricultural farming. Seventy per cent of the remaining land mass is for pastoral farming, which has been neglected by all successive regimes since Independence. The livestock sector is concentrated in ASAL areas, and it accounts for 90 per cent of employment.

The Temporary Deputy Speaker (Hon. Omulele): Hon. Abdinoor, allow me to recognise pupils from the following schools: Kinderworld Academy from Langata Constituency, Nairobi County; Kirege Secondary School from Chuka/Igambang'ombe Constituency; Tharaka Nithi County, and Embakasi Benedicta Primary School from Embakasi East Constituency, Nairobi County. You are all welcome. Enjoy the warmth of the House of your representatives.

Hon. Abdinoor: Hon. Temporary Deputy Speaker, I would also like to welcome them to the august House.

The livestock sector is dominated by small-scale farmers, and 90 per cent of the population in this country depend on the livestock sector for their livelihoods. Despite the dependency on the livestock sector, 70 per cent of the poverty levels in this country are in ASAL areas. This is due to poor policies implemented by the colonial regime and later, by the independence regime. The Government of Kenya prepared Sessional Paper No. 10 of 1965 that favoured the high potential areas to the detriment of the low potential areas which are mainly inhabited by pastoral communities. Over the years, those areas have remained with the lowest levels of education and development rating in Kenya.

Hon. Temporary Deputy Speaker, the livestock sector has three sub-sectors, namely; dairy, skin/hides and meat. The successive regimes of this country invested heavily in the dairy industry. We have the Kenya Dairy Act, which only stipulates production, utilisation and marketing of milk. The meat industry that 80 per cent of the pastoralists depend on has been neglected. No one has

been investing there. In the last two decades, the per capital productivity in Kenya has been stagnant due to poor governance of the agriculture sector by the Livestock Department. There has been lack of capacity in the private sector. The Government has never attempted to build the capacity of the poor pastoralists in Turkana, Samburu, Garissa, Mandera, Wajir, Isiolo and other ASAL areas in terms of investing in that sector. Poor marketing strategies implemented by the successive regimes have also brought down the entire livestock sector.

The Government has introduced authorities to regulate and monitor agricultural productivity in this country. The cotton industry has the Cotton Dairy Development Board. The same applies to the tea, coffee and pyrethrum industries. The livestock sector has been ignored; no one has invested in it. The Government has severally tried to bring blue prints to improve the sector. We have the Vision 2030, the National Policy for Development in Northern Kenya, the Livestock Development Policy, among other policies. However, these policies have never been implemented.

The livestock chain includes various things that can be produced locally and exported. It encompasses live animals, meat, skins and hides, hooves, bones and milk. Our neighbouring countries, like Somalia and Ethiopia, are exporting such items. Somalia, without a structured government, exports our animals all the way from the North Eastern region to the Middle East. We can do the same but bureaucratic red tape and the approach that the successive regimes in this country have had towards the livestock sector is worrying. The Bill seeks to address the marketing weaknesses in the livestock sector, mainly the meat industry. The livestock and livestock products trade does not result in sufficient income for livestock producers and traders in Kenya. The current market system we have for the livestock sector consists of private butchers, traders and transporters as the main actors in that sector leaving all other stakeholders such as the Government and other machineries. This type of a marketing system is very responsive to market forces. It implies that the market is relatively sensitive to prices. Whenever the prices go down, it will immediately correspond to a change in the consumption and this is very worrying in this industry. This is happening because of lack of regulation, proper structures and legal framework that can oversee the sector.

If I go direct to the Bill, what I am trying to do is create a livestock marketing and products development board which is going to regulate and oversee the entire livestock sector. As we all know, under the Fourth Schedule of the Constitution, livestock is devolved. It is a function of the county governments and county governments cannot invest in the livestock sector because of lack of authority and proper structures at the national level. This brings a lot of problems to the pastoralist communities in this country like lack of markets for them locally and internationally. What happens is when there is no demand in the local market, the butchers and traders collude and import animals from the neighbouring countries, which will make the market stagnant and prices come down immediately. This is happening because of lack of regulation in our country and we must provide an institution that can regulate the livestock sector in this country.

The livestock marketing board will have a membership of nine. Some of the functions of the board will be to regulate the livestock and livestock products development and marketing industry in this country. It will collaborate with the ministry for the time being responsible for trade to promote the livestock products through agreements between countries. The biggest problem we are facing is we cannot export any animals to the Middle East now because of the bureaucratic documentation somebody needs to acquire before he exports a single kilogramme to Dubai or other Middle East countries. Ethiopia, Uganda and Somalia are exporting to the same countries and earning a lot of foreign exchange. The Government has invested heavily in tourism

and other sectors leaving out the livestock sector. When you go to Botswana, one of the biggest contributors to the GDP of Botswana is the livestock sector. In our country, we have close to 15 to 17 million animals and Botswana has only 9 million animals in their country yet 40 or 50 per cent of their GDP comes directly from the livestock sector. This shows the attitude governments have been having towards the climate change in this country which has caused the persistent drought, lack of pasture and water and conflict in pastoral areas. This is really affecting the pastoralist community and as leaders, we must come up with a structured policy that can help the system.

The other function of the board will be to advise the county governments and the national Government. Currently, we do not have anybody who advises the national Government and the county governments regarding livestock in terms of pricing, early warning systems when there is persistent drought and in terms of zoning this country to identify where to go if you want to produce and export meat or milk and the zones which are disease free in this country. The pastoralists and livestock herders do not know anything to do with zoning in this country. If I want to fatten my animals or produce milk to export, I do not know which part of this country I will go to. I also do not know if there is any data existing in the livestock sector in this country. We do not know how many animals we have and we do not have data in terms of disease prevalence. The common diseases in this country which affect livestock have never been documented by the Ministry of Agriculture, Livestock and Fisheries because of lack of proper structures there.

In the last Parliament, there was a Bill called the ALFFA Bill. For some reasons, they removed the livestock. The letter “L” in ALFFA was standing for “Livestock” and we did not know why they removed it. They passed the AFFA Act which only stands for tea, coffee and horticultural products leaving out the livestock sector and not providing an alternative method to cushion the industry.

The board will also act as a liaison between the national Government, the county government, the private sector and other agencies in matters relating to development and marketing of livestock and livestock products in order to limit duplication of effort and ensure optimal use of available resources in our country. The board will also provide market access for all producers and stakeholders through interventions aimed at enhancing efficiency and competitiveness. It will also prepare and update national livestock development and marketing plan for the country to coordinate implementations and activities in the plan. It will coordinate national donor funded projects. Currently, there is no coordination in the country. The board will also facilitate the marketing and distribution of livestock and livestock products through monitoring and dissemination of market information, including identification of local supply-demand status, domestic market and oversees market intelligence on livestock. There is high demand for our meat in other parts of the country because our meat is organic. The demand is there and we have the supply. We only miss the link. If we provide the link, I assure this country that the livestock sector will be one of the biggest sectors that contribute to our GDP.

The board will also establish linkage with research institutions. Currently, the livestock sector is under the crop research institutions. We do not have an independent institution that researches on livestock in our country. We need to strengthen training in our animals. You have seen the 411 today. There was a lot of bush meat in Burma and other markets in this country. This is because of lack of regulation in the industry. The board will also collaborate with other relevant stakeholders including the Kenya Wildlife Service (KWS) to incorporate other animal species designated as wildlife into mainstream livestock, like the camel. It will encourage

investments in the livestock-based value addition in this country. Nobody is willing to invest in value addition in the livestock sector now because there are no proper incentives from the Government or the Government is not doing anything to market it outside the country and locally.

The board will facilitate the development of skills and adoption of appropriate value addition technologies before the export of livestock products from Kenya. Currently, we are only exporting 0.02 per cent of animals to other parts of the world while we could do 10 or 15 per cent in the 1970s and 1980s. The board will also develop and promote national good practices in livestock production, processing of livestock products and marketing of livestock products. Currently, we do not have any institution that supports the local communities and the local farmers and herders who are looking after animals. The board will also support the local manufacturing industry, just like KMC and other slaughterhouses in this country, to facilitate them to export meat in all parts of the world. The board will also safeguard the interests of various stakeholders in the industry. It will develop and rehabilitate livestock marketing infrastructure including roads and holding grounds to support the livestock sector in this country. Currently, when you transport animals all the way from Kainuk in Turkana to the Nairobi slaughterhouse which is past Mlolongo, that is about 1,600 kilometres, the weight will almost go down by 10 to 15 kilogrammes due to the bad roads that we have in this country. Even the transportation system we use to transport animals in this country is not friendly to the livestock sector.

The board will collect data and maintain a database of livestock and livestock products in our country. It will monitor and establish systems to disseminate relevant data on livestock and livestock products in both consumers and producers. It will advise the national Government and the county governments on levies for purposes of planning and enhancing harmony and equity in the sector. The Kenya Dairy Board has introduced a levy in the dairy industry without consulting other stakeholders in this industry. This board will cushion the livestock farmers and put mitigation measures to make sure there is adequate consultation in the sector. The board will also advise the national Government and the county governments on matters relating to national and county government policies. Currently, the county assemblies can do any by-laws to do with the livestock sector because there are no structures at the national level. Once we put in place the livestock marketing board, I assure the country that the county assemblies will do something in the livestock sector.

The board will coordinate the promotion and improvement of livestock management systems in the country for sustainable development of the livestock industry. As we see, climate change is real in this country. Rainfall is very low in some parts of this country and mainly the ASAL areas. We must develop a proactive approach towards the livestock sector. Otherwise, the sector will be gone for good. The board will facilitate the establishment of strategic business partnerships between communities and county governments. The board will have nine members that will constitute of the Principal Secretary (PS) for Livestock, PS for the National Treasury for purposes of finances and PS responsible for the ministry responsible for county governments which is the Ministry of Devolution. This is because devolution is key and livestock now is a devolved function. We must have a county government representative or the Ministry of Devolution to take care of the interests of the counties at the level of the board.

The Bill intends to give powers to the board so that it can have a Chief Executive Officer (CEO) that can oversee the day to day operations in this sector. Currently, it is KMC which is addressing the issue of livestock. To my understanding and every livestock trader will tell you,

KMC is a slaughterhouse. It is doing nothing to the pastoralist communities. It is doing zero to the livestock sector in this country. It is just like a slaughterhouse in Kakamega, Turkana or Mandera. We must have a mechanism that links international and local markets and give data on the market. The meat industry contributes about 70 per cent of the red meat which is consumed in this country, and which comes from Arid and Semi-Arid Lands (ASALs). The livestock sector has faced many challenges in marketing because middlemen are the biggest beneficiaries. They are the ones who are taking the largest profit between the producers and the processors.

Climate change is also distorting the market in form of too much stock in the market during drought and lack of stock in the market during rainy season when there is grass. Lack of proper regulations has caused some of those challenges. Livestock marketing is totally disorganised in this country. Producers are practising opportunity selling. They are the ones who determine the market in terms of when to sell and when not to. They determine the need on a cash basis thus reducing the stock density. The Bill will also ensure that proper reports will be coming to Parliament every financial year.

Clause 25 in Part IV of the Bill says that there will be a public engagement strategy that is going to engage the livestock herders, traders and stakeholders in this industry. The board will have to develop a network and partnership between livestock, livestock products and co-operative societies. The board will also form joint ventures and partnerships between livestock owners and co-operatives in the private sector, with a view of creating opportunities for marketing livestock and livestock products. The board will also work with the Export Processing Zones (EPZs) and establish EPZs in areas with high number of livestock.

During the colonial era, this country was divided into ranges where you can only take holding grounds. If you wanted to export your animals, the holding grounds were in Mombasa. If you wanted to rear your animals, the ranches were in Laikipia. There were proper systems and structures. We must maintain and regulate those structures and enhance the sector.

The board must do a public engagement exercise every year. The board should only sit four times in a year. They will prepare a report every financial year to Parliament and to the county assemblies since this is a devolved function. This will ensure that the county assemblies can debate and have mitigation measures during drought and after.

What we are doing in this country will not help the livestock sector. The offtake programmes we are funding and the feeding of the pastoralist communities are fire-fighting mechanisms in this country and will not help the sector.

The objective of the board will be reviewed every year and there must be a target achieved. Without targets, we will not go anywhere. The progress they have made every year to improve the livestock industry have to be tabled in the county assemblies, National Assembly and the Senate. The actions taken by the national Government and county government to address the challenges facing the livestock industry during the year should include all the other efforts that can improve and achieve the objectives of the board. They have to recommend legal and administrative measures necessary in carrying out the functions that can improve the livestock sector.

The board will be able to give information to any citizen regarding the livestock sector, the data that one needs, the research you want to do, all the diseases that are available in this country, disease-free zones and zoning this country into various sectors.

There are general provisions in the Bill. I am trying to amend the Kenya Dairy Act so that we can remove the aspect of marketing from the Kenya Dairy Board. What the Kenya Dairy Board is doing is only marketing one livestock product, which is milk. It has forgotten the skin,

meat, hooves and all other variables that can be marketed in this country. We, therefore, need to have a body that exclusively deals with marketing just like in the tea, pyrethrum and cotton industries. Currently, nobody knows the meat prices in this country. If you want to sell a carcass, you need to have about five documents for you to export one kilo of meat to Dubai, Saudi Arabia or any other part of this world while in the other sectors, you will only go to one shop and get all your documentation. You need to go for halal certification, a document from Kenya Meat Commission (KMC) and standardization from Kenya. So many documents are required for you to export a single kilo of meat to other countries, which is not common in the other sectors. If you want to export flowers or horticultural materials, you just need to go to Horticultural Crops Development Authority (HCDA) and get all the documents you require for you to export that kind of product to other parts of the world.

The main aspect of this Bill is to cure the marketing aspect in the livestock industry. This is in line with an industry which is very important and a main source of income to many pastoralist communities in this country. Almost 95 per cent of pastoralists directly or indirectly depend on this sector. The Government must do something to safeguard the interests of the people who are living in 80 per cent of the land-mass of this country. We need to streamline this sector by establishing the Kenya Livestock and Livestock Products Marketing Development Board. The board's main dealing will be the concerns of marketing of livestock products only. It is expected that the results will be efficient in the livestock sector. Livestock has many products that can be exported and produced locally in the market. Without realising the linkage, our country will not be favouring the livestock sector.

My final remarks on this Bill are these: I request Hon. Members to support this Bill because it will have an impact on pastoral communities in this country. For the last 50 years, successive governments have neglected the sector. They have never invested in this sector. If you see the kind of budget the Veterinary Department and the KMC get, compared to other sectors, you will be shocked. In this season of drought, the pastoralist communities have not been given any incentives. When there is a problem in the cotton or coffee sector, there is about Kshs 3 billion that the Government gives to cushion the people in that sector. The Government has never done anything to cushion the pastoralist community because the British systematically ignored that sector and called it a low potential area. Successive Governments have been implementing those patterns, regulations and policies which were brought by the colonialists. With those few remarks, I beg to move. I would like Hon. Aden Nooru, the Chair of the Departmental Committee Agriculture, Livestock and Cooperatives to second.

The Temporary Deputy Speaker (Hon. Omulele): Hon. Abdinoor, who is seconding?

Hon. Abdinoor: The Chair.

The Temporary Deputy Speaker (Hon. Omulele): The Chair of the Departmental Committee on Agriculture, Livestock and Cooperatives. You have the microphone. A clarification Chair, in the event that you second, you will lose your slot as Chair, which is 30 minutes. It is entirely up to you. Chair, proceed.

Hon. Nooru: I will contribute as I second. I will try to play the role of the Chair and comment on where there are shortfalls in the Bill. I will also contribute as I second. I would like to take this opportunity to thank Hon. Abdinoor, Nominated Member of Parliament, for moving this Bill. It is timely and long overdue. From the history of this country, every other sector in this country that deals with crops such as cotton, tea and pyrethrum has been managed by a board. This very crucial sector of livestock contributes largely to the economy of this country and almost half of the Kenya landmass is in the ASALs. The people who live in ASALs

depend on livestock. At the same time, Hon. Temporary Deputy Speaker, livestock products contribute largely to food security in this country. It is not only crops which have been invested in by successive Governments in terms of uplifting the standards of living in those areas of high potential, both in dairy and crop farming. In the two Ministries of Agriculture and Livestock, livestock is overlooked and it becomes almost subordinate to agriculture all the time. Therefore, in terms of resource allocation and historically, the Government has never invested in this sector. Even the previous colonial Government never invested in the sector. They have made it a closed area where livestock is not even treated during disease outbreaks. The high potential area of the dairy sector is given a lot of preference in resource allocations.

Time has come. This is a potential sector in this world; not only in Kenya but this world. We have lost almost all the markets in the world. The Arabian countries, which are the biggest consumers of meat are next door, but they are exporting meat to as far as Australia and Brazil at very high costs. We have lost our European Union (EU) quota of beef to very small countries like Namibia and Botswana. It is very unfortunate that this very critical sector, which has a very high potential as I have said, has been neglected by the Government and has never been structured in any way. Only a skeleton department exists under agriculture all the time. Agriculture, because of the pattern of rainfall and climatic change in this country, is almost diminishing. The land use is also getting exhausted. We have been applying fertilisers. The land size is being reduced in terms of farming. But the large chunk of land in the arid and semi arid areas where there is high potential even in terms of agriculture and where we would have done a lot of irrigation, has been ignored. We are really trying to concentrate on merry-go-round by investing in high potential areas by giving them subsidised fertilisers, buying their products in terms of food security and giving them those preferences and opportunities. But time has come when the Government must look into this sector and invest in it heavily.

I thank the Member for bringing this Bill. It will streamline and structure the livestock sector. There is no head or tail at the moment. You do not know who is a farmer, who is a trader or who markets it. We have lost totally the entire opportunity of livestock business in this country.

The other aspect that has really affected livestock business in this country is diseases. It has never been looked into. For the last five years, we are trying to create a disease-free zone in this country. Unfortunately, that is one area which has hampered even the export of our livestock products and produce.

Therefore, we need Members to support this Bill. It is very critical. It is going to bring sanity in this sector. We shall have a structured kind of business and give farmers direction in terms of development of livestock, marketing and processing. We must have structured end results until we reach the consumers.

The Bill is very timely. I urge the Members to support it. However, there are a few clauses which I need the Members to look into so as to streamline the Bill. Clause 5(a) is on the mandate of the board. In most cases, where we have developers, marketers and processors, you cannot cook your cake and eat it. The regulatory body should have been a different one in this case. The regulatory body should not have been the same board. The board, the process and the whole value chain should have been regulated by a different body. That is one area I need Members to look into.

In the same Part II Clause 5(d), on the liaison between the national Government and the private sector, there are county governments. The idea is that the board should be able to liaise with the national Government, county governments and the private sector.

In Clause 6, the board's composition also has an issue in the sense that there are about four Principal Secretaries (PSs), including the Director of Veterinary Services, in a board of eight or nine members. It will become more or less half a Government institution. For one, I propose the removal of the PS for Co-operatives and we remain with the PSs for Livestock, Finance and Devolution – those three PSs.

On Subsection (g) of Clause 6, there is no need for the Director of Veterinary Services and his PS to sit on the same board. Either the PS or the Director of Veterinary Services should be a full member, while the PS could make the Director of Veterinary an alternate because there is technical assistance required from the Director of Veterinary. I will have to say that on the composition of the board.

Section 6(2) is the appointment of the chairperson. I have had experience of the composition or appointment of the board or chairman of the Agriculture, Fisheries and Food Authority (AFFA). It says: "The chairman shall be appointed through a competitive process by the Cabinet Secretary (CS), with the approval of the National Assembly." It is very cumbersome. For a person who is temporary and not executive to be sourced competitively in the first place? This is not a full time job; it is a part time job. I do not think there is any need for subjecting it to unnecessary competition. That should have been the work of the Executive or the Chief Executive Officer (CEO) of the board. But, for the chairman, I think it should be left just like in any other parastatal, to be appointed by the President, not even by the CS. Even the appointing authority is not even indicated there.

On the qualifications for the chairman, where the Bill says he should be a master's degree holder in agriculture and veterinary service, I think for the chairman, being in charge of policy, there is no need as to why we should subject him to qualifications of a certain sector. He should have wide knowledge and can come from any sector. He can be a lawyer. He can be a scientist. There is no reason why we should confine him to being a veterinary scientist only. It should be left open. But that should have been the qualifications for that particular sector for the chief executive officer. The experience of 15 years for the chairman and 10 years for the board member is on the higher side. It will lock many people out. Therefore, it should be looked into.

Sub-section 11 of the same Section, Clause 11 states: "The member of the board shall be paid certain remuneration, allowances and disbursements of expenses as may be approved by the Cabinet Secretary. That should also be substituted by the Salaries and Remuneration Commission and not the Cabinet Secretary who should determine the remuneration of the board.

On Sub-section 13 is on the qualifications of the CEO. If you have fixed Masters in veterinary science for the chairman, and you have left only the qualification of the executive, that he should have relevant expertise and qualification in the livestock sector, I think the CEO's qualifications should be raised above having expertise in the livestock sector.

Hon. Speaker, I think the last one is that this Bill is a very good one. I appeal to Members to support it. At the same time, the issue of KMC was just mentioned. It is a very critical institution in this sector. For many years, the Government has tried to uplift the face of that factory but, up to now, it has not managed do the same. As a Committee, we have tried to budget every time, but the Treasury goes behind our backs and remove whatever has been budgeted for that institution. Therefore, the Government should look into that and see how that critical sector of livestock, which contributes substantially to the economy and food security in this country, can be enhanced. Capital investment must be done in the value chain in terms of production, processing and even marketing.

We need this country to invest heavily on the livestock health sector in this country. We have only one institution which produces vaccines for livestock in this country. That is not even known to Kenyans. The livestock drugs and vaccines in this country are very expensive whereas we have a capacity to produce livestock vaccines locally. The Government is not giving capital investment to that institution so that, at least, it can modernise those machines to produce more vaccines for the farmers to afford the drugs.

Hon. Temporary Deputy Speaker, with those few remarks, I beg to second. Thank you.

(Question proposed)

The Temporary Deputy Speaker (Hon. Omulele): The Leader of the Majority Party.

Hon. A.B. Duale: Thank you, Hon. Temporary Deputy Speaker. I beg to support the Bill. I want to thank Hon. Abdinoor. He is from my party. I thought he would go home after five years without bringing a Bill. Today, I am a very happy man. Congratulations, Hon. Abdinoor. At least, you will go into the annals of history for being the first pastoralist in all the subsequent Parliaments, up to the 11th Parliament, to have thought about livestock and brought a Bill.

Livestock industry is a major source of income for many households in Kenya. I, being one of them, I went to school and my parents paid school fees from the proceeds and sale of livestock and livestock products. This is farming that is confined to over 14 counties in this country. We were shocked for many years why the livestock industry---

The Temporary Deputy Speaker (Hon. Omulele): Leader of the Majority Party. Allow me to just interrupt you shortly, so that I can recognise pupils from Kapsum School, Embakasi Constituency, Nairobi County. You are welcomed to the House and feel the warmth of the House. I also wish to recognise the presence of students of Milimani High School, Naivasha Constituency, Nakuru County. They are also welcomed to the House. Leader of the Majority Party, kindly proceed.

Hon. A.B. Duale: Thank you, Hon. Temporary Deputy Speaker, Sir. We welcome the future of our country. I am sure they are working very hard because a man called Matiang'i is in town. So, they must sweat and read for their exams.

So, the board that this Bill anticipates to create will do a number of things. It is supposed to regulate the livestock and livestock products development and marketing industry and do collaboration between the Ministry responsible for trade. This is the board that is supposed to be focussed on how to create markets both locally and internationally for livestock and livestock products to Middle East and countries where livestock products are consumed.

The board is supposed to advise the national Government on matters relating to livestock, act as a bridge and liaison between the national Government and the private sector and other agencies in as far as livestock business is concerned and provide market access. The key issue is how we access livestock markets for the producers, stakeholders and those who deal in value addition. That will be the function of the board - to create efficiency and competitiveness of the livestock sector. The board will prepare and maintain updated national livestock census because we need to know the number of goats, sheep and camels that we have.

My colleagues go to Kiambu and do coffee farming. They do tea farming in Kericho. Hon. Nyikal and his team do fish farming. We do camel farming. We do goat farming. We must coordinate and build that diversity. The board is supposed to coordinate national donor funded projects related to the development of livestock. There are too many projects funded by donors

everywhere in our country, mainly in the ASAL areas. We want the donor community to deal with the board so that the harmonisation of resources can be done.

This board is supposed to establish linkages with research institutions for the conduct of studies and research designed to promote production and processing of livestock products. I want to confirm to the House that, today, you can walk to any hotel in the CBD and get camel milk and meat. I remember my old friend the late Prof. George Saitoti and the Deputy President Hon. William Ruto in the last Parliament. We used to walk to hotels in town to go and eat camel meat and drink camel milk. If you walk into any supermarket today, mainly Nakumatt, you will find camel milk, which researchers and medics have confirmed has a lot of medicinal value. So, the research institutions are very key. The board will deal with training, supervision and regulation of service providers dealing with livestock and livestock products.

When I joined politics in 2007, and history will confirm this, I joined a party called ODM. What made me join that party were two major fundamentals. One, they advocated for devolution. They stood for devolution. But more important was that, in the Manifesto of ODM then, there was the element of livestock insurance policy. They had promised that, once they took over power, they would introduce a livestock insurance policy. That made me subscribe to the ideals of that party. When they did not form the Government but got half-Government, I was appointed to the Ministry of Livestock Development as a Deputy Minister. I raised the issue in the party caucus many times. What happened to the insurance policy which was on your Manifesto? I was told that was just for vote-hunting. Today, I want to confirm---

Hon. Oyoo: On a point of order!

Hon. A.B. Duale: You know you were in KANU then! You were not even in ODM! You were a KANU man! So, I am talking about ODM.

The Temporary Deputy Speaker (Hon. Omulele): Hon. Oyoo, what is out of order?

Hon. Oyoo: Hon. Temporary Deputy Speaker, this is a House of records. We have read the past records, and we know what is happening. We know that ODM did not form the Government. So, whatever pledges they had given, they were not able to execute them because they did not form the Government. But we are aware that the Jubilee Party, which my good friend, Hon. Duale, represents their interests in this House, had one of their pledges to the electorate that they would give insurance to the pastoralists. That is why the pastoralists, including his voters are leaving Jubilee. That is because they did not fulfil the pledge. So, he should not confuse on what ODM pledged and did not give. Let him concentrate on what Jubilee pledged and have not given!

The Temporary Deputy Speaker (Hon. Omulele): Very well. Hon. Leader of the Majority Party.

Hon. A.B. Duale: Hon. Temporary Deputy Speaker, you know history shapes the future. I have a history with ODM, which will be written. But because he had a history with KANU, a very dark history--- You know this is a man who served KANU during its worst days, when the late Dr. Ouko was killed! So, he is hiding his history. He wants to stop me from discussing my history with ODM. That time, he was not in Parliament and so, he should let me discuss my history with ODM. That is because your history with KANU is full of very, very unfortunate incident that took place in our country. That is why I have never joined KANU in my life.

But, Hon. Temporary Deputy Speaker, let me come to it. So, ODM got half the Government. One of the reasons why I left ODM in 2009 is because one of the key pillars of their Manifesto – the livestock insurance policy – was not implemented by the half Government of ODM. Of course, we left and formed a very vibrant political party called the URP and then

later, we formed a very progressive and transformative Government under the leadership of President Uhuru Kenyatta called Jubilee. What am I saying? That unless we introduce--- As we speak today, out of the 14 counties, five counties have got livestock insurance policies. Out of the 14 counties in ASAL areas, five counties are under livestock insurance. So, this Government has done 50 per cent. That is why we are saying in the Abdinoor's Bill that we will deal with the aspect of marketing.

Hon. Temporary Deputy Speaker, livestock is a serious business. That is why the prices of livestock in Kenya are very, very competitive. That is because Kenyans consume a lot of livestock products. Kenyans eat a lot of *nyama choma*. But we want to harmonise that and deal with this animal called Kenya Meat Commission (KMC). I want to go on record. What brought me here this morning is that this House and all the successive regimes in this country, starting with the Government of President Kibaki, and the Government of *nusu-mkate* between Hon. Raila Odinga and President Kibaki, and even the current Government, and the Chair of the Committee on Agriculture, Livestock and Co-operatives can attest to it.

Hon. Temporary Deputy Speaker, we are pumping billions of shillings to the KMC, but that parastatal is behaving like Pan Paper Mills and Mumias Sugar Company. We must change the narrative and privatise KMC. We must give it to a company that can run it efficiently. The Government cannot do the business of slaughtering animals. The Government's function should be formulation of policies to make industries competitive. I have talked to the Chairman. The KMC cannot continue to be a very deep hole in which we put Kshs1 billion every year without seeing results. Today, this country and the whole region is devastated by drought. The drought that we are facing is not peculiar to Kenya. It is even worse in Ethiopia, Somalia, Djibouti, Uganda and Rwanda. For those of us who believe in God, when we pray, the rains come. When the President prayed in Nyeri the other day, it rained. That is because we go to churches and mosques every day. Some of our colleagues do not even remember when they last went to church. That is because they do not pray to God. They believe in some witchcraft. As a country, we must pray for rain. Prayers work. Hon. Oyoo, tell your friends that prayers do miracles. If Kenyans pray, the rains will come.

As I conclude, this Bill is timely. It has come at the right time. I am sure that all my colleagues who are seated in this House today support it because every one of us either keeps some beef cattle or dairy cows. The livestock sector is found in every household in this country. There is now more fishing that is taking place in Central Kenya region than even in Nyanza region. People will be shocked! There is more fishing that is being done through fishponds in Nyeri County than our friends who live near the lake and the sea. They have got a resource, but they do not want to use it. But because of the entrepreneur nature of our colleagues from the Mount Kenya region, they have finished tea growing and they are now turning to fish farming. I will tell them to start rearing cattle. Camels cannot do very well in the highlands because of the weather. So, this is a timely Bill and Oyoo and his team – my good friend – next time you have time, I also do livestock rearing. I have about 400 camels in the border between Hon. Mutambu and Hon. Wario constituencies. You can come there and, you know, I will give you some camel milk and, if you behave very well, you will get other things

With those very many remarks, I beg to support.

The Temporary Deputy Speaker (Hon. Omulele): Very well Leader of the Majority Party. I think having submitted that some areas do not know how to use their resources, I thought it is the responsibility of the Government to help the whole country to realise the resources that they have. But we shall have Hon. Cyprian Iringo, Member for Igembe Central.

Hon. Kubai Iringo: Thank you very much, Hon. Temporary Deputy Speaker for giving me this opportunity to contribute to this Bill. Let me take the initial initiative to thank my colleague, Hon. Abdinoor Mohamed, for coming up with this idea. When you come to this Parliament, each and everybody comes from different parts of this country and they know the problems which bedevil their communities. Hon. Abdinoor, really, had taken quite a thought because he has gone through what is happening today in the livestock industry.

This Bill is timely in that we have got so many boards in this country which are managing many other aspects of our economy, and especially the agricultural sector. We should establish one for the livestock industry. It is long overdue. This country, being a developing country and more so, with very limited minerals and other resources to sustain the economy, the country should go out of its way – and even the leadership of the country – to go and tap each and every opportunity which can improve our GDP. In that case, the livestock board will be tasked with that work of ensuring that what we have in the livestock industry is well catered for, taken care of and well managed, so that we can reap an income from the same and increase our GDP.

Hon. Temporary Deputy Speaker, cattle rearing in our country has been done through traditional subsistence. That has been prevalent in beef farming, together with the dairy farming that we are doing through zero-grazing in the rural areas. In the North Eastern part of this country, where we have got so many animals, and being the main livelihood of those communities in those arid areas. That industry has been left to the individuals to the extent that people talk about their wealth in terms of animals. However, they cannot tell the value of their animals. Those people view animals as their way of life but, when you look at it critically, the same animals are not benefitting them. When it is dry in northern Kenya, the animals die in thousands. So, somebody could be rich today but poor the following day. There would be nothing left in their compound. All you see are carcasses and bones.

Part of my constituency is in the arid area and we also rear cattle. We have what we call the northern grazing area. When drought bites, some people take their own lives. The other day, we read in the newspapers that some herdsmen in Turkana starved to death because they had lost all their wealth. The board should come up with mechanisms to educate our pastoralists on, say, what numbers of animals to keep and when to keep them. Whenever drought bites, they should have a mechanism of culling those animals. The Board could buy the animals from the farmers, slaughter them and store the meat. It could also look for a market for such meat. When the rains come, the owners of those animals that were slaughtered will have money to re-stock.

Botswana is a vast county. It is drier than Kenya and they have few animals compared to what we have here. However, they have managed that industry to the extent that they sell beef and other products to many parts of this world, including Britain. I was in Botswana last year. We were told that we cannot sell our meat there because our standards are poor. We were told that our abattoirs have not been vetted by the British consumers. Why do we not get this board to sit down and make sure that we get to those standards in Botswana? I was made to understand that the people from Botswana came here to see our abattoir at Athi River. They took the same design and plant and went to do theirs. Ours is just there, very under-utilized, without proper management, without proper documentation of how many animals they slaughter. But when you go to the one which was done by the people from Botswana, it is ever, ever busy industry, and is slaughtering animals every day. We should focus and harness anything which will bring to this country some income. And, as I said, the livestock industry is one of the best. We can make use of it. We cannot neglect almost half of Kenya. We cannot neglect that population in the northern

Kenya, which depends on animals by letting them just manage their own livestock and, when they have problems, there is nobody to address them. We need a board which is ready to keep records and census of livestock which we have.

Hon. Temporary Deputy Speaker, when it comes to epidemics that is when the Government is reactive. Even when they intervene, they intervene when all the animals have died. Nobody compensates those farmers. Therefore, the board should establish an insurance, like Hon. Duale has said, which will cushion the farmers in case of any catastrophe. That way, farmers will not incur losses. We have got so many types of livestock in this country. We have got camels, goats, sheep, cows and all of them should be counted. We should know what numbers we should keep in our farms and grazing areas so that, at least, we do not over-stock. When we under-stock, the board should be able to make sure that the farmers can re-stock again.

I support the Bill.

The Temporary Deputy Speaker (Hon. Omulele): The Hon. Oyoo.

Hon. Oyoo: Thank you very much, Hon. Temporary Deputy Speaker, for giving me this opportunity to add my voice to this Bill. For obvious reasons, I want to oppose this Bill. I want to oppose this Bill because the economy of this country cannot afford the luxury of starting up a new board or authority, when we have the Kenya Meat Commission operational. All we need to do, if we have misgivings with KMC is to find ways of perfecting it and injecting more money, putting in proper management, ethical and efficient, so that we can, together, get the envisaged output from that body. I am appalled that, that body is supposed to cater for livestock, when I said, while I was arguing with my very good friend, Hon. Duale, that one of the pledges that the Jubilee Government gave to the many pastoralists was that they were going to ensure that the livestock industry will be insured. As we are trying to close the session and our political elective tour, some Jubilee luminaries are coming up with a Bill to create another authority to take care of livestock, so as to dupe Kenyans that: "Oh! We were not able to do this, but we are now going to do it through this Bill." I think these Members should wake up and reject this Bill. The economy cannot allow that. More so, there are so many lucrative posts which have been floated. Where are we going to get the money to fund them? Given the experience that we have seen here, is this Budget going to create an opportunity for members of two tribes to share jobs that are going to arise from the execution of this coveted Bill? So, I want to say that it is not a good step. We need to do something about KMC. Spruce it up and make sure that it is a KMC that can serve the interests of the Kenyan citizenry.

Time has come when we must be serious. This country is very great, but we need to speak the truth. So, I want to oppose this and before I conclude, this is a house of records. I want to put the records very clear. I respect my good friend, Hon. Duale. I respect his brains. But only if he could learn to speak the truth--- Because this is a house of records, I want to say that, for heaven's sake, if Aden Duale or any---

Hon. Nooru: On a point of order!

The Temporary Deputy Speaker (Hon. Omulele): Chair, Agriculture, what might be out of order?

Hon. Oyoo: You are disorderly! Yes! Talk!

Hon. Nooru: Hon. Temporary Deputy Speaker, my point of order is that my friend, Hon. Oyoo, who we were in KANU together, is misleading this House and the nation as well. The Bill is not trying to replace the Jubilee policy of insuring livestock. This is just an institution that is support to regulate the livestock sector as a whole. Kenya Meat Commission (KMC) is one item out of the many. It is only a processor. There is a marketer, a developer, a producer, a farmer and

so on. We need these things to be harmonized and structured in a manner that a board can manage. Therefore, the insinuation he is creating that we are bringing this Bill for political mileage at this juncture is neither here nor there.

The Jubilee Government has already taken off with regard to initiating the livestock insurance sector in the five counties; that is, Marsabit, Mandera, Isiolo, Wajir and Tana River. So, he is trying to mislead the nation and the House. He is out of order.

The Temporary Deputy Speaker (Hon. Omulele): Very well, Mr. Chairman.

Hon. Oyoo: Thank you very much. The Chairman is my very good friend and he was an adherent of the Kenya African National Union (KANU). Contrary to what Hon. A.B. Duale said, this is a House of records. If you go deep into KANU records, you will never find me having been a life member. I never served KANU as a chair of any ward, neither in any position whether elective or appointed. When Hon. Duale was misleading the House, he proved that his own father-in-law rescued Moi from a bush where he was hiding, meaning his father-in-law was more powerful than Moi. Why should he think that other people were more Moi than him? I do not know why?

The Temporary Deputy Speaker (Hon. Omulele): Hon. Oyoo, I think that amounts to misconduct. There is nothing out of order. I have already given directions that you will not debate the father-in-law of any Member here. Kindly complete your contribution.

Hon. Oyoo: Thank you, Hon. Temporary Deputy Speaker. I will not repeat but I know some people have heard and it is the truth.

In this country, we have a budget which is supposed to serve education, infrastructure and many other things. We cannot allow a new body to be formed for diverting budgetary provisions from other places to go and fund a few things. So, I object because this has not come at a good time and is not in good taste in as much as it is going to serve the interests of my very good friends. I oppose.

The Temporary Deputy Speaker (Hon. Omulele): Very well. We shall have the Member for North Imenti.

Hon. Dawood: Thank you, Hon. Temporary Deputy Speaker. I want to join my colleagues in congratulating *Mhe.* Abdinoor for this good---

(Hon. T.G. Ali interjected)

The Temporary Deputy Speaker (Hon. Omulele): Hon. Tiya Galgalo, I will rule you out of order. You have developed a way of disrupting the House. There is an order here that we follow and I cannot just pick anyone. You came in after all these Members. There is no special treatment to anybody. So, you will not direct the Speaker on how to do his business. If you continue that way, I will rule you out of order.

Proceed, Hon. Dawood.

Hon. Dawood: Thank you, Hon. Temporary Deputy Speaker. I want to congratulate Hon. Abdinoor and support the Livestock and Livestock Products Development and Marketing Bill, 2016. The previous speaker missed the point by saying that the board should not be formed because KMC is there. As rightly pointed out by the Chairman, this Bill has nothing to do with KMC because it will be under it. I believe livestock keeping is not just about meat, but is a means of livelihood and he took it wrongly.

Livestock keeping is very important for all the citizens of this county. It is not only the pastoralists who keep livestock, but also many others. With the board in place, it will not be a

matter of two tribes being employed there. That is not the reason for setting it up. We have a duty to offer livestock insurance to the citizens of this country. As you can see, one day they are rich and the next they are poor because of drought. We have a problem because we have not been able to manage our livestock sector in a structured manner. This Bill will give us a proper structure.

It is very disheartening to see livestock dying and, especially, for a livestock farmer when he sees his prized possessions dying. A case in point is this: A while ago, there was a farmer who had borrowed some money from me and later on repaid me with a cow. The cow could not eat. It stayed with me for two days and we tried to feed it on good grass and hay, but it refused to eat. Finally, we had to bring the owner. I do not know what he sprayed to the cow and it started eating. From that day on, I decided never to take anybody's cow as a form of payment unless he sold it willfully to me.

This Bill is very important because half of my constituency on the lower side is near the Arid and Semi-Arid Lands like Tharaka, which is a pastoralist area. We need the board formed so that it will sort out those issues. We need the Government to establish an abattoir in Isiolo or Meru. At the moment, people transport livestock all the way from the Northern Frontier to Athi-River in Nairobi. By the time the animals get there, they are emaciated. The abattoir should be established in Isiolo because there is an airport there. It should have been there in the first place, but it has not been established. Hopefully, with the board in place, it will be established.

We also need to talk to the county governments because they do not see what role they should play in the livestock sector. We had abattoirs in counties and some of them are now non-existent. We also need to get organised on how we will be selling and marketing livestock products. There is a big market out there. We should not just be going there during the drought season to buy animals when they are thin. We should be buying them when they are healthy and the livestock keepers will get more money instead of middlemen.

There is a problem with pasture as we have seen in the media. The problem is in Laikipia. The Government needs to think of how it will provide pasture. I would like to encourage the ranchers to give pastoralists pasture so that they can live in harmony. You cannot expect pastoralists not to enter your ranch when they can see grass there and they have come from where there is none.

I would like to thank the Government for supporting the dairy sector because it is part of livestock farming. The Government has agreed to waive a debt for Meru Central Farmers and I am grateful.

I agree with the Chairman when he talked about vaccines. We need vaccines to be manufactured locally. We should also manufacture all the livestock medicines in Kenya so that they can be affordable and have better quality. If we only rely on imported vaccines from one manufacturer, then that will not be a free market. As I had earlier talked about insurance, I would want the Jubilee Government to spread it all over the country and not just to the 14 counties which the Leader of the Majority Party mentioned and said they have already covered five. I believe the board will not just be for the 14 counties or ASALs. It will be for the whole country. So, at the end of the day, our people will benefit. Our security will improve when the livelihoods of our people are improved. We will have people who are satisfied and feel they belong to this country and their Government is taking care of their needs. Therefore, when we go to the elections - and because Jubilee has done a lot - we expect it to be in power in the next Parliament to implement what it has not finished.

Thank you, Hon. Temporary Deputy Speaker.

The Temporary Deputy Speaker (Hon. Omulele): Let us have the Member for Kibra.

Hon. Okoth: Thank you, Hon. Temporary Deputy Speaker. I rise to support the Bill. I am happy to see a Member of the Kenya Young Parliamentarians Association (KYPA), of which I am the treasurer, show leadership by bringing a Private Members' Bill on an important issue for the wellbeing and the livelihood of people in many parts of this country.

The world is going through climate change. Kenya is one of the countries that spearheaded the Sustainable Development Goals (SDGs). We must really think about how we will adjust for sustainable development and economic wellbeing of our people in all parts of the country; whether they live near the lake and rely on fishing in places like Turkana; whether they live in the highlands and can still farm things like coffee; or whether they live in the semi-arid areas and rely on things like conservation in the ranches as well as livestock production of camels and goats. This is a very important sector. It has huge potential.

This Bill has come at a timely stage for us to make sure that we create a national framework and body which will liaise with the county governments and especially those county governments in regions that are major livestock-dependent economies. It will step in quickly and take advantage of the existence of the board and work in collaboration to make sure that our livestock sector and people who rely on it can get a chance to export their produce to the European Union and the Middle East in a big way. Right now, it is the middlemen and very entrepreneurial businessmen who are finding a way to take livestock out of Kenya through Somalia and into the Gulf States. This is something that Kenya Government and Kenyan farmers should benefit from directly - not through middlemen. It is an opportunity to create jobs for young people and boost our sources of foreign currency and foreign reserves as we trade and diversify our trade.

Last year, we were debating in this House about the Economic Partnership Agreements (EPAs). We also need to not only think about regional trade within the East African Community, but also our linkage and exposure to the markets in the European Union and internationally. When we think about the African Growth and Opportunity Act (AGOA) in the United States of America that has been there since President Bush, President Obama and I hope shall continue under President Trump, we have not really been taking full advantage of that market. I want to thank Hon. Abdinoor for thinking about this board. Once it is set up through this Bill when we pass it, we hope that many more young people, who rely on agriculture and production of livestock, can get the certification, standards and support necessary to make sure that their products are exported.

I was recently on a Budget and Appropriations Committee trip for training and a seminar in Namibia. That country produces a lot of beef not just for their own local consumption, but for international export. It is amazing what Namibia, which is mostly a desert country, has done. There are many examples that we can connect and learn from. It is the same in Botswana. Botswana has gold and diamonds but next to gold and diamonds, it is the livestock industry that has helped that country to create jobs and sustain the economy in a more fair way. That is an area of huge potential for our country. Even as we look at the SDGs, our need for food security, eliminating poverty and creating jobs for all people as much as possible, we must also make sure that we are adapting and using the environment that God has given us in ways that make sense.

The livestock sector is a key section and I am happy to support the Bill. I had earlier on, as a careful student of the English language, risen. I see the Member from Meru has left the House. He had claimed in his remarks, maybe, by mistake, that when livestock are moved up from the north eastern section of this country to Athi River to the slaughterhouse, the livestock

arrive “emancipated”. I tend to believe he wanted to say that the livestock arrive emaciated. Let us not emaciate the English language; let us emancipate it.

With those few remarks, I beg to support the Bill and congratulate Hon. Abdinoor.

The Temporary Deputy Speaker (Hon. Omulele): Hon. Okoth, you are emancipating the English language; not emaciating it. We shall have the Member for Turkana Central, Hon. John Nakara.

Hon. Nakara: Thank you, Hon. Temporary Deputy Speaker. I want to thank my brother, Abdinoor Mohammed Ali, for coming up with this Bill at an hour like this when we have drought in our areas.

I want to talk about the functions of the board that make me admire this Bill. First, the board will create a livestock and livestock products development and marketing board. We have some cartels in this business, who are not even the stakeholders in the livestock industry, who are buying livestock products at a cheaper price from the stakeholders and take it to other areas and sell them at a higher price. The board will regulate that and the business will run accordingly.

Another function of the board is to advise the national Government and the county government on development and marketing of livestock. The two levels of Government - the national Government and the county governments - need the board because most of them have no knowledge about livestock and how they can improve the lives of the pastoralists in this country. The board will give them knowledge about the livestock industry so that both levels of government can contribute and set aside a budget that can benefit the pastoralists of this country. Another function of the board is to create the linkages between the buyer, seller and consumer. The livestock industry in this country will benefit the pastoralists in this country.

Another issue that I want to bring to your attention is about the quality of the products that we get from livestock. We should have a body like this one which will establish the standards that will be acceptable nationally. The products that we get from livestock are the best in this world, but additional value is lacking. When we have that kind of board in this country, then our livestock will have additional value. As a result, they will be accepted internationally because we would have produced them according to international standards.

Another benefit of this Bill that we want to bring to your attention is the empowerment of the pastoralists. Whatever we will get from our products will, in turn, improve the livelihoods of the pastoralists. Once their products are sold outside and they get money, they will be empowered economically. That will give them the purchasing power to buy the things that they need. For now, the pastoralists of this country have no purchasing power. They depend on handouts from the Government and yet, they have a resource which, if they used it very well, it can benefit them. That is why we need the board so that it can establish how the pastoralists can have the purchasing power in this country.

This Bill will create job opportunities both in the national Government and the county governments. The board will come up with processes. We shall have the producer, the consumer and the buyer. For all those processes, you must employ people so that we can connect the system. If we have the board, it will create job opportunities for our people. Revenue collection in this country will increase because the products we will export will bring income. We will pay taxes and, as a result, the revenue of this country will increase.

Hon. Temporary Deputy Speaker, on the issue of international standards that I had already spoken about earlier, if we make our products to international standards, we will even export our labour so that those countries can benefit from it.

I want to bring to your attention that, as the stakeholders in this industry, we need to make sure that we must have two stakeholder representatives in the membership of the board, and it should be a rotational system. We must have, at least, two pastoralists from pastoralist areas or counties. They must be included in that board because they know the problems of pastoralists. The combination we now have is more of academic qualifications with no experience at all. You should have somebody who knows where the shoe hurts. Thus, you must put people who are purely pastoralists. Somebody may have a Master's degree in agriculture or livestock, but he has never seen a donkey in his life. So, I want Hon. Adbinoor to consider those changes.

Putting a Master's degree as the qualification for membership to this board will exclude some people from the leadership of the board because there are very few pastoralists who have Master's degrees. I do not think that a Master's degree can make somebody to be a good producer. So, we need to lower the qualification. We must include experience in that industry so that we can accommodate pastoralists in larger numbers who are affected.

Finally, as pastoralists, we are not debating this Bill on political affiliations. We want Members of this honourable House to debate it knowing that the pastoralists of this country are suffering. We need to put away political affiliations and support it so that pastoralists of this country can get jobs and have their products exported so that they can have purchasing power and they too can be proud of this country.

I support. Thank you.

The Temporary Deputy Speaker (Hon. Omulele): Purely, on seniority considerations, I will give this opportunity to the Hon. Member for Vihiga, who has served many terms in this House. After him, we shall have Hon. Seneta followed by Hon. Letimalo.

Hon. Chanzu: Thank you, Hon. Temporary Deputy Speaker, for recognising my lengthy service in this House. Thank very much. I appreciate. Considering that you come from my county, I also want to wish you well. You have done well so far. We are coming to the end of this 11th Parliament and we will have another one. So, I wish you well in the next dispensation, now that we are thinking about sharing power across the country and not just in regions.

This is a very important Bill. This is the National Assembly. It is not an assembly for a given area of the country. When we debate here, we have to bear in mind that dairy farming is cross-cutting. Where we come from, you know very well that if measures had been put in place, dairy farming would be doing very well. In fact, it would have really improved the livestock of our people. That is one of the things I want to focus on when you elect me on 8th August to become the Governor of Vihiga. I want to focus on dairy farming, now that we have small-scale farm holdings and the weather favours us most of the time - except this drought that has affected the whole country. Generally, we have got small farm holdings and we have streams which we can harness to do zero grazing. In fact, I want to congratulate my brother, Hon. Abdinoor Mohamed for bringing this Bill.

There are a number of things we take for granted but, when they come, we see a lot of sense. The Kenya Meat Commission (KMC) was not a bad idea. When KMC was formed, what was the idea that time? It was not what this Bill is trying to do. It is looking at a situation where the economy is growing. The economy has grown from the time we established KMC. It was for purposes of meat. It was just a matter of getting meat. It did not look at the diversification which this Bill addresses. The Bill addresses all aspects of livestock, dairy, beef, hides and skins which KMC was supposed to address. I see no problem with us going on with this Bill as a Member who tried to oppose it.

When you move around all over the country, you find some cows. The only problem is that there are indigenous animals which you need to put in a lot to get a bottle of milk. The small farm holdings are also not given proper care. With a Bill like this and proper management, we will get guidelines on what should happen.

The only thing I see is that the present Government and the Government at Independence have been a letdown. I remember when we were young, there were extension services. We had extension officers all over. Even those who used to come and show how we take care of the farms against soil erosion have vanished. When we took over the jobs, every agricultural officer preferred to stay in the head office rather than go to the field.

One of the things I have been thinking about your county, Hon. Temporary Deputy Speaker, is that the agricultural officers in offices at Mbale, I will send them out to the farms so that they can help the people when I become the governor. There is no point of being an agricultural or veterinary officer and you are staying at the head office. You are not serving any purpose there. We want the old *mamas*, *wazees* and young people to be assisted to do what this Bill addresses.

As we talk about Vision 2030 which started during the first term of President Kibaki, it looked very far but it is now 13 years away. By that time, we must be having experts in place who should now have the country zoned like we used to have the highlands for growing maize and other foodstuffs for export and local consumption. Even when you pass a place like Molo, around Mau Summit, when we were young, you would see sheep and other animals on large scale farms. They have divided that land into small pieces. That sheep has disappeared. Now you find somebody keeping one animal. That is what we should address. So far, the aspect of saying that we are looking for oil and minerals, they could be there, but exploiting them is a high cost exercise. We have high potential areas like the arid and semi-arid areas. We need to zone them for that. Even in the western part of the country, they no longer keep animals as they used.

When you give somebody a Kshs100 note, the milk is coming from one part of the country. The milk is coming from Tuzo and so on. There is nothing we are producing on the other side. That is why somebody said one time that if you got people from western part of the country and brought them to central Kenya and you got somebody from central Kenya and took him to western Kenya and gave them three or five years, the person from western Kenya will want to go back. These are things we need to seriously address as a country. Discipline must be instilled in our people. There must be institutions which can assist them to do that but, at the same time, there must be some discipline.

Mheshimiwa Kibaki said that Kenya should be a working nation. It is not for people to just talk. In some areas, people know how to talk. They can debate from morning to evening. Then they go back home to ask for food and yet, they have done nothing. That kind of culture must stop. It can only stop if you have institutions like these where there is serious management and people who can move around and sensitise people from time to time on what they should do. We used to have granaries when we were young. Now, when you go to every homestead, you cannot find a granary. People are living from hand to mouth. In the morning, they do not know what they are going to eat in the evening. That should not happen. We should stop it.

Marketing is a very important aspect of this. I am happy it is in the Bill. It is a good Bill. Let us all support and also implement it. There are many Bills we have passed, but they have not been implemented.

The Temporary Deputy Speaker (Hon. Omulele): Hon. Chanzu, you have completed. We shall now have Hon. Seneta.

Hon. (Ms.) Seneta: Thank you, Hon. Temporary Deputy Speaker, for giving me this chance to contribute to this very important Bill. I want to congratulate my colleague for having thought of this important Bill. I want to urge my colleagues from all parties to take this Bill seriously. I would not wish to see anybody politicising this Bill. Livestock and livestock products - and mostly livestock keepers - contribute to the economy of this country. They also contribute to the amount of food that is consumed in this country. Therefore, to streamline this sector is a very important move in our country. At the moment, we are facing a very serious situation across the country in many pastoralist communities. Our livestock are dying because of drought and many people are now depending on relief food - which is not something we should encourage as a country. If we could encourage proper management and marketing of those livestock products, we would not be relying on relief food.

This is the right time for this Bill. Many of my colleagues have just mentioned that livestock keepers are facing a hard time, especially in marketing of our products. Right now, there are so many middlemen in the market. The prices of livestock and the livestock products have gone down. For almost five years now, we have not been enjoying the good prices we have always been enjoying during some good rainy seasons. This has contributed to many livestock keepers becoming demoralised and running to other types of commercial investments that may even not be reliable in some areas.

We know that in some pastoralist areas, you can only keep livestock because you may not be able to grow any cash crop because of water shortage or even weather. We need to encourage those livestock keepers by getting markets for them. I visited Namibia and Botswana some other time and it was very encouraging to see very serious structures being put in place by the Government to encourage livestock keepers to get markets. In our country, we also need to look at something we can do to motivate our livestock keepers. Just as one of my colleagues has said, a long time ago when we were young, we used to see the Government dipping our livestock. We used to see it drill boreholes for them. We used to see extension officers visiting them and giving them extension services for free. But today, livestock keepers are facing a very rough time because they have to buy medicine. Any kind of dipping, they have to do it alone. Those products are very expensive. It is high time we got the board in place. We also need to fund the board so that it can be independent and can do the marketing for the livestock keepers in this country.

We also have to emphasise on the implementation of the Bill immediately it goes through. That is because there are so many laws in this country that are put in place but are not implemented within the Ministry level. I also want to encourage the county governments to pass this Bill and harmonise the same Bill within all the counties. As my colleagues have just mentioned, we also need to look into how we can also build some training schools for livestock marketers so that, at least, our people can also be taught how to do modern livestock keeping because of the change of climate that has hit our country.

With that, I support this Bill. Thank you.

The Temporary Deputy Speaker (Hon. Omulele): Let us hear Hon. Letimalo.

Hon. Letimalo: Thank you, Hon. Temporary Deputy Speaker for giving me the opportunity to contribute to this Bill. I want to thank Hon. Abdinoor for coming up with this Bill.

It goes without saying that the livestock sector has been neglected by the successive governing regimes despite the fact that, it contributes to 24 per cent of this country's GDP, an equivalent of Kshs42 billion annually. I want to demonstrate how the Government has neglected the livestock sector. We have the KMC. I wish my brother, Hon. Oyoo, was around to listen to

the concerns of pastoralists. The KMC is an old institution that buys and slaughters livestock for commercial purposes. I sit in the Departmental Committee on Agriculture, Livestock and Cooperatives. Together with my Chairman and Hon. Wanyonyi, we visited KMC. Due to lack of maintenance, KMC is going down. The machines are obsolete. Workers go for several months without payment because of the low income generated from that facility. It is only surviving because of the funds injected during President Kibaki's regime. It would have closed down. There is also negligence from the Government. During this financial year, Parliament allocated Kshs500 million for modernisation or rehabilitation of that facility. The Ministry now wants to re-allocate that money to another sector. That shows that the KMC is less important. In my view, this facility should be privatised. I am opposed to what the Leader of the Majority Party said. We should not privatise that facility. The facility should be rehabilitated and managed through a joint partnership with an investor so that it continues providing services to livestock farmers.

Pastoralists from ASALs depend on livestock for their livelihoods. Every Kenyan household has some major stakes. Education is compulsory in Kenya. Every family wants their children to go through education. For a pastoralist child to pursue education from primary school through secondary to the university, his or her family has to sell livestock to raise school fees. For a pastoralist family to settle medical bills and provide food, money has to come from the sale and proceeds of livestock. For a pastoralist family to engage in any business, funds have to emanate from the sale and proceeds of livestock. As it has been said, the entire northern region of Kenya is being inhabited by pastoralists and it has been ignored because the main economy, which is keeping of livestock, is not being taken care of by the Government. So, there is need for the Government to improve livestock development, marketing and production so that it can benefit the livestock farmers.

I will refer to the second paragraph of the Memorandum of Objects and Reasons. It says:

“---the establishment of Livestock and Livestock Products Development and Marketing Board...”

So, we must be able to differentiate between the marketing board and KMC, whose purpose is just to buy and slaughter animals for commercial purposes. But the board is there to regulate the livestock industry. I just want to comment on the functions of the board.

Clause 5(a) says that the function of the board is to regulate the livestock and livestock products development and marketing industry. It is known that the crop development sector is regulated by the Agriculture, Food and Fisheries Act. So, the Livestock and Livestock Products Development and Marketing Board is going to be an equivalent of the AFFA Act to regulate the livestock industry.

Clause 5 (b) says:

“collaborate with the ministry for the time being responsible for trade to promote the trade of livestock and livestock products through trade agreements.”

The key words there are “to promote trade of livestock and livestock products.” Just as it has been mentioned, KMC used to be a very vibrant institution. It can be compared with the Botswana Meat Commission (BMC). Actually, the information I have is that they just removed the letter “K” and replaced it with “B” to become BMC. This means that all the information was actually acquired from KMC and because of good management, it is now doing quite well. We are told that Botswana is selling meat and other livestock products even to the European Union (EU). We expect the board to improve the livestock industry.

Clause 5 (f) says:

“prepare and maintain an updated national livestock development and marketing plan for the country and coordinate implementation of the activities identified in the plan.”

Due to the effects of climate change, we are now experiencing droughts every year, unlike before. Those of us who are in the livestock industry know the nature of animal behaviour generally. Once there is scarcity of water and pasture, livestock will deteriorate. It is for the same reason that every time there is drought, livestock keepers will go to the Government for it to allocate funds to undertake livestock offtake programmes like what is happening now. That is because that is the only livelihood of the people. However, if we have coordination, then, certainly, livestock keepers will be informed. They will be able to sell their animals in good time before they die as a result of drought.

Clause 5 (h) talks about the creation of disease-free zones. You know that one major enemy of livestock is diseases. It really affects livestock. But with proper coordination, we can have disease-free zones so that once animals are bought and before they are marketed or slaughtered at a given facility, then they can be kept at a zone that can be inspected by livestock inspectors and veterinary officers just to ensure that they are free of any disease before they are disposed.

On research institutions, the Chairman talked about---

ADJOURNMENT

The Temporary Deputy Speaker (Hon. Omulele): Hon. Members, debate on Order No. 10 started at 11.00 a.m. Time allocated is three-and-a-half hours. We have used two hours and have a balance of one-and-a-half hours.

Hon. Members, the time being 1.00 p.m., the House stands adjourned until today at 2.30 p.m.

The House rose at 1.00 p.m.