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THIRTEENTH PARLIAMENT

NATIONAL ASSEMBLY

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THE HANSARD**Tuesday, 23rd June 2026***(The House met at 2.30 p.m.)**[The Temporary Speaker
(Hon. Martha Wangari) in the Chair]***PRAYERS****QUORUM**

The Temporary Speaker (Hon. Martha Wangari): Serjeant-at-Arms, ring the Quorum Bell for 10 minutes.

(The Quorum Bell was rung)

Order, Hon. Members. We now have quorum. Clerk, call out the Order.

PAPERS

The Temporary Speaker (Hon. Martha Wangari): Deputy Leader of the Majority Party, you have some Papers.

Hon. Owen Baya (Kilifi North, UDA): Hon. Temporary Speaker, I beg to lay the following Papers on the Table:

1. Draft Privileges and Immunities (Ford Foundation) Order, 2026 and the Explanatory Memorandum from the Prime Cabinet Secretary and the Cabinet Secretary for Foreign and Diaspora Affairs.
2. The following Legal Notices, Explanatory Memorandum, Regulatory Impact Assessment Report, Evidence of stakeholder consultation and public participation reports from the Ministry of Roads and Transport—
 - (a) Legal Notice No. 101 of 2026 relating to the Civil Aviation (Aeronautical Charts) Regulations, 2025; and
 - (b) Legal Notice No. 102 of 2026 relating to the Civil Aviation (Aerodromes Design and Operations) Regulations, 2025.

(Several Members consulted loudly)

Hon. Temporary Speaker, kindly request Hon. Member No. 15 to stop the *Kamukunji* here.

The Temporary Speaker (Hon. Martha Wangari): Hon. Deputy Leader of the Majority Party, are you done laying Papers?

Hon. Owen Baya (Kilifi North, UDA): No, Hon. Temporary Speaker. I was distracted by the Member No. 15.

Hon. Marianne Kitany (Aldai, UDA): On a point of order, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Martha Wangari): Member for Aldai, what is out of order?

Hon. Marianne Kitany (Aldai, UDA): Hon. Temporary Speaker, I have a name. I am called Marianne Kitany, Member of Parliament for Aldai Constituency.

The Temporary Speaker (Hon. Martha Wangari): I did not know you were the one being referred to. How did you know he was referring to you? I was not aware. Hon. Owen, to whom are you referring?

Hon. Owen Baya (Kilifi North, UDA): I am referring to Member No. 15.

The Temporary Speaker (Hon. Martha Wangari): It is not known to me who Member No. 15 is. Before you go to item No. 3, the Papers on the Draft Privileges and the Legal Notices need to be committed. I commit them to the Committee on Delegated Legislation.

You may continue with the others that do not need any action.

Hon. Owen Baya (Kilifi North, UDA): Thank you, Hon. Temporary Speaker.

3. Reports of the Auditor-General and Financial Statements for the years ended 30th June 2024 and 30th June 2025, and the certificates therein, in respect of the following schools—

- (a) Arimi Mixed Day Secondary School, Nakuru County.
- (b) Kakana Boys Secondary School, Kilifi County.
- (c) Kikima Secondary School, Makueni County.
- (d) Lafey Boys Secondary School, Mandera County.
- (e) Namawanga Bahai Secondary School, Bungoma County.
- (f) Ngaremara Girls Secondary School, Isiolo County.
- (g) St. Patrick's Kimukung'i Girls Secondary School, Bungoma County.
- (h) St. Thomas Aquinas Thomeandu Boys High School, Makueni County.

Hon. Temporary Speaker, I think we need to check on the microphones. There is a problem.

The Temporary Speaker (Hon. Martha Wangari): The ICT team, kindly work on the sound.

Hon. Owen Baya (Kilifi North, UDA): I think they are now okay. Thank you.

4. Reports of the Auditor-General and Financial Statements for the year ended 30th June 2025 and the certificates therein, in respect of the following schools—

- (a) Bishop Okoth Girls' Mbagu Secondary School, Siaya County.
- (b) Bute Girls Secondary School, Wajir County.
- (c) County High School, Garissa County.
- (d) Garissa High School, Garissa County.
- (e) Kitondo Secondary School, Makueni County.
- (f) Loreto Kiambu Girls High School, Kiambu County.
- (g) Mandera Secondary School, Mandera County.
- (h) Maseno School, Kisumu County.
- (i) Moi Girls Senior Secondary School, Kajiado County.
- (j) Moi Girls School, Mandera County.

The Temporary Speaker (Hon. Martha Wangari): The ICT team kindly look into the microphones, including the Speaker's.

Before I give the Floor to the Chairperson of the Departmental Committee on Health, allow me, Hon. Members, to recognise learners in the House from various institutions. There is considerable traffic of learners waiting behind the Chamber to access the galleries. We will recognise them as soon as they are inside.

In the Public Gallery, we are recognising Olbonata Junior School from Subukia Constituency in Nakuru County, and Lare Primary School from Njoro Constituency, Nakuru County. In the Speaker's Gallery, we are recognising Hill School Kakamega from Lurambi

Constituency in Kakamega County, and Lengina Junior School from Narok South Constituency, Narok County. On behalf of the House and all of us, you are welcome to observe the proceedings of the House.

The Member for Lurambi, I will indulge you for one minute to welcome not only learners from Lurambi but all of them seated in the galleries.

Hon. Titus Khamala (Lurambi, ODM): Thank you so much, Hon. Temporary Speaker. On behalf of the 13th Parliament, I welcome all the learners and teachers accompanying them. I recognise Kakamega Hill School, which is a great academic giant in my constituency. It has a great history because they began from one single mud-walled classroom to where they are today. They produced the best student in Kenya in 2018. I welcome them from the big and beautiful Kakamega, our Singapore of Kenya.

Thank you.

(Laughter)

The Temporary Speaker (Hon. Martha Wangari): Very well. Learners and teachers who are visiting us today are welcome.

PAPER

The Temporary Speaker (Hon. Martha Wangari): Chairperson, Departmental Committee on Health, has a Paper to lay on the Table of the House. Hon. Nyikal, Hon. Wuod Chief is distracting you. Do you have a Paper to lay on the Table of the House?

(Laughter)

Hon. (Dr) James Nyikal (Seme, ODM): Hon. Temporary Speaker, I beg to lay the following Paper on the Table:

Report of the Departmental Committee on Health on its consideration of Public Petition No. 1 of 2026 by Mr James Kago regarding management of Haemophilia and other bleeding disorders among patients and children in the country.

The Temporary Speaker (Hon. Martha Wangari): Very well. Chairperson, Budget and Appropriations Committee! I do not see him around. That will be stepped down. He will lay the Papers later.

Next Order.

NOTICE OF MOTION

ADOPTION OF REPORT ON MANAGEMENT OF HAEMOPHILIA AND OTHER BLEEDING DISORDERS

The Temporary Speaker (Hon. Martha Wangari): Hon. Nyikal.

Hon. (Dr) James Nyikal (Seme, ODM): Hon. Temporary Speaker, I beg to give notice of following Motion:

THAT, this House adopts the Report of the Departmental Committee on Health on its consideration of Public Petition No. 01 of 2026 regarding management of Haemophilia and other bleeding disorders among patients and children in the country, laid on the table of the House today, Tuesday, 23rd June 2026.

The Temporary Speaker (Hon. Martha Wangari): Very well. Next Order.

QUESTIONS AND STATEMENTS

REQUESTS FOR STATEMENTS

MYSTERIOUS DEATH OF
BABY SHERLY GATUMI MUGENDI

The Temporary Speaker (Hon. Martha Wangari): The first chance will go to the Members requesting Statements. Member for Tharaka, Hon. Murugara.

Hon. George Murugara (Tharaka, UDA): Hon. Temporary Speaker, pursuant to the provisions of Standing Order 44(2)(c), I rise to request a Statement from the Chairperson of the Departmental Committee on Administration and Internal Security regarding the mysterious death of a child in Tharaka Constituency.

Ms Sherly Gatumi Mugendi, a 3-year-old child from Tharaka Constituency, went missing on 27th April 2026. Her body was later discovered on 2nd May 2026 at Iriani village, Mukothima Ward in Tharaka Constituency. The disappearance and subsequent death of the minor have caused anguish to her family and raised concern among the area residents.

The circumstances under which the child went missing and the events leading to the discovery of her body remain unclear and require urgent investigation by the relevant security agencies. Such occurrences involving minors are rising in the country. They raise serious concerns regarding the safety and protection of children, the response by security agencies to reported cases of missing children, and the capacity of investigative agencies to promptly establish the cause of death and bring perpetrators to justice.

It is against this background that I request for a Statement from the Chairperson of the Departmental Committee on Administration and Internal Security on the following—

1. The circumstances surrounding the disappearance and subsequent death of Ms Sherly Gatumi Mugendi, including the motive and whether the deceased was a victim of child abduction.
2. The steps taken and investigations undertaken by the relevant agencies upon receiving the report of the missing child, including the timelines of response, search efforts and recovery of the body.
3. The status of investigations into the death of the child, including whether any suspects have been arrested and questioned in connection with the matter.
4. The measures being taken to ensure that the family of the deceased receives justice.
5. The measures put in place to strengthen child protection, community policing and rapid response mechanisms in cases involving missing children.

Thank you very much, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Martha Wangari): Chairperson, Departmental Committee on Administration and Internal Security! Vice-Chairperson, will you respond to the Statement?

Hon. Ali Raso (Saku, UDA): Thank you very much, Hon. Temporary Speaker. I support what my honourable colleague has raised.

The Temporary Speaker (Hon. Martha Wangari): Are you the Vice-Chairman of the Committee?

Hon. Ali Raso (Saku, UDA): Yes, but the Chairman is here. He will respond. I would like to ride on what my honourable colleague has raised. The issue of paedophiles and those

preying on children is rising in Kenya. It is a matter that we must look into with very serious concern.

The Temporary Speaker (Hon. Martha Wangari): Thank you.

Hon. Ali Raso (Saku, UDA): Penalties, in terms of punishment, must be severe so that there is deterrence across this country. It is a new thing which is likely to grow, if we do not stem it quickly.

Thank you, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Martha Wangari): Hon. Raso, the good thing is that you are the Vice-Chairman of the Committee that is responsible for this matter. So, you will have the chance to prosecute it. I agree with Hon. Murugara and you that the issue of missing children, defilement and murder of children is rising. As a House, we must give attention to it.

As the Chairperson of the Departmental Committee on Administration and Internal Security answers Hon. Murugara, I hope that he will have a broader overview of what we are going to do. We need to know what action is going to be taken against those who are responsible in order to deter others who are thinking about it. We hope that you will respond to that.

Hon. Toto! I will not give a chance to Hon. Toto, but Hon. Donya.

Hon. Dorice Donya (Kisii County, WDM): You are not wrong, Hon. Temporary Speaker. Toto is part of the name. I have an issue with the Chairman because I requested for a Statement about missing children. He said he would give a response in two weeks' time. Today marks the end of third week, but I have not received my response. I do not know why it is taking long. When he was asked how long I would get the response, he said after two weeks.

Hon. Gabriel Tongoyo (Narok West, UDA): Thank you, Hon. Temporary Speaker. On the issue of when to respond to Hon. George Murugara, given the sensitivity of the matter, we will try to get the response, even if it is a preliminary one, on Thursday, 2nd July 2026. I still have one of your responses.

On the matter which was handled well by the Vice-Chairman, we are concerned because there is a high increase of such cases. Because the Cabinet Secretary and the security agencies will appear before the Committee this week, we will present this issue to be addressed. It concerns all of us.

The Temporary Speaker (Hon. Martha Wangari): We expect a preliminary response on 2nd July 2026 next week. That is in order. Hon. Kamket, do you want to contribute on the same Statement?

Hon. Kassait Kamket (Tiaty, KANU): Hon. Temporary Speaker, while the Chairman responds to those matters, I ask him to look at the report of a missing student from my constituency. He went missing two weeks ago from Pwani University. I have the Occurrence Book number which I can provide. We have tried all we can, but we have not succeeded. The parents are in distress.

The Temporary Speaker (Hon. Martha Wangari): Hon. Kamket, you can also raise your concern because the Chairman has indicated that the Cabinet Secretary and the security agencies will appear before the Committee this week. You have not raised this issue on the Floor of the House officially. Liaise with the Chairman of the Committee. You can also attend that meeting so that you follow it up.

Hon. Owen Baya.

Hon. Owen Baya (Kilifi North, UDA): Thank you, Hon. Temporary Speaker. When the lives of children are at stake, the future of the nation is also at stake. We must do something within our means and power, as Parliament and nation. We must always protect the children of this country. The rising cases of children being defiled, killed and mishandled, in whichever way, should worry all of us and the security agencies.

There are rogue thugs who roam around and their target is children. We, as a country, must end this. If the security organs put their feet down and stamp their authority, we will not have these cases. We have a case in Kilifi where Baby Benedict Keziah was first raped. Her neck was broken and limbs dismembered. These are sick people.

It all comes down to how effective our *Nyumba Kumi, Wazee wa vijiji*, the system, the Chiefs and the Assistant Chiefs are! The paedophiles are roaming around and yet we have security down from *Nyumba Kumi* going up. Why are we having such situations? The security system in this country is built from bottom-up. We have eyes all over. Why do we get to this situation?

*(Hon. Gabriel Tongoyo consulted
with Hon. George Murugara)*

Hon. Tongoyo is talking to Hon. Murugara, as I address his Committee. We need your attention. Hon. Murugara, allow Hon. Tongoyo to give us his full attention. As a Committee, you need to put your foot down on the security apparatus and ensure that from *Wazee wa Nyumba Kumi* going up, the security apparatus is working. Otherwise, a lot of things are happening in this country and nobody is aware. How can we have a situation like that one?

The Temporary Speaker (Hon. Martha Wangari): Very well. You have made your point, Hon. Owen. I have indulged you because this is a topical issue. It is a matter of concern. As a country, we must do something about it. Hon. Tongoyo and his team can hear the sentiments of Members. We expect a better report not only on that issue, but also on the overriding issue of insecurity of children in the country.

Hon. Millie.

Hon. Millie Odhiambo-Mabona (Suba North, ODM): Thank you, Hon. Temporary Speaker. As you know, all my life I have worked around issues of child protection. I agree with the Members that what is going on around the country in relation to children is very concerning.

When the Committee will consider this matter, I request them to let us know whether there are sufficient funds for the National Assistance Trust Fund for Victims of Trafficking in Persons and Victim Protection Fund that help when we get victims. Above all, can we know whether there is also a challenge, in terms of the number of officers who deal with those cases? This is because the question comes back to us, as a House. Otherwise, the issue of missing, abducted and murdered children is becoming absolutely scary. As Parliament, I wish we dealt with it on 16th June 2026, which was the Day of the African Child. I was not around to raise it, but the relevant committee should give us that information.

The Temporary Speaker (Hon. Martha Wangari): Hon. Mulyungi will be the last Member to contribute on this Statement.

Hon. Gideon Mulyungi (Mwingi Central, WDM): Thank you, Hon. Temporary Speaker. I would like to inform the Departmental Committee on Administration and Internal Security. There are so many people who are missing. In the last two weeks, in my constituency, six bodies were found in a mass grave and exhumed. I made a Statement in this House on the same matter, and the Departmental Committee on Administration and Internal Security was supposed to respond within two weeks. Those people who are missing could be among the six bodies that were found buried in a mass grave in my constituency and have not been identified to date.

Thank you.

The Temporary Speaker (Hon. Martha Wangari): Hon. Chairman, you have your work cut out. There are some issues that Hon. Millie has raised, which require a desktop review because the prosecution and the Judiciary all tie together. If someone is suspected of killing a child and the matter does not reach a conclusive end through imprisonment or other consequences, it emboldens other perpetrators. Therefore, we need to look at this issue not just

from one case but all the way to the end. What is the problem? Is it evidence collection? I know every Member here, if given an opportunity to speak, has a story from their constituency that touches on children. I will give you a minute to wrap it up.

Hon. Gabriel Tongoyo (Narok West, UDA): Thank you, Hon. Temporary Speaker. You have put it very well, and I agree that there has to be collaboration between the criminal justice system and other relevant institutions. Having said that, I want to re-affirm that we had called the Cabinet Secretary and the security agencies to appear before the Committee. We had planned for Thursday, but because of the obvious reasons, we may push it to Tuesday, if agreeable to both the Committee and the Cabinet Secretary.

We all know that this Parliament appropriated the 2026/2027 Budget, and there is about Ksh3.9 billion allocated to pay village elders. One of the main reasons is to enable these village elders to assist the police and *Nyumba Kumi* officers at the village and household levels in addressing major challenges such as missing persons and the deaths of children. It is something that we shall be addressing.

I call upon colleagues who may have Questions or Statements that have not been responded to, to appear before the Committee so that we can process them at the Committee level.

The Temporary Speaker (Hon. Martha Wangari): Kindly make timely communication to the affected Members for planning purposes.

The next Request for a Statement is by the Member for Saboti. Are you in the House?

AWARD OF FOREIGN SCHOLARSHIPS TO KENYAN STUDENTS

Hon. Caleb Amisi (Saboti, ODM): Hon. Temporary Speaker, thank you for this opportunity to request a Statement regarding the award of foreign scholarships to Kenyan students. Pursuant to the provisions of Standing Order 44(2)(c), I rise to request for a Statement from the Chairperson of the Departmental Committee on Education regarding the award and distribution of foreign government scholarships to Kenyans.

Over the years, the Ministry of Education has facilitated the award of a considerable number of foreign government scholarships. In recent years, however, little information has been made public on how these scholarships are awarded, including the granting countries, the fields and levels of study, the number of beneficiaries, and the distribution of beneficiaries across counties and constituencies. It is important that the allocation of such opportunities is guided by fairness, transparency, and regional balance so that no county is left behind.

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

1. A comprehensive list of all foreign scholarships awarded, facilitated, coordinated, or endorsed by the Ministry of Education from 2023 to date, specifying:
 - (a) the granting countries;
 - (b) the field, level, and duration of study;
 - (c) the number of beneficiaries;
 - (d) the distribution of beneficiaries across counties and constituencies; and
 - (e) the names of beneficiaries.
2. The criteria applied in the identification, shortlisting, and selection of beneficiaries, and the measures instituted to ensure fairness, transparency, regional balance, and equality of opportunity in the process.

3. A report on audits and evaluations of the scholarship allocation process, including the extent of compliance with the principles of fairness and regional balance, and the status of beneficiaries.

I thank you.

The Temporary Speaker (Hon. Martha Wangari): Chairperson of the Departmental Committee on Education is not in the House. What about the Vice-Chairperson?

(Hon. Clive Gisairo spoke off the record)

Are you a member of the Committee? When do we expect the Statement?

Hon. Clive Gisairo (Kitutu Masaba, ODM): We can try to get that in two weeks.

The Temporary Speaker (Hon. Martha Wangari): We will be going on recess in two weeks. Could you bring a preliminary response next week?

Hon. Clive Gisairo (Kitutu Masaba, ODM): Immediately after recess, just to be safe.

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

The Temporary Speaker (Hon. Martha Wangari): What is out of order, Hon. Millie?

Hon. Millie Odhiambo-Mabona (Suba North, ODM): Hon. Temporary Speaker, a Member is purporting to give answers relating to the Government when he is in *Linda Mwananchi*.

(Laughter)

He has no response from *Linda Mwananchi*.

The Temporary Speaker (Hon. Martha Wangari): Order, Hon. Millie. Hon. Clive is a member of the Committee. He has spoken as a member of the Departmental Committee on Education.

Hon. Caleb, first week after recess.

Hon. Caleb Amisi (Saboti, ODM): Hon. Temporary Speaker, if it were a matter of *Linda Mwananchi*, I would probably have already got an answer.

The Temporary Speaker (Hon. Martha Wangari): The good thing is that you are also part of it, I assume.

Hon. Caleb Amisi (Saboti, ODM): Two weeks is sufficient.

The Temporary Speaker (Hon. Martha Wangari): Is it enough?

Hon. Caleb Amisi (Saboti, ODM): Yes.

The Temporary Speaker (Hon. Martha Wangari): First week after we resume.

Hon. Amina.

STATE OF ELECTRICITY INFRASTRUCTURE
IN MALINDI CONSTITUENCY

Hon. Amina Mnyazi (Malindi, ODM): Thank you, Hon. Temporary Speaker. Pursuant to the provisions of Standing Order 44(2)(c), I rise to request a Statement from the Chairperson of the Departmental Committee on Energy regarding frequent power outages and poor electricity infrastructure in Malindi Constituency.

For several months, residents of Malindi Constituency have been experiencing frequent and prolonged power outages arising from repeated failures of electricity distribution infrastructure, including collapsing power poles, faulty transformers, and delayed repair and maintenance works. The persistent power outages have disrupted economic activities, affected the provision of essential services, and caused rising insecurity. Furthermore, the failure of the electricity infrastructure resulted in loss of life in Maweni Town, Malindi Constituency.

On 20th March 2026, an electricity pole fell onto the residence of Mr Mohamed Bashir, leading to the death of his wife, Ms Amina Hassan Gabobe, and their four-year-old daughter,

baby Samira Mohammed. This incident has raised serious concerns regarding the safety and maintenance of electricity infrastructure in the area, as well as the responsiveness of the responsible agencies in addressing such hazards.

It is against this background that I request a Statement from the Chairperson of the Departmental Committee on Energy on the following:

1. A report on the status of investigations by Kenya Power and other relevant agencies into the incident that occurred on 20th March 2026 in Maweni Town.
2. The steps taken by the Ministry of Energy and Petroleum to compensate the family of Mr Mohamed Bashir, including the expected timelines for the compensation process.
3. The specific actions taken to prevent similar incidents, including routine inspection, maintenance and replacement of electrical infrastructure, and enforcement of public safety measures.
4. The immediate interventions being undertaken by the Ministry of Energy and Petroleum to urgently address the recurring and prolonged power outages in the area.
5. The long-term plans to upgrade the electricity distribution infrastructure in Malindi Constituency to stabilise power supply.

I thank you.

The Temporary Speaker (Hon. Martha Wangari): Very well. That goes to the Departmental Committee on Energy. The chairperson is not in the House. Hon. Mandazi, are you holding brief?

Hon. Victor Koech (Chepalungu, UDA): Thank you, Hon. Temporary Speaker. Since this matter involves loss of life, I would propose that we provide a preliminary report before we proceed for recess, that is, next week.

Allow me to give the following information to Members. I sit on the Energy Committee, and Kenya Power has a charter. At times, Kenya Power says it does not receive information on time. Hon. Temporary Speaker, I would like to give Hon. Members a USSD code. Sometimes, transformers are faulty or a tree has fallen and it requires an emergency attention. It is important for Members of this House and the public to know that Kenya Power uses the USSD code *977# in case of any emergency. In case of any emergency or loss of life and you need to reach out to Kenya Power as soon as possible, that is the USSD they use.

Thank you, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Martha Wangari): Bring a response to Hon. Amina's question next Thursday before we break for recess.

Hon. Victor Koech (Chepalungu, CCM): Thank you, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Martha Wangari): We will now indulge the Member for Kilgoris.

INSECURITY AT ANGATA BARRIKOI IN KILGORIS CONSTITUENCY

Hon. Julius Sunkuli (Kilgoris, KANU): Thank you, Hon. Temporary Speaker. I do not know what Prof Jaldesa is doing there.

*(Hon. (Prof) Guyo Jaldesa consulted
with Hon. Patrick Osero)*

The Temporary Speaker (Hon. Martha Wangari): Hon. Sunkuli, go on but advise Hon. Kibagendi not to block the view. It is out of order to block the Speaker's view of the Member on the Floor.

Hon. Julius Sunkuli (Kilgoris, KANU): Prof Jaldesa as well.

The Temporary Speaker (Hon. Martha Wangari): Prof Jaldesa, be guided. Proceed, Hon. Sunkuli.

Hon. Julius Sunkuli (Kilgoris, KANU): Hon. Temporary Speaker, pursuant to the provisions of Standing Order 44(2)(c), I wish to request a Statement from the Chairperson of the Departmental Committee on Administration and Internal Security regarding insecurity at Angata Barrikoi in Kilgoris Constituency.

On or about the 20th June and 21st June 2026, a livestock theft incident was reported in the neighbouring Kuria East Constituency, where a cow was stolen by individuals alleged to have originated from Angata Barrikoi. The thieves were then pursued by officers from the Anti-Stock Theft Unit Station who were unable to apprehend the suspects. Following the unsuccessful pursuit, the officers instead confiscated cattle belonging to members of the local community. Unfortunately, during this operation a confrontation arose between the residents and police officers resulting in the death of an officer attached to the Anti-Stock Theft Unit.

Hon. Temporary Speaker, following the incident, the security officers are alleged to have subjected residents of the area to indiscriminate acts of violence and intimidation. Residents of Angata Barrikoi, particularly those from Kabusa, Kaptembwet and Ng'endalel villages, have been living in fear due to the violence being meted out against them by the officers. There has been indiscriminate beating up of people, looting of property in their shops and houses, and in some cases, acts of sexual violence.

There are also reports that the residents continue to be exposed to such violence, with houses being set ablaze, thereby making the matter of urgent and critical concern. This raises serious concerns regarding the conduct of the security officers, particularly the apparent use of collective punishment against innocent residents, contrary to the principles of the rule of law and due process.

It is against this background that I request a Statement from the Chairperson of the Departmental Committee on Administration and Internal Security on the following:

1. The circumstances surrounding the livestock theft incident, the death of the Anti-Stock Theft Unit officer and measures taken to investigate the case and apprehend the suspects.
2. The reasons for the alleged confiscation of livestock belonging to members of the local community and an indication on when the livestock will be returned to the innocent residents.
3. The measures being taken to ensure the protection of residents, restoration of law and order and prevention of further violations of human rights in the affected villages.

I thank you, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Martha Wangari): Hon. Members, I know this is a live matter. I will give chance to a few Members who want to ride on that Statement. Before that, like I had indicated earlier, we have a lot of learners visiting us today. Allow me to recognise, in the Speaker's Gallery, students from: Mugeka School from Kiharu Constituency, Murang'a County; and, Ancilla Catholic Academy from Kesess, Uasin Gishu County. In the Public Gallery, we have students from ACK All Saints Kebulonik Primary School from Mosop Constituency, Nandi County; Kavaini Comprehensive School from Mwingi West, Kitui County; and, Ndorome Secondary School from Mwea Constituency, Kirinyaga County. I give the Member from Mwea one minute to welcome all the learners.

Hon. Mary Maingi (Mwea, UDA): Thank you, Hon. Temporary Speaker, for giving me this chance to welcome the learners in the Speaker's and Public Galleries, particularly, students from Ndorome Secondary School. I urge them to work very hard and smart in their studies and be disciplined because, as I always say, education without character is nothing. One day, you will return to this honourable House as Members of Parliament and contribute to your constituencies positively. You are welcome. I hope you are going to enjoy and learn something from the parliamentary proceedings.

I thank you, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Martha Wangari): Very well. I now give the Member for Chepalungu, Hon. Mandazi this opportunity to contribute to the Request for a Statement by Hon. Sunkuli, and not regarding the schools.

Hon. Victor Koech (Chepalungu, CCM): Thank you, Hon. Temporary Speaker. I congratulate my colleague and senior, Hon. Sunkuli for requesting a Statement regarding this matter. In this day and age, it is very important for livestock theft to be taken seriously.

It is also paramount to mention that it is wrong for police officers to use excessive force on children and women. As we speak, many women are sleeping outside in the cold while many children have not gone to school since this issue began. We are not supporting criminals. Where such a case is identified, it is important for our security operators to identify who the criminals are. An entire community cannot be criminals. It is shocking to realise that the people who are supposed to be protecting the common mwananchi are the same people who are torching houses. It is so shameful.

The Temporary Speaker (Hon. Martha Wangari): You have made your point. I do not want you to debate further. I only gave you a chance to ride on the Request for a Statement.

Hon. Victor Koech (Chepalungu, CCM): Yes, Hon. Temporary Speaker. There are videos circulating and it is sad to see women and children crying outside. It is completely unacceptable for police officers to use excessive force on women and children.

Thank you.

The Temporary Speaker (Hon. Martha Wangari): Chairperson of the Departmental Committee on Administration and Internal Security, I know your plate is full but this is also an urgent issue that needs your attention.

Hon. Gabriel Tongoyo (Narok West, UDA): Hon. Temporary Speaker, it is true that this is an extremely sensitive issue that requires urgent attention. I also come from Narok County. Besides seeking a response from the Ministry, I took personal interest this morning and called the county commissioner and security agencies regarding what should be done. We all remember the unfortunate incident that occurred a few months ago in Angata Barrikoi. I do not want to pre-empt, but I promise the House that we will give a response on Thursday this week. I call upon the residents of Emurua Dikirr to be calm. I promise that their security is assured. No one should be harassed, intimidated, or threatened unnecessarily. I also call upon them to refrain from such actions. Killing police officers is extremely unfortunate and uncalled for as well. I will bring a response on Thursday afternoon.

The Temporary Speaker (Hon. Martha Wangari): There should be no death, whether of a resident or a police officer. Bring the response next week on Thursday.

Next are responses to requests for Statements. Is Hon. Zamzam in the House? If not, the Chairperson of the Departmental Committee on Administration and Internal Security will table the response if it is ready.

(Hon. David Keter spoke off-the-record)

We have already moved to the next item.

Hon. Gabriel Tongoyo (Narok West, UDA): He is our new Member.

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The Temporary Speaker (Hon. Martha Wangari): Hon. Tongoyo, please, table Hon. Zamzam's response, as she is not in the House. You will also respond to Hon. Murugara. Do you have the response?

Hon. Gabriel Tongoyo (Narok West, UDA): Yes. My Vice-Chairperson will handle that.

The Temporary Speaker (Hon. Martha Wangari): Hon. Raso.

(Hon. David Keter raised his hand)

Member for Emurua Dikirr, I am only indulging you because you are new in the House. I know that this matter affects you. Because you are new here, I will give you a minute.

Hon. David Keter (Emurua Dikirr, UDA): Thank you, Hon. Temporary Speaker. Concerning the matter in Angata Barikoi, I urge the Chairperson to speed up the investigations because many people are suffering there. Most of them have fled their houses and are sleeping on the roads. We request a speedy investigation concerning this matter and to ensure that the security apparatus does not injure the people of Emurua Dikirr. They should hunt for the cattle rustlers, as they are known. The area chiefs and the administration in that area should follow up and eliminate cattle rustling in the region.

The Temporary Speaker (Hon. Martha Wangari): Very well. That is an additional request to the Chairperson. Hon. Raso, kindly prosecute the response.

STATEMENTS

DEMISE OF MR SHADRACK KIENGE MAKEMBO

Hon. Ali Raso (Saku, UDA): Thank you very much, Hon. Temporary Speaker. The Member of Parliament for Tharaka Constituency, Hon. George Murugara, requested to be apprised of the death of Mr Shadrack Kienge Makembo. The Member particularly sought:

1. The circumstances that led to the death of Mr Shadrack in Isiolo.
2. The status of the investigation into the death.
3. The timeline within which the Government is expected to conclude investigations.

On 9th April 2026, Mr Anthony Njagi, an employee of Kenya Power Company (KPC), Isiolo branch, made an assault report at Isiolo Police Station, vide OB No. 28/09/04/2026. He stated that his colleague, Mr Shadrack Kienge Makembo, had been stabbed by Mr Sheikh Mayo Hussein while undertaking metal reading at the suspect's homestead within the Checheles area in Isiolo County. The police rushed to the scene and found the victim had already been evacuated and taken to Isiolo County Teaching and Referral Hospital for treatment, while the prime suspect was at large.

They processed and documented the scene where a blood-stained sword and a scabbard were recovered and secured as exhibits. The police further proceeded to the hospital and were informed that the victim had sustained multiple stab wounds on the upper back, left side of the chest and neck, as well as bruises on the left hand. The victim was later airlifted to Nairobi for specialised treatment by Amref Flying Doctors. Regrettably, he was pronounced dead upon landing at the Wilson Airport.

On 10th April 2026, a post-mortem examination was conducted by Dr Ndirangu, a Government pathologist, who had opined the cause of death to be severe haemorrhage, secondary to multiple stab wounds.

On the status of the investigation, I wish to state that they were commenced by the Sub-County Criminal Investigation Officer, Isiolo, vide enquiry file No.2/2/2026. The officers

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launched a manhunt for the prime suspect, Mr Sheikh Mayo Hussein. When his whereabouts could not be established, a miscellaneous application was filed before Isiolo Law Courts for the issuance of a warrant of arrest on 15th April 2026. The application was granted and Mr Sheikmar Hussein has since been circulated as a wanted person for the offence of murder contrary to Section 202 as read together with Section 204 of the Penal Code. The investigation file is complete, pending the arrest of the known accused.

This was signed by Hon. Kipchumba Murkomen, EGH, the Cabinet Secretary for Interior and National Administration. I beg to submit.

The Temporary Speaker (Hon. Martha Wangari): Very well. Hon. Murugara, are you satisfied? Do you have any follow-up questions?

Hon. George Murugara (Tharaka, UDA): Not at all.

The Temporary Speaker (Hon. Martha Wangari): You do not have follow-up questions?

Hon. George Murugara (Tharaka, UDA): No. I am not satisfied at all. I have a few follow-up questions. First, the suspected murderer, Mr Sheikh Mayo, is very well known in Isiolo. Second, it is claimed, and there may be some truth in this, that he is actually under protection, both by politicians and by security agencies. It is funny that for the last two months, somebody under the surveillance of the Directorate of Criminal Investigations (DCI) and the police can be on the run and has not been arrested. This begs many questions.

Third, it is also alleged that he comes to Nairobi quite often; he is always here doing whatever it is he does, and whenever he is tracked down, it appears that he has informants within the security agencies. He is informed, and he vanishes. This cannot be satisfactory. This response begs one question: will this man ever be arrested? Or are we waiting to be told that he could not be traced at all and that the file is closed?

Lastly, is he in the country or not? If he is in the country, I cannot comprehend, because the Criminal Investigations Department (CID), which we used to know, never used to work like this. There must be a problem that the DCI and Hon. Kipchumba Murkomen must address. This is not the only problem where the DCI is being cited for inefficiency, not performing its duties timeously, and not working in a manner that is beneficial to the people of Kenya.

The Temporary Speaker (Hon. Martha Wangari): Hon. Raso, you have heard the Member's concerns.

Hon. Ali Raso (Saku, UDA): Thank you very much, Hon. Temporary Speaker. I have heard Hon. Murugara loud and clear. This is not acceptable. How can someone be in Kenya and you say they are at large? This is a known individual, someone of known abode. For that reason, as a Committee, we will put our foot down that this individual must be brought before the law as soon as possible.

The Temporary Speaker (Hon. Martha Wangari): Hon. Murugara, the Vice-Chairman, has spoken for you, and that also begs the question of why we present half-baked responses from the Cabinet Secretaries. I have also heard that the Committee is meeting with the Cabinet Secretary on several issues. This should form part of it so that you receive a quick response. I know they will come together with the DCI, and because the Committee agrees with you, you should get a response. In case you do not receive one in that meeting, then you should come back to the House.

Hon. George Murugara (Tharaka, UDA): It is very important that we be notified in good time so that we appear before that panel...

The Temporary Speaker (Hon. Martha Wangari): Definitely.

Hon. George Murugara (Tharaka, UDA): We hear from the Director of Criminal Investigations because this is not the only matter that I will raise with him. He seems not to be performing his job. He seems to be shielding criminals.

The Temporary Speaker (Hon. Martha Wangari): Hon. Murugara, you have made your point. Hon. Tongoyo and your team, the meeting with the Cabinet Secretary for the Ministry of Interior and National Administration as well as the security agencies, is quite critical. Alert the Members in good time so that they can attend and prosecute their matters there. Hon. Owen, should the outcome of the meeting prove unsatisfactory, we can then call the Cabinet Secretary to appear in the Plenary.

Very well. Hon. Members, it has been agreed that Hon. Kaguchia's Statement has been overtaken by events. It shall be dropped from the Order Paper.

(Hon. Kaguchia John Statement dropped)

The Temporary Speaker (Hon. Martha Wangari): Hon. Murugara, on behalf of the Liaison Committee, make the Statement.

NOTIFICATION ON NEWLY ELECTED COMMITTEE
CHAIRPERSONS AND VICE-CHAIRPERSONS

Hon. George Murugara (Tharaka, UDA): Thank you very much, Hon. Temporary Speaker. This is a Statement regarding the newly elected chairpersons and vice-chairpersons of committees. Pursuant to the provisions of Standing Order 44(2)(b), as read together with Standing Order 179(14), I rise to notify the House of the duly elected Chairpersons and Vice-Chairpersons of specified Committees.

The House will recall that, on Thursday, 28th May 2026, we approved changes to membership of various committees to ensure our newly elected colleagues were placed to serve. Upon the resolution of the House, the Clerk of the National Assembly, in exercise of the powers conferred by Standing Order 179 (2), declared vacancies in the offices of the Chairperson for the Public Investments Committee on Governance and Education, the Constitutional Implementation Oversight Committee and the Departmental Committee on Housing, Urban Planning and Public Works.

The Clerk also subsequently declared a vacancy in the Office of the Vice-Chairperson for the Constitutional Implementation Oversight Committee. Upon conclusion of the elections, I wish to report to the House that the three Committees elected their Leadership as follows:

1. Public Investments Committee on Governance and Education elected Hon. CPA Dick Maungu Oyugi as the Chairperson.
2. Constitutional Implementation Oversight Committee elected Hon. William Kamket Kassait, CBS, as the Chairperson, and Hon. Umulkher Harun Mohamed as the Vice-Chairperson.
3. Departmental Committee on Housing, Urban Planning and Public Works elected Hon. Joseph Kipkosgei Tonui as the Chairperson.

Finally, I take this opportunity to congratulate all the Members who have been elected and vested with responsibilities of being Chairpersons and Vice-Chairpersons of the three Committees. I urge them to use their leadership offices to efficiently discharge the mandate of this House through their respective Committees, for the welfare of our people and the advancement of the prosperity of our country.

On behalf of the Vice-Chairperson, Liaison Committee, I submit. I thank you, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Martha Wangari): Thank you, Hon. Murugara. Hon. Ngogoyo.

Hon. Onesmus Ngogoyo (Kajiado North, UDA): Hon. Temporary Speaker, I seek your intervention. The Speaker had directed the Chairperson of the Departmental Committee on

Housing, Urban Planning and Public Works to answer my question today, regarding the building that came down in Ngong at Ole Nairi area. I request the Chairperson of the Departmental Committee on Housing, Urban Planning and Public Works to give the report they committed to give today.

The Temporary Speaker (Hon. Martha Wangari): Hon. Ngogoyo, the conversation was on this Floor. Hon. Tonui, the new Chair of the Committee, do you have the response? There was a commitment to bring the response because it was urgent.

Hon. Joseph Tonui (Kuresoi South, UDA): Thank you, Hon. Temporary Speaker. I am aware of that statement, and I request Hon. Ngogoyo, through you, to allow me to give a comprehensive report in the first week after recess.

The Temporary Speaker (Hon. Martha Wangari): Chairperson, have you given a preliminary report to Hon. Ngogoyo?

Hon. Joseph Tonui (Kuresoi South, UDA): The Cabinet Secretary has been away, and as I stand now, he is back in the country, and they are preparing that report. So, the first week after recess.

The Temporary Speaker (Hon. Martha Wangari): The preparation of that report did not need to await the Cabinet Secretary. To be fair to Hon. Ngogoyo, bring it next Thursday.

Hon. Joseph Tonui (Kuresoi South, UDA): Okay, thank you.

The Temporary Speaker (Hon. Martha Wangari): We are done with Statements. Next Order.

BILL

First Reading

THE COUNTY ALLOCATION OF REVENUE BILL (Senate Bill No. 10 of 2026)

(The Bill was read a First Time and referred to the relevant Committee)

The Temporary Speaker (Hon. Martha Wangari): Hon. Members, we will re-organise the Order Paper. Orders No. 9 and 10 shall be deferred from today's proceedings. We shall, therefore, proceed to Order No. 11.

COMMITTEE OF THE WHOLE HOUSE

(Order for Committee read)

*[The Temporary Speaker
(Hon. Martha Wangari) left the Chair]*

IN THE COMMITTEE

*[The Temporary Chairman
(Hon. Peter Kaluma) in the Chair]*

THE FISHERIES MANAGEMENT AND DEVELOPMENT BILL (National Assembly Bill No. 29 of 2023)

The Temporary Chairman (Hon. Peter Kaluma): Hon. Members, we are in the Committee of the whole House on the Fisheries Management and Development Bill (National Assembly Bill No. 29 of 2023).

Clause 4

The Temporary Chairman (Hon. Peter Kaluma): There is an amendment by the Chairperson.

Hon. Kangogo Bowen (Marakwet East, UDA): Hon. Temporary Chairman, I beg to move:

THAT, Clause 4 of the Bill appearing second in time be amended—

(a) by renumbering the existing provision as clause 5(1);

(b) in subclause (2) by—

(i) deleting the words “and generational equity” appearing in paragraph (b) and substituting therefor the words “generational and gender equity”;

(ii) deleting the word “encouraging” appearing in paragraph (g) and substituting therefor the word “facilitating”;

(iii) deleting paragraph (m) and substituting therefor the following new paragraph—

(m) promotion of sustainable aquaculture in appropriate zones including amongst local communities as a viable option to contribute to food security, replenishing natural habitats through diversification from capture fisheries and wealth generation in a manner that recognises and protects artisanal fisheries;

(iv) deleting paragraph (q) and substituting therefor the following new paragraph—

(q) ensuring effective co-operation between the National Government and county governments, coastal states, fishing states and competent organizations in the sustainable development, management, utilization and conservation of fisheries and other aquatic resources;

(v) inserting the following new paragraph immediately after paragraph (q)—

(qa) the promotion of blue economy;

(c) in subclause (3) by deleting the expression “(2)(a)” and substituting therefor the following new expression “(2)(a) and (r)”.

Hon. Temporary Chairman, the import of this amendment is to align the role of the county government on matters relating to fisheries and to expand the scope of county government to include matters blue economy.

(Question of the amendment proposed)

The Temporary Chairman (Hon. Peter Kaluma): Hon. Millie.

Hon. Millie Odhiambo-Mabona (Suba North, ODM): Thank you, Hon. Temporary Chairman. This Bill is pretty big and we are moving very fast. We were supposed to sit and harmonise the amendments with the Committee but because of time, we did not. I would like to encourage the Chair, in good faith, to mention the clauses where they have adopted my

proposed amendments. This is because there are some proposed amendments which they have taken up. For instance, I have seen that generational and gender equity has been adopted by the Committee. I do not know if they have taken the other amendments. For instance, my proposed amendment introducing subclause (m) which takes care of artisanal fishers, which in Dholuo we call *jolupo*. Have you taken care of *jolupo/jonam*?

The Temporary Chairman (Hon. Peter Kaluma): Chairperson.

Hon. Kangogo Bowen (Marakwet East, UDA): Hon. Temporary Chairman, many proposed amendments by Hon. Millie have been incorporated. For instance, her amendment to Clause 4.

The Temporary Chairman (Hon. Peter Kaluma): Hon. Millie, we drop your proposed amendment to the Clause in consequence thereof.

*(Proposed amendment by
Hon. Millie Odhiambo-Mabona dropped)*

(Question of the renumbering put and agreed to)

*(Question, that the words to be left out
be left out, put and agreed to)*

*(Question, that the words to be inserted
in place thereof be inserted, put and agreed to)*

*(Question, that the words to be inserted
be inserted, put and agreed to)*

(Clause 4 as amended agreed to)

Clause 5

The Temporary Chairman (Hon. Peter Kaluma): There is an amendment by the Chairperson.

Hon. Kangogo Bowen (Marakwet East, UDA): Hon. Temporary Chairman, I beg to move:

THAT, the Bill be amended by deleting Clause 5.

This is a deletion. Clause 5 was about the Fisheries Advisory Council. Sometimes last year, some institutions under the State Department for Fisheries were collapsed and merged by the Cabinet. Among them is the Fisheries Advisory Council.

(Question of the amendment proposed)

The Temporary Chairman (Hon. Peter Kaluma): Hon. Makali Mulu, before you speak to the proposed amendment, may I guide Hon. Millie that if this amendment passes, her amendment will not be proposed because there will be no provision.

Proceed, Hon. Makali Mulu.

Hon. (Dr) Makali Mulu (Kitui Central, WDM): Thank you, Hon. Temporary Chairman. I have listened to Hon. Kangogo; and while deletion might be justifiable, I would like to know whether it is being deleted because the Council was merged or because there is no value the Council adds. If there was value addition by this Advisory Council, then you could still have it in the Bill as long as it will add value to the whole process. I would like to know

whether the purpose and whatever work was expected of them, would be done by the lower level.

The Temporary Chairman (Hon. Peter Kaluma): Chairperson, please clarify that.

Hon. Kangogo Bowen (Marakwet East, UDA): Hon. Temporary Chairman, the Fisheries Advisory Council was there in the previous government. At that time, there was a State Department for Blue Economy and Fisheries. It was just a department in the Office of the President called Advisory Council which was advising the President on issues of fisheries. But now, the government has a Ministry and a State Department in charge of Blue Economy and Fisheries, which handles all issues the Advisory Council used to handle.

The Temporary Chairman (Hon. Peter Kaluma): Thank you, Chairman. Hon. Millie Odhiambo.

Hon. Millie Odhiambo-Mabona (Suba North, ODM): Thank you, Hon. Temporary Chairman. At the face of it, an Advisory Council would be good because it is more permanent. When other governments come in, they may not prioritise the department. However, if you look at the way it was crafted, there were so many conflicting mandates and one has to give way. If the Advisory Council gives way, it is okay. I agree with the Committee except the amendments I proposed, were giving mandate to this Advisory Council on issues to do with artisanal fishers.

When the original Bill that was declared unconstitutional by the Court was brought, you could see that the legislative thinking was for fishers in the ocean. It did not think of inland fishers. Because of that, the mention of artisanal fishers is more accidental than deliberate. If the Committee agrees with me, I will propose an amendment to bring in a part, which will specifically speaking to the welfare of artisanal fishers, not necessarily the fund but just the welfare and right of artisanal fishers. I agree with the Committee that we delete the clause. I hope they will also support me when I will be dealing with my *jolupo*.

Thank you, Hon. Temporary Chairman.

The Temporary Chairman (Hon. Peter Kaluma): Hon. Millie, your point is made.

*(Question, that the words to be left out
be left out, put and agreed to)*

(Clause 5 deleted)

*(Proposed amendment by
Hon. Millie Odhiambo-Mabona dropped)*

The Temporary Chairman (Hon. Peter Kaluma): Hon. Members, let me welcome students who are seated both in the Speaker's and Public Galleries of the House. In the Speaker's Gallery, we have Mount Carmel School from Masinga Constituency, Machakos County. In the Public Gallery, we have Kiangwenyi Upperhill Academy from Gichugu Constituency, Kirinyaga County. We welcome all the students, their teachers and those accompanying them to observe the Proceedings of the National Assembly.

(Applause)

Hon. Makali Mulu.

Hon. (Dr) Makali Mulu (Kitui Central, WDM): Hon. Temporary Chairman, I am seeking your guidance on Clause 5. The Clause was a deletion but you have read that it be part of the Bill. I do not know whether that is substantial or something that you can just ignore. But since this is a House of records, it is already in our records. I do not know the way forward.

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The Temporary Chairman (Hon. Peter Kaluma): The Clause is deleted. It is not part of the Bill by consequence of that decision.

(Clauses 6 and 7 agreed to)

Clause 8

Hon. Kangogo Bowen (Marakwet East, UDA): Hon. Temporary Chairman, I beg to move:

THAT, the Bill be amended by deleting Clause 8 and substituting therefor the following new clause—

Functions of the Service.

8. The functions of the Service shall be to—

- (a) ensure the appropriate conservation, sustainable use, development and protection of fisheries resources;
- (b) implement policies regarding the conservation, management and utilisation of all fisheries resources within the scope of this Act;
- (c) develop standards for the management of all fisheries and aquaculture activities and fishing related activities within the scope of this Act;
- (d) develop guidelines for the preparation of fisheries specific management plans for the Kenya fishery waters;
- (e) provide education to create public awareness and support for fisheries conservation, management, development and sustainable use;
- (f) set and meet goals for fisheries conservation, management, development and sustainable use and promotion of livelihoods of local fishing communities;
- (g) in consultation with the Kenya Marine and Fisheries Research Institute, coordinate research activities in relation to matters falling within the scope of this Act;
- (h) collect and analyse data in relation to resources and activities falling within the scope of this Act;
- (i) identify manpower requirements and recruit manpower at all levels for the Service;
- (j) liaise as appropriate with agencies and persons, including relevant stakeholders, industry, government agencies, regional and international organisations and experts, whether local or foreign, on matters falling within the scope of this Act;
- (k) administer and co-ordinate international protocols, conventions and treaties regarding fisheries in all its aspects in consultation with the Cabinet Secretary pursuant to the Treaty Making and Ratification Act;
- (l) control and regulate fish safety and quality subject to the Public Health Act and the Food, Drugs and Substance Act;
- (m) raise revenue through levies, fees, investments and other means in accordance with this Act and the Constitution, including solicitation by public appeal or otherwise, and accept and receive subscriptions, donations, devices and bequests, whether of movable or immovable property and

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Cap. 242
Cap. 254

- whether absolute or unconditional for the general or special purposes of the Service or subject to any trust raise revenue through levies, fees;
- (n) undertake the development of appropriate fisheries infrastructure, that relates to its mandate under this Act;
 - (o) facilitate investment in commercial fisheries, in collaboration with relevant agencies, persons or bodies, including Government departments;
 - (p) promote development and introduction of appropriate technologies in aquaculture production, processing and preservation in collaboration with relevant agencies, county governments and stakeholders;
 - (q) support artisanal fisheries;
 - (r) identify and promote construction of any works deemed necessary for the sustainable protection, development and economic utilisation of fisheries resources;
 - (s) facilitate access of fish and fishery products from Kenya at local, national, regional and international levels;
 - (t) in collaboration with county governments and relevant stakeholders identify opportunities and promote all aspects of fisheries marketing;
 - (u) arrange and enter into joint ventures or any other forms of investment arrangement for purposes of performing any of its functions;
 - (v) co-ordinate fish quality assurance and operations of the marine and coastal fisheries, aquaculture and inland and riverine fisheries;
 - (w) co-ordinate and or undertake monitoring, control and surveillance of all activities within the scope of this Act in consultation with county governments and relevant stakeholders;
 - (x) promote the sustainable use of fish by preventing, deterring and eliminating to the extent possible trade in illegal, unreported and unregulated fishing; and
 - (y) perform such other duties and functions consistent with the provisions of this Act as may be necessary to carry out the objectives and provisions of this Act.

The amendment seeks to provide clarity on the functions of the Kenya Fisheries Service (KeFS) and align its roles with the two levels of government, namely, the county governments and the national Government. Further, the Kenya Fish Marketing Authority (KFMA) established under Clause 2 has been deleted in line with the Cabinet directive on State Corporation Reforms. The amendment also seeks to align the Bill with the directive's provisions by deleting references to the Authority and transferring its marketing functions to the KeFS.

Hon. Millie Odhiambo-Mabona (Suba North, ODM): On a point of order, Hon. Temporary Chairman.

The Temporary Chairman (Hon. Peter Kaluma): Hon. Millie, before you prosecute your point of order, allow me to propose the question.

(Question of the amendment proposed)

Hon. Millie.

Hon. Millie Odhiambo-Mabona (Suba North, ODM): Thank you, Hon. Temporary Chairman. I seek your direction because the Committee is proposing to delete Clause 8 and substitute it with a new clause. However, I had proposed amendments to the original clause, which do not conflict with the Committee's proposal. How do we go about it? I would like to retain my amendments to Clause 8.

The Temporary Chairman (Hon. Peter Kaluma): You have done well to seek clarification. If the Committee's amendment is approved by the House, your amendments in respect of paragraphs (f), (l) and the new paragraph (pa) will fall. Therefore, you will only be able to move the amendment relating to paragraph (a).

Hon. Millie Odhiambo-Mabona (Suba North, ODM): Hon. Temporary Chairman, paragraph (pa) is new.

The Temporary Chairman (Hon. Peter Kaluma): It is new but materially at par with the amendments proposed by the Chairperson.

Hon. Millie Odhiambo-Mabona (Suba North, ODM): Okay. Thank you, Hon. Temporary Chairman.

The Temporary Chairman (Hon. Peter Kaluma): Let us have the Chairperson.

Hon. Kangogo Bowen (Marakwet East, UDA): Hon. Temporary Chairman, I also wish to point out that Hon. Millie's proposal is already captured under Clause 8(c) of the Committee's amendments. Her amendment is in line with Clause 8(c).

The Temporary Chairman (Hon. Peter Kaluma): Are you referring to her amendment to paragraph (a)?

Hon. Kangogo Bowen (Marakwet East, UDA): Yes.

The Temporary Chairman (Hon. Peter Kaluma): Do you mean that Hon. Millie's amendment to paragraph (a) is already covered under Clause 8(c)?

Hon. Kangogo Bowen (Marakwet East, UDA): Yes.

The Temporary Chairman (Hon. Peter Kaluma): Hon. Millie, if that is so, then your entire amendment will fall. I will give you time to confirm.

Hon. Millie Odhiambo-Mabona (Suba North, ODM): Hon. Temporary Chairman, the Committee's proposed amendment to Clause 8(c) states:

Develop standards for the management of all fisheries and aquaculture activities and fishing related activities within the scope of this Act.

My amendment states:

Ensure the appropriate development of standards on conservation, management, sustainable use, development and protection of the fisheries resources.

My amendment is very specific to conservation and sustainable use.

The Temporary Chairman (Hon. Peter Kaluma): The House will deal with your amendment after you move it. You will explain to the House at that stage.

(Question, that the words to be left out be left out, put and agreed to)

(Question, that the words to be inserted in place thereof be inserted, put and agreed to)

The Temporary Chairman (Hon. Peter Kaluma): Hon. Millie, you may now move the remaining part of your amendment.

Hon. Millie Odhiambo-Mabona (Suba North, ODM): Thank you, Hon. Temporary Chairman. This is why it is good to have people from Suba around. Hon. Caroli has just alerted me that the Committee's paragraph (f) mirrors my proposed amendment exactly. Since I did

not get an opportunity to speak, the Chairperson did not realise my passion for artisanal fishermen. They are the reason I am in this House. That is why I needed you to mention the term "artisanal" or *jolupo*.

The Temporary Chairman (Hon. Peter Kaluma): Hon. Millie, are you dropping your amendments?

Hon. Millie Odhiambo-Mabona (Suba North, ODM): Hon. Temporary Chairman, there goes Hon. Caroli again. People from Suba have sharp minds. He asked me to look at paragraph (q), which already provides support to artisanal fisheries. Since the Chairperson is already alert to my desires, I withdraw all my amendments to this clause.

*(Proposed amendment by
Hon. Millie Odhiambo-Mabona withdrawn)*

The Temporary Chairman (Hon. Peter Kaluma): Hon. Millie has dropped all her amendments to Clause 8

(Clause 8 as amended agreed to)

Clause 9

The Temporary Chairman (Hon. Peter Kaluma): Let us have the Chairperson.

Hon. Kangogo Bowen (Marakwet East, UDA): Hon. Temporary Chairman, I beg to move:

THAT, Clause 9 of the Bill be amended—

(a) in subclause (1)—

(i) by inserting the word “marketing” immediately after the word “development” appearing in paragraph (b);

(ii) by deleting the words “the Fish Marketing Authority established under Section 204 and other agencies” appearing in paragraph (d) and substituting therefor the words “relevant stakeholders”;

(b) in subclause (3)(c)—

(i) by deleting the word “to” appearing immediately after the words “among other things”; and

(ii) by inserting the following new subparagraph immediately after subparagraph (iii)—

(iv) the national values and principles of governance set out in Article 10 of the Constitution.

The KFMA established under Clause 198 has been deleted in line with the Cabinet directive on State Corporation Reforms. The amendment seeks to align the provisions of the Bill with the directive by deleting references to the Authority and subsequently, transferring its marketing functions to the KeFS.

(Question of the amendment proposed)

*(Question, that the words to be inserted
be inserted, put and agreed to)*

*(Question, that the words to be left
out be left out, put and agreed to)*

(Question, that the words to be inserted in place thereof be inserted, put and agreed to)

The Temporary Chairman (Hon. Peter Kaluma): Hon. Millie Odhiambo-Mabona, please, move your amendment.

Hon. Millie Odhiambo-Mabona (Suba North, ODM): Hon. Temporary Chairman, I just wanted to clarify whether the Committee has deleted Clause 9. Have you proposed amendments?

The Temporary Chairman (Hon. Peter Kaluma): Let me guide you, Hon. Millie. Clause 9 has not been deleted. It has only been amended by deleting certain provisions, which the Committee says have catered for your amendments.

Hon. Millie Odhiambo-Mabona (Suba North, ODM): Hon. Temporary Chairman, if that is the case, I withdraw my proposal to delete paragraphs (a) and (b), as they were conflicting with the roles of the Advisory Council. Since the Council has been abolished, those amendments are no longer necessary. I also note that the Committee has adopted my proposed amendments. Therefore, I withdraw my amendments.

The Temporary Chairman (Hon. Peter Kaluma): Thank you, Hon. Millie. Hon. Millie's proposed amendments are withdrawn.

*(Proposed amendment by
Hon. Millie Odhiambo-Mabona withdrawn)*

(Clause 9 as amended agreed to)

Clause 10

The Temporary Chairman (Hon. Peter Kaluma): Let us have the Chairperson.

Hon. Kangogo Bowen (Marakwet East, UDA): Hon. Temporary Chairman, I beg to move:

THAT, the Bill be amended by deleting Clause 10 and substituting therefor the following new clause—

Membership of
the Board.

10. (1) The members of the Board shall consist of—

- (a) a chairperson recruited through a competitive process, who shall be appointed by the President;
- (b) the Principal Secretary responsible for matters relating to fisheries or a representative designated in writing;
- (c) the Principal Secretary responsible for matters relating to finance or a representative designated in writing;
- (d) the Principal Secretary responsible for matters relating to defence or a representative designated in writing;
- (e) the Attorney-General or a representative designated in writing;
- (f) a person nominated by the Council of governors and appointed by the Cabinet Secretary;
- (g) three other persons, not being public officers, with knowledge and experience in the conservation, management, development and sustainable use of fisheries resources appointed by the Cabinet Secretary; and
- (h) the Director-General, who shall be an ex-officio member.

(2) The members of the Board shall at their first meeting after appointment, elect a vice-chairperson from amongst their numbers: Provided that the Chairperson and Vice- Chairperson shall not be of the same gender.

(3) The Cabinet Secretary shall in making appointments under subsection (1)(g) have regard to the principle of gender parity, age, regional and ethnic balance and shall, to the extent possible, ensure an equitable representation from different sub-sectors of the fisheries sector.

(4) A person shall be qualified to be appointed under subsection (1)(a), (f) and (g) if such person—

(a) holds a degree from a university recognised in Kenya in—

(i) natural resource or environmental management, development or science;

(ii) fisheries studies, including fisheries governance, management, development or science;

(iii) marine affairs;

(iv) port management;

(v) aquatic science; or

(vi) a field related to the functions of the Board;

(b) has served in a senior management position for at least five years; and

(c) meets the requirements of Chapter Six of the Constitution.

(5) The chairperson and member of the Board appointed under subsection (1) (a), (f) and (g) shall hold office for a term of three years and shall be eligible for reappointment for one further term of three years.

(6) The respective appointing authority shall appoint the Chairperson and members of the Board, by name and by notice in the *Gazette*.

The import of this amendment is to align the Bill with the provisions of the State Corporations Act regarding the representation of the Board, which includes the Attorney-General or their representative. Further, the amendment seeks to provide for representation of county governments on the Board of the Service, noting that the Service's functions have both a direct and indirect impact on the functions of county governments.

(Question of the amendment proposed)

The Temporary Chairman (Hon. Peter Kaluma): Let us have Hon. Caroli Omondi.

Hon. Caroli Omondi (Suba South, ODM): Hon. Temporary Chairman, I do not have a particular amendment to this clause, but I wish to ask the Chairperson why they have not considered it necessary to include a representative of the Ministry responsible for environmental conservation as a member of the Board under Clause 10. One of the main challenges facing fisheries is the management of riverine estuaries in which fish produce eggs and fingerlings survive before growing to the right size to be eaten. I thought there should be some linkage between the board and the ministry responsible for environmental conservation.

The Temporary Chairman (Hon. Peter Kaluma): Chairperson.

Hon. Kangogo Bowen (Marakwet East, UDA): Hon. Temporary Chairman, that interest is taken care of separately by National Environment Management Authority (NEMA). For example, the fishermen doing cage fishing in the lake must first get NEMA licenses. Though there is no harm in including that, it is already taken care of separately by NEMA.

The Temporary Chairman (Hon. Peter Kaluma): Hon. Millie Odhiambo.

Hon. Millie Odhiambo-Mabona (Suba North, ODM): Thank you. Hon. Temporary Chairman, I support but I wish to seek the attention of the Chairman.

*(Hon. Kangogo Bowen consulted
with his technical team)*

I think he is consulting. Chairman of the Committee. Hon. Bowen, I was just wondering if you could clarify why under 10(1)(g), the proposed... Hon. Bowen, are you listening? I know men have a challenge in multitasking. Under clause 10(1)(g), you said:

Three other persons, not being public officers, with knowledge and experience in the conservation, management, development and sustainable use of fisheries resources appointed by the Cabinet Secretary.

I was wondering why you could not just be specific and say that those persons should be from Beach Management Units (BMUs) because they play a critical role. But just like the artisanal fishers, we are giving them minimal mention in this Bill. Is it possible for you to propose an amendment to include them? It will not change the numbers. You would just do a further amendment to include that one of them should be a representative of the BMUs.

Hon. Kangogo Bowen (Marakwet East, UDA): Hon. Chairman, I hear the concerns by Hon. Millie and Hon. Caroli Omondi. However, I refer them to part (d) of this Bill which is the Inter-agency Monitoring, Control and Surveillance (MCS) Unit. That is page 993 of this. You can see the representation there. Allow me to read that representation: the Director-General of Fisheries who is the Chair, Representative of Police/Internal Security, Representative of Judiciary, Representative of County Government (County Director of Fisheries), Representative of BMUs, Representative of NEMA, Representative of Public Health and Sanitation, Representative of Defence, Representative of Water, Representative of Kenya Wildlife Service, Representative of Kenya Maritime Authority, among others. All those agencies are there.

*(Hon. Millie Odhiambo-Mabona
spoke off the record)*

The Temporary Chairman (Hon. Peter Kaluma): Chairman, would you also read clause 10(1)(c) of the Bill before amendment, just so that Hon. Caroli is satisfied that knowledge on matters environment is catered for.

Hon. Kangogo Bowen (Marakwet East, UDA): That is part C on the membership of the board. The five members not being public officers, openly appointed by the Cabinet Secretary for their long-term knowledge and experience in conservation, management and development...

Hon. Millie Odhiambo-Mabona (Suba North, ODM): But that is what he is proposing to delete.

The Temporary Chairman (Hon. Peter Kaluma): Yes, and it is replaced that with specific mentions of agencies like NEMA. Hon. Owen Baya.

Hon. Owen Baya (Kilifi North, UDA): Hon. Temporary Chairman, I interestingly note that under Clause 10(3), the Chair is proposing that the Cabinet Secretary shall, in making appointments under subsection (1)(g), have regard to the principles of gender parity, ethnicity and age. But in the appointments in (a), (b), (c), (d), (e) and (f), we have had situations where all the Principal Secretaries are of the same gender and probably, from the same ethnic group or village; because of their designations, they are already in office. How then will you balance that ensuring that we do not come to...

I remember a time when Kenya Maritime Authority appointed people who belonged to one tribe all the way from the Chairperson. How will you ensure that we do not end up with a situation like that?

The Temporary Chairman (Hon. Peter Kaluma): Hon. Owen Baya, I do not want that to be responded to. This is because the response is in Article 232 of the Constitution. That is the requirement of our Supreme Law. That the face of the nation in terms of gender, regional and ethnic balance, integration of minorities, the youth and persons with disabilities, must be adhered to, when you compose anybody that is a public service body.

(Question, that the words to be left out be left out, put and agreed to)

(Question, that the words to be inserted in place thereof be inserted, put and agreed to)

(Clause 10 as amended agreed to)

Clause 11

Hon. Temporary Chairman: Chairperson.

Hon. Kangogo Bowen (Marakwet East, UDA): Hon. Temporary Chairman, I beg to move:

THAT, Clause 11 of the Bill be amended by deleting subclause (2) and substituting therefor the following new subclause—

(2) Where a vacancy occurs in the membership of the Board, the appointing authority shall appoint a new member in accordance with the provisions of this Act.

This is just a draft clean up. It is not something major.

Hon. Temporary Chairman: Hon. Chairman, what are you cleaning up?

Hon. Kangogo Bowen (Marakwet East, UDA): We are just aligning it with the provisions of drafting style and the format of the House. How we normally...

Hon. Temporary Chairman: Thank you, Hon. Chairman. The point is made.

(Question of the amendment proposed)

(Question, that the words to be left out be left out, put and agreed to)

(Question, that the words to be inserted in place thereof be inserted, put and agreed to)

(Clause 11 as amended agreed to)

Members, let me welcome the visiting students. In the Speaker's Gallery, we have Kipsyenan Secondary, Rongai Constituency, Nakuru County and Suguta Marmar Primary School, Samburu West Constituency, Samburu County.

(Applause)

Hon. Members, I am being informed by my Clerk-at-the-Table to my right that that is his former school.

(Loud consultations)

Students, please stand so that you may be recognised. One of the schools is to my right. In the Public Gallery, we have Torolokwonin School, Baringo North Constituency, Baringo County and Emitik Academy, Baringo North, Baringo County.

(Applause)

I take this opportunity to welcome all the students, their teachers and anyone accompanying them to observe the Proceedings of the House. I will allow Hon. Makilap to welcome all the students to the House.

Hon. Joseph Makilap (Baringo North, UDA): Thank you, Hon. Temporary Chairman. The correct pronunciation is Torolokwonin Model Boarding Primary School. It is a model primary school that the then Minister of Development of Northern Kenya and other Arid Lands, Mohamed Elmi, built through an economic stimulus programme for schools in Northern Kenya and pastoral communities. It is one of the best schools built under the leadership of Raila Amolo Odinga, during the *nusu mkate* government.

Hon. Members: Baba!

(Applause)

Hon. Joseph Makilap (Baringo North, UDA): Baba wanted every region in Kenya to be brought up in development. Torolokwonin Model Boarding Primary School is one of the best public primary schools in Baringo North Constituency while Emitik Academy is the only private academy in Baringo West. Remember I am a Member of Parliament of two sub-counties. Emitik Academy is the best private primary school in Baringo West Sub-County while Torolokwonin is the best among public schools.

I would also like to welcome students from Suguta Marmar Mixed Day Secondary School in Samburu County. Many have difficulties pronouncing such names but we the pastoralists know how to pronounce them. It is called Suguta Marmar and it is in Samburu County.

I congratulate the children from pastoralist communities. They could not have had an opportunity to go to school but now they have had an opportunity to come to Parliament. The students from these schools are destined for greatness. They will find themselves in this House sometime in future if they only work hard and become disciplined. I wish them success.

Their Director Bwana Chesubal Chemetwing and Mr Joel Kilang'a the headteacher of Torokwonin and my good friend from Suguta Marmar in Samburu County, all the best as you go back home. Work hard. No more strikes and indiscipline in Kenya. It is Kenya Students for Peace.

Thank you.

The Temporary Chairman (Hon. Peter Kaluma): It will be a remiss if I do not allow the Member of Parliament of Samburu County to also welcome all students to the National Assembly.

Hon. Pauline Lenguris (Samburu County, UDA): Thank you. I was raising my hand to also get a chance to welcome all students. Particularly the ones from Samburu County, Suguta Marmar Primary School. They have travelled for so many hours to come and observe proceedings and see Kenya. There are so many things that are not in Samburu County but are here in Nairobi. I take this chance to welcome them, with all other students, to observe House proceedings. I also encourage them to work hard. We are representing them today but we expect them to be here tomorrow.

Suguta Marmar is one of the best public schools in Samburu Country. It is a well-performing school with a very high population. I welcome them together with their teachers who have accompanied them to the House to observe proceedings. I also wish them success in their trip to all other places they will visit while in Nairobi.

I welcome all the students.

The Temporary Chairman (Hon. Peter Kaluma): It is beautiful to have all students within the National Assembly, especially on a day a former student in one of the schools is guiding the Chairperson on how to proceed with the Committee of the whole House. You are welcome to the House to observe proceedings.

(Applause)

Let us go back to the main business.

Clause 12

The Temporary Chairman (Hon. Peter Kaluma): Hon. Chairman.

Hon. Kangogo Bowen (Marakwet East, UDA): I beg to move:

THAT, Clause 12 of the Bill be amended—

- (a) in subclause (1) by deleting the expression “(5)” and substituting therefor the expression “(4)”;
- (b) in subclause (2) by deleting the word “Chair” and substituting with therefor the word “Chairperson”; and
- (c) in subclause (3)(b) by deleting the expression “(a)” and substituting therefor the expression “(2)”.

The amendment is meant to correct a cross-referencing error and align grammar in the provisions. For example, we are deleting the word “Chair” and replacing it with “Chairperson”.

(Question of the amendment proposed)

(Question, that the words to be left out be left out, put and agreed to)

(Question, that the words to be inserted in place thereof be inserted, put and agreed to)

(Clause 12 as amended agreed to)

Clause 13

The Temporary Chairman (Hon. Peter Kaluma): Hon. Chairman.

Hon. Kangogo Bowen (Marakwet East, UDA): I beg to move:

THAT, Clause 13 of the Bill be amended—

- (a) in subclause (3) by deleting paragraph (b) and substituting therefor the following new paragraph—
 - (b) the Chairperson, or in his or her absence the Vice-Chairperson, shall preside, and if both the Chairperson and the Vice-Chairperson are absent, the members present shall appoint, from among their own number, a Chairperson for that meeting;
- (b) by deleting subclause (10).

This amendment seeks to align the drafting style and format of the House by subsequently providing a schedule on conduct of business and affairs of the Board.

(Question of the amendment proposed)

(Question, that the words to be left out be left out, put and agreed to)

(Question, that the words to be inserted in place thereof be inserted, put and agreed to)

(Clause 13 as amended agreed to)

Clause 14

The Temporary Chairman (Hon. Peter Kaluma): Hon. Chairman.

Hon. Kangogo Bowen (Marakwet East, UDA): Hon. Temporary Chairman, I beg to move:

THAT, Clause 14 of the Bill be amended by deleting subclause (2) and substituting therefor the following new subclause—

(2) A person shall be qualified to be appointed under subsection (1), if such person—

(a) holds a post graduate degree from a university recognized in Kenya in—

- (i) natural resource or environmental management, development or science;
- (ii) fisheries studies, including fisheries governance, management, development or science;
- (iii) aquatic science; or
- (iv) any other related field;

(b) has at least ten years' experience in a senior management position in a public or private institution; and

(c) meets the requirements of Chapter Six of the Constitution.

The amendment seeks to enable persons with management experience in private institutions to also qualify to be appointed as Director-General. They are also required to comply with Chapter Six of our Constitution.

(Question of the amendment proposed)

(Question, that the words to be left out be left out, put and agreed to)

(Question, that the words to be inserted in place thereof be inserted, put and agreed to)

(Clause 14 as amended agreed to)

Clause 15

The Temporary Chairman (Hon. Peter Kaluma): Hon. Chairman.

Hon. Kangogo Bowen (Marakwet East, UDA): I beg to move:

THAT, Clause 15 of the Bill be amended in subclause (2) (d) by deleting the words “the Fish Marketing Authority established under section 204 and other agencies” and substituting therefor the words “relevant stakeholders”.

The Kenya Fish Marketing Authority (KFMA) established under Clause 201 has been deleted in line with Cabinet directives on reforms of state corporations. The amendment seeks to align provisions with directives by deleting referencing to the authority and subsequent transfer of marketing functions to KFMA.

(Question of the amendment proposed)

(Question, that the words to be left out be left out, put and agreed to)

(Question, that the words to be inserted in place thereof be inserted, put and agreed to)

(Clause 15 as amended agreed to)

Clause 16

The Temporary Chairman (Hon. Peter Kaluma): Hon. Chairman.

Hon. Kangogo Bowen (Marakwet East, UDA): I beg to move:

THAT, Clause 16 of the Bill be amended—

(a) in subclause (1)

(i) in paragraph (a) by deleting the words “First Schedule” and substituting therefor the words “Second Schedule”;

(ii) in paragraph (b) by deleting the words “First Schedule” and substituting therefor the words “Second Schedule”;

(b) in subclause (2) by deleting the words “First Schedule” and substituting therefor the words “Second Schedule”; and

(c) in subclause (3) by deleting the words “First Schedule” and substituting therefor

The amendment corrects a cross-referencing error where we are referring to the First Schedule instead of the Second Schedule.

(Question of the amendment proposed)

(Question, that the words to be left out be left out, put and agreed to)

(Question, that the words to be inserted in place thereof be inserted, put and agreed to)

The Temporary Chairman (Hon. Peter Kaluma): Hon. Millie, do you have an amendment to Clause 16?

Hon. Millie Odhiambo-Mabona (Suba North, ODM): Yes.

The Temporary Chairman (Hon. Peter Kaluma): Go ahead.

Hon. Millie Odhiambo-Mabona (Suba North, ODM): I beg to move:

THAT, Clause 16 of the Bill be further amended in subclause (4) by inserting the words “and in consultation with the Salaries and Remuneration Commission” immediately after the words “reasonable time”.

I am seeking that the Board be given mandate to provide a staff superannuation scheme to determine service to employees of the service. As per the Constitution, it should be in consultation with the Salaries and Remuneration Commission (SRC).

(Question of the further amendment proposed)

The Temporary Chairman (Hon. Peter Kaluma): Hon. Chairman.

Hon. Kangogo Bowen (Marakwet East, UDA): I plead with Hon. Millie Odhiambo to drop the amendment because it amounts to over-legislation. Our Constitution already provides that we must consult the SRC on matters to do with salaries. Her request is already provided for.

The Temporary Chairman (Hon. Peter Kaluma): Hon. Millie, it makes good sense.

Hon. Millie Odhiambo-Mabona (Suba North, ODM): It also makes good sense to include the provision in the Bill even if it is already in the Constitution. The Bible tells us to remind them even when they know. That is why we are also providing for gender and youth even though they are already in the Constitution. They are all in the Constitution. It does not take away. It only strengthens. So, I would actually then encourage the Chairman to support it.

The Temporary Chairman (Hon. Peter Kaluma): Hon. Charles Ngusya.

Hon. Charles Nguna (Mwingi West, WDM): Hon. Temporary Chairman, there is nothing like over-legislating. I sit in one of the Audit Committees and sometimes the CEOs end up doing a lot of errors. So, I think what Millie has proposed is very important we include it here. It does not cause any harm or danger including it. I support Hon. Millie's amendments.

*(Question, that the words to be inserted
be inserted, put and agreed to)*

(Clause 16 as amended agreed to)

Clause 17

The Temporary Chairman (Hon. Peter Kaluma): Chairman.

Hon. Kangogo Bowen (Marakwet East, UDA): Hon. Temporary Chairman, I beg to move:

THAT, the Bill be amended by deleting Clause 17 and substituting therefor the following new clause—

- Authorized officers.
17. (1) The Cabinet Secretary may, on the recommendation of the Director-General and by notice in the *Gazette* appoint an authorized officer for purposes of this Act.
 - (2) A person appointed under subsection (1), shall perform such functions as the Board may specify.
 - (3) Notwithstanding subsection (1), a County Executive Committee Member may within their respective county and in consultation with the County Director responsible for fisheries, appoint a county fisheries officer for purposes of performance of functions assigned to counties under this Act.

Under this one, fisheries being a devolved function, the amendment seeks to provide for appointment of authorised officers both at the national and the county levels appointed by the Cabinet Secretary and the County CEC in charge of fisheries, respectively.

(Question of the amendment proposed)

(Question, that the words to be left out be left out, put and agreed to)

(Question, that the words to be inserted in place thereof be inserted, put and agreed to)

(Clause 17 as amended agreed to)

Clause 18

The Temporary Chairman (Hon. Peter Kaluma): Hon. Chairman.

Hon. Kangogo Bowen (Marakwet East, UDA): Hon. Temporary Chairman, I beg to move:

THAT, the Bill be amended by deleting Clause 18.

The position of honorary fisheries officers is unnecessary and no such officers have been appointed since the enactment of the Act, hence the proposal to delete this provision. This clause provided for honorary fisheries officers which we saw is not necessary.

(Question of the amendment proposed)

(Question, that the words to be left out be left out, put and agreed to)

(Clause 18 deleted)

The Temporary Chairman (Hon. Peter Kaluma): What it means is, that clause is wholly deleted and so we do not need to put the final question. Next.

Clause 19

The Temporary Chairman (Hon. Peter Kaluma): Committee Chairman.

Hon. Kangogo Bowen (Marakwet East, UDA): Hon. Temporary Chairman, I beg to move:

THAT, Clause 19 of the Bill be amended—

(a) by deleting subclause (1) and substituting therefor the following new subclause—

(1) There is established a unit within the Service to be known as the Monitoring, Control and Surveillance Unit

(b) in subclause (2)—

(i) by deleting the words “The MCS Unit” appearing in the opening statement and substituting therefor the words “The Monitoring, Control and Surveillance Unit”;

(ii) in paragraph (b) by deleting the expression “2013”; and

(c) in subclause (3) by deleting the words “The MCS Unit shall The MCS Unit shall include the officers specified in Part B of the First Schedule,” appearing in the opening statement and substituting therefor the words “The Monitoring, Control and Surveillance Unit shall include the officers specified in Part B of the Second Schedule.”.

This one is a clean-up with the drafting standards. Further, the amendment seeks to align the title of the Treaty Making and Ratification Act with the new CAP number issued under CAP 4B.

(Question of the amendment proposed)

Hon. Millie Odhiambo- Mabona (Suba North, ODM): It is on Monitoring, Control and Surveillance.

The Temporary Chairman (Hon. Peter Kaluma): Could you give the Chairman the microphone just to clarify?

(Hon. Charles Nguna spoke off the record)

Hon. Ngusya, you are not yet recognised. Let the Chairman make the clarification or do you want to inform Hon. Millie?

Hon. Kangogo Bowen (Marakwet East, UDA): Hon. Temporary Chairman, I am saying a clean-up because it uses the initials MCS. We are just saying a clean-up because we are providing to make it in full—Monitoring, Control and Surveillance Unit.

The Temporary Chairman (Hon. Peter Kaluma): That being so and with that clarification, I now put the Question.

(Question, that the words to be left out be left out, put and agreed to)

(Question, that the words to be inserted in place thereof be inserted, put and agreed to)

(Clause 19 as amended agreed to)

Clause 20

The Temporary Chairman (Hon. Peter Kaluma): Chairman.

Hon. Kangogo Bowen (Marakwet East, UDA): Hon. Temporary Chairman, I beg to move:

THAT, Clause 20 of the Bill be amended—

- (a) in subclause (1) by deleting the words “(“the Inter-agency MCS Unit”)”;
- (b) in subclause (2) by deleting the words “First schedule” and substituting therefor the words “Second Schedule”; and
- (c) by deleting subclause (3) and substituting therefor the following new subclause—

(3) The principal function of the Inter-agency Monitoring, Control and Surveillance Unit shall be to ensure coordinated and effective interagency enforcement of and compliance with this Act, including cooperation of the Service and the Kenya Coast Guard Service established under the Kenya Coast Guard Service Act in the protection of maritime resources including fisheries, fishers and Kenya fishery waters.

On this one, Section 8(1)(j) of the Kenya Coast Guard Service Act, CAP 200, provides that the service shall be deployed in our territorial waters for the protection of maritime resources including fisheries. Further, Section 9(2)(b) gives the Kenya Coast Guard Service the power to stop, enter, board, inspect or search any structure, place, vessel or aircraft engaged in or suspected to be engaged in unlawful activity.

In this regard, the amendment seeks to include the inter-agencies in the Monitoring, Control and Surveillance as a representative of Kenya Coast Guard Service in order to enhance

the protection given in the Kenya fisheries waters and fishers by inclusion of the service. We are just including the Kenya Coast Guards into the Monitoring, Control and Surveillance.

(Question of the amendment proposed)

(Question, that the words to be left out be left out, put and agreed to)

(Question, that the words to be inserted in place thereof be inserted, put and agreed to)

(Clause 20 as amended agreed to)

Clause 21

The Temporary Chairman (Hon. Peter Kaluma): The Committee Chairman.

Hon. Kangogo Bowen (Marakwet East, UDA): Hon. Temporary Chairman I beg to move:

THAT, Clause 21 of the Bill be amended in —

(a) subclause (2) by—

(i) inserting the word “functions” immediately after the word “official” appearing in paragraph (c);

(ii) inserting the following new paragraphs immediately after paragraph (j)—

(ja) establishment of standards for ensuring equitable access to fisheries resources, including navigation space, fishing space, and access to other resources;

(b) subclause (4) by deleting the expression “2012”.

The amendment seeks to align the title of the Public Finance Management Act with the new CAP number issued which is CAC 412A.

(Question of the amendment proposed)

The Temporary Chairman (Hon. Peter Kaluma): Do you want to make a comment? Yes, Hon. Millie.

Hon. Millie Odhiambo- Mabona (Suba North, ODM): Thank you, Hon. Temporary Chairman. The navigation space in this House is a challenge, especially for people with my endowment, my *adhiambo*.

(Laughter)

I wanted your direction and I thank the Committee for actually adopting my proposed amendments to Clause 21. However, I need your direction on how I can then do a further amendment to my amendment. I have proposed amendments which they have adopted, but I have a proposed amendment which procedurally I am allowed as a mover to do. However, having adopted theirs, now how do I do it? I wanted to include the issue which we learnt from Ghana last week in the 11th Our Ocean Conference (OOC11). What I was actually struggling with—and I am glad I found it in the Biodiversity Beyond National Jurisdiction (BBNJ) Treaty—is establishment of standards for ensuring equitable access to fisheries resources, including navigation space, fishing space and access to other resources.

Hon. Temporary Chairman, maybe I can explain this; this is a very critical issue that has emerged since the repealed Act was passed. When we were coming up with that law, we did not have issues of cage farming. Hon. Temporary Chairman, you come from a fishing community so you are aware of cage farming. However, cage farming has drawn so much interest that navigation space is becoming a challenge for other transport users. I represent seven habitable islands and when moving from island to island, one gets late because of these boats. The coxswain does not use light but their memory to navigate but because the cages are all over, many a times they are hit. Therefore, we need spaces for cages.

*(Hon. Caroli Omondi consulted
Hon. Kangogo Bowen)*

Hon. Caroli, you could allow the Chair to listen to this. Last week, I showed the relevant Cabinet Secretary and Principal Secretary that a hotel proprietor...

The Temporary Chairman (Hon. Peter Kaluma): Hon. Millie, you are making quite some sense. The Chairperson has moved amendments which incorporate what were your proposed amendments in terms of what is in the Order Paper.

Hon. Millie Odhiambo-Mabona (Suba North, ODM): I need to do a further amendment. How do I go about it?

The Temporary Chairman (Hon. Peter Kaluma): Draft the text of the amendment you propose as further amendment. I will grant you leave to do so. You can engage the Chair as we proceed to consider the amendments he has proposed.

Hon. Millie Odhiambo-Mabona (Suba North, ODM): Thank you.

The Temporary Chairman (Hon. Peter Kaluma): Do we have any Member seeking to contribute to the amendments proposed by the Chair?

*(Question, that the words to be inserted
be inserted, put and agreed to)*

*(Question, that the word to be left
out be left out, put and agreed to)*

Hon. Millie, I am not putting the final question because I want to hear you on your proposed further amendment.

Hon. Millie Odhiambo-Mabona (Suba North, ODM): In my proposed further amendment, I would like to explain one of the challenges that we now face. A hotel proprietor from Suba North, Kalitu Kaseu, told me...

The Temporary Chairman (Hon. Peter Kaluma): Start by moving the amendment in the text.

Hon. Millie Odhiambo-Mabona (Suba North, ODM): I beg to move:

THAT, Clause 21 of the Bill be further amended in —

(ja) deleting the word “and” immediately after the word “space” and inserting the words “a seven nautical mile space for cages” immediately after the words “other resources”.

The legal counsel in the Committee can help draft this.

The Temporary Chairman (Hon. Peter Kaluma): Procedurally, provisions in Standing Order No. 133(10) guides that you can recommit this so that we have the text prior to the amendment being moved instead of having to halt all the proceedings.

Hon. Millie Odhiambo-Mabona (Suba North, ODM): Hon. Temporary Chairman, I have the text.

Hon. Owen Baya (Kilifi North, UDA): My understanding of procedure is that any amendment that is done must be in writing. I request Hon. Millie to recommit by doing the text properly in writing then we can go back to it and adopt. That is neater.

The Temporary Chairman (Hon. Peter Kaluma): The guidance Hon. Owen is giving is the same guidance Chairperson is giving. That instead of halting all proceedings as we wait for the text to be drawn and approved...

Hon. Millie Odhiambo-Mabona (Suba North, ODM): I have already drawn it.

The Temporary Chairman (Hon. Peter Kaluma): Present it to the Clerks-at-the-Table. I may grant you leave to move if it is ready. Could you consult?

*(Hon. Millie Odhiambo-Mabona
consulted Hon. Kangogo Bowen)*

This being the Committee of the whole House, I will allow that consultation.

Hon. Members, permit me to interrupt the proceedings to welcome a number of schools and institutions visiting the National Assembly to observe the proceedings. In the Speaker's Gallery we have Moi Girls Isinya, Kajiado East Constituency, Kajiado County. Also in the Speaker's Gallery is Suguta Consolata School, Samburu West Constituency, Samburu County, Aldai Girls School, Aldai Constituency, Uasin Gishu County and lastly Mboru Comprehensive School, Mwingi Central Constituency, Kitui County. All the visiting students, their teachers and guardians are welcome to the National Assembly to observe the proceedings.

They have come to the House when we are undertaking the Committee of the whole House which I know they study in their schools. In the Committee of the whole House, we go through a proposed law called a Bill word by word, paragraph by paragraph, punctuation by punctuation and make amendments so that the ultimate Bill is in consonance with public interests, the law and is clean in text and the intention of the law. You have been taught in your schools that the law-making processes go through First Reading, Second Reading, Committee of the whole House, then Third Reading and it ends there. We are in the Committee of the whole House after which we will go to the Third Reading.

The First Reading is about notification to the public and Members that a Bill will be coming up for consideration soon. In the Second Reading we do general debate on a Bill. At the Committee of the whole House, we comb the law to ensure that it is in the text and everything is right to be passed at the Third Stage. Therefore, all the schools are welcome to the House to observe proceedings.

Hon. Millie will now have the microphone to move her amendment.

Hon. Millie Odhiambo-Mabona (Suba North, ODM): I beg to move:

THAT, Clause 21 of the Bill be further amended in—

(ja) deleting the word “and” immediately after the word “space” and inserting the words “including the establishment of an inshore exclusive zone” immediately after the words “other resources”.

We have agreed with the Chair of the Committee that they be given time to determine whether the words “nautical miles” are appropriate because I wanted to provide for nautical miles. This ensures that when doing cage farming, it does not encroach on other businesses like hotels and tourism business. Let cage farming be much further off-shore from other businesses.

The Temporary Chairman (Hon. Peter Kaluma): Hon. Millie, are you dealing with cage farming in the ocean or in inland waters?

Hon. Millie Odhiambo-Mabona (Suba North, ODM): I am giving that as an example. That is why we are not using the words “nautical miles” because...

The Temporary Chairman (Hon. Peter Kaluma): I am asking that question because as you remember, the Chairperson of the Committee of the whole House is an expert on law of

the sea. Exclusive economic zone is part of the sea area and not internal waters to which a state is entitled to going up to 200 nautical miles into the sea. Therefore, if you are intending it for Lake Victoria, Lake Turkana and others, exclusive economic zones would be the right word to use.

Hon. Millie Odhiambo-Mabona (Suba North, ODM): No, I am actually not talking of exclusive, I know you are an expert. I am not talking of an Exclusive Economic Zone. You know, the fisheries sector keeps evolving and just last week, we were in Mombasa and under the Biodiversity Beyond National Jurisdiction (BBJN) Treaty which is an agreement which has come up under the law of the Sea Convention, they established what is called an In-Shore Exclusive zone. It is not Exclusive Economic Zone but an In-Shore Exclusive Zone. That is separate from the Economic Zone.

(Question of the further amendment proposed)

The Temporary Chairman (Hon. Peter Kaluma): Hon. (Dr) Otiende Amollo, Senior Counsel.

Hon. (Dr) Otiende Amollo (Rarieda, ODM): Thank you, Hon. Temporary Chairman. I want to understand this a little more because when Hon. Millie Odhiambo talked of the seven nautical miles and given the way our lake particularly is, there are parts, for example, the gulf of Asembo Bay, that if you have such limitations, then there can be no cage fishing at all. So, bearing that in mind, I would worry about any provision that comes to numbers in terms of nautical miles. Secondly, just as you pointed out, and I think I agree with Hon. Millie, we must have a way of regulating cage fishing in a way that they coexist, but not in a way that disables it completely.

I am worried that if we go the way of those provisions of how much space there are places, therefore that cage fishing will have to be restricted completely. So, I wanted to hear from the Hon. Chairman a little more of what now the Temporary Chairman was saying they have agreed on. A phraseology that does not in its entirety disable the possibility of cage fishing in narrower parts of the lake.

The Temporary Chairman (Hon. Peter Kaluma): Hon. Ruth Odinga, Member of Parliament for Kisumu. Thank you.

Hon. Ruth Odinga (Kisumu County, ODM): Thank you, Hon. Temporary Chairman. Mine also is to concur a bit with what my colleague Hon. (Dr) Otiende Amollo has said because when we are talking about the nautical miles with this narrow gulf that we have, it might not be possible. But secondly, when we are talking about that, we should also look at the idea of the fish caging, the areas that you are saying we must move to, we might have problems because of the lack of space, which causes lack of oxygen in these areas.

We need to look at this very keenly because we are sitting on a gulf, we are not sitting in the lake which is like the Uganda side, which has got so much space that you can go further like seven nautical miles. I thought that the least was five nautical miles that we could do but if we now say we are not even doing five nautical miles up to seven, we might get to have a problem. I think we need to look at this thing more keenly and have some more research done on it. Thank you.

The Temporary Chairman (Hon. Peter Kaluma): For our clarity, Hon. Members, seven nautical miles is about 13 kilometres, it is about 12.94 kilometres. So, what Hon. Millie is proposing, in terms of consequence, is that there will be no cage fishing from the shore-dip up to nearly 13 kilometres which I do not know if the stretch of our gap from bay to bay, if you consider Lake Victoria in particular, will permit.

Hon. Ken Chonga (Kilifi South, ODM): Thank you, Hon. Temporary Chairman. In this discussion I would want to know clearly if we are just talking about the lakes or whatever

the amendment passed here will also apply to the seas and oceans. This is because, if it is extended there, then the scenario changes completely where we are having oil tankers and major ships and all yacht boats going through and you are pushing those cages there. So, is this amendment for lakes or it supposed to apply to all water bodies? Thank you.

Hon. Temporary Chairman (Hon. Peter Kaluma): Hon. Owen Baya, before Hon. Millie Odhiambo.

Hon. Owen Baya (Kilifi North, UDA): Hon. Temporary Chairman, if this amendment is passed, it may hinder caging in a place which is very popular for caging like the Mida Creek. The Mida Creek is not even 10 kilometres, it is around seven kilometres and a lot of fish caging is done there. So, if we put that Clause here, then we are saying that we should not do caging. In rivers, for example, the Galana River where fish caging happens especially for prawns and all that, is around six kilometres. So, if you put that restriction in the law, then you are outlawing caging in those areas. I think Hon. Millie needs to drop that amendment and we go by what is available.

The Temporary Chairman (Hon. Peter Kaluma): Hon. Millie Odhiambo will have the last bite before I put the Question.

Hon. Millie Odhiambo-Mabona (Suba North, ODM): Thank you, Hon. Temporary Chairman. I encourage Hon. Members to listen carefully. We have actually consulted with the Hon. Chairman of the Committee and what we have agreed because of those concerns you are raising, I wanted to put nautical miles but even the legal drafters advised that if we put nautical miles, they vary between lakes and oceans.

For instance, Ghana has put 12 nautical miles but it is for ocean. I was actually advised that for the lake area, you put around six. I sent the coast guards literally to go and survey and get the mileage but because we do not have that answer yet, we are actually just establishing the principle, that we need the In-Shore Exclusive Zone.

The main aim for it is to protect artisanal small-scale and recreational fishing; the ordinary *mama mboga* of the lake, that is the one we are protecting but we are not providing for the nautical miles which should then come by regulation. That is what I am suggesting; that we set the principle but then we will have to define what In-Shore Exclusive Zone is. When we come to Clause 2, we will define what an in-shore exclusive Zone is. Not by defining it through nautical miles but by saying that it is, say a preferential access area depending on the river, the lake or the ocean that will be determined by regulation.

The Temporary Chairman (Hon. Peter Kaluma): Thank you, Hon. Millie. Hon. Members, I hope you understand the clarity. Hon. Millie is proposing a deletion of the following words to the Clause, “and seven nautical miles for cage fishing” immediately after the word resources and inserting the words “establishment of an in-shore exclusive economic zones”

*(Hon. Millie Odhiambo-Mabona
spoke off the record)*

Yes, “in-shore exclusive zones” at the end there without specifying the distance and she is saying that will now be defined when we go back to Clause 2. That is the clarification.

Hon. Owen Baya (Kilifi North, UDA): What are we looking at? Clause 21 as amended by the Hon. Chairman or as amended by Hon. Millie? Which one are we looking at?

The Temporary Chairman (Hon. Peter Kaluma): Hon. Millie is proposing a further amendment to Clause 21 as previously amended by the Hon. Chairman of the relevant Committee.

Hon. Owen Baya (Kilifi North, UDA): Can we circulate that amendment so that we do not make a mistake on our understanding from the verbatim?

The Temporary Chairman (Hon. Peter Kaluma): Would you want me to require Hon. Millie to read the amendment again?

Hon. Owen Baya (Kilifi North, UDA): I will also look at the text.

The Temporary Chairman (Hon. Peter Kaluma): Hon. Millie for the comfort of Hon. Owen Baya and for his convenience, please read the amendment again so that I put the Question.

Hon. Millie Odhiambo-Mabona (Suba North, ODM): Establishment of standards for ensuring equitable access to fisheries resources including navigation space, fishing space, access to other resources including an in-shore exclusive zone. Period.

The Temporary Chairman (Hon. Peter Kaluma): It is clear and makes sense now.

(Question, that the words to be left out be left out, put and agreed to)

(Question, that the words to be inserted in place thereof be inserted, put and agreed to)

(Clause 21 as further amended agreed to)

(Clauses 22 and 23 agreed to)

Clause 24

Hon. Kangogo Bowen (Marakwet East, UDA): Hon. Temporary Chairman, I beg to move:

THAT, Clause 24 of the Bill be amended in subclause (2) by deleting the expression ‘2015.’

The amendment seeks to align the title of the Public Audit Act with the newly issued Cap. 412B.

(Question of the amendment proposed)

(Question, that the words to be left out be left out, put and agreed to)

(Clause 24 as amended agreed to)

Clause 25

Hon. Kangogo Bowen (Marakwet East, UDA): Hon. Temporary Chairman, I beg to move:

THAT, Clause 25(1) of the Bill be amended in paragraph (b) by deleting the expression “26(2)” and substituting therefor the expression “24(2)”.

The amendment seeks to correct a cross-referencing error, which refers to 26(2) instead of 24(2).

(Question of the amendment proposed)

The Temporary Chairman (Hon. Peter Kaluma): Let us have Senior Counsel Hon. (Dr) Otiende Amollo.

Hon. (Dr) Otiende Amollo (Rarieda, ODM): Hon. Temporary Chairman, I just want clarification and confirmation from the Chairperson that there was proper consideration of Clause 25, as it prescribes the audit period as four months after the close of the fiscal year. Did

the Committee consider the consistency with other agencies? The audit period is usually within three months, yet this clause sets it at four months. I am just seeking some clarity.

The Temporary Chairman (Hon. Peter Kaluma): Let us have the Chairperson.

Hon. Kangogo Bowen (Marakwet East, UDA): Give me a minute, Hon. Temporary Chairman.

(Hon. Kangogo Bowen consulted with the Clerks-at-the-Table)

The Temporary Chairman (Hon. Peter Kaluma): Yes, the Chairperson is permitted to consult. Accountability and principles of governance are national values, of which audit is part of. Hon. Charles Ngusya, do you want to speak to the proposed amendment or the clause?

Hon. Charles Nguna (Mwingi West, WDM): Hon. Temporary Chairman, I just to want add my voice to the debate. I totally concur with what my colleague has said. The audit period is three months across the board. We should align the Bill with other agencies, so that we can be on the same page. I support Hon. (Dr) Otiende Amollo's suggestion. The audit period is three months.

The Temporary Chairman (Hon. Peter Kaluma): Let us have the Chairperson,

Hon. Kangogo Bowen (Marakwet East, UDA): Hon. Temporary Chairman, I have consulted. The audit period should be three months instead of four.

The Temporary Chairman (Hon. Peter Kaluma): Do you want to move a further amendment?

Hon. Kangogo Bowen (Marakwet East, UDA): Hon. Temporary Chairman, I beg to move:

THAT, Clause 25(1) of the Bill be further amended by deleting the word "four" and substituting therefor the word "three".

(Question of the further amendment proposed)

(Question, that the words to be left out be left out, put and agreed to)

(Question, that the words to be inserted in place thereof be inserted, put and agreed to)

(Clause 25 as amended agreed to)

Clause 26

Hon. Kangogo Bowen (Marakwet East, UDA): Hon. Temporary Chairman, I beg to move:

THAT, the Bill be amended by deleting Clause 26.

The amendment seeks to align the Bill with the provisions on the establishment of the Fish Levy Development Fund, which has similar objectives to the Fisheries Research and Development Fund. The Fisheries Research and Development Fund is yet to be established despite the enactment of the Fisheries Management and Development Act, 2016. Hence, the proposal to delete those provisions and transfer its functions to the Fish Levy Development Fund.

The Temporary Chairman (Hon. Peter Kaluma): Before I propose the question for debate, I wish to guide that if this amendment is carried, Hon. Millie's proposed amendment shall collapse.

(Question of the amendment proposed)

Let us have Hon. Millie Odhiambo-Mabona.

Hon. Millie Odhiambo-Mabona (Suba North, ODM): Thank you, Hon. Temporary Chairman. I agree with the Chairperson in principle that it may not be necessary to have the two funds as they are fairly similar. However, my proposed amendment sought to include support for artisanal fisheries as one of the functions of the fund. Would the Chairperson be agreeable to including my amendment? I am proposing a fund to support artisanal fisheries. Many times, local fisherfolk do not even have money to purchase boats. Investors from outside the country own the boats. We can only become like Singapore if we facilitate our people.

Secondly, fisherfolk get involved in accidents on the lake. We are currently conducting a fundraiser to bury two people who drowned at Litare Beach. Residents of those beaches are normally left to deal with such situations. I request the Chairperson to adopt my proposal since his amendment does not incorporate mine, which seeks to support artisanal fisheries. The fund should not just cover oceans. We may only have a lake, but we are also part of the blue economy. Please, consider our artisanal fisheries as well.

The Temporary Chairman (Hon. Peter Kaluma): Chairperson, for the benefit of the House, elaborate further on why you are proposing the total deletion of Clause 26, which establishes the Fisheries Research and Development Fund.

Hon. Kangogo Bowen (Marakwet East, UDA): Hon. Temporary Chairman, Clause 27 establishes the Fish Levy Trust Fund (FLTF), which we seek to restructure into the Fish Levy Development Fund. This Fund will take care of artisanal fisheries. The regulations will contain a framework on how collections will be shared between the national Government and the county governments. Funds allocated to the counties will benefit the Beach Management Units (BMUs) and small-scale fisheries.

The Temporary Chairman (Hon. Peter Kaluma): Yes, Hon. Millie Odhiambo-Mabona.

Hon. Millie Odhiambo-Mabona (Suba North, ODM): Hon. Temporary Chairman, I wish to inform the Chairperson that I am also an expert in mainstreaming issues affecting marginalised groups, including women and marginalised communities. The lake fisherfolk are a marginalised community. They are being treated as a footnote. Providing for their needs in the regulations relegates them to a footnote.

As a lawyer, I know the import of an issue being mentioned in the main Bill. Can you kindly just add support for artisanal fisheries in the principal Act? I will then drop my proposal, which I know you are not very happy with. We should have a fund for artisanal fisheries to help our poor fisherfolk and ensure that they are taken care of.

The Temporary Chairman (Hon. Peter Kaluma): Yes, Hon. Caroli Omondi.

Hon. Caroli Omondi (Suba South, ODM): I support Hon. Millie Odhiambo on this issue. Although we have not reached there yet, I have looked at the use of funds collected under the proposed Fish Levy Trust Fund. If you read all provisions, none captures what she is saying which is making credit facilities available to artisanal fishermen. Is it not so? That is for buying boats, fishing nets or even training themselves. That is missing. I think we need a clause there, even to buttress what she is saying.

We also need a clause dealing with tragedies that happen in the lake—people dying, drowning, emergency rescue, ambulances and all those kinds of things. We should cover them somewhere. I just want to support what Hon. Millie is saying and urge the Chairman that we expand the use of levy proceeds. Going forward, I hope they will not be securitised.

The Temporary Chairman (Hon. Peter Kaluma): What I heard the Chairperson of the relevant Committee say in terms of explanation was that he is proposing the deletion of Clause 26 because it duplicates what is proposed in Clause 27. As I was hearing him to be saying we

should delete Clause 26 and any concerns like the ones Hon. Millie is raising be taken to Clause 27 thereafter. Did I hear you correctly, Chair?

Hon. Kangogo Bowen (Marakwet East, UDA): That is why I have consulted Hon. Millie that we add the people to benefit from this Fund under Clause 27. In consultation Hon. Millie, I am going to move a further amendment so that we include them in this Fund.

The Temporary Chairman (Hon. Peter Kaluma): The Hon (Dr) Otiende Amollo.

Hon (Dr) Otiende Amollo (Rarieda, ODM): I am okay with that because I was to speak to it. We need to agree on terminology. The initial amendment by Hon. Millie referred to artisanal fisheries. People have referred to artisanal fisher folk, artisanal fishing and fishers. Let us settle and then insert it. I think the place for it would be this Clause 27(3). I agree that we need to mention them. We can work around having regulations of how it works but, unless it is mentioned, it will not cover artisanal fisheries.

The Temporary Chairman (Hon. Peter Kaluma): Hon. Amollo, I want to remind Members that the Chairperson of the relevant Committee is a pastoralist. He is not a fisherman.

(Laughter)

The Hon (Dr) Ruth Odinga, the MP of Kisumu County.

Hon. Ruth Odinga (Kisumu County, ODM): Actually, I am in agreement with what Hon. Millie said on artisanal fisheries. I do not know whether artisanal fisher folk or whatever they are calling it includes women, youth and people abled differently. We can be very clear that they are included because I represent those people. I would like to know if that clause includes them.

Secondly, I would like to inform my Chair that Beach Management Units (BMUs) are actually still very informal. They have not been formalised and we need to do something about them. I do not think it is correct saying that they are part of this because BMUs are part of what we need to strengthen.

The Temporary Chairman (Hon. Peter Kaluma): Hon. Members, I think we are agreeing in principle. That we can make a decision with respect to the amendment proposed by the Chair as we seek to enrich Clause 27. May I put the question now? Yes, Hon. Owen Baya.

Hon. Owen Baya (Kilifi North, UDA): My views are important because I come from among fisher folk although I am not a fisherman. My village is surrounded by fishermen. Much as I agree with what Hon. Millie said, that we include artisanal fisher folk or fishers or let us just use the fishers in the law, it is important that we deliberately do that.

As we move to Clause 27, I am also tempted to think whether they can be exempted from paying artisanal fishers. I have read Part I and wondered who an artisanal fisher is. It means small-scale traditional fisheries that may be carried out for subsistence. I end there, with “for subsistence”. When coming to levies, this person must pay levies. We giving on the left hand and taking away on the right hand. Can we deliberately exempt artisanal fishers from paying the levy?

The Temporary Chairman (Hon. Peter Kaluma): You are bringing a dimension that I believe Hon. Millie and Hon (Dr) Otiende Amollo will be considering as we go to Clause 27. I think it is a debate for Clause 27. Therefore, Hon. Members, allow me to put the question.

*(Question, that the words to be left out
be left out, put and agreed to)*

(Clause 26 deleted)

Because the consequence of that amendment is a deletion, I am not putting the question that that clause be part of the Bill.

The Temporary Chairman (Hon. Peter Kaluma): Hon. Members, again let me interrupt the proceedings to welcome students from a number of institutions to the National Assembly. The students are both in the Speaker's Gallery and the Public Gallery. In the Speaker's Gallery, we have Father Kuhn Academy from Chesumei Constituency in Nandi County and Chegor Primary School from Marakwet East Constituency in Elgeyo/Marakwet County. In the Public Gallery, we have Mwhiko Comprehensive School from Ruiru Constituency in Kiambu County and Felison School from Kapseret Constituency in Uasin Gishu County.

Students from those institutions, their teachers and those accompanying them are welcome to the National Assembly to observe proceedings on this day that the Chairperson in respect of the Bill we are considering is a Member of Parliament from Marakwet East. That is Hon. Kangogo Bowen.

We are in the Committee of the whole House, a flexible stage, at which we read a proposed law word for word, punctuation by punctuation and paragraph by paragraph. Then we correct it before we go to the Third Reading.

(Applause)

Clause 27

Hon. Kangogo Bowen (Marakwet East, UDA): I beg to move:

THAT, the Bill be amended by deleting Clause 27 and substituting therefor the following new clause:

Fish Levy Development Fund.
L.N. 123 of 2024.

27. (1) There is established a fund to be known as the Fish Levy Development Fund which shall be the successor of the Fish Levy Trust Fund established under the Fisheries Management and Development (Fish Levy Trust Fund) Order, 2024.
- (2) The Fund is a body corporate with perpetual succession and a common seal and shall have power, in its corporate name, be capable of—
- (a) suing and being sued; and
 - (b) in the exercise and performance of its powers and functions, to do and perform all such other things as may lawfully be done or permitted by a body corporate.
- (3) The purpose of the Fund is to—
- (a) provide for the sustainable management, conservation and development of fisheries resources and the blue economy;
 - (b) provide funding for activities geared towards management, governance, development, fish stock assessments, research, capacity building, awards and urgent mitigation to ensure sustainability of the fisheries resource; and
 - (c) such other purposes as may be provided for the implementation of this Act.
- (4) The Fund shall be administered by a five -member Board of Trustees which shall be appointed by the Cabinet Secretary by notice in the *Gazette*.

(5) A person is qualified for appointment as a Trustees if that person

- (a) holds a degree from a university recognized in Kenya in fisheries science, marine science, law, economics or natural resource management;
- (b) has at least ten years working experience in a relevant field; and
- (c) meets the requirements of Chapter Six of the Constitution.

(6) In appointing the members of the Board of Trustees under subsection (4), the Cabinet Secretary shall take into account gender equity, youth representation, ethnic and regional balance in accordance with the Constitution.

(7) The members of the Board of Trustees shall hold office for a term of three years and may be eligible for re-appointment to a further and final term of three years.

(8) The Fund shall have a Chief Executive Officer who shall be appointed by the Board of Trustees on such terms and conditions of service as the Board of Trustees may determine.

(9) The Chief Executive Officer shall be the administrator of the Fund and subject to the directions of the Board of Trustees, shall be responsible for the management of the affairs of the Fund.

(10) The Board of Trustees may appoint such officers and other staff of the Fund as may be necessary for the proper discharge of the functions of the Fund, on such terms and conditions of service as the Board of Trustees may determine.

(11) The monies of the Fund shall consist of—

- (a) monies appropriated by the National Assembly;
- (b) monies received by the Fund from donations, grants, and bequests from other lawful sources;
- (c) the proceeds of the levy imposed under subsection (12); and
- (d) funds payable into the Fund under any Act.

(12) The Cabinet Secretary may, by regulations, prescribe a levy to be paid by persons engaged in fishing or fishing related activities, the proceeds of which shall be paid into the Fund established under section 27.

(13) The Levy collected under subsection (12) shall be apportioned as follows—

- (a) twenty per centum shall be applied for research and innovation in blue economy and fisheries allocated to the Kenya Marine and Fisheries Research Institute;
- (b) twenty per centum shall be applied for fish stock assessment allocated to the Kenya Marine and Fisheries Research Institute;
- (c) twenty per centum shall be applied for monitoring, control and surveillance allocated to the Kenya Fisheries Service;
- (d) five per centum shall be applied to the fisheries observer programme allocated to the Kenya Fisheries Service;

- (e) five per centum shall be applied to blue economy fisheries management and governance allocated to the State Department responsible blue economy and fisheries; and
- (f) twenty per centum shall be applied for capacity building, scholarships, awards and urgent mitigation to ensure sustainability of the blue economy and fisheries resource and shall be administered by the Fund; and
- (g) ten per centum shall be applied for the administration of the Fund.

The amendment restructures the Fish Levy Trust Fund into a Fish Levy Development Fund and further provides a manner to distribute the Fund for accountability. It includes the purpose of research, innovation and the blue economy and fisheries by the Kenya Marine and Fisheries Research Institute (KMFRI), and provision of monitoring and surveillance.

In consultation with Members, I am going to move a further amendment on the same Clause 27(3)(b) that is on the purpose of the Fund to include artisanal fishing.

Further to amend Clause 27 (c) to lower the percentage from 20 to 10 per cent. That 10 per cent is for artisanal fishing programmes, including credit facilities and emergency interventions. Hon. Temporary Chairman, that takes care of the additional fisher folk that the Hon. Member is talking about, so that they are included in this Fund. Even Hon. Caroli is now two-term.

As I move, I welcome Chegor Primary School from my constituency. It is the best school in Elgeyo Marakwet County. If the ranking of primary schools were to be done, I am very sure the school would be number one countrywide. This is a school that last year took almost the entire Grade Nine class to national schools. Congratulations and welcome to Parliament. I think I will see them later because I am now too busy with this Bill.

The Temporary Chairman (Hon. Peter Kaluma): Hon. Kangogo, today you cannot leave the House until we are done with the Bill. Otherwise, the business of the House will come to a stop. It is great that you come from the same place as the students we have welcomed.

(Question of the amendment proposed)

The Temporary Chairman (Hon. Peter Kaluma): Hon. Millie Odhiambo.

Hon. Millie Odhiambo-Mabona (Suba North, ODM): Thank you, Hon. Temporary Chairman. I wish to strongly support. You have seen where Hon. Caroli Omondi is seated. He almost jumped saying two-term because of the provision for artisanal fishers and even by providing percentages. I can see that the spirit of the Bottom-up Economic Transformation Agenda (BETA) is being grounded. *Inatoka* bottom.

Sorry, I am supposed to speak in one language. It comes from the bottom going up so that our fishermen can also have resources that can help them in times of difficulties and challenges. If it were not that the President was from your backyard, I would have said Hon. Kangogo for President because of this provision. In 2032, we will fight it out with you but you have brought a very good amendment and I support it fully. Thank you.

The Temporary Chairman (Hon. Peter Kaluma): Hon. Kassim Tandaza.

Hon. Kassim Tandaza (Matuga, ANC): Thank you, Hon. Temporary Chairman. One, I am a Member of the Committee and I support the amendment by my Chairman. However, I would want to add a rider when it comes to the definition of an artisanal fisherman. Remember, it is in this House that we initially provided funds for marginalised areas and then, all of a sudden, every area became marginalised, benefiting from the same funds. There was a time we had the issue of the Equalisation Fund meant for particular counties and now every county is

benefiting from the Equalisation Fund. So, my problem is with the definition. I am worried that it will come to a point where even those with big boats and the who is who will also benefit pretending to be artisanal fishers. Who will be the artisanal fisher who will benefit? We have those subsistence fishermen in the lakes and in the oceans and we know them but I am worried about the definition. Thank you.

The Temporary Chairman (Hon. Peter Kaluma): The Hon. (Dr) Otiende Amollo is recognised.

Hon. (Dr) Otiende Amollo (Rarieda, ODM): Hon. Temporary Chairman, first, I fully support this amendment and the further amendment. I want to put my colleague's mind to rest that, fortunately, so far, the Bill defines artisanal fishing and it also defines an artisanal fishing vessel. I think this definition will be quite helpful. We say that we want to jointly get to Singapore on our way to Canaan, but what will take us there is this artisanal fishing, artisanal mining and those small-scale things that Kenyans do. That is what will collectively take us forward as opposed to the big companies, the foreign companies, that come and exploit our resources but do not go to Singapore or Canaan. Instead, they go back where they have come from. For us, we want to get to Canaan through Singapore and this is the way. Thank you.

The Temporary Chairman (Hon. Peter Kaluma): Hon. Mishi Mboko.

Hon. Mishi Mboko (Likoni, ODM): Asante, Mhe. Mwenyekiti wa Muda. Nami naunga mkono marekebisho ambayo yamewekwa katika Mswada huu kwa sababu yatawasaidia wavuvi wetu waweze kuwa na rasilimali ambazo zitawasaidia kukidhi changamoto walizo nazo na waweze kuboresha uvuvi. Wavuvi wetu wachanga na wadogo wadogo wana matatizo mengi sana na hawawezi kufikia uvuvi wa kibiashara kama hawatapata rasilimali kama hizi.

Pia niunga mkono maneno ya Mhe. Tandaza kwamba lazima tuzingatie wanaopata faida hii Wawe ni wale wale wadogo wadogo na isije ikawa tunazidi kuwaboresha wale ambao tayari wamepata utajiri mkubwa sana kupitia uvuvi. Kwa hivyo naunga mkono sana nikiwa natoka kule Pwani ambako tuna bahari na wavuvi. Asante sana.

The Temporary Chairman (Hon. Peter Kaluma): Hon. Harry Kombe.

Hon. Harrison Kombe (Magarini, ODM): Asante, Mhe. Mwenyekiti wa Muda. Nami pia nachukua nafasi hii kuunga mkono marekebisho ambayo yamefanywa kwa Mswada huu. Hakika, hazina ambayo imebuniwa itawafaidi hata wale wadogo lakini cha kusisitiza sana ni hawa wadogo ni kina nani. Ikaweze kuwekwa wazi ili isije wengine wakaja wakaingizwa ndani kama ilivyokuwa na ile hazina ya *Equalisation*. Hapa ni kusisitiza tu kwamba hazina hii iweze kuwafikia hata wale watu wadogo hasa wavuvi wa chini. Hapo tutaweza kuinua maisha ya jamii. Asante, Mhe. Mwenyekiti wa Muda.

The Temporary Chairman (Hon. Peter Kaluma): Hon. Farah Maalim, Deputy Speaker Emeritus. Hon. Owen Baya.

Hon. Owen Baya (Kilifi North, UDA): We need to clean up a few things here which I have noticed. If you go to the amendment on page 1560 of the Order Paper... Are we there? It says: "The levy collected under subsection (12) shall be apportioned as follows." This (12) refers to subsection (12) of Clause 26, which we have deleted. So, in other words, we are talking about a Fund which has not been established. I think you need some clearing up. We have deleted Clause 26 entirely, haven't we?

The Temporary Chairman (Hon. Peter Kaluma): Hon. Owen, the clause you are speaking about is Clause 27.

Hon. Owen Baya (Kilifi North, UDA): Yes. If you look at subsection (13) ...

The Temporary Chairman (Hon. Peter Kaluma): Clause 27(13).

Hon. Owen Baya (Kilifi North, UDA): Yes. "The levy collected under subsection (12) shall be apportioned as follows..." In subsection (12), the Cabinet Secretary may, by regulations, prescribe a levy to be paid. That is in Clause 27. Is that a new section? This is a

replacement. Okay, I agree. “The Bill be amended by deleting Clause 27 and substituting therefor the following...” So, this is the substitute, not a new clause. Okay.

Hon. Kangogo Bowen (Marakwet East, UDA): Hon. Temporary Chairman, let me be on record. My committee member, Hon. Kassim Tandaza, is on record saying this artisanal fishing must be defined. I just want to inform him that, in the Preliminary Part I, artisanal fishing and artisanal fishing vessels are clearly defined there. The 10 per cent goes to those defined therein.

The Temporary Chairman (Hon. Peter Kaluma): Hon. Kassim will be dealing with that part of the Bill later on. Hon. Members with that understanding. Yes, Hon. Farah Maalim

Hon. Farah Maalim (Dadaab, WDM): Hon. Temporary Chairman, my position is that this can be defined to mean the whole country, 100 per cent of the country. This is exactly what Hon. Members said last time. We wanted an equalisation fund. The idea was that those areas that had been starved under Sessional Paper No.10 of 1965, what was called the Northern Frontier Districts or contiguous districts were supposed to benefit from that.

But later, thanks to the government that came and the Constitution was passed, it was said that even the mountain region was marginalised. So, in a sense, we watered down a very good and noble idea to bring a section of the country that was left behind for over 70 years up to speed with the rest of the country. The emphasis now is for the whole country. The former Northern Frontier Districts are probably getting less than 20 per cent of the Equalisation Fund.

Now we have another one here. I am sure we are looking at specific parts of the country that are supposed to gain from that.

The Temporary Chairman (Hon. Peter Kaluma): No, this is a specific category of Kenyans engaged in artisanal fishing.

Hon. Farah Maalim (Dadaab, WDM): But is that universal or for the whole country? Artisanal fishing vessels.

(Several Members spoke off the record)

The Temporary Chairman (Hon. Peter Kaluma): Hon. Farah, it is the kind of fishing defined in the in Clause 2 of the Bill. But your point is made.

Hon. Farah Maalim (Dadaab, WDM): We know of two regions. We need to help people who are used to traditional methods of fishing for the longest in Lake Victoria and the Coast of this country. Both economies have been left behind from the time we got Independence. If we are going to make a very good Bill here right now, which is supposed to address the very bottom, artisanal people, and make it for the whole country, it is going to become like the Equalisation Fund.

The Temporary Chairman (Hon. Peter Kaluma): Hon. Farah your point is made.

Hon. Farah Maalim (Dadaab, WDM): How do we then make sure that does not happen? I will be very blunt now. How do we make sure that a coffee farmer, a tea farmer, or a livestock farmer, like myself, who says they have a big pond at their backyard does not benefit from this? I hope you get my point? The idea is to take care of areas that essentially have a historical disposition towards artisanal fishing for them to have positive discrimination in the allocation of those resources. Otherwise, we might think that it is such a good thing for the people of Migori and Homa Bay, but I can assure you, depending on the kind of government you have, that definition may change, and it is going to benefit the whole country. In the end, we will end up with nothing out of it.

The Temporary Chairman (Hon. Peter Kaluma): Hon. Members, Hon. Farah has made his point. The point I hear is that we consider such provisions when we deal with those other matters like Equalisation Fund. This being the Committee of the whole House, let me now put the question.

(Question, that words to be left out be left out, put and agreed to)

(Question, that the words to be inserted in place thereof be inserted, put and agreed to)

(Clause 27 as amended agreed to)

(Clause 28 agreed to)

Clause 29

The Temporary Chairman (Hon. Peter Kaluma): Hon. Chairman, move the amendments.

Hon. Kangogo Bowen (Marakwet East, UDA): Hon. Temporary Chairman, I beg to move:

THAT, Clause 29 of the Bill be amended —

- (a) by deleting paragraph (f) and substituting therefor the following new paragraph— (f) promoting and supporting the adoption of modern or alternative means of livelihood amongst fishers;
- (b) in paragraph (h) by deleting the word “promote” and substituting therefor the word “promoting”;
- (c) by inserting the following new paragraph immediately after paragraph(i)—
 - (ia) developing a system of equitable access to fisheries resources by artisanal and industrial fishers;
- (d) in paragraph (k) by deleting the words “encouraging persons in” and substituting therefor the words “developing regulations for”.

Hon. Temporary Chairman, this amendment is to enhance the role of the Director-General of Kenya Fisheries Service in development of fisheries measures. Also, it is a small clean-up like using the word ‘promote’ instead of saying ‘promoting’. So, there is some clean-up and also some enhancement of the role of the director general.

(Question of the amendment proposed)

The Temporary Chairman (Hon. Peter Kaluma): Hon. Irene Mayaka, you are recognised.

Hon. Irene Mayaka (Nominated, ODM); Thank you Hon. Temporary Chairman. I just want to support this particular clause, especially to do with the modern alternative means of fishing. I believe that it is very important we go this direction because other countries have done that as well. It will promote productivity for fishermen.

The only concern for Hon. Millie’s favourite people, the *jolupo*, is that they will be trained on how to use these modern methods of fishing. I know they are fast learners so once they are taught, then they will be able to adopt it quickly. I support the amendment.

Thank you.

The Temporary Chairman (Hon. Peter Kaluma): Hon. Millie, I will give you a chance. because once or if this amendment is carried, your proposed amendments will fall.

Hon. Millie Odhiambo-Mabona (Suba North, ODM): Thank you Hon. Temporary Chairman. I wish to support the proposed amendment by the Chair because it actually carried the proposed amendments that Hon. Irene Mayaka says correctly deals with my favourite the *jolupo*. It actually talks about enabling them to also adopt modern alternative methods of

livelihoods and also it enables them to have equitable access to fisheries resources, equal access for them and industrial fishers. So that we do not have industrial fisheries or fishers being promoted much more than artisanal fishers. We are hoping, as we have said, to reach Canan through Singapore, and we can only do it if we carry the people who are struggling at the bottom.

I support the Chair's amendment.

The Temporary Chairman (Hon. Peter Kaluma): Yes, Hon. Kassim Tandaza.

Hon. Kassim Tandaza (Matuga, ANC): Thank you Hon. Temporary Chairman. I have been sitting here and I have heard the word *jolupo* being mentioned three, four, five times. Does it form part of the *Hansard* or can it be properly defined so that we know what it is? Otherwise, we could be supporting or opposing something which we are not sure of.

The Temporary Chairman (Hon. Peter Kaluma): That word has been used by learned friends in the House like Hon. Millie Odhiambo, Hon. (Dr) Otiende Amollo, Hon. Caroli Omondi and I have also noted by proximity Hon. Ruth Odinga. It is a 'Latin legal phrase' which means 'fishermen,' so it can be used.

(Laughter)

(Question, that words to be left out be left out, put and agreed to)

(Question, that the words to be inserted in place thereof be inserted, put and agreed to)

(Question, that the words to be inserted be inserted, put and agreed to)

(Clause 29 as amended agreed to)

Clause 30

The Temporary Chairman (Hon. Peter Kaluma): Hon. Chairman, move the amendments.

Hon. Kangogo Bowen (Marakwet East, UDA): Hon. Temporary Chairman, I beg to move:

THAT, Clause 30 of the Bill be amended—

(a) by deleting subclause (1) and substituting therefor the following new subclause—

(1) The Director-General shall by notice in the Gazette give notice of any international agreements and conservation and management measures to which Kenya is a party to for purposes of this Act.

(b) in subclause (2) by inserting the word "convention" immediately after the words "the relevant"; and

(c) by inserting the following new subclause immediately after subclause (3)—

(4) The Director-General shall identify and implement appropriate measures necessary for the implementation of international agreements and conservation and management measures to which Kenya is a party to.

Hon. Temporary Chairman, we are introducing a clause, that the Director-General shall, notify by gazette notice that, any international agreements, conservations and management measures in which Kenya is party to the Act. So, this one is just to enhance the role of the Director-General.

(Question of the amendment proposed)

The Temporary Chairman (Hon. Peter Kaluma): Hon. Millie.

Hon. Millie Odhiambo-Mabona (Suba North, ODM): Hon. Temporary Chairman, I wish to support that proposal. If you look at it, you will see that the Committee has adopted my amendments, and I want to thank the Committee's Chairperson. I think the Committee's attitude is very good. Since we were unable to enter a harmonisation process, they reviewed my amendments and adopted them. It enables us to move very quickly. But I also want to thank the legal drafter. We rarely thank legal drafters for their excellent work. Linet, a legal drafter, has done excellent work on this. She was even calling me at 1.00 a.m. regarding this Bill. I want to say she has done a really good job. Even when I was struggling with the drafting because we are so busy sometimes, she gave me excellent drafting words.

The Temporary Chairman (Hon. Peter Kaluma): Thank you, Hon. Millie, for recognising the good work of that legal drafter. I worked with her in the Committee on Delegated Legislation and the Committee on Justice and Legal Affairs before. I know the kind of dexterity she brings to drafting a Bill.

Hon. Irene Mayaka (Nominated, ODM): On a point of order.

The Temporary Chairman (Hon. Peter Kaluma): What is out of order, Hon. Mayaka?

Hon. Irene Mayaka (Nominated, ODM): Hon. Temporary Chairman, you know when Hon. Millie mentions Linet, there are very many "Linets" who are legal counsels in this country. She needs to specify so that the accolades can go to the right person. It is very important.

The Temporary Chairman (Hon. Peter Kaluma): Hon. Mayaka, I see only one Linet, a legal drafter, in the Chamber. She is Linet Otieno. The non-Member of Parliament you are seeing behind the Chairperson.

(Applause)

Hon. Members, if this amendment is carried, the amendment proposed by Millie will fall, as it is already incorporated into the proposed Committee amendments.

*(Question, that the words to be left out
be left out, put and agreed to)*

*(Question, that the words to be inserted in
place thereof be inserted, put and agreed to)*

*(Question, that the words to be inserted
be inserted, put and agreed to)*

(Clause 30 as amended agreed to)

(Clauses 31 and 32 agreed to)

Hon. Members, permit me to welcome students from several institutions visiting the National Assembly seated in both the Speaker's Gallery and the Public Gallery. In the Speaker's Gallery, we have Njuri High School from Chuka/Igambang'ombe Constituency, Tharaka-Nithi

County. In the Public Gallery, we have: MCK Bishop Nthamburi School from Imenti Central Constituency, Meru County; Red Rose Primary School from Kibra Constituency, Nairobi City County; and Chania High School from Mwatate Constituency, Taita-Taveta County.

The students, their teachers and guardians are welcome to the National Assembly to observe the proceedings. You are in the House when we are transacting, which is what you are taught as the Committee of the whole House. This is where we read a Bill word by word, punctuation by punctuation, paragraph by paragraph. If amendments are required, they are made, provided that the Members agree to all amendments. Members decide when a question is put and vote either way. You are welcome to observe proceedings, and we wish you well on your learning tour.

Clause 33

The Temporary Chairman (Hon. Peter Kaluma): Hon. Chairperson, move the amendments.

Hon. Kangogo Bowen (Marakwet East, UDA): Hon. Temporary Chairman, I beg to move:

THAT, Clause 33 of the Bill be amended—

- (a) in subclause (1) by deleting the word “may” and substituting therefor the word “shall”; and
- (b) by deleting subclause (2) and substituting therefor the following new subclause—

(2) In developing the management measures and plans under subsection (1), the county governments shall—

- (a) take into consideration, to the extent possible, elements of national fisheries management plan; and
- (b) ensure that such measures are consistent with the provisions of this Act, including its objective and principles, and that they take into account relevant measures taken, information and data available, and the economic and social value of the resource pursuant to this Act.

The substantive Bill reads, "each county may develop their fisheries management plans." What we are saying is "shall." This is to ensure sustainable management of fisheries resources, and county governments should be empowered to establish their respective fisheries plans. This process can be aligned with the national objective while adhering to the constitutional provisions under Articles 6(2), 186, and 189, which emphasise cooperation between the national and county governments. The amendment also makes it mandatory for the counties to develop their management plans.

(Question of the amendment proposed)

The Temporary Chairman (Hon. Peter Kaluma): Hon. Kassim Tandaza.

Hon. Kassim Tandaza (Matuga, ANC): Thank you, Hon. Temporary Chairman. From my understanding, the word “may” is meant to apply to counties with fisherfolk, particularly those with lakes or oceans. When you say “each county shall”, would this mean that even a county with no fishing activities must also come up with their management plans?

The Temporary Chairman (Hon. Peter Kaluma): Hon. Otiende Amollo, Senior Counsel.

Hon. (Dr) Otiende Amollo (Rarieda, ODM): Hon. Temporary Chairman, I would support this amendment for two reasons. Often, especially when it comes to county governments, giving them discretion is used to omit certain things. This is because most counties want to allocate their money for certain things, for reasons we all know.

Second, in my understanding of "shall" here, each county is required to develop fisheries management measures. The extent to which you do it will now depend on the level of fisheries participation. But surely there is not a single county in this country that does not have some form of fishing at whatever level. Therefore, I think the "shall" here does not compel you to do it in a major way, the way perhaps Mombasa, Kisumu or Homabay counties would do it. Still, you do it because you have to, commensurate with the level of participation.

I support.

The Temporary Chairman (Hon. Peter Kaluma): Chairperson.

Hon. Kangogo Bowen (Marakwet East, UDA): I wish to inform Hon. Kassim Tandaaza that counties which were traditionally not considered fishing counties, like Kirinyaga, Nyeri, Kiambu, and even our pastoralist areas, now have aquaculture as the main activity. So, we are saying that counties need to develop their own development plans that align with the national law we are passing this afternoon.

The Temporary Chairman (Hon. Peter Kaluma): Thank you, Hon. Chairperson. The point is made.

(Question, that the words to be left out be left out, put and agreed to)

(Question, that the words to be inserted in place thereof be inserted, put and agreed to)

(Clause 33 as amended agreed to)

Clause 34

The Temporary Chairman (Hon. Peter Kaluma): Chairperson.

Hon. Kangogo Bowen (Marakwet East, UDA): Hon. Temporary Chairman, I beg to move:

THAT, Clause 34 of the Bill be amended in paragraph (a) by deleting the expression "39" and substituting therefor the expression "38".

This is just correcting a cross-referencing error: we are referring to Clause 39 instead of Clause 38.

(Question, that the words to be left out be left out, put and agreed to)

(Question, that the words to be inserted in place thereof be inserted, put and agreed to)

The Temporary Chairman (Hon. Peter Kaluma): Hon. Millie has an amendment. Please move it.

Hon. Millie Odhiambo-Mabona (Suba North, ODM): Hon. Temporary Chairman, I wish to withdraw my amendment. After looking at it again, I realise it seeks to encourage counties to consider the Director-General's recommendations. Initially, when I looked at it, it seemed to compel them, which would go against devolution. However, it does not. It states that they will consider the Director-General's recommendations. Once you consider something, you may either adopt or reject it. Therefore, it is okay. I withdraw it.

*(Proposed amendment by
Hon. Millie Odhiambo-Mabona withdrawn)*

The Temporary Chairman (Hon. Peter Kaluma): With the amendment proposed by Hon. Millie having been withdrawn, Hon. Members, I now put the question.

(Clause 34 as amended agreed to)

Clause 35

The Temporary Chairman (Hon. Peter Kaluma): Hon. Chairperson.

Hon. Kangowo Bowen (Marakwet East, UDA): Hon. Temporary Chairman, I beg to move:

THAT, Clause 35 of the Bill be amended by deleting subclause (1) and substituting therefor the following new subclause—

(1) Where there is any conflict between the national and county management plans, the national management plan shall prevail.

Under Article 62(3) of the Constitution, all rivers, lakes and other water bodies, the sea, the exclusive economic zone and the seabed constitute public land vested in and held by the national Government. Where management plans conflict regarding those resources, the national Government shall prevail.

Hon. Millie Odhiambo-Mabona (Suba North, ODM): On a point of order, Hon. Temporary Chairman.

The Temporary Chairman (Hon. Peter Kaluma): What is out of order, Hon. Millie?

Hon. Millie Odhiambo-Mabona (Suba North, ODM): Thank you, Hon. Temporary Chairman. I need your direction. I am proposing a deletion. Does it mean that my proposal takes precedence? I need your direction. When I propose a deletion, does my proposal take precedence? Having said that, and noting that the Committee is proposing a tribunal and other conflict-resolution mechanisms, I withdraw my amendment.

The Temporary Chairman (Hon. Peter Kaluma): In terms of procedure, let us allow the Chairman to move his amendment first.

Hon. Kangowo Bowen (Marakwet East, UDA): I had said that where there is a conflict in respect of these resources, the national Government should prevail. Additionally, under Article 191(3)(b), (c) and (6), the national Government laws should prevail in this instance. That is the import of the amendment.

(Question of the amendment proposed)

*(Question, that the words to be left
out be left out, put and agreed to)*

*(Question, that the words to be inserted in
place thereof be inserted, put and agreed to)*

(Hon. Millie Odhiambo-Mabona spoke off the record)

The Temporary Chairman (Hon. Peter Kaluma): Yes, Hon. Millie. The consequence of that amendment and following what you said...

Hon. Millie Odhiambo-Mabona (Suba North, ODM): I would like to say, for the record, that I have a proposed New Clause 35A which I am not withdrawing.

The Temporary Chairman (Hon. Peter Kaluma): Have you withdrawn your amendment in Clause 35?

Hon. Millie Odhiambo-Mabona (Suba North, ODM): I have withdrawn it.

*(Proposed amendment by
Hon. Millie Odhiambo-Mabona withdrawn)*

(Clause 35 as amended agreed to)

Clause 36

The Temporary Chairman (Hon. Peter Kaluma): Hon. Chairperson.

Hon. Kangogo Bowen (Marakwet East, UDA): Hon. Temporary Chairman, I beg to move:

THAT, Clause 36 of the Bill be amended—

(a) by deleting subclause (1) and substituting therefor the following new subclause (1)—

(1) The Cabinet Secretary shall, for the purposes of ensuring structured community participation in fisheries management, in consultation with the Council of County Governors, make regulations for the management of beach management units established by the county governments.

(b) by inserting the following new subclause immediately after subclause (1)—

(1A) Each County Executive Committee Member shall establish a beach management unit within its area of jurisdiction and provide for their remuneration, ensuring structured community participation in fisheries management.

(c) in subclause (2) by —

(i) deleting the words “and women” appearing in paragraph (e) and substituting therefor the words “women and children”;

(ii) by deleting the words “and persons with disabilities” appearing in paragraph (f) and substituting therefor the words “persons with disabilities and local communities”; and

(iii) inserting the following new paragraphs immediately after paragraph (f)—

(g) a record of members and residents of the beach management unit showing the national identification numbers or other officially recognized form of identification for foreigners;

(h) remuneration of beach management units; and

(i) conflict management between inter and intra-county beach management units.

Hon. Temporary Chairman, I request my good friend, Hon. Ruth Odinga, to pay attention to this amendment because it concerns Beach Management Units (BMUs). It provides clarity on their establishment in the respective county governments. It further provides for regulations governing the remuneration of BMU members and for mechanisms to resolve inter-county and intra-county BMU disputes. It further provides for the Cabinet Secretary to

make regulations on BMUs, in consultation with the Council of Governors (CoG), noting that they primarily operate within county governments.

(Question of the amendment proposed)

The Temporary Chairman (Hon. Peter Kaluma): Hon. Millie Odhiambo. Is that Hon. Farah Maalim?

Hon. Farah Maalim (Dadaab, WDM): Yes.

The Temporary Chairman (Hon. Peter Kaluma): Please approach the Temporary Chairman.

Hon. Millie Odhiambo-Mabona (Suba North, ODM): Thank you, Hon. Temporary Chairman. I support this proposed amendment. I also thank the Committee for adopting my proposed amendment. Consequently, my proposed amendment will fall. The major import of this amendment is that it strengthens BMUs, as the Chair has indicated. I love your integrity, Hon. Chairman. This is one thing that is nowadays rare in this House. Sometimes one engages with a Chairperson and agrees on a position, only to find that a completely different proposal is presented. Therefore, I thank you for your integrity.

This amendment protects the interests of women, children, persons with disabilities and local communities within the BMUs. We are talking about local communities because, given how BMUs are structured, many of the people who come to them are from all over the country. For example, in my constituency, people from Northern Kenya fish there. The local people do not live on the beach because they have homes. Sometimes, when they are conducting elections, they are not included, which creates conflict. We want to deliberately include local communities and villages to be part and parcel of the BMUs.

The other thing that I request the Chair of the Committee to consider is a further amendment. I note that the Committee introduced a further amendment. In my amendment, I propose a record of members and residents of BMUs, showing national identification numbers or other officially recognised forms of identification. Kindly remove the word 'foreigners'. Once people are in a BMU, they are not foreigners. They become locals. In my constituency, that term has a negative connotation. You can remove it. We need identification because we have had cases like those recorded here earlier. A person in one BMU kills another resident. Once that happens, they disappear. When authorities attempt to trace them, you are told the name is Wuod Boyi. How do you trace a person known only as Wuod Boyi across the entire country?

With proper identification, one can determine whether an individual comes from Siaya, Kochia, Sugo, or another place. Then we can relay it to the area chiefs so they can look for them when they have committed crimes. Unfortunately, some individuals move from one beach to another, committing crimes. Some sexually abuse children or kill widows. Others engage in all manner of horrendous activities which tarnish the name of fishermen. The purpose of requiring identification is not only to identify foreigners, but also to ensure accountability. We want to know who is in the BMU for accountability purposes.

Many BMU Chairmen informed us that when they attempted to do it without regulations, some people resisted. When a person commits murder, we cannot identify them with Bobby, Boyi or Wuod Boyi names. We need their full names, like Thomas Onyango and Wycliffe Otieno? Where do they come from? What is their identification number? Who is their chief?

Finally, I need to add one more thing. Some people have been living on Ringiti Island for decades. Some die when they are 95 years old. When they die, nobody knows where they came from because they become local.

We recently took one of them back to Hon. Lillian Gogo's constituency. My own officer had to go looking to discover the place. At the place, they said that they actually thought that

the person had died because nobody knew where he was. Once some of the fishermen go, they go for life. So, we need to know who goes there and who they are, so that in case of any tragedy, we know where to take them back.

The Temporary Chairman (Hon. Peter Kaluma): Hon. Millie, the information I wanted to give you is that your concern appears to be addressed in Clause 41, or that Clause could address it.

Hon. Millie Odhiambo-Mabona (Suba North, ODM): I am okay with the amendment as proposed. I encourage them to remove the word “foreigners” because it has a negative connotation. In my constituency, it is called *welo*. We do not have *welo*. Once you are in my constituency, you become a member of my constituency. We do not have foreigners. We have residents of Suba North.

Hon. Kangogo Bowen (Marakwet East, UDA): Before I give... I have seen Hon...

The Temporary Chairman (Hon. Peter Kaluma): Order! You have no power to give anybody the microphone.

Hon. Kangogo Bowen (Marakwet East, UDA): This is to inform Hon. Millie Odhiambo that, instead of the word “foreigner” here, we can use “foreign nationals.” There are some areas where NGOs support artisanal fishermen, but they are sometimes co-opted in the process. They are not actually Kenyans. Although they hold Kenyan documents allowing them to live in Kenya, they remain foreign nationals. Such people who support a small community project like that are what we mean here. Maybe we can say “foreign nationals.”

The Temporary Chairman (Hon. Peter Kaluma): Hon. Chair, do we use “foreign nationals” or “non-citizens?”

Hon. Kangogo Bowen (Marakwet East, UDA): Maybe we use a “non-citizen.” However, we are referring to the NGOs. Some NGOs are not actually Kenyans but support small-scale fishermen.

The Temporary Chairman (Hon. Peter Kaluma): Hon. Owen Baya.

Hon. Owen Baya (Kilifi North, UDA): Thank you, Hon. Temporary Chairman. I want to congratulate the Chair for finally formalising BMUs. It has been a teething issue. I congratulate him on that. Very many BMU members and fisherfolk will be very happy.

Regarding the issue raised about foreign nationals... You know, you came to my constituency and saw how fiery the fisherfolk there are. I want to say this, if you allow me, I have BMU members. If they go to Lamu, they will also be members of a BMU there; if they go to Malindi, they will actually be the Chair of the BMU there. So, they do not give the members within that fisherfolk community the right to take leadership of the BMUs. Actually, they are Chairs all over. So, at the end of the day, local communities do not have the opportunity to take up leadership. That is one.

Two, we need to cure the issue of foreigners. By the way, I do not know what he means by “foreigners.” For example, in my constituency, many fishermen come from Tanzania and other parts of the world. They operate within the BMUs. Because they have nothing else to do apart from fishing, they actually take over the leadership. When you ask them where they come from, you are taken in circles. For example, there are cases where people say they come from Lamu but operate in Darakasa or Watamu. However, when you follow their map, you discover that they actually come from Somalia. So, even if we have a problem with these foreigners, we need to ensure that the BMU leadership is composed of locals.

Lastly, I want to congratulate the Chair on the remuneration of BMU members. However, the question I have as I congratulate him is: Who will be paid, the Executive or all the BMU members? He said the CEC member will provide for the remuneration of BMU members, if I got him right. The question I have is: who among the BMU members gets remunerated? If it is leadership, I think you need to infuse something that will make that special group step into leadership.

I thank you.

The Temporary Chairman (Hon. Peter Kaluma): Yes, Hon. Caroli Omondi.

Hon. Caroli Omondi (Suba South, ODM): Thank you very much, Hon. Temporary Chairman. I want to request some indulgence from the Committee Chair so that he can explain to us whether... I am struggling with the Bill. I cannot see certain provisions regarding county governments vis-à-vis the BMUs. One of the biggest challenges they face in these beach management areas is open defecation. In other words, there are no sanitation services or toilets.

This is a clause that I can see the county government engaging with the BMUs for the welfare of the people living around beach areas. We need a clause that obligates the county government to ensure those areas have proper sanitation, emergency services in case of a fire, health facilities, and early childhood education facilities. This is because they are collecting money from these people.

County governments must ensure that on each beach there is an Early Childhood Development (ECD) school, a health facility, a small clinic, boats capable of rescuing people if fisherfolk's boats capsize on the lake, and toilets. It is the National Government Constituencies Development Fund (NG-CDF) that has been building these toilets for the BMUs. Yet county governments collect money, and they do not offer any services. So, we should create an obligation on county governments to provide sanitation facilities, emergency services, health facilities, and early childhood learning facilities. Hon. Temporary Chairman, are you with us?

The Temporary Chairman (Hon. Peter Kaluma): I am with you fully. I request that Hon. Caroli read Clause 36 of the Bill, together with the amendment. Before I give the Floor to Hon. Ruth Odinga, the matter being debated is in respect of what is proposed as Clause 36(c)(iii)(g), which reads:

(g) a record of members and residents of the beach management unit showing the national identification numbers or other officially recognised form of identification for foreigners.

So, the issue was, should we use the word "foreigners" or another word in the context of the contestation Hon. Millie was bringing? The Chair has proposed that, perhaps for clarity, we replace "foreigners" with "non-citizens." That is the debate that is going on. Hon. Ruth Odinga will have her chance, then Hon. Farah and Hon. Millie.

Hon. Ruth Odinga (Kisumu County, ODM): Thank you, Hon. Temporary Chairman.

Hon. Kassim Tandaza (Matuga, ANC): On a point of order, Hon. Temporary Chairman.

The Temporary Chairman (Hon. Peter Kaluma): Hon. Kassim Tandaza, what is out of order?

Hon. Kassim Tandaza (Matuga, ANC): I have a point of order on what Hon. Caroli has said. In my capacity as the Vice-Chair, I do not think it is in order to say that NG-CDF provides toilets for BMUs. That will now spark a whole new discussion about the NG-CDF issue.

The Temporary Chairman (Hon. Peter Kaluma): In fact, that one is well noted. The NG-CDF is for national Government functions, not functions falling within the county.

Hon. Kangogo Bowen (Marakwet East, UDA): Further to Hon. Tandaza's point of order, we have already indicated in Clause 33 that each county shall develop their own fisheries management measures, including conservation. That is why Hon. Caroli is asking about the roles of county governments. When we say they will develop their own fisheries management plans, this includes conservation and all the other things Hon. Caroli has mentioned.

The Temporary Chairman (Hon. Peter Kaluma): Hon. Caroli, if you look at Clause 36, sub-clauses 2(b) and 2(c), as they currently stand in the Bill, can they include issues such as the provision of facilities of the type you are concerned about?

Hon. Caroli Omondi (Suba South, ODM): Hon. Temporary Chairman, respectfully, I do not think they do, because one deals with fisheries management. Fisheries management is simply fisheries management. It involves fishing, protecting the estuaries, and processing fish. It has nothing to do with sanitation or health facilities.

The Temporary Chairman (Hon. Peter Kaluma): No, I mean sub-clause (2)(b), (c) and (d), in terms of the regulation-making authority being given there.

Hon. Caroli Omondi (Suba South, ODM): Under paragraph (b), it is just remuneration of the members of the BMUs.

The Temporary Chairman (Hon. Peter Kaluma): No, paragraph (b) is minimum standards.

Hon. Caroli Omondi (Suba South, ODM): Am I reading something different?

The Temporary Chairman (Hon. Peter Kaluma): The basic management standards for the BMUs. Paragraph (c) is the standard to be adhered to by the BMUs in imposing levies and charges. Paragraph (d) is such other standards.

Hon. Caroli Omondi (Suba South, ODM): Yes, but we are not talking about standards; we are talking about facilities.

Hon. Ruth Odinga (Kisumu County, ODM): On a point of information.

Hon. Caroli Omondi (Suba South, ODM): Yes, we are talking about facilities, Chair.

The Temporary Chairman (Hon. Peter Kaluma): Yes, Hon. Ruth Odinga.

Hon. Ruth Odinga (Kisumu County, ODM): Thank you, Hon. Temporary Chairman, for considering minorities like us. It seems there is a lot of argument coming from the majority in Parliament. I thank you for the BMUs, which are among the biggest issues we have. They run the beaches. They are, in effect, the prefects of the beaches. Normally, they are not recognised and have not been remunerated. They are people who volunteer. Therefore, they cannot formally enforce anything at the beaches. Yet they are used by both county and national governments to support beach management. We find that, in many cases, they are also manned by men. In most instances, the BMUs lack women.

Around the lake region, 90 per cent, if not 100 per cent, of the fisherfolk are men. Consequently, the BMUs are also dominated by men. I hope that when we undertake these management reforms, they will be more inclusive and incorporate women. The reason I am saying this is that women face many challenges and unfair treatment at the beaches. I do not know about other areas, but in Kisumu and the beaches around Siaya and the wider Nyanza region, we had what we called "sex for fish".

"Sex for fish" meant that women had to barter their bodies to obtain fish from fishermen. There was that barter issue, which is why I was so keen to understand what was meant by the barter clause. We are trying to fight this practice through the "no sex for fish" campaign. Even when women take their complaints to the BMUs, they often find only men there, some of whom support the practice of sex for fish. Once these arrangements are formalised, the BMUs can be properly engaged so that we know who they are and can hold them accountable for their actions.

I am grateful for the introduction of this clause. It supports women and the youth and will help women progress further. The Chair, including the Hon. Temporary Chairman, I will be giving eight boats to women in the Kisumu region. I hope to invite you to come and support me so that I can help stop the practice of sex for fish in Kisumu County.

Thank you.

The Temporary Chairman (Hon. Peter Kaluma): Hon. Members, do I now put the Question?

Hon. Members: No.

(Loud consultations)

The Temporary Chairman (Hon. Peter Kaluma): May I then...? I will give Hon. Farah an opportunity. However, Hon. Members, I request that we make progress. When commenting on Clause 36, let us focus on the clause's text and the proposed amendment. We are making very good comments, but many of them are outside the scope of the clause.

Hon. Farah.

Hon. Farah Maalim (Dadaab, WDM): Hon. Temporary Chairman, I am just wondering why we need foreigners to manage our beaches. Why should foreigners be in the BMUs? There is no need. The Deputy Leader of the Majority Party said that there are no Somalis from Somalia engaged in fishing.

The Temporary Chairman (Hon. Peter Kaluma): The Chairman, this question is directed to you.

Hon. Farah Maalim (Dadaab, WDM): You cannot discriminate against them because they are Somali, because Somalis do not necessarily come from Somalia. We should not have foreigners.

Foreigners should not be allowed. Why do you want your beaches to be run by foreigners? In any case, the foreigner needs to have a resident or work permit. Would he be given a resident permit because he is a member of the BMU?

*(Hon. Millie Odhiambo-Mabona
spoke off the record)*

Hon. Farah Maalim (Dadaab, WDM): I have not finished. Give me some time. Would immigration issue a resident's permit or a work permit just because someone is a member of the BMU of a beach in Migori? The idea of foreigners in BMUs is wrong. That amendment should be dropped. Leave it the way it is.

The Temporary Chairperson (Hon. Peter Kaluma): Yes, Hon. Millie Mabona. Hon. Mishi Mboko, you are recognised to speak after Hon. Millie.

Hon. Millie Odhiambo-Mabona (Suba North, ODM): Thank you, Hon. Temporary Chairperson. I want to inform Hon. Farah. There are many foreigners in my constituency, including Somalis, some of whom are not Kenyan. On Ringiti Island, a lady named Annette from Uganda was practically in charge. She has since gone back to Uganda. Because of the loose nature of management, there have been no clear regulations. Hon. Caroli is suggesting using a constitutional language, 'other officially recognised form of identification for citizens of other countries.' Unlike citizens of other countries, who are legally fishing in Kenya, Kenyans would use identification cards. Actually, the highest number of fishing investors in my constituency are Kenyan Somalis and Somalis from Somalia.

Hon. Farah Maalim (Dadaab, WDM): On a point of order, Hon. Temporary Chairperson.

The Temporary Chairperson (Hon. Peter Kaluma): Yes, Hon. Farah Maalim.

Hon. Farah Maalim (Dadaab, WDM): I have been to her constituency, and there are no Somalis fishermen. All those Somalis you see there are Kenyan Somalis. There is no way a foreigner can fish and become a member of a BMU without having a legal immigration status. You must either be a citizen, have a resident permit, or have a work permit. Do you get my point? Nobody can get a work permit because they are a member of a BMU.

Hon. Kangogo Bowen (Marakwet East, UDA): On a point of information, Hon. Temporary Chairperson.

Hon. Farah Maalim (Dadaab, WDM): Let him inform me.

The Temporary Chairperson (Hon. Peter Kaluma): Yes, Chairperson.

Hon. Kangogo Bowen (Marakwet East, UDA): Hon. Temporary Chairperson, there are foreigners in our country who are legally licensed to fish. As part of their corporate social

responsibility, they support BMUs. Before this Bill, BMUs did not exist. They support nearby BMUs, which sometimes co-opt them as members when they hold their meetings, since they help them repair their boats. That is why we are saying, if a foreign national is co-opted...

The Temporary Chairperson (Hon. Peter Kaluma): Chairperson, are you going on record that Kenya licenses foreigners to fish in our waters?

Hon. Kangogo Bowen (Marakwet East, UDA): Yes!

The Temporary Chairperson (Hon. Peter Kaluma): Conclude, Hon. Millie.

Hon. Millie Odhiambo-Mabona (Suba North, ODM): Hon. Temporary Chairperson, before Hon. Farah rose on a point of order, I was going to say that we have nothing against foreigners, whether they are Somalis from Somalia or Chinese. Right now, the highest number of investors in my constituency are Kenyan Somalis and Chinese. There may be foreign Somalis who do not speak Kiswahili. They are not from Kenya, but we do not discriminate. We welcome them.

Hon. Millie Odhiambo-Mabona (Suba North, ODM): Hon. Temporary Chairperson, please indulge me by listening. This amendment is not about leadership in the BMUs. I have actually explained that the challenge we face is precisely what Hon. Farah has articulated. We have people who reside in those BMUs. If you go to a place like Litare Beach, during the day, you would think there are no people; however, there are thousands who live there. Because there is no record, even if someone were to die, we do not know where to take them. For instance, I have given the example of an elderly man who died on Ringiti Island. We took him to Rangwe, but we did not know who he was. Therefore, we need this record.

You have the opportunity to move this amendment. Hon. Caroli, please provide the relevant wording from the Constitution.

The Temporary Chairman (Hon. Peter Kaluma): Order, Hon. Members. Just for direction, before Hon. Mishi Mboko makes her final comment on this clause, let me clarify what it addresses. I shall read it for clarity so that we can relate our comments to the clause. It states:

The Cabinet Secretary may, for purposes of ensuring structured community participation in fisheries management, make regulations for the management of beach management units established by the county governments.

Subclause 2 specifies issues among which the regulations contemplated may relate. Just that. So, could you make the comments aware that this is not about what I see on the side note as the establishment of the BMUs, but about the regulation-making authority of the Cabinet Secretary concerned?

Yes, Hon. Mishi Mboko.

Hon. Mishi Mboko (Likoni, ODM): Asante sana Mheshimiwa Mwenyekiti wa Muda. Ni vyema umetufanulia. Naunga mkono marekebisho haya madogo yaliyoletwa na Mwenyekiti wa Kamati husika. Ni kweli, hata huko kwetu Pwani, kama vile Gazi, Mswambeni, kuna BMU na wavuvi wengi wanaotoka katika nchi jirani ya Tanzania, ambao hujulikana kama Wapuma.

Vile vile, kwa upande wa Mheshimiwa Baya, kule Kilifi, kuna wavuvi wengi Wapemba waliotoka Tanzania. Kuweza kutofautisha kati ya wale wenye uraia na wasio na uraia wa Kenya ni muhimu sana. Mambo haya yapo na tumeyaona kila sehemu. Kunao wavuvi ambao ni raia wa Kenya na kuna wale ambao si raia wa Kenya. Hasa kule Gazi, wavuvi wa nchi jirani husaidia wavuvi wetu kwa sababu wanamiliki boti kubwa ambazo zinaweza kuvua samaki wengi; aidha, wana vifaa vya kisasa. Hawa ni wa jamii ya Kipemba kutoka Tanzania. Kwa hivyo, naunga mkono.

The Temporary Chairman (Hon. Peter Kaluma): Hon. Farah.

Hon. Farah Maalim (Dadaab, WDM): We are legislating for future generations. Will we allow Chinese and other foreigners to be part of our BMUs? These are commercial entities

coming in. They can have a corporate social responsibility (CSR) with the BMUs. They can even be invited to those meetings because they are significant buyers of our fish. However, we cannot incorporate them into the policy-making and management of our beaches, nor include them as part of the BMUs.

I understand Hon. Millie's concerns; she is worried that individuals may come from places like Ganze. They may settle there, marry a local, and it becomes difficult to determine their origins, especially upon their passing, as there is nothing to indicate where they came from. The real issue is transporting them back to their home area. The identification cards will clearly indicate that information. We can maintain the identification cards, but cannot have foreigners as part of the BMUs. This is the smallest unit. Soon, we will be saying, "We want foreigners to be involved in the roasting of maize and managing that as well," and we will have Chinese coming in to do that. In any case, we cannot afford to give such privileges to individuals who do not belong.

Hon. Members, let me guide the House.

(Hon. Owen Baya stood up in his place)

No, just take your seat. If you look at the side notes on Clause 36, it was supposed to establish beach management units and to empower the Cabinet Secretary to make regulations for the administration and maybe mention a brief of the matters that will go to those regulations. Now, as drawn here, it did not establish the Beach Management Units. So, the amendments by the Chai, first, seeks to establish the Beach Management Units. If you look at the amendment proposed by the Chair on clause 36(b)(1A), you will see that it seeks to establish the Beach Management Units.

In addition to cleaning up to ensure that we have women and children, not just "women", and to integrate persons with disabilities, the Chair proposes to have a record of members and residents of the Beach Management Unit showing the national identification numbers or other officially recognized form of identification, it concludes "for foreigners".

Hon. Farah is saying that "for foreigners" ought to be deleted. Chair, he is saying so because work permits are only given to foreigners to be in the country to do things Kenyans cannot do. Without debating, I think Hon. Farah is right. He is saying you end at your part (iii) of the amendment at "identification" and delete "for foreigners".

(Hon. Owen Baya spoke off the record)

I have not given you the microphone.

(Hon. Owen Baya spoke off the record)

You are granted the microphone.

Hon. Owen Baya (Kilifi North, UDA): Hon. Temporary Chairman, the reason we have the Beach Management Units is because we want to regulate and manage fishing and other matters. When foreigners come, they do their own things and spoil the environment because they are not bound by the rules of the Beach Management Units. For them to register, it means that they are agreeing to the terms of fishing within the community of fishermen in that area.

I want to give you an example, and the Chair here will bear with me. I have some of the very strong Beach Management Units in my constituency. We have the Kenyan Pemba community, who belong to that Beach Management Unit. Therefore, everything they do is regulated by the Beach Management Unit because it manages the beach and everything associated with it— what nets they will use, what boat they will use, the time to go fishing,

how they clean and sell the fish, all those matters are regulated. On the other hand, we have Tanzanian Pemba, who are given licences to come and fish.

When they come, they refuse to belong or operate under the Beach Management Unit in that location. They use whatever nets they want, bring fish and sell them the way they want. They do all manner of things. Since they do not belong to the Beach Management Unit, the leadership cannot enforce the rules. So, my proposal is that every foreigner who comes to fish within Kenyan waters must be registered with the Beach Management Unit and must ensure that they abide by the rules of the Beach Management Unit. That is why we say foreigners must also register with the Beach Management Units.

There is so much fishing that takes place in the high seas. When Chinese fishermen come to Malindi, they pick up eggs and small fish from the breeding areas thus destroy everything there, and go back to the high seas. They say that they do not belong to any Beach Management Unit and, therefore, the rules cannot be imposed on them. Foreigners must be registered. They must operate under the rules of Beach Management Units in any fishing area.

The Temporary Chairman (Hon. Peter Kaluma): Hon. Members, I am only doing this because we are in the Committee of the whole House. This provision does not talk about foreigners. It says:

The beach management unit shall keep a record of members and residents showing the national identification numbers or other officially recognized form of identification for foreigners.

The key words are ‘A record of members and residents.’ The question that Hon. Farah asked is whether foreigners should be members of the BMU in Kenya or we should have BMUs of Kenyans setting regulations and standards to be adhered to by everybody, whether you are a foreigner or a local, and enforcing the standards.

Yes, Hon. Farah.

Hon. Farah Maalim (Dadaab, WDM): Hon. Temporary Chairman, we are not far apart. We have an exclusive economic zone that is 200 nautical miles. We have national territorial waters that are 12 miles. We cannot stop navigation in the exclusive economic zones but we cannot allow somebody else to come and take advantage of the exclusive economic zones. The wealth that is there belongs to us. So, when the Chinese come, it is upon the Government of Kenya, through the Kenya Coast Guard Service (KCGS), the Navy and the Police to arrest them, confiscate their catch and take them to court.

(Loud consultations)

Allow me to explain. In other words, what the Deputy Leader of the Majority Party is saying is that these people steal our things and, therefore, we must include them in the law to ensure that they do not steal. He suggests that we register them. That is tantamount to saying...

(Loud consultations)

The Temporary Chairman (Hon. Peter Kaluma): Hon. Farah Maalim has the microphone.

Hon. Farah Maalim (Daadab, WDM): Hon. Temporary Chairman, that is tantamount to saying...

*(Hon. Millie Odhiambo-Mabona
spoke off the record)*

Hon. Millie, you will inform me later. That is tantamount to saying that, because there are robbers in Nairobi, who are difficult to catch, we should co-opt some of them into the police force so that the police can register them to deter them from robbing.

(Laughter)

In other words, you are saying that the only way we can save ourselves from the pillaging and exploitation being done by the Chinese is to let them in. No, we cannot do so.

(Hon. Owen Baya withdrew from the Chamber)

Why is Hon. Owen running away?

(Hon. Owen Baya spoke off the record)

Hon. Owen, you are not making sense. You want to sell your own national sovereignty to the Chinese. Hon. Owen, please. Something is wrong with you.

Hon. Millie Odhiambo-Mabona (Suba North, ODM): On a point of information, Hon. Temporary Chairman.

The Temporary Chairman (Hon. Peter Kaluma): Yes, Hon. Millie. That will be the last contribution then we put the matter to a decision.

Hon. Millie Odhiambo-Mabona (Suba North, ODM): Hon. Temporary Chairman, in many ways we are raising valid concerns. I am listening to Members. What Hon. Farah is saying is three-quarters of this Bill. That is why I was saying it is even very ocean-focused. It talks about people who are fishing in the high seas and even the right of hot pursuit. All that is in this Bill. It is actually three-quarters of this Bill. So, that is provided for. However, the mischief we are trying to cure is not even investors who come to invest. We are saying that when you have a BMU—and I have been mentioning so many such as Ringiti, Remba, Kihumba—those are very specific BMUs that are gazetted. There are residents and leadership of those BMUs. We even know them by name and they have a structure. As we have been talking here, I have been consulting my constituency chairman, Mr Oremo. They have very clear structures. There is a woman called Irene...

The Temporary Chairman (Hon. Peter Kaluma): Aremo is actually for Homa Bay County.

Hon. Millie Odhiambo-Mabona (Suba North, ODM): Yes, Hon. Temporary Chairman, he is for Homa Bay County, not for the constituency.

(A Member spoke off the record)

Pardon? Yes, he is called Pharaoh. He is in charge of Homa Bay. For my constituency, it is a woman by the name Irene. They are doing an amazing job. The challenge that they sometimes face is because the nature of fishing within BMUs is nomadic, which many people do not know.

It is migratory. People come today and, two weeks later, they are gone. We are currently dealing with many identity cards of people we do not know. They come, they are issued with identification, and then they go. We do not know who they are, and yet some of them commit crimes. We cannot trace them because we do not know who they are. Some even die, and we cannot take them home because we do not know who they are.

The leadership of the Beach Management Units (BMU) has requested the introduction of a law indicating who is operating around us. Many are only known as "Baba Bobby," "Baba

Toto" or "Baba Junior." Who is Baba Junior? We need to know your actual name, who you are, and where you come from. If you die, we should be able to take you home. This is not about foreigners.

The Temporary Chairman (Hon. Peter Kaluma): You have made your point.

Hon. Millie Odhiambo-Mabona (Suba North, ODM): Hon. Temporary Chairman, one way of dealing with this matter is to either delete the words "for foreigners" or to use the word suggested by Hon. Caroli. I encourage the Chairperson to delete the words "for foreigners" as this amendment is not focused on foreigners, who are extensively covered in three-quarters of the Bill under the large industrial operators.

(Hon. Farah Maalim spoke off the record)

The Temporary Chairman (Hon. Peter Kaluma): Let us have Hon. Farah Maalim.

Hon. Farah Maalim (Dadaab, WDM): Hon. Temporary Chairman, we are getting somewhere. The BMU should keep a record of everyone operating on the lake, based on their identification cards and whether they are citizens or not..

The Temporary Chairman (Hon. Peter Kaluma): That is catered for in the Bill.

Hon. Kangogo Bowen (Marakwet East, UDA): Hon. Temporary Chairman, I beg to move:

THAT, Clause 36 of the Bill be further amended—

(c) in subclause (2) by —

(iv) deleting the words "for foreigners" in new paragraph (g).

The Temporary Chairman (Hon. Peter Kaluma): Do you understand that if you agree to that amendment you will not keep a separate record for foreigners? Does the term "residents" include both citizens and non-citizens?

Hon. Kangogo Bowen (Marakwet East, UDA): Yes.

(Question of the further amendment proposed)

(Question, that the words to be left out be left out, put and agreed to)

(Question, that the words to be inserted in place thereof be inserted, put and agreed to)

(Question, that the words to be inserted be inserted, put and agreed to)

(Clause 36 as amended agreed to)

(Hon. Joseph Emathe spoke off the record)

The Temporary Chairman (Hon. Peter Kaluma): Hon. Namuar, do you wish to say something on Clause 36?

Hon. Joseph Emathe (Turkana Central, UDA): Hon. Temporary Chairman, you rightly put it that if we omit the word "foreigners", we will only be collecting information on nationals. That is what you have ruled.

The Temporary Chairman (Hon. Peter Kaluma): No. Hon. Member, first, that matter is spent. Secondly, the clause, as amended, will read:

(g) a record of members and residents of the beach management unit showing the national identification numbers or other officially recognized form of identification.

The term "residents" includes both citizens and non-citizens. Therefore, your concern is catered for. Let us make progress.

(Clause 37 agreed to)

Clause 38

Hon. Kangogo Bowen (Marakwet East, UDA): Hon. Temporary Chairman, I beg to move:

THAT, Clause 38 of the Bill be amended—

- (a) in subclause (1) by deleting the word “Board” and substituting therefor the words “Cabinet Secretary”;
- (b) in subclause (3) by —
 - (i) inserting the words “beach management units” immediately after the words “consultation with the counties” appearing in the opening statement;
 - (ii) inserting the words “including the designation of fishing areas for artisanal and cage fishers” immediately after the words “or principles” appearing in paragraph (f);
 - (iii) inserting the words “children” immediately after the words “disadvantaged groups including” appearing in paragraph (n);
- (c) in subclause (4) by inserting the words “beach management units, local communities” immediately after the words “under this Act”; and,
- (d) in subclause (5) by inserting the words “protection of fishers,” immediately after the words “with a view to ensuring”.

The amendment seeks to provide full declaration over designated fisheries to be by the Cabinet Secretary. This is in line with the role of the Cabinet Secretary in declaration of designated fisheries in other provisions of this Act.

(Question of the amendment proposed)

Hon. Millie Odhiambo-Mabona (Suba North, ODM): I have an amendment.

The Temporary Chairman (Hon. Peter Kaluma): Hon. Millie, if the amendment by the Chairperson is carried, your amendments in terms of subclauses 3, 4 and 5 will fall. You will remain with amendments in terms of sub-clause 1 and the new sub-clauses 8(j) and (k).

Hon. Millie Odhiambo-Mabona (Suba North, ODM): Thank you, Hon. Temporary Chairman. I thank the Chairman of the Committee again because they have adopted my proposed amendment. They have provided for designated areas for cage fishing and artisanal fishers. That way, we will not just have people putting cages anywhere and everywhere. The only one I do not agree with is on giving the authority back to the Cabinet Secretary. I was giving it to the counties. In the spirit of give and take, I let it go. The Committee has done very well. I let it go. I withdraw my amendment.

(Question, that the words to be left out be left out, put and agreed to)

(Question, that the words to be inserted in place thereof be inserted, put and agreed to)

(Question, that the words to be inserted be inserted, put and agreed to)

(Clause 38 as amended agreed to)

Clause 39

Hon. Kangogo Bowen (Marakwet East, UDA): Hon. Temporary Chairman, I beg to move:

THAT, Clause 39 of the Bill be amended in subclause (1) by—

(a) deleting the opening statement and substituting therefor the following new opening statement—

(1) The Director-General shall in accordance with the best scientific advice and such other relevant information as may be available, with the approval of the Cabinet Secretary and in consultation with county governments and after public participation, by notice in the Gazette, impose, among others, any measures for the conservation and management of any fishery including—

(b) deleting the word “including” appearing in paragraph (f) and substituting therefor the word “and”; and

(c) inserting the following new paragraphs immediately after paragraph (f)—

(fa) designate specific areas and times for fishing by fishers specializing in different types and methods of fishing;

(fb) designate by regulation, the space allowable for cage farming, artisanal and other types of fishing.

The imposition of fisheries management measures may affect the functions of the county governments. Hence, the amendment seeks to provide a consultation of county government before imposition of the same. It also provides for mandatory fisheries management measures, including the imposition of closed seasons.

(Question of the amendment proposed)

The Temporary Chairman (Hon. Peter Kaluma): For guidance, if this amendment is carried, it will cause the amendments being proposed by Hon. Millie Odhiambo to fall because it incorporates them. Give the microphone to the Hon. Millie.

Hon. Millie Odhiambo-Mabona (Suba North, ODM): Thank you, Hon. Temporary Chairman. I support this amendment. However, my concern is that they did not provide for the local communities or the BMUs in the consultation. The reason I am saying this is that sometimes, closed season is imposed at very inappropriate time. For example, when there is hunger yet there is no subsidy from the government, or when there is need for school fees. Sometimes this creates a crisis. I am, however, thankful that for the longest time, we have not had that scenario. As we try to balance conservation efforts and dwindling stock, we must also think of innovative ways of cushioning the artisanal fishers. I remember when I came to Parliament, we used to have closed seasons. There would be a time when Members Parliament from the Lake Region would set aside their entire salaries for dealing with the challenges that the fisher folk faced. That is the only one that I have noticed was not included.

I support the amendment because they have taken that concern into account. It will help reduce the conflicts that we have been seeing of different types of fishing. There are some things which we have been done informally, especially in my constituency. We designate times for *Omena* fishing and Nile Perch fishing. We did an informal thing and it was very costly because I was sponsoring it from my own pocket. It is not possible. I am just a human being. I am not a government even though I will be in government in 2032. I do not want to be placed with burdens before my time comes. I want to be allowed to be President at the right time, which is 2032. I am saying, I am being given burdens before my time for the presidency, which is 2032.

The Temporary Chairman (Hon. Peter Kaluma): Who will be your chief campaigner?

Hon. Millie Odhiambo-Mabona (Suba North, ODM): Hon. Caroli will be my chief campaigner.

The Temporary Chairman (Hon. Peter Kaluma): That is nepotism.

Hon. Millie Odhiambo-Mabona (Suba North, ODM): It is not. He will be my chief campaigner while you will be the Deputy President, if you talk to me nicely. From the way you are speaking, I might change my mind.

(Laughter)

I agree with them that we are looking for regulation. From the fights that we have had among *Omena*, Nile Perch and Tilapia fishers, we should find a better way of regulating them so that I am not the one called by Arini or Oremo in the middle of the night to sort out issues. I am forced to call security meetings with the security team in Suba North, pay for it, and give them fuel money to do monitoring. That should be the government's work.

The Temporary Chairman (Hon. Peter Kaluma): Hon. Millie, you are an expert in this area. Look at Clause 39(1)(c) to Clause 39(1)(k) of the Bill keenly. Do you see those sub clauses? I request that Hon. TJ Kajwang' is given a copy of the Bill. Do we then need Clause 39(1)(a) and Clause 39(1)(b) if you know what has been happening around the matters being prescribed under Clause 39(1)(a) and Clause 39(1)(b) of the Bill?

Hon. TJ Kajwang' (Ruaraka, ODM): I am fully cognizant and following the debate.

The Temporary Chairman (Hon. Peter Kaluma): I have still granted Hon. Millie an opportunity to contribute. Doing this disturbs operations by fishermen a lot, especially in your constituency. For corrupt practices, a person will say "No fishing of certain species in certain areas". A person may come and say "You are not fishing in this season" yet people with the right gear are fishing to take their children to school. Why would you support Clause 39(1)(a) and Clause 39(1)(b) when you have what I see as Clause 39(1)(c) to Clause 39(1)(k)?

Hon. Millie, make your comments because I want to put the question.

Hon. Millie Odhiambo-Mabona (Suba North, ODM): Thank you. You know, I also studied Environmental Law, just like you did. As a conservationist and a person who is also concerned with livelihoods, I believe we need to ensure that our stocks are regenerated. You know that some species of fish, like mudfish, *mumi*, and others have disappeared completely. Hon. TJ, remind me of the other fish species that have disappeared.

Hon. TJ Kajwang' (Ruaraka, ODM): Mudfish.

Hon. Millie Odhiambo-Mabona (Suba North, ODM): They have dwindled because of introducing the Nile Perch, which ate up the old varieties. Another reason is overfishing and use of illegal gear. The tragedy is that people do that because of poverty. I was sharing a case earlier in a meeting today. With your indulgence, I will just share it in one minute.

A young boy from Kasgunga that was educated from Form One to university using the National Government Constituencies Development Fund (NG-CDF) was killed together with his father while fishing.

The Temporary Chairman (Hon. Peter Kaluma): By what?

Hon. Millie Odhiambo-Mabona (Suba North, ODM): A hippopotamus killed them. You will see how terrible the situation is when you go to their home. You will realize that it is poverty that gets people into such situations. Later on, I will propose amendments and encourage the Chair of the Committee to support. It is the welfare of fishers. That is why I was even saying that we should include artisanal fishers in the Fund. Even when dealing with conservation, how do we protect our fishermen? We cannot have closed seasons when people have no food. It is the same way sometimes we see some parts of the country getting relief food. It is when crops fail. What happens to us when you close the lake yet that is the source of our food? Give us relief food then close the lake. Do not just close the lake without providing relief food. Give us relief food when closing the lake.

The Temporary Chairman (Hon. Peter Kaluma): Hon. TJ Kajwang'. I am requesting Hon. TJ Kajwang' to comment on (a) and (b) because Hon. Millie had told us that fish migrate a lot. For instance, while you have a season of no fishing in Lake Victoria, have you ensured that on the Uganda side they also have a closed season so that they are not fishing as we avoid fishing on the Kenyan side? Otherwise, you will be starving Kenyans while other people sharing the lake resource are fishing anyway.

Hon. TJ Kajwang' (Ruaraka, ODM): Hon. Temporary Chairman, I want to make a general comment on the design and textual approach in this Bill, especially in the new clauses and the existing clauses.

*(Hon. Kangongo Bowen consulted with
Hon. Caroli Omondi along the gangways)*

I would like the Chair to listen to me.

The Temporary Chairman (Hon. Peter Kaluma): I am all ears.

Hon. TJ Kajwang' (Ruaraka, ODM): Hon. Temporary Chairman, you are listening but I needed the Chair of the Committee to be attentive. Could the Member for Suba South release the Departmental Committee Chair?

The Temporary Chairman (Hon. Peter Kaluma): Chair of Departmental Committee, Hon. Kajwang' seeks your indulgence.

Hon. TJ Kajwang' (Ruaraka, ODM): The drafting approach in your new clauses from the Committee seems to put so many words that leave the clauses with more than one meaning. For example, Clause 39 has a prose, almost like literature. The secretariat in your Committee should take note of this so that they are crisp, clear and certain of what we are talking about. The clause says "the Director-General shall in accordance to best scientific advice in consultation with the county governments and public participation..." Of course, they must do public participation by law. There is a law like that and you do not have to repeat it here. It goes on to read:

...by notice in the *Gazette*, impose, among others, any measures for the conservation and management of any fishery, including....

You have heard the train of thought from the Chair. If you leave it the way it is drafted with (a), (b) and (c), then you put an unfair balance from fisheries that we have here in Kenya. The way the Bill is drafted is stricter and more to the point because it is a direct prohibition from fishing areas and methods of fishing which are designated. This is a very delicate issue. As a nation, we are very concerned that Kenya must introduce fishing standards and methods which will conserve our fish.

Hon. Temporary Chairman, in my view, perhaps you should consider leaving the amendments the way they are in the original text because they seem to be very clear and detailed. However, in the proposed amendments, the text becomes ambiguous. That is the

problem in many of the proposed amendments. The legislation is verbose and, therefore, we lose the crispness of the intentions of the Bill. Thank you.

The Temporary Chairman (Hon. Peter Kaluma): The Hon. Member is recognized. Is that Hon. Nanok or is it Hon. Nabuin? Yes, the Honourable Member is recognized. Is that Hon. Nanok?

Hon. Joseph Emathe (Turkana Central, UDA): I am Hon. Namuar or you can call me Manuar.

The Temporary Chairman (Hon. Peter Kaluma): I am sorry. You know, your name, Manuar is similar to one in Luo.

Hon. Joseph Emathe (Turkana Central, UDA): Hon. Temporary Chairman, I want to thank the drafters of this amendment. I take cognizance of Clause 39(C)(fa) which says, "...designate specific areas and times for fishing" or what others are calling closed seasons.

I need to be helped here. I am doing some lobbying in one way or the other. This is because Lake Turkana has the Central Island and the South Island, and there is Sibiloi National Park. All these are designated as National Parks.

The reason why fish die of old age in Lake Turkana is because of the designated protected areas seemingly called National Parks, where there is literally nothing on those islands. It has turned out to be like Marine Parks. There has been a lot of conflict between fishermen and the Kenya Wildlife Services (KWS) all the time. We have been asking KWS to show us where their boundary extends to and when they can allow us to fish. This is because most of the fish get into the protected areas maybe because there is no fishing that takes place there or the waters remain undisturbed in those areas.

Presently, there is a lot of hunger and fishermen have moved to the areas close to Sibiloi. Some have been killed by KWS rangers and their gear confiscated. Sibiloi does not have wild animals. They have all come back to marine. I think they are still there because Sibiloi does not have wild animals. The whole island of Longage has actually been partially submerged by the rising waters of Lake Turkana and everyone has moved to that area. When we talk about designated specific areas and times for fishing, what are we communicating to my people doing fishing in those areas?

Thank you, Hon. Temporary Chairman.

The Temporary Chairman (Hon. Peter Kaluma): Lastly, let us hear the Departmental Committee Chairman, then we make progress.

Hon. Kangogo Bowen (Marakwet East, UDA): Hon. Temporary Chairman, let me make a clarification and then we make progress. Clause 39(1), as contained in the Bill, reads as follows:

The Director-General may, in accordance with the best scientific advice, and such other relevant information as may be available, with the approval of the Cabinet Secretary and by notice in the *Gazette*, impose inter alia any of the following measures for conservation.

Hon. Temporary Chairman, as it is, there is no provision for consultation of county government or community public participation. The Committee has brought an amendment which says that the Director-General shall, in accordance with the best scientific advice and as such other relevant information as may be available, with the approval of the Cabinet Secretary and in consultation with the county government and after public participation, by notice of a gazette, impose among others. That is what we have provided. So, we are just saying the Cabinet Secretary and the Director General cannot just sit and gazette. They must consult the county government and do the community public participation before gazetting closed zones. That is the import of this amendment.

The Temporary Chairman (Hon. Peter Kaluma): Hon. Chairman, you have made your clarification. Hon. Members, I want us to make progress. We are past Second Reading.

(Loud consultations)

Yes, Hon. Farah Maalim

Hon. Farah Maalim (Dadaab, WDM): Thank you, Hon. Temporary Chairman. I have heard of two places. I have seen one for myself, where fish die of old age. One is Mogadishu, Somalia. They have the longest coastline in Africa yet they do not eat fish. So, the fish die of old age. I think we should have many Kenyans working in that place so that they can enjoy the fish there.

The other one is Turkana. Hon. Chair, and the Member of Parliament, Hon. Nanok...

Hon. Members: Hon. Namuar.

Hon. Farah Maalim (Dadaab, WDM): Hon. Namuar. I am talking about Turkana, Hon. Namuar and I share a few words like “ajok”. It is not parliamentary language. In Turkana, Sibiloi area, the fish die of old age. We must have a provision in this Bill - the Departmental Committee Chair must come up with an appropriate amendment - that allows the people of Turkana, who die of hunger, to have a regulated and limited access to fish in those areas.

I say regulated so that they are treated as criminals all the time. They should not have running battles with KWS rangers because of going to fish in those areas and risking their lives. Otherwise, they would not be able to feed their children. When they go in there, sometimes they are killed by KWS rangers. Therefore, we must have a regulated way of allowing people to fish in those areas.

Even in wildlife management, there is something called culling, which means that if there are too many elephants, sometimes culling is carried out, basically to support management of the same sector so that there is no overpopulation.

Departmental Committee Chairman, you must propose an amendment to allow the people of Turkana to go into Sibiloi and other environs to do limited, regulated and controlled fishing. That is my point.

The Temporary Chairman (Hon. Peter Kaluma): Yes, Hon. Owen Baya.

Hon. Owen Baya (Kilifi North, UDA): Hon. Temporary Chairman, I just want to pick up on something that Hon. Millie had spoken about. This is very important. As the regulations kick in, the Cabinet Secretary can decide that fishing is not allowed in a certain area because the population of fish has reduced or is depleted, or to encourage breeding, among other conservation measures.

Secondly, there is another aspect...

The Temporary Chairman (Hon. Peter Kaluma): Hon. Owen Baya.

Hon. Owen Baya (Kilifi North, UDA): I am coming to it.

The Temporary Chairman (Hon. Peter Kaluma): Do you have the Bill?

Hon. Owen Baya (Kilifi North, UDA): Yes, I have it.

The Temporary Chairman (Hon. Peter Kaluma): Look at Clause 39.

Hon. Owen Baya (Kilifi North, UDA): Yes.

The Temporary Chairman (Hon. Peter Kaluma): Sub-clause (1) is being amended as the introduction.

Hon. Owen Baya (Kilifi North, UDA): Yes.

The Temporary Chairman (Hon. Peter Kaluma): Look at paragraphs (c), (d) and (e). I want all Members to look at the amendment, especially paragraph (e). The question I hear Members, including Hon. TJ Kajwang' and Hon. Caroli, asking is this: If you have paragraphs (c), (d) and (e), especially paragraph (e), do you then need paragraphs (a) and (b), which talk about closed seasons and prohibiting fishing areas?

Hon. Owen Baya (Kilifi North, UDA): I was actually coming to that.

The Temporary Chairman (Hon. Peter Kaluma): Paragraph (e), for instance, states that you can prescribe and impose limitations on the amount, size, age and other characteristics, and the species or composition of species of fish that may be caught, landed or traded. Paragraph (d) deals with limitations on the types and number of fishing vessels permitted. Paragraph (c) deals with limitations on the types of gear, including the mesh sizes of nets that may be used.

Hon. Owen Baya (Kilifi North, UDA): Hon. Temporary Chairman, I also want you to look at paragraph (fa). What does it say? Paragraphs (fa) and (fb) are almost about the same thing. There is a term for it, not over hacking...

The Temporary Chairman (Hon. Peter Kaluma): Over legislation.

Hon. Owen Baya (Kilifi North, UDA): Correct.

The Temporary Chairman (Hon. Peter Kaluma): No. The issue is, if you have all these provisions, do you still need paragraphs (a) and (b)?

Hon. Members: Over regulation.

Hon. Owen Baya (Kilifi North, UDA): The Departmental Committee Chair needs to re-look at this amendment.

The Temporary Chairman (Hon. Peter Kaluma): Or rather, let me ask differently, Chair of the Departmental Committee, you can possibly regulate the size of nets so that you pick specific sizes, specific amounts and specific species. For example, when you have *omena* nets, it is the *omena* nets that you can regulate. If you have nets which are used for fishing tilapia or mbuta, you do so. Why do you need to have closed systems? Why do you need to prohibit fishing in certain areas?

(Hon. Millie Odhiambo-Mabona
spoke off the record)

Hon. Owen Baya (Kilifi North, UDA): I will come to that one, Hon. Temporary Chairman. He is saying the right things but there is something called 'tengefu.' Hon. Ruweida will bear with me. *Tengefu* is a Swahili word meaning an area that has been excluded from fishing. It is a breeding area. This matter came to my attention when KWS and Ministry officials said that we should not fish in the area spanning from Mnarani up to Watamu because it is *tengefu*. We had a lot of arguments and said that the ocean ecosystems regulates itself. Therefore, you cannot stop us from fishing. There was a lot of scientific information about why we should allow *tengefu*.

In this Bill, the Ministry has actually introducing *tengefu* through the backdoor. We are regulating fishing using a lot of English. This idea was rejected in Kilifi and Lamu Counties. The sea has its own way of rejuvenating itself.

Scientists bring a lot of theories about why you should not fish in a certain area, why you should fish in a certain area the following year, and then the following year you go to the other area. We are telling them that ecosystems, just like forests, have ways of regulating themselves. If you kill one elephant here, another one is born elsewhere. On this particular matter, we argued out our case and had our way, but it is being reintroduced through this Bill.

The Temporary Chairman (Hon. Peter Kaluma): Hon. Members, because of time, I would like to put the Question on the amendment. Hon. Ruweida, contribute for one minute.

Hon. Ruweida Mohamed (Lamu East, JP): Mhe. Mwenyekiti wa Muda, sheria ambayo iko hivi saa ni mbaya zaidi kuliko ile iliyorekebishwa na Kamati. Hii ya Kamati ni afadhali kidogo kwa sababu wameweka *public participation* na mambo ya serikali za kaunti. Hii sheria ni mbaya. Ni ukandamizaji wa hali ya juu. Ni unyanyapaa. Ni sheria ya wazungu na sio yetu. Imechukuliwa kutoka kwa wazungu na wameileta kwetu. Vifaa vyao ni tofauti.

Unamwambia mtu wa Kiunga atoke pale, kama kuna mahali hapo imefungwa kwa muda mrefu wasivue samaki hapo, wanaenda huko na kutoka Kiunga hadi Somalia ni *nautical maili* tano.

Mvuvi wetu haruhusiwi kuvua huku kumefungwa. Samaki wanaenda na kisha wanavuliwa Somalia. Watu wetu wanaenda kwa mashua usiku na mchana. Ukienda pale Mokoye, mashua nyingi kutoka Somalia ziko pale. Tunaenda kununua samaki kutoka Somalia. Hii sheria inafaa kufutwa kabisa na haifai. Hii sheria ni ya United Kingdom (UK). Msichukuwe sheria za UK na kuleta huku. Hakuna kubembeleza hii sheria. Tutaifuta. Hicho kifungu kifutwe.

The Temporary Chairman (Hon. Peter Kaluma): Asante, Mhe. Ruweida Obo.

(Question, that the words to be left out be left out, put and agreed to)

(Question, that the words to be inserted in place thereof be inserted, put and agreed to)

(Question, that the words to be inserted be inserted, put and agreed to)

(Clause 39 as amended agreed to)

Departmental Committee Chair, please move motion on reporting of progress to the House.

Hon. Kangogo Bowen (Marakwet East, UDA): Hon. Temporary Chairman, I beg to move that the House do report its considerations of the Fisheries Management and Development Bill (National Assembly Bill No. 29 of 2023) up to Clause 39 and its approval thereof with amendments and seek leave to sit again.

(Question proposed)

(Question put and agreed to)

(The House resumed)

IN THE HOUSE

*[The Temporary Speaker
(Hon. Farah Maalim) in the Chair]*

MOTION

CONSIDERATION OF REPORT ON THE FISHERIES MANAGEMENT AND DEVELOPMENT BILL

Hon. Peter Kaluma (Homa Bay Town, ODM): Hon. Temporary Speaker, I beg to report that the Committee of the whole House has considered the Fisheries Management and Development Bill (National Assembly Bill No. 29 of 2023) up to Clause 39 and approved the same with amendments and seeks leave to sit again.

The Temporary Speaker (Hon. Farah Maalim): Mover of the Bill, move motion on agreement with the Committee's Report.

Hon. Kangogo Bowen (Marakwet East, UDA): Hon. Temporary Speaker, I beg to move that the House do agree with the Committee in the said report. I request the Leader of the Minority Party, Hon. Owen Baya, to second.

Hon. Owen Baya (Kilifi North, UDA): Hon. Temporary Speaker, I second.

The Temporary Speaker (Hon. Farah Maalim): Hon. Members, I cannot propose and put the question because we are out of time.

(Putting the question deferred)

ADJOURNMENT

The Temporary Speaker (Hon. Farah Maalim): Hon. Members, the House stands adjourned until Wednesday, 24th June 2026 at 9.30 a.m.

(The House rose at 7.03 p.m.)

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