



**REPUBLIC OF KENYA**

**THIRTEENTH PARLIAMENT – (SECOND SESSION)**

**THE NATIONAL ASSEMBLY**

**VOTES AND PROCEEDINGS**

**WEDNESDAY, AUGUST 16, 2023 AT 2.30 P.M.**

1. The House assembled at thirty minutes past Two O'clock
2. The Proceedings were opened with Prayer
3. **Presiding** – the Honourable Speaker
4. **COMMUNICATION FROM THE CHAIR**

The Speaker issued the following Communication: -

**On the demise of the Hon. James Charles Osogo, former Member of Parliament and Cabinet Minister**

“**Honourable Members**, it is with profound sorrow that I report to the House the passing on of one of Kenya’s founding national leaders who was also a long serving Member of the National Assembly, the Hon. James Charles Nakhwanga Osogo. The late Hon. Osogo passed away on 15<sup>th</sup> Aug 2023 at the age of 91 years at the Aga Khan Hospital, Kisumu where he has been receiving treatment after a series of illness.

Honourable Members, the late Hon. Osogo, who was a second born in a family of ten and was born on 10<sup>th</sup> October 1932 in *Bukani* village in the then *Bunyala* District. He attended Port Victoria Primary School from 1941 to 1943 before proceeding to St. Mary's Secondary School, Yala from 1944 to 1949.

He later attended Railways Training Institute, Nairobi from 1950 to 1951 and thereafter proceeded to Kagumo Teachers College, where he trained as a teacher. His insatiable thirst for education pushed him to pursue a Bachelor of Commerce Degree at the University of Cape Town, South Africa.

Honourable Members, the late Hon. Osogo’s political consciousness was aroused when he was a student at St. Mary’s School, Yala and later on at the East African Railways and Harbours Institute. Then, he developed passion in trade union activities that were spearheaded by Kenya’s fiery trade union activists against brutal and repressive imperialist treatment of Africans.

Honourable Members, the Hon. Osogo joined Kagumo Teachers College where he honed his leadership skills and developed deeper appreciation of national leadership, including awareness of the activities of the *Mau Mau* movement in the struggle for Kenya’s independence. After graduating from Kagumo Teachers College, the late Hon. Osogo continued with political agitation. Indeed, at a youthful age of twenty-four years, while serving as a teacher at *Sigalame* Intermediate School, he was a Councillor in the *Nyanza* African District Council.

Honourable Members, his national political career started in 1963 when he was elected Member of House of Representatives for *Ruambwa* Constituency, now part of Budalangi and Funyula Constituencies.

The Late Hon. Osogo was among the Members who were appointed to Kenya's first Cabinet in 1964 at independence. He first served as an Assistant Minister for Agriculture until 1966 when he was elevated to become the Minister for Information and Broadcasting from 1966 to 1969. He later held various Ministerial portfolios including as the Minister for Commerce and Industry from 1969 to 1973; Minister for Agriculture in 1970; Minister for Local Government from 1973 to 1974, and Minister for Health in 1974.

The late Hon. Osogo was also the Deputy Leader of Government business in 1978. He was one of the last surviving members of the Cabinet of the founding President, the late Mzee Jomo Kenyatta.

Honourable Members, the late Hon. Osogo will be remembered for his leadership standards and promoting ethics. He was a respected and visionary public servant, uncompromising and an astute thinker whose service to the community was unmatched. His ascent to national politics and stellar political career will forever serve as an inspiration to many current and future leaders.

Honourable Members, on your behalf and that of the entire Parliamentary fraternity, and indeed on behalf of the people of Kenya, I convey our heartfelt condolences to the family of the Late Hon. James Osogo, the people of Busia, all his relatives and friends for losing such a gallant national leader.

Finally, in honour of the dedicated service rendered by the Late Hon. James Osogo to the nation, the National Assembly, and the people of the then Busia South Constituency, I request that we all stand to observe a moment of silence.

For the record, Honourable Members, I served with the Hon. Osogo in this House in the 7<sup>th</sup> Parliament.

May God rest the soul of our departed colleague, the Late Hon. James Nakhwanga Osogo in eternal peace. I thank you."

## 5. MESSAGES

The Speaker conveyed the following Message from the Senate -

### The Passage of three Senate Bills

**"Honourable Members,** Pursuant to Standing Order 41(1) of the National Assembly Standing Orders, I wish to report to the House that on 15<sup>th</sup> August 2023, I received three (3) Messages from the Senate regarding passage of the following Senate Bills -

- i.) The Cotton Industry Development Bill (Senate Bill No. 5 of 2023);
- ii.) The Natural Resources (Benefit Sharing) Bill (Senate Bill No. 6 of 2022); and
- iii.) The Employment (Amendment) Bill (Senate Bill No. 11 of 2022).

The Senate now seeks concurrence of the National Assembly on the Bills pursuant to Article 110(4) of the Constitution and Standing Orders 46(1) and 161 of the Senate Standing Orders.

Honourable Members, the first Message conveys that the Senate considered and passed the Cotton Industry Development Bill (Senate Bill No. 5 of 2023) on 1<sup>st</sup> August 2023 with amendments. The Bill was published *vide* Kenya Gazette Supplement No. 9 of 6<sup>th</sup> February 2023. It seeks to provide for the production, processing, marketing and distribution of cotton in Kenya and its products; to establish the Cotton Industry Development Board; to provide a framework for cotton farming and to ensure value addition to cotton and its related products.

Honourable Members, the second Message conveys that on Tuesday, 1<sup>st</sup> August 2023, the Senate considered and passed the Natural Resources (Benefit Sharing) Bill (Senate Bill No. 6 of 2022) with amendments. The said Bill was published *vide* Kenya Gazette Supplement No. 188 of 8<sup>th</sup> November 2022 to establish a system of benefit sharing in natural resource exploitation between resource exploiters and the national government, county governments and local communities.

Honourable Members, the third Message conveys that on 1<sup>st</sup> August 2023, the Senate considered and passed the Employment (Amendment) Bill (Senate Bill No. 11 of 2022) without amendments. The said Bill was published *vide* Kenya Gazette Supplement No. 198 of 30<sup>th</sup> November 2022 to anchor into law the right of employees to disconnect from employers and have their personal time and privacy respected by their employers during out of work hours.

Honourable Members, further to the Messages, I received a letter from the Senate on 10<sup>th</sup> August 2023, notifying that pursuant to Standing Order 162 of the Senate Standing Orders, Sen. Beth Syengo, MP, being the sponsor of the Cotton Industry Development Bill (Senate Bill No. 5 of 2023), has nominated Hon. Mary Emaase, MP to co-sponsor the Bill in the National Assembly.

The request is well in line with similar provisions of Standing Order 143(1)(b) of the National Assembly Standing Orders. In this regard, the Hon. Mary Emaase, MP assumes the role of co-sponsor of the Bill in the National Assembly and shall be responsible for marshaling its consideration.

Honourable Members, in order to have the National Assembly seized of the three Bills, I have directed the Clerk to list them for First Reading tomorrow, Thursday, 17<sup>th</sup> August 2023. After being read a First Time, the Bills will stand committed to the following committees for consideration –

- (a) the Natural Resources (Benefit Sharing) Bill (Senate Bill No. 6 of 2022), to the Departmental Committee on Environment, Forestry and Mining;
- (b) the Employment (Amendment) Bill (Senate Bill No. 11 of 2022), to the Departmental Committee on Labour; and,
- (c) the Cotton Industry Development Bill (Senate Bill No. 5 of 2023), to the Departmental Committee on Agriculture and Livestock.

The relevant committees are requested to prioritize the Bills in their agenda and report to the House as soon as practicable to enable the House to proceed with the next stages of the Bills.

The House is accordingly guided. I thank you!”

## **6. PETITIONS**

The following Petitions were presented by: -

- (i) The Member for Mwatate (Hon. Peter Shake, MP) regarding retirement dues and pension for retired teachers; and
- (ii) The Member for Mwingi West (Hon. Charles Ngusya Nguna, MP) regarding deployment of classroom teachers as head teachers in schools across the country.

The Petitions were referred to the Public Petitions Committee pursuant to Standing Order 227.

## **7. PAPERS**

The following Paper was laid on the Table –

Report of the Departmental Committee on Sports and Culture on the Report of the Departmental Committee on its benchmarking visit and attendance of the 21<sup>st</sup> International Conference of African and African-American Culture held from 12<sup>th</sup> to 16<sup>th</sup> April, 2023 in Santiago De Cuba, Cuba.

*(Chairperson, Departmental Committee on Sports and Culture)*

## 8. NOTICES OF MOTION

The following Notice of Motion was given: -

### Alteration of the Calendar of the House

**THAT**, pursuant to the provisions of Standing Order 28(4), this House resolves to alter its Calendar for the Second Session (Regular Sessions), as adopted on Wednesday, 15<sup>th</sup> February, 2023 by varying the period for the Long Recess with respect to the Second part of the Session so that -

- (a) The Long Recess commences on Friday, 25<sup>th</sup> August, 2023 and ends on Monday 25<sup>th</sup> September, 2023; and
- (b) The House resumes regular Sittings on Tuesday, 26<sup>th</sup> September, 2023 to commence on the Third Part of the Session.

*(The Leader of the Majority Party)*

## 9. QUESTIONS

- a) The following Questions were asked and responded to by the Cabinet Secretary for Tourism, Wildlife and Heritage in plenary –
  - (i) **Question No. 076 of 2023** by the Member for Mwingi Central (Hon. Giedoen Mulyungi, MP) regarding steps taken by the Ministry to resolve human-wildlife conflicts in Mwingi Central Constituency, any audits and investigations on the losses incurred by wild animals and any compensation plans for the victims.
  - (ii) **Question No. 119 of 2023** by the Member for Igembe North (Hon. Taitumu M'anaiba, MP) regarding measures to restrain marauding elephants in Igembe North from attacking locals and destruction of property and compensation of victims.
  - (iii) **Question No. 218 of 2023** by the Member for Bomet Central (Hon. Richard Kilel, MP) regarding total sum of money received by the Tourism Promotion Fund, a comprehensive list of beneficiaries and manner in which the money was managed.
  - (iv) **Question No. 227 of 2023** by the Member for Ndhiwa (Hon. Martin Owino, MP) regarding the total amount of money the Ministry allocated to Kenya Wildlife Service towards maintenance of *Kadio-Kodumba-Migori* Road, tender information and contractor awarded the contract.
  - (v) **Question No. 226/ 2023** by the Member for Sirisia (Hon. John Waluke, MP) regarding plans by the Government to revamp the tourism sector within the Western Kenya Tourism Circuit and the strategies aimed at promotion of cruise, adventure, culture and sports tourism in the Circuit.

Various Members also raised Supplementary Questions which were responded to by the Cabinet Secretary within the allotted time.

b) The following Questions were deferred to a later date-

- (i) **Question No. 228** by the Member for Ganze (Hon. Kenneth Kazungu, MP) on the efforts that the Ministry is undertaking to contain the elephant herds that have been a menace to residents of *Mwahera Jira* and *Mrima wa Ndege* in Ganze Constituency.
- (ii) **Question No. 320** by the Member for Wajir East (Hon. Aden Daud, MP) regarding the Cabinet Secretary's role in the oversight of the Tourism Promotion Fund Board and on the placement of the Tourism Promotion Fund under the purview of the State Department of Tourism as specified in Executive Order No. 1.
- (iii) **Question No. 321** by the Member for West Pokot County (Hon. Rael Kasiwai, MP) on the measures that the Government has instituted to rehabilitate and preserve Kapenguria Museum which is in deplorable state.
- (iv) **Question No. 322** by the Member for Mandera South (Hon. Abdul Haro, MP) regarding the circumstances that led to the death of Ms. *Fatuma Noor Ali* from *Abbey Umur, Elram Location, Kotulo sub county, Mandera South Constituency* who lost her life due to a third-degree injury by snake bite and on the value of compensations in Kenya Shillings for deaths and injuries to victims of human-wildlife conflict and further on the immediate steps being undertaken to mitigate the conflict in Mandera South in particular and Mandera County.
- (v) **Question No. 323** by the Member for Samburu County (Hon. Pauline Lenguris, MP) on the status of compensation to victims of human-wildlife conflict in Samburu County and the steps taken by the Ministry to ensure timely compensation of the victims approved for compensation.
- (vi) **Question No. 324** by the Member for Nyandarua County (Hon. Faith Gitau, MP) on the steps taken by the Ministry to resolve human-wildlife conflict cases at *Mukindu* in Ol'kalou Constituency, particularly those resulting from attacks by hippos residing in *Kanguo Dam* that have continued to endanger the lives of residents as well as cause the destruction of crops and other properties. The Member also sought clarification on whether the Ministry will consider desilting Lake Ol'bolossat as a measure to prevent future drying up of the lake.
- (vii) **Question No. 325** by Member for West Pokot County (Hon. Rael Kasiwai, MP) on the efforts that the Ministry has undertaken to resolve human-wildlife conflicts and settlement of approved compensation claims in *Nasolot Game Reserve*.

#### **10. THE PENSIONS (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 44 OF 2022)**

Order for Second Reading read;

Motion made and Question proposed-

That, the Pensions (Amendment) Bill (National Assembly Bill No. 44 of 2022) be now read a Second Time.

*(The Hon. Didmus Barasa, M.P. – 09.08.2023)*

Debate on the Bill having been concluded on Wednesday, 9<sup>th</sup> August, 2023;

Question put and agreed to.

Bill read a Second Time and committed to the Committee of the whole House tomorrow.

**11. THE FOOD AND FEED SAFETY CONTROL COORDINATION BILL (NATIONAL ASSEMBLY BILL NO. 21 OF 2023)**

Order for Second Reading read;

Motion made and Question proposed-

That, the Food and Feed Safety Control Coordination Bill (National Assembly Bill No. 21 of 2023) be now read a Second Time.

*(The Leader of the Majority Party – 15.08.2023)*

Debate on the Bill having been concluded on Tuesday, 15<sup>th</sup> August, 2023;

Question put and agreed to.

Bill read a Second Time and committed to Committee of the whole House tomorrow.

**12. THE MARRIAGE (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 32 OF 2023)**

Order for First Reading read;

Bill read a First time and referred to the relevant Departmental Committee pursuant to Standing Order 127(2).

**13. MOTION – THE ESTABLISHMENT OF THE NATIONAL DIALOGUE COMMITTEE**

Motion made and Question proposed-

**AWARE THAT** Article 1(1) of the Constitution provides that all sovereign power belongs to the people of Kenya and shall be exercised only in accordance with the Constitution;

**FURTHER AWARE** that Article 1(2) of the Constitution provides that the people of Kenya may exercise their sovereign power either directly or through their democratically elected representatives;

**CONSCIOUS** that Article 10 of the Constitution espouses the national values and principles of governance, which include the rule of law, democracy and participation of the people;

**FURTHER CONSCIOUS** that Article 94 of the Constitution provides that Parliament manifests the diversity of the nation, represents the will of the people, and exercises their sovereignty;

**RECOGNISING** that there is a need to embrace consultation, dialogue and consensus building as a way of resolving issues of concern to the people of Kenya;

**COGNIZANT** that despite the constitutional and legal reforms on the electoral processes and the electoral laws, after every election cycle there has been mistrust of electoral outcomes, leaving the country divided;

**FURTHER COGNIZANT** that efforts to enhance constitutionalism, the rule of law and respect for human rights need to be promoted;

**AWARE** that there have been previous calls and attempts at building consensus on issues of concern to the people of Kenya through bi-partisan engagements in Parliament;

**APPRECIATING** the need to establish an inclusive forum for dialogue, consultation and consensus building in seeking to promote the peace, stability and prosperity of the country;

**ACKNOWLEDGING THAT** the Majority Party in Parliament and the Minority Party in Parliament have agreed to embrace dialogue through the establishment of a *National Dialogue Committee* to recommend a way forward on issues of concern to the people of Kenya;

**NOW, THEREFORE**, the Houses of Parliament **RESOLVE AS FOLLOWS:** -

1. **THAT** the two Houses of Parliament establish a *National Dialogue Committee* consisting of ten (10) Members to represent the Kenya Kwanza Alliance (“**Kenya Kwanza**”), a coalition constituting the Majority Party of the Parliament of the Republic of Kenya and Azimio La Umoja One Kenya Coalition Party (“**Azimio**”), a coalition forming the Minority Party of the Parliament of the Republic of Kenya;
2. **THAT** each Coalition shall appoint five (5) Members to the *National Dialogue Committee*;
3. **THAT** the membership of the *National Dialogue Committee* shall be drawn from Parliament and outside Parliament;
4. **THAT** the *National Dialogue Committee* shall comprise the following Members to represent Kenya Kwanza:
  - (i) Hon. Kimani Ichungw’ah (**Delegation Leader**);
  - (ii) Gov. Cecily Mbarire (**Deputy Delegation Leader**);
  - (iii) Hon. Sen. Aaron Cheruiyot;
  - (iv) Hon. Omar Hassan Omar; and
  - (v) Hon. Catherine Wambilianga.
5. **THAT** the *National Dialogue Committee* shall comprise the following Members to represent Azimio:
  - (i) H. E. Stephen Kalonzo Musyoka (**Delegation Leader**);
  - (ii) Hon. Opiyo Wandayi (**Deputy Delegation Leader**);
  - (iii) Hon. Amina Mnyazi;
  - (iv) Hon. Eugene Wamalwa; and
  - (v) Hon. Sen. Okong’o Mogeni.
6. **THAT** the mandate of the *National Dialogue Committee* shall be to facilitate dialogue and consensus building and recommend appropriate constitutional, legal and policy reforms on issues of concern to the people of Kenya, to be framed by the *National Dialogue Committee*, in line with the Constitution and the laws of the Republic of Kenya and respecting the functional and institutional integrity of state organs.

**THE HOUSES OF PARLIAMENT NOTES:** -

7. **THAT** the Technical Teams representing Kenya Kwanza and Azimio shall support the *National Dialogue Committee*.

8. **THAT** the Technical Team representing Kenya Kwanza shall comprise the following persons:
- (i) Dr. Muthomi Thiankolu;
  - (ii) Dr. Linda Musumba;
  - (iii) Dr Duncan Ojwang; and
  - (iv) Nick Biketi.
9. **THAT** the Technical Team representing Azimio shall comprise the following persons:
- (i) Hon. Jeremiah Kioni;
  - (ii) Prof. Adams Oloo;
  - (iii) Abubakar Zein Abubakar; and
  - (iv) Lynn Ngugi.
10. **THAT** further the *National Dialogue Committee* shall be assisted by two (2) Officers designated as Communication Secretaries, one (1) of whom shall be appointed by the Leader of Majority Party and the other by the Leader of Minority Party.

**THE HOUSES OF PARLIAMENT FURTHER RESOLVE: -**

11. **THAT** the *National Dialogue Committee* shall formulate and adopt a Framework Agreement to guide the bi-partisan talks.
12. **THAT** the *National Dialogue Committee* shall report to the Leadership of Kenya Kwanza and Azimio Coalitions within sixty (60) days and after that, submit its report to Parliament.
13. **THAT** in the execution of its mandate, the *National Dialogue Committee* may invite, engage with and consider submissions from stakeholders, collate views from the public and engage experts, professionals and other technical persons as necessary.
14. **THAT** the *National Dialogue Committee* shall determine its own rules of procedure.
15. **THAT** the Speakers and Clerks of both Houses of Parliament shall provide secretariat and any other necessary support to facilitate the work of the *National Dialogue Committee*.

(The Leader of the Majority Party and the Leader of the Minority Party)

Debate arising;

Mover replied;

Question put and agreed to.

**14. THE SUGAR BILL (NATIONAL ASSEMBLY BILL NO. 34 OF 2022)**

Motion made and Question proposed –

THAT, The Sugar Bill (National Assembly Bill No. 34 of 2022) be read a second time.  
(*The Hon. Emmanuel Wangwe, M.P.*)

*Change of Chair from the Hon. Speaker to the 3<sup>rd</sup> Chairperson of Committees*

Debate arising;



And the time being nine O'clock, the Third Chairperson adjourned the House without Question put pursuant to the Standing Orders.

15. HOUSE ROSE - at nine O'clock.

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**M E M O R A N D U M**

The Speaker will take the Chair on  
Thursday, August 17, 2023 at 2.30pm

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