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PARLIAMENT OF KENYA



NATIONAL ASSEMBLY



ELEVENTH PARLIAMENT – FOURTH SESSION- 2016

DEPARTMENTAL COMMITTEE ON ENVIRONMENT AND NATURAL RESOURCES

REPORT ON THE CONSIDERATION OF THE SENATE AMENDMENTS TO THE
CLIMATE CHANGE BILL (NATIONAL ASSEMBLY BILL NO. 1 OF 2014)

CLERK'S CHAMBERS
PARLIAMENT BUILDINGS,
NAIROBI

FEBRUARY, 2016

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1.0 PREFACE

On behalf of the Departmental Committee on Environment and Natural Resources and pursuant to provisions of Standing Order 199 (6), it is my pleasant privilege and honour to present to this House the Report of the Committee on its consideration of the Climate Change Bill (National Assembly Bill No. 1 of 2014).

The amendments were passed by the Senate on Tuesday 1st December, 2015 and passed to the National Assembly for consideration. The Assembly subsequently committed the amendments to the Committee pursuant to the provisions of Standing Order 41 and it is on the basis of this that the Committee makes this Report.

1.1 Committee Mandate

The Departmental Committee on Environment and Natural Resources is established under the National Assembly Standing Orders No. 216 (1). The functions and mandate of the Committee are also contained under the National Assembly Standing Orders, No. 216(5) as:-

- a) Investigate, inquire into, and report on all matters relating to the mandate, management, activities, administration, operations and estimates of the assigned Ministries and departments;
- b) Study the program and policy objectives of the Ministries and departments and the effectiveness of the implementation;
- c) Study and review all legislation referred to it;
- d) Study, access and analyze the relative success of the Ministries and Departments as measured by the results obtained as compared with its stated objectives;
- e) Investigate and inquire into all matters relating to the assigned Ministries and departments as they may deem necessary, and as may be referred to them by the House;
- f) Vet and report on all appointments where the constitution or any law requires the National Assembly to approve, except those under Standing Order 204; and
- g) Make reports and recommendations to the House as often as possible, including recommendation of proposed legislation.

The subject matter of the Departmental Committee on Environment and Natural Resources are stated in the Second Schedule of the National Assembly Standing Orders No. 216 (f) as follows:

climate change, environment management and conservation, forestry, water resource management, wildlife, mining and natural resources, pollution and waste management.

1.2 Committee Membership

The Committee comprises of the following membership:-

1. Hon. Amina Abdalla, M.P, CBS - **Chairperson**
2. Hon. Alexander. K. Kosgey, M.P. - **Vice Chairperson**
3. Hon. Alice Ng'ang'a, M.P.
4. Hon. Samuel Ndiritu, M.P.
5. Hon. Aisha Jumwa Karisa, M.P.
6. Hon. Ejidius Njogu Barua, M.P.
7. Hon. Jude Njomo, M.P.
8. Hon. Moitalel Ole Kenta, M.P.
9. Hon. Kathuri Murungi, M.P.
10. Hon. Sunjeev Birdi, M.P.
11. Hon. Jackson K. Rop, M.P.
12. Hon. Abdi Noor Ali, M.P.
13. Hon. Joyce Emanikor, M.P.
14. Hon. Abdulaziz Farah, M.P.
15. Hon. Ronald Tonui, M.P.
16. Hon. (Dr.) Reginalda Wanyonyi, M.P.
17. Hon. Gideon Mwiti, M.P.
18. Hon. Hassan Dukicha, M.P.
19. Hon. Chachu Ganya, M.P.
20. Hon. Opiyo Wandayi, M.P.
21. Hon. Charles Geni. Mongare, M.P.
22. Hon. (Dr.) Wilber K. Ottichilo, M.P.
23. Hon. Khatib Mwashetani, M.P.
24. Hon. George Ogalo, M.P.
25. Hon. (Major) Muluvi Mutua, M.P.
26. Hon. Mohamed, Diriye M.P.

27. Hon. Peter Kinyua, MP.

28. Hon. Shukra Hussein Gure, M.P

1.3 Consideration of the Senate Amendments to the Climate Change Bill (National Assembly Bill No. 1 of 2014)

The Committee considered the Senate amendments in its Sittings held on Thursday, 4th February, 2016 and Tuesday, 9th February, 2016. The Committee's decision to accept and or reject the amendments was based on the Constitutional requirements and borrowed best practices in other jurisdictions with similar experiences.

1.4 Committee Recommendations

The Committee having considered the Senate amendments to the Climate Change Bill (National Assembly Bill No. 1 of 2014) recommends that the National Assembly:-

1. **Approves** the Senate amendments to **Clauses 2, 3, 5, 7 (a) (ii), (iii) & (b) (3), 13, 14, 17, 35, and NEW CLAUSE 25A**
2. **Rejects** the Senate amendments to **Clauses 7 (a) (i) & (c) and 32**

1.5 Adoption of the Report

We the Members of the Departmental Committee on Environment and Natural Resources have pursuant to Standing Order 199 adopted this report and affix our signatures to affirm our approval and confirm its accuracy, validity and authenticity as per the attached adoption list (Appendix II).

1.6 Acknowledgement


Mr. Speaker Sir,

The Committee wishes to register its appreciation to the Offices of the Speaker and the Clerk of the National Assembly for the support accorded to the Committee and the staff, in the execution of its mandate.

Let me take this opportunity to thank all Members for their patience, endurance and dedication to committee business, despite their other commitments and tight schedules, which enabled the Committee to complete this Report.

On behalf of the Departmental Committee on Environment and Natural Resources, and pursuant to Standing Orders No.199 of the National Assembly, I now have the honour to present the Report thereto for adoption pursuant to the provisions of standing orders of the National Assembly.

Thank You,

SIGNED 

CHAIRPERSON

(HON. ABDALLA AMINA, MP, CBS)

DATE 15 / February 2016

2.0 INTRODUCTION

The Climate Change Bill, 2014 was passed by the National Assembly on 5th March, 2015 and subsequently forwarded to the Senate for consideration pursuant to provisions of Article 110(4) of the Constitution and Standing Order 142. It was reverted to the National Assembly by the Senate for concurrence on Thursday, 3rd December, 2015 through a message from the Speaker. The Speaker directed the Committee to table its Report on the amendments for consideration by the House.

3.0 SENATE AMENDMENTS TO THE CLIMATE CHANGE BILL (NATIONAL ASSEMBLY BILL NO. 1 OF 2014)

CLAUSE 2

THAT clause 2 of the Bill be amended in the definition of the word “Cabinet Secretary” by deleting the words “Cabinet affairs” appearing after the words “responsible for” and substituting therefor the words “matters relating to climate change”.

CLAUSE 3

THAT clause 3 of the Bill be amended in subclause (2) by inserting the word “and” immediately after the word “intergenerational” appearing in paragraph (e).

CLAUSE 5

THAT clause 5 of the Bill be amended by inserting the following new subclause immediately after subclause 2 -

5. (2A) the Deputy President who shall be the vice-chairperson to the Council;

CLAUSE 7

THAT clause 7 of the Bill be amended –

(a) in subclause (2) by –

- (i) deleting paragraph (g);

- (ii) inserting the words “nominated by the body representing the largest number of institutions in the private sector” immediately after the words “private sector” appearing in paragraph (f);
 - (iii) inserting the words “who has knowledge and experience in matters relating to indigenous knowledge” immediately after the words “of the Constitution” appearing in paragraph (h);
- (b) in subclause (3) by deleting the words “(2)(f), (g) and (h)” appearing immediately after the words “under subsection” and substituting therefor the words “(2)(f), (g),(h) and (i)”; and
- (c) in subclause (4) by inserting the words “and the Senate” immediately after the words “the National Assembly”.

CLAUSE 13

THAT clause 13 of the Bill be amended in subclause (4) by inserting the words “of the Action Plan” immediately after the words “for mainstreaming”.

CLAUSE 14

THAT clause 14 of the Bill be amended in subclause (1) by inserting the words “and mitigation against” immediately after the words “adaptation to” appearing in paragraph (a).

CLAUSE 17

THAT clause 17 of the Bill be amended in subclause (1) by deleting the word “give” appearing immediately after the words “with instructions” in paragraph (b) and substituting therefor the word “prescribed”.

CLAUSE 32

THAT clause 32 of the Bill be amended in subclause (1) by deleting the word “one” appearing immediately after the words “fine not exceeding” at the end of the subclause and substituting therefor the word “ten”.

CLAUSE 35

THAT clause 35 of the Bill be amended in subclause (1) by deleting the word “may” appearing immediately after the words “Cabinet Secretary” and substituting therefor the word “shall”.

NEW CLAUSE 25A

THAT the Bill be amended by inserting the following new clause immediately after clause 25 –

25A. (1) The Cabinet Secretary shall, in accordance with the appropriate law, and in consultation with the Cabinet Secretary responsible for finance, grant to persons who –

- (a) encourage and put in place measures for the elimination of climate change including reduction of green house emissions and use of renewable energy;
 - (b) put in place measures to mitigate against the adverse effects of climate change;
 - (c) are involved in the conduct of accredited training in programmes that are aimed at eliminating climate change;
- such incentives as may be necessary for the advancement of the elimination of and mitigation against climate change and the effects of climate change.

(2) The Cabinet Secretary shall, for the purpose of subsection (1), in regulations set out the nature of the incentives, the conditions for the grant or withdrawal of such incentives and such other matter as may be necessary for the exercise of the power conferred under subsection (1).

(3) In granting incentives under subsection (1), the Cabinet Secretary shall take into account international standards and best practice.

(4) The Cabinet Secretary shall make the regulations specified

under subsection (2) within a period of twelve months from the commencement of this Act.

4.0 CONSIDERATION OF THE PROPOSED SENATE AMENDMENTS TO THE CLIMATE CHANGE BILL (NATIONAL ASSEMBLY BILL NO. 1 OF 2014)

The Committee considered the Senate amendments to the Climate Change Bill (National Assembly Bill No. 1 of 2014) and resolved as follows:-

CLAUSE 2

THAT clause 2 of the Bill be amended in the definition of the word “Cabinet Secretary” by deleting the words “Cabinet affairs” appearing after the words “responsible for” and substituting therefor the words “matters relating to climate change”.

The Committee agreed with the proposed amendment.

Justification: the amendment clarifies the definition of the word “Cabinet Secretary”.

CLAUSE 3

THAT clause 3 of the Bill be amended in subclause (2) by inserting the word “and” immediately after the word “intergenerational” appearing in paragraph (e).

The Committee agreed with the proposed amendment.

Justification: the amendment distinguishes the two different aspects of “intergeneration” and “gender”.

CLAUSE 5

THAT clause 5 of the Bill be amended by inserting the following new subclause immediately after subclause 2 -

5. (2A) the Deputy President who shall be the vice-chairperson to the Council;

The Committee agreed with this proposed amendment.

Justification: The amendment provides for the inclusion of the Deputy President who shall be the vice-chairperson to the Council, this will enrich the composition of the Council.

The Committee notes that the inclusion of the Deputy President in the Council raises the membership of the Council to eleven members, that is the President, Deputy president and nine other members, THEREFORE a Consequential Amendment has to be made to Clause 7 to delete the word “nine” appearing in the introductory statement and substitute therefore with the word “eleven”

CLAUSE 7

THAT clause 7 of the Bill be amended –

(a) in subclause (2) by –

- (i) deleting paragraph (g);

The Committee rejected the proposed amendment.

Justification: The Civil society plays a critical role in matters of climate change and should therefore be represented in the Council, further, removing a representative of the civil society would mean that the council would have an even number of Members which would be pose a problem in the event of a split vote.

- (ii) inserting the words “nominated by the body representing the largest number of institutions in the private sector” immediately after the words “private sector” appearing in paragraph (f);

The Committee agreed with this amendment.

Justification: The amendment requires that the representative of the private sector be nominated by the body representing the largest number of institutions in the private sector, this provides for clarification on the nomination of representative from the private sector.

- (iii) inserting the words “who has knowledge and experience in matters relating to indigenous knowledge” immediately after the words “of the Constitution” appearing in paragraph (h);

The Committee agreed with the proposed amendment.

Justification: The amendment seeks to ensure that the representative of the marginalised community is qualified.

(b) in subclause (3) by deleting the words “(2)(f), (g) and (h)” appearing immediately after the words “under subsection” and substituting therefor the words “(2)(f), (g),(h) and (i)”; and

The Committee agreed with the proposed amendment.

Justification: The amendment provides for the expertise needed for the members of the council nominated from outside the executive. The Committee however notes that there is a conflict as subclause (2) (g) is included in the amendment and yet it has been proposed for deletion in the previous amendment. The final amended version should expunge the reference.

(c) in subclause (4) by inserting the words “and the Senate” immediately after the words “the National Assembly”.

The Committee rejected the proposed amendment.

Justification: Article 95 (5) (b) of the Constitution provides that the National Assembly exercises oversight of State Organs. Under Article 96 (4), the role of the Senate with regard to oversight is limited to the process of impeaching the President or the Deputy President.

CLAUSE 13

THAT clause 13 of the Bill be amended in subclause (4) by inserting the words “of the Action Plan” immediately after the words “for mainstreaming”.

The Committee agreed with the proposed amendment.

Justification: This amendment cures ambiguity within the clause.

CLAUSE 14

THAT clause 14 of the Bill be amended in subclause (1) by inserting the words “and mitigation against” immediately after the words “adaptation to” appearing in paragraph (a).

The Committee agreed with the proposed amendment.

Justification: This amendment provides that policies or action plans provide for mitigation factors, this will strengthen the contents of the policy or action plans formulated.

CLAUSE 17

THAT clause 17 of the Bill be amended in subclause (1) by deleting the word “give” appearing immediately after the words “with instructions” in paragraph (b) and substituting therefor the word “prescribed”.

The Committee agreed with the proposed amendment.

Justification: The amendment corrects a typo and gives the clause the intended meaning.

CLAUSE 32

THAT clause 32 of the Bill be amended in subclause (1) by deleting the word “one” appearing immediately after the words “fine not exceeding” at the end of the subclause and substituting therefor the word “ten”.

The Committee rejects the proposed amendment.

Justification: the amendment enhances the fine for failing to obey instructions of the Council or misrepresenting facts to the Council from one million to ten million. The proposed fine is excessive considering that most factories/ industries in Kenya are either micro or medium sized. Further, the Bill focuses on giving incentives to persons involved in promotion of climate change initiatives and not punishment.

CLAUSE 35

THAT clause 35 of the Bill be amended in subclause (1) by deleting the word “may” appearing immediately after the words “Cabinet Secretary” and substituting therefor the word “shall”.

The Committee agreed with the proposed amendment.

Justification: The amendment makes it mandatory for the Cabinet Secretary to consult the Board when coming up with regulations.

New Clause 25A

THAT the Bill be amended by inserting the following new clause immediately after clause 25 –

25A. (1) The Cabinet Secretary shall, in accordance with the appropriate law, and in consultation with the Cabinet Secretary responsible for finance, grant to persons who –

(d) encourage and put in place measures for the elimination of climate change including reduction of green house emissions and use of renewable energy;

(e) put in place measures to mitigate against the adverse effects of climate change;

(f) are involved in the conduct of accredited training in programmes that are aimed at eliminating climate change;

such incentives as may be necessary for the advancement of the elimination of and mitigation against climate change and the effects of climate change.

(2) The Cabinet Secretary shall, for the purpose of subsection (1), in regulations set out the nature of the incentives, the conditions for the grant or withdrawal of such incentives and such other matter as may be necessary for the exercise of the power conferred under subsection (1).

(3) In granting incentives under subsection (1), the Cabinet Secretary shall take into account international standards and best practice.

(4) The Cabinet Secretary shall make the regulations specified under subsection (2) within a period of twelve months from the commencement of this Act.

The Committee agreed with the proposed amendment.

Justification: The proposal requires that the Cabinet Secretary grants incentives to persons involved in promotion of climate change initiatives.

5.0 COMMITTEE RECOMMENDATIONS

Having considered the Senate amendments to the Climate Change Bill (National Assembly Bill No. 1 of 2014) the Committee recommends that the National Assembly:-

3. Approves the Senate amendments to **Clauses 2, 3, 5, 7 (a) (ii), (iii) & (b) (3), 13, 14, 17, 35, and NEW CLAUSE 25A**
4. Rejects the Senate amendments to **Clauses 7 (a) (i) & (c) and 32**

MINUTES OF THE 2ND SITTING OF THE DEPARTMENTAL COMMITTEE ON ENVIRONMENT AND NATURAL RESOURCES HELD ON THURSDAY FEBRUARY 4TH, 2015 AT 10.00 AM IN THE C.P.A ROOM, MAIN PARLIAMENT BUILDINGS

PRESENT

1. Hon. Abdalla Amina, M.P. , CBS – Chairperson
2. Hon. Alexander Kosgey, M.P. – Vice Chairperson
3. Hon. Geni Charles Mong'are, M.P.
4. Hon. Wandayi James Opiyo, M.P.
5. Hon. Sunjeev Kaur Birdi, M.P.
6. Hon. Barua Ejidius Njogu, M.P.
7. Hon. Ole Kenta Richard Moitalel, M.P.
8. Hon. Muluvi Marcus Mutua, M.P.
9. Hon. Abdinoor Mohammed Ali, M.P.
10. Hon. Kathuri Murungi, M.P.
11. Hon. Ndiritu Samuel Mathenge, M.P

APOLOGIES

1. Hon. Ottichillo K. Wilber, M.P
2. Hon. Mohamed Diriye Abdullahi, M.P.
3. Hon. Jude Njomo, M.P.
4. Hon. Irea Gideon Mwiti, M.P.
5. Hon. Rop Jackson Kipkorir, M.P.
6. Hon. Gure Shukra Hussein, M.P.
7. Hon. Ng'ang'a Alice Wambui, M.P.
8. Hon. Dukicha Hassan Abdi, M.P.
9. Hon. Mwashetani Khatib, M.P.
10. Hon. Ogalo George Oner, M.P.
11. Hon. Katana Aisha Jumwa, M.P.
12. Hon. Farah, Abdulaziz Ali, M.P
13. Hon. Ganya Francis Chachu, M.P.
14. Hon. Tonui Ronald Kiprotich, M.P
15. Hon. Peter Kinyua, M.P.
16. Hon. Emanikor Joyce, M.P.
17. Hon. Dr. Wanyonyi Reginalda N. M.P.

THE NATIONAL ASSEMBLY

1. Ms. Chebet Koskei - Clerk Assistant II
2. Mr. Hassan A. Arale - Clerk Assistant III
3. Mr. Ronald Walala - legal counsel II

MIN.NO. DC/ENR/008/2016 - PRELIMINARIES

The meeting was called to order at 10.20 am after which prayers were said. The chair then welcomed the Members to the meeting.

MIN.NO. DC/ENR/009/2016 –CONSIDERATION OF THE PROPOSED SENATE AMENDMENTS TO THE CLIMATE CHANGE BILL (NATIONAL ASSEMBLY BILL NO. 1 OF 2014)

The Committee considered the Senate amendments to the Climate Change Bill (National Assembly Bill No. 1 of 2014) and resolved as follows:-

CLAUSE 2

THAT clause 2 of the Bill be amended in the definition of the word “Cabinet Secretary” by deleting the words “Cabinet affairs” appearing after the words “responsible for” and substituting therefor the words “matters relating to climate change”.

The Committee agreed with the proposed amendment.

Justification: the amendment clarifies the definition of the word “Cabinet Secretary”.

CLAUSE 3

THAT clause 3 of the Bill be amended in sub clause (2) by inserting the word “and” immediately after the word “intergenerational” appearing in paragraph (e).

The Committee agreed with the proposed amendment.

Justification: the amendment distinguishes the two different aspects of “intergeneration” and “gender”.

CLAUSE 5

THAT clause 5 of the Bill be amended by inserting the following new sub clause immediately after sub clause 2 -

5. (2A) the Deputy President who shall be the vice-chairperson to the Council;

The Committee agreed with this proposed amendment.

Justification: The amendment provides for the inclusion of the Deputy President who shall be the vice-chairperson to the Council, this will enrich the composition of the Council.

CLAUSE 7

THAT clause 7 of the Bill be amended –

(a) In sub clause (2) by –

(i) deleting paragraph (g);

The Committee rejected the proposed amendment.

Justification: The Civil society plays a critical role in matters of climate change and should therefore be represented in the Council, further; removing a representative of the civil society would mean that the council would have an even number of Members which would be pose a problem in the event of a split vote.

(ii) inserting the words “nominated by the body representing the largest number of institutions in the private sector” immediately after the words “private sector” appearing in paragraph (f);

The Committee agreed with this amendment.

Justification: The amendment requires that the representative of the private sector be nominated by the body representing the largest number of institutions in the private sector, this provides for clarification on the nomination of representative from the private sector.

(iii) inserting the words “who has knowledge and experience in matters relating to indigenous knowledge” immediately after the words “of the Constitution” appearing in paragraph (h);

The Committee agreed with the proposed amendment.

Justification: The amendment seeks to ensure that the representative of the marginalised community is qualified.

(b) In sub clause (3) by deleting the words “(2) (f), (g) and (h)” appearing immediately after the words “under subsection” and substituting therefor the words “(2)(f), (g),(h) and (i)”; and

The Committee agreed with the proposed amendment.

Justification: The amendment provides for the expertise needed for the members of the council Nominated from outside the executive. The Committee however notes that there is a conflict as Sub clause (2) (g) is included in the amendment and yet it has been proposed for deletion in the Previous amendment. The final amended version should expunge the reference.

(c) In sub clause (4) by inserting the words “and the Senate” immediately after the words “the National Assembly”.

The Committee rejected the proposed amendment.

Justification: Article 95 (5) of the Constitution provides that the National Assembly is responsible for the oversight of state Officers. Under Article 96 (4), the role of the Senate with regard to oversight is limited to the process of impeaching the President or the Deputy President.

CLAUSE 13

THAT clause 13 of the Bill be amended in sub clause (4) by inserting the words “of the Action Plan” immediately after the words “for mainstreaming”.

The Committee agreed with the proposed amendment.

Justification: This amendment cures ambiguity within the clause.

CLAUSE 14

THAT clause 14 of the Bill be amended in sub clause (1) by inserting the words “and mitigation against” immediately after the words “adaptation to” appearing in paragraph (a).

The Committee agreed with the proposed amendment.

Justification: This amendment provides that policies or action plans provide for mitigation factors; this will strengthen the contents of the policy or action plans formulated.

CLAUSE 17

THAT clause 17 of the Bill be amended in sub clause (1) by deleting the word “give” appearing immediately after the words “with instructions” in paragraph (b) and substituting therefor the word “prescribed”.

The Committee agreed with the proposed amendment.

Justification: The amendment corrects a typo and gives the clause the intended meaning.

CLAUSE 32

THAT clause 32 of the Bill be amended in sub clause (1) by deleting the word “one” appearing immediately after the words “fine not exceeding” at the end of the sub clause and substituting therefor the word “ten”.

The Committee rejects the proposed amendment.

Justification: the amendment enhances the fine for failing to obey instructions of the Council or misrepresenting facts to the Council from one million to ten million. The proposed fine is excessive considering that most factories/ industries in Kenya are either micro or medium sized.

CLAUSE 35

THAT clause 35 of the Bill be amended in sub clause (1) by deleting the word “may” appearing immediately after the words “Cabinet Secretary” and substituting therefor the word “shall”.

The Committee agreed with the proposed amendment.

Justification: The amendment makes it mandatory for the Cabinet Secretary to consult the Board when coming up with regulations.

New Clause 25A

THAT the Bill be amended by inserting the following new clause immediately after clause 25 –

25A. (1) The Cabinet Secretary shall, in accordance with the appropriate law, and in consultation with the Cabinet Secretary responsible for finance, grant to persons who –

- (a) encourage and put in place measures for the elimination of climate change including reduction of greenhouse emissions and use of renewable energy;
- (b) put in place measures to mitigate against the adverse effects of climate change;
- (c) are involved in the conduct of accredited training in programmes that are aimed at eliminating climate change; such incentives as may be necessary for the advancement of the elimination of and mitigation against climate change and the effects of climate change.

(2) The Cabinet Secretary shall, for the purpose of subsection

(1), in regulations set out the nature of the incentives, the conditions for the grant or withdrawal of such incentives and such other matter as may be necessary for the exercise of the power conferred under subsection (1).

(3) In granting incentives under subsection (1), the Cabinet Secretary shall take into account international standards and best practice.

(4) The Cabinet Secretary shall make the regulations specified under subsection (2) within a period of twelve months from the commencement of this Act.

The Committee agreed with the proposed amendment.

Justification: The proposal requires that the Cabinet Secretary grants incentives to persons involved in promotion of climate change initiatives

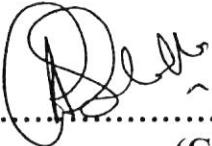
COMMITTEE RECOMMENDATIONS

Having considered the Senate amendments to the Climate Change Bill (National Assembly Bill No. 1 of 2014) the Committee recommended that the National Assembly:-

1. **Approves** the Senate amendments to **Clauses 2, 3, 5, 7 (a) (ii), (iii) & (b) (3), 13, 14, 17, 35, and NEW CLAUSE 25A**
2. **Rejects** the Senate amendments to **Clauses 7 (a) (i) & (c) and 32**

MIN.NO. DC/ENR/010/2016 ADJOURNMENT

There being no other business the meeting was adjourned at Twenty Minutes past Eleven O'clock.

SIGNED.....
(Chairperson)

DATE.....15/2/2016.....

MINUTES OF THE 3rd SITTING OF THE DEPARTMENTAL COMMITTEE ON ENVIRONMENT AND NATURAL RESOURCES HELD ON TUESDAY FEBRUARY 9TH, 2016 AT 10.30 AM C.P.A ROOM, MAIN PARLIAMENT BUILDINGS.

PRESENT

1. Hon. Abdalla Amina, M.P. – **Chairperson**
2. Hon. Alexander Kosgey, M.P. – **Vice Chairperson**
3. Hon. Geni Charles Mong'are, M.P.
4. Hon. Wandayi James Opiyo, M.P.
5. Hon. Sunjeev Kaur Birdi, M.P.
6. Hon. Barua Ejidius Njogu, M.P.
7. Hon. Muluvi Marcus Mutua, M.P.
8. Hon. Kathuri Murungi, M.P.
9. Hon. Ottichillo K. Wilber, M.P.
10. Hon. Ganya Francis Chachu, M.P.
11. Hon. Dr. Wanyonyi Reginalda N. M.P.
12. Hon. Emanikor Joyce Akai, M.P.
13. Hon. Irea Gideon Mwiti, M.P.
14. Hon. Abdinoor Mohammed Ali, M.P.
15. Hon. Mwashetani Khatib, M.P.

APOLOGIES

1. Hon. Mohamed Diriye Abdullahi, M.P.
2. Hon. Jude Njomo, M.P.
3. Hon. Rop Jackson Kipkorir, M.P.
4. Hon. Gure Shukra Hussein, M.P.
5. Hon. Ng'ang'a Alice Wambui, M.P.
6. Hon. Dukicha Hassan Abdi, M.P.
7. Hon. Ogalo George Oner, M.P.
8. Hon. Katana Aisha Jumwa, M.P.
9. Hon. Farah, Abdulaziz Ali, M.P.
10. Hon. Tonui Ronald Kiprotich, M.P.
11. Hon. Peter Kinyua, M.P.
12. Hon. Ole Kenta Richard Moitalel, M.P.
13. Hon. Ndiritu Samuel Mathenge, M.P.

THE NATIONAL ASSEMBLY

1. Ms. Chebet Koskei - Clerk Assistant II
2. Mr. Hassan A. Arale - Clerk Assistant III
3. Mr. walala - legal counsel

MIN.NO. DC/ENR/334/2015 - PRELIMINARIES

The meeting was called to order at 10.30 am after which prayers were said. The chair then welcomed the members to the meeting.

MIN.NO. DC/ENR/335/2015 –CONSIDERATION AND ADOPTION OF THE REPORT OF THE PROPOSED SENATE AMENDMENTS TO THE CLIMATE CHANGE BILL (NATIONAL ASSEMBLY BILL NO. 1 OF 2014).

The Committee considered and adopted the report of the Senate amendments to the Climate Change Bill (National Assembly Bill No. 1 of 2014) after it was proposed and seconded by the Hon. Barua Ejidius Njogu and Hon. Dr. Wanyonyi Reginalda respectively with the following consequential amendment as follows:-

1. **Under clause 5 sub clause 2(A)** the Deputy President who shall be the vice-chairperson to the Council; This raises the membership of the Council to eleven members that is the President, Deputy president and nine other members THEREFORE consequential amendment has to be made to clause 7 to delete the word “**nine**” appearing in the introductory statement and substitute therefore with the word “**eleven**”
2. **Under clause 7** in sub clause (4) by inserting the words “and the Senate” immediately after the words “the National Assembly”.

The Committee rejected the proposed amendment.

Justification: Article 95 (5) of the Constitution provides that the National Assembly is responsible for the oversight of state Officers. Under Article 96 (4), the role of the Senate with regard to oversight is limited to the process of impeaching the President or the Deputy President.

The committee agreed Article 95 (5) and 96 (4) be written in full for clarity.

3. Under **CLAUSE 32 THAT**, clause 32 of the Bill be amended in sub clause (1) by deleting the word "one" appearing immediately after the words "fine not exceeding" at the end of the sub clause and substituting therefor the word "ten".

The Committee rejects the proposed amendment.

Justification: the amendment enhances the fine for failing to obey instructions of the Council or misrepresenting facts to the Council from one million to ten million. The proposed fine is excessive considering that most factories/ industries in Kenya are either micro or medium sized.

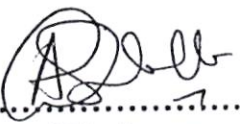
And also that the Bill was focusing on giving incentives not punishing.

MIN.NO.DC/ENR/013/2016 ANY OTHER BUSINESS

1. The Hon. Dr. Ottichilo Wilber, M.P reminded the committee that there is need for the committee to have a field visit to the Tsavo National Park to inspect the Standard Gauge Railway Line passing through the Park to assess its impact on the environment and on the wildlife movement. The Secretariat was tasked to fast track this matter with the office of the Cabinet Secretary, Ministry of Environment & Natural Resources.

MIN.NO.DC/ENR/014/2016 ADJOURNMENT

There being no other business the meeting was adjourned at 11.00 am.

SIGNED.....

(Chairperson)

DATE.....
15/2/2016



**DEPARTMENTAL COMMITTEE ON ENVIRONMENT AND NATURAL RESOURCES
PAYMENT SCHEDULE**

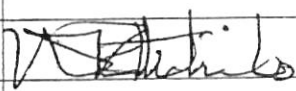


**AGENDA: CONSIDERATION AND ADOPTION OF THE REPORT ON THE
PROPOSED SENATE AMENDMENTS TO THE CLIMATE CHANGE BILL, 2014**

DATE: 09/02/2016

TIME: 10.00 AM

VENUE: CPA ROOM

NAME	SIGNATURE
1 Hon. Abdalla, Amina, MP, CBS-CHAIRPERSON	
2 Hon. Alexander Kosgey, MP Vice Chairperson	
3 Hon. Dukicha, Hassan Abdi, MP	
4 Hon. Emanikor, Joyce Akai, MP	
5 Hon. Ganya, Francis Chachu, MP	
6 Hon. Geni, Charles Mongare, MP	
7 Hon. Gure, Shukra Hussein, MP	
8 Hon. Ole Kenta, Richard Moitalel, MP	
9 Hon. Mohamed, Diriye Abdullahi, MP	
10 Hon. Murungi, Kathuri, MP	
11 Hon. Ogalo, George Oner, MP	
12 Hon. Sunjeev Kour Birdi, MP	
13 Hon. Tonui, Ronald Kiprotich, MP	
14 Hon. Dr. Wanyonyi, Reginalda N, MP	
15 Hon. Farah, Abdulaziz Ali, MP	
16 Hon. Barua, Ejdius Njogu, MP	
17 Hon. Irea, Gideon Mwiti, MP	
18 Hon. Muluvi, Marcus Mutua, MP	
19 Hon. Mwashetani, Khatib, MP	

20	Hon. Ndiritu, Samuel Mathenge, MP	
21	Hon. Ottichilo, Wilber Khasilwa, MP	
22	Hon. Rop, Jackson Kipkorir, MP	
23	Hon. Abdinoor, Mohammed Ali, MP	
24	Hon. Ng'ang'a, Alice Wambui, MP	
25	Hon. Peter Kinyua, MP	
26	Hon. Wandayi, James Opiyo, MP	
27	Hon. Katana, Aisha Jumwa, MP	
28	Hon. Jude Njomo, MP	

Echoskei

CHEBET KOSKEI

FOR -CLERK OF THE NATIONAL ASSEMBLY

