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DATE: 08 JUL 2021	DAY: 
THE NATIONAL ASSEMBLY PAPERS LAID	

TWELFTH PARLIAMENT – FIFTH SESSION -2021

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SELECT COMMITTEE ON IMPLEMENTATION

FOURTH REPORT ON

SUBMISSIONS FROM STAKEHOLDERS REGARDING IMPLEMENTATION STATUS OF  
INQUIRIES, PETITIONS AND RESOLUTIONS PASSED BY THE HOUSE

Directorate of Audit, Appropriations and other Select Committees  
Clerk's Chambers  
Parliament Buildings  
NAIROBI

THE NATIONAL ASSEMBLY PAPERS LAID	
DATE: 08 JUL 2021 DAY: THURSDAY	
TABLED BY:	CHAIR, SELECT COMMITTEE ON IMPLEMENTATION HON. MOITALELE KENT, MP
CLERK AT THE TABLE:	Maimah Wanjiku

July, 2021



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## **ABBREVIATIONS & ACRONYMS**

BLMAs	-	Bilateral Labour Migration Agreements
GCC	-	Gulf Cooperation Council
IPOA	-	Independent Policing Oversight Authority
KFS	-	Kenya Forest Services
KUCCPS	-	Kenya Universities and Colleges Central Placement Service
MoE	-	Ministry of Education
NEA	-	National Employment Authority
PAS	-	Public Address System
PEAs	-	Private Employment Agencies
PWDs	-	People Living with Disabilities
TVET	-	Technical and vocational education and training
RRP	-	Return and Re-integration Programme

## **CHAIRPERSON'S FOREWORD**

The Select Committee on Implementation is mandated to scrutinize resolutions of the House (including adopted Committee reports), petitions and the undertakings given by the National Executive and examine whether such decisions and undertakings have been implemented within the sixty (60) days provided for in the Standing Orders and whether such implementation has taken place within the minimum time necessary and satisfactory explanation for the delay in full implementation provided.

The Committee wrote to the various Ministries requesting for implementation status of resolutions, petitions and adopted Committee reports passed by the House. The status of implementation included in the report contains submissions provided by various Ministries and Government Agencies from October, 2020 to February, 2021. The report entails a compilation of the responses received and their status of implementation as at the time of adoption of the report.

The Committee registers its appreciation to the Offices of the Speaker and the Clerk of the National Assembly for facilitating it towards the achievement of its mandate and the production of this report.

Pursuant to Standing Order 199 (6), it is, therefore, my pleasant duty and privilege, on behalf of the Select Committee on Implementation, to lay this report on the Table of the House.



**HON. MOITALEL OLE KENTA, MP**

## **EXECUTIVE SUMMARY**

In line with its mandate, the Select Committee on Implementation wrote to various Ministries seeking the status of implementation of various House resolutions. This is pursuant to Standing Order 209 (2) which provides that the Committee shall scrutinize the resolutions of the House (including adopted Committee reports), petitions and the undertakings given by the National Executive and examine whether or not such decisions and undertakings have been implemented and where implemented, the extent to which they have been implemented; and whether such implementation has taken place within the minimum time necessary and whether or not legislation passed by the House has been operationalised and where operationalised, the extent to which such operationalisation has taken place within the minimum time necessary.

The Committee wrote to the Ministries and Government Agencies forwarding a list of House resolutions pending before them seeking the status of implementation, including challenges faced while implementing them. The Committee during its various sittings scrutinized the written submissions received from the stakeholders. The records of evidence submitted to the Committee form the basis of the Committee's report on the implementation status as outlined in the Report.

In its deliberations, the Committee observed that most of the House resolutions are not accompanied by the requisite budget hence making it difficult for MDAs to implement them. The Committee also observed that some Agencies were not able to follow up and implement some recommendations of the House due to the outbreak of COVID-19 Pandemic.

The Committee recommends that the respective committees and the House should consider the financial implications of resolutions before committing them for implementation and should allocate adequate funds to the implementing agencies.



## **1.0 PREFACE**

### **1.1 Mandate of the Committee**

1. The Select Committee on Implementation is established pursuant to the provisions of Standing Order 209 of the National Assembly Standing Orders. The Committee scrutinizes the resolutions of the House (including adopted Committee reports), petitions and the undertakings given by the National Executive and examine whether or not such decisions and undertakings have been implemented and where implemented, the extent to which they have been implemented; and whether such implementation has taken place within the minimum time necessary; and whether or not legislation passed by the House has been operationalized and where operationalized, the extent to which such operationalization has taken place within the minimum time necessary.
2. Standing Order 201 further provides that, within sixty days of a resolution of the House or adoption of a report of a select committee, the relevant Cabinet Secretary under whose portfolio the implementation of the resolution falls shall provide a report to the relevant committee of the House in accordance with Article 153(4) (b) of the Constitution.

## 1.2 Committee Membership

3. The Committee membership comprises -

### **Chairperson**

Hon. Moitalel Ole Kenta, MP  
Narok North Constituency  
Orange Democratic Movement

### **Vice Chairperson**

Hon. Godfrey Osotsi, MP  
Nominated  
Amani National Congress

### **Members**

Hon. Moses Kuria, MP  
Gatundu South Constituency  
Jubilee Party

Hon. Alois Lentoimaga, MP  
Samburu North Constituency  
Jubilee Party

Hon. (Dr.) James Murgor, MP  
Keiyo North Constituency  
Jubilee Party

Hon. Joash Nyamache Nyamoko MP  
North Mugirang'o Constituency  
Jubilee Party

Hon. Paul Odalo Abuor, MP  
Rongo Constituency  
Orange Democratic Movement

Hon. Hassan Oda Hulofo, MP  
Isiolo North Constituency  
Kenya Patriots Party

Hon. Paul Simba Arati, MP  
Dagoretti North Constituency  
Orange Democratic Movement

Hon. Feisal Abdalla Bader, MP  
Msambweni Constituency  
Independent

Hon. Johnson Manya Naicca, MP  
Mumias West Constituency  
Orange Democratic Movement

Hon. John Muchiri Nyaga, MP  
Manyatta Constituency  
Jubilee Party

Hon. Benjamin Dalu Tayari, MP  
Kinango Constituency  
Orange Democratic Movement

Hon. Michael Thoya Kingi, MP  
Magarini Constituency  
Orange Democratic Movement

Hon. Nelson Koech, MP  
Belgut Constituency  
**Jubilee Party**

Hon. Joshua Mbithi Mwalyo, MP  
Masinga Constituency  
**Wiper Democratic Movement-Kenya**

Hon. Dr. Peter Kimari, MP  
Mathioya Constituency  
**Jubilee Party**

Hon. Silvanus Osoro, MP  
South Mugirang'o Constituency  
**Kenya National Congress**

Hon. Gabriel Kago Mukuha, MP  
Githunguri Constituency  
**Jubilee Party**

Hon. Charles Ngusya Nguna, MP  
Mwingi West Constituency  
**Wiper Democratic Movement-Kenya**

Hon. Jared Okello, MP  
Nyando Constituency  
**Orange Democratic Movement**

Hon. Richard Onyonka, MP  
Kitutu Chache South Constituency  
**Ford Kenya**

### 1.3 Committee Secretariat

4. The secretariat facilitating the Committee comprise -

Ms. Tracy Chebet Koskei  
*Clerk Assistant I/Team Leader*

Mr. Abdirahman Hassan  
*Clerk Assistant II*

Mr. Salem Lorot  
*Legal Counsel*

Ms. Winnie Kizia  
*Media Relations Officer*

Mr. Donald Manyala  
*Research Officer II*

Ms. Jane Serem  
*Audio Officer I*

Mr. Moses Kariuki  
*Sergeant-at-Arms*



## 2.0 INTRODUCTION

5. The Select Committee on Implementation commenced to appraise itself on the implementation status of House resolutions pursuant to Standing Order 209 (2) which requires the Committee to scrutinize the resolutions of the House (including adopted Committee reports), petitions and the undertakings given by the National Executive.
6. This report contains the status of implementation of various House resolutions as submitted by various Ministries, Departments, Agencies between October 2020 and February, 2021, as follows:-
  - 1) Report of the Departmental Committee on Lands on its consideration of the Petition on De-Gazettment of Forest Land in Kuresoi North Constituency;
  - 2) Report of the Departmental Committee on Labour and Social Welfare on its visit to Riyadh, Saudi Arabia on a fact-finding mission on the welfare of migrant Kenyan Workers in the Kingdom of Saudi Arabia;
  - 3) Resolution on the development of policy measures to ensure one hundred percent (100%) transition from Secondary to Tertiary Education.
  - 4) Report of the Public Investments Committee on its inquiry into the safety of Ferries as observed in the Audited Accounts of the Kenya Ferry Services for the Financial Year 2016/17;
  - 5) Report of the Departmental Committee on Lands on its consideration of the petition on unlawful occupation of ancestral land by KDF School of Artillery (78 Tank Battalion);
  - 6) Report of the Departmental Committee on Lands on its consideration of the petition on unlawful displacement of residents, loss of property and closure of schools in Ntoroni Sub-location in Tharaka Constituency;
  - 7) Report of the Departmental Committee on Lands on its inquiry into a complaint by Kamiti Anmer Forest Squatters Association regarding allocation of land L.R No. 8390 in Kamiti Anmer Forest;
  - 8) The Report of the Departmental Committee on Justice and Legal Affairs on the State of the Judiciary and the Administrative of Justice for FY 2016/17 and FY 2017/18.

## **IMPLEMENTATION STATUS OF VARIOUS HOUSE RESOLUTIONS**

### **3.0 REPORT OF THE DEPARTMENTAL COMMITTEE ON ENVIRONMENT REGARDING PETITION ON DE-GAZETTMENT OF FOREST LAND IN KURESOI NORTH CONSTITUENCY**

#### **3.1 Background**

7. The Petition was tabled by the Hon. Moses Cheboi, MP, Deputy Speaker of the National Assembly and Member for Kuresoi North Constituency on 8<sup>th</sup> August, 2019. The Petition was committed to the Departmental Committee on Lands pursuant to provisions of Standing Order 227 (1) of the National Assembly Standing Orders.

#### **3.2 Recommendations by the Departmental Committee on Lands**

8. The Departmental Committee on Lands tabled its report on 21<sup>st</sup> November, 2019 and made the following recommendations:
  - (i) The Cabinet Secretary, Ministry of Environment and Forestry initiates the process of the degazettement and excision of 15 acres of land from Kuresoi Forest L.R. No. Sitoton Compartment 7 Block to be allocated to Kuresoi Divisional Headquarters within 90 days after the tabling of the report in the House and;
  - (ii) The petitioners are also at liberty to initiate the degazettement process as provided for in Section 34 of the Forest Conservation and Management Act, 2016.

#### **3.3 Implementation status**

9. The Ministry of Environment and Forestry submitted that following receipt of the House resolutions, it forwarded the petition to the Board of Kenya Forest Service as stipulated in the Forest Conservation and Management Act, 2016 for consideration.
10. The Kenya Forest Service Board in their meeting held on 7<sup>th</sup> May, 2020, deliberated on the petitions and resolved to decline to approve the petition by the Member of Parliament, Kuresoi North Constituency Hon. Moses Cheboi, MP for degazettement of a portion of Kuresoi Forest block.
11. The Board decision was informed by the following considerations: -
  - (i) The Constitution of Kenya, 2010 Article 69 (1) provides that the state shall ensure sustainable exploitation, utilization, management and conservation of the environment and natural resources, and ensure the equitable sharing of accruing benefits. The Article further provides that the state shall work to achieve and maintain a tree cover of at least 10% of the land area of Kenya; eliminate processes and activities that are likely to endanger the environment and utilize the environment and natural resources for the benefit of the people of Kenya.

- (ii) The Vision 2030 which is the Kenya National Development blue print in line with the Constitution envisages attainment of 10% forest cover by 2030. The time frame for attainment of the 10% forest cover has since been brought forward to 2022 by the Presidential directive of 2018.
  - (iii) The petition does not warrant degazettement of forest land as there exists other legal instruments such as Special Use Licenses that govern Government installations that are of public good on the public forest land.
12. The Cabinet Secretary reported that he concurred with the KFS Board decision on the matter and hence communicated the decision as provided for in the Forest Conservation and Management Act, 2016, Section 34.

### **3.4 Committee Observation**

13. Implementation not done.
14. The Ministry of Environment and Forestry did not initiate the process of the degazettement and excision of 15 acres of land from Kuresoi Forest L.R. No. Sitoton Compartment 7 Block, as per the recommendations of the Departmental Committee on Lands. However, the reason given by the Kenya Forest Service Board on the decision to decline the degazettement was reasonable.



#### **4.0 REPORT OF THE DEPARTMENTAL COMMITTEE ON LABOUR AND SOCIAL WELFARE ON ITS VISIT TO RIYADH, SAUDI ARABIA ON A FACT-FINDING MISSION ON THE WELFARE OF MIGRANT KENYAN WORKERS IN THE KINGDOM OF SAUDI ARABIA**

##### **4.1 Background**

15. The Departmental Committee on Labour and Social Welfare carried out a fact finding visit to Riyadh, Saudi Arabia from 27<sup>th</sup> February to 3<sup>rd</sup> March, 2019. The Committee tabled its report on 8<sup>th</sup> August, 2019.

##### **4.2 Implementation status**

16. The Select Committee on Implementation received a written submission regarding the implementation status of the report from the Ministry of Labour and Social Protection on 19<sup>th</sup> November, 2020 and the Ministry of Foreign Affairs on 4<sup>th</sup> December, 2020.
17. The recommendations and status of implementation is highlighted below:

- I. *The Ministry of Labour & Social Protection and the National Employment Authority must ensure thorough vetting of Employment Agencies to ensure Kenyans travel to Saudi Arabia and other destinations through officially recognized channels. The Immigration Department must be equally vigilant on movement of persons to these countries to ensure only Kenyans in (an automated system through which the Saudi Ministry of Labour monitors compliance of employers of domestic workers which established employment practices) compliant employment contracts are permitted to travel.*

##### **Status of implementation**

18. The Ministry Labour and Social Protection reported that it was in the process of vetting Private Employment Agencies and reviewing the vetting process to enhance transparency and make it water tight.
19. Private Employment Agencies (PEAs), also referred to as Recruitment Agencies play an important role in the labour market by providing an alternative means of job matching. Their role in promoting foreign employment has increasingly become critical as more Kenyans seek employment opportunities beyond the borders.
20. The number of PEAs significantly increased from five (5) in 1998 to three hundred and forty-eight (348) in 2020. This rapid increase created challenges in regulation of the activities of the agencies.



21. In 2014, the Government imposed a temporary ban on the recruitment of workers to the Middle East following numerous reports on cases of Kenyan migrant workers being mistreated, particularly in the Gulf Region. In the same year, the Government revoked the licenses for all Private Employment Agencies in the country and directed that they re-apply and undergo a vetting process.
22. The operations of the employment agencies are guided by a number of Legislations;
  - (i) Sections 55-60 of the Labour Institutions Act, 2007. These Sections relate to registration of employment agencies, duties of persons conducting employment agencies, powers of employment officers in respect to employment agencies, regulations and offences.
  - (ii) Section 43 of the Security Laws (Amendment) Act 2014 amended the Labour Institutions Act by establishing an Inter-Ministerial Committee to vet all applications for registration of recruitment agencies. The provision requires that every employment bureau or agency seeks and obtains government approval prior to sending Kenyan Citizens for employment outside Kenya and for employment of foreigners. Registration is only done if the applicant has satisfied the vetting process set by the vetting committee.
  - (iii) The Labour Institutions (Private Employment Agencies) Regulations, 2016 empower the Cabinet Secretary for Labour to make Rules and Regulations for regulating the operations of PEAs. The Section provides for: the form in which an application is to be made for a certificate of registration; the fee to be paid for a certificate of registration or copies of the certificate; fees which may be charged in respect of the business of an employment agency; the surrender of certificates of registration; records to be kept in respect of an employment agency; the qualification of the proprietor or persons running the employment agency; the nature and form of security to be given by the employment agency.
  - (iv) The operations of private employment agencies are also guided by a number of international conventions and instrument. The International Labour Organization (ILO) Convention No. 181 of 1997 on Private Employment Agencies urges Governments to ensure that adequate machinery and procedures for managing PEAs are established and complaints handling mechanisms put in place, the Multilateral Framework on Labour Migration: Non-binding principles and guidelines for a right based approach to labour migration stipulates special protective measures for migrant workers and recognizes the need for concluding bilateral and multilateral labour agreements; setting up of private and public

employment services, control of recruitment fraud and malpractice, and self-regulation by PEAs.

#### **Committee Observation**

23. Implementation on-going.

*II. The Ministry of Labour and Social Protection and that of Foreign Affairs must continuously monitor the implementation of the Bilateral Labour Agreements to ensure that measures initiated to protect Kenyans working in Saudi Arabia are fully adhered to. The office of the Labour Attaché must be strengthened and allocated adequate resources in order to fully monitor employment trends in the Kingdom.*

#### **Implementation status**

24. Bilateral Labour Migration agreements (BLMAs) between countries of origin and countries of destination are the primary instruments through which such labour mobility arrangements are affected. The first BLA was signed with the State of Qatar in March 2012. The second and third agreements with Saudi Arabia and United Arab Emirates were signed in May, 2017 and April, 2018 respectively. Particular areas of concern or weakness identified in BLAs pertain to: wage protection measures; protection of travel and identity documents; skills recognition; social security and health benefits; access to complaints mechanisms; weak regulatory frameworks for private employment agencies; and limited mechanisms for monitoring and evaluation.
25. The signed BLA with Saudi Arabia provides for the establishment of a Joint Technical Committee (JCT) to monitor the implementation. Specifically, the Joint Technical Committee are expected to coordinate, carry out periodic reviews, assess and monitor implementation of the Agreement. The Ministry plans to activate the Joint Technical Committee in collaboration with the MFA and the labour destination country.

An Inter-Ministerial committee on Bilateral Labour Agreements was constituted on 13<sup>th</sup> October, 2020 in order to address the gaps in development and implementation of BLAs. The Committee comprises representatives from the Ministry of Foreign Affairs, Ministry of Interior and Coordination of National Government, Office of the Attorney General and Ministry of Labour.

#### **Committee Observation**

26. Implementation is on-going.

- III. *The National Employment Authority and Directorate of Diaspora Affairs, Ministry of Foreign Affairs should embark on a rigorous campaign to market Saudi Arabia as an important destination country for foreign employment. The current notion that foreign workers in Saudi Arabia go through suffering needs to be corrected and the citizens sensitized on the correct procedure to travel to Saudi Arabia.***

**Implementation status**

27. The Ministry of Labour and Social Protection together with the Ministry of Foreign Affairs have been undertaking awareness creation campaigns to raise awareness on labour migration and market Saudi Arabia as a key labour destination country. These campaigns also aim at advising Kenyans of recruitment process, benefits of labour migration, opportunities as well as challenges associated with labour migration. In addition, the Ministry is also developing a communication strategy on labour migration as a mechanism to enhance the management of communication within and outside the country.
28. The main aim of this is to counter false and misleading information on labour migration to Saudi Arabia and the GCC countries in general. Plans are underway to enhance awareness on labour migration issues amongst members of the public and the media. This will be undertaken in close consultations with the embassies and representatives of the GCC countries.
29. The Ministry of Foreign Affairs continues to offer consular services to Kenyans across the world through its 58 Missions abroad (Embassies/Consulates) and 28 honorary consulates.

**Committee Observation**

30. Implementation done. The Committee notes that this is a continuous process that needs to be enhanced with time.

- IV. *The National Employment Authority should as a matter of priority seek for more opportunities, other than for domestic workers, in Saudi Arabia. The Authority should use the Labour Attaché office to solicit for opportunities in conjunction with both Kenyan and Saudi Employment Agencies.***

**Implementation status**

31. The Saudi Arabia labour market has a huge potential not only for domestic workers but also for skilled and professional cadres. The recruitment process was officially commissioned on 21<sup>st</sup> January, 2019. Between March, 2019 and March, 2020, a total number of 40,861 domestic workers had been facilitated to secure employment in the



Kingdom of Saudi Arabia through MUSANED. MUSANED is a new online program addressing issues concerning domestic migrant workers in the Kingdom of Saudi Arabia.

32. These domestic workers are remitting approximately Ksh. 1 billion per month, constituting about 0.4 % of total remittances. Given the increasing number of migrants, and considering this trend may persist in the foreseeable future, the management of safe, orderly and regular migration has become critical.
33. The Ministry has been holding consultative meetings with members of the Gulf Cooperation Council (GCC) to discuss a number of issues ranging from recruitment process and protection of migrant workers. On 16<sup>th</sup> November 2020, the Ministry held a consultative meeting with the representatives of the Governments of the GCC in Kenya, including Saudi Arabia.
34. The aim of this meeting was to provide a comprehensive update to the GCC Member States on the current state of affairs of Labour Migration in Kenya, identify opportunities and challenges and how it can foster labour mobility from Kenya to GCC Member States. The meeting provided an opportunity to share experiences, lessons learned and best practices on labour mobility as well as possible areas of partnerships and interventions.
35. As a way forward from the discussions with representatives of the Governments of the GCC in Kenya, the Government committed to among others; review and fully operationalize the signed Bilateral Labour Agreements (BLAs), develop and implement a Return and Re-integration Programme (RRP), including establishment of a National Re-integration Centre at the National Employment Authority and develop a migrant workers labour market information system to enable collection, analysis and dissemination of data on labour migration.
36. On their part, the GCC countries will endeavour to facilitate access to job opportunities for skilled Kenyan professionals, strengthen collaboration in sharing information on lists and maintain and update a database on Kenyans working in GCC region.
37. These initiatives will go a long way in accessing new employment opportunities in the Gulf region as well as enhancing the protection of our migrant workers.

#### **Committee Observation**

38. Implementation done.



- V. *The Ministry of Labour should initiate and strengthen pre-departure training to prepare Kenyans travelling to Saudi Arabia for the challenges expected in Saudi Arabia as a way of assisting them fit in well into the Saudi Social Economic System.*

### **Implementation status**

The following is a status of implementation of the recommendation:

39. Pre-departure information has emerged as an important tool for the protection of migrant workers and their families. Lack of pre-departure training for Kenyan migrant workers results in some of them experiencing culture shock upon arrival in the destination country. This in turn affects their productivity and often leads to absconding of duty and subsequent premature termination of employment contracts. The challenge associated with lack of pre-departure training mainly affects the unskilled and semi-skilled workers. Pre-departure training for migrant workers prior to departure is therefore critical in assisting them to acquaint themselves to the new environment in the host country.
40. The Ministry of Labour and Social Protection launched the Curriculum on Homecare Management in 2018. The Pre-departure and Life Skills Course Units are intended to equip prospective migrants with knowledge, skills, attitudes and values that will enable them cope with challenges they are likely to encounter in the new work environment and on return. Implementation of the curriculum commenced in February 2019.
41. At the time of reporting, the Ministry submitted that over 70,000 trainees have undergone through the training in readiness to take up jobs in foreign countries. In line with Bilateral Labour Agreement signed with the Kingdom of Saudi Arabia in 2015, the Ministry of Labour and Social Protection has developed a Curriculum on Homecare Management to address the challenges faced by migrant workers in private households and institutions such as children homes, hostels and boarding institutions.
42. The curriculum aims at creating a qualified, productive, healthy workforce with practical knowledge and skills in homecare management. This curriculum has addressed challenges faced by Kenyan migrant workers in Saudi Arabia. The Ministry will continuously review the curriculum in order to address emerging challenges and meet the needs of employers.
43. A website on labour migration (<https://kenyamigrantworker.org>) was launched in January, 2019 to provide prospective migrants with additional information about the Kingdom of Saudi Arabia, the State of Qatar and the United Arab Emirates. It aims to

equip Kenyan migrant workers with the knowledge and requisite skills to face and overcome different challenges that they may face in these countries.

44. Information handbooks have also been developed to support the preparation of Kenyan migrant workers by providing practical information on the country of destination, and assist the migrants in setting realistic goals and developing the key skills and attitudes needed to succeed in their new work environment. The handbooks focus on the Kingdom of Saudi Arabia, the State of Qatar and United Arab Emirates. They provide basic information to potential and departing migrants to ease their transition into the country of destination and help them maximize the benefits of their overseas employment.
45. The Ministry is in the process of expanding the scope of the Website and the information handbooks in order to cover additional countries. The Ministry further undertook a review of the Curriculum on Homecare Management in October, 2020 to make it more responsive to the needs of employers and meet the COVID-19 Health and Safety protocols.

#### **Committee Observation**

46. Implementation done.

## **5.0 RESOLUTION ON THE DEVELOPMENT OF POLICY MEASURES TO ENSURE ONE HUNDRED PERCENT (100%) TRANSITION FROM SECONDARY TO TERTIARY EDUCATION**

### **5.1 Background**

46. The Motion was proposed by Hon. Omboko Milemba, the Member for Emuhaya Constituency on 13<sup>th</sup> March, 2019. The Select Committee on Implementation wrote to the Ministry of Education requesting for status of implementation on 15<sup>th</sup> September, 2020.

### **5.2 Implementation status**

The Ministry of Education vide a letter Ref. MOEST/VTT/2/8 dated 12<sup>th</sup> October, 2020 submitted as follows:

47. The current enrolment status in TVET:
- (i) There are 189 public TVCs across the Country with at total combined capacity of 530,937;
  - (ii) Of these, 342,691 are for technical courses and 188, 246 for business courses;
  - (iii) Students currently enrolled in TVCs are approximately 270,000 while available vacancies for new students is 290,937. The projected new student enrolment in 2021 is 250,000;
  - (iv) Youth polytechnics (Vocational Technical Centres) in the Country are 1,120 with a current enrolment of 128, 947. The VTCs have a combined capacity of 300,000 trainees in 2021.

### **5.3 Challenges**

The Ministry submitted the following as the challenges it is facing:

48. The State Department was allocated Kshs. 5.2 billion to cater for Capitation for the Financial Year 2019/2020. This allocation can provide capitation for 173,333 students at the rate of Kshs. 30,000 per student per year. Students taking courses lasting one year and above qualify for capitation. Therefore, there is need to increase the capitation allocation to the state department for the expected increase in enrolment.
49. The Ministry only provides capitation to MoE institutions and therefore using numbers from KUCCPS of 180,161, the total requirement would be Kshs. 5,404,830,000 which is above the budget allocation of Kshs. 5.2 billion leaving a deficit of Kshs. 204.8 million.
50. The Ministry submitted that it would request for additional funding for students who will be enrolled in 2021. With a projection to enroll 250,000, the state Department will require Kshs. 7.5 billion.

51. Forty nine (49) institutions are at various stages of construction and requires additional finding to be completed and ready to enroll students in 2021. Additionally, the institutions will require equipment once completed, for operation.
52. To achieve inclusive education for Persons living with Disability (PWD), there is need to assist the regular TVCs to create PWDs friendly environment and build the capacity of trainers on special needs related issues.
53. The TVET sector is prepared to accommodate one million and eighty thousand, nine hundred and thirty seven (1, 080, 937) trainees in 2021.

#### **5.4 Committee Recommendation**

54. The State Department for Vocational and Technical Training should be allocated Kshs. 7.5 billion in the Financial Year 2021/2022 to enable the TVET sector accommodate the projected number of students.

## **6.0 REPORT OF THE PUBLIC INVESTMENTS COMMITTEE ON ITS INQUIRY INTO THE SAFETY OF FERRIES AS OBSERVED IN THE AUDITED ACCOUNTS OF THE KENYA FERRY SERVICES FOR THE FINANCIAL YEAR 2016/17**

### **6.1 Background**

55. The Public Investments Committee tabled its report on 3<sup>rd</sup> December, 2019. The resolutions contained in the report were to be implemented by the Ministry of Transport, Public Works and Housing and Urban Development. The Select Committee on Implementation wrote to the Ministry on 5<sup>th</sup> October, 2020 and in March, 2021.

### **6.2 Implementation status**

56. The Ministry of Transport, Infrastructure, Public Works, Housing and Urban Development and the Kenya Ferry Services vide a letter Ref. KFS/MD/GOV/CIR./2 dated 23<sup>rd</sup> October, 2020 and again on 12<sup>th</sup> March, 2021 submitted the following status of implementation:

***1. The Kenya Ferry Services Limited should ground MV Harambee until the vessel undergoes dry docking and significant repair followed by inspection before the ferry can resume operation.***

#### **Implementation status**

57. MV Harambee was removed from operations, grounded and the process of repair initiated. The works included underwater hull repairs, installation of a new prow lifting mechanism and repair of the superstructure.
58. MV Harambee was taken to dry dock at African Marine Engineering Company Ltd (M/S AMGECO) and dry docked on 20<sup>th</sup> August 2020 for underwater hull repair and the works were completed on 5<sup>th</sup> November, 2020. The contract amount for the works was Kshs. 58, 715,970.67.
59. A contractor, M/S Cesscolina East Africa Ltd, was procured for installation of a new prow lifting mechanism (HPP- Hydraulic Power Pack) for MV Harambee and the works are ongoing. The works started on 6<sup>th</sup> July, 2020 and is set to end in April, 2021. The contract amount for the works was Kshs. 23,225.995.20.
60. A contractor, SECO, was procured for repair of the superstructure. The works started on 22<sup>nd</sup> December, 2020 and was projected to be completed in April, 2021. At the time of the submission (12<sup>th</sup> March, 2021), the Ministry reported that the works were at 80% completed. The contract amount was Kshs. 71, 524,567.59.



### **Committee Observation**

61. MV Harambee was grounded and repair works started. Underwater hull repairs were completed while installation of a new prow lifting mechanism and repair of the superstructure is almost complete.
62. Implementation is substantially done.

*II. The National Treasury should urgently release funds to the Kenya Ferry Services Limited to ensure ferries operated by the agency undergo urgent repair and maintenance. Funds for ferry repair and maintenance should be ring-fenced in future budgets for Kenya Ferry Services Limited to ensure availability of funds for scheduled maintenance of the vessels.*

### **Implementation status**

63. Supplementary budget of Kshs. 500 Million was released in the FY 2019/2020 for ferry rehabilitation amounting to Kshs. 220 Million and Mtongwe ramps construction amounting to Kshs. 280 Million.

### **Committee Observation**

64. The money was released and vessel repair has been done. Implementation done.

*III. The Kenya Ports Authority should consider establishing a dry dock facility for repair and maintenance of maritime vessels including ferries. The facility would ensure competitiveness of the Mombasa Port facility, generate income for the Authority and provide cost-effective service for maritime operators*

### **Implementation status**

65. During FY 2019/2020;
  - (i) A new budget was set aside for the establishment of a dry-dock facility for maintenance and repair of vessels including the ferries.
  - (ii) During the same year, Port clients (shipping lines) complained about the old single lift ship to shore (STS) gantry cranes which were prone to frequent breakdowns and performance in regards to crane moves was below our key performance indicators.
66. The only solution was to rationalize the Capital Expenditure Budget and Procurement Plan to provide funds to purchase new additional twin lift STS for Container Terminal 1 cargo operations.
67. The Committee received information that the Head of Public Service, through a circular dated 27<sup>th</sup> January, 2021, directed that Ministries, Departments and Government Agencies shall acquire vessels, maintain their vessels and repair them at the Kenya Shipyards Limited.

### **Committee Observation**

68. The dry dock facility has not been established. Resolution not implemented.

***IV. All ferries operated by Kenya Ferry Services Limited should be fitted with necessary safety equipment to be used in case of emergency. The ferries should also be fitted with a public address system for communication on safety matters while aboard the vessels.***

### **Implementation status**

69. The ferries have sufficient and well maintained lifesaving and firefighting appliances onboard comprising of rigid life rafts, lifejackets, and lifebuoys. MV Safari and MV Jambo have two (2) rescue boats each. In addition, the ferries have fire appliances onboard including dry powder, foam and carbon dioxide fire appliances. The ferry engine rooms are also protected with fixed fire extinguishing systems, fixed carbon dioxide drenching system, fixed water line hydrant systems and fire alarm detection systems.
70. The public address system onboard the ferries are functional apart from MV Harambee which will have a new installation while at the dry dock for superstructure works. The Ministry reported that coxswains onboard the ferries make safety announcements to the public. Further, the Customer Relations Assistants at the communication booths also make announcements on safety.
71. It is also noteworthy that in addition to the fixed public address system, there are fourteen (14) hand held mega phones that were procured as back up in case of malfunction of the fixed PAS. The Company continuously maintains safety equipment to working condition. The public is also sensitized on use of the safety equipment.

### **Committee Observation**

72. Implementation done.

***VI. Board appointees to the Kenya Ferry Services Limited should be competent and qualified individuals to provide effective leadership and strategic direction for organization. The Board should ensure that Board members are inducted and that their skills and knowledge are regularly enhanced given the specialization nature of the maritime industry.***

## Implementation status

### Composition of the Board

73. A new board of Directors was appointed and gazetted on the 10<sup>th</sup> of August 2020 comprising of the following members:

(1) Mr. Salim Juma Chingabwi-	Chairman
(2) Ms. Sheila Nanjekho Makali-	Member
(3) Mr. Genesio Njagi Mugo-	Member
(4) Mr. Mohamed Ali Sheikh Amin-	Member
(5) Dr. Nuh Nassir Abdi-	Member

In addition to the above, the following are also members of the board:

- (6) The Principal Secretary to the State Department for Transport
- (7) The Cabinet Secretary to the National Treasury
- (8) The Managing Director, Kenya Ports Authority

The following are the qualifications of the Board members:

Name	Position	Qualification
Salim Juma Chingabwi	Chairman	Master's Degree in Human Resource Management. Diploma in Maritime Studies. Over 35 years working experience in the maritime transport sector. An expert in HR matters. Former General manager Human Resources Kenya Ports Authority.
Sheila Nanjekho Makali	Member	Master's Degree in Business Administration- Procurement. A lecturer at Masinde Muliro University -Nairobi Campus.
Genesio Njagi Mugo	Member	Master's Degree in Business Administration. A Business Executive {Vivo Energy Kenya ltd}.
Mohamed Sheikh Amin	Member	An expert in the shipping Industry. Member Institute of Chartered Shipbrokers. Diploma in Shipping Management. Over 30 years working experience in the shipping, clearing & forwarding industry.
Dr. Nuh Nassir Abdi	Member	Bachelor of Veterinary Medicine Degree. A Governance and Public Finance consultant. Former Speaker - Tana River County Assembly & Former Member of Parliament Bura Constituency.



74. The Board has been taken through an in-house induction program that includes the mandate, the legal framework and operational activities of the Company by the Managing Director and Heads of Departments. They were furnished with the Company and Departmental policies and manuals.
75. The Board participated in another induction training program, conducted by the State Corporations Advisory Committee (SCAC).

To further understand better and participate in the strategic planning of the Organization, the board will be taken through a 3-day training on the Company's Strategic Plan (2019-2024) between 11<sup>th</sup> and 13<sup>th</sup> November 2020.

76. To enhance knowledge and skills of the Directors, the company enrolled them in the Institute of Directors of Kenya. They will undergo the mandatory 5 days' director training scheduled in February/March 2021.
77. All these board activities/trainings are contained in the board's work plan for the financial year 2020/2021. With members of the Board who were working with the Government, it was very easy to bring them on board into the workings of Kenya Ferry Services Limited. However, it will take time for those who were in other sectors to understand the working of the public sector. It's expected that with the training of the Board members, the Board will be in a position to provide leadership and strategic direction to Kenya Ferry Services Limited.

#### **Committee observation**

78. The Board consists of qualified and competent Members. The Board Members have also gone through induction training.
79. Implementation done.

***VII. Kenya Ferry Services Limited should ensure that key positions such as Head of Engineering are filled substantively. Succession Planning should be done to ensure that recruitment of a replacement is done to coincide with the departure of the incumbent office holder***

#### **Implementation status**

80. The Company advertised for the position of Chief Engineer in the local dailies on 4<sup>th</sup> and 6<sup>th</sup> June, 2019. This was six (6) months before the retirement of the incumbent. However, before conclusion of the recruitment and selection process, the Board of Directors was dissolved on 16<sup>th</sup> October, 2019.



81. During the time that the Company did not have a sitting Board of Directors, the incumbent Head of Engineering, retired from the service of Kenya Ferry Services Limited on 25<sup>th</sup> December, 2019. Consequently, the Principal Engineer was appointed on acting capacity as Head of Engineering with effect from 1<sup>st</sup> January, 2020 for a period of six (6) months with the approval of the Ministry of Transport, Infrastructure, Housing, Urban Development and Public Works, and the Public Service Commission.
82. On 7<sup>th</sup> August, 2020 a new Board of Directors was appointed by the Cabinet Secretary for Ministry of Transport, Infrastructure, Housing, Urban Development and Public Works. The Board of Directors is handling the matter in a bid to substantively fill the position.

#### **Committee Observation**

83. The Kenya Ferry Services Limited has not implemented the resolution at the time of reporting due to the absence of a sitting Board of Directors for ten (10) months. A substantive appointment could not be made in the absence of the appointing authority, the Board of Directors. A new Board of Directors was appointed and is handling the matter in a bid to substantively fill the position.

***VIII. Kenya Maritime Authority and Kenya Ferry Services Limited should conduct a public education and safety campaign at the ferry crossings to sensitize the public on maintaining safety while using the ferries.***

#### **Implementation status**

84. The public is sensitized through the Public address system on both sides of the channel, LED screen at the island side and posters on board the vessel. The posters have messages on the need to switch off engines while on board, roll down car windows, unfasten seat belts and beware of slippery surfaces. The motorists are also informed of being aware of the safety chain on board the ferries demarcating safe vehicle position.

#### **Challenges**

85. There were challenges due to Covid-19 Pandemic where some motorists have not been willing to roll down car windows. Deckhand officers, security officers and safety officers enforce compliance by the motorists and pedestrians to the safety instructions and messages onboard ferries.

#### **Committee Observation**

86. Implementation has been done.

- IX. *Kenya Ferry Services Limited should replace the security company that provides security services aboard the ferries due to negligence in performing their duties***

**Implementation status**

87. The former contracted security company was replaced with ISMAX Security Ltd, which started offering service from 1<sup>st</sup> January 2020. There were no challenges experienced in replacing the security company as its contract had come to an end. The Company is more responsive to security and safety measures and abides by the Service Level Agreement in place. There are frequent briefings that communicate to the Security Company the expectations of Kenya Ferry Services Limited.

**Committee Observation**

88. Implementation done

- X. *The Kenya Ferry Services Limited should provide stiff penalties for ferry passengers who fail to adhere to safety regulations while using the ferries. The penalties should be enforced strictly to ensure compliance by ferry users***

**Implementation status**

89. Ferry offenders are arrested or apprehended and handed over to Kenya Ferry Police Station for arraignment in court. The offences range from drunk and disorderly and being a nuisance on board the ferries.
90. For example, over the last ten (10) months (year 2020) a total of fifteen (15) cases were prosecuted by the Kenya Ferry Police Station and sentenced and/or fined by the Mombasa Courts as summarized below;
- (i) Being a nuisance while onboard ferry/ramps- four (4) cases.
  - (ii) Drunk and disorderly while onboard ferry/ramps- three (3) cases.
  - (iii) Failure to wear face masks while on board ferry- three (3) cases.
  - (iv) Hawking on board the ferry or ferry approaches- three (3) cases.
  - (v) Attempted suicide while on board ferry- one (1) case.
  - (vi) Preparation to commit felony within ferry premises- one (1) case. Mobs that incite the public against arrest even in the presence of the police.

**Committee Observation**

91. The implementation of this resolution has been done. The Select Committee on Implementation plans to undertake an inspection visit to the Kenya Ferry Services in due course to assess implementation of the resolutions.

## **7.0 REPORT OF THE DEPARTMENTAL COMMITTEE ON LANDS ON ITS CONSIDERATION OF THE PETITION ON UNLAWFUL OCCUPATION OF ANCESTRAL LAND BY KDF SCHOOL OF ARTILLERY (78 TANK BATTALION)**

### **7.1 Background**

92. The petition by residents of Tigania East Constituency regarding the alleged unlawful occupation of their ancestral land by KDF School of Artillery (78 Tank Battalion) was presented in the House on 2<sup>nd</sup> July, 2019 by the Hon. Josephat Kabeabea, M.P on behalf of the petitioners. The petition was committed to the Departmental Committee on Lands pursuant to the provisions of Standing Order 227 (1) of the National Assembly Standing Orders.
93. The Petitioners sought the intervention of Parliament to inquire into the circumstances under which the Kenya Defence Forces annexed an extra 20,000 acres of land belonging to the residents in excess of what was allocated to it by the County Councils of Isiolo, Samburu and Turkana in 1977 and the issuance thereof of an allotment letter on June 12, 2018 in respect of the 20,000 acres.
94. The Petitioners also requested Parliament to intervene through the Ministry of Lands & Physical Planning and other relevant government agencies to cause survey of the land so as to clearly demarcate the portion of land that rightfully belongs to residents and that which was allocated to the Kenya Defence Forces by the County Councils of Isiolo, Samburu and Turkana.

### **7.2 Recommendations of the Departmental Committee on Lands**

95. The Committee in considering the petition observed that the 78 Tank Battalion land was declared an adjudication section on March 11, 2016 and thereafter an amendment on the sectional boundaries was done on June 29, 2018. An allotment letter was subsequently issued on July 12, 2018 to the Kenya Defence Forces (KDF), two (2) years after the adjudication.
96. The Committee noted that the Ministry of Lands & Physical Planning erred in the demarcation of boundaries for the adjudication of Ngare Mara Adjudication Section and inadvertently adjudicated into the KDF land. The Committee further noted that the failure by the Kenya Defence Forces to secure and demarcate their land had contributed to the residents settling on the land.
97. It was also observed that although there was a Gazette Notice No. 3210 of 1977 inviting persons who had claim on the land allocated to the KDF to make application for



compensation, the members of the public may not have had access to the Gazette Notice. There was also no evidence presented to the committee indicating whether any person ever lodged a claim on the land in question.

98. The Departmental Committee on Lands thereafter recommended that the National Land Commission determine the persons who had claim on the 78 Tank Battalion land as of the date of issuance of the Gazette Notice Number 3210 Of 1977 and compensate the affected persons for loss of property within three months of tabling of the report.
99. The Committee also recommended that the Ministry of Defence secures all land allocated to the military to prevent encroachment and ownership disputes. Finally, the Committee recommended that the Ministry of Lands and Physical Planning survey the 78 Tank Battalion land to clearly demarcate the land belonging to the Kenya Defence Forces and the residents.

### **7.3 Implementation status**

100. The Select Committee on Implementation held a meeting with the Ministry of Lands on 27<sup>th</sup> October, 2021 on the implementation status of the report.
101. The Ministry of Lands & Physical Planning in conjunction with the Ministry of Defence is currently undertaking a Military Titling Programme. Amongst the parcels targeted by the programme is the Isiolo Barracks (78 Tank Battalion Land is part of Isiolo Barracks).
102. The Ministry has surveyed the original land allocated to Isiolo Barracks issued L.R. No. 27098 measuring approximately 8323 Hectares and a Certificate of Title LR 213242 registered. The Ministry has also surveyed the land occupied by the 78 Tank Battalion issued L.R. No. 32634. A deed Plan is being processed to facilitate preparation of a title in favour of Kenya Defence Forces.

### **7.4 Committee Observation**

103. The Committee noted that the implementation of the House Resolution on the matter was done.
104. The Committee also noted that an Ad hoc Committee consisting of Members of the Departmental Committee on Lands and the Departmental Committee on Defence and Foreign Relations was constituted to consider amongst others rampant disputes between public and the military over land ownership.



## **8.0 REPORT OF THE DEPARTMENTAL COMMITTEE ON LANDS ON ITS CONSIDERATION OF THE PETITION OF UNLAWFUL DISPLACEMENT OF RESIDENTS, LOSS OF PROPERTY AND CLOSURE OF SCHOOLS IN NTORONI SUB-LOCATION IN THARAKA CONSTITUENCY**

### **8.1 Background**

105. The petition by residents of Ntoroni Sub-Location regarding displacement of residents, loss of property and closure of schools in Ntoroni Sub-location in Tharaka Constituency was tabled in the House on 12<sup>th</sup> March, 2019 by the Hon. George Muragara, M.P on behalf of the Petitioners. The petition was committed to the Departmental Committee on Lands pursuant to the provisions of Standing Order 227 (1) of the National Assembly Standing Orders.
106. The petitioners were displaced from their homes due to politically instigated communal clashes that took place between 1995 and 1997. They lost their property in addition nine (9) schools were razed down. The Government set up a taskforce led by Mr. Zachary Ogongo to look into the issue and report on the same. The report of the taskforce was published in 2007.

### **8.2 Recommendations by the Departmental Committee on Lands**

107. The Committee in considering the petition also received submissions from the petitioners, Ministry of Interior & Coordination of National Government and the Ministry of Education.
108. In the end, the Committee in a report dated 5<sup>th</sup> December, 2019 instructed the Ministry of Lands & Physical Planning and the Ministry of Interior & Coordination of National Government to fully implement the Zachary Ogongo taskforce recommendations.
109. The Committee also recommended the Ministry of Lands & Physical Planning to operationalize the lands office in Tharaka Sub-County by deploying officers to serve in the station to ensure that the residents of Tharaka Constituency access land related services.

### **8.3 Implementation status**

110. The Ministry of Lands submitted that it had taken the following steps to implement the recommendations directed at the Ministry:
- (i) Held consultative meetings with leaders of Meru & Tharaka Nithi Counties to enhance a participatory approach in land adjudication.

- (ii) Re-established the boundary between Isiolo and Meru Counties in liaison with the Ministry of Interior and Coordination of National Government.
  - (iii) Regularized the informal settlements of Majengo and Mjini villages in Meru town. Ninety-six (96) titles had been prepared out of which forty-six (46) were issued.
  - (iv) Fast tracked land adjudication in Lower East Magutuni, Ruiru/Rwarera, Turima, Mukothima, Karocho, Mbwaa, New Kiare, Amung'enti and Kirindine. The undeclared sections of Thiiti, Ntoroni, Makururuni and Kathura were to be administered under the Community Land Act, 2016.
111. The undeclared sections of Thiiti, Ntoroni, Makururuni and Kathura were to be administered under the Community Land Act, 2016. The Act requires the Ministry in consultation with county governments, National Land Commission and other stakeholders to create awareness on the Act. Public education and awareness has been undertaken in 24 counties with community land. Sensitization programmes in Meru County was carried out from 16<sup>th</sup> to 20<sup>th</sup> December 2020.
112. Under the Act, County Governments (in consultation with the Communities) are required to prepare an inventory of all unregistered land in their jurisdiction to be submitted to the Ministry. This will pave way for the publication of an adjudication programme that would lead to registration of the community land. The Ministry will embark on the adjudication process once the inventory of the unregistered land is received.
113. The informal settlements of Majengo and Mjini Villages in Meru Town have been regularized and titles issued. The Ministry has opened a land registry in Marimanti in Tharaka Nithi County, which is now fully operational.

#### **8.4 Committee Observation**

114. The Committee observed that the implementation of the House Resolution on the matter has been done.

## **9.0 REPORT ON INQUIRY INTO A COMPLAINT BY KAMITI ANMER FOREST SQUATTERS ASSOCIATION REGARDING ALLOCATION OF LAND L. R. NO. 8390 IN KAMITI ANMER FOREST**

### **9.1 Background**

115. The complaint regarding the allocation of land L. R. No. 8390 in Kamiti Anmer Forest was forwarded to the Departmental Committee on Lands on 23<sup>rd</sup> January, 2018. In the petition, the members of Kamiti Anmer Forest Squatters Association claimed ownership of L.R No. 8390 Kamiti/Anmer Forest measuring approximately 419.5 acres (169.8 Ha). The forest was gazetted vide proclamation No. 14 of 1933 and subsequently declared a central forest vide Legal Notice No. 174 of May 20, 1964.
116. Following the 1992 post-election violence, H.E. Retired President Daniel Arap Moi made a public presidential pronouncement directing the excision of part of the forest for resettlement of internally displaced persons from then Rift Valley Province. By a letter Ref. D74/1/173 the then Provincial Commissioner, Central Province, Mr. Victor Musoga conveyed the pronouncement to the defunct Kiambu County Council and allowed the County Council to resettle the squatters on 300 acres of the forest land.
117. The land was settled on and is now fully developed. 149 titles have been issued to members of Kamiti Anmer Development Association despite the degazettement process not having been undertaken under the repealed Forest Act (Cap. 385), the Forest Act, 2005 or the Forest Conservation and Management Act, 2016.
118. Three other groups residing on the land namely Kamiti Forest Squatters Association, Muungano Kamiti Group and Kamiti Anmer Development Group also claim ownership of the land and have disputed the titles issued to Kamiti Anmer Development Association.

### **9.2 Recommendations by the Departmental Committee on Lands**

119. In the report dated June 13, 2019, the Departmental Committee on Land found that security concerns due to disputes between the groups concerning ownership of the land required urgent settlement through regularization of the degazettement process and subsequent allocation to members of the four groups.
120. The Committee recommended that pursuant to Section 34 of the Forest Conservation and Management Act, 2016, L.R No. 8390 Kamiti/Anmer Forest be de-gazetted and excised from the Kamiti Forest for purposes of settlement of members of Kamiti Forest Squatters



Association, Kamiti Anmer Development Association, Muungano Kamiti Group and Kamiti Anmer Development Welfare Group.

121. The Departmental Committee on Lands also recommended that the Cabinet Secretary, Ministry of Lands & Physical Planning in consultation with the Cabinet Secretaries for Interior & Coordination of National Government and Environment & Forestry and the National Land Commission to ensure through alternative dispute resolution mechanisms that the allocation of L.R No. 8390 Kamiti/Anmer is regularized taking into consideration the membership of the four groups, physical developments undertaken on the land and the public utilities existing on the land.

### **9.3 Implementation status**

122. The Ministry of Lands and Physical Planning submitted that it was in the process of preparing for tabling before Cabinet, a cabinet memorandum on the degazettement of forestlands settled by squatters. Kamiti Anmer Forest is among the forestland identified to be included in the cabinet memorandum. The Ministry will update the Committee on the progress in due course.

### **9.4 Committee Observation**

123. The Committee observed that the implementation of the House Resolution on the matter had not been done; consequently, the Committee will follow up and update the House on the status of implementation within ninety (90) days of tabling this report in the House.



## **10. THE REPORT OF THE DEPARTMENTAL COMMITTEE ON JUSTICE AND LEGAL AFFAIRS ON THE STATE OF THE JUDICIARY AND THE ADMINISTRATION OF JUSTICE FOR FY 2016/17 AND FY 2017/18**

### **10.1 Background**

124. The sixth annual state of the Judiciary and Administration of Justice report covers the period from July 1, 2016 to June 30, 2017 which was tabled before the House on 14<sup>th</sup> February, 2018. The Departmental Committee on Justice and Legal Affairs considered the Judiciary and Administration of Justice Report for the year 2016/2017 concurrently with the Report for the year 2017/2018, whose report was adopted by the House on 17<sup>th</sup> March 2020.

### **10.2 Committee Recommendations and Implementation Status**

125. The Select Committee on Implementation wrote to the National Treasury and the Judiciary requesting for the implementation status of the report on 21<sup>st</sup> September, 2020.

### **10.3 Submission by the National Treasury**

The National Treasury wrote to the Committee on 8<sup>th</sup> October, 2020 and submitted as follows:

#### **Recommendation on Chapter 2: Access to Justice-Courts**

*I. THAT the National Assembly and the National Treasury should allocate adequate resources to the Judiciary to enable it employ more judges and magistrates for expeditious determination of cases before the courts;*

#### **Implementation Status**

126. The National Treasury submitted that the Judiciary is issued ceilings approved by Parliament in the Budget Policy Statement. In view of this, the Judiciary should be advised to prioritize employment of Judges and Magistrates within the approved ceilings. In addition, the Judiciary should be encouraged to employ innovative means of service delivery, including adopting appropriate technologies in addressing some of the identified challenges. This resolution should also be considered in light of the need to contain public sector wage bill which is a major concern for the Government.

#### **Committee Recommendation**

*127. The Judiciary should in their budget estimates prioritise the employment of Judges and Magistrates to ensure expeditious determination of court cases.*

## **Recommendation on Chapter 6: Finance and Infrastructure**

***II. THAT the National Assembly and the National Treasury should allocate adequate resources to the Judiciary to address financial issues emerging under this matter.***

### **Implementation Status**

128. The National Treasury submitted that the Country is currently operating under very tight fiscal framework occasioned by the Covid-19 pandemic; as such the Government has very limited scope for additional expenditures. The Judiciary will therefore be required to prioritize their expenditures and rationalize on-going activities as well as adopt innovative and cost effective means of service delivery. It is noted that specifically, lack of motor vehicles for judges and magistrates has been highlighted as one of the emerging issues under this Chapter. We wish to note that Parliament approved Ksh.600 million and Ksh.359 million for Car Purchase Allowance for Judges in FY 2019/20 and FY 2020/21 respectively. In addition, Parliament approved Ksh.217 million and Ksh.370 million for purchase of Motor vehicles for the Judiciary in FY 2019/20 and FY 2020/21 respectively. The National Treasury is also considering the Judiciary's request for Motor vehicles under the leasing programme.

### **Committee Observation**

129. This has been partially implemented

### **Committee recommendation**

130. The National Treasury should allocate funding to the Judiciary for procurement of motor vehicles for judges and magistrates are funded in the Financial Year 2021/2022.

***III. THAT The National Treasury should ensure timely disbursement of exchequer to the Judiciary and other agencies to ensure timely undertaking of projects to avoid possible litigation and escalation of costs as a result of delay***

### **Implementation Status**

131. The National Treasury is committed to ensuring that the Government, including the Judiciary, is facilitated in budget implementation through timely release of Exchequer. To ensure efficient management of liquidity in Government, the National Treasury has implemented various reforms to strengthen cash management in Government to ensure efficient implementation of the Budget. The National Treasury will endeavor to disburse funds to the Judiciary on the basis of their cash plan and revenue collection by the Kenya Revenue Authority.

#### **Committee Observation**

132. Implementation done.

#### **Recommendation on Chapter 7 (2016/17 FY report): The State of Agencies and Cooperation in the Justice Sector**

*IV. THAT the National Assembly and the National Treasury should ensure adequate resource allocation to the National Council on Administration of Justice to enable it carry out its programmes well*

#### **Implementation Status**

133. The Judiciary allocated Ksh.30 million in FY 2019/20 and Ksh.13.9 million in FY 2020/21 Budget to the Council. It is however important to note that in view of fiscal constraints, the requirements for the Council should be justified and prioritized within the available resources for the Judiciary.

#### **Committee Observation**

134. Implementation done

#### **Recommendation on Chapter 7 (2017/18 FY report): Infrastructure**

*V. THAT the National Treasury should ensure timely disbursement of exchequer to the Judiciary and other agencies to ensure timely undertaking of projects to avoid possible litigation and escalation of costs as a result of delay;*

#### **Implementation Status**

135. The National Treasury states that it is committed to ensuring that the Government, including the Judiciary is facilitated in budget implementation through timely release of Exchequer. The National Treasury will strive to disburse funds to the Judiciary on the basis of the approved cash plan and revenue performance. Further, they agree with the Committee on the need to prioritize projects nearing completion in light of the tight fiscal framework to ensure citizens enjoy the services out of such public investments. In compliance with the Government directive on new projects, the Judiciary should also ensure that the stocks of on-going projects are completed before embarking on new ones. All new projects should be in compliance with the Public Investment Management guidelines issued by the National Treasury to ensure effective implementation.

#### **Committee Observation**

136. Implementation on-going. The Committee also notes the submission by the Judiciary that it was giving priority to on-going projects before embarking on new projects.



#### **10.4 Submission by the Judiciary**

The Judiciary submitted the implementation status on 9<sup>th</sup> October, 2020 and submitted as follows:

- i. Recommendations from the 2016/2017 report:

*Ensure all programs and activities are implemented timeously to improve on service delivery.*

#### **Implementation status**

- 137. The Judicial Officers and staff have been placed on performance management and both the judicial and administrative functions are now subjected to regular reviews to ensure that they are timeously undertaken. The management undertakes regular monitoring and receives reports on the progress made.

#### **Committee Observation**

- 138. Implementation done.

- I. The Judiciary to propose legislation to provide statutory timelines for the hearing and determination of cases by courts*

#### **Implementation status**

- 139. The recommendation is being fine-tuned by the Directorate of Planning and Organizational Development and will be submitted for management approval and forwarding to the Judiciary Rules Committee for consideration and compliance.

#### **Committee Observation**

- 140. Implementation on-going

- II. The Judiciary to increase the jurisdiction of Magistrates to deal with matters currently a preserve of the High Court to reduce case backlog*

#### **Implementation status**

- 141. The recommendation has been submitted to the management for consideration. Awaiting the input of the stakeholders before finalisation and submission to the Hon. Chief Justice for implementation.

#### **Committee Observation**

- 142. The resolution has not been implemented.



### **Committee Recommendation**

143. The Judiciary should report on the status on implementation of this resolution to the Departmental Committee on Justice and Legal Affairs within six (6) months of tabling this report.

### ***III. The Judiciary to immediately submit to National Assembly the Rules to operationalise the Small Claims Act, 2016***

#### **Implementation status**

144. The Small Claims Rules have been approved. Operationalisation of the Small Claims Court will commence before the close of the 2020/2021 Financial.

#### **Committee Observation**

145. Implementation has been done. The Small Claims Court Act, 2016 has been operationalised in April, 2021.

### ***IV. The Judiciary to initiate legislative amendments to increase the time for the determination of the Presidential election petitions from 14 days to 30 days.***

#### **Implementation status**

146. The proposal was presented to the Building Bridges Initiative Task Force for consideration in the anticipated Constitutional Changes.

### ***V. The Judiciary should initiate legislation to enable it earn interest on all monies held in its various bank Accounts***

#### **Implementation status**

147. A team to prepare the amendments has completed its work. The same will be shared with the National Treasury before presentation to the National Assembly. In the meantime, we have negotiated with the banks to pay some interest on deposits held by the Judiciary in its various bank accounts

#### **Committee Observation**

148. Implementation on-going.

### ***VI. The Judiciary should ensure that there is proper project planning and implementation to projects to be undertaken on time and to the acceptable standards***

### **Implementation status**

149. Project Managers and the Contract Implementation Teams have been appointed to ensure that all projects are implemented on time and that there is quality and value for money. A report is prepared and presented on each project and the same verified by the Inspection and Acceptance teams.

### **Committee Observation**

150. Implementation done

*VII. The Judiciary should ensure old projects are completed before embarking on new ones*

### **Implementation status**

151. Old projects have been prioritised and no new projects have been commenced in the last Financial Year. Emphasis is placed on completing old projects.

### **Committee Observation**

152. Implementation of this resolution is done.

*VIII. The Judiciary should ensure that it obtains title documents for all its lands*

### **Implementation status**

153. The Task Force set up to inquire in the issue of the Judiciary land finalised its report and presented the same to the Chief Justice. The Office of the Chief Registrar has taken up the implementation of the report and the target is to have all Judiciary land titled by 30<sup>th</sup> June 2022.

### **Committee Observation**

154. Implementation is on-going.

*IX. The National Council on the Administration of Justice (NCAJ) to ensure that all agencies submit their annual reports*

### **Implementation status**

155. All agencies under the NCAJ have in the subsequent years submitted their reports to the council and the same incorporated in the State of the Judiciary on the Administration of Justice Report (SOJAR), including in the current report for 2019/20.

### **Committee Observation**

156. Implementation done.

- X. The National Council on Administration of Justice to determine whether to be established as a body corporate and take further necessary action*

**Implementation status**

157. The National Council is giving the recommendation consideration and engaging both the members and other stakeholders before determining a way forward.

**Committee Observation**

158. Implementation not done

**Committee Recommendation**

159. The Judiciary should report on the status on implementation of this resolution to the Departmental Committee on Justice and Legal Affairs within six (6) months of tabling this report.

- XI. The Judiciary and the Office of the Attorney General to dialogue and agree on where to host the National Council for Law Reporting.*

**Implementation status**

160. Discussions are underway to have a conclusive way forward on the same.

**Committee Observation**

161. Implementation on-going.

- ii. Recommendations from the 2017/2018 report:

- XII. The Judiciary to submit to the National Assembly a legislative proposal to entrench the Office of the Judiciary Ombudsman in Law*

**Implementation status**

162. The matter is under consideration by the internal stakeholders and the recommendation will be acted upon by the close of the current financial year.

**Committee Observation**

163. Implementation not done, the Judiciary should report on the status on implementation of this resolution to the Departmental Committee on Justice and Legal Affairs within six (6) months of tabling this report.

***XIII. The Judiciary should create public awareness on the existence and functions of the office of the Judiciary ombudsman***

***Implementation status***

164. The Office of the Judiciary Ombudsman has been facilitated to engage the public through public barazas, open days, shows and in collaboration with other actors to sensitise the public on its existence and role. In addition, the office has engaged local radio stations to reach out to the wider public and inform them of its existence and functions.

**Committee Observation**

165. Implementation done.

***XIV. The Judiciary to propose legislative amendments on the timelines for the hearing and determination of cases in court***

***Implementation status***

166. The recommendation is being fine-tuned by the Directorate of Planning and Organisational Development and will be submitted for management approval and forwarding to the Judiciary Rules Committee for consideration and compliance.

**Committee Observation**

167. Implementation on-going, the Judiciary should report on the status on implementation of this resolution to the Departmental Committee on Justice and Legal Affairs within six (6) months of tabling this report.

168.

***XV. The Judiciary should increase the jurisdiction of Magistrates to enable it deal with matters that are currently the preserve of the High Court to reduce case backlog***

***Implementation status***

169. The recommendation has been submitted to the management for consideration. Awaiting the input of the stakeholders before finalisation and submission to the Hon. Chief Justice for implementation.



***XVI. The Judiciary to immediately submit the Small Claims Rules to operationalise the Small Claims Court***

**Implementation status**

170. The Small Claims Rules have been approved. Operationalisation of the Small Claims Court was done in April, 2021.

**Committee Observation**

171. Implementation done.

***XVII. The Jurisdiction of the Judges serving in the specialised courts should be reviewed to enable them be deployed administratively***

**Implementation status**

172. The proposal is being considered and will be included in the proposed Constitutional amendments under the Building Bridges Initiative.

**Committee Observation**

173. Implementation not done, this proposal was not included in Building Bridges Initiative.

***XVIII. The Judiciary to submit to Parliament for consideration legislation to increase the timelines for the determination of Presidential elections from 14 days to 30 days***

**Implementation status**

174. This recommendation has been included in the Judiciary submissions under the Building Bridges Initiative (BBI).

**Committee Observation**

175. Implementation done. This has been included in the Constitution of Kenya (Amendment) Bill, 2020, Clause 27 which amends Article 140 (2) of the Constitution, increasing the timelines for determination of Presidential elections from fourteen (14) to thirty (30) days.

***XIX. The Judiciary to fast track the implementation of the new Organisational Structure to safeguard against delays in service delivery.***

**Implementation status**

176. The Organisational Review implementation is on track. The staff have been re-designated. Currently skill mapping in ongoing and the full implementation should be completed by June 2022.

### **Committee Observation**

177. Implementation on-going.

*XX. The Judiciary Training Institute (JTI) to pursue accreditation with relevant agencies for the recognition of its certificates*

### **Implementation status**

178. The process has commenced and the Judiciary shall give a status report in the next reporting period.

### **Committee Observation**

179. Implementation on-going, the Committee to report on this within six (6) months of tabling this report.

*XXI. The Judiciary should spearhead the development of a single training institute to cater for the EACC, ODPP, and OAG to save on costs*

### **Implementation status**

180. The proposal has been submitted to the NCAJ Council for consideration, noting that the three institutions are members of the NCAJ. A report will be submitted once a definite decision is made.

### **Committee Observation**

181. Implementation on-going

*XXII. The Judiciary to ensure proper project planning for timely finalisation and acceptable standards*

### **Implementation status**

182. Project Managers and the Contract Implementation Teams have been appointed to ensure that all projects are implemented on time and that there is quality and value for money. A report is prepared and presented on each project and the same verified by the Inspection and Acceptance teams.

### **Committee Observation**

183. Implementation done.

***XXIII. The Judiciary to ensure that old and ongoing projects are completed before commencing new projects***

**Implementation status**

184. Old projects have been prioritised and no new projects have been commenced in the last Financial Year. Emphasis is placed on completing old projects.

**Committee Observation**

185. Implementation done.

***XXIV. The Judiciary to take necessary action to obtain title documents for all its lands***

**Implementation status**

186. The Task Force set up to inquire in the issue of the Judiciary land finalised its report and presented the same to the Chief Justice. The Office of the Chief Registrar has taken up the implementation of the report and the target is to have all Judiciary land titled by 30<sup>th</sup> June 2022.

***XXV. The Judiciary to ensure the 6 stations then without internet connectivity are connected.***

**Implementation status**

187. All the six (6) stations have now been connected to the internet.

**Committee Observation**

188. Implementation done.

***XXVI. The Judiciary to ensure that its ICT officers are continually trained to facilitate the implementation of the digital strategy***

**Implementation status**

189. A robust training program has been developed and is being rolled out in phases. The same has come in handy especially during the uptake of e-filing and virtual hearings occasioned by the outbreak of the COVID 19 pandemic.

**Committee Observation**

190. Implementation done.

***XXVII. The Judiciary to propose legislative amendments to the PFM Act to enable it earn interest on monies held in its bank accounts.***

**Implementation status**

191. A team to prepare the amendments has completed its work. The same will be shared with the National Treasury before presentation to the National Assembly. In the meantime, we have negotiated with the banks to pay some interest on deposits held by the Judiciary in its various bank accounts.

**Committee Observation**

192. Implementation is on-going.

***XXVIII. The National Council on Administration of Justice (NCAJ) to ensure that all agencies submit their annual reports***

**Implementation status**

193. All agencies under the NCAJ have in the subsequent years submitted their reports to the council and the same incorporated in the State of the Judiciary on the Administration of Justice Report (SOJAR), including in the current report for 2019/20.

**Committee Observation**

194. Implementation done.

***XXIX. The NCAJ to ensure that the draft Bail and Bond Bill and the Children Bill are finalised and presented to parliament for enactment***

**Implementation status**

195. The draft Bail and Bond Bill has been finalised and is being forwarded to the Hon. Attorney General for final drafting and submission to the National Assembly for debate and enactment.

**Committee Observation**

196. Implementation not done. The draft Bills when submitted will be considered by the Departmental Committee Justice and Legal Affairs.

**Committee Recommendation**

197. The Departmental Committee on Justice and Legal Affairs to liaise with the NCAJ to ensure that the draft Bail and Bond Bill are submitted to the National Assembly within six (6) months of tabling this report.



**XXX. *The Judiciary and NCAJ to determine whether the NCAJ will be established as a body corporate***

**Implementation status**

198. The National Council is considering the recommendation and engaging both the members and other stakeholders before determining a way forward.

**Committee Observation**

199. Implementation not done.

**Committee Recommendation**

200. The Judiciary should make a report on this resolution to the Departmental Committee on Justice and legal Affairs within six (6) months of tabling this report.

**XXXI. *There is need to determine the proper domicile for the National Council for Law Reporting***

**Implementation status**

201. Discussions are underway to have a conclusive way forward on the matter.

**Committee Observation**

202. Implementation not done.

**Committee Recommendation**

203. The Judiciary should make a report on this resolution to the Departmental Committee on Justice and legal Affairs within six (6) months of tabling this report.

## **11.0 GENERAL OBSERVATIONS**

204. In consideration the implementation status of House Resolutions pursuant to its mandate under Standing Order 209 of the National Assembly Standing Orders, the Committee made the following general observations, that: -

- 1) **Most of the House resolutions were not accompanied by the requisite budget hence making it difficult for Ministries, Departments and Agencies to implement them.**
- 2) **Some agencies were not able to follow up on and implement some House Resolutions due to the outbreak of Covid-19 pandemic.**
- 3) **There was a need for committee recommendations to be specific, measurable, achievable, relevant and time-bound (SMART) so as to facilitate smoother implementation of House Resolutions.**

## **12.0 GENERAL RECOMMENDATION**

205. Further to the specific and general observations of the Committee contained in this reports, the Committee recommends that the respective committees and the House should consider the financial implications of resolutions before committing them for implementation and should allocate adequate funds to the implementing agencies.

Signed  ..... Date 6/7/2021 .....

**Hon. Moitalel Ole Kenta, MP**

**Chairperson**



## **APPENDICES**





## **APPENDIX I**

### **ADOPTION LIST**



The National Assembly



12<sup>th</sup> Parliament–5<sup>th</sup> Session-2021

**Committee on Implementation**

We, the Members of the Committee on Implementation, have pursuant to Standing Order 199 adopted the 4<sup>th</sup> Report on submissions from stakeholders regarding Implementation status of inquiries, petitions and resolutions passed by the House. We affix our signatures to affirm our approval and confirm its accuracy, validity and authenticity.

Venue: 2<sup>nd</sup> floor Committee Room,  
Continental House

Date: Wednesday 7<sup>th</sup> July, 2021

S/NO.	NAME	SIGNATURE
1.	The Hon. Moitalel Ole Kenta, MP – Chairperson	
2.	The Hon. Godfrey Osotsi, MP - Vice Chairperson	VIRTUALLY
3.	The Hon. Richard Onyonka, MP	/
4.	The Hon. Alois Musa Lentoimaga, MP	VIRTUALLY
5.	The Hon. (Dr.) James Kipkosgei Murgor, MP	VIRTUALLY
6.	The Hon. John Muchiri Nyagah, MP	/
7.	The Hon. Johnson Manya Naicca, MP	/
8.	The Hon. Moses Kiarie Kuria, MP	/



9.	The Hon. Paul Simba Arati, MP	VIRTUALLY
10.	The Hon. Peter Kimari Kihara, MP	VIRTUALLY
11.	The Hon. Charles Ngusya Nguna, MP	VIRTUALLY
12.	The Hon. Feisal Abdalla Bader, MP	
13.	The Hon. Gabriel Kago Mukuha, MP	VIRTUALLY
14.	The Hon. Hassan Oda Hulufo, MP	
15.	The Hon. Jared Okello, MP	VIRTUALLY
16.	The Hon. Joash Nyamache Nyamoko, MP	
17.	The Hon. Joshua Mwalyo Mbithi, MP	VIRTUALLY
18.	The Hon. Michael Thoya Kingi, MP	VIRTUALLY
19.	The Hon. Nelson Koech, MP	VIRTUALLY
20.	The Hon. Benjamin Dalu Tayari, MP	VIRTUALLY
21.	The Hon. Paul Abuor, MP	
22.	The Hon. Silvanus Osoro, MP	

Committee Clerk

Name.....*Tony Chobot Kasiki*.....

.....*E. Kasiki*.....  
(Signature)

Date.....*7/7/2021*.....

## **APPENDIX II**

### **MINUTES OF THE COMMITTEE**



**MINUTES OF THE 18<sup>TH</sup> SITTING OF THE COMMITTEE ON IMPLEMENTATION HELD ON WEDNESDAY, 5<sup>TH</sup> MAY 2021, IN THE COMMITTEE ROOM 7, MAIN PARLIAMENT BUILDING, AT 10.00 A.M.**

**PRESENT**

1. The Hon. Moitalel Ole Kenta, MP - Chairperson
2. The Hon. Godfrey Osotsi, MP - Vice Chairperson
3. The Hon. Alois Musa Lentoimaga, MP
4. The Hon. (Dr.) James Kipkosgei Murgor, MP
5. The Hon. Johnson Many Naicca, MP
6. The Hon. Hassan Oda Hulufu, MP
7. The Hon. Michael Kingi, MP
8. The Hon. Mukuha Gabriel Kago, MP
9. The Hon. Jared Okello, MP
10. The Hon. Joash Nyamache Nyamoko, MP
11. The Hon. Joshua Mbithi Mwalyo, MP
12. The Hon. Peter Kihara, MP
13. The Hon. Silvanus Osoro, MP

**APOLOGIES**

1. The Hon. Richard Onyonka, MP
2. The Hon. Moses Kuria, MP
3. The Hon. Charles Ngusya Nguna, MP
4. The Hon. John Muchiri Nyaga, M.P
5. The Hon. Owen Yaa Baya, MP
6. The Hon. Paul Simba Arati, MP
7. The Hon. Paul Odalo Abuor, MP
8. The Hon. Nelson Koech, MP
9. The Hon. Feisal Bader, MP

**IN-ATTENDANCE**

**SECRETARIAT**

1. Ms. Tracy Chebet Koskei - First Clerk Assistant
2. Mr. Abdirahman G. Hassan - Second Clerk Assistant
3. Ms. Jane Serem - Audio Officer

**MIN. NO.NA/COI/2021/80:**

**PRELIMINARIES**

The Chairperson called the meeting to order at fifteen minutes past ten o'clock and said the Prayer. The Agenda for the meeting was adopted, as proposed and seconded by the Hon. Michael Kingi, MP and the Hon. Hassan Hulufu, MP, respectively.



**MIN. NO.NA/COI/2021/81:**

**CONFIRMATION OF MINUTES**

The Minutes of the 17<sup>th</sup> sitting held on Wednesday 21<sup>st</sup> April 2021, were confirmed as a true record of the proceedings as proposed and seconded by the Hon. Hassan Hulufu, MP and the Hon. Michael Kingi, MP, respectively.

**MIN. NO.NA/COI/2021/82:**

**CONFIRMATION OF MINUTES**

There was no matter that arose from the confirmation of the Minutes of the previous sitting.

**MIN. NO.NA/COI/2021/83:**

**ADOPTION OF THE 3<sup>RD</sup> REPORT ON  
SUBMISSIONS FROM STAKEHOLDERS  
REGARDING IMPLEMENTATION  
STATUS OF INQUIRIES, PETITIONS AND  
RESOLUTIONS**

The Committee having deliberated on and scrutinized the 3<sup>rd</sup> Report on submissions from stakeholders regarding implementation status of Inquiries, Petitions and Resolutions passed by the House, unanimously adopted the report, after it was proposed by the Hon. Paul Kimari Kihara, MP, and seconded by the Hon Joash Nyamoko, MP.

The Committee made the following general observations and recommendations: -

**Committee observations**

- 1) Most of the House resolutions were not accompanied by the requisite budget hence making it difficult for Ministries, Departments and Agencies to implement them.
- 2) Some agencies were not able to follow up on and implement some House Resolutions due to the outbreak of Covid-19 pandemic.
- 3) There was a need for committee recommendations to be specific, measurable and time-bound so as to facilitate smoother implementation of House Resolutions.

**Committee recommendation**

The Committee recommended that the House should consider the financial implications of resolutions before committing them for implementation and should allocate adequate funds to the implementing agencies.

**MIN. NO.NA/COI/2021/84:**

**ADOPTION OF THE 4<sup>TH</sup> REPORT ON  
SUBMISSIONS FROM STAKEHOLDERS  
REGARDING IMPLEMENTATION**

## STATUS OF INQUIRIES, PETITIONS AND RESOLUTIONS

The Committee having deliberated on and scrutinized the 4<sup>th</sup> Report on submissions from stakeholders regarding implementation status of Inquiries, Petitions and Resolutions passed by the House, unanimously adopted the report, after it was proposed by the Hon. Johnson Naicca, MP, and seconded by the Hon Alois Lentoimaga, MP.

**MIN. NO.NA/COI/2021/85:**

### ANY OTHER BUSINESS

#### Report writing retreat

The Committee resolved to undertake a report writing retreat in due course to prepare the following: -

1. An Addendum to the report tabled on 27<sup>th</sup> November 2019, on the implementation status of the resolution of the House regarding the conditional approval of Ms. Mwendu Mwinzi for appointment as Ambassador of Kenya to Seoul, South Korea; and
2. A report on implementation status of the report of the Departmental Committee on Environment & Natural Resources, on inquiry into complaints of environmental pollution by London Distillers Kenya Limited.

**MIN. NO.NA/COI/2021/86:**

### ADJOURNMENT

There being no other business, the meeting was adjourned at quarter to eleven o'clock (10.45 am).

Sign.....

(Chairperson)

Date.....

11/05/2021

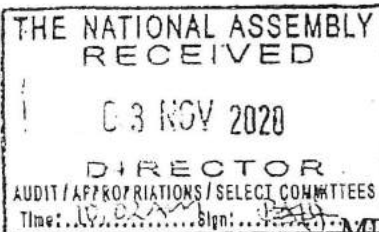


## **APPENDIX III**

### **SUBMISSIONS FROM STAKEHOLDERS**







**MINISTRY OF ENVIRONMENT AND FORESTRY**  
**Office of the Principal Secretary**

Telephone: 254-20-2730808/9  
Fax: 254-20-2734722  
Email: [psoffice@environment.go.ke](mailto:psoffice@environment.go.ke)

NHIF BUILDING  
RAGATI ROAD  
P.O. BOX 30126-00100  
NAIROBI

REF: MEF/ADM/16/1/VOL. XII


Date: 23<sup>rd</sup> October, 2020

The Clerk of the National Assembly  
Parliament Buildings  
**NAIROBI (Attn: Jeremiah W. Ndombi)**

**IMPLEMENTATION STATUS OF HOUSE RESOLUTIONS**

Reference is made to your letter ref. NA/DCS/COI/2020/55 dated 15<sup>th</sup> September, 2020 on the above subject matter.

Attached please find the response to your request for a detailed progress report on the implementation of the Report of the Departmental Committee on Environment and Natural Resources on its consideration of the Petition regarding degazettement and excision of 15 acres of land from Kuresoi Forest.

  
**Dr. Chris Kiptoo, CBS**  
**PRINCIPAL SECRETARY**

**Copy to: Dr. Joseph Kinyua, EGH**  
Head of Public Service  
Executive Office of the President  
Harambee House  
**NAIROBI**

**Mr. Keriako Tobiko, CBS, SC**  
Cabinet Secretary  
Ministry of Environment and Forestry  
**NAIROBI**

**Encl**

①  
D/conts - AA 805

2/11/20

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K. K. K. K.  
10/11/20





## **MINISTRY OF ENVIRONMENT AND FORESTRY**

### **STATUS REPORT ON HOUSE RESOLUTION REGARDING PETITION ON DE-GAZETTMENT OF FOREST LAND IN KURESOI NORTH CONSTITUENCY AS REQUESTED BY THE NATIONAL ASSEMBLY SELECT COMMITTEE ON IMPLEMENTATION**

---

Following a petition by residents of Kuresoi North Constituency regarding allocation of land to the Kuresoi Divisional Headquarters, the Ministry of Environment and Forestry made a submission to the Departmental Committee on Lands on 12<sup>th</sup> November, 2019 through the Principal Secretary. The Departmental Committee made recommendations and the House recommended that:-

- (i) The Cabinet Secretary, Ministry of Environment and Forestry initiates the process of the degazettment and excision of 15 acres from Kuresoi Forest L.R. No. Sitoton Compartment 7 Block to be allocated to Kuresoi Divisional Headquarters within 90 days after the tabling of the report in the House and;
- (ii) ~~The~~ petitioners are also at liberty to initiate the degazettment process as provided for in Section 34 of the Forest Conservation and Management Act, 2016.



To this end, I wish to report as follows:-


1. The Ministry of Environment and Forestry received the House Report and forwarded the communication containing the petition to the Board of Kenya Forest Service as stipulated in the Forest Conservation and Management Act, 2016 for consideration.
2. The Kenya Forest Service Board noted the contents of the petition and conducted their own due diligence on the merits and demerits of the petition request after which the technical sub-committee submitted their findings to the full Board for review and consideration.
3. The Kenya Forest Service Board in their meeting held on 7<sup>th</sup> May, 2020, deliberated on the petitions and resolved to decline to approve the petition by the Member of Parliament, Kuresoi North Constituency Hon. Moses Cheboi, MP for degazettement of a portion of Kuresoi Forest block.
4. The Board decision was informed by the following considerations:-
  - (a) The Constitution of Kenya, 2010 Article 69 (1) provides that the state shall ensure sustainable exploitation, utilization, management and conservation of the environment and natural resources, and ensure the equitable sharing of accruing benefits. The Article further provides that the state shall work to achieve and maintain a tree cover of at

least 10% of the land area of Kenya; eliminate processes and activities that are likely to endanger the environment and utilize the environment and natural resources for the benefit of the people of Kenya.

- (b) The Vision 2030 which is the Kenya National Development blue print in line with the Constitution envisages attainment of 10% forest cover by 2030; a vision that has since been brought forward to 2022 by the Presidential directive of 2018.
- (c) The petition does not warrant degazettment of forest land as there exists other legal instruments such as Special Use Licenses that govern Government installations that are of public good on the public forest land.

I wish to concur with the KFS Board decision on this matter and hence communicate this decision as provided for in the Forest Conservation and Management Act, 2016, Section 34.

**Hon. Chair**, I submit.

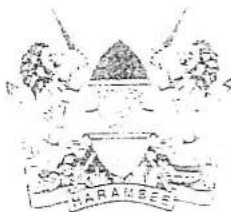


**Dr. Chris Kiptoo, CBS**  
**PRINCIPAL SECRETARY**

Encl.



Telephone: +254-20-318888  
Fax: +254-20-2240066 341935 344333  
E-mail: communication@mfa.go.ke  
Website: www.mfa.go.ke  
When replying please quote Ref. No. and date



HARAMBEE AVENUE  
P.O. BOX 30551-00100  
NAIROBI, KENYA

MINISTRY OF FOREIGN AFFAIRS

Ref. No. MFA.ADM.1/102A/VOL. 24 (9)

3<sup>rd</sup> December 2020

The Clerk of the National Assembly  
Parliament Buildings  
NAIROBI

(1)  
D/Cmt, MTS SC  
per sheet.  
only  
3/12/20

RE: IMPLEMENTATION STATUS OF HOUSE RESOLUTIONS

Reference is made to your letter Ref. No. NA/DCS/COI/2020/ (96), dated 19<sup>th</sup> November 2020 on the above subject matter.

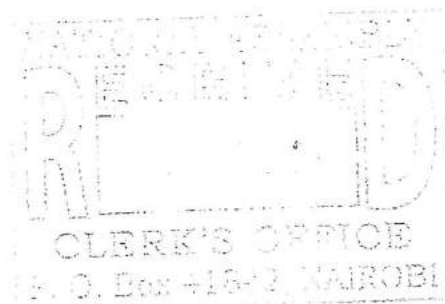
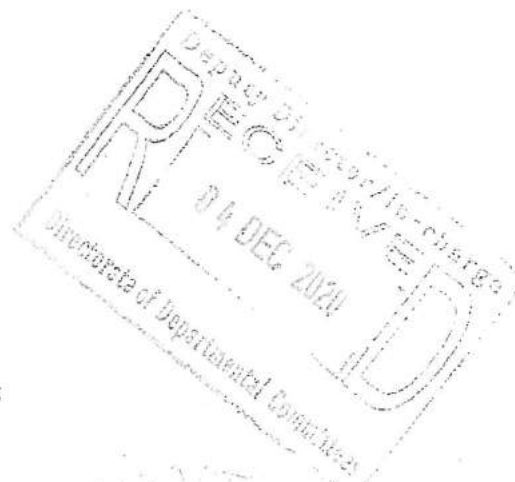
Forwarded herewith for onward transmission to the Committee on Implementation is a Statement on the implementation of the report of the Departmental Committee on Labour and Social Welfare on the visit to Riyadh, Saudi Arabia on a fact finding mission on the welfare of migrant Kenyan workers.

Yours

Amb. Gathoga W. Chege, HSC  
FOR: PRINCIPAL SECRETARY  
Encl.

Copies to: Principal Secretary

Director General/ Bilateral and Political Affairs







STATEMENT TO THE COMMITTEE ON IMPLEMENTATION ON THE IMPLEMENTATION OF  
THE REPORT OF THE DEPARTMENTAL COMMITTEE ON LABOUR AND SOCIAL WELFARE  
ON THE VISIT TO RIYADH, SAUDI ARABIA ON A FACT FINDING MISSION ON THE WELFARE  
OF MIGRANT KENYAN WORKERS.

1. The Committee of Labour and Social Welfare visited the Kingdom of Saudi Arabia from 27<sup>th</sup> February to 3<sup>rd</sup> March 2019 and prepared a report that was adopted by the National Assembly in September 2020.
2. In the report, the Committee among many others, made two recommendations that were directed jointly to the Ministry of Labour and Social Protection and the Ministry of Foreign Affairs.

*2.1 : Committee Recommendation 5.2: states "The Ministry of Labour and Social Protection and that of Foreign Affairs must continuously monitor the implementation of the Bilateral labour Agreement to ensure that the measures initiated to protect Kenyans working in Saudi Arabia are fully adhered to."*

2.1.1: The Bilateral labour Agreement was signed on 25<sup>th</sup> May 2017 between the Minister of Labour and Social Development of Saudi Arabia and Kenya's Cabinet Secretary responsible for Labour.

2.1.2: Article 3 of the Agreement designates the two Ministries of Labour as the implementing agencies of the Agreement on behalf of the two Governments.

2.1.3: Article 7 of the Agreement mandates the two Ministries of Labour to establish a Joint Technical Committee to supervise and coordinate implementation of the Agreement, and carry out periodic review, assessment and monitoring of the implementation of the Agreement.

2.1.4: In line with their above mandate, the Ministry of Labour and Social Protection formed an inter-Ministerial Bilateral Labour Agreement Committee on 13<sup>th</sup> October 2020. The Ministry of Foreign Affairs has nominated a senior officer to represent the Ministry in the Committee.

*2.2 : Committee Recommendation 5.3: states "The National Employment Authority and the Directorate of Diaspora Affairs, Ministry of Foreign Affairs should embark on a rigorous campaign to Market Saudi Arabia as an important destination country for foreign employment. The current notion that foreign workers in Saudi Arabia go through suffering need to be corrected and the citizens sensitized on the correct procedure of travel to Saudi Arabia."*

Executive order no.1 of 2018(Revised) on Organization of the Government of the Republic of Kenya gives the mandate of National Labour and Employment Policy Management, and Migratory Labour and International Jobs Policy to the State Department for Labour and its Agency – the National Employment Authority (NEA).

The Ministry of Foreign Affairs has no mandate/role in the management of foreign employment. The National Employment Authority regulates and licenses the recruitment agencies and conducts the pre-departure training to the migrant workers. The Ministry of Foreign Affairs only receives requests from families for repatriation of migrant workers when they are in distress or die abroad.

The Ministry of Foreign Affairs continues to offer consular services to Kenyans across the world through its 58 Missions abroad (Embassies/Consulates) and 28 honorary consulates.



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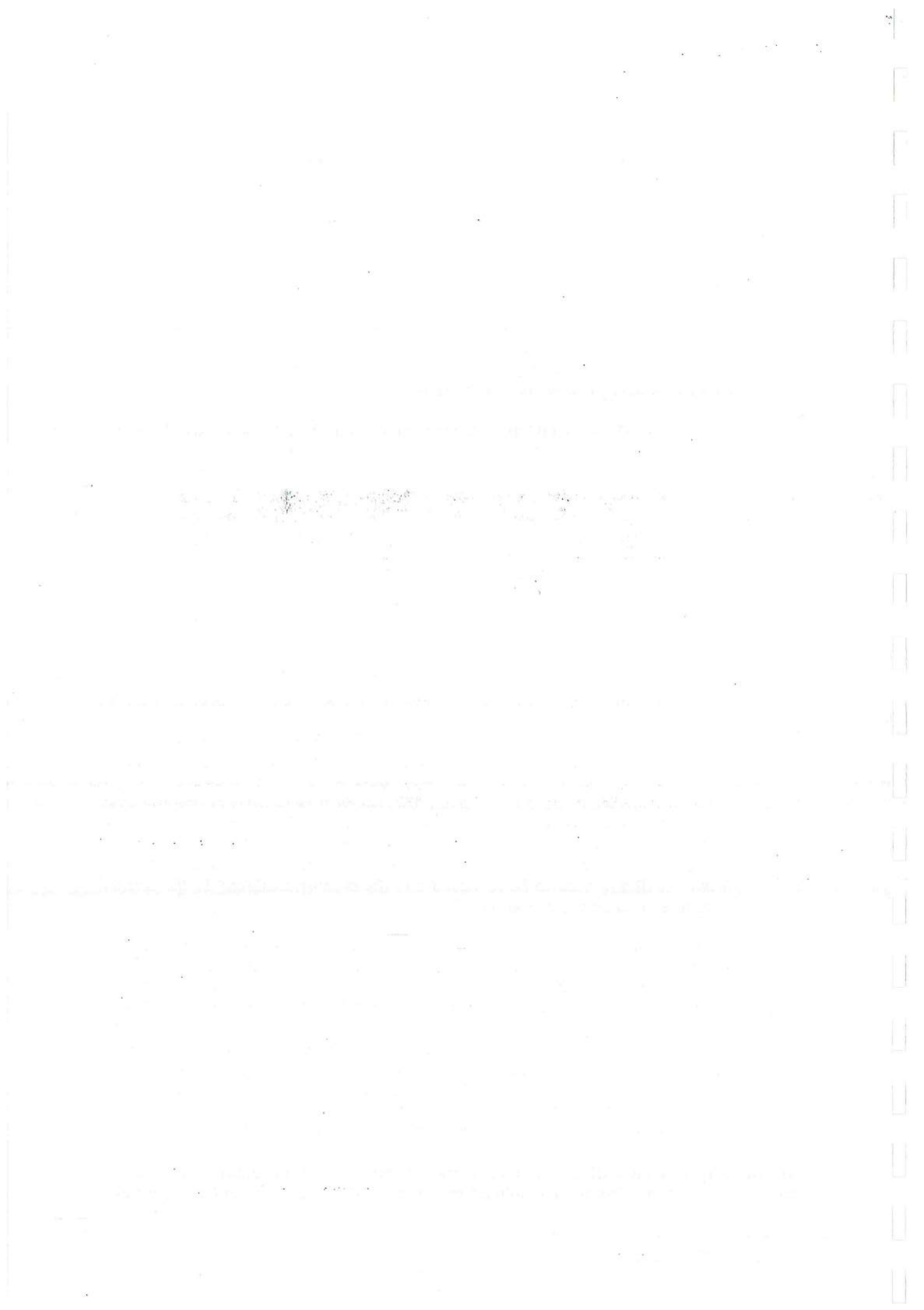
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**MINISTRY OF LABOUR AND SOCIAL PROTECTION  
STATE DEPARTMENT FOR LABOUR**

**IMPLEMENTATION STATUS OF THE REPORT OF THE  
DEPARTMENTAL COMMITTEE FOR LABOUR AND  
SOCIAL WELFARE ON ITS VISIT TO RIYADH, SAUDI  
ARABIA ON A FACT-FINDING MISSION ON THE  
WELFARE OF MIGRANT KENYAN WORKERS**

**DECEMBER, 2020**

IMPLEMENTATION STATUS OF THE REPORT OF THE DEPARTMENTAL COMMITTEE ON LABOUR AND SOCIAL WELFARE ON ITS VISIT TO RIYADH, SAUDI ARABIA ON A FACT-FINDING MISSION ON THE WELFARE OF MIGRANT KENYAN WORKERS IN THE KINGDOM OF SAUDI ARABIA

***Committee Recommendation 5.1***

***The Ministry of Labour and Social Protection and the National Employment Authority must ensure through vetting of Employment Agencies to ensure Kenyans travel to Saudi Arabia and other destinations through officially recognized channels. The Immigration Department must be equally vigilant on movement of persons to these countries to ensure only Kenyans in MUSANED (an automated system through which the Saudi Ministry of Labour monitors compliance of employers of domestic workers which established employment practices) compliant employment contracts are permitted to travel.***

Private Employment Agencies (PEAs), also referred to as Recruitment Agencies play an important role in the labour market by providing an alternative means of job matching. Their role in promoting foreign employment has increasingly become critical as more Kenyans seek employment opportunities beyond the borders. The number of PEAs significantly increased from five (5) in 1998 to three hundred and forty (348) in 2020. This rapid increase created challenges in regulation of the activities of the agencies.

In 2014, the Government imposed a temporary ban on the recruitment of workers to the Middle East following numerous reports on cases of Kenyan migrant workers being mistreated, particularly in the Gulf Region. In the same year, the Government revoked the licenses for all Private Employment Agencies in the country and directed that they re-apply and undergo a vetting process.

The operations of the employment agencies are guided by a number of Legislations.

- a. Sections 55-60 of **the Labour Institutions Act, 2007**. These Sections relate to registration of employment agencies, duties of persons conducting employment agencies, powers of Employment Officers in respect to employment agencies, regulations and offences.
- b. Section 43 of the **Security Laws (Amendment) Act 2014** amended the Labour Institutions Act by establishing an Inter-Ministerial Committee to vet all applications for registration of recruitment agencies. The provision requires that every employment bureau or agency seeks and obtains government approval prior to sending Kenyan Citizens for employment outside Kenya and for employment of foreigners. Registration is only done if the applicant has satisfied the vetting process set by the vetting committee.

- c. The **Labour Institutions (Private Employment Agencies) Regulations, 2016** made under Section 60 of the Labour Institutions Act 2007 empower the Cabinet Secretary for Labour to make Rules and Regulations for regulating the operations of PEAs. The Section provides for: the form in which an application is to be made for a certificate of registration; the fee to be paid for a certificate of registration or copies of the certificate; fees which may be charged in respect of the business of an employment agency; the surrender of certificates of registration; records to be kept in respect of an employment agency; the qualification of the proprietor or persons running the employment agency; the nature and form of security to be given by the employment agency.
- d. The operations of private employment agencies are also guided by a number of international conventions and instrument. The **International Labour Organization (ILO) Convention No. 181 of 1997 on Private Employment Agencies** urges Governments to ensure that adequate machinery and procedures for managing PEAs are established and complaints handling mechanisms put in place, the **Multilateral Framework on Labour Migration: Non-binding Principles and Guidelines for a right based Approach to Labour Migration** stipulates special protective measures for migrant workers recognizes the need for concluding bilateral and multilateral labour agreements; setting up of private and public employment services, control of recruitment fraud and malpractice, and self-regulation by PEAs.

### Progress Update

#### i. Vetting of Private Employment Agencies

The vetting Committee is established under Section 43 of the Security Laws (Amendment) Act 2014. It comprises of representatives from Ministries responsible for Immigration, Labour, Security, Foreign Affairs, and the Office of the Attorney-General. The Committee is mandated to vet the applications for registration made by employment bureaus and agencies. The Committee has established an elaborate mechanism to vet applications for registration of PEAs. Registration is only done if the applicant has satisfied the vetting process by the vetting committee. The vetting process include security background check. Currently, there are 320 registered PEAs spread across the country. The registration guidelines are reviewed from time to time to address emerging challenges.

The Ministry is the process of reviewing the vetting process to enhance transparency and make it water tight. The key proposals in this review are:

- a. Expanding the membership of the Vetting Committee to include Quality Assurance and Standards Directorate of the Ministry of Education, Business Registration Services (BRS) and Kenya Revenue Authority (KRA).
- b. Reviewing the Terms of Reference and develop Operating Procedures for the Vetting Committee.
- c. Developing an appeal mechanism through the Cabinet Secretary responsible for Labour for the applicants who are not successful before appealing to the Employment and Labour Relations Court
- d. Making it mandatory for applicants to appear in person before the Vetting Committee and demonstrate clear understanding of the legislation, recruitment procedures and duties and responsibilities of Directors of PEA;

ii. **Review of the Regulations on Vetting of PEAs**

The Ministry is in the process of reviewing the Regulations **(Private Employment Agencies) Regulations, 2016** in order to address emerging challenges.

Some of the proposals in the Regulations are:

- a. Requiring applicants to give proof of sources of finances for starting PEAs as well as proof of financial capability;
- b. Limiting ownership and management of PEAs to Kenyan Citizens;
- c. Assigning responsibilities to PEAs during the contract period;
- d. Making it mandatory that the recruitment agencies declare their collaborating agencies in the labour destination countries for improved monitoring of the operations of the agencies; and
- e. Providing for PEAs to raise security bond amount on the basis of the number of migrant workers recruited to facilitate repatriation.

iii. **Supervision of Private Employment Agencies (PEAs)**



The National Employment Authority is mandated to deal with both local and foreign employment in the country, including supervision and monitoring of their operations. The following measures are being put in place to enhance supervision and monitoring of Private Employment Agencies

- a) Enhancing the capacity of the National Employment Authority (NEA) to facilitate provision of supervisory role in labour migration in the country.
- b) Building the capacity of law enforcement agencies to promote effective responses against fraudulent recruitment practices.
- c) Building the capacity of PEAs on self-regulation, ethical recruitment, national legislations and regulations and relevant International Standards.
- d) Ensuring that all registered PEAs are linked to the registered PEAs in labour destination countries.
- e) Establishing a Multi-Agency Team to be undertaking physical snap inspections of the operations of the PEAs in their premises to ascertain their level of compliance.
- f) Conducting inspections of the PEAs premises on quarterly basis.
- g) Designing a system to facilitate provision of monthly returns and reports by PEAs about the welfare of individual migrant workers.
- h) Establishing a mobile phone application system for reporting on the operations of the PEAs by members on the public.
- i) Developing a platform for sharing information on PEAs with the public.
- j) Develop a mechanism for sharing information on the operations of recruitment agencies with the stakeholders in the labour migration.
- k) Encouraging PEAs to register with one association to enhance self-regulation among the agencies.
- l) Enhancing public awareness on labour migration among private employment agencies and public employment services on due diligence and best practices on how to eliminate abusive and fraudulent recruitment practices
- m) Assigning additional responsibilities to the recruiting agencies such as reporting on the welfare of the migrant workers throughout the contract period

- n) Ensuring that the migrant worker undergoes pre-departure training and orientation.
- o) Ratification of ILO Convention No. 181 of 1997 on Private Employment Agencies

**iv. Code of Conduct for Private Employment Agencies**

The Ministry has supported Private Employment Agencies (PEAs) to form an association and develop a Code of Conduct for their operations. There are currently two associations for PEAs. The Ministry seeks to enhance self-regulation among the recruitment agencies. It aims to: establish acceptable recruitment standards; uphold high standards of ethical and professional conduct; enhance integrity, professionalism and fair practice; maintain and uphold respect for human rights; and enhance terms and conditions of employment for migrants. The Ministry is also supporting the associations to review the Codes of Conduct for PEAs, define their responsibilities and establish disciplinary procedures.

**v. Collaboration and Partnerships**

The Ministry is working closely with the relevant Government agencies to regulate the activities of private employment agencies. This collaboration has reduced cases of illegal recruitment and the number of bogus recruitment agencies.

**vi. Use of the MUSANED System in Recruitment of Domestic Workers for Saudi Arabian Labour Market**

The Government of Kenya and the Kingdom of Saudi Arabia signed a Bilateral Agreement on Recruitment of Domestic Workers in May, 2017. The Agreement provides a framework that enables both Governments to streamline the process of recruitment of domestic workers and ensure that the rights and welfare of both domestic workers and employers are promoted and protected.

In March, 2019, Kenya embraced the MUSANED - an electronic platform developed by the Government of Saudi Arabia to facilitate procedures for the recruitment of domestic labour and to increase the level of protection of the rights of all parties. The system is key in operationalization of the Agreement.

Some of the advantages of MUSANED are:

- a) **Ease of Contracting:** - The system reduces the amount of paper work therefore easing the period of contracting



- b) **Provision of Labour Market Information**- Accurate Labour market information is crucial for planning and decision making. The system enables the users to access and generate information.
- c) **Speedy Dispute Resolution** - The portal allows employers and domestic workers to have heads-on information on how to process complaints and grievances.
- d) **Reduced recruitment Costs** – By eliminating Intermediaries
- e) **Increases Transparency** - It lists all the rights and duties of the workers and employers.

#### **Committee Recommendation 5.2**

***The Ministry of Labour and Social Protection and that of Foreign Affairs must continuously monitor the implementation of the Bilateral Labour Agreements to ensure that measures initiated to protect Kenyans working in Saudi Arabia are fully adhered to. The office of the Labour Attaché must be strengthened and allocated adequate resources in or order to fully monitor employment trends in the Kingdom.***

#### **Implementation of Bilateral Labour Migration Agreements**

Bilateral Labour Migration agreements (BLMAs) between countries of origin and countries of destination are the primary instruments through which such labour mobility arrangements are affected. The first BLA was signed with the State of Qatar in March 2012. The second and third agreements with Saudi Arabia and United Arab Emirates were signed in May, 2017 and April, 2018 respectively. Particular areas of concern or weakness identified in BLAs pertain to: wage protection measures; protection of travel and identity documents; skills recognition; social security and health benefits; access to complaints mechanisms; weak regulatory frameworks for private employment agencies; and limited mechanisms for monitoring and evaluation.

#### **Progress Update**

The signed BLA with Saudi Arabia provides for the establishment of a Joint Technical Committee (JCT) to monitor the implementation. Specifically, the Joint Technical Committee are expected to coordinate, carry out periodic reviews, assess and monitor implementation of the Agreement. The Ministry plans to activate the Joint Technical Committee in collaboration the MFA and the labour destination country.

As provided in Article 7 of the Agreement, a Joint Technical Committee made of senior officials of both Parties was to be constituted to oversee the implementation of the Agreement. The Joint Technical Committee was constituted and held its first meeting in November, 2017 in Riyadh,

Saudi Arabia. The ministry intends to fully operationalize the committee. This committee will work closely with the recently established inter-ministerial committee on Bilateral Labour Agreements.

In addition, the Government of Kenya has initiated the development of Bilateral Labour Agreements with Kingdom of Jordan, State of Kuwait, Sultanate of Oman and Kingdom of Bahrain. The aim is to conclude agreements with all key destination countries for Kenyan workers. An Inter-Ministerial committee on Bilateral Labour Agreements has been constituted in order to address the gaps in development and implementation of BLAs. The Committee comprises representatives from the Ministry of Foreign Affairs, Ministry of Interior and Coordination of National Government, Office of the Attorney General and Ministry of Labour;

The mandate of the committee is to:

- a. Develop guidelines on key components of BLAs;
- b. identify areas of cooperation and collaboration;
- c. benchmark with international best practices in design and implementation of BLA's in order to enhance protection of our migrant workers;
- d. examine ratified International Labour Standards, Treaties and UN Conventions as they relate to labour migration governance and make recommendation for their ratification;
- e. develop a standard template of an agreement that shall be used when negotiating BLAs with other countries;
- f. establish a road map for development and implementation of BLAs;
- g. develop mechanisms for collaboration and partnerships with stakeholders in development, implementation and evaluation of BLAs;
- h. draw linkages between BLAs and other related interventions;
- i. recommend effective administrative structures for the effective implementation of BLAs;
- j. provide periodic reports and feedback on the implementation of BLAs;
- k. establish a mechanism for monitoring the activities of the technical working committees on implementation of BLAs;
- l. review and evaluate implementation of BLAs in order to ensure that they are consistent with national policies and are in fact leading to enhanced protection of migrant workers;
- m. develop a monitoring and evaluation framework to assess the implementation of BLAs; and

- n. review negotiated and signed Bilateral Labour Agreements to expand their scope.

**Strengthening and allocating adequate resources for the Office of the Labour Attache in order to fully monitor employment trends in the Kingdom**

Over time, and especially in the last two years, there has been consistent and sustained reduction of budgets on Operations and Maintenance (O&M) items in the State Department which has also affected the allocation of funds to the three (3) Labour Attaché Offices (Qatar, Saudi Arabia and UAE). This has made it difficult to effectively undertake their mandate. In effect, the constraining situation affects the ability of the Labour Attaché to carry out their activities. For instance, the quarterly allocations through AIEs in the foreign missions averages **Kshs.1,300,000** against a requirement of **Kshs.5,000,000** net-off personal emoluments, utilities and rent. These amounts are grossly under-provided and therefore, cannot adequately support the programmes and expected operations of the said offices.

**Recommendation 5.3**

***The National Employment Authority and Directorate of Diaspora Affairs, Ministry of Foreign Affairs should embark on a rigorous campaign to market Saudi Arabia as an important destination country for foreign employment. The current notion that foreign workers in Saudi Arabia go through suffering needs to be corrected and the citizens sensitized on the correct procedure to travel to Saudi Arabia.***

The Ministry of Labour and Social Protection together with the Ministry of Foreign Affairs have been undertaking awareness creation campaigns to raise awareness on labour migration and market Saudi Arabia as a key labour destination country. These campaigns also aim at advising Kenyans of recruitment process, benefits of labour migration, opportunities as well as challenges associated with labour migration. In addition, the Ministry is also developing a Communication Strategy on labour migration as a mechanism to enhance the management of communication within and outside the country. The main aim of this is to counter false and misleading information on labour migration to Saudi Arabia and the GCC countries in general. Plans are underway to enhance awareness on labour migration issues amongst members of the public and the media. This will be undertaken in close consultations with the embassies and representatives of the GCC countries.

**Committee Recommendation 5.4**

***The National Employment Authority should as a matter of priority seek for more opportunities, other than for domestic workers, in Saudi Arabia. The Authority should use the Labour Attache***



***office to solicit for opportunities in conjunction with both Kenyan and Saudi Employment Agencies***

The Kingdom of Saudi Arabia remains a key labour destination country for migrant Kenyan workers especially for in the middle and low skilled workers categories. The Kingdom hosts about 70,000 Kenyan migrant workers. The Government of Kenya and the Kingdom of Saudi Arabia signed a Bilateral Agreement on recruitment of domestic workers in May 2017. The Agreement provides a framework that enable both Governments to streamline the process of recruitment of domestic workers and ensure that the rights and welfare of both domestic workers and employers are promoted and protected.

The Saudi Arabia labour market has a huge potential not only for domestic workers but also for skilled and professional cadres. The recruitment process was officially commissioned on 21<sup>st</sup> January, 2019. Between March, 2019 and March, 2020, a total number 40,861 domestic workers had been facilitated to secure employment in the Kingdom of Saudi Arabia through MUSANED. These domestic workers are remitting approximately KSh. 1 billion per month, constituting about 0.4 % of total remittances. Given the increasing number of migrants, and considering this trend may persist in the foreseeable future, the management of safe, orderly and regular migration has become critical.

**Progress Update**

The Ministry has been holding consultative meetings with members of the Gulf Cooperation Council (GCC) to discuss a number of issues ranging from recruitment process, protection of migrant workers. On 16<sup>th</sup> November 2020, the Ministry held a consultative meeting with the representatives of the Governments of the GCC in Kenya, including Saudi Arabia. The aim of this meeting was to provide a comprehensive update to the GCC Member States on the current state of affairs of Labour Migration in Kenya, identify opportunities and challenges and how it can foster labour mobility from Kenya to GCC Member States. The meeting provided an opportunity to share experiences, lessons learned and best practices on labour mobility as well as possible areas of partnerships and interventions.

As a way forward from the discussions with representatives of the Governments of the GCC in Kenya, the Government committed to:

- i. review and fully operationalize the signed Bilateral Labour Agreements (BLAs);
- ii. establish and revive the Joint Technical Committees (JTC) for monitoring implementation of the signed BLAs;

- iii. finalize and sign new Bilateral Labour Agreement (BLAs) with all countries in the GCC region to streamline labour migration between Kenya and the GCC countries;
- iv. develop and implement a Return and Re-integration Programme (RRP), including establishment of a National Re-integration Centre at the National Employment Authority (NEA);
- v. establish a mechanism for sharing information with GCC member states on skills supply from Kenya to assist in the recruitment of Kenyans with the right skills mix;
- vi. develop a Communication Strategy on labour migration and a mechanism to enhance the management of communication within and outside the country in order to counter false and misleading information on labour migration to the GCC countries;
- vii. develop mechanisms and platforms for sharing information with GCC countries on Private Employment Agencies; and
- viii. develop a migrant workers labour market information system to enable collection, analysis and dissemination of data on labour migration.

On their part, the GCC countries will endeavour to;

- i. facilitate access to job opportunities for skilled Kenyan professionals;
- ii. strengthen collaboration in sharing information on lists of the accredited employment Agencies in their respective countries;
- iii. establish a mechanism for regular engagement of employment agencies within the GCC region;
- iv. establish electronic platforms similar to the MUSANED; and
- v. maintain and update a database on Kenyans working in GCC region.

These initiatives will go a long way in accessing new employment opportunities in the Gulf region as well as enhancing the protection of our migrant workers.

#### ***Committee Recommendation 5.5***

***The Ministry of Labour should initiate and strengthen pre-departure training to prepare Kenyans travelling to Saudi Arabia for the challenges expected in Saudi Arabia as a way of assisting them fit in well into the Saudi Social Economic System.***

Pre-departure information has emerged as an important tool for the protection of migrant workers and their families. Lack of pre-departure training for Kenyan migrant workers results in some of them experiencing culture shock upon arrival in the destination country. This in turn



affects their productivity and often leads to absconding of duty and subsequent premature termination of employment contracts. The challenges associated with lack of pre-departure training mainly affect the unskilled and semi-skilled workers. Pre-departure training for migrant workers prior to departure is therefore critical in assisting them to acquaint themselves to the new environment in the host country.

### **Progress Update**

- The Ministry launched the Curriculum on Homecare Management in 2018. The Pre-departure and Life Skills Course Units are intended to equip prospective migrants with knowledge, skills, attitudes and values that will enable them cope with challenges they are likely to encounter in the new work environment and on return. Implementation of the curriculum commenced in February 2019. Over 70,000 trainees have undergone through the training in readiness take up jobs in foreign countries.

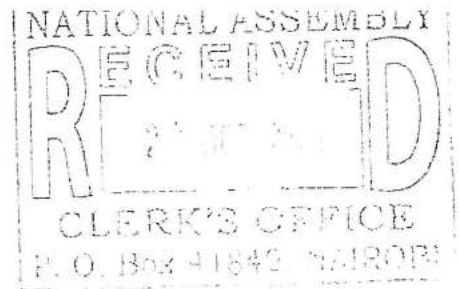
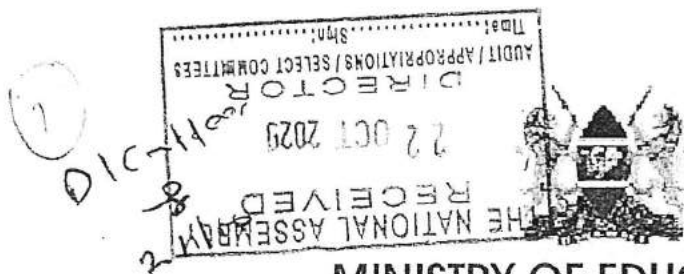
In line with Bilateral Labour Agreement signed with the Kingdom of Saudi Arabia in 2015, the Ministry of Labour and Social Protection has developed a Curriculum on Homecare Management to address the challenges faced by migrant workers in private households and institutions such as children homes, hostels and boarding institutions. The curriculum aims at creating a qualified, productive, healthy workforce with practical knowledge and skills in homecare management. This curriculum has addressed challenges faced by our migrant workers in Saudi Arabia. The Ministry will continuously review the curriculum in order to address emerging challenges and meet the needs of employers.

- A website on labour migration (<https://kenyamigrantworker.org>) was launched in January, 2019 to provide prospective migrants with additional information about The Kingdom of Saudi Arabia, the State of Qatar and the United Arab Emirates. It aims to equip Kenyan migrant workers with the knowledge and requisite skills to face and overcome different challenges that they may face in these countries.
- Information handbooks have also been developed to support the preparation of Kenyan migrant workers by providing practical information on the country of destination, and assist the migrants in setting realistic goals and developing the key skills and attitudes needed to succeed in their new work environment. The handbooks focus on the Kingdom of Saudi Arabia, the State of Qatar and United Arab Emirates. They provide basic information to potential and departing migrants to ease their transition into the country of destination and help they maximize the benefits of their overseas employment.
- The information include geography to basic laws, healthcare system, and cultural. Such background will help any potential migrant, worker or family member, in mitigating any



risk (including sociocultural shocks). The Ministry is in the process of expanding the scope of the Website and the information handbooks in order to cover additional countries. The Ministry further undertook a review of the Curriculum on Homecare Management in October, 2020 to make it more responsive to the needs of employers and meet the COVID-2019 Health and Safety protocols.





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MOEST/VTT/2/8

12th October, 2020

Clerk of the National Assembly  
Parliament Buildings  
P O Box 41842-00100  
NAIROBI.

**RE: REQUEST BY THE SELECT COMMITTEE ON IMPLEMENTATION STATUS  
OF HOUSE RESOLUTIONS.**

I refer to your letter Ref. no NA/DCS/COL/2020/(56) dated 15<sup>th</sup> September, 2020 on the above subject.

**CURRENT ENROLMENT STATUS IN TVET**

- i) We have 189 public TVCs across the Country with a total combined capacity of 530,937.
- ii) Of these, 342,691 are for technical courses and 188,246 for business courses.
- iii) Students currently enrolled in our TVCs are approximately 270,000 therefore available vacancies for new students is 290,937.
- iv) We are projecting to enroll 250,000 new students in 2021.
- v) There are approximately 800 registered private TVET Institutions with a combined capacity for 250 students in 2021.
- vi) Youth Polytechnics (Vocational Technical (centres) in the country are 1,120 with a current enrolment of 128,947. The VTCs have a combined capacity of 300,000 trainees in 2021.

**CHALLENGES**

- i) The State Department was allocated Kshs.5.2 Billion to cater for Capitation for the Financial year 2019/2020. This allocation can provide capitation for 173,333 students at the rate of Kshs.30,000 per student per year. Students taking courses lasting one year and above qualify for capitation. Therefore, there is need to increase the Capitation allocation to the state department to cater for the expected increase in enrollment.

- ii) We only provide Capitation to MOE institutions and therefore using the numbers from KUCCPS of **180,161**, the total requirement would be **Kshs.5,404,830,000** which is above the budget allocation of **Kshs.5.2 Billion** leaving a deficit of **204.8 million**.
- iii) For the above reasons, we shall request for additional funding to cater for students who will be enrolled in 2020. We are projecting to enroll **250,000** new students with a budgetary requirement of **Kshs.7.5 billion** in 2020 since the available capacity in our institutions is **260,937**.
- iv) The state department will require additional funding to cater for capitation for 530,907 trainees expected to be enrolled in public TVET institutions in 2021.
- v) Forty Nine (49) institutions are at various stages of construction and will require additional funding to be completed and ready to enroll students in 2021. Additionally, the 49 TVCs will require equipment when complete to make them operational.
- vi) To achieve inclusive education for persons living with disability (PWD) there is need to assist the regular TVCs to create PWDs friendly environment and to build the capacity of trainers on special needs related issues.

#### **STATUS**

The TVET sector is prepared to accommodate one million and eighty-nine hundred and thirty-seven (**1,080,937**) trainees in 2021.

#### **WAY FORWARD**

Additional funding from the National Treasury to address the deficit of required for Capitation for new students and for the continuing students.

Julius O. Jwan, PhD, MBS  
**PRINCIPAL SECRETARY**

Encl.

**MINISTRY OF EDUCATION**  
**STATE DEPARTMENT OF VOCATIONAL AND TECHNICAL TRAINING**  
**DIRECTORATE OF TECHNICAL EDUCATION**  
**CURRENT STATUS AND TVET INSTITUTION CAPACITIES**

**MAY - AUGUST 2020**

S/ No	Public Institution	County	PSC Trainers			BOG Trainers	Current Students Enrolment		
			M	F	TOTAL		M	F	Current TOTAL
1	Mochongi Technical Training Institute	Baringo	1	0	1	16	112	97	209
2	Baringo Technical Training Institute	Baringo	27	18	45	53	1109	764	1873
3	Eldama Ravine Technical and Vocational College	Baringo	15	7	22	13	157	123	280
4	Emining Technical Training Institute	Baringo	27	9	36	13	536	231	767
5	Kapchepkor Technical and Vocational College	Baringo	1	0	1	8	154	59	213
6	Bomet Central Technical and Vocational College	Bomet	1	0	1	0	0	0	0
7	Chepalungu Technical and Vocational College	Bomet	1	0	1	0	0	0	0
8	Konoini Technical Training Institute	Bomet	36	27	63	44	1183	1012	2195
9	Sot Technical Training Institute	Bomet	19	5	24	67	1322	1249	2571
10	Sotik Technical Training Institute	Bomet	14	3	17	28	811	690	1501
11	Bungoma North Technical and Vocational College	Bungoma	7	3	10	16	248	146	394
12	Kisiwa Technical Training Institute	Bungoma	35	19	54	113	1583	1527	3110
13	Matili Technical Training Institute	Bungoma	33	16	49	37	2058	1312	3370
14	Musakasa Technical Training Institute	Bungoma	15	6	21	22	699	459	1158
15	Sang'alo Institute of Science and Technology**	Bungoma	50	30	80	69	1906	2063	3969
16	Sirisia Technical and Vocational College	Bungoma	1	1	2	8	104	107	211
17	Webuye West Technical and Vocational College	Bungoma	7	6	13	15	156	112	268
18	Bumbe Technical Training Institute	Busia	31	13	44	31	834	565	1399



19	Bunyala Technical and Vocational College	Busia	14	1	15	15	225	134	359
20	Chemasiri Technical and Vocational College	Busia	2	0	2	19	301	201	502
21	Dr.Daniel Wako Murende TVC	Busia	1	0	1	0	38	14	52
22	Mungatsi Technical and Vocational College	Busia	2	0	2	0	0	0	0
23	Okame Technical and Vocational College	Busia	13	9	22	20	232	190	422
24	Chepsirei Technical and Vocational College	E/Marakwet	6	2	8	10	181	112	293
25	Kapcherop Technical and Vocational College	E/Marakwet	9	9	18	7	354	120	474
26	Kerio Valley Technical and Vocational College	E/Marakwet	1	0	1	0	0	0	0
27	Kipsoen Technical and Vocational College	E/Marakwet	12	1	13	3	81	31	112
28	Jeremiah Nyaga Technical Training Institute	Embu	95	48	143	6	1093	656	1749
29	Manyatta Technical and Vocational College	Embu	1	0	1	0	0	0	0
30	Runyenjes Technical Training Institute	Embu	14	6	20	2	82	49	131
31	Ijara Technical and Vocational College	Garissa	9	0	9	0	5	6	11
32	North Eastern National Polytechnic	Garissa	46	7	53	17	866	382	1248
33	Mawego Technical Training Institute	Homabay	51	10	61	69	2327	1469	3796
34	Omuga Technical and Vocational College	Homabay	8	2	10	14	160	100	260
35	Rangwe Technical and Vocational College	Homabay	7	1	8	4	52	0	52
36	VTC for the Deaf and Blind (Sikri)	Homabay	19	9	28	27	474	324	798
37	Merti Technical and Vocational College	Isiolo	1	0	1	0	0	0	0
38	Kajiado East Technical Vocational College	Kajiado	3	1	4	0	0	0	0
39	Kajiado West Technical and Vocational College	Kajiado	10	4	14	14	170	117	287
40	Masai Technical Training Institute	Kajiado	53	46	99	17	1194	705	1899
41	Ngong Technical and Vocational College	Kajiado	8	9	17	2	18	15	33
42	Bushiangala Technical Training Institute	Kakamega	24	12	36	34	958	563	1521
43	Butere Technical Training Institute	Kakamega	9	5	14	34	704	509	1213
44	Kongoni Technical and Vocational College	Kakamega	9	2	11	13	84	77	161
45	Mumias West Technical and Vocational College	Kakamega	13	2	15	9	102	92	194

		Kakamega	2	0	2	2	154	129	283
46	Navakholo Technical and Vocational College	Kakamega	33	18	51	14	1112	757	1869
47	Shamberere Technical Training Institute	Kakamega	58	32	90	154	3671	3066	6737
48	Sigalagala National Polytechnic	Kakamega	13	4	17	20	115	76	191
49	Wanga Technical and Vocational College	Kericho	7	5	12	0	140	166	306
50	Belgut Technical and Vocational College	Kericho	15	5	20	50	1306	905	2211
51	Bureti Technical Training Institute	Kericho	1	0	1	10	120	99	219
52	Kericho Technical and Vocational College	Kericho	8	4	12	6	313	84	397
53	Kimasian Technical and Vocational College	Kericho	12	1	13	16	714	440	1154
54	Kipsinende Technical Training Institute	Kiambu	11	0	11	4	229	0	229
55	Gatundu South Technical and Vocational College	Kiambu	96	78	174	92	2700	2085	4785
56	Kiambu Institute of Science and Technology	Kiambu	7	3	10	0	0	6	6
57	Lari Technical and Vocational College	Kiambu	0	0	0	0	0	0	0
58	Limuru Technical and Vocational College	Kiambu	9	2	11	4	83	18	101
59	Nachu Technical and Vocational College	Kiambu	111	75	186	62	4183	2160	6343
60	Thika Technical Training Institute	Kilifi	6	5	11	15	493	230	723
61	Godoma Technical Training Institute	Kilifi	5	3	8	1	49	36	85
62	Kaloleni Technical and Vocational College	Kilifi	7	5	12	10	218	99	317
63	Weru Technical and Vocational College	Kirinyaga	6	2	8	0	5	1	6
64	Mwea Technical and Vocational College	Kirinyaga	13	4	17	5	101	19	120
65	Ndia Technical and Vocational College	Kisii	43	15	58	46	2250	1321	3571
66	Keroka Technical Training Institute	Kisii	100	37	137	117	4467	4054	8521
67	Kisii National Polytechnic	Kisii	1	0	1	0	0	0	0
68	Orogare Technical and Vocational College	Kisii	1	0	1	0	0	0	0
69	Riamo Technical and Vocational College	Kisii	1	0	1	0	0	0	0
70	Riatrimba Technical and Vocational College	Kisii	11	1	12	12	42	30	72
71	Riragia Technical and Vocational College	Kisumu	98	47	145	120	6407	4349	10756
72	Kisumu National Polytechnic**								



73	Nyakach Technical and Vocational College	Kisumu	11	1	12	7	94	39	133
74	Ramogi Institute of Advanced Technology	Kisumu	61	50	111	19	1319	834	2153
75	Seme Technical and Vocational College	Kisumu	11	2	13	11	381	240	621
76	Ikutha Technical and Vocational College	Kitui	1	0	1	0	0	0	0
77	Nuu Technical and Vocational College	Kitui	5	3	8	4	59	51	110
78	Tseikuru Technical Training Institute	Kitui	12	3	15	15	479	198	677
79	Kinango Technical and Vocational College	Kwale	7	2	9	7	72	40	112
80	Lungalunga Technical and Vocational College	Kwale	8	1	9	0	60	46	106
81	Msambweni Technical and Vocational College	Kwale	8	1	9	0	113	35	148
82	Laikipia East Technical and Vocational College	Laikipia	10	1	11	10	140	96	236
83	Laikipia North Technical and Vocational College	Laikipia	12	4	16	12	83	33	116
84	Lamu East Technical and Vocational College (Kizigitini)	Lamu	0	0	0	0	0	0	0
85	Katine Technical Training Institute	Machakos	28	8	36	18	276	142	418
86	Machakos Technical Training Institute for the Blind	Machakos	29	33	62	2	123	120	243
87	Masinga Technical and Vocational College	Machakos	11	7	18	11	62	52	114
88	Mwala Technical and Vocational College	Machakos	0	0	0	0	0	0	0
89	David M. Wambuli Technical and Vocational College	Makueni	12	4	16	1	117	31	148
90	Kibwezi Technical and Vocational College	Makueni	0	0	0	0	0	0	0
91	Wote Technical Training Institute	Makueni	44	21	65	31	1151	669	1820
92	Mandera Technical Training Institute	Mandera	10	0	10	7	235	64	299
93	Laisamis Technical and Vocational College	Marsabit	13	3	16	4	132	63	195
94	North Horr Technical and Vocational College	Marsabit	5	1	6	0	0	0	0
95	Kaelo Technical and Vocational College	Meru	7	2	9	3	54	33	87
96	Karumo Technical Training Institute	Meru	14	11	25	18	243	486	729
97	Kiirua Technical Training Institute	Meru	26	13	39	14	311	235	546
98	Meru National Polytechnic	Meru	91	47	138	84	5426	4011	9437
99	Mitunguu Technical Training Institute	Meru	19	7	26	25	519	225	744

100	Mukiria Technical Training Institute	Meru		22	15	37	32	1463	1025	2488
101	Nkabune Technical Training Institute	Meru		30	36	66	25	516	1043	1559
102	Tigania East Technical and Vocational College	Meru		0	1	1	0	0	0	0
103	Awendo Technical and Vocational College	Migori		0	0	0	0	0	0	0
104	Kakrao Technical and Vocational College	Migori		1	0	1	0	0	0	0
105	Kendege Technical and Vocational College	Migori		10	0	10	15	242	100	342
106	Mabera Technical and Vocational College	Migori		9	6	15	12	286	340	626
107	Siala Technical Training Institute	Migori		32	17	49	18	428	422	850
108	Ahmed Shahame Mwidani Technical Training Institute	Mombasa		14	4	18	11	129	95	224
109	Kenya Coast National Polytechnic	Mombasa		68	41	109	116	3917	3299	7216
110	Likoni Technical and Vocational College	Mombasa		1	0	1	0	47	28	75
111	Gatanga Technical and Vocational College	Murang'a		12	4	16	8	136	42	178
112	Mathioya Technical and Vocational College	Murang'a		15	6	21	9	144	66	210
113	Michuki Technical Training Institute	Murang'a		30	27	57	32	1913	1394	3307
114	Kandara Technical and Vocational College	Murang'a		1	0	1	7	7	7	14
115	Muranga Technical and Vocational College	Murang'a		2	0	2	0	0	0	0
116	Kabete National Polytechnic	Nairobi		86	66	152	141	7125	4353	11478
117	Kamukunji Technical and Vocational College	Nairobi		1	1	2	0	0	0	0
118	Karen Technical Training Institute for the Deaf	Nairobi		36	36	72	2	440	410	850
119	Kasarani Technical Training Institute	Nairobi		22	10	32	17	313	111	424
120	Kenya Technical Trainers College	Nairobi		58	68	126	40	2290	1698	3988
121	Nairobi Technical Training Institute	Nairobi		74	68	142	46	4436	2285	6721
122	P.C. Kinyanjui Technical Training Institute	Nairobi		43	38	81	42	1130	824	1954
123	Heroes Technical and Vocational College	Nakuru		1	0	1	0	0	0	0
124	Kiptaragon Technical and Vocational College	Nakuru		7	2	9	11	147	108	255
125	Naivasha Technical Training Institute	Nakuru		9	6	15	2	60	42	102
126	Rift Valley Institute of Science and Technology**	Nakuru		101	69	170	131	3726	3856	7582



127	Total Technical and Vocational College	Nakuru	1	1	2	0	0	0	0
128	Aldai Technical Training Institute	Nandi	13	4	17	23	432	320	752
129	Emos Technical and Vocational College	Nandi	7	9	16	8	78	68	146
130	Kaiboi Technical Training Institute	Nandi	50	11	61	54	2317	1382	3699
131	O'lessos Technical Training Institute	Nandi	65	29	94	101	2473	2694	5167
132	Tinderet Technical and Vocational College	Nandi	9	1	10	27	281	185	466
133	Emurua Dikirr Technical Vocational College	Narok	0	1	1	34	367	332	699
134	Masai Mara Technical and Vocational College	Narok	15	7	22	25	655	399	1054
135	Narok South Technical and Vocational College	Narok	0	0	0	0	0	0	0
136	Narok West Technical Training Institute	Narok	9	2	11	6	82	34	116
137	Borabu Technical and Vocational College	Nyamira	9	4	13	9	21	31	52
138	Ekerubo Gietai Technical Training Institute	Nyamira	21	8	29	32	641	509	1150
139	Gitwebe Technical Training Institute	Nyamira	9	5	14	9	61	111	172
140	Kitutu Masaba Technical and Vocational College	Nyamira	1	0	1	0	0	0	0
141	Kinangop Technical and Vocational College	Nyandarua	6	3	9	6	86	50	136
142	Kipipiri Technical and Vocational College	Nyandarua	9	2	11	2	112	66	178
143	Ndaragua Technical and Vocational College	Nyandarua	1	0	1	0	0	0	0
144	Nyandarua Institute of Science and Technology	Nyandarua	55	21	76	30	958	440	1398
145	Kieni Technical and Vocational College	Nyeri	6	5	11	5	76	48	124
146	Mathenge Technical Training Institute	Nyeri	49	23	72	38	859	877	1736
147	Mathira Technical and Vocational College	Nyeri	7	3	10	4	115	37	152
148	Mukurweini Technical Training Institute	Nyeri	28	4	32	20	1061	424	1485
149	Nyeri National Polytechnic	Nyeri	85	61	146	82	2927	2470	5397
150	Tetu Technical and Vocational College	Nyeri	5	4	9	7	64	57	121
151	Samburu East Technical and Vocational College	Samburu	8	4	12	6	89	36	125
152	Bondo Technical Training Institute	Siaya	17	7	24	42	1565	695	2260
153	Siaya Institute of Technology	Siaya	55	20	75	44	1025	1212	2237



154	St. Joseph's TTI for the Deaf, Nyang'oma	Siaya	34	6	40	15	297	274	571
155	Ugenya Technical and Vocational College	Siaya	11	3	14	18	387	215	602
156	Ugunja Technical and Vocational College	Siaya	7	3	10	12	114	85	199
157	Chuka Technical and Vocational College	T/Nithi	7	2	9	22	283	142	425
158	Muraga Technical Training Institute	T/Nithi	11	5	16	16	153	142	295
159	Tharaka Technical and Vocational College	T/Nithi	17	3	20	19	254	185	439
160	Endebes Technical Training Institute	T/Nzoia	12	4	16	36	291	123	414
161	Kiminini Technical and Vocational College	T/Nzoia	6	9	15	10	55	112	167
162	Kitale National Polytechnic	T/Nzoia	91	26	117	80	3884	2999	6883
163	Coast Institute of Technology	T/Taveta	53	33	86	41	1301	1032	2333
164	Mwatate Technical and Vocational College	T/Taveta	9	1	10	0	0	0	0
165	Taveta Technical and Vocational College	T/Taveta	9	3	12	2	77	12	89
166	Wumingu Technical and Vocational College	T/Taveta	6	0	6	0	8	9	17
167	Fayya Technical and Vocational College	Tana River	1	0	1	0	0	0	0
168	Garsen Technical and Vocational College	Tana River	8	2	10	0	10	4	14
169	Tana River Technical and Vocational College	Tana River	1	0	1	0	0	0	0
170	Lodwar Technical and Vocational College	Turkana	6	2	8	3	37	13	50
171	Loima Technical and Vocational College	Turkana	0	0	0	0	0	0	0
172	Turkana East Technical and Vocational College	Turkana	8	2	10	3	53	5	58
173	Turkana North Technical and Vocational College	Turkana	0	0	0	0	0	0	0
174	Eldoret National Polytechnic**	U/Gishu	108	60	168	96	5306	9239	14545
175	Kipkabus Technical and Vocational College	U/Gishu	17	2	19	15	519	278	797
176	Koshin Technical Training Institute	U/Gishu	12	5	17	16	241	101	342
177	Moiben Technical Training Institute	U/Gishu	9	6	15	11	11	7	18
178	Rift Valley Technical Training Institute	U/Gishu	49	44	93	161	2770	1674	4444
179	Turbo Technical and Vocational College	U/Gishu	2	0	2	0	0	0	0
180	Ziwa Technical Training Institute	U/Gishu	12	5	17	20	904	664	1568

181	Chanzeywe Technical and Vocational College	Vihiga	0	1	1	0	52	29	81
182	Ebukanga Technical and Vocational College	Vihiga	11	0	11	0	33	20	53
183	Friends College Kajmosi Institute of Science & Technology	Vihiga	26	36	62	79	1251	1875	3126
184	Sabatia Technical and Vocational College	Vihiga	9	2	11	26	290	192	482
185	Wajir South Technical and Vocational College	Wajir	7	0	7	0	0	0	0
186	Kitela Kapel Technical and Vocational College	West Pokot	1	1	2	0	0	0	0
187	Elburgon Technical and Vocational College	Nakuru	0	0	0	0	0	0	0
188	Cherangany Technical and Vocational college	T/Nzoia	0	0	0	0	0	0	0
189	Emgwen Technical and Vocational college	Nandi	0	0	0	0	0	0	0
	Sub -Total		#####	#####		3,984	#####	#####	224526
	TOTAL			5,622			224,526		
The State department for Vocational and Technical Training is currently stabling thirty (30) new technical and Vocational Colleges (TVCs) expected to be complete by June 2020. This TVCs are expected to have an initial capacity for one thousand (1000) trainees giving an expected enrollment capacity of a minimum of thirty thousand (30,000) trainees.									
There are approximately Eight Hundred registered Private TVET institutions with an approximate capacity of two hundred and fifty thousand trainees									
<b>Total expected minimum capacity of TVET institutions Public and Private by 2021</b>									





# KENYA FERRY SERVICES LTD.

P.O. Box 96242-80110  
LIKONI, MOMBASA  
E-mail: info@kenyaferry.co.ke  
Web: www.kenyaferry.co.ke

Island Office:  
Mobile: 0736-999905, 0723-664001  
Operations: 0735-788730 (24 HRS)

Headquarters  
Tel: 020 02118344  
Mobile: 0736-999906/0723-664000  
Maintenance: 0723-172436 (24 HRS)  
Fax: 020 02118346

Our Ref: **KFS/MD/GOV/CIR./2**

Date: **23<sup>rd</sup> Oct. 2020** 20.....

The Principal Secretary,  
State Department of Transport,  
Ministry of Transport, Infrastructure, Housing  
Urban Development & Public Works,  
Transcom House, Ngong Road  
P.O. Box 52692-00200  
**Nairobi.**



Dear **PS**,

**RE: IMPLEMENTATION STATUS OF HOUSE RESOLUTIONS**

Reference is made to your letter dated 15<sup>th</sup> October 2020 reference MOT&I/C/ADM/034/7/1 VOL.XII/ (27) on the above subject matter.

This is hereby, to submit the 24 copies of the report as requested.

Yours *Sincerely*,

  
**Bakari Hamisi Gowa**  
**MANAGING DIRECTOR**

*Enclosure*



**IMPLEMENTATION STATUS OF HOUSE RESOLUTIONS - REPORT ON THE INQUIRY INTO THE SAFETY OF FERRIES  
AS OBSERVED IN THE AUDITED ACCOUNTS OF KFS FOR THE FINANCIAL YEAR 2016/17**

RECOMMENDATION NO.	DIRECTIVE	ACTION TAKEN	CHALLENGES	OUTLOOK
1.	The Kenya Ferry Services Limited should ground MV Harambee until the vessel undergoes dry docking and significant repair followed by inspection before the ferry can resume operation.	<p>MV Harambee was removed from operations, grounded and the process of repair initiated. The works shall include underwater hull repairs, installation of a new prow lifting mechanism and repair of the superstructure.</p> <p>MV Harambee was, therefore, taken to dry dock at African Marine Engineering Company Ltd (M/S AMGECO) and dry docked on 20<sup>th</sup> August 2020 for underwater hull repair and the works are ongoing. The works shall be completed in the next two (2) months.</p> <p>A contractor, M/S Cesscolina East Africa Ltd, was procured for installation of a new prow lifting mechanism (HPP- Hydraulic Power Pack) for Mv Harambee and the works are ongoing. The works started on 6<sup>th</sup> July, 2020 and is set to end on 30<sup>th</sup> November, 2020.</p> <p>A contractor, SECO, was procured for repair of the superstructure. The works is set to start on 15<sup>th</sup> of November and will be completed in three (3) months.</p> <p>Supplementary budget of Kshs 500 Million was released in the FY2019/2020 for ferry rehabilitation amounting to Kshs 220 Million and Mtongwe ramps construction amounting to Kshs 280 Million.</p>	<p>Insufficient budget to fabricate new prows. The available budget was allocated to prow lifting mechanism only.</p> <p>Availability of the dry dock as one has to wait in queue.</p>	<p>MV Harambee is still non-operational since the works are all ongoing. However, on completion of the works, she shall be functional, safe and secure.</p>
3.	The National Treasury should urgently release funds to the Kenya Ferry Services Limited to ensure ferries operated by the		-	Disbursement of the funds ensured repair of the ferries. Going forward, the ferries will be in functional



	agency undergo urgent repair and maintenance. Funds for ferry repair and maintenance should be ring-fenced in future budgets for Kenya Ferry Services Limited to ensure availability of funds for scheduled maintenance of the vessels.			condition with continued release of funds.
5.	The Kenya Ports Authority should consider establishing a dry dock facility for repair and maintenance of maritime vessels including ferries. The facility would ensure competitiveness of the Mombasa Port facility, generate income for the Authority	<p><b>During FY 2019/2020</b></p> <p>1. A new budget was set aside for the establishment of a dry-dock facility for maintenance and repair of vessels including the ferries.</p> <p>2. During the same year, Port clients (shipping lines) complained about the old single lift ship to shore(STS) gantry cranes which were prone to frequent breakdowns and performance in regards to crane moves was below our key performance indicators.</p> <p>3. The only solution was to rationalize the Capital Expenditure Budget and Procurement Plan to provide vire funds to purchase new additional twin lift STS for Container Terminal 1 cargo operations.</p> <p>4. The purchase of the four new STS cranes was deemed a matter of immediate and direct value to the Port business.</p>	Purchase of the four new STS cranes was deemed a matter of immediate and direct value to the Port business and delayed implementation of the dry dock facility.	Construction of the dry dock will begin in July 2021 and end in December 2022.

	and provide cost-effective service for maritime operators.	<p>5. The dry dock facility budget was inevitably re-prioritized until the new funding was available.</p> <p><b>During FY 2020 /2021</b></p> <p>6. Management developed and presented the dry dock facility business case for Board review and recommendation.</p> <p>7. The dry dock / floating dock facility will be included in the KPA capital budget proposals for FY 2021/2022.</p> <p>8. With approved budget, implementation of the dry dock facility will begin in July 2021 and end in December 2022.</p>			
9.	<p>All ferries operated by Kenya Ferry Services Limited should be fitted with necessary safety equipment to be used in case of emergency. The ferries should also be fitted with a public address system for communication on safety matters while aboard the vessels.</p>	<p>The ferries have sufficient and well maintained lifesaving and firefighting appliances onboard comprising of rigid life rafts, lifejackets, and lifebuoys. MV Safari and MV Jambo have two (2) rescue boats each. In addition, the ferries have fire appliances onboard including dry powder, foam and carbon dioxide fire appliances. The ferry engine rooms are also protected with fixed fire extinguishing systems, fixed carbon dioxide drenching system, fixed water line hydrant systems and fire alarm detection systems.</p> <p>The public address system onboard the ferries are functional apart from MV Harambee which will have a new installation while at the dry dock for superstructure works. We would like to report that coxswains onboard the ferries make safety announcements to the public. Further, the Customer Relations Assistants at the communication booths also make announcements on safety.</p>	None		<p>The Company continuously maintains safety equipment to working condition. The public is also sensitized on use of the safety equipment.</p>

		It is also noteworthy that in addition to the fixed public address system there are fourteen (14) hand held mega phones that were procured as back up in case of malfunction of the fixed PAS.																					
10.	Board appointees to the Kenya Ferry Services Limited should be competent and qualified individuals to provide effective leadership and strategic direction for organization. The Board should ensure that Board members are inducted and that their skills and knowledge are regularly enhanced given the specialization nature of the maritime industry.	<p><b>COMPOSITION OF THE BOARD</b></p> <p>A new board of Directors was appointed and gazetted on the 10<sup>th</sup> of August 2020 comprising of the following members:</p> <table><tr><td>1. Mr. Salim Juma Chingabwi-</td><td>Chairman</td></tr><tr><td>2. Ms. Sheila Nanjekho Makali-</td><td>Member</td></tr><tr><td>3. Mr. Genesio Njagi Mugo-</td><td>Member</td></tr><tr><td>4. Mr. Mohamed Ali Sheikh Annin-</td><td>Member</td></tr><tr><td>5. Dr. Nuh Nassir Abdi-</td><td>Member</td></tr></table> <p>In addition to the above the following are also members of the board:</p> <p>6. The Principal Secretary to the State Department for Transport</p> <p>7. The Cabinet Secretary to the National Treasury</p> <p>8. The Managing Director, Kenya Ports Authority</p> <p><b>QUALIFICATION OF THE BOARD MEMEBERS</b></p> <table><tr><th>Name</th><th>Position</th><th>Qualification</th></tr><tr><td>Salim Juma Chingabwi</td><td>Chairman</td><td>Master's Degree in Human Resource Management. Diploma in Maritime Studies. Over 35 years working experience in the maritime transport sector.</td></tr><tr><td></td><td></td><td>An expert in HR matters.</td></tr></table>	1. Mr. Salim Juma Chingabwi-	Chairman	2. Ms. Sheila Nanjekho Makali-	Member	3. Mr. Genesio Njagi Mugo-	Member	4. Mr. Mohamed Ali Sheikh Annin-	Member	5. Dr. Nuh Nassir Abdi-	Member	Name	Position	Qualification	Salim Juma Chingabwi	Chairman	Master's Degree in Human Resource Management. Diploma in Maritime Studies. Over 35 years working experience in the maritime transport sector.			An expert in HR matters.	With members of the Board who were working with the Government, it was very easy to onboard them into the working of Kenya Ferry Services Limited. However, it will take time for those who were in other sectors to understand the working of the public sector.	It is expected that with the training of the Board members, the Board will be in a position to provide leadership and strategic direction to Kenya Ferry Services Limited.
1. Mr. Salim Juma Chingabwi-	Chairman																						
2. Ms. Sheila Nanjekho Makali-	Member																						
3. Mr. Genesio Njagi Mugo-	Member																						
4. Mr. Mohamed Ali Sheikh Annin-	Member																						
5. Dr. Nuh Nassir Abdi-	Member																						
Name	Position	Qualification																					
Salim Juma Chingabwi	Chairman	Master's Degree in Human Resource Management. Diploma in Maritime Studies. Over 35 years working experience in the maritime transport sector.																					
		An expert in HR matters.																					

			Former General manger Human Resources Kenya Ports Authority.			
Sheila Nanjekho Makali	Member	Master's Degree in Business Administration- Procurement. A lecturer at Masinde Muliro University - Nairobi Campus.				
Genesio Njagi Mugo	Member	Master's Degree in Business Administration. A Business Executive {Vivo Energy Kenya ltd}.				
Mohamed Sheikh Amin	Member	An expert in the shipping Industry. Member Institute of Chartered Shipbrokers. Diploma in Shipping Management. Over 30 years working experience in the shipping, clearing& forwarding industry.				
Dr Nuh Nassir Abdi	Member	Bachelor of Veterinary Medicine Degree. A Governance and Public Finance consultant. Former Speaker - Tana River County Assembly &				



		<p>Former Member of Parliament Bura Constituency.</p>		
		<p><b>INDUCTION</b></p> <p>The Board has been taken through an inhouse induction program that includes the mandate, the legal framework and operational activities of the Company by the Managing Director and Heads of Departments. They were furnished with the Company and Departmental policies and manuals.</p> <p>The Board will also participate in another induction training program, conducted by the State Corporations Advisory Committee (SCAC). The training will be on Corporate Governance and Board workings, among other topics intended to equip the Board to properly undertake its leadership role in the Company. The program is contained in the Board Work Plan for Financial Year 2020/21 and is scheduled for the 23<sup>rd</sup> to 25<sup>th</sup> November 2020.</p> <p>To further understand better and participate in the strategic planning of the Organization, the board will be taken through a 3 days training on the Company's Strategic Plan (2019-2024) between 11<sup>th</sup> -13<sup>th</sup> November 2020.</p> <p><b>ENHANCEMENT OF KNOWLEDGE AND SKILLS</b></p> <p>To enhance knowledge and skills of our Directors, we have enrolled them in the Institute of Directors of Kenya. They will undergo the mandatory 5 days' director training scheduled in Feb/March 2021.</p>		



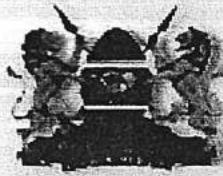
		All these board activities / trainings are contained the board work plan for this financial year (2020/2021).		
11.	Kenya Ferry Services Limited should ensure that key positions such as Head of Engineering are filled substantively. Succession Planning should be done to ensure that recruitment of a replacement is done to coincide with the departure of the incumbent office holder	<p>The Company Advertised for the position of Chief Engineer in the local dailies of 4<sup>th</sup> and 6<sup>th</sup> June, 2019. This was six (6) months before the retirement of the incumbent. However, before conclusion of the recruitment and selection process, the Board of Directors was dissolved on 16<sup>th</sup> October, 2019.</p> <p>During the time that the Company did not have a sitting Board of Directors, the incumbent Head of Engineering, retired from the service of Kenya Ferry Services Limited on 25<sup>th</sup> December, 2019. Consequently, the Principal Engineer was appointed on acting capacity as Head of Engineering with effect from 1<sup>st</sup> January, 2020 for a period of six (6) months with the approval of the Ministry of Transport, Infrastructure, Housing, Urban Development and Public Service Commission.</p> <p>On 7<sup>th</sup> August, 2020 a new Board of Directors was appointed by the Cabinet Secretary for Ministry of Transport, Infrastructure, Housing, Urban Development and Public Works. The Board of Directors is handling the matter in a bid to substantively fill the position.</p>	<p>The major challenge that Kenya Ferry Services Limited faced was the absence of a sitting Board of Directors for ten (10) months. A substantive appointment could not be made in the absence of the appointing authority, the Board of Directors.</p>	<p>A decision by the Board is set to be made on the substantive appointment of the Head of Engineering. Kenya Ferry Services shall always advertise positions at least six (6) months before the retirement of the incumbent.</p>
13.	Kenya Maritime Authority and Kenya Ferry Services Limited should conduct a public education and safety	<p>The public is sensitized through the Public address system on both sides of the channel, LED screen at the island side and posters on board the vessel. The posters have messages on the need to switch off engines while on board, roll down car windows, unfasten seat belts and beware of slippery surfaces. The motorists are also informed of being aware of the safety chain on board the</p>	<p>There were challenges due to Covid-19 Pandemic where some motorists have not been willing to roll</p>	<p>Deckhand officers, security officers and safety officers enforce compliance</p>

	campaign at the ferry crossings to sensitize the public on maintaining safety while using the ferries.	ferries demarcating safe vehicle position.	down car windows.	by the motorists and pedestrians to the safety instructions and messages onboard ferries.
14.	Kenya Ferry Services Limited should replace the security company that provides security services aboard the ferries due to negligence in performing their duties.	The former contracted security company was replaced with ISMAX Security Ltd which started offering service from 1 <sup>st</sup> January 2020.	There were no challenges experienced in replacing the security company as it's contract had come to an end.	The Company is more responsive to security and safety measures and abides by the Service Level Agreement in place. There are frequent briefings that communicate to the Security Company the expectations of Kenya Ferry Services Limited.
15.	The Kenya Ferry Services Limited should provide stiff penalties for ferry passengers who fail to	Ferry offenders are arrested/ apprehended and handed over to Kenya Ferry Police Station for arraignment in court. The offences range from drunkenness/ disorderliness and being a nuisance on board the ferries. For example, over the last ten (10) months (year 2020) a	Mobs that incite the public against arrest even in the presence of the police.	The Company expects improved compliance with safety rules and

	<p>adhere to safety regulations while using the ferries. The penalties should be enforced strictly to ensure compliance by ferry users.</p>	<p>total of fifteen (15) cases were prosecuted by the Kenya Ferry Police Station and sentenced and/ or fined by the Mombasa Courts as summarized below;</p> <ol style="list-style-type: none"> <li>1. Being a nuisance while onboard ferry/ ramps- four (4) cases.</li> <li>2. Drunk and disorderly while onboard ferry/ ramps- three (3) cases.</li> <li>3. Failure to wear face masks while on board ferry- three (3) cases.</li> <li>4. Hawking on board the ferry or ferry approaches- three (3) cases.</li> <li>5. Attempted suicide while on board ferry- one (1) case.</li> <li>6. Preparation to commit felony within ferry premises- one (1) case.</li> </ol>		<p>regulations by passengers.</p>
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**MINISTRY OF TRANSPORT, INFRASTRUCTURE, HOUSING,  
URBAN DEVELOPMENT AND PUBLIC WORKS  
STATE DEPARTMENT OF TRANSPORT  
OFFICE OF THE PRINCIPAL SECRETARY**

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NGONG ROAD  
P.O. Box 52692 - 00100  
NAIROBI

**MOT & I /C/SM/015 VOL.XI/(13)**

**12<sup>th</sup> March 2021**

**The Clerk**

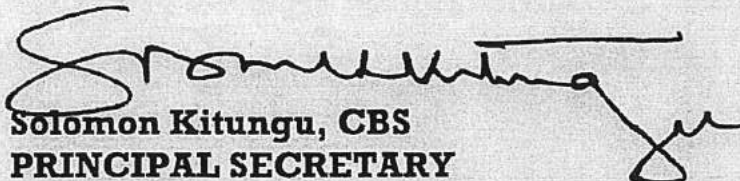
The National Assembly of Kenya  
Parliament Buildings  
**NAIROBI**

**(Attn: Mr. Jeremiah W. Ndombi)**

**RE: IMPLEMENTATION STATUS OF HOUSE RESOLUTIONS**

Reference is made to your letter No.NA/DAAS/COI/2021 dated 1<sup>st</sup> March 2021 on the above.

Forwarded herewith please find a copy of a report from the Kenya Ferry Services Limited Managing Director detailing the implementation status as requested. The information has also been emailed to the email address: [ckoskei20@gmail.com](mailto:ckoskei20@gmail.com).

  
**Solomon Kitungu, CBS  
PRINCIPAL SECRETARY**





# KENYA FERRY SERVICES LTD.

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Fax: 020-82118346

Our Ref: **KFS/ENG/HAR/1**

**9th March 2021**

Date: \_\_\_\_\_/\_\_\_\_\_/20\_\_\_\_

Solomon Kifungu  
Principal Secretary  
State Department of Transport  
Ministry of Transport, Infrastructure, Housing  
Urban Development & Public Works  
Transcom House, Ngong' Road  
P.O. Box 52692-0200  
**NAIROBI**

Dear *SS*

## IMPLEMENTATION STATUS OF HOUSE RESOLUTIONS - REPAIR OF MV HARAMBEE

Reference is made to the National Assembly letter Ref: NA/DAASC/COT/2021/(26), dated 1<sup>st</sup> March 2021, requesting for information regarding MV Harambee repairs and whether the vessel has resumed operation. I hereby submit the report on the progress of the repairs on MV Harambee giving an overview of the scope of work, completion status and the completion deadlines as planned.

The repairs work on MV Harambee entails 3 components namely: (i) dry docking for underwater hull works, (ii) repair of steel works for the superstructure works and (iii) the repair of the prows lifting system.

The ferry was drydocked on 20<sup>th</sup> August 2020 for underwater hull repair works at M/S African Marine General Engineering Company Ltd and was completed on 5<sup>th</sup> November 2020. The superstructure works which involves steel works and the repair of the machineries and components commenced at M/S Southern Engineering Ltd on 22<sup>nd</sup> December 2020 and is scheduled to be completed by 15<sup>th</sup> April 2021. The work is currently at 80 % completion. Concurrently, the installation of the new prow lifting system is ongoing i.e. Hydraulic Power Pack (HPP), which is scheduled to be completed by 15<sup>th</sup> April 2021 and is currently at 70% completion.



The works are still ongoing and she is expected to resume operation once completed and successfully commissioned.

Attached is the detailed report on the three components and progress status.

Yours *Chunye*



Bakari Hamisi Gowa  
**MANAGING DIRECTOR**

*Enclosure*



## **SCOPE OF WORKS FOR REPAIRS AND REHABILITATION OF MV HARAMBEE FERRY AND IMPLEMENTATION STATUS**

The scope of works entails three components namely;

1. Dry docking for underwater works
2. Super structure works
3. Supply installation of the new prow lifting system i.e. Hydraulic Power Pack (HPP) and associated works

The specific details for each of the 3 components is stipulated here below as follows;

### **1. DRY DOCKING OF MV HARAMBEE- UNDER WATER WORKS**

#### **A. Executive Summary**

Contract number: KFSCT/0032/2020- Dry docking of Harambee

Date of dry-docking: 20<sup>th</sup> August 2020

Date of completion: 5<sup>th</sup> Nov 2020

Contract amount: 58,715,970.67

Implementation status: 100% Completed

#### **B. SCOPE OF WORKS**

	Sub Item	Details of works done
a.	Mooring/Unmooring	This involves dock preparation, docking and un docking, dock rent
b.	Show Power	Provide for show power for all works and to keep the main machinery in operational states including security lighting.
c.	Bottom Hull Clean down.	Clean with High pressure washing using fresh water, light hand scrapping and wire brushing, to prepare for inspection, testing and painting approx. area of 1025 sq. meters
d.	Bottom painting	Applying paint to bottom hull area as follows: - a. 2 full coats of anticorrosive. b. 1 full coat of anti-fouling. c. (Dockyard to supply paint)
e.	Boot top cleaning	Chipping & scrapping wind/waterline areas, wire brushing & flushing with fresh water including the wind and water line area.
f.	Boot top painting	Applying paints as follows: - a. 1st coat anticorrosive

		b. 2nd coat boot topping black
g.	Cathodic protection	<p>Cropping off the wasted sacrificial anodes, Supplying &amp; fitting appropriately new zinc anodes</p> <p>a. -Gross weight 20kgs×- 22pcs b. -Gross weight 5kgs× -16pcs c. -Gross weight 5kgs - 8 pcs</p>
h.	Sea grating (2 off) & sea chest [2 off]	Opening & inspecting sea grating & sea chest, cleaning, Painting & refitting
i.	Ultra sonic readings	Taking and record plate thickness reading for the entire bottom hull and submitting a report. Including all technical test, materials and equipment
j.	Propellers	<p>a. Cleaning &amp; polishing 2 in no propellers. b. Test for backlash and rectify. c. Opening up 2 in number drain plugs, drawing oil &amp; refilling. Owners to supply fresh oil. d. Inspecting propeller guards and repair and painting as necessary.</p>
k.	Anchors and cables	<p>a. Inspecting, dropping down, ranging cleaning and calibrating b. Supply and installation of 1 No anchor/ refitting as appropriate</p>
l.	Sea valves	<p>a. Opening up, cleaning valve wheels and lags, fitting with new packing &amp; joints if found leaking. b. -Gate valves c. -Greasing and freewheeling.</p>
m.	Pipe work all engine & auxiliary rooms	<p>a. Completely wash down the engines rooms and clean down the bilges dry. (Walls, rooftops, and bilges) and painting. Dockyard to supply paint.</p> <p>b. Cropping off all pipes, supplying new and renewing sizes - Allow Dia 2 ½ x 160 running mtrs</p>
n.	Sea strainers - 5 off	Supply of material, fabricating and



	- 2 no.	blocks support bases. Supplying suitable m/s plates and plumber blocks and renewing. b. Alignment of main engine and propeller shafts - 2 sets
p.	Hull steel work	Cropping off corroded sections of the bottom hull, wing and water line areas including boot top areas, supplying new steel and renewing. (Specify plate size)
q.	Paint supply	All paints supplied as per client specifications (Specify quantities and brand)
r.	Bilges, ballast tanks & void spaces	a. Labour and materials to clean all engine room bilges, ballast tanks and void tanks and supply 1 coat of primer b. Inspecting tanks after cleaning and renewing corroded and worn out steel bulkheads, angle bars, main support beams and pipes c. Supply 400 cubic meters of fresh water for ballasting
s.	Fuel oil tanks	Open manhole covers, ventilate, clean the tanks and re-close thereafter. Calibrate the tanks fuel reading digital gauges
t.	Exhaust lagging	Carrying out lagging on the main engine exhaust trunking with appropriate material

## 2. DRY DOCKING OF MV HARAMBEE- SUPER STRUCTURE WORKS

### A. Executive Summary

Contract number: KFS/DDH- 0036/2020- Dry docking of Harambee superstructure

Date of dry-docking: 22<sup>nd</sup> December 2020

Date of completion: 15<sup>TH</sup> APRIL 2021

Contract amount: 71,524,567.59

Implementation Status: 80% completed



## B. Detailed breakdown of works

a.	Sub Item	Details of works
b.	Anchorage & deck machinery	<p>Chip, wire brush and paint anchors and chain.            Apply 1× coat of anticorrosive paint.            1× coat of bitumastic paint.            Renew the pedestal roller base plate and brackets if found not okay.            Calibrate the cable and submit records.            Fabricate anchor pockets.</p> <p>Bollards &amp; Fairleads-4off            Renew wasted bollards</p> <p>Sheaves Brackets -8off            Renew sheaves brackets as necessary a bore of 66mm per upper and lower</p>
c.	Water tight spaces	<p>Service all water tight doors and hatch hinges and cleats            Renew all rubber seals for:            Water tight doors- 3 off            Hatches -3 off            Machinery removal covers- 3 off            Propeller removal covers- 2 off            Test for water tightness.</p> <p>Additional:            Fitting seals on ventilation windows            Renewing ring/s studs and s/s nuts            On machinery and propeller removal covers 5 nos.            Fabricating and renewing missing dogs &amp; wing nuts</p>
d.	Mushroom head-ventilation system	<p>Dismantle the fans/motor assy., service and re-install.            Clean the air duct and replace the inlet/outlet wire mesh and grills.            Chip, wire brush and repair the mushroom hood, deck duct, the baseplate and replace the hood inlet wire mesh.            Service mushroom fan inlet closing/opening mechanism.            Apply:            1× coat of red oxide (all exposed steel)            1× coat of undercoat</p>

	monkey island	<p>maintain a water tight condition.</p> <p>Replace the wheel house top (Monkey Island) with 10 mm Lloyds recommended plate and renew the guard rails and the accessories supporting pipes as necessary.</p> <p>Repairing any deformed aluminum window frame and fitting back in position by welding.</p> <p>Re-design side window frames to enable opening and closing</p> <p>Supply and install one Air conditioning unit of 18000 BTU</p>
f.	Decks	<p>Main Deck</p> <p>Crop and renew worn out and heavily pitted areas identified on inspection</p> <p>Deck, Coaming and kerb pipes.</p> <p>Apply 1 coat of protective paint, 1 coat of epoxy anticorrosive paint and 1 coat of non-skid deck green, road mark the car deck.</p> <p>Top Passenger Deck.</p> <p>Crop and renew worn out and heavily pitted areas identified on inspection</p> <p>Wire brush the corroded areas and paint</p> <p>1 coat of Red deck primer</p> <p>1 coat of Grey under coat paint</p> <p>1 coat of Green nonskid deck paint.</p>
g.	Fire main	<p>Valves</p> <p>Dismantle valves lap, grease and fit back with new packing and joints. Replace all Morris washers at the hydrants.</p> <p>Replace deck riser stop valve if found defective.</p> <p>Pipes</p> <p>Inspect and pressure test to 6 bars.</p> <p>Crop off and renew wasted sections with A60 class.</p> <p>Scrap, wire brush and apply:</p> <p>1 coat of red oxide primer.</p> <p>1 coat of post office red paint finish.</p>
h.	Shipside & super structure	<p>Masts &amp; Posts</p> <p>Chip and repair/renew the mast base plate and brackets and apply protective paint.</p> <p>Re-new worn out plates Lloyds class "A" plate.</p> <p>Inspect and renew as necessary the anchor light mast ladder and backrest.</p> <p>Corroded guard &amp; handrails, ladders, structures and wheel house</p>



		<p>Apply:</p> <p>1 coat of red oxide (all exposed steel).</p> <p>1 coat of Int. Marine paint.</p> <p>1 coat of soft white paint (internal bridge house)</p> <p>1 coat grey finishing (handrails and scotting)</p>
i.	Guard rails	Crop off and renew all guard rails
j.	Prow and flaps	<p>Prows</p> <p>Chip inspects and calibrates the prow safety chains.</p> <p>Renew wasted plates and replace pulleys in bad state.</p> <p>Crop hinges and replace, inspect pins, renew round bar</p> <p>Flaps</p> <p>Inspect and renew damaged pins and brackets.</p> <p>Apply 2 coats of anticorrosive paints and 1 coat of boot topping black.</p> <p>Machining pins and nuts</p> <p>Replacing pulley covers.</p>
k.	Fendering	Rubber fender at sides each side of the vessel should be fitted with a continuous high density D-type fender of size 300 by 300 mm, fitted inside fender channels secured by stainless bolts and nuts.
l.	Electrical works	<p>Wheel house top</p> <p>To fit new search light 240vac/650w 2pcs</p> <p>To fit new mounting brackets for both magnetic horns and replace the switches.</p> <p>Wheel house</p> <p>2ft fluorescent fitting</p> <p>Upper deck</p> <p>Near life buoy lights fittings-</p> <p>240vac, 60w screw type fitting 4pcs.</p> <p>24vdc 25w screw type fitting -4pcs</p> <p>200w flood lights fitting screw type-6pcs</p> <p>2ft fluorescent fitting 2pcs store/toilets</p> <p>Lower Deck</p> <p>2ft fluorescent fitting 15pcs</p> <p>24vdc 60w screw type fitting for emergency lights 16pcs</p> <p>Engine room fans -</p> <p>revive the entire ventilation system. .</p>

		<p>4ft by 3ft by 2ft box for battery housing. Fabricate schottel battery box</p> <p>Engine Room No.1 2ft fluorescent fitting 13pcs. 24vdc 25w screw type fitting for emergency lights 3pcs Bilge alarms 24vdc 1pc Battery housing fabricate</p> <p>Engine Room No.2 2ft fluorescent fitting 13pcs 24vdc 25w screw type fitting for emergency lights 3pcs Bilge alarms 24vdc 1pc Battery housing fabrication</p> <p>Navigation lights To replace mounting brackets for the following lights: Both mast lights Revive navigation lights. Secure all hanging cables.</p>
m.	Intercom	Install new intercom system with bridge, engine room and deck connection in accordance with SOLAS latest edition/
n.	Toilets	Repair of the toilet to working condition.
o.	Gs pumps	Repair GS pumps and fire main pump.
p.	Life rings	Fabricate life rings to fit in respective position if waste d in Solas compliance.
q.	Bilge alarm	Installation of bilge alarm float switches
r.	Public address system.	<p>Install a new PA system. Two speakers on top of the wheel house facing each pr ow. Each Engine room with a speaker and talk back system Push to talk at each prow.</p>
s.	Fire alarm	Repair fire alarm system to standards

### 3. SUPPLY AND INSTALLATION OF NEW PROW LIFTING SYSTEM ; HYDRAULIC POWER PACK (HPP) AND ASSOCIATED WORKS

#### A. Executive Summary

Contract number: KFSCT-0028/2020- Design, supply, installation, Testing and Commissioning of the New HPP for Ferries

*Handwritten signature/initials*



Date of Commencement: 6<sup>th</sup> July 2020

Expected Date of completion: 28<sup>th</sup> April 2021

Contract amount: 23,225,995.20

Implementation status: The project design for the new hydraulic power packs was developed for all the three ferries (MV Harambee, Kilindini and Nyayo) and approved. All materials and equipment have been procured and delivered to site, dismantling and the installation of the new system is ongoing concurrently with other repair works at M/S Southern Engineering Co. Ltd and is currently at 70% completion.

**B. Detailed breakdown of works undertaken**

The major components for the power pack are as follows:

- a. Bridge control and local control system.
- b. Four ramp hydraulic cylinders min pressures of 240 bars dia 100×80×2620.
- c. Four ramp braking cylinders min pressures 40 bars, dia 60×35×135.
- d. Two pressure pumps min pressures 250 bars.
- e. Two electric motors 35kw, 400v, 50HZ.
- f. Closing angle of min 40deg, operating time of app 30 sec.
- g. Control and proportional valves.
- h. Proportional valves with manual override.
- i. Piping material as per class rules.
- j. Steel hydraulic pipe fitting.
- k. Bulk head or deck penetration to be made by welded type bulkhead fitting.
- l. Audible operation sensors
- m. Installation of anchor winch Load capacity 1-5ton, single drum of 10m-15m chain ,100m-150m wire rope, speed of min 20m/min, electric/hydraulic driven.
- n. Static pressure tested at 1.5 safety factor.
- o. Simple barrier gates on both sides of the ramp

**REPORT AS AT MARCH 2021**







REPUBLIC OF KENYA

**MINISTRY OF LANDS AND PHYSICAL PLANNING**  
**Office of the Principal Secretary**

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Nairobi, KENYA

Ref. No. MOLPP/ADM/CSO/1/566

October 27, 2020

Mr. Michael Sialai, EBC  
The Clerk  
National Assembly  
Parliament Buildings  
P. O. Box 41842-00100  
**NAIROBI**

Dear *Sialai*

**RE: IMPLEMENTATION STATUS OF HOUSE RESOLUTIONS**

Reference is made to your letter Ref. NA/DCS/COI/2020/ (69) dated September 30, 2020 requesting information on the implementation status of various reports of the Departmental Committee on Lands.

We forward herewith our report on the information requested. We hope that the information is sufficient.

Thank you for your continued support and cooperation.

Yours *Nicholas Muraguri*

Dr. Nicholas Muraguri, CBS  
**PRINCIPAL SECRETARY**

Encl.





**REPUBLIC OF KENYA**

**MINISTRY OF LANDS AND PHYSICAL PLANNING**

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**SUBMISSIONS TO THE SELECT COMMITTEE ON IMPLEMENTATION ON  
IMPLEMETATION STATUS OF REPORTS OF THE DEPARTMENTAL  
COMMITTEE ON LANDS**

**Honorable Chair,**

Pursuant to a letter Ref. **NA/DCS/COI/2020/ (69)** dated September 30, 2020 the Committee requested the Cabinet Secretary Ministry of Lands and Physical Planning to report on the implementation status of-

1. Report of the Departmental Committee on Lands on its consideration of the petition regarding the status of the leased land meant for expansion of Moi International Airport
2. Report of the Departmental Committee on Lands on its consideration of the petition regarding irregular acquisition of land in Ndalani Ward, Yatta Constituency
3. Report of the Departmental Committee on Lands on its consideration of the petition on unlawful occupation of ancestral land by KDF School of Artillery (78 Tank Battalion)
4. The Report of the Departmental Committee on Lands on its consideration of the petition on unlawful displacement of residents, loss of property and closure of schools in Ntoroni Sub-Location in Tharaka Constituency
5. Report of the Departmental Committee on Lands on its consideration of the petition on delay in allocation of land in Mwea Settlement Scheme to legitimate beneficiaries
6. Report of the Departmental Committee on Lands on the inquiry into a complaint by Kamiti Anmer Forest Squatters Association regarding allocation of land L.R No. 8390 in Kamiti Anmer Forest

7. Report of the Departmental Committee on Lands on its consideration of a petition on irregular renewal of leases of land by Del Monte Kenya Limited
8. Report of the Departmental Committee of Lands on its consideration of the petition regarding dispossession of ancestral land in Sabaki Ward, Magarini Constituency
9. Report of the Departmental Committee on Lands on its consideration of the petition regarding delayed compensation of land owners for the expansion of Sigalagala-Musoli-Bukura- Butere Road D260
10. Report of the Departmental Committee on Lands regarding land issues in Taita Taveta County.

**Honorable Chair,** we wish to submit as follows-

1. **Report of the Departmental Committee on Lands on its consideration of the petition on unlawful occupation of ancestral land by KDF School of Artillery (78 Tank Battalion)**

### **1.1 Background**

The Committee considered a petition by residents of Tigania East Constituency regarding the alleged unlawful occupation of their ancestral land by KDF School of Artillery (78 Tank Battalion). The Petitioners sought the intervention of Parliament to:

- a) Inquire into the circumstances under which the Kenya Defence Forces annexed an extra 20,000 acres of land belonging to the residents in excess of what was allocated to it by the County Councils of Isiolo, Samburu and Turkana in 1977 and the issuance thereof of an allotment letter on June 12, 2018 in respect of the 20,000 acres.
- b) Intervene through the Ministry of Lands and Physical Planning and other relevant government agencies to cause survey of the land so as to clearly demarcate the portion of land that rightfully belongs to residents and that which was allocated to the Kenya Defence Forces by the County Councils of Isiolo, Samburu and Turkana.



c) Make any other recommendation(s) deemed fit in the circumstances.

The Committee in considering the petition observed that the 78 Tank Battalion land was declared an adjudication section on March 11, 2016 and thereafter an amendment on the sectional boundaries was done on June 29, 2018. An allotment letter was subsequently issued on July 12, 2018 to the Kenya Defence Forces (KDF), two (2) years after the adjudication.

The Committee noted that the Ministry of Lands and Physical Planning erred in the demarcation of boundaries for the adjudication of Ngare Mara Adjudication Section and inadvertently adjudicated into the KDF land. The Committee further noted that the failure by the Kenya Defence Forces to secure and demarcate their land had contributed to the residents settling on the land.

It was also observed that although there was a Gazette Notice No. 3210 of 1977 inviting persons who had claim on the land allocated to the KDF to make application for compensation, the members of the public may not have had access to the Gazette Notice. There was also no evidence presented to the Committee indicating whether any person ever lodged a claim on the land in question.

The Committee thus recommended-

- i) The National Land Commission does determine the persons who had claim on the 78 Tank Battalion land as of the date of issuance of the Gazette Notice Number 3210 of 1977 and compensate the affected persons for loss of property within three months of tabling of this report.
- ii) The Ministry of Defence does secure all land allocated to the military to prevent encroachment and ownership disputes.
- iii) Finally, the Committee recommends that the Ministry of Lands and Physical Planning does survey the 78 Tank Battalion Land to clearly demarcate the land belong to the Kenya Defence Forces and the residents.

## **1.2 Implementation Status**

**Honorable Chair**, the Ministry of Lands and Physical Planning in conjunction with the Ministry of Defence is currently undertaking a Military Titling Programme. Amongst the parcels targeted by the programme is the Isiolo Barracks (78 Tank Battalion Land is part of Isiolo Barracks).

The Ministry has surveyed the original land allocated to Isiolo Barracks issued L.R. No. 27098 measuring approximately 8323 Hectares and a Certificate of Title IR 213242 registered (**Annexure 1**).

The Ministry has also surveyed the land occupied by the 78 Tank Battalion issued L.R. No. 32634. A Deed Plan is being processed to facilitate preparation of a title in favour of Kenya Defence Forces.

## **2. Report of the Departmental Committee on Lands on its consideration of the petition on unlawful displacement of residents, loss of property and closure of schools in Ntoroni Sub-location in Tharaka Constituency**

### **2.1 Background**

The petitioners were displaced from their homes due to politically instigated communal clashes that took place between 1995 and 1997. They lost their property in addition nine (9) schools were razed down. The Government set up a taskforce led by Mr. Zachary Ogongo to look into the issue and report on the same. The report of the taskforce was published in 2007 with the following recommendations:

<b>S/No.</b>	<b>Recommendation</b>	<b>Actor</b>
1.	Government should give priority to peace and security in the area and the protection of beacons and control points from vandalism	Ministry of Interior & Coordination of National Government
2.	Enforcement of the rule of law and provision of impartial services to wananchi	Judiciary, All Ministries



3.	Government to expedite land adjudication in Meru region through crash programmes	Ministry of Lands & Physical Planning
4.	Promotion of peace and reconciliation accompanied by increased socio-economic investment to improve local infrastructure and standards of living	All Ministries, Multi - Sectoral
5.	Government to urgently address the plight of squatters	Ministry of Interior & Coordination of National Government & Ministry of Lands & Physical Planning
6.	Affirmative action in appointments and placements in training institutions and respect for ethnic minority rights	Multi-Sectoral
7.	Re-training of Chiefs and their assistants to make them true grassroots government representatives	Ministry of Interior & Coordination of National Government
8.	a) The former Northern Grazing Area (NGA) land should be managed in a transparent manner so that it does not become an area of conflict	Ministry of Interior & Coordination of National Government

Our report to the Committee dated July 12, 2019 outlined the steps taken to implement the recommendations directed at the Ministry:

- i) Held consultative meetings with leaders of Meru and Tharaka Nithi Counties to enhance a participatory approach in land adjudication.
- ii) Re-established the boundary between Isiolo and Meru Counties in liason with the Ministry of Interior and Coordination of National Government.
- iii) Regularized the informal settlements of Majengo and Mjini villages in Meru town. Ninety-Six (96) titles had been prepared. Forty -six (46) had been issued.
- iv) Fast tracked land adjudication in Lower East Magutuni, Ruiru/Rwarera, Turima, Mukothima, Karocho, Mbwaa I, Mbwaa II, New Kiare, Amung'enti B, C, D & E and Kirindine B. The undeclared sections of

Thiiti, Ntoroni, Makururuni and Kathura were to be administered under the Community Land Act, 2016.

The committee in considering the petition also received submissions from the petitioners, Ministry of Interior and Coordination of National Government and Ministry of Education. In the end, the Committee in a report dated December 2019 recommended:

- i) The Ministry of Lands & Physical Planning and the Ministry of Interior and Coordination of National Government do fully implement the Zachary Ogongo task force recommendations within 90 days of tabling of the report.
- ii) The Ministry of Lands and Physical Planning does operationalize the lands office in Tharaka Sub-County by deploying officers to serve in the station to ensure that the residents of Tharaka Constituency access land related services within 90 days of tabling of the report.

## 2.2 Implementation Status

Honorable Chair, further to our report of July 12, 2019, we wish to report as follows-

S/No.	Adjudication Section	Status
1.	Lower East Magutuni Kirindine B Ruiru Rwarera	Adjudication has been finalized <b>Annexure 2 a-c</b> are copies of the certificates of finality. Number of titles prepared- 4,445 Data capture for 4,967 land parcels is in progress at the National Titling Centre and will be finalized by June 2021. Total expected titles – 9,412
2.	New Kiare	Adjudication Register was published complete on 31 <sup>st</sup> August 2020. Number of expected titles - 12,610
3.	Amungenti B, C and E	Hearing and determination



		<p>of objections to the Adjudication Register is ongoing.</p> <p>Number of pending objections-677</p> <p>Number of expected titles-7,480</p>
4.	Mbwaa II	<p>Under demarcation and Survey.</p> <p>Number of expected titles - 4,873</p>
5.	Mbwaa I	<p>Adjudication halted by Environment and Land Court case No.16 of 2016 at Meru High Court.</p>
6.	Amungenti D	<p>Adjudication halted by Constitutional Petition No. 4 of 2017 at Meru High Court.</p>
7.	<p>Kiamuri B</p> <p>Igarie</p> <p>Thangatha/Ngongoaka</p> <p>Karocho</p> <p>Turima</p> <p>Mukothima</p> <p>Karie/Kamonka/Kathanje/Kathingithu</p>	<p>Adjudication is still on hold due to the boundary dispute between Meru and Tharaka Nithi counties.</p> <p>Several meetings have been held between the Ministry of Lands and Physical Planning, Ministry of Interior and coordination of National government to resolve the Matter. A joint team toured the area between 16<sup>th</sup> and 20<sup>th</sup> of June 2020 on a fact-finding mission.</p> <p>A budget for the adjudication process has been prepared and the exercise is programmed to be undertaken in the current financial year.</p>

The undeclared areas namely Thiiti, Ntoroni, Makururuni and Kathura are administered under the Community Land Act, 2016. The Act requires the Ministry in consultation with county governments, National Land Commission and other stakeholders to create awareness on the Act. Public education and awareness has been undertaken in 24 counties with community land. Sensitization programme for the communities in Meru County was carried out between December 16-20, 2020.

**Honorable Chair,** under the Act, County Governments (in consultation with the Communities) are required to prepare an inventory of all unregistered land in their jurisdiction to be submitted to the Ministry. This will pave way for the publication of an adjudication programme that would lead to registration of the community land. The Ministry will embark on the adjudication process once the inventory of the unregistered land is received.

The informal settlements of Majengo and Mjini Villages in Meru Town have been regularized and titles issued. The Ministry has opened a land registry in Marimanti in Tharaka Nithi County, which is now fully operational.

3. The report of the Departmental Committee on Lands on its consideration of a petition on delay in allocation of land in Mwea Settlement Scheme to legitimate beneficiaries.

### 3.1 Background

**Honorable Chair,** Mr. Stephen Ngari Njuki petitioned Parliament regarding delay in the allocation of land in Mwea Settlement Scheme located in Embu County. The Scheme was established on LR No. 26461 (FR No. 317/30) and measures approximately 17, 830.6 Hectares. There have been conflicts regarding administration of the scheme dating back to the 1970s which relevant agencies including the courts have been trying to resolve.

Efforts to resolve the disputes through alternative dispute resolution mechanism led by the National Land Commission, the County Government of Embu and the local leadership reached a consensus on sharing of the scheme to the disputing communities (Mbeere 40%, Embu 20%, Mwea (Kamba) 30% and Kirinyaga (Kikuyu 10%).



The scheme was surveyed and allocated by the County Government in 2014. The process was however challenged in court and an order issued by the High Court on August 26, 2016 to restrain the Ministry of Lands & Physical Planning from issuing title deeds. The court order was vacated on December 6, 2016 paving way for the issuance of title deeds.

The resettlement exercise resumed and 6,292 title deeds were issued. Disputes arose during the showing of plots in 2018, which posed security concerns and led to suspension of the exercise. By this time, 3,641 beneficiaries had been shown their plots.

The National Assembly Departmental Committee on Lands considered the petition and, in its report, dated December 4, 2019 recommended that a multi-agency committee led by the Ministry of Interior and Coordination of National Government, County Government of Embu and the Ministry of Lands & Physical Planning do ensure that the beneficiaries of the scheme access the land within ninety (90) days.

### **3.2 Implementation Status**

**Honorable Chair**, the Ministry nominated officers to the proposed multi-agency Committee to address the pending issues. The exercise has however been hampered by the Covid-19 pandemic and the Ministry of Health guidelines on management of the disease. We shall resume the process once the Ministry of health eases the guidelines issued.

## **4. Report on inquiry into a complaint by Kamiti Anmer Forest Squatters Association regarding allocation of land L. R No. 8390 in Kamiti Anmer Forest**

### **4.1 Background**

The Committee considered a petition by members of Kamiti Anmer Forest Squatters Association claiming ownership of L. R No. 8390 Kamiti/Anmer Forest measuring approximately 419.5 acres (169.8 Ha). The forest was gazetted vide proclamation No. 14 of 1933 and subsequently declared a central forest vide Legal Notice No. 174 of May 20, 1964.

Following the 1992 post-election violence, H. E. Retired President Daniel T. Arap Moi made a public presidential pronouncement directing the excision of part of the forest for resettlement of internally displaced persons from

then Rift Valley Province. By a letter Ref. D74/1/173 the then Provincial Commissioner, Central Province, Mr. Victor Musoga conveyed the pronouncement to the defunct Kiambu County Council and allowed the County Council to resettle the squatters on 300 acres of the forest land.

The land was settled on and is now fully developed. 149 titles have been issued to members of Kamiti Anmer Development Association despite the degazettement process not having been undertaken under the repealed Forest Act (Cap. 385), the Forest Act, 2005 or the Forest Conservation and Management Act, 2016.

Three other groups residing on the land namely Kamiti Forest Squatters Association, Muungano Kamiti Group and Kamiti Anmer Development Group also claim ownership of the land and have disputed the titles issued to Kamiti Anmer Development Association.

In the report dated June 13, 2019 the Committee found that security concerns due to disputes between the groups concerning ownership of the land required urgent settlement through regularization of the degazettement process and subsequent allocation to members of the four groups.

The Committee thus recommended as follows-

- i) Pursuant to Section 34 of the Forest Conservation and Management Act, 2016, L.R No. 8390 Kamiti/ Anmer Forest be de-gazetted and excised from the Kamiti Forest for purposes of settlement of members of Kamiti Forest Squatters Association, Kamiti Anmer Development Association, Muungano Kamiti Group and Kamiti Anmer Development Welfare Group
- ii) The Cabinet Secretary, Ministry of Lands and Physical Planning in consultation with the Cabinet Secretaries, Ministry of Interior and Coordination of National Government, Ministry of Environment and Forestry and the National Land Commission do ensure through alternative dispute resolution mechanisms that the allocation of L.R No. 8390 Kamiti/Anmer is regularized taking into consideration the membership of the four groups, physical developments undertaken on the land and the public utilities existing on the land within sixty days of adoption of this report by the House.



## 4.2 Implementation Status

**Honorable Chair**, further to our submissions vide our report dated February 3, 2020, we wish to report that we are in the process of preparing for tabling before cabinet, a cabinet memorandum on degazettement of forestlands settled by squatters. Kamiti/Anmer Forest is among the forestland identified to be included in the cabinet memorandum. We shall update the Committee on the progress.

## **5. Report on a petition on irregular renewal of leases of land by Del Monte Kenya Limited**

### **5.1 Background**

The Committee considered a petition presented by Mr. Philip Njuguna on behalf of Kandara Residents Association regarding irregular renewal of leases held by Del Monte Kenya Limited.

The Petitioners claimed to be the original owners of land presently occupied by Del Monte Kenya Limited but were illegally displaced and the land leased to the company. They were aggrieved that the County Government of Muranga had renewed the leases for the company without first involving the public as required by Section 13 of the Land Act, 2012. They also claimed that the county government disregarded the determination of the National Land Commission rendered on February 7, 2019 in their historical injustice claim filed with the Commission.

The Commission had directed that-

- i) The land held by Del Monte Kenya Limited should be resurveyed to establish if the company was in possession of land that it is not registered to hold
- ii) The surplus land, if any, should be surrendered to Kandara Residents Association and the county government for public purpose in the ratio of 70:30 respectively
- iii) Where no surplus land is found, the county government of Muranga should retain adequate land for the settlement of the claimants and for public purpose upon expiry of the leases
- iv) Del Monte Kenya Limited should surrender all public utilities within the land in question to the relevant national and county government agencies whether the leases have expired or not.

In considering the report, the observed that the submissions made by the Ministry and Hon. Jude Njomo, Member of Parliament, Kiambu Constituency regarding registration of the lease held by the company in Muranga County registered as L. R No. 12158 (measuring approximately 2900 acres) differed. While the Ministry submitted that the parcel of land arose out of the amalgamation of land parcels L.R Nos. 10862, 10741, 11312, 2953, 4873 and 11146, the Hon. Member of Parliament informed the Committee that the said parcels

Rappit B Limited were irregularly acquired by Del Monte Kenya Limited within ninety days of tabling of the report

## 5.2 Implementation Status

**Honorable Chair**, further to our submission vide a report dated February 3, 2020 the Ministry has surveyed the following land currently owned by Del Monte Kenya Limited both in Muranga and Kiambu counties -

- i) L.R No.12157/1 (measuring 3860 Ha) in Muranga County (as per F/R 316/67) (**Annexure 3**)
- ii) L.R No. 12157/3 (measuring 2.987 Ha) in Muranga County (as per F/R316/67)
- iii) L.R No.12158 (measuring 2963.1 Hectares) traversing Muranga and Kiambu Counties (as per F/R 127/3) (**Annexure 4**)
- iv) L.R No.12203/1 (measuring 2072 Hectares) in Kiambu County (as per F/R 315/66) (**Annexure 5**)

The Survey was guided by subdivision scheme plans prepared by a registered physical planner practicing as Real Plan Consultants Limited of P.O. Box 1555 – 00200, Nairobi. The Subdivision Scheme Plans were referenced:

- a) RPC/1170(F)/2020/016 – Proposed subdivision of LR. No 12157/1 to excise all eight (8) public use plots in Gatanga Sub-County, Muranga County (**Annexure 6**)

The parcels excised were:

- i) A – 8245.06 Acres to remain under Del Monte Kenya Ltd (Agricultural)
  - ii) B – 5.02 Acres for Public purpose (Ngati Police Station and Chief's camp)
  - iii) C – 5.16 Acres for Educational purpose (Del Monte Mixed Secondary School)
  - iv) D – 2.62 Acres for Educational purpose (Kihunguru Primary School)
  - v) E – 4.62 Acres for Recreational purpose (Public Play Ground)
  - vi) F – 2.99 Acres for Public utility purpose (Ithanga Water Supply Intake)
  - vii) G – 1187.17 Acres – Public Land
  - viii) H – 192.83 Acres – Public Land
  - ix) J – 20.00 Acres – Public Land
  - x) 66.08 Acres for road widening and access roads
- b) RPC/1170(c)/020/005 – Proposed Subdivision of L.R No 12157/3 located in Gatanga Sub-County, Muranga County in to two portions (**Annexure 7**)
    - i) A – 1.88 Ha
    - ii) B – 1.11 Ha
  - c) RPC/1169/020/017 - Proposed Subdivision of L.R No 12158 into three subplots located in Gatanga Sub-County, Muranga County in to two portions (**Annexure 8**)



## 5. Report on a petition on irregular renewal of leases of land by Del Monte Kenya Limited

### 5.1 Background

The Committee considered a petition presented by Mr. Philip Njuguna on behalf of Kandara Residents Association regarding irregular renewal of leases held by Del Monte Kenya Limited.

The Petitioners claimed to be the original owners of land presently occupied by Del Monte Kenya Limited but were illegally displaced and the land leased to the company. They were aggrieved that the County Government of Muranga had renewed the leases for the company without first involving the public as required by Section 13 of the Land Act, 2012. They also claimed that the county government disregarded the determination of the National Land Commission rendered on February 7, 2019 in their historical injustice claim filed with the Commission.

The Commission had directed that-

- i) The land held by Del Monte Kenya Limited should be resurveyed to establish if the company was in possession of land that it is not registered to hold
- ii) The surplus land, if any, should be surrendered to Kandara Residents Association and the county government for public purpose in the ratio of 70:30 respectively
- iii) Where no surplus land is found, the county government of Muranga should retain adequate land for the settlement of the claimants and for public purpose upon expiry of the leases
- iv) Del Monte Kenya Limited should surrender all public utilities within the land in question to the relevant national and county government agencies whether the leases have expired or not.

In considering the report, the observed that the submissions made by the Ministry and Hon. Jude Njomo, Member of Parliament, Kiambu Constituency regarding registration of the lease held by the company in Muranga County registered as L. R No. 12158 (measuring approximately 2900 acres) differed. While the Ministry submitted that the parcel of land arose out of the amalgamation of land parcels L.R Nos. 10862, 10741, 11312, 2953, 4873 and 11146, the Hon. Member of Parliament informed the Committee that the said parcels were surrendered to the Government by two companies namely, Sassa Coffee and Rappit B Limited and were later irregularly acquired by Del Monte Company Limited.

In view of the above, the Committee recommended as follows-

- i) The Director of Survey, Ministry of Lands and Physical Planning does resurvey the land held by Del Monte Kenya Limited in Muranga and Kiambu counties within 90 days of tabling of the report
- ii) The National Land Commission does investigate the circumstances under which L.R Nos. 10862, 10741, 11312, 2953, 4873 and 11146 that were said to have been surrendered to the government by two companies namely Sassa Coffee and



The Commission had not concluded the case at expiry of the prescribed period for review grants and dispositions under Section 14 of the National Land Commission Act, 2012.

In its report dated July 2019, the Committee noted with concern the inordinate delay by the Ethics and Anti-Corruption Commission and the National Land Commission to investigate the allegations of irregular allocations despite having received the complaints in 2010 and 2014 respectively. The committee was also concerned that EACC has not placed caveats to restrict further sub-divisions of the land. It therefore made the following recommendations-

- i) Pursuant to section 15 of the National Land Commission Act, 2012, the National Land Commission investigates the historical land injustice claim of the Petitioners and where it establishes valid claims of historical land injustice consider ordering the revocation of titles issued in respect of ADC Kiswani Home Farm, comprising land registration numbers 540, M53, M3B and LR. No. 5061 in Malindi and reallocation of the land to the Petitioners
- ii) The Ethics and Anti-Corruption Commission should expedite and conclude investigating all persons who may have been involved in illegally disposing of the ADC Kiswani Home Farm, comprising land registration numbers 540, M53, M3B and LR. No. 5061 in Malindi, including issuance of titles on public land and recommend prosecution to the Director of Public Prosecutions if any person is found culpable within ninety days of tabling of this report
- iii) Pursuant to the procedure provided under section 76 of the Lands Registration Act, 2012, the Registrar of Lands does immediately place restrictions on the ADC Kiswani Home Farm, comprising land registration numbers 540, M53, M3B and LR. No. 5061 in Malindi to guard against further illegal disposal of the land upon tabling of this Report
- iv) The Ethics and Anti-Corruption Commission investigates the circumstances a person serving as an officer of a state corporation acquired a share in the said same state corporation and therefore establish the propriety under which the former managing director of ADC, Dr. Andrew Tuimur acquired one share of Lands Limited a subsidiary of the ADC.

## **6.2 Implementation Status**

Honorable Chair, further to our report of February 20, 2020, we confirm that restrictions were placed on the said parcels Nos. 540, M53, M3B and LR. No 5061 to prohibit further dealings on the land. Copies of the current official searches are hereby attached marked **Annexure 11**.

- i) A – 1936.58 Ha – Agricultural (Muranga County)
  - ii) B – 1034.38 Ha – Agricultural (Kiambu County)
  - iii) D – 1.54 Ha – Education (Nginyi Primary School)
- d) RPC/1169/019/025 - Proposed Subdivision of L.R No 12158 into three subplots and change of user of subplot C from Agricultural to Educational (Ndula Primary and Secondary Schools) located in Kiambu County (**Annexure 9**)
- i) A – 1938.12 Ha – Agricultural (Muranga County)
  - ii) B – 1029.41 Ha – Agricultural (Kiambu County)
  - iii) D – 4.97 Ha – Educational (Ndula Primary and Secondary Schools)
- e) RPC/1169/019/026 – Proposed Subdivision of L.R No. 12203/1 in to five subplots in Kiambu County (**Annexure 10**)
- i) A – 1792.54Ha – Remains with Del Monte Kenya Ltd.
  - ii) B – 55.32Ha - Surrender to County Government of Kiambu
  - iii) C – 67.30Ha - Surrender to County Government of Kiambu
  - iv) D – 131.50Ha- Surrender to County Government of Kiambu
  - v) E – 25.50Ha - Surrender to County Government of Kiambu

The survey of all these parcels is complete and awaits approvals from both county governments of Muranga and Kiambu.

## 6. Report on a petition by residents of Sabaki Ward, Magarini Constituency regarding dispossession of ancestral land

### 6.1 Background

The Committee considered a petition presented by residents of Sabaki Ward, Magarini Constituency in Malindi County regarding dispossession of their ancestral land (known as ADC Kiswani Home Farm) within land registration nos. 540, M53, M3B and L.R 5061.

The residents were evicted by the colonial government from the land in 1927 to pave way for establishment of Kisima Farm owned by a foreign national. They did not receive compensation. The Government purchased the land after independence through Lands Limited and allocated it to Agricultural Development Corporation (ADC). The management of ADC subdivided the land and allocated it to individuals and companies in the 1990s without the approval of the ADC board or Lands Limited Board.

The Ethics and Anti-Corruption Commission commenced investigations into the irregular subdivisions and allocations in 2010. The matter has been pending before the Commission since then. The case was also referred to the National Land Commission in 2014 by the residents. In 2015, the Commission directed that the transactions be stopped. By this time, approximately 66% of the titles had been issued.



## **7. Report on a petition by residents of Ikolomani Constituency regarding delayed compensation of land owners for the expansion of Sigalagala-Musoli-Bukura Butere Road D260**

### **7.1 Background**

The National Government through the Kenya Rural Roads Authority embarked on upgrading of the approximately 35 Kilometres long Sigalagala-Musoli-Bukura Butere Road in 2011. The construction encroached into private properties displacing many of the residents residing along the road.

At the start of the project, the Authority entered into an agreement with the landowners to allow it to enter into the affected land for the purpose of construction of the road. The Authority jointly with the landowners and an agricultural officer documented the developments for purposes of compensation.

In 2012, the Authority submitted the request for compulsory land acquisition to the then Commissioner of Lands. However, the enactment of the Land Act in 2012 shifted the mandate of compulsory land acquisition to the National Land Commission. The Commission was constituted in 2013 and it took over the matter and published the intention to acquire the land vide gazette notice no. 6472 of July 7, 2017. The Commission and KeRRA between March and May 2018 carried out inspections of the properties affected by the project. After the inspections, the Commission requested KeRRA to revise the land acquisition maps to reflect the actual status on the ground.

Gazettement of inquiries into claims of compensation by those affected by the project has been pending awaiting submission of the revised land acquisition maps and the appointment of the new Commissioners as it is only the Chairperson who can approve and gazette the inquiries.

In the report, the Committee observed that the delay in compensating the affected residents was inordinate, not justifiable and contravened the requirement for prompt and just compensation as contained in Article 40 of the Constitution as read with the Land Act, 2012.

The Committee thus recommended as follows-

- i) Pursuant to the provisions of Article 40 of the Constitution and the Land Act, 2012, the Chairperson National Land Commission does gazette the inquiry dates for the compulsory acquisition of land for the Sigalagala – Musoli – Bukura Butere Road project within ninety days of the tabling of this report
- ii) The National Land Commission does conduct the valuation of parcels of land, crops and trees affected by the project within ninety days upon the gazettement of the inquiry dates for the Sigalagala – Musoli – Bukura Butere Road

- iii) Upon the conclusion of the inquiries and remittance of compensation funds from Kenya Rural Road Authority (KeRRA), the Chairperson, National Land Commission does disburse the compensation funds to the respective project affected persons within ninety days.

## **7.2 Implementation Status**

The mandate to compulsorily acquire private land for government projects lies with the National Land Commission. The recommendations for implementation as advised by the Committee are to be actioned by the Commission and KeRRA.

## **8.0 Report of the Departmental Committee on Lands regarding land issues in Taita Taveta County.**

### **Background**

The petition emanated from allegations that Teita Sisal Estate had encroached into a contiguous community land. The National Assembly Departmental Committee on Lands recommended that the Ministry ascertains the boundaries. A boundary confirmation survey was carried out on the land and it was discovered that the community had encroached into the Sisal Estate. Consequently, the proprietor of the Estate offered to surrender the portion of land occupied by the community.

The Committee on its consideration of the matter therefore recommended the excision of 250 acres of land from Teita Sisal Estate for formalization of settlement of residents of Singila Majengo village in addition to the public utilities within the estate as agreed by the Management of Teita Sisal Estate.

This Committee invited the Cabinet Secretary to a meeting on June 17, 2020 vide a letter Ref. NA/DCS/CO1/2020/ (12) dated May 27, 2020 to provide a status report of the excision of the 250 acres from Teita Sisal Estate. A report dated June 16, 2020 was submitted to the Committee (**Annexure 1**).

The Ministry reported that the excision of Singila Majengo Village, Mwandisha Primary School and the public utilities including the roads and the railway reserves was undertaken vide Survey Plan No. F/R 467/87. This was to be followed by an approval of the subdivision scheme plan by the County Government of Taita Taveta which had not been obtained. The Ministry requested for time to conclude the excision process and settle the genuine squatters.

### **1.2 Implementation Status**

**Honourable Chair**, further to our report of June 15, 2020, a meeting between the County Government of Taita Taveta and the Ministry of Lands & Physical Planning was held on July 19, 2019.



It was agreed that the County Government would facilitate the preparation and approval of the subdivision scheme plan based on the survey data collected by the survey team. The County Government is yet to approve the same.

A total of 1368 out of the 1500 parcels have been demarcated and the ground occupants verified. 45 ownership disputes have been resolved.

Teita Sisal Estate has committed to surrender the original title so that the excision process can be finalized.

**Honourable Chair**, the Ministry is engaging the county government with a view to finalize the process as soon as possible.

Honorable Chair, I submit.



Dr. Nicholas Muraguri  
**Principal Secretary**

October 27, 2020



Telephone Nairobi 2221221  
Email: [chiefregistrar@court.go.ke](mailto:chiefregistrar@court.go.ke)



CHIEF REGISTRAR'S CHAMBERS, JUDICIARY  
SUPREME COURT BUILDING  
P.O. Box 30041 - 00100  
NAIROBI

When replying please quote

Ref: CRJ/3

THE JUDICIARY

22<sup>nd</sup> October, 2020

Your Ref: NA/DCS/COI/2020 (62)

The Clerk  
National Assembly  
Parliament Building  
P.O. Box 41842-00100  
NAIROBI.

Attn: Ms. Tracy Chebet Koskei

Dear Sir,

**RE: IMPLEMENTATION STATUS OF HOUSE RESOLUTIONS**

We refer to the above matter and your letter dated 21<sup>st</sup> September, 2020 on the same.

Enclosed herewith, kindly find 24 copies of the matrix showing the status of implementation of the Recommendations of the House arising from the State of the Judiciary and the Administration of Justice Report for the financial years 2016/17 and 2017/18.

Thank you.

  
ANNE A. AMADI, CBS  
**CHIEF REGISTRAR OF THE JUDICIARY**

jmw/aaa





# IMPLEMENTATION OF THE NATIONAL ASSEMBLY RECOMMENDATIONS.

## 1. RECOMMENDATIONS FROM THE SOJAR REPORT 2016/2017

S/NO	RECOMMENDATION	ACTION TAKEN
1.	Ensure all programs and activities are implemented timeously to improve on service delivery.	The Judicial Officers and staff have been placed on performance management and both the judicial and administrative functions are now subjected to regular reviews to ensure that they are timeously undertaken. The management undertakes regular monitoring and receives reports on the progress made.
2.	The Judiciary to propose legislation to provide statutory timelines for the hearing and determination of cases by courts.	The recommendation is being fine-tuned by the Directorate of Planning and Organisational Development and will be submitted for management approval and forwarding to the Judiciary Rules Committee for consideration and compliance
3.	The Judiciary to increase the jurisdiction of Magistrates to deal with matters currently a preserve of the High Court to reduce case backlog.	The recommendation has been submitted to the management for consideration. Awaiting the input of the stakeholders before finalisation and submission to the Hon. Chief Justice for implementation.
4.	The Judiciary to immediately submit to National Assembly the Rules to operationalise the Small Claims Act, 2016.	The Small Claims Rules have been approved. Operationalisation of the Small Claims Court will commence before the close of the financial year.
5.	The Judiciary to initiate legislative amendments to increase the time for the determination of the Presidential election petitions from 14 days to 30 days.	The proposal was presented to the Building Bridges Initiative Task Force for consideration in the anticipated Constitutional Changes
6.	The Judiciary should initiate legislation to enable it earn interest on all monies held in its various bank Accounts.	A team to prepare the amendments has completed its work. The same will be shared with the National Treasury before presentation to the National Assembly. In the meantime, we



		have negotiated with the banks to pay some interest on deposits held by the Judiciary in its various bank accounts
7.	The Judiciary should ensure that there is proper project planning and implementation to projects to be undertaken on time and to the acceptable standards.	Project Managers and the Contract Implementation Teams have been appointed to ensure that all projects are implemented on time and that there is quality and value for money. A report is prepared and presented on each project and the same verified by the Inspection and Acceptance teams.
8.	The Judiciary should ensure old projects are completed before embarking on new ones.	Old projects have been prioritised and no new projects have been commenced in the last Financial Year. Emphasis is placed on completing old projects.
9.	The Judiciary should ensure that it obtains title documents for all its lands.	The Task Force set up to inquire in the issue of the Judiciary land finalised its report and presented the same to the Chief Justice. The Office of the Chief Registrar has taken up the implementation of the report and the target is to have all Judiciary land titled by 30 <sup>th</sup> June. 2022.
10.	The National Council on the Administration of Justice (NCAJ) to ensure that all agencies submit their annual reports.	All agencies under the NCAJ have in the subsequent years submitted their reports to the council and the same incorporated in the State of the Judiciary on the Administration of Justice Report (SOJAR), including in the current report for 2019/20
11.	The National Council on Administration of Justice to determine whether to be established as a body corporate and take further necessary action.	The National Council is giving the recommendation consideration and engaging both the members and other stakeholders before determining a way forward.
12.	The Judiciary and the Office of the Attorney General to dialogue and agree on where to host the National Council for Law Reporting.	Discussions are underway to have a conclusive way forward on the same.





## 2. RECOMMENDATIONS FROM THE SOJAR REPORT FOR 2017/2018.

S/NO	RECOMMENDATION	ACTION TAKEN
1.	The Judiciary to submit to the National Assembly a legislative proposal to entrench the Office of the Judiciary Ombudsman in Law.	The matter is under consideration by the internal stakeholders and the recommendation will be acted upon by the close of the current financial year
2.	The Judiciary should create public awareness on the existence and functions of the office of the Judiciary ombudsman.	The Office of the Judiciary Ombudsman has been facilitated to engage the public through public barazas, open days, shows and in collaboration with other actors to sensitise the public on its existence and role. In addition, the office has engaged local radio stations to reach out to the wider public and inform them of its existence and functions
3.	The Judiciary to propose legislative amendments on the timelines for the hearing and determination of cases in court.	The recommendation is being fine-tuned by the Directorate of Planning and Organisational Development and will be submitted for management approval and forwarding to the Judiciary Rules Committee for consideration and compliance
4.	The Judiciary should increase the jurisdiction of Magistrates to enable it deal with matters that are currently the preserve of the High Court to reduce case backlog.	The recommendation has been submitted to the management for consideration. Awaiting the input of the stakeholders before finalisation and submission to the Hon. Chief Justice for implementation.
5.	The Judiciary to immediately submit the Small Claims Rules to operationalise the Small Claims Court.	The Small Claims Rules have been approved. Operationalisation of the Small Claims Court will commence before the close of the financial year.
6.	The Jurisdiction of the Judges serving in the specialised courts should be reviewed to enable them be deployed administratively.	The proposal is being considered and will be included in the proposed Constitutional amendments under the Building Bridges Initiative.
7.	The Judiciary to submit to Parliament for consideration legislation to increase the timelines for the determination of Presidential elections from 14 days to 30 days.	This recommendation has been included in the Judiciary submissions under the BBI



8.	The Judiciary to fast track the implementation of the new Organisational Structure to safeguard against delays in service delivery.	The Organisational Review implementation is on track. The staff have been re-designated. Currently skill mapping in ongoing and the full implementation should be completed by June 2022.
9.	The Judiciary Training Institute (JTI) to pursue accreditation with relevant agencies for the recognition of its certificates.	The process has commenced and the Judiciary shall give a status report in the next reporting period.
10.	The Judiciary should spearhead the development of a single training institute to cater for the EACC, ODPP, OAG to save on costs.	The proposal has been submitted to the NCAJ Council for consideration, noting that the three institutions are members of the NCAJ. A report will be submitted once a definite decision is made.
11.	The Judiciary to ensure proper project planning for timely finalisation and acceptable standards.	Project Managers and the Contract Implementation Teams have been appointed to ensure that all projects are implemented on time and that there is quality and value for money. A report is prepared and presented on each project and the same verified by the Inspection and Acceptance teams.
12.	The Judiciary to ensure that old and ongoing projects are completed before commencing new projects.	Old projects have been prioritised and no new projects have been commenced in the last Financial Year. Emphasis is placed on completing old projects.
13.	The Judiciary to take necessary action to obtain title documents for all its lands.	The Task Force set up to inquire in the issue of the Judiciary land finalised its report and presented the same to the Chief Justice. The Office of the Chief Registrar has taken up the implementation of the report and the target is to have all Judiciary land titled by 30 <sup>th</sup> June. 2022.
14.	The Judiciary to ensure the 6 stations then without internet connectivity are connected.	All the 6 stations have now been connected to the internet.
15.	The Judiciary to ensure that its ICT officers are continually trained to facilitate the implementation of the digital strategy.	A robust training program has been developed and is being rolled out in phases. The same has come in handy especially during the uptake of e-filing and virtual hearings occasioned by the outbreak of the COVID 19 pandemic.





16.	The Judiciary to propose legislative amendments to the PFM Act to enable it earn interest on monies held in its bank accounts.	A team to prepare the amendments has completed its work. The same will be shared with the National Treasury before presentation to the National Assembly. In the meantime, we have negotiated with the banks to pay some interest on deposits held by the Judiciary in its various bank accounts
17.	The National Council on Administration of Justice (NCAJ) to ensure that all agencies submit their annual reports.	All agencies under the NCAJ have in the subsequent years submitted their reports to the council and the same incorporated in the State of the Judiciary on the Administration of Justice Report (SOJAR), including in the current report for 2019/20
18.	The NCAJ to ensure that the draft Bail and Bond Bill and the Children Bill are finalised and presented to parliament for enactment.	The Draft Bail and Bond Bill has been finalised and is being forwarded to the Hon. Attorney General for final drafting and submission to the National Assembly for debate and enactment.
19.	The Judiciary and NCAJ to determine whether the NCAJ will be established as a body corporate.	The National Council is giving the recommendation consideration and engaging both the members and other stakeholders before determining a way forward.
20.	There is need to determine the proper domicile for the National Council for Law Reporting.	Discussions are underway to have a conclusive way forward on the same.





REPUBLIC OF KENYA  
THE NATIONAL TREASURY AND PLANNING

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NAIROBI  
KENYA

When replying please quote

Ref: ES 1/014 'TY' (38)

8<sup>th</sup> October, 2020

Mr. Michael Sialai, EES  
Clerk of the National Assembly  
Parliament Building  
NAIROBI

*Free check  
pse check off*

Dear *Michael*

RE: IMPLEMENTATION STATUS OF HOUSE RESOLUTIONS

*16/10/20*

We refer to your letter Ref. NA/DCS/CO1/2020/ (62) dated 21<sup>st</sup> September, 2020 requesting information on the implementation status and challenges faced in the implementation of reports of the Departmental Committee on Justice and Legal affairs.

Please find attached the National Treasury's response on the status of implementation of report of the Departmental Committee on Justice and Legal affairs on the State of the Judiciary and the Administrative of Justice for FY 2016/17 and FY 2017/18 for your necessary action.

Yours *Julius Muia*

JULIUS MUIA, PhD, CBS  
PRINCIPAL SECRETARY, NATIONAL TREASURY

Copy to: Dr. Joseph K. Kinyua, ECH  
Head of the Public Service  
State House  
NAIROBI







**REPUBLIC OF KENYA**  
**THE NATIONAL TREASURY AND PLANNING**

**RESPONSE ON IMPLEMENTATION STATUS OF THE REPORTS OF  
THE DEPARTMENTAL COMMITTEE ON JUSTICE AND LEGAL  
AFFAIRS ON THE STATE OF THE JUDICIARY AND  
ADMINISTRATIVE JUSTICE**

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**I. INTRODUCTION**

1. The National Assembly, during its sittings on Tuesday, 17<sup>th</sup> March, 2020 adopted the reports by the Committee of Justice and Legal Affairs on the State of the Judiciary and the Administrative of Justice for FY 2016/17 and FY 2017/18.

2. In compliance with Article 153 (4) (b) of the Constitution and Standing Order 201 of the National Assembly Standing Orders, we wish to provide the following responses on the implementation of House resolutions regarding reports of the Committee of Justice and Legal Affairs on the State of the Judiciary and the Administrative of Justice which are specific to the mandate of the National Treasury.

**II. HOUSE RESOLUTIONS ON THE REPORTS ON THE STATE OF  
THE JUDICIARY AND THE ADMINISTRATIVE OF JUSTICE FOR  
FY 2016/17**

**(i) Background**

3. The sixth annual state of the Judiciary and Administration of Justice report covers the period between July 1, 2016 to June 30, 2017 which was tabled before

the House on 14<sup>th</sup> February, 2018. The House adopted key recommendations of the Committee on areas relating to Leadership and Management, Access to Justice in Courts, Access to Justice in Tribunals, Jurisprudence, Human Resource and Management, Finance and Infrastructure and Inter Agency Collaboration.

4. We have reviewed the implementation of resolutions touching on the mandate of the National Treasury and wish to provide the following response:

**(ii) Recommendations on Chapter 2: Access to Justice-Courts**

*The National Assembly and the National Treasury should allocate adequate resources to the Judiciary to enable it employ more judges and magistrates for expeditious determination of cases before the courts*

5. The Judiciary is issued ceilings approved by Parliament in the Budget Policy Statement. In view of this, the Judiciary should be advised to prioritize employment of Judges and Magistrates within the approved ceilings.

6. In addition, the Judiciary should be encouraged to employ innovative means of service delivery, including adopting appropriate technologies in addressing some of the identified challenges. This resolution should also be considered in light of the need to contain public sector wage bill which is a major concern for the Government.

**(iii) Recommendations on Chapter 6: Finance and Infrastructure**

*The National Assembly and the National Treasury should allocate adequate resources to the Judiciary to address financial issues emerging under this matter*

7. The Country is currently operating under very tight fiscal framework occasioned by the Covid-19 pandemic. The Covid-19 pandemic has resulted in expenditure pressures to contain the virus and to mitigate its impact on the

economy. In addition, the measures implemented to contain the virus, including restrictions of movement both locally and globally have resulted in slowdown in economic activities negatively impacting on projected revenues.

8. In view of the above, the Government has very limited scope for additional expenditures. The Judiciary will therefore be required to prioritize their expenditures and rationalize on-going activities as well as adopt innovative and cost effective means of service delivery.

9. Specifically, lack of motor vehicles for judges and magistrates has been highlighted as one of the emerging issues under this Chapter. We wish to note that Parliament approved **Ksh.600 million** and **Ksh.359 million** for Car Purchase Allowance for Judges in FY 2019/20 and FY 2020/21 respectively.

10. In addition, Parliament approved **Ksh.217 million** and **Ksh.370 million** for purchase of Motor vehicles for the Judiciary in FY 2019/20 and FY 2020/21 respectively. The National Treasury is also considering the Judiciary's request for Motor vehicles under the leasing programme.

*The National Treasury should ensure timely disbursement of exchequer to the Judiciary and other agencies to ensure timely undertaking of projects to avoid possible litigation and escalation of costs as a result of delay*

11. The National Treasury is committed to ensuring that the Government, including the Judiciary, is facilitated in budget implementation through timely release of Exchequer. To ensure efficient management of liquidity in Government, the National Treasury has implemented various reforms to strengthen cash management in Government to ensure efficient implementation of the Budget. The National Treasury will endeavour to disburse funds to the Judiciary on the basis of their cash plan and revenue collection by the Kenya Revenue Authority.

(iv) **Recommendations on Chapter 7: The State of Agencies and Cooperation in the Justice Sector**

*The National Assembly and the National Treasury should ensure adequate resource allocation to the National Council on Administration of Justice to enable it carry out its programmes well*

12. The Judiciary allocated **Ksh.30 million** in FY 2019/20 and **Ksh.13.9 million** in FY 2020/21 Budget to the Council. It is however important to note that in view of fiscal constraints, the requirements for the Council should be justified and prioritized within the available resources for the Judiciary.

**III. HOUSE RESOLUTIONS ON THE REPORTS ON THE STATE OF THE JUDICIARY AND THE ADMINISTRATIVE OF JUSTICE FOR FY 2017/18**

(i) **Background**

13. The seventh annual state of the Judiciary and Administration of Justice report covers the period between July 1, 2017 to June 30, 2018 which was tabled before the House on 28<sup>th</sup> March, 2018. The House adopted key recommendations of the Committee in the area of Leadership and Management, Access to Justice in Courts, Access to Justice in Tribunals, Jurisprudence, Human Resource and Management, Training and Capacity building, Infrastructure , Finance and Accounts, Digital Strategy and the State of Agencies Collaboration in the Justice Sector.



14. We have reviewed the implementation of resolutions touching on the mandate of the National Treasury and wish to provide the following implementation status:

**(ii) Recommendations on Chapter 2: Access to Justice-Courts.**

*The National Assembly and the National Treasury should allocate adequate resources to the Judiciary to enable it employ more judges and magistrates for expeditious determination of cases before the courts*

15. The Judiciary is issued ceilings approved by Parliament in the Budget Policy Statement which it then allocates to its priorities or activities. In view of this, the Judiciary should be advised to prioritize employment of Judges and Magistrates within the approved ceilings.

16. In addition, the Judiciary should employ innovative means of service delivery, including adopting appropriate technologies in addressing some of the identified challenges in order to help contain the ever rising public sector wage bill and free resources to other areas of development.

**(iii) Recommendations on Chapter 6: Training and Capacity Building within the Judiciary: The Judiciary Training Institute.**

*The National Treasury should provide funding in the next financial year to the Judiciary to purchase the Post-bank premises currently being used by the Judiciary Training Institute*

17. The National Treasury issued ceilings to the Judiciary as approved by Parliament in the Budget Policy Statement. The Judiciary should prioritize and allocate resources for the implementation of this project within its approved ceilings. In addition, this resolution should also be considered in context with the

Committees resolution on the need to consolidate all training institutions under this sector.

18. The project has not been allocated funds in the FY 2020/21 Budget by the Judiciary in view of the tight fiscal framework. In this regard, the Judiciary should prioritize allocation of resources in the FY 2021/22 for purchase of building under this project.

**(iv) Recommendations on Chapter 7: Infrastructure**

*The National Treasury should ensure timely disbursement of exchequer to the Judiciary and other agencies to ensure timely undertaking of projects to avoid possible litigation and escalation of costs as a result of delay*

19. The National Treasury is committed to ensuring that the Government, including the Judiciary is facilitated in budget implementation through timely release of Exchequer. The National Treasury will strive to disburse funds to the Judiciary on the basis of the approved cash plan and revenue performance.

20. We also wish to agree with the Committee on the need to prioritize projects nearing completion in light of the tight fiscal framework to ensure citizens enjoy the services out of such public investments. In compliance with the Government directive on new projects, the Judiciary should also ensure that the stocks of on-going projects are completed before embarking on new ones.

21. All new projects should be in compliance with the Public Investment Management guidelines issued by the National Treasury to ensure effective implementation.

(v) **Recommendations on Chapter 9: Finance and Accounts**

*The National Assembly and the National Treasury should allocate adequate resources to the Judiciary to address financial issues emerging under this chapter*

22. The Country is currently operating under very tight fiscal framework occasioned by the Covid-19 pandemic. The Covid-19 pandemic has resulted in expenditure pressures to contain the virus and to mitigate its impact on the economy. In addition, the measure being implemented, including restrictions in movement locally and globally has resulted to slowdown in economic activities negatively impacting on projected revenues.

23. In view of the above, the Government has very limited scope for additional expenditures. MDAs will therefore be required to prioritize their expenditures and rationalize the on-going activities as well as adopt innovative and cost effective modes of service delivery.

24. Specifically, lack of motor vehicles for Judges and Magistrates has been highlighted as one of the emerging issues under this Chapter. We wish to note that Parliament approved **Ksh.600 million** and **Ksh.359 million** for Car Purchase Allowance for Judges in FY 2019/20 and FY 2020/21 respectively.

25. In addition, Parliament approved **Ksh.217 million** and **Ksh.370 million** for purchase of Motor vehicles for the Judiciary in FY 2019/20 and FY 2020/21 respectively.

(vi) **Recommendations on Chapter 10: The State of Agencies and Cooperation in the Justice Sector**

*The National Assembly and the National Treasury should ensure adequate resource allocation to the National Council on Administration of Justice to enable it carry out its programmes well.*

26. Allocation of resources is based on the prioritized planned activities and available resource envelope. The Judiciary, in its approved ceiling allocated **Ksh.30 million** in FY 2019/20 and **Ksh.13.9 million** in FY 2020/21 Budget.

**JULIUS MUIA, PhD, CBS**  
**PRINCIPAL SECRETARY/ NATIONAL TREASURY**

**Friday, 09 October 2020**