

PARLIAMENT OF KENYA
THE NATIONAL ASSEMBLY

THE HANSARD

Wednesday, 18th August 2021

The House met at 2.30 p.m.

[The Speaker (Hon. Justin Muturi) in the Chair]

PRAYERS

PETITION

**VIOLATION OF THE RIGHT TO RELEVANT EDUCATION
AND TRAINING BY EGERTON UNIVERSITY**

Hon. Speaker: Hon. Members, Standing Order No.225(2)(b) requires the Speaker to report to the House any petition, other than those presented by a Member. Further, Article 119 of the Constitution provides for the right of any person to petition Parliament to consider any matter within its authority, including petitioning the House to enact, amend or repeal any legislation.

In this regard, Hon. Members, I wish to report to the House that my office has received a Petition, signed by Messrs David Okoti Olumasai of National Identification Number 31297235, Ian Nyaga Gicobi of National Identification Number 32416254 and Elvin Onyango Mangeni of National Identification Number 32744119 regarding violation of the right to relevant education and training by Egerton University.

Hon. Members, the petitioners recount that in 2014, Egerton University enrolled them to pursue Bachelor of Science (Water and Environmental Engineering), which they successfully completed and graduated in 2019. However, in the course of undertaking the course, the petitioners learnt that the programme had not been approved and accredited by the Engineers Board of Kenya as required under Section 7(1)(l) of the Engineers Act, 2011.

The petitioners aver that upon learning of the foregoing, they severally engaged the university between 2014 and 2019 to have the programme approved and accredited before graduation. In the first instance, the university management undertook to have the programme accredited by end of 2015, which the petitioners claimed never happened. The petitioners would later be assured in 2016 that the Engineers Board of Kenya would carry out an accreditation inspection that would culminate in accreditation of the programme at the university.

Hon. Members, the petitioners claim that the inspection never took place and instead, in 2018, Egerton University management informed the petitioners that it had signed a memorandum of understanding with Masinde Muliro University of Science and Technology (MMUST) to enable the petitioners to use engineering facilities at MMUST, which is accredited to offer the programme. Further, the petitioners were required to undertake eight remedial units so as to

upgrade from the unaccredited programme to the accredited Bachelor of Science (Civil and Environmental Engineering) as recommended by the Engineering Board of Kenya.

Hon. Members, the petitioners are concerned that their efforts to have Egerton University management to facilitate them to upgrade to the accredited programme in partnership with MMUST as recommended by the Engineers Board of Kenya never bore any fruit, leading to their graduation in 2019 with an unaccredited degree. Consequently, the petitioners have suffered the fate of being ineligible for registration as engineers and cannot therefore be employed to offer engineering professional services or work given that Section 49 of the Engineers Act prohibits persons not registered with the Engineers Board of Kenya from practising as engineers. Further, the petitioners cannot engage in private professional engineering practice since Section 50 of the Act provides that “a person who is not registered as a professional engineer or firm shall not be entitled to submit engineering plans, surveys, drawings, schemes, proposals, reports, designs or studies to any person or authority in Kenya”.

In view of the foregoing, the petitioners are aggrieved that the inaction by the Egerton University that led to them graduating with unaccredited degree certificates rendered them ineligible for registration as professional engineers and has fatally jeopardised their right to relevant education and training as well as access to employment under Article 55 of the Constitution.

Hon. Members, the petitioners therefore pray that the National Assembly, through the Departmental Committee on Education and Research: -

(i) intervenes to ensure that the management of Egerton University immediately facilitates the petitioners to undertake the eight (8) remedial units necessary for them to upgrade from Bachelor of Science (Water and Environmental Engineering) degree, which is not accredited to the accredited Bachelor of Science (Civil and Environmental Engineering) degree at no cost.

(ii) inquires into the circumstances under which the university continued to offer an unaccredited degree in Bachelor of Science (Water and Environmental Engineering) with a view to recommending immediate cessation of enrolment of students to the programme; and,

(iii) makes any other recommendations the Committee may deem fit in addressing the plight of the petitioners.

Hon. Members, having determined that the matters raised by the petitioners are well within the authority of this House, I order that pursuant to the provisions of Standing Order 227 (1), this Petition be committed to the Departmental Committee on Education and Research. The Committee is required to consider the Petition and report its findings to the House and the petitioners in accordance with Standing Order 227(2).

Members may now make comments and clarifications. No debate. Hon. Sankok.

Hon. David ole Sankok (Nominated, JP): Thank you very much, Hon. Speaker. I have interacted with you within and outside Parliament and I have no doubt that with your leadership skills, progressive thinking and your vast knowledge on governance, when you become the President, these issues will be solved and students will not be facing such problems.

It is really a massive problem and we surely need to address it. How can you take four or five years of your prime time and pay a lot of money to study a course that the university itself knows is not accredited to offer? This issue emanates from what we opposed when we were in the student leadership – that is the parallel degree programmes, where universities commercialised education in this country. This House must also address the issue of

commercialisation of education in this country because it will solve issues where when you have an “A” and you do not have money, you will only be able to afford some very unpopular courses like Anthropology but if you have a “C” and you have money, you can now study Medicine. So, this issue can be solved. The universities have now gone commercial. They now want to...

Hon. Robert Pukose (Endebess, JP): *(Off record.)*

Hon. David ole Sankok (Nominated, JP): It is just a comment. I am giving a comment.

Hon. Speaker, Hon. Pukose is becoming a prefect in this House. Please, control Hon. Pukose. We do not need a prefect inside this Chamber, and he is just a mono. I am finishing. So, as a House, we should try to check the issue of commercialisation because this is what is bringing these problems. The universities are trying to make even small degree courses so that they can attract more customers to get more money. We should try to address this issue, which is rightly before the House.

Hon. Speaker, I support you that the Committee should fast-track consideration of the Petition and make sure that they address this issue as quickly as possible.

Thank you, Hon. Speaker.

Hon. Speaker: Hon. Wamalwa.

Hon. (Dr.) Chris Wamalwa (Kimini, FORD-K): Thank you, Hon. Speaker. As the Committee looks into this Petition, we also want to know how this course was approved at the university because before any course is offered, the Senate must approve it. When it comes to professional courses, the professional bodies must approve first before the Senate approves the availability of these courses. This has been happening in many universities. In the absence of adequate funding, universities have been coming up with mushrooming courses for purposes of looking for funds at the expense of the market. So, we request the Departmental Committee on Education and Research to move with speed and even expand this net so that if other universities are doing the same thing, action is taken immediately.

I thank you.

Hon. Speaker: Hon. Dawood Rahim.

Hon. Rahim Dawood (North Imenti, JP): Thank you, Hon. Speaker. I join my colleagues in commenting on this Petition. I think it is very important. You cannot be studying for many years and then you are told your course is not accredited. There was a time a couple of years back when there was an issue with the Institute of Engineers. There was even one with the Kenya School of Law. People study courses for a purpose and if that purpose is not fulfilled, we are curtailing their rights. So, I believe this one should be sorted out and accreditation should be given to the people who desire it.

Hon. Speaker: Hon. Iringo.

Hon. Kubai Iringo (Igembe Central, JP): Thank you, Hon. Speaker. I support the petitioners. It is regrettable that they spent almost five years doing something which will not benefit them in their lives. It is a serious error with the university because they cannot undertake a course whereby whoever is taking that course will not use that knowledge or whatever he has acquired in the university to better his life. I support the Petition. Let the Committee sit down and seriously see how they can help these young men so that at least they can recover what they have lost.

Thank you, Hon. Speaker.

Hon. Speaker: Hon. Nyamai.

Hon. (Ms.) Rachael Nyamai (Kitui South, JP): Thank you, Hon. Speaker, for giving me this opportunity. First of all, I would like to say that it is a very sad situation and that in my own

constituency of Kitui South, I have interacted with students who have gone through this particular course. It is important when the Departmental Committee on Education and Research handles this matter to find out whether there could be other students who are going through courses of a practical nature like this course that may not have been accredited. When people go to university, they find themselves calling themselves engineers because of the hope and aspiration that they have before they start training.

I would like to support this Petition and say that from my own experience, I have seen this matter affecting students' mental health when they realise that they are not employable and it is not possible for them to be the engineers that they wanted to be. So, as they deal with it, it is important also to bring on board the Kenya Universities and Colleges Central Placement Service (KUCCPS) so that it can take the responsibility of ensuring that before any admissions are done, they have checked and are sure that accreditation has been done.

Thank you, Hon. Speaker.

Hon. Speaker: Hon. Pukose.

Hon. (Dr.) Robert Pukose (Endebess, JP): Thank you, Hon. Speaker. Listening to the Petition by the three students, it is a very sad affair. I was actually trying to see if the Chairperson of the Committee is here because it is important that the Committee incorporates the comments we make when these institutions appear before them. I think it is high time we looked at the universities and even if there is an Act that we need to bring into force or make an amendment to, ensure that no course shall be offered in our universities that is not accredited by the various institutions like the Engineers Board and the Medical Laboratory Board. I remember there were students who took a medical laboratory degree course at the university and for a long time, they went through an uphill task. There might be many other courses, as Hon. Nyamai puts it, that are being offered there and they are not accredited. I think when the House passes the law on issues of making sure that professional organisations are accredited by their various bodies, it is also the onus of these bodies to make sure that they supervise those institutions and make sure that they are offering both quality and what meets the standards of the various institutions.

This is a matter that the Committee should look at urgently because time is of essence so that we can resolve it.

I thank you. I support.

Hon. Speaker: With regard to the point you raised about the presence of the Chairperson of the Committee in the House, it is the responsibility of the staffers who clerk committees, especially the head of a committee, to make sure that when a petition is presented, quite apart from the petition itself, they pick the *Hansard* record of what was said by Members by way of comments. So, it is not really the Chairperson; it is the staff. That is what they are supposed to do so that when the Committee begins to consider the Petition, it also has before it the comments which were made by Members. These comments are not in vain. That is the point. The staff must know that. The Office of the Clerk is directed to ensure that, that always happens at all times.

Hon. Wilson Sossion.

Hon. Wilson Sossion (Nominated, ODM): Thank you, Hon. Speaker. The Petition before this House is one of the most genuine petitions I have seen because it is bordering on the intellectual rights of these students who have undertaken a course that is not accredited. The Committee then should prioritise and give due treatment to this Petition. Universities offering engineering courses that are not accredited should be checked.

Finally, there is need to control "massification" and commercialisation in our universities and ensure that the quality frameworks are working in the best interests of the country and the

intellectual rights of students are also protected. Maybe, these students need adequate compensation and are taken to Multimedia University (MMU) to conclude their courses as soon as possible.

I thank you.

Hon. Speaker: Hon. (Dr.) Wilberforce Oundo.

Hon. (Dr.) Wilberforce Oundo (Funyula, ODM): Thank you, Hon. Speaker. I sympathise with the students and parents and empathise with the university, probably the lecturers who taught these students for all those years knowing that the course was not accredited. However, as the Committee looks at the Petition, there are a few questions they need to put in mind. Number one, what is the general practice of guidance for students at the point of selecting courses? How does KUCCPS deal with courses that seem to be commercialised and not of any academic value?

Secondly, it is also important that the professional bodies find a mechanism through the Council of University Education (CUE) to review all the courses that are being offered in the universities and determine their relevance. I know quite a number of cases where universities hire lecturers and when the CUE comes to review or inspect them, they parade fake lecturers who pass as if they are permanent lecturers of the university. It is such a rotten system that requires thorough review. I hope the Petition will trigger such a review.

I thank you.

Hon. Speaker: Hon. Omboko Milemba.

Hon. Omboko Milemba (Emuhaya, ANC): Thank you, Hon. Speaker. Let me begin by indicating that the Chairlady of the Departmental Committee on Education is out. I actually talked to her this morning and she indicated that I step in for her while everything will be going on.

Having said that, it is a very dear Petition but we should also look at the other courses which are affected in a similar way. Furthermore, also call the Engineers Board of Kenya to see if they can give these students another test. I know it happens in other professions like accountancy and that can actually solve the problem. If they give them another test that can make them qualify, then they could be accredited. Those are many options that we can use.

Without much ado, I thank you.

Hon. Speaker: Hon. George Gitonga.

Hon. George Gitonga (Tharaka, DP): Thank you, Hon. Speaker. This Petition is timely especially because it relates to three young men who have a whole expanse of life ahead of them. It needs to be handled with the speed it deserves.

Number two, with the mushrooming of universities in the country, some of which are of very dubious quality and expression while others are public and yet they go into the length like this one to offer degrees that are not accredited, it is high time the Ministry actually moved with speed and audited these universities and what they are offering. Many of them are purely out raking money because they know we are desperate for education, young people have to get an education and therefore, they offer things that are substandard.

Most importantly, we ask the Engineers Board of Kenya to check the plight of these young people, the way the Medical Practitioners and Dentists Board deals with similar issues, by giving them exams which if they pass, they then get accredited. This can be resolved that way.

I thank you.

Hon. Speaker: Member for Ndhiwa.

Hon. Martin Owino (Ndhiwa, ODM): Thank you, Hon. Speaker. This is quite a widespread practice in colleges and higher education institutions not only in degree courses. The problem is even in other lower courses like certificate and diploma courses which are just meant to make money for the institutions but eventually, they are not even nearer connected to the job market. We have people who have used a lot of money and when they come out, they have no clue where to put themselves. I wonder, if the senate and the councils of this university cannot do this job, then who is the right person to do the supervision, policing or whatever we can call it to make sure that this is done right?

Lastly, I would like if possible, the Committee to upscale this to a full-fledged inquiry so that we know where the pain is.

I thank you.

Hon. Speaker: Member for Dagoretti South.

Hon. John Kiarie (Dagoretti South, JP): Thank you, Hon. Speaker, for giving me the opportunity to add my voice to this Petition.

We, as a country, invest very heavily in education. If you look at our budget, the amount that we allocate to education is very significant. The Ministry of Education is also one of the ministries that has one of the biggest workforce in the Government and the institutions under the Ministry of Education are quite many. The Ministry of Education also has six permanent secretaries unlike many other ministries. So, such a blunder is inexcusable coming from a reputable university. My prayer is that when the esteemed Departmental Committee on Education opens up this Petition, the remedy they offer shall be one that gives an opportunity for these young learners to attend to the remaining eight courses at no cost.

While this is happening, we also need to have a discussion about the relevance of the courses that are being offered in our universities. Recent research shows us that over 80 per cent of the courses that are being offered in our public universities are going to be obsolete in a few years. Meaning that we are giving obsolete education to our future generation. I speak as a teacher saying that I believe that education can be one of the biggest agents of change for a country. However, if we invest this much in education and end up with such blunders, then it beats the purpose of giving such a high investment on such an institution. So, I pray that the remedy will be a fitting one and if they have to resit the eight courses, let it be at no cost.

I thank you.

Hon. Speaker: Member for Mandera West.

Hon. Yussuf Adan (Mandera West, EFP): Thank you, Hon. Speaker, for giving me this opportunity. This is a very sad Petition that has come to the House this afternoon.

It is a serious shame to hear that Egerton University, being one of the earlier universities in this country and one that is highly respected, can offer a course that is not accredited to an extent that the students who have studied it, finish it and then tarmac for years looking for opportunities to accredit them. This is a result of commercialisation of education. These days, we hear of very many funny courses and if you look at them critically, ultimately, they will add no value either to this country or to the persons undertaking them.

The only value they have is the fees being paid to the universities. The Departmental Committee on Education and Research should take this matter seriously. They should not look narrowly at this Petition that has been presented today, but also look further at all those universities offering unaccredited courses because this is a very serious loss to the families, students who have gone through that course and the nation at large.

I support the Petition. My suggestion is that we go deeper and investigate all those universities offering unaccredited courses which do not add any value to this country and the students, and will ultimately waste the time and resources of the students, parents and the country at large.

Thank you.

Hon. Speaker: Let us have Hon. Osotsi.

Hon. Godfrey Osotsi (Nominated, ANC): Hon. Speaker, I also sympathise with the plight of the students who have been affected. This Petition raises very fundamental questions. The first question is: How would a university as serious as Egerton University design a course, have it approved by the university council and the Commission for University Education and train and examine people without the involvement of the Engineers Board of Kenya? That is a very serious issue.

Secondly, where is the Engineers Board of Kenya? They need to be proactive as well. They need to monitor courses offered by universities and give their verdict early enough rather than wait until people have done the course and graduated, then come and say that they cannot accredit them.

This is a very serious Petition. I hope the Committee will do justice to it, so that we do not have a repeat of the same scenario in future.

Hon. Speaker: Let us have Hon. Pkosing.

Hon. David Pkosing (Pokot South, JP): Thank you, Hon. Speaker for this opportunity. I echo your wisdom that even when we, Chairpersons, are not in Parliament, Members do not make these comments for nothing. That is a very big statement because it will inform the debates at the Committee level.

This Petition raises a number of issues that require comments. First, in our training, what happens to supply and demand? It looks like the demand and supply are not in sync. So, the suppliers, namely, the colleges, are doing their own things. The demand, which is the market, is also doing its own things. Therefore, the objectives are completely different. I appeal to the Committee to look at whether we need to bring them together, so that we train our students. There is no need of spending money for up to four or five years and then you are not accredited. Can you imagine that?

I want to give an example. In the last Parliament, you would find that somebody graduated from a university as a teacher after getting a grade less than a C+ in Form Four such as a C, C- or D+, and would get a degree to teach in secondary schools. What happens? The Teachers Service Commission (TSC) declines to honour that kind of degree because according to them, that is not a qualification. You then wonder, why is it that the country that trains those people to get a degree is the same country that denies them a job at the TSC? That means that there is a disconnect which the Committee needs to look at.

Finally, I urge the Committee to call the Institution of Engineers of Kenya to also give their comments, so that we are productive. In this country, we want demand and supply to work together for our benefit.

Thank you.

Hon. Speaker: Let us have the Member for Nyaribari Chache.

Hon. Richard Tong'i (Nyaribari Chache, JP): Thank you, Hon. Speaker. I sympathise and empathise with the students involved because their parents have invested heavily and the students have invested their time and ambitions yet at the end of it all, they are told that it is not possible for them to graduate and be recognised for the courses that they have been trained in. It

is not fair. It is painful to the parents. That should not happen again. The ruling of the Departmental Committee on Education and Research should be a precedent that should be used across the board because we have had several of those cases happening everywhere, including in foreign universities.

The Government should come up with a policy guideline on how they want our students who are pursuing education outside the country to conduct themselves. You should not wait for them to finish and then tell them that they are not accepted or recognised in Kenya. By then, we would have lost money in form of foreign currency to those countries as well as the students' time and money for parents who have invested and denied themselves so much to take their children through university only to be told that it is not possible for them to use that knowledge.

We need to come up with a more practical way of measuring the capacities and abilities of students other than examinations because there are some students who are gifted in memorising and others who are gifted in practical ways of using the knowledge that they have acquired. That should also be a way of measuring their capacities and capabilities for purposes of ensuring that they are not disadvantaged.

I support the Petition. It should be used to set precedent for universities in Kenya and abroad.

Hon. Speaker: Let us have the Member for Mwingi West.

Hon. Charles Nguna (Mwingi West, WDM - K): Thank you, Hon. Speaker. I rise to support this Petition by the students. The way it has drawn so much attention from Members is a clear indication that many students are really suffering.

From the outset, I empathise with the parents who have been straining during these tough economic times. Educating your children for so many years and then they end up having fake certificates is not acceptable.

I join the rest of the Members in condemning this issue. Let the university chancellor who was responsible for that be brought to book. We would like to see justice served to those students. They have lost a lot of money and time. Time wasted is never recovered.

Thank you for giving me the opportunity to add my voice.

Hon. Speaker: Very well. The Petition is referred to the Committee as earlier directed. Next Order.

PAPERS LAID

Hon. Speaker: Let us have the Leader of the Majority Party.

Hon. Amos Kimunya (Kipipiri, JP): Hon. Speaker, I beg to lay the following Papers on the Table of the House:

The Fourth Quarterly Economic and Budgetary Review Reports for the Financial Year 2020/2021 from the National Treasury.

The Reports of the Auditor-General and Financial Statements in respect of the following institutions for the year ended 30th June 2019 and the certificates therein:

- (i) Bomet University College;
- (ii) Rongo University; and
- (iii) Postal Corporation of Kenya.

The Reports of the Auditor-General and Financial Statements in respect of the following institutions for the year ended 30th June 2020 and the certificates therein:

- (i) Alupe University College; and

(ii) Information and Communication Technology Authority.

Thank you, Hon. Speaker.

Hon. Speaker: Let us have the Chairperson of the Departmental Committee on Justice and Legal Affairs or a Member thereof. Hon. Wambugu Munene.

Hon. Munene Wambugu (Kirinyaga Central, JP): Thank you, Hon. Speaker.

Hon. Speaker, on behalf of the Chairperson of the Departmental Committee on Justice and Legal Affairs, I beg to lay the following Paper on the Table of the House:

Report of the Departmental Committee on Justice and Legal Affairs on its Consideration of the Public Participation Bill (National Assembly Bill No. 71 of 2019).

Thank you, Hon. Speaker.

Hon. Speaker: Very well. Next is the Chairperson of the Departmental Committee on Transport, Public Works and Housing, Hon. Pkosing.

Hon. David Pkosing (Pokot South, JP): Thank you, Hon. Speaker.

Hon. Speaker, I beg to lay the following Papers on the Table of the House:

Reports of the Departmental Committee on Transport, Public Works and Housing on its consideration of:

- (i) The Landlord and Tenant Bill (National Assembly Bill No. 3 of 2021); and
- (ii) The Ratification of the Agreement Amending the Air Transport Agreement between Kenya and the United States of America.

Thank you, Hon. Speaker.

Hon. Speaker: Next Order. The Chairman, Select Committee on the National Government Constituencies Development Fund (NG-CDF), Hon. Wamunyinyi.

NOTICES OF MOTIONS

APPROVAL FOR APPOINTMENT TO NG-CDF CONSTITUENCY COMMITTEES

Hon. Wafula Wamunyinyi (Kanduyi, FORD-K): Thank you, Hon. Speaker. I beg to give notice of the following Motion:

THAT, pursuant to the provisions of Section 43(4) of the National Government Constituencies Development Fund Act, 2015 and Paragraph 5(2) and (10) of the National Government Constituencies Development Fund Regulations, 2016, this House approves the list of nominees for appointment to the following two constituency committees of the National Government Constituencies Development Fund, laid on the Table of the House on Tuesday, 3rd August 2021:

- (i) Nambale Constituency.
- (ii) Sirisia Constituency.

Hon. Speaker: Very well. The Chairman of the Departmental Committee on Transport, Public Works and Housing.

ADOPTION OF REPORT ON AIR TRANSPORT AGREEMENT BETWEEN KENYA AND UNITED STATES OF AMERICA

Hon. David Pkosing (Pokot South, JP): Again, I thank you, Rt. Hon. Speaker. I beg to give notice of the following Motion:

THAT, this House adopts the Report of the Departmental Committee on Transport, Public Works and Housing on its consideration of the Ratification of the Agreement Amending the Air Transport Agreement between Kenya and the United States of America, laid on the Table of the House on Wednesday, 18th August 2021 and pursuant to provisions of Section 7 and Section 8 of the Treaty Making and Ratification Act, 2012, approves the Ratification of the Agreement Amending the Air Transport Agreement between Kenya and the United States of America.

Thank you, Hon. Speaker.

Hon. Speaker: The Vice Chairperson of the Committee on Delegated Legislation, Hon. Njagagua.

REPORT ON CONSIDERATION OF DRAFT ELECTION CAMPAIGN FINANCING REGULATIONS

Hon. Charles Njagagua (Mbeere North, JP): Hon. Speaker, I beg to give notice of the following Motion:

THAT, this House adopts the Report of the Committee on Delegated Legislation on its consideration of the Draft Election Campaign Financing Regulations submitted by the Independent Electoral and Boundaries Commission on 5th August 2021, laid on the Table of the House on Tuesday, 17th August 2021 and pursuant to the provisions of Article 10, Article 118 and Article 259 of the Constitution, the Interpretations and General Provisions Act Cap. 2 Section 5, Section 12, Section 18, Section 19 and Section 29(2) of the Election Campaign Financing Act, 2013 and Section 18 of Statutory Instruments Act, 2013 annuls in its entirety contributions and spending limits for political parties and candidates for the purposes of the general elections to be held on 9th August 2022, published as *Kenya Gazette* Notice No. 8024 of 9th August 2021 and rejects the Draft Election Campaign Financing Regulations as submitted by the Independent Electoral and Boundaries Commission on 5th August 2021.

Hon. Speaker: Very well. Next Order.

ORDINARY QUESTIONS

Question No. 327/2021

STATUS OF CONSTRUCTION OF NGONG ROAD-KUNGU KARUMBA-LANGATA LINK ROAD

Hon. Benard Okoth (Kibra, ODM): Hon. Speaker, I rise to ask the Cabinet Secretary of Transport, Infrastructure, Housing, Urban Development and Public Works the following Question:

- (i) Could the Cabinet Secretary provide the status of the ongoing construction of Ngong Road-Kungu Karumba-Langata Link Road in Nairobi City County?
- (ii) Could the Cabinet Secretary explain the reasons that led the initial contractor to abandon the project and what is the name, address and nationality of the new contractor?

- (iii) Could the Cabinet Secretary explain the steps that the ministry is taking to put to an end loss of lives and destruction of property occasioned by the construction of the said road?
- (iv) Could the Cabinet Secretary indicate when the construction of the said road is likely to be completed?

Hon. Speaker: That Question is to be replied to before the Departmental Committee on Transport, Public Works and Housing. The next Question is by the Member of Ijara, Hon. Sophia Noor.

Question No. 332/2021

STEPS TO ADDRESS CONFLICTS IN ARID AND SEMI-ARID REGIONS

Hon. (Ms.) Sophia Noor (Ijara, PDR): Thank you, Hon. Speaker, for giving me this chance. I would like to ask the Cabinet Secretary for Interior and Coordination of National Government the following Question:

- (i) Could the Cabinet Secretary explain the steps being taken by the Government to address frequent community conflicts occurring in Arid and Semi-Arid regions of the country, which have caused deaths, destruction of properties and resulted in a significant increase in the number of orphans and widows and rise in poverty levels in the said areas?
- (ii) Could the Cabinet Secretary explain why Kenya Police Reservists were withdrawn in most of the said areas?

Hon. Speaker: That Question will be replied to before the Departmental Committee on Administration and National Security. The next Question is by the Member of Embakasi West, Hon. George Theuri.

Question No. 334/2021

FORMULA FOR ALLOCATION OF STALLS AND
COMPENSATION OVER NEW WAKULIMA MARKET

Hon. George Theuri (Embakasi West, JP): Thank you, Hon. Speaker. I rise to ask the Cabinet Secretary for Transport, Infrastructure, Housing, Urban Development and Public Works the following Question:

- (i) Could the Cabinet Secretary explain what has caused the inordinate delays in the allocation of stalls in the new Wakulima Market located along Kangundo Road to small-scale traders who were displaced following the construction of the Outer Ring Road?
- (ii) Could the Cabinet Secretary confirm whether the multi-agency team established to formulate the allocation criteria for these stalls carried out public participation prior to formulating and publishing the criteria in the local newspapers, and if not, undertake to have the exercise repeated with a view to ensuring the involvement of all stakeholders as well as the public?
- (iii) Could the Cabinet Secretary provide the status compensation for the traders for the losses suffered following the displacement, and indicate the measures put in

place by the ministry to ensure that only genuine persons benefit from compensation?

Hon. Speaker: That Question will be replied to before the Departmental Committee on Transport, Public Works and Housing. Next Question is by the Member of Baringo Central, Hon. Joshua Kandie.

Question No. 338/2021

MAXIMUM UTILISATION OF ELDORET INTERNATIONAL AIRPORT

Hon. Joshua Kandie (Baringo Central, MCCP): Thank you, Hon. Speaker. I stand to ask the Cabinet Secretary for Transport, Infrastructure Housing, Urban Development and Public Works the following Question:

- (i) Could the Cabinet Secretary explain the measures in place to ensure maximum utilisation of Eldoret International Airport for both passengers and cargo?
- (ii) Could the ministry consider enhancing the airport's cargo handling capacity?
- (iii) Could the ministry also consider expanding the airport's runway to accommodate bigger capacity planes and thus promote the entry of more cargo?

Hon. Speaker: I suppose you meant runway not runaway.

(Laughter)

The Question will be replied to before the Departmental Committee on Transport, Public Works and Housing. The next Question is by the Member for Samburu North, Hon. Lentoimaga.

Question 339/2021

ACTION TAKEN TO CONTAIN INSECURITY IN SAMBURU NORTH

Hon. Alois Lentoimaga (Samburu North, JP): Thank you so much, Hon. Speaker. I rise to ask Question 339 of 2021 directed to the Cabinet Secretary for Interior and Coordination of National Government:

- (i) Could the Cabinet Secretary provide the status of investigations into the recent invasion and raids by heavily armed bandits in the following areas of Samburu North Constituency: Mbukoi Village, Marti Location on 18th July, 2021 where Mr. Lmangana Lekilelei and Mr. Lomoduka Lerruso were killed and 400 cows driven away towards Suguta Valley; Nkorishe area, Lkotikal Sub-Location of Uaso Rongai Location on 19th July 2021, where Mr. Lmajires Leparoyia was killed and four other men critically injured; Loonjori Village in South Horr Location, where 27 camels were driven towards Suguta Valley; and at Ndonyo Enkerr Village in Suyian Location on 23rd July 2021, where 200 goats and 30 calves belonging to the Lentiro family were stolen?
- (ii) What steps is the Ministry taking to ensure that the livestock stolen from the said villages are recovered and returned to their rightful owners?

- (iii) What action is being taken against police officers in Samburu North Sub-County who, despite being in close proximity to the crime scenes, failed to respond to distress calls?
- (iv) What policy measures have been put in place to contain the increased insecurity and banditry in Samburu North Constituency and other neighbouring areas which have significantly increased following the disarmament of the National Police Reservists?

Thank you, Hon. Speaker.

Hon. Speaker: The Question will be replied to before the Departmental Committee on Administration and National Security. The next Question is by the Member for Magarini, Hon. Michael Kingi. Member for Magarini, Hon. Michael Kingi.

Next Question is by the Member for Githunguri, Hon. Gabriel Kago.

Question 341/2021

STALLED UPGRADING OF NYAGA-KIAMBURURU-KAMUCHEGE ROAD

Hon. Gabriel Kago (Githunguri, JP): Thank you very much, Hon. Speaker, for this opportunity to ask Question 341 of 2021 to the Cabinet Secretary for Transport, Infrastructure, Housing, Urban Development and Public Works:

- (i) Could the Cabinet Secretary explain why the upgrading of the 15-kilometre Nyaga—Kiambururu—Kamuchege Road in Githunguri Constituency to bitumen standards is yet to commence despite the contract being awarded in June 2016?
- (ii) Considering that the said road, which also connects to the Ruiru-Uplands Highway and Mau Mau Road, is currently impassable due to its deplorable state, could the Cabinet Secretary consider having the construction of this road under the Mau Mau Programme?

Thank you, Hon. Speaker.

Hon. Speaker: The Question will be replied to before the Departmental Committee on Transport, Public Works and Housing. Next Question is by the Member for Bomet Central, Hon. Tonui.

Question 342/2021

STATUS OF CONSTRUCTION OF BOSTA DAM IN BOMET COUNTY

Hon. Ronald Tonui (Bomet Central, JP): Thank you, Hon. Speaker. I rise to ask Question No. 342 of 2021 to the Cabinet Secretary for Water, Irrigation and Sanitation:

- (i) Could the Cabinet Secretary provide the status of the construction of the Bosta Dam in Bomet County, which is meant to serve the people of Bomet, Kericho and part of Narok counties?
- (ii) Could the Cabinet Secretary explain what has caused the inordinate delays in its construction and provide the measures the Ministry has put in place to fast-track its completion?
- (iii) Could the Cabinet Secretary state the total amount of money allocated towards implementation of this project?

Thank you.

Hon. Speaker: Question to be replied to before the Departmental Committee on Environment and Natural Resources. Next Question is by the Member for Dagoretti North, Hon. King Simba Arati James. The next Question is by the Member for Suba South, Hon. John Mbadi.

Question 347/2021

KILLING AND HARASSMENT OF FISHERMEN IN LAKE VICTORIA

Hon. John Mbadi (Suba South, ODM): Thank you, Hon. Speaker. My Question is No. 347 of 2021 directed to the Cabinet Secretary for Interior and Coordination of National Government:

- (i) Could the Cabinet Secretary explain the circumstances that led to the killing of the late Michael Ohara Simon of ID. No. 25666518, a fisherman at Gateway Beach in Sindo, Suba South Constituency, who was shot and thrown into Lake Victoria by people suspected to be Ugandan security personnel on 5th August 2021, as reported at Ringiti Police Post vide Occurrence Book No. 03/05/08/2021?
- (ii) What action is the Ministry taking to recover the body of the late fisherman and hold the security personnel accountable for his death?
- (iii) What is the role of the Kenya Coast Guard Services in assisting and protecting the lives of the fishing community in Lake Victoria?
- (iv) What measures has the Ministry put in place to ensure long-lasting solutions to the constant harassment of the fishing communities living around Lake Victoria by the security personnel from neighbouring countries, more particularly Uganda and Tanzania?

Hon. Speaker, that is the Question.

Hon. Speaker: Question will be replied to before the Departmental Committee on Administration and National Security.

For the second time, Question 340 of 2021 by the Member for Magarini, Hon. Michael Kingi. The Member being absent, and not desiring to be present, the Question is dropped.

STALLED CONSTRUCTION OF WARESA TECHNICAL TRAINING COLLEGE

(Question dropped)

For the second time, Question 343 of 2021 by the Member for Dagoretti North, Hon. Simba Arati. The Hon. Member being absent, not desiring to be present, the Question is dropped.

OWNERSHIP OF LAND OCCUPIED BY
PUBLIC INSTITUTIONS IN NAIROBI CITY COUNTY

(Question dropped)

Hon. (Dr.) Wilberforce Oundo (Funyula, ODM): On a point of order.

Hon. Speaker: Hon. Oundo, what is out of order?

Hon. (Dr.) Wilberforce Oundo (Funyula, ODM): Hon. Speaker, on 28th February 2021, I asked a Question directed to the Departmental Committee on Transport, Public Works and Housing on Nangina Airstrip. I have not received any answer or given any indication when the answer will be forthcoming.

Secondly, I also made a request for a Statement dated 1st July 2021 on Kenya Transport and Logistics Network (KTLN). It was indicated that the response would be given in two weeks. From 1st July up to now is obviously more than two weeks.

Finally, I want to associate myself with the question raised by the Leader of the Minority Party and I would wish on the day the Question is being answered we could be informed because we suffer from similar calamities every single day. I have to pay a lot of money to retrieve bodies and bury people killed by Ugandan security forces. This is a matter that is critical. Probably, we could even turn it into a petition so that we deal with it with finality.

Thank you, Hon. Speaker.

Hon. Speaker: When the Question is being replied to before the Committee, obviously and in fairness, Hon. John Mbadi, including all of you, will be notified to be present. That is when the Cabinet Secretary will be responding.

Next Order.

Hon. Gathiru Mwangi, I know you have some other acronym; something to do with military.

(Laughter)

I know where he is.

POINT OF ORDER

DECLARATION OF PERSONAL INTEREST IN MATTERS BEFORE THE HOUSE BY HON. MEMBERS

Hon. Benjamin Mwangi (Embakasi Central, JP): Thank you, Hon. Speaker.

I am Hon. Benjamin Gathiru Mwangi. The other one is Major (Dr.)

I stand under Standing Order No.83 to raise a point of order on very grave matter of conflict of interest relating to the Chairperson of the Select Committee on National Cohesion and Equal Opportunity, Hon. Maina Kamanda.

Hon. Speaker, you have severally guided this House on matters of conflict of interest and urged us from time to time to restrain from participating in matters of conflict of interest with our constitutional duties as Members of Parliament. Indeed, the Constitution, in the Chapter on Leadership and Integrity, clearly prohibits State Officers, including Members of this House, from behaving in a manner that will be of any conflict between personal interests and public interest whether in public, official life and private life or in association with other persons while on official duty. This is provided for in Article 75 of the Constitution.

Further, Article 73 of the Constitution, which espouses the responsibility of leadership, provides that the guiding principles of leadership and integrity are objectivity and impartiality in decision-making and ensuring that decisions are not influenced by nepotism, favouritism, other improper motives or corrupt practices.

In addition to the Constitution, our own Standing Order No.90 provides that a Member who wishes to speak on any matter in which the Member has personal interest – allow me to note that personal interest includes personal relationships – shall, first, declare that interest.

It is, however, unfortunate that despite the provisions of Articles 73 and 75 of the Constitution as read with the Standing Order No. 20, the Chairman of the Committee on National Cohesion and Equal Opportunity, Hon. Maina Kamanda, has not only been presiding over the Committee but has also been participating in key decision-making relating to the National Cohesion and Integration Commission without disclosing the fact that his son-in-law is a Commissioner. Commissioner Danvas Makori is married to the daughter of the Chairman, Hon. Maina Kamanda. Hon. Kamanda has been participating and guiding the Committee in making decisions and budgetary allocations to the National Cohesion and Integration Commission yet his son-in-law is the Chairman of the Finance Committee in the National Cohesion and Integration Commission.

Hon. Speaker, is this not a blatant violation of the provisions of Articles 73 and 75 of the Constitution? How can Hon. Maina Kamanda participate in the Committee's proceedings and be seen or imagined to be objective and impartial as required by the Constitution? Differently put, can he be the judge in a matter where he has been asked to make a decision on whether or not to give money to his son-in-law and, by extension, to his daughter? Is it not obvious that the father cannot lend his daughter and son-in-law money? Can this House be reduced to a people's homestead running the affairs of this country? What is even worrying is that Hon. Kamanda has never disclosed the fact that Commissioner Danvas Makori has married his daughter, contrary to Standing Order No.90 thus raising questions on the legality of the decisions that the Committee has ever made relating to the National Cohesion and Integration Commission.

I seek your guidance on this matter and request that you issue a standing directive that Hon. Kamanda shall not preside over or participate in deliberations of the Committee on any matter relating to the National Cohesion and Integration Commission. This will ensure that the Committee of this House also adheres to the dictates of Article 73 and 75 of the Constitution and avoid conflict of interest.

Thank you.

Hon. Speaker: Leader of the Majority Party.

Hon. Amos Kimunya (Kimunya, JP): Hon. Speaker, I got concerned that in pretext of asking for a Statement, the Member seems to have been flouting the Standing Orders by discussing the conduct of a Member without moving a substantive Motion.

(Applause)

That is what came out. So, unless the Member is willing to bring a substantive Motion to bring out those issues and canvass for action pursuant to the provisions that he has cited, I would urge that you order that his words be expunged from the records of this House.

(Applause)

Hon. Speaker: I see quite a number of you have placed interventions. Is it about the same matter?

Hon. Members: Yes!

Hon. Speaker: Hon. John Mbadi.

Hon. John Mbadi (Suba South, ODM): I am on a point of order, Hon. Speaker. Just like the Leader of the Majority Party, I am also a bit confused but in a different line. The Hon. Member raised this matter as a point of order and is seeking your guidance; that Hon. Kamanda, who is chairing a Committee of the House, has acted without disclosing that he has conflict of interest but he has not specifically spelt out where this conflict of interest was called to question. If we are going to follow where relatives of Members of Parliament work, that is a job that we cannot give you. For example, the Chair or the Committee of Public Investments Committee (PIC) of this House is responsible for looking into the accounts of all parastatals. Are you telling me that before we elect someone as Chair of PIC, we need to find out whether his or her relatives work in any of the many parastatals in this country? That is a job you cannot give. What the Hon. Member could have done – I think we are giving him this guidance because he is a new Member of Parliament – is to do a better job. Has he been here for more than one term?

(Loud consultations)

He has been here for four years? Anyway, to many, that is quite a long time. Maybe, I am using some kind of barometer or a yardstick which is a bit... I think I am old for this House. However, what the Member would have done is to find an instance where the Chairperson of the Committee has acted in breach of our Standing Orders. He was telling us that the Chairperson was giving his son-in-law money and that son-in-law is giving his daughter money. I do not know which money this is and why we should stop Hon. Kamanda from giving money to his son-in-law. It is not our business. He can give money to his son-in-law but if he is referring to budgetary allocations, Hon. Kamanda does not provide money. It is this House that provides money to all Government agencies, Ministries and State Departments. So, even though your ruling is sought for here, I think it is giving you a job that is really not yours. The Hon. Member has not, really, done a good job in my view.

Hon. Speaker: You see, Hon. Members, the more we discuss... Hon. Gathiru, as you continue to speak about the Chair of the National Cohesion and Equal Opportunity Committee, I was waiting for you to talk about the amounts of money which were given and the circumstances under which they were given. Under normal budgetary processes, the Committee merely makes recommendations. It is this House that allocates. If it is money which Hon. Kamanda has earned somewhere, he can choose to give to his son-in-law, mother-in-law or whomever. You have not given us specific details. Are you questioning Hon. Kamanda's ability to oversee that Committee?

Hon. Benjamin Mwangi (Embakasi Central, JP): Hon. Speaker, I request that when the Committee meets with the commissioners, the Vice-Chair should take over. It is not that the Chairman should be demoted or stop being the Chairman. He continues being the Chairman. However, when we are meeting with the Commission, the Vice-Chair or any other Member should take the chairmanship, so that we can interrogate.

Hon. Speaker: Are you a Member of that Committee?

Hon. Benjamin Mwangi (Embakasi Central, JP): Yes, I am a Member.

Hon. Speaker: When that Commission appears before the Committee, just raise the issue there. I will not micromanage Committees. Hon. Gathiru, just to advise you on what you need to do, when that happens, just raise the issue before the...

(Hon. David ole Sankok consulted loudly)

Hon. Sankok. Raise the matter there and request that the Chair leaves the chairmanship for the reasons that you have stated, so that the rest of the Committee listens to what the commissioners will tell you, in the event that it is something that you think will cause any conflict. As Members of that Committee, you are at liberty to question any of those commissioners. You can always request that the Chair leaves the chairmanship.

Hon. Benjamin Mwangi (Embakasi Central, JP): Hon. Speaker, my reason for raising that matter is what happened in Mombasa on Friday with regard to conflict of interest. The Committee Members, myself included, wanted to question the commissioners. The Chairman said that we would hold the meeting in the afternoon. In the afternoon, the meeting was adjourned.

I want to be very clear that I have nothing personal against the Chairman. I only request that when we are discussing matters that a Member has interests in, if you are the Chair, let the Vice-Chair direct the meeting and then resume your chairmanship after that.

Thank you, Hon. Speaker.

Hon. Speaker: No, Hon. Members. I do not need your assistance. Hon. Gathiru, you are right to raise the issue that you have. However, you need to communicate. That is the kind of thing that you should have written about if you were aggrieved by that conduct, so that it can be... Bringing it here amounts to discussing the conduct of the Chairman in a manner which is not in keeping with the Standing Orders. You need to come up with a substantive Motion and make those allegations in the Motion, so that the House resolves itself one way or the other. If you want the Speaker to make a determination, I need to get the facts. You are stating facts about what happened on Friday. I have no knowledge of what happened on Friday. I would have to start digging. I do not know where you were. You say that you were in some village in Mombasa. I have not been to Mombasa for the longest time since the outbreak of COVID-19. I may not know what exactly has been happening in Mombasa.

You are at liberty to raise a complaint if you feel that you are in any way being insubordinated or forced not to participate. You say that you were told in the afternoon that the meeting was over. I do not know. Just like we sat here at 2.30 p.m., you yourself know the time when you came. There are some Members who came much earlier than you, like Hon. Sankok. You could come, raise an issue and walk out. By the time you come back, the matter has been debated and finished. You then ask what happened to the issue you raised and are told that it was discussed and a determination made one way or another. From here, I cannot make a decision unless I find out from the clerks what issue you raised, if at all you did. If you raised it, was it captured in the minutes? This is so that I know whether you raised the issue that you have just mentioned. Did you actually raise it?

Hon. Benjamin Mwangi (Embakasi Central, JP): Yes, Hon. Speaker. I raised that issue in the meeting but the Chairman overruled me.

Hon. Speaker: You see! That is a matter that perhaps needs to be dealt with by the Committee on Powers and Privileges. You need to give more details. It would require that we even call the clerks and other Members of the Committee like Hon. Sankok. I do not know whether he was present in Mombasa, were you? I thought you are a Member of that Committee?

Hon. David ole Sankok (Nominated, JP): Hon. Speaker, I was kicked out after two weeks and fourteen days. Now that there is doubt, and Hon. Kamanda is also a nominated Member of Parliament like me, I tender my candidature just in case, Hon. Speaker.

(Laughter)

Hon. Speaker: I saw the hand of Hon. Janet Nangabo. Are you a Member of the Committee?

Hon. Janet Nangabo ((Trans Nzoia CWR, JP): Thank you, Hon. Speaker. I was also there. However, I did not hear what my colleague has said, Hon. Speaker. Sincerely speaking, we even have our Vice-Chair who was in that meeting. I have even communicated with my colleague. If there was any issue, let us first discuss it as a Committee before bringing it to the House. I have just communicated with him.

Hon. Speaker: Who is your Vice-Chair? Hon. Mulyungi? I am wondering why you are so quiet. You are now standing, are you not?

(Laughter)

Hon. Gideon Mulyungi (Mwingi Central, WDM-K): Yes, Hon. Speaker.

Hon. Speaker: *Umeinuka.*

Hon. Gideon Mulyungi (Mwingi Central, WDM-K): I have grown taller. Hon. Speaker, I was in that meeting and we made a resolution on the first day that we condense the programme, so that we cover it in one day. Because of condensing the programme, the Hon. Member wanted to raise some issues, but he was out of time. The Chairperson said that they will be discussed another time. Therefore, in my view, there was nothing in contempt. The Chairman was acting in good faith. We participate in all the matters of the Committee in good faith.

Thank you, Hon. Speaker.

Hon. Speaker: Hon. Members, those of you like the Member for Murang'a, these are not directed at you. So, please, I know you are a Chair but nothing has been directed at you. You are not an elder. How? Do not assume those titles from the Floor of the House. Hon. Gathiru, let us put this matter to rest.

Hon. Gathiru, I am not going to make any ruling. If you have an issue, write to the Chairman of the Powers and Privileges Committee. Alternatively, as you have been advised by your colleagues in the Committee, raise it in the Committee, not necessarily when that Commission is appearing. Raise it when the Committee is transacting other business so that it can be discussed before the Committee so that we do not bring it here. By the time you escalate it to the Floor of the House, I am sure there will be some discussions within the membership. Should you find anything that is in any way offensive that is likely to violate Articles 73 and 75 and our Standing Orders with regard to the declaration of interest, please, raise it before the Committee and let it be minuted. If there is no decision taken, then do a formal letter to the Hon. Speaker.

Very well, let us proceed.

Next Order.

PROCEDURAL MOTION

CONSIDERATION OF BUSINESS RECEIVED DURING THE RECESS PERIOD

Hon. Amos Kimunya (Kipipiri, JP): Hon. Speaker, I beg to move the following Procedural Motion.

Disclaimer: *The electronic version of the Official Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor.*

THAT, notwithstanding the provisions of Standing Orders 120, 122 and 126 relating to Publication, Procedure upon Publication and First Reading of Bills and Standing Order 210(2) relating to Tabling of Statutory Instruments, this House orders that during the period of the August Long Recess (20th August to 20th September, 2021) -

- (i) Should a Bill be published during the said period, or a published Bill become due for First Reading during the period, the Hon. Speaker shall, upon lapse of at least seven days following the publication of the Bill, in fulfilment of the provisions of Article 110(3) of the Constitution and following a determination that such Bill is of priority, forthwith refer the Bill to the relevant Committee for consideration pursuant to the provisions of Standing Order 127 (Committal of Bills to Committees and public participation) and upon resumption of the House, cause the Bill to be read a First Time and the Second Reading may be taken forthwith, or on such other day as the House Business Committee may determine;
- (ii) Should any statutory instrument be transmitted for tabling before the House during the period, the Hon. Speaker shall, following a determination that the statutory instrument is of priority, forthwith refer the statutory instrument to the relevant Committee for consideration and cause the statutory instrument to be tabled in the House during its next Sitting in accordance with the provisions of section 11 of the Statutory Instruments Act (No. 3 of 2013);
- (iii) Should any Paper be transmitted for tabling before the House during the period, the Speaker shall, following a determination that the Paper is of priority, forthwith refer the Paper to the relevant Committee for consideration and cause the Paper to be tabled in the House during its next Sitting; and,
- (iv) Upon the submission and approval of the Reports of the relevant Committees on the vetting of nominees for appointment to the Independent Electoral and Boundaries Commission and the Vetting of nominees for appointment to the Teachers Service Commission, the Hon. Speaker shall forthwith cause the Reports to be circulated to all Members (in electronic form) ahead of any Specialittings of the House convened pursuant to the provisions of Standing Order 29 to consider the said business so as to accord Members time to apprise themselves with the contents of the reports.

Hon. Speaker, this is a Procedural Motion that we do at every instance when the House is just about to go on a recess. It is to basically cater for House business that will be transacted now that we will not be here for First Readings, committal of Bills, Reports, Petitions or Statutory Instruments to Committee. Most importantly, I just want to draw the attention of Members that we have two tasks that are currently before Committees, that is, the vetting of nominees for commissioners to the IEBC and vetting of commissioners to the Teachers Service Commission. Both have a deadline that will expire while we are on recess. I want to also give notice to Members that we will be asking you to come for a Special Sitting so that we can meet those constitutional deadlines.

However, for purposes of preparing for that eventuality, immediately the reports are out, we will not have the time for those reports to be tabled here. So, you can pick them and guide your debate in terms of discussing the vetting. This Motion will now allow the Hon. Speaker to order the circulation to all of us as if they had been tabled so that you can read the reports. When we come on the appointed day, it will be to process the business rather than go through the motions of tabling the reports where we normally ask for timeout to go and read, then come back

to discuss the nominees. That is the only new thing in addition to the usual that we do during the recess period in terms of Papers, Instruments and Bills.

So, Hon. Speaker and Members, I would like to ask for your support on this matter. We will next assemble to just clear with the nominees but without having to go through the technicalities of how we handle the report. I am sure everything else will proceed in the Committees for all the businesses that would have been received in accordance with this Procedural Motion.

I beg to move and ask the Leader of the Minority Party, Hon. John Mbadi to second.

Hon. Speaker: Hon. Mbadi.

Hon. John Mbadi (Suba South, ODM): This is basically a Procedural Motion and I second.

I just want to add that as we are all aware, from tomorrow we are likely to proceed on recess. For some of us this is our final day because tomorrow there is a very important occasion in Homa Bay. There will be a serious launch of a countrywide tour of uniting this country. So, as we proceed on recess, I have added one more day to that, we need to have important business to proceed. The IEBC Commissioners are likely to be brought to Parliament and so is the issue of TSC. Let us allow the Committees to deal with this so that they give us reports. When we come back on Special Sitting day, we will finish these matters.

I wish Hon. Members a nice time for the recess that we are going to have is not going to be enjoyable. It is going to be for campaign. These are not ordinary recess periods that we give Members. These are times to renew your contract. If you do not utilise the recess very well you will find yourself out of employment. Some of you, especially those who are still very young in this game, it may be frustrating. Those of us who are old like Hon. Duale, myself, Hon. Keynan and Hon. Kimunya, can go on retirement if things do not work.

I thank you, Hon. Speaker and I second

Hon. Speaker: Hon. Member for Suna West. You can even sit next to the Member for Suna East. It is not harmful.

(Question proposed)

Hon. Members: Put the Question.

Hon. Speaker: Hon. Members, I will put the Question in short form. I want to just explain what the Leader of the Majority Party has done in the last bit and I think it is fair we all get to appreciate its implication. When Reports are transmitted in electronic form to all Members, if there is a Special Sitting no Member is allowed to say, the Report has just been tabled this morning or afternoon. It will be deemed that from the time it is circulated, you had time to read through the Report and look at the recommendations. So, we can debate on the date of the Special Sitting as the case maybe. It is important we all appreciate that fact so that if there will be a Special Sitting, we do not come to argue that we did not have time to look at the Reports. The date upon which they will be circulated will be indicated even during that Special Sitting.

Hon. Members, as you have desired, I put the Question.

(Question put and agreed to)

Next Order!

REPORT OF THE COMMITTEE OF THE WHOLE HOUSE
ON THE FOREIGN SERVICE BILL

Hon. Speaker: Hon. Members, debate on this Motion was concluded in Committee of the whole House but Question was not put. I, therefore, proceed to put the Question.

(Question put and agreed to)

Hon. Speaker: Mover, Hon. Charles Kilonzo.

Hon. Charles Kilonzo (Yatta, Independent): Hon. Speaker, I beg to move that the Foreign Service Bill (National Assembly Bill No.8 of 2021) be now read a Third time. I also request the Member for Nyaribari Chache, Hon. Tong'i to second.

Hon. Speaker: Hon. Tong'i.

Hon. Richard Tong'i (Nyaribari Chache, JP): Thank you, Hon. Speaker. I second the Bill. We want to take this early opportunity to thank the Members for the support they have shown. We believe by having this Bill in place, we will introduce some sanity and orderly way of doing things in the Ministry of Foreign Affairs. I second.

Hon. Speaker: Sorry, Hon. Members, I think there are too many other businesses.

(Question proposed)

Hon. Members: Put the Question.

Hon. Speaker: As is the desire of the House and having confirmed we quorate, I will put the Question.

(Question put and agreed to)

*(The Bill was accordingly read the
Third Time and passed)*

POINT OF ORDER

DEFERMENT OF CONSIDERATION OF NATIONAL HOSPITAL INSURANCE
FUND (AMENDMENT) BILL IN COMMITTEE OF THE WHOLE HOUSE

Hon. Junet Nuh (Suna East, ODM): On a point of order, Hon. Speaker.

Hon. Speaker: Yes, what is your point of order, Hon. Junet?

Hon. Junet Nuh (Suna East, ODM): On a point of order, Hon. Speaker. I rise to seek your indulgence and bring your attention to Order No.10, which is the Committee of the whole House dealing with the National Hospital Insurance Fund (Amendment) Bill. This is a very important Bill and I was seeking...

Hon. Speaker: Sorry, proceed Hon. Junet.

Hon. Junet Nuh (Suna East, ODM): I was seeking your indulgence on Order No.10 on the Committee of the whole House. The National Hospital Insurance Fund (Amendment) Bill is very important. The business we conduct in this House is important because it is what happens in this country. We make laws on behalf of the people of Kenya. Those laws are used to govern them.

As you are aware, the Question was put yesterday during the Second Reading of the Bill. Today, it is coming to the Committee of the whole House. We need enough time to come up with our amendments because this is a House of procedure, traditions and precedents. The Leader of the Majority Party will have time to give his opinion. He should allow me to give my opinion. You know we are under the Constitution 2010. When the House began operating under this new regime of the Constitution, the Leader of the Majority Party was in the village. I came here under the 2010 Constitution in 2013 with you as my Speaker. So, this is a new regime. This is not the old time of the Minister for Treasury giving dictates on the Floor of this House. I am seeking your indulgence in the sense that we need enough time to develop our amendments. We have a lot of amendments. Normally, Second and Third Readings take not less than seven days in this House. Yesterday you did put the Question for the Second Reading. Today the Committee of the whole House is coming up. This is such an important Bill that cannot be rushed. What is the hurry?

Hon. Speaker, as you are aware, Government wants to roll out the Universal Health Coverage (UHC) using this Bill. This is such an important Bill that cannot be rushed the way I am seeing it happening. I seek your indulgence because I have never seen a Bill being rushed, unless with your approval pursuant to Standing Order No. 1. There are exceptional times I have seen Second Reading happening like yesterday and the Third Reading happening today or on the same day. It is on exceptional Bills.

Hon. Speaker, it is my considered humble submission and opinion that we are given even a minimum of three or four days to come up with our amendments as a House and we debate them even in the Special Sitting he wants to call. This is not a Bill we can take for a joke. This is such a serious Bill that is going to affect the lives of Kenyans. So, I request the House to support that let us take our time and I request Members to support me that we defer this Bill. Thank you, Hon. Speaker.

Hon. Speaker: Let us hear the Leader of the Majority Party.

Hon. Amos Kimunya (Kipipiri, JP): Hon. Speaker, it is true that the Question was put yesterday but the Report of the Committee was tabled on 5th August, which is not yesterday. The Report of the Committee was tabled on 5th August. So, Members have had time to look at the Report. Members have actually generated amendments, which you can see on the Order Paper.

Hon. Speaker, last week on Thursday, I made a Statement and you advised Members to be alert on the contents of the Statement. In that Statement, I actually indicated that the Committee of the whole House on the National Hospital Insurance Fund (Amendment) Bill was supposed to take place yesterday. So, every Member had notice from last week that the Committee of the whole House was to take place yesterday. Unfortunately, on Thursday last week, a Member stood and raised the issue of quorum and we could not complete debate. Hon. Members had notice that the Committee of the whole House on the National Hospital Insurance Fund (Amendment) Bill would take place yesterday, but because debate had not been completed, we put the Question. So, the issue cannot arise now that Members have not had time to bring amendments.

I know Hon. Junet has not been in the House for a while but that is not reason to derail the benefits accruing from this National Hospital Insurance Fund (Amendment) Bill for the Kenyans. Kenyans are suffering out there. They cannot afford to pay their medical bills and when we are creating a vehicle to help them, this House cannot be standing in the way of Kenyans who are suffering out there because we want to take our sweet time to bring amendments when we had all the time to do so.

So, Hon. Speaker, I urge that we also remember we are going on recess for four weeks from tomorrow. Kenyans cannot wait until September so that we start doing UHC, which is something we already knew that we were to do. So, I find this request rather strange, especially from a member of the House Business Committee (HBC). Remember it is the HBC that scheduled this business to be on the Order Paper today. If Hon. Junet did not attend the meeting, he cannot try to invalidate the decisions of the HBC which, Hon. Speaker, you chaired and saw the wisdom of having this Bill on the Order Paper today.

I urge that we do not derail the further processing of this Bill. If Hon. Junet has any issue he would want to bring an amendment on, he still has time and we can process it even as we go in the Committee of the whole House. But, let us not derail the processing of this Bill any further on account of time! This is because Hon. Junet is a Member of the HBC. He would have raised the matter in the HBC. Then last week we gave notice, through a Statement, that this matter will be coming to the Floor this week. So, every Member heard that and some Members have actually prepared. There are Members here who have come purely to process this. So, let us not frustrate the work of Parliament just because we are not comfortable with something. Let us raise it when we come to the Committee. Hon. Speaker, I urge that we do not reschedule this matter.

Hon. Speaker: The Leader of the Minority Party has the first shot after the Leader of the Majority Party

Hon. John Mbadi (Suba South, ODM): Hon. Speaker, it is true that I am a member of the HBC. It is the same with Hon. Junet, the Leader of the Majority Party and others. However, it is also true that both of us did not attend yesterday's HBC meeting but I just want to ask and urge the Leader of the Majority Party to be flexible because, really, we plan business in this House for the convenience of the House.

Hon. Speaker, before a matter is concluded at the Second Reading, many of us do not prepare amendments because we do not know when really the Second Reading will be over. I have realised that the matter was not concluded at the Second Reading. So, even if you give notice, there is usually no hurry to prepare amendments until when the matter is concluded. This is a very important matter. What makes it even more important for it to be deferred is what exactly the Leader of the Majority Party has said – that this is a very important Bill for the welfare of many Kenyans and it is a matter that we cannot rush, especially at the Committee of the whole House. This is because when later it turns out that we made mistakes in enacting this Bill, then whom will we blame? Will we say that we wanted to rush so that this Bill is passed for those who are supposed to benefit to start benefiting or will we be accused of sleeping on the job?

There is nothing wrong with us deferring the Committee of the whole House on this Bill. I am sure we are going to have Special Sitings. Obviously, we will have to approve IEBC commissioners and the TSC appointees. So, there is nothing that will stop the Leader of the Majority Party and me from including this Bill among the issues that we will transact during the Special Sitting. So, I want to just plead with my colleague. You know we are in politics. You know he is my professional colleague. We have been with him in this Parliament for long. I know he is a very inflexible leader. When he has put his mind to something, he does not want to change but these are occasions and times when you are called upon to compromise for the benefit of the House and for the benefit of the Republic of Kenya.

Hon. Speaker, I beseech you that we convince the Leader of the Majority Party that this matter can be deferred a bit longer. Thank you.

Hon. Speaker: I will hear a few of you. Hon. Duale.

Hon. Aden Duale (Garissa Township, JP): Hon. Speaker, thank you for giving me this opportunity. First, I have no problem because I have amendments. The Clerk's Office will agree with me. I was told about the Committee of the whole House at 1.00 O'clock today and I had to prepare my amendments. You saw me signing in at 3.00 p.m. when the House was in session.

Hon. Speaker, this is very important. I want you to go to Standing Order No. 131. Let me read it for the House:

“Where after a Bill has been read a Second Time and before commencement of a Committee of the whole House, amendments have been proposed to it, which in the opinion of the Speaker require harmonisation, the Speaker may direct any Member proposing an amendment to the Bill to appear before the relevant Departmental Committee dealing with the subject matter of the Bill to present his or her proposed amendments and the Committee shall submit a report to the House on the result of the exercise before the Committee of the whole House is taken.”

If you look at the amendments to this Bill by Hon. John Kiarie...

(Hon. Amos Kimunya spoke off record)

Hon. Speaker, tell the Leader of the Majority Party to give me my time. I gave him his time.

If you looked at the amendments of Hon. John Kiarie and Hon. Member for Chepalungu, they are so fundamental and they are many. Tradition in this House has been that you use Standing Order No. 131 to ask the Committee chaired by Hon. (Ms.) Sabina Chege...

(Hon. Adan Keynan spoke off record)

You have not been allowed; the Speaker has allowed me. Even when the Speaker was putting the Question... This is the problem of not being in the House, but let me continue.

Hon. Speaker, I wanted to use Standing Order No. 131... Let me continue. Those are side shows. Standing Order No. 131 gives you the powers.

(Hon. Adan Keynan spoke off record)

Hon. Speaker, if there are people who... In Islam we say death is inevitable. That we shall remain... Let me put on the mask so that they can be comfortable. I know they have many other issues but let me not lose my thought.

Standing Order No. 131 gives you the powers. That is what we are telling you. Two, and I want to go on record, there are instances where we had this kind of thing. Since the 10th Parliament, and you were in the 9th Parliament, the tradition has been that when the Question is put for the Second Reading, not the Committee Report being tabled as the Leader of the Majority Party is saying, a minimum of 24 hours is given to Members. In my opinion, the 24 hours began this afternoon.

Hon. Speaker, you have given direction from that Chair a number of times telling Members that they must prepare amendments for certain Bills. I agree with the Leader of the Majority Party. In his Statement on Thursday, he asked that this matter will come on Tuesday if the matter was to be concluded that Thursday. That is what his Statement read. It was not concluded on Thursday, it was concluded yesterday. So, we are not asking for too much.

That is why we have just passed a Motion giving sweeping powers to the House that in the event the President brings a message, in the event we receive a message from the Senate, in the event a Bill matures, and in the event we have got timelines as provided in the Public Appointments (Parliamentary Approval) Act for the cases of IEBC and TSC, the House through the Leader of the Majority Party or the Leader of the Minority Party can be recalled.

There is nothing urgent. This Government had four years to implement the UHC. Already, I have my amendments. The concerns of Hon. Junet Nuh and many other Members here are good and valid. Let us give Members... I remember Hon. (Ms.) Odhiambo-Mabona used to take us back because she used to bring a raft of amendments. We used to sit in Room No. 9 harmonising them.

Hon. Speaker, use Standing Order No. 131 and ask: with the many amendments by the Member for Chepalungu and other Members, can we harmonise and agree through the Chairlady of the Departmental Committee on Health? It is an important Bill. So, we do not want frivolous amendments to pass. We want amendments that will add value to the attainment of Universal Health Coverage. I contributed on this Bill passionately. I have two amendments. In fact, it is one Bill that I wanted to be passed like yesterday. We must carry everybody.

I urge the Leader of the Majority Party to be considerate sometimes. When we will have the Appropriation Bill and the Finance Bill, which have got timelines, or when there will be an urgent matter of approving a nominee, we will support you. Please on this one, let us just have three days as Members bring amendments and let us harmonise. During this period, I can even be convinced to drop my amendments. Already, the Leader of the Majority Party has spoken to me on my amendment on the penalty. We want to agree but I indulge you, Hon. Speaker, to use Standing Order No. 131 so that we move on. I really want all of us to move in the same direction.

Hon. Speaker: Hon. Charles Kilonzo.

Hon. Charles Kilonzo (Yatta, Independent): Thank you, Hon. Speaker. For once, the Leader of the Majority Party should flow with the House. This morning, we had the Sugar Bill and the amendments were very many. It was agreed that the Bill be referred back to the Committee for harmonisation and the matter was deferred.

For the Leader of the Majority Party to say that the House Business Committee sat yesterday and the two Members were there, whatever is agreed in the House Business Committee is not cast in stone. This House has a tradition. One of the traditions has been something we call 'the mood of the House'. The 'mood of the House' is very clear. So, I appeal to my good friend that for once, do flow with the House. Do agree with Members that this matter be deferred. We can defer it for as long as we can have a Special Sitting specifically for it.

Hon. Speaker: Did I see Hon... There are so many of you. Hon. (Dr.) Chris Wamalwa.

Hon. (Dr.) Chris Wamalwa (Kiminini, FORD – K): Thank you, Hon. Speaker. I have listened carefully. I had really wished to contribute on this Bill at the Second Reading. Unfortunately, I did not get an opportunity. Listening to the Leader of the Majority Party and I have heard it also in my own constituency, people are complaining about this issue of NHIF. They have not been paying many bills. If at all this Bill that he is trying to expedite is going to bring us a solution, then obviously it is going to add value.

Hon. Speaker, sometime back we had such an issue where people had amendments. A matter was deferred but when that time came, the amendments which were supposed to have been 10 were dropped and we remained with only one amendment. So, if some people are in the House Business Committee and on that day they are not there because of their individual

interests, we should not derail the House. It is personal! Choices have consequences. At that particular time when I was not available, I did not contribute and the business had to go on.

How I wish that we could also hear from the Chairlady of the Committee. Today, when there were amendments of the Departmental Committee on Agriculture and Livestock, the Chairman mentioned that some of those amendments were so significant that they should have required public participation. The Committee felt that they should step it down for purposes of further consultation. I wish to hear from Hon. (Ms.) Sabina Chege who is here. She is the Chairlady of the Departmental Committee on Health. It is important that every amendment is passed through the relevant committee.

I thank you.

Hon. Speaker: Well. Let me give Hon. (Dr.) Robert Pukose who, indeed, yesterday, rose on Standing Order No. 95 to call for the Mover to be called upon to reply. Was it you?

Hon. (Dr.) Robert Pukose (Endebess, JP): Hon. Speaker, it was me. I have been here since the Motion was actually moved. I was here when it was debated. I also participated in the debate of the Motion last week and when it came this week. Listening to what the Members were saying, it was almost the same thing.

I wanted to urge the Leader of the Majority Party, reading the mood of the House, to let us defer this matter. When you read Standing Order No. 131 further, you realise that some of the amendments might even have monetary implications. Therefore, it might even require consultations with the Budget and Appropriations Committee or even the Cabinet Secretary, the National Treasury. It is important that we defer this matter and allow Members more time because they are important stakeholders in this.

The other day, I raised the issue that the main Orange Democratic Movement (ODM) side was not in the House; leave alone the peripheral. The main ODM is now in the House after the Building Bridges Initiative (BBI) reggae has stopped. We should be magnanimous enough to allow them to bring amendments, so that the country can move together. The Chairman of ODM said that they want to bring the country together and are starting with Homa Bay. This is an important thing. Let us all work together and allow them to bring amendments.

Hon. Speaker: Before I hear from the Chairperson, let me hear from Hon. Oundo.

Hon. (Dr.) Wilberforce Oundo (Funyula, ODM): Hon. Speaker, I am probably one of the most diligent Members in this House when it comes to the Committee of the whole House. In my guided view, the Second Reading offers alternative or additional information which the respective Committee should consider and review by looking at the *Hansard*. This will ensure that whatever final amendments the Committee proposes have taken into account the comments and views of the Members.

Presupposing that the proceedings of the Second Reading are of no value is basically to demean this House. It is practically impossible that debate concluded yesterday and by this morning when the Order Paper was published, the Committee had already gone through the *Hansard* of the proceedings of the Second Reading and made a determination. It will essentially not tell the correct position of the Members and the public.

Honestly speaking, this is such a fundamental Bill that touches the lives of the common *mwananchi*. Time is necessary for us to gauge the views of Members of this House and prepare adequate amendments that will safeguard the health and interests of Kenyans. I sincerely ask the Leader of the Majority Party that, since we have always stood with him in times when he needed us, it is also time that he stands with us when we need his indulgence on this particular matter.

Hon. Speaker, I request that you rule in favour of postponing the Committee of the whole House until reasonable time is given to Members to review what has been said and propose amendments that will safeguard the interests of this country.

Thank you, Hon. Speaker.

Hon. Speaker: Let us have the Chairperson of the Committee.

Hon. (Ms.) Sabina Chege (Murang'a CWR, JP): Thank you, Hon. Speaker. I have listened to the Members of this House. Several issues have been raised, especially the issue of the Committee's preparedness on this matter. I just want to confirm that the debate ended last week. We have taken time, as a Committee, to engage with stakeholders and listen to the Members who were also here. Yesterday, the Question was only put, but debate ended last week.

I also want to confirm that, today, the Member for Homa Bay, Hon. Wanga, who is not present in the House, had amendments and we spoke and agreed on how they would be carried. Hon. John Kiarie is another Member who has also been referred to. Other Members who had amendments like Hon. Koskei were also consulted and we have actually harmonised. We took the better part of the morning to harmonise and are in agreement. Hon. Duale had some issues and was even going through the amendments. I have confirmed to him that the Committee has taken care of several of them.

It is hard when the leadership does not agree. It is actually sad. I wish they had discussed this matter before, so that they guide us well because you can see that Members, including the ones who also wanted to move amendments, are ready. I only beg, if it suits Members, that we proceed with the business, so that we are able to handle this matter.

The governors - and I would not want us to take the same route - took over one year to submit names of the first one million households that were supposed to be taken care of. I would wish that the House does not delay. I was trying to consult with my brother to find out whether there is something that should be considered, so that we can see how to incorporate it in our amendments, but he just said that he wants more time to have a look at it.

I do not think there is anything hidden in the amendments. I am very sure because we make laws, if there is something that this House may pass or omit, there will be another chance. This Bill will go to the Senate and come back here. We still have some more time.

I would like to beg Members that if we are able to proceed, well and good. I just plead with them to proceed, so that we tackle it and make universal healthcare a reality. I beg Members that we proceed with this matter. If there is any major matter, we can still consider it.

Thank you, Hon. Speaker.

Hon. Speaker: Hon. Members, I just want to hear your views. As I was seated here, I received a proposed amendment by Hon. Duale. I have not approved it because I do not approve amendments from here.

A few things come to light. What is the value of the Second Reading? It is debate and views are expressed regarding any of the clauses in a Bill. I implore Committees to also take this seriously because I have seen chairpersons of committees come, move their Bills and walk away. So, you wonder who is now following the debate. The next thing they do is to come with amendments. From where? They say that they have interacted with villagers during public participation. What about the very serious ideas that have come from Members here? Are they of no value? In that case, we should do away with the Second Reading, so that a Bill comes, the First Reading is done, it is referred to the Committee which goes and takes views from stakeholders and other members of the public and after that, it comes to the Committee of the

whole House. I know there are several Members who actually research or have very serious input to the Bills. To be fair, this is an important fact that we must take into consideration.

In yesterday's Order Paper, the National Hospital Insurance Fund (Amendment) Bill was listed for continuation of debate in the Second Reading. For all intents and purposes, debate was to continue. If there were sufficient Members to oppose the issue raised under Standing Order No. 95 by Hon. Pukose and demand, through a vote, that debate continues, it means that you would be doing so even now. That is the long and short of it. Nevertheless, Hon. Pukose rose in his place and those who were present and had perhaps contributed were of the view that debate should be closed and that the Mover be called upon to reply.

I want to know from the Committee whether you have looked at the *Hansard* today to see the Members' contributions because, to be honest, very many Members have contributed to this Bill. On the first day, I remember asking for the records and there were a total of 24 Members. It has been debated for about three days. I do not know. The Departmental Committee on Health did not sleep throughout the night. They were looking through the *Hansard* to see what Members said. What Members say here should also inform what proposals the Committee comes up with. So many Members contributed. Those are views that also need to be taken into account. Committees, please, do not take the contributions in Second Reading so casually to think what you have been given by stakeholders out there is the alpha and omega and that nothing else matters. I am still receiving proposed amendments even when I am here. This is evidence that there has not been sufficient time for people to bring in their amendments. We always say from here, using Standing Order 131, that we always encourage committees to undertake what we call winnowing so that you harmonise, as Hon. Duale said, the various proposals. Nothing will happen if we allow you and the House some little bit of time.

Since it is obvious from the Motion we have just passed in Order No. 8 that the House, even during recess, will have to reconvene for a Special Sitting, the Leader of the Majority Party can indicate that in one of the sitting days the business to be transacted will be this one. That is so that nobody feels that you like they have been left out.

(Applause)

Just carry everybody on board. There is no harm. In any event, the Senate is not sitting. The latest indication I have is that Nairobi is too cold. They may not be sitting for some time.

(Laughter)

So, we have some time during which we can try to carry everybody on board. Remember, at the end of the day, even carrying everyone on board means being able to sit together. As the Hon. Sabina explains, maybe she has already explained to Hon. Koskei, Hon. Kiarie and Hon. Duale. Maybe. It may all be that given this time, they will all be just confirming that, yes, we have spoken and the Committee has taken my proposals and we carry them. It makes the work that much easier during that time, if we allow that. If we do not, it will just mean so much protracted arguments and debates in Committee of the whole House, which is unnecessary. You may not even finish today. So, I think there is need to do some form of harmonisation and also allow for more time for any other Member who may not have been here yesterday and today, and who desires to propose amendments to this Bill, time to do so.

(Applause)

Therefore, I will adjourn debate in Committee of the whole House by removing from the Order Paper business appearing as Order No. 10 for purposes of harmonisation of proposed amendments and accommodation of any other amendments that any other Member may wish to propose. We are better off when we move together.

(Applause)

So, let us just carry everybody on board and let nobody feel that they have been short-changed or have not been given enough time to propose amendments. I think it is not a good thing to say that you will have a chance to propose amendments when the Bill comes from the Senate. You know then you will be risking going the route provided for in Articles 112 and 113, on mediation. So, remember you can only deal with any new proposals that come from the Senate. So, to give yourself and this House sufficient time, I will take out the business appearing as Order No. 10 and direct that any Member desiring to bring in amendments, any new ones, submit them to the Clerk before close of business on Monday next week. It will be on 23rd August 2021. That is so that, thereafter, if there is need for any harmonisation the Committee will have time. They can meet even when we are on recess. I am aware that Committees meet quite regularly. That is the order from the Chair.

(Loud consultations)

(Committee of the whole House deferred)

Next Order.

BILL

Second Reading

THE IRRIGATION (AMENDMENT) BILL

(Hon. Amos Kimunya on 17.8.2021)

(Resumption of Debate interrupted on 17.8.2021)

Hon. Speaker: Member for Suba North. Hon. Millie. I am told you have a balance of six minutes.

Hon. (Ms.) Odhiambo-Mabona (Suba North, ODM): Thank you, Hon. Speaker, for giving me this opportunity to continue contributing to this Bill. I just also want to thank you for the guidance you have just given in relation to the NHIF Bill. One of the things we are not taking cognisance of is that we are now competing with our friends and relatives who are also dying. Yesterday I was attending a funeral service for a friend of mine called Violet Wasuna. Today I was attending a funeral service for one of my *athoniwas* in Kiambu. In the age and time of

COVID-19, when we are making our calendar, we should take into account the fact that people are dying at an alarming rate. It is also competing with our calendar of events. I will also be requesting for time at some point. I know we are proceeding on recess and I was hoping to bring a Question by Private Notice in relation to fishermen. I will be asking Parliament, during the Special Session, to maybe consider that as well. Even as we are proceeding on recess, many fishermen are being killed by Ugandan forces. That is something that I am going to request during this recess.

Other than that, I had already given indications about the importance of irrigation. I just want to indicate that there are some issues in the Bill that I want to commend. Areas that may require amendments, we have already given the Chairs of Committees the direction. I hope that the Chair of the relevant Committee is here and that he is listening and that he will bring the amendments. If that is not possible, I hope I will make time.

In relation to Clause 6, I am happy that there is provision made for two persons of opposite gender and from different regions, with knowledge and experience in various matters. When we take into account gender and regional representation, it means we are taking the issue of inclusion into account. How I wish that, in Clause 6(3), we would also include the same provision and standards of gender and regional representation. If you notice, it says that we will delete paragraph (h) and substitute therefor the following new paragraph: two persons appointed by the CS out of four persons nominated by the National Irrigation...

I do note the change. It does not indicate whether these would be of the same gender and whether there will be regional representation. I would want to encourage the Committee to amend this clause to reflect gender and regional representation and, perhaps, include persons with disability. I am also happy that in Clauses 5 and 6, the Bill provides that the Board shall adhere to principles of corporate governance. You realise that even other irrigation schemes that the Government has started have gone the wrong way because of integrity issues and corruption. After that, we complain against the Government when it is individuals working within the Government that are doing these things. So, it is very good when we ensure that we strengthen governance.

[The Speaker (Hon. Justin Muturi) left the Chair]

*[The Temporary Deputy Speaker
(Hon. (Ms.) Soipan Tuya) took the Chair]*

I will also propose amendments to Clause 17 which provides different standards. Sub-clause 2 says that the Cabinet Secretary shall ensure that irrigation developments are planned and implemented in accordance with certain standards, which include integrated water resource management principles. How I wish that we could also provide for human rights-based framework for management of irrigation. That would also take into account gender mainstreaming in management of irrigation. Sometimes when I raise these issues, people ask me how I see gender on issues of irrigation. When I was working with different Government agencies as a consultant before I came here, people used to ask the same question in regard to roads. Now I see many women involved in roads because we actually took initiative.

I can see that I have already been given time warning, so I will just make one last comment. I am very happy that we are incorporating monitoring and strengthening monitoring. I am only concerned about Clause 16 which says that you can be released because of undesirable

behaviour. What is undesirable behaviour? That is very subjective. We need to have a very clear and objective process of dismissing people.

I do support. Thank you.

The Temporary Deputy Speaker (Hon. (Ms.) Soipan Tuya): Member for Ijara.

Hon. (Ms.) Sophia Noor (Ijara, PDR): Thank you, Hon. Temporary Deputy Speaker, for giving me this chance to contribute to this very important Bill. From the outset, I support the Bill. The principal objective of the Bill is to amend the Irrigation Act to expand administration and management of irrigation matters in Kenya. To achieve this expansion, the Bill sets to amend various sections of the Act to ensure adoption of best practices in irrigation as well as to enhance sustainability of development of irrigation infrastructure and investment in Kenya.

The Irrigation Act of 2019 is meant to streamline the development, management and regulation of irrigation to support sustainable food security and socio-economic development in this country. The Act outlines prospective roles of the national government and county governments in facilitating irrigation activities in this country. Currently, that is not well-defined. The roles and responsibilities of both the national and county governments is not well stipulated. This amendment will clearly define the roles of the national and county governments and other stakeholders that are interested to do private irrigation programmes and projects in this country.

The Act has also embraced multi-sectoral approach to irrigation devolvement and management; fully recognising the private sector for the first time in involving themselves as well as other non-State actors in irrigation devolvement to improve sustainability of the project. We have seen many big irrigation projects fail because of management and because there is no sustainability plan. I have gone to many projects in this country that clearly have no clear management and sustainability plans.

With this amendment, we will have a clear management structure and a clear map of sustainability of irrigation projects. It also strengthens and enhances institutions. For example, we will form Irrigation Water Users Associations. We have seen places where there have been conflict previously. With this body in place, we will have clear roles that are defined and articulated very well.

We will also have an umbrella farmers' organisation that will have data showing where every irrigation project is in this country. It will show what farmers are doing and how they are doing it. We will identify the gaps and problems that exist in any of the irrigation farms that we have. This will give self-reliance, proper governance structure and legal status to enhance and enter into an agreement with the national government, county governments, private institutions and other associations.

The Act will also expand the mandate of the National Irrigation Authority and provide for the composition of the Board in line with the principle of corporate governance. I know the issues because I oversee them. Although this is a very progressive piece of legislation that has a lot of positives, there are certain gaps within the Bill that we have identified as a Committee. Madam Speaker, those ultimately require some amendments in order to enhance effective implementation of this Act. One of the areas of concern to us as a Committee is the omission in terms of definitions. Those are some of the things the Committee is proposing to bring during the Committee of the whole House, when we will be moving amendments.

The other thing that is lacking in this amendment is the appointing authority in terms of board appointments in order to meet the threshold of Article 6 of the Constitution. That is also not well defined within the Bill. As a Committee, we are going to raise an amendment to that effect. We will also harmonise it with the Water Act of 2016. This amendment has some issues.

It is not in harmony with the Water Act of 2016. At that stage, the Committee will also bring an amendment.

The Committee will be proposing amendments during the Committee of the whole House to clean up the Act. We have already sat with many stakeholders, including line Ministry, and published this Bill in the mainstream media. We got a lot of interest from Kenyans. We have seen a lot of interest within this House from yesterday. People have contributed good ideas that we feel we need to bring on board so that we polish this Amendment Bill. Further, the Committee is going to propose qualifications for the Chairperson of the Board. Within the Amendment Bill, we do not have the qualifications of the Chairperson of the Board. The Committee in its wisdom, has agreed to provide for the qualifications as one of the amendments as well as the composition of membership of the Board in order to enhance the best practices in this country in terms of irrigation actors.

With those few remarks, I would like to thank you so much for giving me this chance to contribute to this very important Bill.

The Temporary Deputy Speaker (Hon. (Ms.) Soipan Tuya): Member for Funyula, Hon. Oundo.

Hon. (Dr.) Wilberforce Oundo (Funyula, ODM): Thank you, Hon. Temporary Deputy Speaker. As we always say, water is life; in the sense of domestic use, agricultural use as well as in the sense of livestock rearing.

Kenya is a country with less than 20 per cent of land that is arable, and that which can truly rely on rain-fed agriculture. The rainfall pattern is so restrictive that we are unable to have crops throughout the year. In order for us to be food secure and produce enough agricultural products to meet the demand, following our signing of the very many trade agreements with Britain and other countries outside this continent, we must have a source of water to enable us grow crops throughout the year.

With the erratic rainfall pattern in this country, we cannot rely on rain-fed agriculture. A Motion was moved here last week. Reports have been submitted by various Government agencies indicating that we have about 25 counties in this country that are facing severe drought because they do not receive enough rainfall to enable them grow crops. The importance of irrigation in this country cannot be gainsaid. That is why we have had the National Irrigation Board (NIB), which has been re-named National Irrigation Authority (NIA). We have so many private irrigation schemes that have been flourishing in this country. Those irrigation schemes have been implemented with so many success stories. Of course, we also have so many irrigation schemes that have flopped. Many have failed terribly.

It was the expectation of Kenyans that by changing the NIB to NIA, the new entity would be able to enhance the acreage under irrigation, but that has not happened. That is what, probably, has informed the decision to continuously review the Act that was passed in 2019. Successive Governments, more so the Jubilee Government, gave us lofty promises on how they would put endless amounts of acres of land under irrigation, but nothing has happened in most instances. The few instances that have happened have been a conduit for corruption. An example is the Galana-Kulalu Irrigation Scheme Project. It is, therefore, important that the issue of governance, as has been clearly stated in Clause 6 (v) of this Bill, becomes central to the management of irrigation systems in this country.

It is such a shame that we pump a lot of money into irrigation schemes, yet nothing comes out of them in terms of enhancing food security. We pump a lot of money into irrigation scheme projects that are poorly planned and implemented; look at the Turkwel Dam, Thiba Dam

and other major irrigation projects in this country. That is why emphasis on better corporate governance and observance of the provisions of Chapter 6 of the Constitution by those charged with the management of irrigation schemes should be the main focus of this Amendment Bill. During the Committee of the whole House, we will introduce further amendments to entrench good corporate governance practices and observance of ethics to ensure that we have value for money from irrigation scheme projects that will be implemented because such projects have become a conduit for corruption and pilfering of public funds.

Looking at the Bill, there are quite a number of positives. One, it expands the definition of irrigators to include persons or entities which own, operate or manage an irrigation scheme. Probably, a further expansion will be necessary to include even those who benefit from irrigation schemes directly or indirectly. There are other areas that seem to be positive, but they are not really positive. There are quite a number of clauses that might have to be relooked at. One of them is Clause 6 (1) (f) on appointment of the board members by the Council of Governors. What has been provided in this Bill might be unconstitutional. A Cabinet Secretary cannot supervise or direct the Council of Governors on who to appoint. The specific clause *inter alia* states that the Board shall be appointed by the Cabinet Secretary from a list of four nominees submitted by the Council of Governors. That could be contentious and unconstitutional. So, during the Committee of the whole House, we will have to relook at this provision. Appointment by the Council of Governors should be express. It should not be subjected to further vetting by any other body, contrary to the provisions of the law.

Clause 17 puts into place such a cumbersome process of consultation leading to prescribing administrative, an alleged framework. In this country, where we believe in brinkmanship, I do not know how successful the Cabinet Secretary will be, by consulting the Water Resources Authority Secretary, the National Water Harvesting and Storage Authority, the National Land Commission, the Council of Governors and other stakeholders. It might be cumbersome. We will never get any administrative or regulatory framework.

Finally, the actors will amend the principal Act under Clause 15 which requires that the Cabinet Secretary to, within nine months, have prepared or submitted various regulations required under the Act for the purposes of supporting implementation of the Act. As it stands, increasing that period from nine months to 18 months, essentially, means that the Act shall never be implemented. We badly need a functioning irrigation management system as soon as it is practical. Eighteen months is long. By then we will have suffered endless hunger, famine and drought. That is not going to support us.

Within a short period of time, the Cabinet Secretary, in consultation with the Council of Governors, should be in a position to develop regulations that can operationalise the Act. As it stands now, we do not have adequate regulations to ensure that we prudently invest public funds in irrigation schemes and give framework and guidelines to private irrigators on how to manage irrigation schemes.

With those few remarks, I support the Bill with reservations regarding the proposed amendments that we will move at the Committee of the whole House.

Thank you, Hon. Temporary Deputy Speaker.

The Temporary Deputy Speaker (Hon. (Ms.) Soipan Tuya): Let us have Hon. Kabinga Wachira, Member for Mwea.

Hon. Josphat Kabinga (Mwea, JP): Thank you, Hon. Temporary Deputy Speaker. This Bill is of interest to the people of Mwea because they work tirelessly to feed this country with

rice through irrigation schemes in Mwea. It is for the same reasons that I came into this House almost 40 minutes before time. I am surprised that I was not first on your list.

The amendments before us are important to strengthen the Act that was passed in 2019. Prior to that, we had an archaic Act. It was colonial. We used to refer to it as Cap. 347. It was through tireless efforts in 2018 and 2019 that this House came up with an Irrigation Act that improved the management of irrigation schemes in this country. The amendments that we are currently considering are important for the full operationalisation of the National Irrigation Authority that was created through the 2019 Act. However, a number of issues were noted in that Act that necessitated this particular amendment Bill.

Before I make remarks on some of the amendments, let me thank the Government because of the seriousness it has taken on irrigation schemes. I know a number of Members have noted some shortcomings in some of the irrigation schemes. The speaker before me mentioned Thiba Dam and I am not sure I understood what issues he has with it. Thiba Dam is in Kirinyaga County. It is a mega dam. It was almost a Kshs20 billion project. Currently, it is about 65 per cent completed and by December, we expect it to be fully complete. Once complete, we shall redouble the production of rice in Mwea and be able to feed this country by almost 50 per cent of our rice requirements. That is a major milestone. I commend the National Irrigation Authority, the Ministry of Water and Sanitation and the entire Government for ensuring that that project is completed on time, which will be a major milestone for this country.

Some of the amendments raised in this Bill are very important. One of them is to ensure that the National Irrigation Authority can attain the necessary quorum to enable it to proceed with its meetings and operations. Under the current Act, with nine board members, the Authority is supposed to raise seven members to form a quorum. That could be a tall order at times, especially at this time when we are talking about the challenges of COVID-19 and other pandemics that bedevil this country. Therefore, reducing that number to five is a necessary amendment.

I also commend the drafters of the amendment Bill for ensuring that there is greater consultation in the entire management of water use. As it is now, decisions are being made by the Water Resources Authority or any other concerned authority without deeper consultations. It is for the same reason that we have the current water use fees as Kshs3,000 per acre. That becomes a heavy burden on a farmer who is not subsidised in his farming, whose inputs have very high rates, who is more often than not affected by poor infrastructure and who would occasionally be infested by what we call Quelea birds and snails that consume rice worth about Kshs250 million every season. The farmer is overburdened. If we have other costs like the water use costs without proper consultation, the farmer ends up being the one to suffer.

It is also important that we amend the current Act to ensure that the National Irrigation Authority is anchored in the department that is concerned with irrigation. As it is now, when Government shifts irrigation from one area to another like from the Ministry of Agriculture, Livestock and Fisheries to the Ministry of Water and Sanitation, you find that the National Irrigation Authority is in the Ministry of Agriculture, Livestock and Fisheries while irrigation is in the Ministry of Water and Sanitation or vice versa. That causes a lot of confusion. When we amend the Act to ensure that we know where the National Irrigation Authority will be regardless of any changes within the Ministries, that will be a good thing for us.

The other issue is extending the responsibilities of the National Irrigation Authority to include some regulation. As it is now, many of its responsibilities are only in management. The National Irrigation Authority should lessen its burden on management and increase on regulation

so that, once an irrigation scheme is fully grown, its management should be left to the scheme management committee as opposed to the Authority itself. That would be another good thing for this country.

Hon. Temporary Deputy Speaker, with those good amendments, I will also be proposing some amendments during the Committee of the whole House to ensure that we increase the efficiency of the Authority. Having created an authority in the name of the National Irrigation Authority, its leader is still referred to as a Chief Executive Officer. In line with other authorities like the Kenya Urban Roads Authority (KURA), the Kenya Rural Roads Authority (KeRRA) and the Kenya National Highways Authority (KeNHA) and others, it is high time we changed that position from that of a CEO to a Director-General to give room to other levels of management to also assume the position of director. Therefore, I will be coming up with that amendment. I am also looking at aligning the term of the Director-General with that of other authorities by changing it from three to five years, so that the person can feel secure and provide the necessary services as other authorities in this country.

The other thing that we will be looking at is the strategic framework of irrigation by the Ministry. We will align it with the Authority so that the period under which the two strategic visions are managed can be harmonised.

In addition to that, I will be looking for a long-term solution to the issue of rice production and marketing in this country. It is still not catered for in the Irrigation Bill. We need a stand-alone Bill for rice and any other commodity so that production and marketing can be domiciled in one area. As it is now, we have many players. We have the Ministry of Foreign Affairs and International Trade looking at the marketing. We have the Ministry of Agriculture looking at the crop itself, and the Ministry of Water looking at irrigation. All this causes confusion, and some people take advantage of such situation.

The Temporary Deputy Speaker (Hon. (Ms) Soipan Tuya): Member for Mwingi Central.

Hon. Gideon Mulyungi (Mwingi Central, WDM-K): Thank you, Hon. Temporary Deputy Speaker. As my colleague, Hon. (Dr.) Oundo has said, water is life. Without water, there is no life. Even in this Chamber, we continuously drink water. Water is consumed by human beings, vegetation and animals. Seventy-one per cent of the world is covered with water yet we still experience drought in many areas in Kenya. We experience hunger and famine.

Where I come from, women and children still go to fetch water many kilometres away from their homesteads. There is a particular place in my constituency called Ukasi, where women wake up at 4.00 a.m. to go and search for water. They return home in the evening. That is happening in 21st Century Kenya. Those areas have no water, rain or food. Many parts of this country face such challenges. There is no irrigation that can thrive without water. Where I come from, Kitui County; there is no single thriving irrigation scheme. Considering that the last rainfall we got was last year, the whole of Kitui County is hit by famine and lives are endangered for lack of food.

I expect this Bill to address the gaps of food and water security. One of the key pillars of the Jubilee Administration is food security. Food security cannot be achieved without water. This Bill, under Clause 15, should have prioritised drought-stricken areas, which are essentially pastoralist areas. That clause is very superfluous. It just talks of provision of water, yet water can be provided anywhere. Irrigation can be done anywhere. However, priority should be given to drought-stricken areas and areas that are frequently hit by famine.

The Bill should also prioritise provision of water for irrigation and livestock. In most of the conflict-prone areas, communities fight over water for their livestock. Therefore, I propose that we introduce provisions for construction of dams for purposes of livestock rearing as well as for irrigation. Livestock also competes with humans for the same water resources, which is also critical for farming and vegetation.

Going forward, I propose that every household in Kenya must have a dam, especially in dry areas, so that people become food secure and have access to drinking water.

With those proposals for amendment, I support.

The Temporary Deputy Speaker (Hon. (Ms) Soipan Tuya): Member for Keiyo South, Hon. Rono.

Hon. Daniel Rono (Keiyo South, JP): Thank you, Hon. Temporary Deputy Speaker for giving me an opportunity to also weigh in this amendment of the Irrigation Bill.

I start by supporting the Hon. Member who has just said that water is life. Indeed, water is life. I am glad that the country and the Government have realised the importance of irrigation. Irrigation is the root cause of food security. A good portion of our land is dry. As Members of Parliament, we ought to sit down and ask ourselves when we will ever solve the problem of water and irrigation by extension. This is because the day we have water in every corner of this country, we will kiss food insecurity goodbye. For example, a good portion of Kajiado County is arable land, but it is dry for lack of water. It does not rain, but the water is underground. In Turkana County, we have a lot of underground water which we can extract and use for irrigation.

The small portions of land that are being irrigated are doing very well. Kilifi and Kwale counties have the same scenario. So, the elephant in the room is how to extract underground water and use it. The only way we can get that water, knowing very well that water is life, is through irrigation initiatives. What are we waiting for? We are not setting aside enough money for water and irrigation in this country. We are unfair because boreholes have been drilled and dams dug unevenly and are unfairly distributed. Some of them are politicised like Kimwarer and Aror dams. Politics came into play until we forget the core objective we wanted to achieve. The minute you politicise irrigation and water we lose it.

Hon. Members, we know that food security is one of the Big Four Agenda items the Jubilee Government has geared itself to achieve and that is the answer to irrigation. There is no better answer. So, we need to drill boreholes in every sub location in this country and particularly in the dry areas because we have ignored them at our own peril. This is how we will get food security and there is no better answer to this than water and irrigation. As we sit here, let us put enough effort in allocating money for this elephant called irrigation.

Thank you, I support the Amendment Bill.

The Temporary Deputy Speaker (Hon. (Ms.) Soipan Tuya): Member for Makueni, Hon. Maanzo.

Hon. Daniel Maanzo (Makueni, WDM-K): Thank you, Hon. Temporary Deputy Speaker for giving me an opportunity to contribute to this very important Amendment Bill. This country is blessed with many rivers and a lot of water flows into the ocean. In fact, as Hon. Mulyungi has stated, we should have domestic irrigation. This is being practised in Yatta by Bishop Masika who has irrigated a whole location through cooperatives, organised community groups and the church. They have helped each other save and store rain water. In our country, even in the driest areas when it rains, it floods. Eventually all the water is swept away and not properly managed.

In the previous Parliament, I was a Member of the Departmental Committee on Agriculture and Livestock and I am very familiar with this topic. One of the things we did as Parliament and the Kibaki Government was to ensure irrigation systems were set in this country. We visited Israel and there the Government through its companies made an attempt to assist Kenya irrigate so as to reach their level. Israel has one single river called Jordan which irrigates the whole country and as a desert, they produce and sell foodstuffs to many parts of the world.

I believe we can do the same. A team from Israel came to Kenya and when they saw Tana River and Athi River they said if they had such rivers, they would lead the world in food production and they were ready to assist us. One of the best ways of doing this is by ensuring we have a law to enable the structures perform. What we have currently is riddled with corruption. Irrigation and water are devolved roles of the counties which must work together with the national Government.

In Makueni we have Thwake dam coming up which will have an irrigation component. Definitely once done, we will become the food basket of the country. In Tana River along Mwingi North there is an irrigation project that was started by Israelites when they came here. As soon as the Kibaki Government was gone and the moment devolution came in that project is not doing well under the county government. Hence the need for synergy between the national Government and county governments, so as to ensure such important irrigation operations continue in the country.

In the other Parliament, when I was in the Departmental Committee on Agriculture and Livestock, we visited Galana-Kulalu Irrigation Scheme. We say the project was failing because the whole management was a nightmare. Hence, the need for this very important Amendment Bill which needs to be polished, so as to make irrigation in this country successful. I agree that we should have enough water to grow food and for the animals. Pastoralists should have dams for irrigation and at the same time their animals will have enough water.

After harvesting, the crop waste is good for feeding animals especially during a dry season like now. We should have a system of ensuring that crop waste is stored to feed our animals. At the same time, we should store enough food for ourselves. Just like the Israelites described us at that time, we are like a blind beggar holding a bowl which somebody has placed gold and do not realise something very valuable is in there. As a country, it is high time we realised we have valuable water resources like rivers which should have well-planned irrigation schemes.

Drip irrigation which is mostly done in green houses saves a lot of water, whether it is rain, river or borehole water. Through irrigation we can sell our food and animal products to many parts of the world where they do not have land like us and grow food on stones or very dry land with very little water. I believe with this law we will achieve this because we have many dams other than Thwake and the High Grand Falls Dam planned to be done between Tharaka and Mwingi West. It has stalled for about 10 years because some people went to court and stopped the whole operation. It was an irrigation scheme for the dry lands in Ukambani, Meru and North Eastern and it was meant to stop the flooding we see in Garissa and other places. All the good plans and irrigation schemes we have in this country cannot happen if they are not properly management, it all falls on management.

I remember in the other Parliament Members from Pokot went to see the then Principal Secretary of Irrigation because we had set aside Kshs500 million for a certain irrigation scheme in neighbouring constituencies in northern Kenya. The year was coming to an end, this money could not be accounted for and the irrigation scheme had not started. They went to consult on

what had happened and there was a little bit of strife between them and the PS who was later dropped by the Jubilee Government.

We have to admit there have been challenges, the PS was also overwhelmed because he has to deal with other bodies. Synchronising the Ministry of Agriculture and the Ministry of Water, Sanitation and Irrigation is important. We need to think of how we can bring in the counties, fund irrigation schemes and ensure they have a budget. The moment an irrigation scheme is set up, the community should benefit from sustainable food production and ready markets. This is because of post-harvest losses which have been terrible in this country. People produce food and at times they do not know where to take it. So, we need to bring all the irrigation schemes together since they are quite a number. Even in Mandera there are irrigation schemes because there are rivers too.

One of the best ways of bringing farmers in these irrigation schemes together is through successful cooperative societies which are well organised, streamlined and work together with the Ministry of Industry, Trade and Cooperatives, Ministry of Agriculture, Livestock and Fisheries and the State departments dealing with irrigation and county governments. I think this is what this law is trying to do. As we have said in this House, Third Reading is very important because after all these ideas we need to amend and make the Act much better and more useful to Kenyans.

We are facing drought challenges and a few days ago, we discussed an Adjournment Motion by the Member for Marsabit County here. The 25 counties including Makueni and Kitui are facing serious starvation and drought. When it rains a lot of water is lost and we need to dig small dams and drill boreholes as suggested by Members. Let it be an initiative of every Kenyan to save water when rains come. I believe, compared to many other countries, Kenya has enough rains.

When the rains come we must have a way of harvesting the runoff water and the underground water like it is in Turkana now. The moment we are food secure, we can sell the excess food to other countries. We are still bringing in a lot of food from our neighbours like Tanzania and Zambia where they do serious farming of maize. We are bringing in legumes from India. I believe we can do very well as a country and this law is an improvement. Without proper amendments at the Committee of the whole House, it is still not conclusive. That is the time I think we need to be a little bit keen so that whatever has been proposed by the ministry and is now pending, we can make it much better for the benefit of this country.

I thank you.

The Temporary Deputy Speaker (Hon. (Ms.) Soipan Tuya): Hon. Mohamed Sheikh, I was almost striking you out of my list. You are top of the list and I could not see you.

Hon. Mohamed Mohamud (Wajir South, JP): Thank you very much, Hon. Temporary Deputy Speaker. I had to pray my afternoon prayers. Therefore, I had to take a few minutes off from my desk.

The Temporary Deputy Speaker (Hon. (Ms.) Soipan Tuya): That is in order.

Hon. Mohamed Mohamud (Wajir South, JP): Thank you very much, Hon. Temporary Deputy Speaker. I am quite happy to contribute to this Bill. It is important that we realise that the Bill will add value to the enactment of the irrigation laws. It is important that we must also realise that this country is dependent on importation of food when this country has a potential to be able to feed its population, to provide for its people and reduce the amount of malnutrition that does occur year in, year out. We are facing severe drought in this country and we are also facing severe hunger that is on its way. The challenges that we had in the past is that we were

depending on international donor food – food that is transported in various stores that eventually produce a lot of aflatoxins. Aflatoxins are critical matters that evolve to cancer, particularly cancer of the throat, mouth and the stomach. We have realised that a lot of the foods that were brought for relief would have gone through storage that may not be quite conducive.

However, if this country gets its act together; invests in irrigation, provides sufficient resources to the irrigation institutions, then we will be walking with our heads high up in the sense that we will be able to provide for our people and export whatever remains. For example, the largest river that passes through this country, which is also the longest, is Tana River. Tana River passes through very critical places and important lands that require irrigation. The water that comes from the highlands eventuates into the Indian Ocean unnecessarily. That is spillage of resources that would have otherwise created a lot of jobs and made this country more productive. Eighty per cent of this country is a dry land and this 80 per cent that is dry would be useful in agriculture, if irrigation was seriously undertaken. Therefore, this Bill will give us the direction in the best way to have societies that can come together and organise themselves to provide for the country.

One thing that really needs to be taken into consideration is the Tana River again. It passes through a large area that is sort of a desert or semi desert. If the water that passes through is released, Wajir South that is almost 200 kilometres away from Garissa would get that water and start irrigation and use it for livestock and the rest. Now that is not happening, it is not only about providing the law, but it is about investing in irrigation. It is not about ensuring that the Acts have been enacted in this Parliament, but it is about the utilisation of those Acts so that they can make a difference to every member of our society and it can reach everywhere.

One other thing that I really want to add is that water pans and the dams that are developed are done haphazardly and unfortunately, without consultation of which areas are of value that can be utilised and that can have a higher yield and productivity. That has been overtaken by events and I really want to see that these laws that we are enacting in Parliament must carry the human results. Why do I use the term “human results”? What I am talking about is delivery to the people exactly the resources that are necessary and that should be utilised. We have been establishing a lot of laws based on this, but that seems to be only on matters of paperwork. The reality is that it does not concomitantly flow with resource allocation. That is quite necessary and important for the people that are on the ground.

That brings me to a very simple example. It may touch the nerves of a few people, but I really want to say a dam worth Kshs1 billion would make a huge difference to, for example, Wajir South, which is the second-largest constituency in the country. That is equivalent to three provinces – Central, Nairobi and Western provinces. It is a huge land. What it would have done is when people are investing in one single dam...

I want to use an example of Aror Dam and the Kshs35 billion that is being expended there. Give me Kshs1 billion out of it and it will make a huge difference to a huge constituency. It is unnecessary to say that you cannot create huge dams in particular parts of the country and forget the rest of the country. Irrigation is not only for one particular area. Water and survival are not only for particular places. I am not picking on any particular region or place. What I am talking about is the amount of money that is being expended on single water dams, like the one in Murang'a and other places. My examples will be countless. It is important that we have fair sharing of resources amongst the people of Kenya in all corners of the country.

Therefore, it is important that I say I support the proposals of this Bill and see that the Bill is not only written as a Bill, but also when it is being acted on, we must allocate resources concomitantly and in the right way.

Thank you very much, Hon. Temporary Deputy Speaker.

The Temporary Deputy Speaker (Hon. (Ms.) Soipan Tuya): Hon. Nduati.

Hon. Joseph Nduati (Gatanga, JP): Thank you very much, Hon. Temporary Deputy Speaker, for also giving me a chance to make my remarks. From the outset, I want to say I support the Irrigation (Amendment) Bill. I have read it and seen it is really going to assist our people. I have liked what they have come up with – defining what an irrigation scheme is. The term “national irrigation scheme” has been well defined. We have transboundary, trans-county or intercountry irrigation schemes which was not captured in the past. This has been well done. Again, the strategic irrigation schemes have been well articulated here. A strategic irrigation scheme means a national or county scheme which serves a specific productive purpose.

However, there are some proposals which have been put here which I will have to bring some amendments. Look at Clause 9 (2) where the people who are going to nominate board members have been proposed. One of them is a registered private sector membership organisation. I do not know of such an organisation.

Again, it has been proposed that two people be appointed by the Cabinet Secretary out of four people nominated by the National Irrigation Farmers’ Association. I do not think we have such an organisation in Kenya unless the Committee will guide us on this.

Hon. Temporary Deputy Speaker, having pointed out that...

The Temporary Deputy Speaker (Hon. (Ms.) Soipan Tuya): Hon. Joseph Nduati, you are making such a strong statement. We need to clarify that. What organisation is that? When you talk about an entity that is in a Bill and you are saying that it does not exist...

Hon. Joseph Nduati (Gatanga, JP): I have not heard about it and I come from Gatanga where we provide...

The Temporary Deputy Speaker (Hon. (Ms.) Soipan Tuya): Members of the Committee, anyone?

Hon. Joseph Nduati (Gatanga, JP): I have not heard of such an organisation. I am interested.

The Temporary Deputy Speaker (Hon. (Ms.) Soipan Tuya): This is what Hon. Speaker spoke about this afternoon. Second Reading of a Bill is very important. The Mover and the members of the Committee are not here. So, Members could be speaking to themselves. Unless a Chairperson can really tell us that after every moment of debate they go back to the *Hansard* to know what Members are saying, we will reduce this into a talk show. You can continue Hon. Joseph Nduati as we establish from the Office of the Clerk to substantiate what you have just talked about.

Hon. Joseph Nduati (Gatanga, JP): Thank you, Hon. Temporary Deputy Speaker. I come from Gatanga Constituency where we, combined with Hon. (Ms.) Wangari Mwaniki, provide all the water which is consumed in Nairobi, Athi River and Ongata Rongai. All the water which is drunk in Nairobi and all those places I have mentioned, come from our place. So, when I talk about National Irrigation Farmers’ Association which we are not aware about, I am well guided.

Despite providing Nairobians with water, Hon. (Ms.) Wangari Mwaniki can confess that we also suffer a lot as people from Kigumo and Gatanga. All the water comes here and we remain with nothing. We neither have drinking water nor irrigation water. As Kenyans continue

to suffer and as the people from Wajir suffer, we also suffer the same fate. However, I also want to congratulate the Jubilee Government because it has supported us in other ways which I will mention later.

Hon. Temporary Deputy Speaker, one of the challenges we have had in this country regarding irrigation schemes has been lack of enough funding, despite the problems we have with food security. The other challenge has been lack of enough irrigation engineers in this country. We have very few irrigation engineers such that some of the projects which are designed here are not designed by our local people. The Kimwarer and Aror dams were not designed by our local people, that is why we lost a lot of money to Italians.

Personally, I propose that we do not need those huge dams and projects. This has been confirmed in our place. The Jubilee Government has done very well in lower Gatanga. They have come up with water pans which are dug in individual farms, small water pans which are done for free and which have really helped our people. They are cheap because with about Ksh200,000, you can do a water pan. I confess that at this particular time in lower Gatanga, I would be giving people food. Today, I am a proud Member of Parliament. When I go to Ithanga or Kakuzi, I am normally given fruits and vegetables showing that even with small projects we can transform our people. Food security has really improved. We should continue with these small projects in Wajir and Maasailand, instead of doing those huge projects which benefit the pockets of a few Kenyans. Let us do small water pans which can assist our people.

Hon. Temporary Deputy Speaker, however, one of the challenges that I have seen with those projects has been lack of pumps for our people. We dig water pans but we cannot supply our people with pumps. I propose to the National Irrigation Authority that as they do those projects, because we are doing those projects for very poor communities, to supply them with solar water pumps so that they can benefit our people.

The other challenge has been to do with fencing. Fencing has been a challenge because you dig a water pan and you do not provide fencing which becomes a security threat to our kids, to the families and even to the community.

The other challenge as Hon. Gideon Mulyungi mentioned has to do with markets. You provide water pans, people are able to produce food and then that creates another problem of lack of market. So, all these things need to be coordinated so that our people can benefit. Again, I want to appreciate the Jubilee Government for the many water pans they have dug in our place. They have also provided us with fish. You can now see that I am a bit lighter than before because of eating fish. Our community has started eating fish.

Water will continue not being enough. We have the Water Harvesting and Storage Authority which has not done its job properly. You can see like in Nairobi, so many people are building flats without enough water and we have rain water. It should be compulsory that as you build flats, you should also provide an underground water tank and you should be able to harvest rain water instead of relying on Ndakaini water or crying all the time that you do not have water. I challenge Nairobians to come with a way of assisting the Government. Otherwise, it will be difficult. I assure people that Government will not be able to provide water to all Kenyans.

With those few remarks, I support the Bill. This is the way to go. We do not need those huge projects, let us support our people with those small projects.

I thank you for giving me that opportunity.

The Temporary Deputy Speaker (Hon. (Ms.) Soipan Tuya): Hon. Joseph Nduati, I actually did not know that fish has a bleaching effect. Did you say you are lighter out of eating fish?

(Laughter)

Hon. Joseph Nduati, you raised the issue of an institution within the Bill that you are not aware of, was it the National Water Resources Authority? Give Hon. Joseph Nduati the Floor.

Hon. Joseph Nduati (Gatanga, JP): No, the National Irrigation Farmers' Association. Is it there? I am not aware of that association. That is what I was raising.

The Temporary Deputy Speaker (Hon. (Ms.) Soipan Tuya): Okay. We need to look into that...

Hon. Joseph Nduati (Gatanga, JP): Hon. Temporary Deputy Speaker, again, if you look at Section 9(2)(g), "A registered private sector member's organisation with a national outlook," we do not have such an organisation in Kenya.

The Temporary Deputy Speaker (Hon. (Ms.) Soipan Tuya): Once again, let us leave it pending for now. However, I will continue to decry that a Chairperson of a committee or whoever presents such a Bill for debate in the House and then they go missing in action when we are on Second Reading of the Bill, it does not auger well with the conduct of the business of the House. We will revisit that.

Let us have the Member for Teso North, Hon. Kaunya Oku.

Hon. Oku Kaunya (Teso North, ANC): Thank you very much, Hon. Temporary Deputy Speaker for giving me this opportunity to also add my voice to the Irrigation (Amendment) Bill. Other Members have talked about the importance of this Bill. The Bill is very important for this country because it intends to bring about food security. However, our greatest challenge in this country since Independence has not been the absence of resources like water. We have enough water pans, rivers and even a freshwater lake, which is the source of the River Nile. The greatest challenge has been the ability to implement certain plans that we have set up.

We are glad that this Bill will strengthen some areas in terms of the management of irrigation in Kenya, as well as try to harmonise and make sure that all areas are covered in terms of irrigation. It is only through irrigation that we can be assured of food security in this country. Failure by the board established under Section 9 to implement the plans, the selection of the members of the board and the actual management of the irrigation plans is where we need, as Members, to lay emphasis on in the amendments in the Bill.

I will give an example of what has transpired. In this country, we have crops which are key to the growth of the economy such as cotton. In many areas, cotton can be grown through irrigation or even rain-fed agriculture, but in the late 1980s, the National Cotton Board failed. The failure of the board resulted in all farmers losing out on cotton growing. Recently, the Government put in efforts to try and revitalise some of the schemes. In the case of cotton, last year, the Government even launched the Biotech (Bt) Cotton, which could be grown across the country through irrigation. In launching that, the Cabinet Secretary promised that for the next few years, all farmers will get free Bt Cotton seeds. Whereas some seeds were given last year, this year, there were no seeds or insecticides. So, farmers are at a loss.

I emphasise that even as we support this Bill that will bring about change in terms of both food security and production of other commercial crops like cotton, we must ensure that those who are bestowed upon to manage the board that is supposed to take care of this must be people with integrity who are able to make sure that production is achieved.

There is a story told about how in 1969, after a Kenyan delegation visited Israel to explore the irrigation systems used there, an Israeli technical team came here, made

recommendations, went back and our Government tried to implement the recommendations. Some 20 years later, another delegation went to Israel seeking the same technical assistance. It happened that one of the sons of the technicians who joined the team that came to Kenya knew about it and was in the team that was there. The question that was raised in that circumstance was whether we are still where the father of that young man was when they advised and we did not implement.

My emphasis is that as we support this Bill, we should ensure that the gaps in implementation are filled. I will be proposing some amendments to strengthen and streamline the selection of the members of that board to ensure that qualified people, including engineers with some irrigation background, are brought on board, so that when we go to the implementation stage, we are able to achieve what is expected.

I support the Bill. Thank you for giving me this opportunity.

The Temporary Deputy Speaker (Hon. (Ms.) Soipan Tuyu): Let us have the Member for Mogotio, Hon. Kamuren.

Hon. Daniel Tuitoek (Mogotio, JP): Thank you, Hon. Temporary Deputy Speaker, for giving me this chance to also speak to these amendments.

Kenya is generally a water-scarce country. As we try to develop water structures, we mostly have two major consumers, namely, water supply for domestic purposes and for industrial purposes. Irrigation is one of the consumers of water. We also know that in Kenya, currently, droughts are frequent hence the issue of food security is a challenge. Therefore, the particular aspect of irrigation which we want to develop in various counties is very important. Therefore, the current Act, now with several amendments being brought forward, is very important to make the functions of irrigation more effective.

There is the issue of water storage because if we are talking about irrigation, then we need lots of water. Therefore, we need to address the issue of storing large amounts of water which is available during the rains. A lot of water runs all the way to the ocean which if we were to trap, we would effectively use for irrigation. We have been talking about large and small dams. When it comes to serious irrigation, we need lots of water for storage. Mega dams are good.

In the many years that the United States of America (USA) was developing, they created very many water dams. That is why we hear of big water dams in the USA. We could also be successful in Kenya if we were to have mega dams. We have had scandals surrounding water dams due to corruption, but this function is still required, namely, the issue of storage of water. I heard my colleagues talking about small water pans which are effective, but they may not be significant enough in terms of storage.

The National Irrigation Authority is the new body which is manning irrigation in Kenya after the National Irrigation Board. It is doing a good job in terms of developing small water pans across the nation and is enabling farmers to, at least, practise limited irrigation within their homesteads. However, if we are talking about large-scale irrigation, we will still need large structures for water storage. Therefore, when I heard my brother saying that these small dams will be adequate, I know it is not true. As an engineer, we need those mega dams, so that we can irrigate large areas. Depending on rainwater alone is a challenge and that is why we are a food-deficient country. If we could effectively develop these bigger structures to store water through the Water Resources Authority, which deals with water harvesting, it will go a long way in assisting us in practising and increasing the production of food through irrigation.

The amendments which have been done in this Bill look very reasonable. I looked through them and there could be one or two areas which could be amended during the Committee of the whole House to make the Bill more efficient. Therefore, I support the amendments. Thank you.

The Temporary Deputy Speaker (Hon. (Ms.) Soipan Tuya): Member for Matayos.

Hon. Geoffrey Odanga (Matayos, ODM): Thank you, Hon. Temporary Deputy Speaker. I also want to add my voice to the support of the National Irrigation (Amendment) Bill, which should have even come much earlier.

With irrigation, we can turn around our country. The fact that God created us means that we can also create our country and make it what we would like it to be. Kenya is lucky to have been endowed with resources. The larger percentage of the country has water. It is only a small percentage that does not have enough water to take care of the lives of people, animals and even crops. The case of Israel has already been mentioned here several times. It is a country that receives very little rainfall in a year, but it is able to feed its population and even export. They have no issues with food security. If everything was taken seriously in this country to the level that we were in the first Government, I am very sure Kenyans would be very much ahead. With food security, people are able to embark on development.

If there were dams, large and small, both are important. Large dams will be needed as long as everything is done with integrity, as long as corruption is avoided. The problem with this country is that we come up with huge and gigantic projects, not for purposes of benefitting the people, but for purposes of some people having seen some market somewhere where they are going to make benefits by selling or buying, or that kind of thing. If we put water pans on our rivers, one, we will be making huge harvests on our farms. At the same time, we will avoid the floods that we see. Water is supposed to be a blessing. But again, because of the way we have managed our issues, we have put our priorities upside down. Water at times becomes a curse in this country, something that must be avoided. Therefore, huge investments are required in irrigation, so that we are able to harvest the water that get wasted, kill and displace people on River Nzoia, River Nyando and River Yala. That will be avoided, so that that water could be put to better use. Even as we do that, we also need to have good strategies in marketing in cases of good harvests, like it is done in other countries, so that farmers are not producing and have nowhere to sell their produce. This is something that the Government needs to really put in place.

We have the National Irrigation Authority, formerly the National Irrigation Board. This is a board that had a lot of good projects. Where I come from in Busia County and the neighbouring counties, some investment was done. It is almost 10 years ago. The huge and many pipes that were meant for irrigation from River Nzoia and River Sio are still lying on the ground simply because the management changed. The Government had already put in a lot of investment. These pipes have been there for years. They have now become dens of thieves, gangsters and rapists. Also, there are people who had already given out land for laying the pipes but they have not been fully compensated for their land to date. We need some seriousness on this.

I support this Bill, so that it strengthens the issue of irrigation and we can have enough food. When we were in primary school, we used to learn of the Mwea Tebere Irrigation Scheme. That was in the early 1980s. If we were serious, we would be having huge productions in this country, exporting and improving our economy.

With those few remarks, I support.

The Temporary Deputy Speaker (Hon. (Ms.) Soipan Tuya): Member for Kigumo, Hon. Wangari.

Hon. (Ms.) Wangari Mwaniki (Kigumo, JP): Thank you, Hon. Temporary Deputy Speaker, for giving me this opportunity to support this very important irrigation Bill.

This country has been reliant on agriculture. Some of us have been saying here before and even out there, and development partners like the World Bank have consistently sang this song that we keep singing of a double-digit economy. We cannot achieve it until we fix agriculture. How do we fix agriculture? I have just heard the speaker who has just spoken talking about the Mwea Tebere, Perkerra Irrigation Scheme, and Onion Irrigation Scheme. What happened that we cannot develop some more elsewhere, so that we can create jobs and even build our economy? The World Bank reports, and it has continuously stated that we cannot achieve the double-digit economy until we fix agriculture. We have been talking about fixing the infrastructure and a lot has been done in this area. We have a lot of roads plying across our country and we are grateful, but we would want that the roads are not just beautiful structures. We should have products that are getting to markets through our railways and through the roads.

For us to fix agriculture, we must stop overreliance on rain-fed agriculture. When we rely on rain, we keep on saying that our maize has failed. We keep on saying that our tea bushes are not producing and we do not have enough food. We have to import maize when we could do enough if we had proper structures and policies to govern and guide the way we do things. We have been doing a trial and error kind of stuff. The people, our technocrats at the ministry and bureaucrats, decide that what this Bill seeks to do is to create a systematic structure for irrigation in our country, so that we do not have a sporadic kind of thing. I am very concerned. I would like to know the feedback that we have got concerning the agencies that my colleague, the Member for Gatanga, talked about. That is where the devil is, namely, putting the wrong people in the wrong jobs. How many times must we read about the President of Singapore and how he fixed the economy through giving the right people the right jobs? We need a water engineer heading such an agency so that we tie the hands of any bureaucrat who may want to fix the wrong person there. Then, the policy that we have debated here becomes a total waste.

All of us know that the Kigumo Constituency, which I represent, neighbours Kinangop on the side of Nyandarua, across the Aberdares. All the five rivers that flow into Ndakaini Dam flow through my constituency. My colleague talked about how we lack water. You may not believe that, but it is the fact. The water drains into Ndakaini, through Gatanga and it is piped to Nairobi, and we are left with no water. In such agencies, the needy places should be represented. Also, areas from which the water flows and the dry areas should be represented, so that there is a kind of a balance. Very needy places like Wajir and then those that produce the water are left hard and dry, and with the problem of food security.

So, I just want to support and say that we cannot fix our economy if we cannot feed our people. We cannot fix our economy if we cannot fix agriculture. We are talking about creating jobs through manufacturing. If you look at the example we were following when we were crafting the Vision 2030 under the Kibaki administration, and I was part of that, we copied Malaysia. Malaysia had an organic growth. You do not expect to start manufacturing from the air. You start manufacturing from what you already have. We have agricultural products. We need to process them and extend their shelf life, so that we can export, particularly in intra-Africa trade given the parameters under the free trade arrangement. That is what we need to fix. We have fixed the trade area. We have all the trade arrangements already fixed. Now we need the products through this kind of policy. This is the way to go. That is why I am in support of this

Bill. That is why I sat here to add my voice to it hoping that we will not continuously say that we want to create jobs through manufacturing yet we know where it hurts most is agriculture and we are not fixing it. We keep repeating those words, but we do not implement them.

I also want to support those who spoke of the balance between big and small dams. We have too many huge dams while so many areas are left unattended. A proper balance would be struck under this kind of policy. Africa must formulate policies that will support a sustainable way of developing their countries and then put in place professionals that will carefully look at the policies at the implementation stage. This is what the Bill seeks to do and that is why I support it.

Finally, I want to add my voice and condole with the family of Sen. Victor Prengei, who lost his life through a tragic road accident. He was a young man who was very promising. I want to take this moment on my behalf, my family and the people of Kigumo Constituency, whom I have the privilege to represent in this august House, to extend my condolences to that family. I also want to say that COVID-19 is real. We have lost quite a number of people at home. We need to relook at this area. We do not want the Cabinet Secretary for Health to go to a lull. He needs to tell us what is going on. I have lost so many people to COVID-19 in my constituency. Even as we debate development and beautiful policy documents like this one, we also need to get our health issues taken care of. So, the Ministry of Health should keep updating us. It is high time we heard from the Cabinet Secretary on what is happening. I get a lot of concerns from my constituents because of the frequent deaths from COVID-19.

With those many remarks, Hon. Temporary Deputy Speaker, I am happy to see you. Thank you very much.

The Temporary Deputy Speaker (Hon. (Ms.) Soipan Tuya): Hon. Mulyungi, you spoke to this Bill, did you not? Yes, you did. Hon. Sahal has gone out. Let us have Hon. Garane Hire.

Hon. Mohamed Hire (Lagdera, KANU): Hon. Temporary Deputy Speaker, thank you for giving me this opportunity to also contribute to this very important Bill. Going through this Bill, it is a very good amendment because it expands the management and administration of irrigation matters in this country. It also incorporates best practices to ensure that we have sustainable development in irrigation infrastructure, investment and financing.

Kenya is a country that is naturally endowed with resources. At the same time, it is a country that faces water scarcity. This calls for proper management of water resources. One of the ways of ensuring that we maximise on these resources is through irrigation. This calls for proper laws and regulations.

Climate change is real. The fact that it negatively affects the whole world means that we need to have proper use of our resources. This country has serious issues in terms of food security, not because we do not have the ability to produce enough food, but because we do not plan well and we do not properly use our resources. Because of climate change, weather patterns have changed. You have seen the kind of erratic rainfall that we receive. One season we have a lot of rain and another season we have extended drought. When we receive substantial amount of rainfall, we need to store the water, so that it can be used during the dry season for irrigation. The issue of constructing mega dams across our rivers is a noble idea. This water can be used for irrigation. There are parts of this country that have plenty of land to construct dams, but the Government has not been wise enough to invest in mega dams. In Lagdera Constituency, Modogashe, there is a seasonal river that passes through it. Every rainy season, you cannot imagine the volume of water that passes through that seasonal river. As I speak, a jerrican of water costs Kshs100 in Modogashe. Come October, November and December when we will

have the long rains, that seasonal river will flow for close to two weeks. That water ends up in the Indian Ocean. So, sometimes you wonder why the Government does not come up with plans to dam this water, so that it can be used for domestic and irrigation purposes. These are the sad realities that you find on the ground.

If you look at Vision 2030, there is a very noble blueprint project that called for construction of a canal from Tana River. Whenever the Seven Folks dams overflow, all the towns downstream in Tana River and Garissa counties get flooded. In Vision 2030, we have that project where we are supposed to construct a canal and irrigate the whole of Garissa County downstream, so that people can do farming and use the water for domestic purposes. We are in 2021, 10 years to 2030, and that still remains on paper. I do not know why we have such noble blueprint projects and yet we do not implement them. Irrigation is the way to go.

We can have a secure country in terms of food by ensuring that we make proper use of our water resources. In the Arid and Semi-Arid Lands (ASAL) areas, because of climate change, people are moving away from keeping large herds of cattle, camels, sheep and goats to a sedentary lifestyle. They are settling in villages, but they need to be fed. The only way to feed them is through the use of irrigation to store water, so that they can undertake small-scale farming. The rains are becoming unpredictable. Every time you expect rains, they fail. It is, therefore, high time the Government seriously invested in irrigation scheme projects, construction of dams and make use of the existing water while it is available. There are countries which do not receive rainfall at all, but because there are rivers which pass through them, they optimally use that water to ensure that they feed their populations.

These amendments are good. The proposal to change this body to an Authority is good. It will enhance service delivery to the population. The proposal to form irrigation water users associations is also good because people who may wish to undertake small-scale irrigation activities can join together and harness the water sources for that purpose.

With those few remarks, I support these very good amendments.

The Temporary Deputy Speaker (Hon. (Ms.) Soipan Tuyu): Hon. Chumel Moroto, Member for Kapenguria.

Hon. Samuel Moroto (Kapenguria, JP): Thank you very much, Hon. Temporary Deputy Speaker for giving me a chance to add my voice to this debate and appreciate the amendment Bill.

During the next sitting when we will be discussing the amendments, the Bill can be improved further. We realise that God has given us a very beautiful land, which is so fruitful with water. However, to my surprise, we are getting food from countries which are not as blessed as ours. Those of us who border Uganda, most of the foodstuffs we take to our households are from Uganda. It was dry, but because they loved their country, they volunteered to work and improve on water use, just the way the Israelites did. So, we now get food commodities from Uganda. It is just because of irrigation. The use of small dams in that country has really improved agricultural production. As you move towards Karamojong area, the land is drier than Lodwar or Turkana, where we have so many rivers with water flowing without anybody using it. This is wastage. In fact, it is high time I supported my colleagues who said that we have a problem. The people sitting in the National Irrigation Authority, who are supposed to plan and implement irrigation projects, are doing nothing apart from stealing even from where their children are eating. As a House, we have to do something that can help Kenya. If the people of Kenya appreciate what we are doing, even God will appreciate us for what we are doing. It is high time we took a serious action. Even as we amend this law, without proper follow up, it will

just end up in the dustbin. It will just gather dust wherever it will be. Unless, we have people who are serious, we will not get anywhere. There are Kenyans who, when given a chance, can make a difference, as the Hon. Member has said. Where I come from in West Pokot, we have Wei Wei Irrigation Scheme, located in a dry area, but it has helped the people around that area. However, that project is dying despite the fact that we get a lot of support and grants from non-Kenyan donors who have seen that people at Wei Wei Irrigation Scheme in West Pokot are benefiting. The irrigation scheme project is the reason why cattle rustling incidents have reduced in that area.

We have water in the Turkwel Dam, which is being used to generate electric power. However, there is water that spills over, which gets wasted. It goes all the way to Lake Turkana. We also have Lake Turkana, which is not even helping the Turkana people. So, we have a problem. We need to sit down and see what we can do. We pray to God to open our hearts, so that we can help our people.

At one time, we went to Uganda with President Uhuru Kenyatta and President Yoweri Museveni met us and we managed to get one big dam at the border of Kenya and Uganda. People are now enjoying the water from that dam. So, if we extend such from one place to another, Kenya will go far.

Hon. Temporary Deputy Speaker, I do not want to say much. I thank the few officers who constructed the dam in Kacheliba because it borders Uganda. I also thank the President because when he went there, that is one of the things that we got. We need more goodies, so that our country can go far.

With those remarks, I support the amendment Bill.

The Temporary Deputy Speaker (Hon. (Ms.) Soipan Tuya): Nominated Member Sahal Ibrahim.

Hon. (Ms.) Nasri Ibrahim (Nominated, FORD-K): Thank you, Hon. Temporary Deputy Speaker for giving me this opportunity to add my voice to the debate on the Irrigation (Amendment) Bill (National Assembly Bill No.12 of 2021).

Irrigation is a key component in sustainable food production to feed the ever-growing population. We can effectively increase food production throughout irrigation. There is need to amend the Irrigation Act, 2019 to strengthen management of irrigation matters. These amendments will encourage the best practice in irrigation and improve sustainable development through irrigation, infrastructure, investment and financing. Global warming is affecting human lives and altering water bodies. Therefore, the irrigation infrastructure in most areas should be renewed or even replaced and thus redesigned and rebuilt in order to achieve improved sustainable production.

If this Bill is passed and implemented, it will lead to an increase in cultivated acreage in both the developed areas of this country and the developing ASAL areas. Some of those areas have been limited by dwindling economic activities, but they are attractive for new large-scale irrigation and drainage projects. Any increase in agricultural production will rely largely on more accurate estimations of crop-water requirements on one hand and major improvements in operations, management and performance of existing irrigation and drainage systems on the other.

Hon. Temporary Deputy Speaker, I support the Committee's recommendation, as a Member of the Departmental Committee on Environment and Natural Resources, on the flexibility of the appointment of the board members by the Cabinet Secretary. This will ensure that there is regional and gender balance in the appointments. In balancing gender through

appointments, we will contribute to achieving the two-thirds gender rule. There is need to amend the Irrigation Act, 2019 to address the composition gap that exists where key stakeholders were left out, for example, the Office of the Attorney-General needs to be part of the board to give guidance and advice given the complexity of the project.

Hon. Temporary Deputy Speaker, the current pandemic has really affected the economy of poor Kenyans, especially those living in slums and urban areas. The proposal to harmonise the Water Act, 2016 and the Irrigation Act, 2019 will lead to the regulation of water fees thus reducing fees chargeable for water consumption.

Thank you, Hon. Temporary Deputy Speaker. I support the Bill.

The Temporary Deputy Speaker (Hon. (Ms.) Soipan Tuya): Let us have the Member for Kiambu County, Hon. Wamuchomba.

Hon. (Ms.) Gathoni Wamuchomba (Kiambu CWR, JP): Thank you, Hon. Temporary Deputy Speaker for giving me the opportunity to add my voice to this piece of legislation and more specifically, to support the amendment Bill because it may help our people, especially those working hard to make ends meet.

It is very exciting to listen to this kind of discussion where we are thinking of how to empower small-scale farmers and provide a platform for them to use the available natural resources like water and arable land. According to World Bank data and public records from the Food and Agriculture Organisation (FAO), arable land share in Kenya is currently above 10.2 per cent, way up from 6.1 per cent in 2016. The amount of arable land that we currently have in Kenya is 15 per cent of Kenya's agricultural potential. If we could invest more in irrigation and ensure that irrigation platforms are accessible to small-scale farmers, Kenya can become the food basket of Africa. Currently, the food basket of Africa is in the northern part of the continent in Egypt and Israel.

I am very excited to note that the Kenya Government has done well in investing in the water infrastructure. Currently, where I come from in Kiambu, we have had quite serious investments in water infrastructure. We have a dam that is upcoming in Gatundu North Constituency called Kariminu Dam. About Kshs24 billion have been sunk into the dam and if plans go well, we hope that upon its completion, many young Kenyans yearning to become agribusiness farmers will benefit.

There are a lot of investments being done elsewhere. Still in Kiambu, we also have another dam called Ruiru II Dam. We hope that once it is completed, we will have many opportunities for young agribusiness farmers.

However, I am quick to note that it is not enough to just do investments like we have done. We need to up our game and ensure that farmers who are supposed to benefit from the dams can use the infrastructure provided for them by ensuring that we provide training platforms for them like enhanced training facilities within the counties, so that they can not only have access to water, but also know what to do with it. I am very excited because through the National Government Affirmative Action Fund (NGAAF), currently, my office has come up with such a centre where we bring farmers together, train them on how to grow bananas, tissue culture bananas and use irrigation water that will come from such dams as Kariminu Dam and Ruiru II Dam to ensure that they engage in agribusiness using good agricultural practices (GAPs), so that the bananas can better their livelihoods. I am very excited. I hope that what is happening in Kiambu through the NGAAF will also happen in other counties through other Government-funded facilities, so that farmers do not just hear that there is a dam being constructed in their counties, but they also know how to enhance and tap the resources of that dam.

I believe that through the spirit of this Bill, we are now talking about construction of dams for water consumption for our households. We are also talking about how we can create business platforms from the same dams and ensure that farmers have aggregation centres for whatever crops they are growing. For example, we have so many farmers in Murang'a, Kiambu, and Kirinyaga counties who have ventured into French beans farming, but are unable to aggregate their crops, so that the French beans can be bought from one centre, yield better prices for them and they can benefit from the available irrigation schemes.

In as much as I support this amendment Bill, let us think wider and broader. Let us see how the small individual farmers will get proper training and orientation, so that they can tap into the resources being provided by the dams.

Otherwise, I support the amendment Bill. I am very excited about this kind of development in the House.

Thank you, Hon. Temporary Deputy Speaker.

The Temporary Deputy Speaker (Hon. (Ms.) Soipan Tuya): Let us have Hon. Kimilu.

Hon. Joshua Kivinda (Kaiti, WDM-K): Thank you, Hon. Temporary Deputy Speaker for giving me this opportunity to support this amendment Bill. I am excited and would like to congratulate the Committee for the good amendments to the Irrigation Act.

When we talk about irrigation, we are talking about water. Water is key and very important for any country's economy to grow. When we talk about irrigation as a country, it is high time we thought of it because if you tour some eastern countries like South Korea, you find that they are reclaiming land from the sea to do irrigation. To have sustainable development in this country, we need water.

We talk of youth unemployment. With irrigation, we can help our youths to get jobs. We can also solve the problem of food insecurity in our country. This is a very important amendment Bill and I support it.

Two months ago, I toured Thwake Dam in Makueni County, which is for all the people of Makueni and Kaiti, which is in that county. Our area is well-known for drought. With irrigation and that upcoming dam, I know the problems of Kaiti people will be sorted. With water, we can create jobs and help our people and improve our schools. We can help our students to get food and learn without problems.

Hon. Temporary Deputy Speaker, I am happy and excited with this Bill and I support it.

Thank you.

The Temporary Deputy Speaker (Hon. (Ms.) Soipan Tuya): Member for Isiolo North. Hon. Hulufu.

Hon. Hassan Hulufu (Isiolo North, KPP): Thank you, Hon. Temporary Deputy Speaker, for giving me this opportunity to speak to the irrigation Bill. I am a Member of the Departmental Committee on Environment and Natural Resources and we had time to look at the proposed amendments. Basically, they are supposed to align the principal Act with the provisions of the Constitution. We know that irrigation is very important for us as a county in helping us achieve food security. We also know that agriculture is fully devolved. Therefore, in terms of the power of the Cabinet Secretary to appoint board members to the National Irrigation Authority, there is a requirement that the Council of Governors nominates some Members. There is need for associations such as the private associations of those doing small-scale irrigation to also nominate some members.

Therefore, in the proposed amendments, those stakeholders are required to submit not just one, but a number of names from which the CS can pick from. We feel this is a good

governance practice. The proposed amendment also makes provision for the CS in consultation with the stakeholders, including the county government, to invest in water infrastructure to facilitate irrigation. We know that there are a lot challenges related to irrigation development. We have had issues related to inadequacy in policies and legislation partly being addressed by proposed amendments. We also know that there is inadequate public and private sector investment because basically, investment in irrigation infrastructure is very expensive and should be done as a public good. The proposed amendment will enable us as a country, through the CS responsible and the relevant authority to make the necessary investments, so that we can harness the existing potential to enhance our food production and achieve self-sufficiency in food production.

I support the amendment.

The Temporary Deputy Speaker (Hon. (Ms.) Soipan Tuya): Hon. Leader of the Majority Party, you have 15 minutes to reply. Do you think you can finish on time?

Okay Hon. Members, there being no other interest from Members to contribute, I now call upon the Mover to reply.

Hon. Amos Kimunya (Kipipiri, JP): Thank you, Hon. Temporary Deputy Speaker. Let me start by thanking Members who have been contributing to this Bill. Initially when we started on this matter yesterday, I did not expect there would be so much interest, but Member after Member have been so passionate. This adds to the whole issue of water is life. We are a food insecure country and yet we can turn it round to make it food secure. Like I said in my moving notes, Kenya is endowed with such land mass, but only about 20 per cent is in use. I think the matter has been updated by the Member for Kiambu who has defined further that the arable land is only around 10 per cent. I am sure there is a whole 90 per cent that can be turned around.

A number of issues have risen and we will be looking through them, guided by the ruling of the Hon. Speaker earlier on. We will be looking through and the Committee will be looking through the *Hansard* for all the issues that have been raised by the Members. I know Hon. (Dr.) Oundo has promised to bring some amendments. Hon. Nduati raised the issue of whether some of those organisations mentioned exist. We will be confirming that because the information that I have is that the National Irrigation Farmers' Association actually exists, but we will confirm that and if need be, we will then bring the necessary amendments to align the Bill to reality.

I do not need to belabour much as the Committee has done its work quite well in terms of looking at the Bill and has also brought some amendments which I agree with and hence we will be consolidating them plus any other that Members will be bringing. At the end of it all, we need to have an Act of Parliament that supports a key cord of the Big Four Agenda, which is ensuring food security.

That is basically why we need this Bill aligned to ensure that irrigation matters are properly addressed and there is no conflict of interest between the various ministries. We must ensure that dams are being dug up around the country and that water pans can then be harnessed to ensure that no Kenyan will sleep hungry on account of lack of food because of the legal infrastructure not being in place to guarantee that farmers can have the necessary support that they require in terms of irrigation.

Hon. Temporary Deputy Speaker, with those words, I do not need to belabour what has basically been a Bill that has been agreed upon. I would like to once again thank the Members and the Departmental Committee on Environment and Natural Resources for the good work and ask those who have amendments to bring them. At least, we now have one month, so that we do not end up with a situation like we had earlier of Members saying that the Bill has been closed

and they would have wanted to contribute and bring amendments. This has been a very productive two days on this Bill.

I also thank you, Hon. Temporary Deputy Speaker, for bearing with this situation and conducting this debate so far and giving every Member an opportunity to contribute.

With those remarks, I beg to reply.

The Temporary Deputy Speaker (Hon. (Ms.) Soipan Tuya): Very well, Leader of the Majority Party. We shall have the Question put when we are properly constituted. Hon. Members, for the convenience of the House, we have very little time left. So, we shall proceed to adjourn.

ADJOURNMENT

The Temporary Deputy Speaker (Hon. (Ms.) Soipan Tuya): Hon. Members, the time being 6.58 p.m., this House stands adjourned until Thursday, 19th August 2021, at 2.30 p.m.

The House rose at 7.00 p.m.