

PARLIAMENT OF KENYA

THE NATIONAL ASSEMBLY

THE HANSARD

Thursday, 7th October 2021

The House met at 2.30 p.m.

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

PRAYERS

MESSAGE

NOMINATION OF PERSONS FOR APPOINTMENT AS MEMBERS OF THE PRIVATISATION COMMISSION AND THE COMPETITION AUTHORITY OF KENYA

Hon. Speaker: Hon. Members, take your seats.

Pursuant to the provisions of Standing Order No.42(5) relating to Messages received from a Cabinet Secretary (CS), I wish to convey to the House that I have received a Message from the CS for the National Treasury and Planning regarding nomination of persons to fill vacancies in the Privatisation Commission and the Board of the Competition Authority in accordance with the requirements of the law.

Hon. Members, with regard to the Privatisation Commission, Section 5 of the Privatisation Act (No.2 of 2015) provides as follows:-

“(5)(1) The Commission shall comprise the following members—

(a) a chairman appointed by the President;

(b) the Attorney-General;

(c) the Permanent Secretary to the Treasury;

(d) seven members, not being public officers, appointed by the Minister through a competitive process and approved by the National Assembly, by virtue of their expertise in such matters as will ensure that the Commission achieves its objectives; and,

(e) the Executive Director.”

In this regard and in accordance with the requirement of the said law, the CS for the National Treasury and Planning notifies that he has nominated the following persons for appointment to the Privatisation Commission to fill the existing six vacancies, subject to approval by the National Assembly:

- | | | |
|---------------------------------|---|---------|
| 1. Dr. Edward N. Kobuthi, PhD | - | Member |
| 2. Ms. Irene Njeri Wanyoike | - | Member |
| 3. Ms. Celine Anyango Orata | - | Member |
| 4. Mr. Salah Adan Abdi | - | Member |
| 5. Mr. CPA David J.O. Nyakang'o | - | Member |
| 6. Amb. Wellington Pakia Godo | - | Member. |

Hon. Members, with regard to the Competition Authority, Section 10 of the Competition Act (No. 12 of 2010) provides as follows:-

“(1) The Authority shall consist of the following members—

- (a) a chairperson appointed by the President;
- (b) the Permanent Secretary in the Ministry for the time being responsible for finance or his representative;
- (c) the Permanent Secretary in the Ministry for the time being responsible for trade or his representative;
- (d) the Attorney-General or his representative;
- (e) the Director-General appointed under section 12; and,
- (f) five other members appointed by the Minister from among persons experienced in competition and consumer welfare matters, one of whom shall be experienced in consumer welfare matters.

(2) The persons proposed to be members of the Authority under subsection (1)(f) shall, before their appointment to the Authority, be vetted and approved by Parliament through the relevant Committee of Parliament.”

In this regard and in accordance with the requirement of the said law, the CS for the National Treasury and Planning notifies that he has nominated the following persons for appointment to the Board of the Competition Authority to fill the four vacancies, subject to approval of the House:-

- | | | |
|-------------------------------|---|--------|
| 1. Ms. Lena Munuve | - | Member |
| 2. Ms. Alome K. Achayo | - | Member |
| 3. Dr. David Wanyonyi Wanyama | - | Member |
| 4. Mr. Abdi A. Mohamed | - | Member |

Hon. Members, Standing Order No.45(1) provides that upon receipt of the notification of nomination for appointment, such nominations shall stand committed to the relevant Departmental Committee of the House for consideration. In this regard, I refer the names of the nominees, including their curriculum vitae, to the Departmental Committee on Finance and National Planning to undertake the necessary approval hearings. Thereafter, the House shall consider the proposed nominees in accordance with the provisions of the respective Acts of Parliament and the Public Appointments (Parliamentary Approval) Act, 2011.

Section 8(1) of the Act requires the National Assembly to either approve or reject the nominees within 28 days from the date on which the notification of nomination was given. In view of the foregoing, I wish to guide the Committee and the House as follows:-

- (i) That the Committee should notify the nominees and the general public of the time and place for holding the approval hearings in good time. The notification should therefore be made immediately.
- (ii) That the Committee should thereafter commence the necessary approval hearings and submit its Report to the House within the stipulated timelines to enable the House conclude the approval process within the timelines provided in law.

I thank you.

(Several Members walked into the Chamber)

Please make your way in and take your seats.

PETITIONS

INCLUSION OF NATIONAL PRAYER DAY AS A PUBLIC HOLIDAY

Hon. Members, I present this Petition under Standing Order No. 225(2)(b) and, further, as provided for under Article 119 of the Constitution. In this regard, I wish to report to the House that my office has received a Petition from Mr. Isaac Njuguna Ng'aru of P.O. Box 837, Nairobi, calling for the inclusion of the now popular National Prayer Day as a public holiday to be prescribed under the Public Holidays Act in line with Article 9 of the Constitution.

The Petitioner who on the onset declares his strong belief in the power of prayer applauds Members of Parliament for their commitment in holding the annual National Prayer Breakfast that brings together various leaders in seeking good tidings for the nation. However, the Petitioner is convinced that the rest of the citizenry seeks involvement in these prayers. He suggests the establishment of a National Prayer Day and its subsequent inclusion as a public holiday as the best avenue of involving the entire country in this national prayer undertaking.

The Petitioner, Hon. Members, is equally convinced that intercessions made during the proposed National Prayer Day as well as in other prayer occasions will go a long way in addressing recurring or ongoing challenges facing the nation, such as the Covid-19 pandemic, mysterious accidents, suicides, immoral behaviour, locusts' invasion, and many other calamities.

The Petitioner cites an event in 1997 during which His Excellency the late President Daniel Toroitich arap Moi called the nation together for prayer at Uhuru Park in the face of persistent drought and starvation. He avers that the heavens opened and rain fell immediately after the prayers.

(Laughter)

He thus proposes the holding of week-long prayers across the country on diverse national concerns, which shall then culminate in the National Prayer Day.

(Applause)

Having determined that the matters raised herein are well within the authority of the House, I order that pursuant to the provisions of Standing Order No.227(1), the Petition be committed to the Departmental Committee on Administration and National Security, which will inquire into the Petition and report its findings to the House and the Petitioner in accordance with Standing Order No.227(2).

I thank you.

Hon. Khatib Mwashetani, you also have a Petition to present.

APPEAL FOR LAND ADJUDICATION IN WASINI ISLAND

Hon. Khatib Mwashetani (Lungalunga, JP): Thank you, Hon. Speaker. I rise to present a Public Petition regarding appeal for land adjudication in Wasini Island.

I, the undersigned, on behalf of residents of Wasini Island, draw the attention of the House to the following:-

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That Wasini Island, which is also known as Wasini Mkwiru Island, is located near Shimoni town in the Coastal Region and covers approximately 289 acres of land registered as Provincial Plot No. PW 33/Wasini Island, that sustains a community of over 300 families.

That, on 31st October 1979, the then Kwale District Lands Adjudication Office declared Wasini Island an adjudication area pursuant to Section 5 of the Land Adjudication Act, which implied that all rights and interests within the adjudication section were to be strictly observed as required by law.

That the Island was thereafter surveyed and adjudicated by the Ministry of Lands through the Kwale District Lands Adjudication Office, which proceeded to issue the title deeds thereof.

That years later in 1995, one Hassan Nassir, Mohamed Nassir and Ahmed Nassir who had approximately five acres of land to their names, challenged the adjudication process in court by suing one Mohamed Masoud and Hamadi Khalfan, and later included the Attorney-General as part of the defendants.

That in a bid to secure the land from being grabbed before development of the Trust Land Policy, the community had entrusted the land under Mr. Alawi Saggaf, who was a relative to the three plaintiffs, to hold it in trust pending its adjudication, after which each family would receive its specified portion of land as verbally agreed during title deeds issuance.

That in July 1995, a High Court order was issued and communicated through the Chief Lands Registrar to invalidate title deeds issued in the Kwale/Wasini registration section, with the Chief Land Registrar querying the enforcement of an order whose case had involved only 3 people out of the over 80 title deed holders.

That as peasant fishermen struggling to make a living, the poor families were unable to hire lawyers against the ruling that declared all title deeds null and void, and which further called for a new adjudication exercise to be conducted, but which has never been effected to date.

That the Chief Registrar has since then never made any communication regarding any surrender of title deeds, and hence the title deeds invalidity stalemate has continued since then.

That efforts by Wasini Island residents to address this matter with relevant authorities have borne no fruit.

That the issues in respect of which the Petition is made are not pending before any court of law, or other constitutional or legal body.

Therefore, your humble Petitioners pray that the National Assembly, through the Departmental Committee on Lands:-

- (i) intervenes to either secure the undertaking of a new adjudication process or to secure the declaration that all title deeds as initially issued remain valid and legal.
- (ii) intervenes to protect Wasini Island, which is an ancestral land to local communities, from being grabbed or illegally dispossessed from them on account of the ongoing construction of Shimoni Port.
- (iii) Cause the Ministry of Lands and Physical Planning to explain why it sent over 100 armed police officers to oversee an illegal and irregular surveying of land without following the due processes and without meeting numerous legal requirements.
- (iv) Make any other recommendation it deems appropriate in the circumstances of the petition.

Thank you, Hon. Speaker.

Hon. Speaker: Hon. Members, I know that under Standing Order No.226, there is room for comments for 30 minutes. But there is yet another petition by Hon. Atandi. I will come back to you, Hon. Atandi.

Because of what I have observed in the recent past when many of you make comments, which are limited to two minutes, you walk out and deny us the opportunity to put questions on many businesses that have been concluded. You, therefore, put us in danger of being in conflict with the provisions of Article 121 of the Constitution regarding quorum in the House, especially when critical decisions are being made such as whether a Bill should be read a Second Time or whether a policy paper or report of a Committee should be adopted. As required under Article 121, the House must have not less than 50 of you. I am saying this because it is now 2.52 p.m., and I have several Members who made their way up to the door and some purported to stand next to seats and over 10 of them have walked away. They have finished their appearance for today. So, allow me to interrupt the order of business and ask that we clear with matters of determination and consider Order Nos. 8, 9 and 10. Comments will come after that.

BILL

Second Reading

THE LANDLORD AND TENANT BILL

(Hon. Amos Kimunya on 29.10. 2021)

(Debate concluded on 6.10. 2021)

Hon. Speaker: You can see what I was saying; Hon. Shakeel is already on his way out. Let me put the question.

(Question put and agreed to)

(The Bill was read a Second Time and committed to the Committee of the Whole House)

MOTIONS

RATIFICATION OF AGREEMENT AMENDING AIR TRANSPORT AGREEMENT BETWEEN KENYA AND THE UNITED STATES OF AMERICA

(Hon. David Pkosing on 6.10.2021)

(Debate concluded on 6.10.2021)

Hon. Speaker: Again, debate on this Motion was concluded yesterday and what remained was for the question to be put, which I hereby do.

(Question put and agreed to)

RATIFICATION OF PROTOCOLS TO THE AFRICAN CHARTER ON HUMAN AND PEOPLE'S RIGHTS ON RIGHTS OF OLDER PERSONS AND PWDS

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(Hon. Charles Kilonzo on 6.10.2021)

(Debate concluded on 6.10.2021)

Hon. Speaker: The question is on the rights of older persons. Please make your way in.

(Laughter)

(Question put and agreed to)

Hon. Speaker: That is all, Hon. Members. At least we have dispensed with those matters. We can now allow Hon. Atandi to read out his petition. I will time it so that we have 30 minutes for comments and clarifications.

PETITION

INTERVENTION BY CBK IN THE MATTER OF SPIRE BANK LIMITED

Hon. Samuel Atandi (Alego Usonga, ODM): Thank you, Hon. Speaker. This is Public Petition No. 51 of 2021. The petitioners seek financial support of the Central Bank of Kenya in the matter of Spire Bank Limited under sections 34 and 36 of the CBK Act.

On behalf of teachers within the Republic of Kenya who invested in Spire Bank through Mwalimu National Sacco Society, I draw the attention of the House to the following:-

THAT, Spire Bank Limited, formerly known as Equatorial Commercial Bank (ECB), was established as a finance company in 1983 under the Banking Act (Cap. 488 of the Laws of Kenya) and regulated by the Central Bank of Kenya as a financial institution;

THAT, on 10th October 2014, Mwalimu National Sacco Society Limited signed an agreement to buy the banking and investment arm of Equatorial Commercial Bank, which rebranded as Spire Bank;

THAT, despite public concern against the risk of investing teachers' savings in ECB, which had just posted a pre-tax loss of approximately Ksh436 million in the year ending 31st December 2014, Mwalimu Sacco proceeded with the controversial buyout of the Bank and went ahead to become the majority shareholder, having acquired 75 per cent stake at an estimated cost of Ksh2.6 billion in 2016;

THAT, for a long time following completion of the buyout of Spire Bank by Mwalimu Sacco, the Bank has been dogged with financial challenges to date;

THAT, given the membership of Mwalimu Sacco largely comprises teachers, Spire Bank is deemed to be owned by teachers, who have invested heavily in it through their savings in the Sacco;

THAT, as key stakeholders in Mwalimu Sacco, teachers are concerned that should the financial woes facing Spire Bank be left to continue, the Bank may end up being wound up and sink with their hard-earned savings invested in the Bank through the Sacco.

THAT, the state of affairs at Spire Bank is a matter of general public importance, given that teachers form a sizeable chunk of public sector employees;

THAT, the Petitioners verily believe that the CBK has a role to play in assisting Spire Bank Ltd to overcome the financial challenges it is currently facing thus preventing its imminent collapse;

THAT, the CBK is mandated under the Central Bank of Kenya Act to ensure, among other things, liquidity, insolvency and proper functioning of a stable market based financial system;

THAT, Sections 34 under the CBK Act, Chapter 499(1) Laws of Kenya, the Central Bank of Kenya is expected to extend facilities, loans and other financial support services to specified banks under appropriated terms and conditions.

THAT, financial challenges facing Spire Bank Limited can partly be alleviated if the Central Bank of Kenya exercises its mandate under the aforesaid Sections 34, 36 of the Central Bank of Kenya Act.

THAT, the Central Bank of Kenya has previously accorded the necessary financial support to other financial institutions within its regulatory framework facing financial challenges similar to those of Spire Bank Ltd thus assisting them to regain financial stability.

THAT, the matter of imminent collapse of Spire Bank Ltd is of great public interest requiring intervention of the National Assembly, pursuant to Article 95 of the Constitution, so as to secure the savings of teachers and other stakeholders across the country.

THAT, to the best of the Petitioners knowledge, the issues in respect to which this petition is made are not pending before any court of law, constitutional or legal body.

Therefore, your humble petitioners pray for the intervention of this House through the Departmental Committee on Finance and National Planning to urgently look into the issues raised in this Petition and:

- (i) Direct the Central Bank of Kenya to furnish it with the comprehensive report at outlining efforts, if any, that the CBK has made or is making in terms of extending financial support to Spire Bank Ltd to forestall the bank's imminent collapse and secure the savings of millions of teachers and other stakeholders across the country.
- (ii) Recommend that pursuant to Section 34 and 36 of Central Bank Act, the CBK urgently extends financial intervention to Spire Bank Limited to forestall its imminent collapse, just like CBK had previously done for financial institutions which had financial challenges similar to those facing Spire Bank Ltd.
- (iii) Make any recommendation that may deem fit in addressing the concerns of the Petitioners.

And your Petitioner will ever pray.

Hon. Speaker: Members, comments would be limited to two minutes only for a maximum of 30 minutes.

Member for Endebess.

Hon. (Dr.) Robert Pukose (Endebess, JP): Thank you, Hon. Speaker. My first comment will be on the Petition on the National Prayer Breakfast. It is a good Petition, but asking for a public holiday is missing the point. We need to work hard and be productive as a country. Public holidays normally interfere with the working of a nation. However, let us look at it in terms of how we can make it even much better. During the last prayer breakfast, I saw something which was not good for many people. It became a handshake prayer breakfast, because others were excluded. When you see the Member for Nyeri Town, who has never been to church, leading a prayer there; then it leaves a lot to be desired. That should not happen.

(Laughter)

The Petition by the people of Wasini is good, but they should be assisted by Hon. Mwashetani. It is a valid thing which should be looked into, and a report be tabled in this House where we will be able to support Hon. Mwashetani.

Thank you, Hon. Speaker.

Hon. Speaker: Hon. Members, I will not allow point of orders because you are commenting for only two minutes. So, do not worry. The Member who has been mentioned is a Member of this House. He can defend himself.

Hon. Sankok.

Hon. David ole Sankok (Nominated, JP): Thank you very much, Hon. Speaker. I rise to comment on the Petition you have read on behalf of the petitioner concerning the National Prayer Breakfast. This country needs prayers. I support the Petitioner. The Petitioner enumerated some instances that we have faced as a country. Some are disastrous like the drought, the locust invasion, terrorism, COVID-19 and, of course, the economic meltdown as has been enumerated.

We really need this national prayer breakfast. We are a country that believes in God and no other thing. I heard people say that *mganga* is also a doctor, which is not true. We need to be humble in our prayers. When we go to church, let us remember that those churches have been built through donations of people who have been philanthropists, who went to church earlier. So, as you go to church or religious institutions, please, do not go empty-handed because we need a shade to be put up for people to pray in.

I support that we have that prayer breakfast. If it must be a national holiday, let it be because giving God a day of our 365 days in a year is worth it.

I support.

Hon. Speaker: Member for Kamukunji.

Hon. Yussuf Hassan (Kamukunji, JP): Thank you, Hon. Speaker for the opportunity.

(Loud Consultations)

My first comment is on the call for another public holiday. We do not need another public holiday. We need more working days. Religion is a private matter. Our connection with God is private. We should continue to pray for the goodness of our country and humanity, but we need to be scientific. We need to stop the destruction of our environment and arrest climate change. This can be done by changing our behaviour towards our environment.

Secondly, I would like to support the Petition raised by Hon. Atandi on the savings of teachers. Many a times, Petitions have been brought to this House to support the funding of big companies like Kenya Airways that are privately-owned by individuals demanding that we should put taxpayers' money to support them. We now need to help our teachers so that they do not lose their hard-earned savings in that bank. We need to protect their economic interests by ensuring that the Central Bank comes in to their rescue.

Thank you.

Hon. Speaker: Member for Dagoretti South.

Hon. John Kiarie (Dagoretti South, JP): Hon. Speaker, thank you profusely for realising the technical hitch that has happened.

I would like to support one Petitioner – the one who recommends for us to institute a national prayer day. We are reminded that this is a country that believes in God, as it is noticeable

in our National Anthem, which starts with the acknowledgement of the God of all creation. Also in our Constitution, in our Preamble, our first acknowledgment is to the supremacy of the Almighty God of all creation.

I would like to note that for the last 500 years, we have been living in an epoch that I would call the scientific materialistic age. However, we are now living in a new world. We are evolving into a spiritual realm. Even as we speak of a national prayer day, I would wish that this Committee would look more into issues of spirituality, because religiosity is bringing conflict in this country. Every time we bring up issues of religion, they become politicised. I believe that religion is a man-made construct; but spirituality is what we are, as a creation of God.

I support this Petition and hope that we will institute a day of national prayers because we have given and acknowledged many other things that are less important than the creator of mankind. So, as the Committee takes up this Petition, I pray that they give it the seriousness it deserves.

Thank you very much for the opportunity, Hon. Speaker.

Hon. Speaker: Member for North Imenti.

Hon. Rahim Dawood (North Imenti, JP): Thank you, Hon Speaker. I want to support the first Petition because I know that prayers move mountains. However, setting a specific day as a National Prayer Day is not necessary. I think we should go and pray in our homes and everywhere else we can.

With regard to the second Petition, I want to join Hon. Khatib Mwashetani. I believe that the sanctity of a title deed should be protected. One of my colleagues yesterday said that the titles were given in the air, and I wonder when titles are given in the air. Which titles are we talking about? The sanctity of a title should always be protected, and that is what titles are for.

Hon. Speaker, on the third petition on Spire Bank, we need to tighten regulations on takeovers and mergers. The teachers were taken for a ride and whoever is responsible should be asked to pay back the teachers all the money they are losing in Spire Bank. The CBK should make its work easier in supervision so that we do not have teachers losing their money.

I thank you, Hon. Speaker, and I support the three petitions.

Hon. Speaker: I thought you meant Hon. Khatib Mwashetani not Mwasaitani.

(Laughter)

Let us have Hon. Sossion.

Hon. Wilson Sossion (Nominated, ODM): Thank you, Hon. Speaker. On the Petition of the National Prayer Day, yes we acknowledge in our Constitution the supremacy of God. That is quite welcome; but it has reached a time that we have to balance between undertaking such national activities with also ensuring that our nation continues working.

On the Spire Bank, it is good to note that Kenyan workers through SACCOS and other investments are the most vibrant investors in our economy. In fact, if we get to other nations, there are no SACCOS. Workers do not have SACCOS and their good work in this country should not be derailed by such unscrupulous activities within the financial sector. Therefore, as the Departmental Committee on Finance and National Planning looks into that, it will be imperative and important to put the responsibility on the CBK so that Spire Bank and the teachers can be extricated from this mess and the bank saved.

On what Hon. Mwashetani has petitioned, it is very important that he is given treatment to protect the land rights of the people.

I thank you Hon. Speaker.

Hon. Speaker: Member for Mumias East.

Hon. Benjamin Washiali (Mumias East, JP): Thank you, Hon. Speaker. I support the first petitioner, Mr. Isaac Njuguna, in as far as the scope of the theme of what we pray for is concerned. This is because in most cases, we have been praying for peace; but you will agree with me that we have more problems than peace. We have poverty; Kenyans are now very poor and we need to pray for Kenyans to have school fees. Kenyans need to pray against the escalating fuel prices. This country has freedom of worship. Praying is done daily and even today, our brother Isaac Njuguna prayed.

In as far as Hon. Mwashetani's petition is concerned, I had an opportunity to accompany him to Wasini Island and, indeed, the people there require support. We went there when the police had invaded that island and there was much anxiety. Therefore, I am requesting the relevant committee to move with speed to ensure that they settle the people of Wasini.

I thank you, Hon. Speaker.

Hon. Speaker: Member for Nandi County.

Hon. (Dr.) Tecla Tum (Nandi CWR, JP) Thank you, Hon. Speaker. I support the first petitioner on the National Prayer Day. The Holy Bible in 1st Thessalonians 5:17 calls upon us to pray without ceasing. Similarly in Jeremiah 33:3, it says "Call unto me and I will answer you. I will show you great and mighty things which you do not know". Therefore this nation needs prayer. There are many things that have happened in Kenya and, as a prayerful woman, we need to call upon God. We do not just pray those written prayers. We need prophets to give us direction concerning this nation. In 365 days, we can give God just one day. He is the creator of the universe. He owns our lives and the entire nation, and so I support.

Secondly, I support the petition on teachers. They have invested Kshs.39 billion. The CBK should assist our teachers. They are doing good to our children and we need to come to their assistance at such a time as this, when COVID-19 is ravaging the country.

I thank you, Hon. Speaker.

Hon. Speaker: Member for Igembe South.

Hon. John Paul (Igembe South, Independent) Thank you, Hon. Speaker. I support the first petition about the national Prayer Day. The one which we normally hold annually is centrally set. I think the intention of the petitioner is that this prayer day shall be spread across this country. So, there is need to ensure that we have a national prayer day because it is only one day amongst the 365 days. We know that we breathe because God has kept us well, and we are supposed to give him that day where all of us can praise Him and pray to him even though we normally go to church every Sunday.

I thank you, Hon. Speaker.

Hon. Speaker: Member for Chepalungu

Hon. Gideon Koske (Chepalungu, CCM) Thank you, Hon. Speaker. Mine is on Hon. Mwashetani's Petition. The respect for title deeds in this country is very important. I want to give an instance of what happened to a majority of the Kipsigis in the Mau. Some of them were issued with title deeds and they have never been compensated. You find that the Minister for Environment called them mere papers. Are there title deeds in this country that are metallic or made of iron? All of them are made of papers. They should be compensated. We are not saying that they should go back to Mau, but they should be compensated because it is the same Government that gave them those title deeds, and they are all papers legally given by the Government.

I thank you, Hon. Speaker.

Hon. Speaker: Hon. Osotsi

Hon. Godfrey Osotsi (Nominated, ANC) Thank you, Hon. Speaker. I wish to comment on a Petition by Hon. Atandi on the issue of Spire bank and Mwalimu Sacco. This is a very serious matter because the whole transaction sounds fraudulent. The Committee should go deeper into this matter so that anyone who may have been involved in an activity to defraud the teachers of this country is made to pay for it. The Committee has a major task to do on behalf of the teachers of this country.

The CBK has queries to answer on that transaction, because it was done within a record time with all the suspicions around it. At this rate we are concerned about the CBK and the way they are regulating the banking sector. Otherwise, the Committee has a tough task to do and you need to come back with a report to this House; one that can be actioned by the relevant agencies so that the investment of our teachers is not lost to fraudulent individuals or groups.

I thank you, Hon. Speaker.

Hon. Speaker: Member for Lamu.

Hon. (Ms.) Ruweida Obo (Lamu CWR, JP): Asante Mhe. Spika kwa kunipatia nafasi nami nichangie. Naunga mkono ombi la sala za kitaifa.

Mhe. Spika, shida ya Kenya ni kwamba tunaenda misikitini na makanisani kwa wingi lakini roho zetu haziko safi. Kwa hivyo, tunahitaji Mwenyezi Mungu aongoze hizi nyoyo zetu ili yale tunayokwenda kusema na kufanya yawe ni hayo hayo, haswa wakati huu wa karibu na uchaguzi, shida inakuwa kubwa Kenya. Tunahitaji maombi maana kuna viongozi na wanasiasa kama sisi ambao wengine wataona wako mbele na kumbe wakija wakiona uchaguzi sivyo walivyotarajia, italeta shida. Kwa hivyo, tunahitaji maombi. Maombi ni muhimu. Nchini Kenya hatuna shida ya sheria wala mambo mengine. Shida ni hatuna uadilifu. Kwa hivyo, tunahitaji Mwenyezi Mungu atuongoze.

La pili, nataka kuunga mkono ombi la Mhe. Mwashetani. Kuna matatizo makubwa na hivi visiwa. Visiwa vimekuwa hapo kwa karne nyingi, kama vile Kisiwa cha Kiwayu. Kisha watu wa KWS wanakuja wanasema ni *marine*. Watu wamekaa hapo miaka yote. Haya mambo yanafaa kuangaliwa. Hiyo shida inatokea huko kwa Mhe. Mwashetani pia iko Lamu. Naomba hili Bunge, tafadhali, kama kutakuwa kuna muda, tufanye hizi shida ziondoke. Watu wakae huko miaka yote kisha ghafla, *title* zije zitolewe na hatujawapangia tunawapeleka wapi na tukiwapeleka huko tunakotaka kuwapeleka, watakaa vipi na wamezoea kuwa hapo siku zote?

Ah,sante, Mhe. Spika.

Hon. Speaker: Member for Funyula.

Hon. (Dr.) Wilberforce Oundo (Funyula, ODM): Thank you, Hon. Speaker. Allow me to comment on the first Petition concerning the National Prayer Day and the second one presented by my colleague, Hon. Atandi.

Hon. Speaker, as much as it is extremely important that we have a prayer day and that Kenya becomes a prayerful country, I think we go to church every single day and in the Bible, it is always said you should pray every single day. Honestly speaking, it might not be extremely necessary to have a National Prayer Day. Yes, we have so many challenges, but we should keep on praying every single day.

In the case of Aspire Bank, I think that Petition is timely. It has been a developing story for some months now and, it is, indeed, necessary that those who are involved in this fraudulent activity of transfer and takeover of the Bank using teachers' hard earned money should be brought to book. Probably, it is important that, at any given time, there ought to be adequate due diligence before such kind of a huge transaction happens in this country. It is possible that actually, the

teachers were duped to believe this is a functioning and profitable bank. Those who are responsible, be it at the SACCO or at the CBK should be held to account.

Finally, as we continue to pray, we should also pray that wherever you are and you have stolen public funds, remember what is also said in the Bible. You shall return to where you have stolen the funds. Thank you, Hon. Speaker.

Hon. Speaker: Member for Kabuchai.

Hon. Majimbo Kalasinga (Kabuchai, FORD-K): Thank you, Hon. Speaker. The National Prayer Day is very important. It defines our nation. It will show this country as a praying nation. In fact, if this is made, it will be the first one in the south of the Sahara and North of Limpopo. We need this prayer day very much. The only thing that we shall ask the Committee to do is to draw it clearly to see if it is possible to have individual churches making it at their churches or having a common unit or empirical formula at every sub-county level as we do it everywhere.

Thank you, Hon. Speaker. I support.

Hon. Speaker: Member for Tharaka.

Hon. George Gitonga (Tharaka, DP): Thank you, Hon. Speaker. Allow me to comment on the two petitions; the first one being the request for the Petition to have the National Prayer Breakfast made a public holiday. While I agree that Kenya is a praying nation, we also have to make a provision that we must work. We cannot be a country of public holidays some of which we have no idea what they stand for and what we are supposed to do on those particular days, including Monday, 11th October, which is dubbed Huduma Day. But, really, not many people know exactly what they are supposed to do, but they shall be enjoying a public holiday. Let us also pray on Sundays and any other days and if we really need to have a national holiday for prayers, let us fix it somewhere in the Huduma holiday so that we pray in the morning and we do some Huduma services in the afternoon.

As regards the sanctity of title, it is only valid titles that are sacrosanct. Those that are obtained through fraud and dubious means cannot be said to be sacrosanct and are subject to challenge and they must at all times be challenged.

Thank you.

Hon. Speaker: Member for Mwea.

Hon. Josphat Kabinga (Mwea, JP): Thank you, Hon. Speaker, for giving me this opportunity to comment on the two petitions, the first and the third one. On the first one, when we talk about prayers, this is a very serious issue and we hope that we can integrate prayers in each and every holiday we have so that we do not have a stand-alone holiday when we have so many holidays. At the same time, let us put politics out of this. One of the speakers mentioned one son of a priest in the Anglican Church which I prescribe to. I know that, that particular Hon. Member is a serious member of the Anglican Church of Kenya.

On the last one by Hon. Mwashetani, I hope that the Ministry of Lands can take this land issue seriously. I say so because, recently, I had a question on one of the plots in my Mwea Constituency in a place called De-fathers and the response that came was totally out of context. They referred to another parcel of land and not what I was referring to. So, I hope that, that particular Petition and others will be taken seriously because matters to do with land are sensitive issues that need to be taken seriously. I thank you.

Hon. Speaker: Member for Rarieda.

Hon. (Dr.) Otiende Amollo (Rarieda, ODM): Thank you, Hon. Speaker. In the interest of time, first I support the petition by Hon. Atandi. This one by Isaac Njuguna is totally misplaced. First of all, it contradicts the role of State and religion against Article 8 of the Constitution.

Secondly, under Article 9(3) of the Constitution, national and public holidays are to be prescribed. We as a House passed the Public Holidays Act as amended in 2012. It gives the Minister power to prescribe additional public holidays. The Petitioner does not need to come to us, but go to the Minister and persuade the Minister that alongside 11th October, let them add those other days.

Thirdly, in any event, we do not just have one holiday for praying. Every week, we have at least two days. We Catholics have Sunday. The SDAs have Saturday. Our Muslim brothers and sisters do not have any day, but they pray on Friday. Why do you need a public holiday to pray? You can pray every day and anywhere. In any event, we should now reduce these days and not increase them. I find no merit in it. Thank you.

Hon. Speaker: Member for Westlands.

Hon. Tim Wanyonyi (Westlands, ODM): Thank you, Hon. Speaker. I totally agree with Hon. Otiende Amollo on the holiday for prayer, but we have seen in other countries like the US. They have a national thanksgiving day which is essentially a prayer day. I believe that in this country, every religious group has set aside days for prayer and these are special days. They are in the Christian calendar. We have Christmas Day, Easter and others. The Hindus have Diwali and Muslims have Eid. Those holidays are there and normally they are declared national holidays on those particular days. So, I believe that we should never just pray for one day, but pray every day.

On the Petition by Hon. Atandi, the people who sold that bank to Mwalimu Sacco knew the Bank was going under and they went ahead and sold it to the teachers and now the teachers are stuck with a bank that is insolvent. This is a criminal activity that should be looked into and investigated and the culprits be brought to book.

Thank you, Hon. Speaker.

Hon. Speaker: Hon. Members, the 30 minutes are over. We move to the next Order. The petitions are committed, respectively, to the Committees to which they are directed to, namely: The Departmental Committee on Administration and National Security for the first one. The second one to the Departmental Committee on Lands and the third Petition by Hon. Atandi to the Departmental Committee on Finance and National Planning.

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:

Public Debt Management Report for the 2020/2021 Financial Year from the National Treasury and Planning;

2021 Budget Review and Outlook Paper for the 2022/2023 Financial Year and the Medium-Term Budget, from the National Treasury and Planning;

National Government Budget Implementation Review Report for the 2020/2021 Financial Year from the Office of the Controller of Budget;

Schedule of Additional Expenditures granted under Article 223 of the Constitution for the 2021/2022 Financial Year from the National Treasury and Planning;

Report of the Auditor-General and Financial Statements in respect of the Capital Markets Authority for the Financial Year ended 30th June 2021 and the certificates therein;

Report of the Auditor-General and Financial Statements in respect of the Golf Hotel Limited for the year ended 30th June 2019, and the certificate therein;

Report of the Auditor-General and Financial Statements in respect of the Rift Valley Water Works Development Agency for the Financial Year ended 30th June 2019, and the certificate therein;

Report of the Auditor-General and Financial Statements in respect of the Kisii National Polytechnic for the Financial Year ended 30th June 2019, and the certificate therein; and,

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

- (a) Budalangi;
- (b) Bonchari;
- (c) Endeless;
- (d) Fafi;
- (e) Embakasi Central;
- (f) Garissa Township;
- (g) Ikolomani;
- (h) Khwisero;
- (i) Mandera East;
- (j) Navakholo;
- (k) Nambale;
- (l) Kilifi South;
- (m) Wajir South;
- (n) Tongaren; and,
- (o) Thika Town.

Hon. Speaker: Next Order.

QUESTIONS AND STATEMENTS

Hon. Speaker: The first segment is the Ordinary Questions. Let us have Hon. Otiende Amollo.

Hon. (Dr.) Otiende Amollo (Rarieda, ODM): Thank you, Hon. Speaker. I hope the Chairman of the Departmental Committee on Administration and National Security, Hon. Mwathi, will listen.

Hon. Speaker: And the Vice-Chair.

Hon. (Dr.) Otiende Amollo (Rarieda, ODM): And the Vice-Chair. I hope they listen to this.

Hon. Speaker, you remember that last week on Thursday, I raised a Question by Private Notice addressed to the Departmental Committee on Administration and National Security. You directed that they bring an answer within 7 days. I seek your direction as to whether the Chair or Vice-Chair might be able to give us an answer today.

Hon. Speaker: The Chairman is here.

Hon. Peter Mwathi (Limuru, JP): Thank you, Hon. Speaker. It is true that we undertook to deliver within seven days, but we had an engagement with the Chief Administrative Secretary (CAS) in the Ministry of the Interior and Coordination of National Government today and he asked for your indulgence that we do it on Tuesday so that they can collate a few pieces of information and then we can give a comprehensive reply on Tuesday.

Hon. Speaker: Is that okay with you, Hon. Otiende Amollo?

Hon. (Dr.) Otiende Amollo (Rarieda, ODM): Yes, Hon. Speaker. That is fine provided that they give it on Tuesday. The family is in deep agony.

Hon. Speaker: Very well. Hon. Mwathi, Tuesday.

ORDINARY QUESTIONS

Hon. Speaker: The first Question is by the Member for Wundanyi, Hon. Dan Mwashako. Is there any communication from the Member? You do not appear to be his size or complexion. No, it does not happen that way here. Members know how to communicate with the Chair. They write to the Clerk or the Speaker. That method of being sent here from the streets, when we have no evidence of it, is not allowed. If we allow you to ask the Question and then the next day the Member comes and says that he never gave any such instructions, we will look very casual. We will call it up again in the second round.

The next Question is by the Member for Marsabit County, Hon. Safia.

Question No. 377/2021

IMPLEMENTATION STATUS OF UNIVERSAL HEALTH COVERAGE IN KENYA

Hon. (Ms.) Safia Sheikh (Marsabit CWR, JP): Thank you, Hon. Speaker. I rise to ask Question No.377 of 2021 in today's Order Paper directed to the Cabinet Secretary for Health:

- (i) What is the status of the implementation of the Universal Health Coverage programme in the country?
- (ii) When does the Government intend to fully implement the said programme across the country to enable all the people access quality and affordable medical coverage in view of the COVID-19 pandemic?

Hon. Speaker: Very well. That will be responded to before the Departmental Committee on Health.

The next Question is by the Member for Kitui Rural, Hon. Mboni Mwalika.

Question No. 419/2021

STATUS OF BETTING AND GAMING ACTIVITIES IN KENYA

Hon. David Mboni (Kitui Rural, CCU): Thank you, Hon. Speaker. I rise to ask Question No. 419 of 2021, directed to the Cabinet Secretary for the Treasury and National Planning:

- (i) Could the Cabinet Secretary provide the list of firms registered to undertake betting and gaming activities in the country?
- (ii) Could the Cabinet Secretary outline the impact or benefits to the Kenyan economy arising from betting and gaming activities by the betting companies?
- (iii) Could the Cabinet Secretary state the amount of tax revenue generated from betting and gaming activities through broadcast media in Kenya for the last two years and provide tax compliance status of all the registered betting and gaming companies?

- (iv) Could the Cabinet Secretary provide details of cases of money laundering activities, if any, that may have been undertaken through betting and gaming activities in the country, and indicate steps taken to monitor, deter, arrest and prosecute the culprits?

Hon. Speaker: It will be replied to before the Departmental Committee on Finance and National Planning.

The next Question is by the nominated Member, Hon. Godfrey Osotsi.

Question No. 420/2021

OWNERSHIP STATUS OF LAND PARCELS WITHIN MAUTUMA CENTRAL SETTLEMENT SCHEME

Hon. Godfrey Osotsi (Nominated, ODM): Hon. Speaker, I wish to ask Question No. 420 of 2021 directed to the Cabinet Secretary for Lands and Physical Planning:

- (i) What is the ownership status of parcels of land within Mautuma Central Settlement Scheme in Lugari Sub-County, Kakamega County, that were allocated to several land owners from Vihiga County as compensation following the compulsory acquisition of their land by the Government in 2001, to create space for the construction of the Vihiga District headquarters, which is presently Vihiga County Headquarters?
- (ii) Could the Cabinet Secretary confirm claims that some landowners whose land was acquired by the Government settled back in their original land in Vihiga County following challenges in occupying their allocated land in the new settlement scheme?

Hon. Speaker, in part (iii) there is an error which they will rectify. It is supposed to read as follows:

- (iii) What is the ownership status of the parcel of land LR No. South Maragoli/Bugonda/2097 within Mbale Town?
- (iv) What specific steps is the Ministry taking to assist the rightful owners of the parcel of land in (iii) above and the local community considering the challenges faced in settling on the land allocated by the Government within Mautuma Central Settlement Scheme and the court ruling in the case No.65 of 2020?

Hon. Speaker: The Question will be replied to before the Departmental Committee on Lands.

The last Question is by the Member for Tigania East, Hon. Kabeabea.

Question No.422/2021

HARASSMENT OF TIGANIA WEST CONSTITUENCY RESIDENTS BY KDF

Hon. Josephat Kabeabea (Tigania East, PNU): Thank you, Hon. Speaker. This afternoon, I rise to ask the Cabinet Secretary for Defence the following Question:

Could the Cabinet Secretary explain why the Kenya Defence Forces (KDF) officers in the School of Artillery and 78 Tank Battalion Garrisons located in Isiolo and Meru counties, respectively, continue to harass the residents of Tigania East Constituency, despite the existence of a court order stopping such harassments?

What steps is the Ministry taking to ensure peaceful co-existence between the KDF officers in the two garrisons and civilians in Tigania East Constituency?

Hon. Speaker: It will be replied to before the Departmental Committee on Defence and Foreign Relations.

For the second time, Question by the Member for Wundanyi. The Member having not communicated to the Speaker and not being present, the Question is dropped.

Question No.261/2021

ENVIRONMENTAL IMPACT OF COMMUNICATION MASTS AT VURIA HILL IN WUNDANYI

(Question dropped)

The second segment is on requests for Statements. There is a request from Hon. Mule.

REQUEST FOR STATEMENTS

INVESTIGATIONS INTO DEATH OF ABUBAKAR MULI NDUVA

Hon. Stephen Mule (Matungulu, WDM-K): Thank you, Hon. Speaker. I rise to request for a statement on disappearance and subsequent death of Abubakar Muli Nduva, a resident of Matungulu Constituency.

Hon. Speaker, pursuant to the provisions of Standing Order No.44(2) (c), I rise to request for a statement from the Chairperson of the Departmental Committee on Administration and National Security regarding the disappearance and subsequent death of Abubakar Muli Nduva of ID No.27227194, Tala Market in Matungulu Constituency Machakos County.

On Thursday, 16th September 2021 at around 10.45 p.m., police officer from Tala Police Station arrested, Mr. Nduva for alleged domestic violence and was taken to Tala Police Station. On Friday 17th in the wee hours of the morning at 4.45 a.m., the mother Ms. Katanga was informed by persons identified as police officers that Mr. Nduva had taken acid while in custody and had been rushed to Kangundo District Hospital. Upon reaching the hospital, the family was informed that Mr. Nduva had been transferred to Kenyatta National Hospital for further treatment. At Kenyatta National Hospital, they searched all the registries for patients who had been booked in the Hospital in the previous night only to find out that the body of Mr. Nduva was lying at the mortuary.

On further inquiry by the family, it was provided with a case of death summary report from KNH of Mr. Nduva which certified that he died on 17th September 2021 at 10.47 p.m. at Kenyatta National Hospital. On 26th September 2021, a post-mortem was conducted in the presence of the family and the police by both government pathologist and a private pathologist hired by the family and confirmed that the cause of death was a result of head injury due to blunt trauma.

It is against this background that I seek a Statement from the Chair of the Departmental Committee on Administration and National Security on the following:

(i) Could the Chairperson explain why the police officers at Tala Police Station took so long to relay the correct information to the parents of the deceased?

(ii) Could the Chairperson explain whether the Ministry has identified those who caused the death and the status of investigation into the death and action taken against those who were involved?

(iii) Could the Chairperson state whether the Government has commenced an inquest into the death of Mr. Nduva Muli *aka* Toto?

(iv) Could the Ministry consider compensating the family of the deceased for the loss of their loved one and within which timelines the Ministry is supposed to do that?

Thank you, Hon. Speaker.

Hon. Speaker: Chair, Departmental Committee on Administration and National Security.

Hon Peter Mwathi (Limuru, JP): Hon. Speaker, I agree with the Member that the matter that he has raised is weighty. Give us two weeks to respond to that issue. Thank you.

Hon. Speaker: Next segment is the Leader of the Majority Party.

STATEMENT

BUSINESS FOR THE WEEK COMMENCING 12TH TO 14TH OCTOBER, 2021

Hon. Amos Kimunya (Kipipiri, JP): Hon. Speaker, pursuant to the provisions of Standing Order No.44(2)(a), I rise to give the following Statement on behalf of the House Business Committee which met on Tuesday, 5th October 2021, to prioritise business for the consideration.

Let me take the opportunity to indicate that at this point in the Session, a majority of the Government Bills have currently undergone Second Reading and other stages and continue to make progress with Committees and individual Members' Bills.

However, I am aware that there are still a number of Bills pending consideration before Committees. I wish to reiterate that the House Business Committee is ensuring that all Bills introduced in the House are fully processed before the expiry of the term of the 12th Parliament. However, that commitment is only attainable if the Committees expedite the consideration of all pending Bills. It takes all of us to get there, I encourage Committees to finalise this important work.

On Tuesday, 12th October 2021, the House is scheduled to undertake the Committee of the whole House on the WAQF Bill, 2019 and the Second Reading of the Health Laws (Amendment) Bill of 2021. The House will also consider Committee Reports on the following matters:

Sessional Paper No.1 of 2021 on the National Water Policy.

The ratification of the Bilateral Air Services Agreement between Kenya and the Republic of South Africa and between Kenya and the Republic of Botswana.

The ratification of the bilateral air services Agreement between the Government of Kenya and the Government of the Russian Federation.

In accordance with the provisions of Standing Order No.42A (5) and (6), I wish to convey that the following Cabinet Secretaries are scheduled to appear before the Departmental Committees as follows:

The Cabinet Secretary for Transport, Infrastructure, Housing and Urban Development is scheduled to appear on Thursday, 14th October 2021 before the Departmental Committee on Transport, Public Works and Housing to respond to the following Questions:

(i) Question No.242/2021 by Hon. Eve Obara regarding the plea that the Chabera-Sikri stretch of the Kisumu-Kisii Road should be well marked and access culverts installed.

(ii) Question No.205/2021 by Hon. Omar Mwinyi on the status of development of Dongo Kundu Special Economic Zone.

(iii) Question No. 5/2021 by Hon. Omar Mwinyi on the status of development of the Dongo Kundu Special Economic Zone in Mombasa County.

(iv) Question No. 286/2021 by Hon. Simba Arati regarding the policy guidelines in place with respect to the maximum number of residential apartment units and floors which may be developed in the area within Nairobi City where parcel of land LR 209/3289 measuring 0.3661 hectares is located.

(v) Question No. 333/2021 by Hon. George Theuri on the barricades being erected along the Outer Ring Road in Nairobi particularly between Taj Mall Stage and Allsops to prevent pedestrians from crossing below food bridges located between the two locations.

(vi) Question No. 344/2021 by Hon. George Theuri regarding inordinate delays in the allocation of stalls in the new Wakulima Market located along Kangundo Road to small-scale traders.

(vii) Question No. 341/2021 by Hon. Gabriel Kago on the upgrading of the 15 kilometres Nyaga-Kiambururu-Kamuchege Road in Githunguri Constituency to bitumen standards.

(viii) Question No. 338/2021 by Hon. Joshua Kandie regarding the maximum utilisation of Eldoret International Airport for both passengers and cargo.

(ix) Question No. 356/2021 by Hon. Bady Twalib regarding the construction of Madafuni-Jitoni-Rabai Road in Jomvu Constituency in Mombasa County.

(x) Question No. 365/2021 by Hon. Daniel Maanzo regarding the stalled Government Civil Servants Housing in Wote Town, Makueni Constituency.

(xi) Question No. 366/2021 by Hon. Innocent Momanyi on the construction of the 25 kilometres Kebuko-Nyagusu-Nyamache-Nyacheki Road in Bobasi Constituency.

(xii) Question No. 381/2021 by Hon. Oku Kaunya on the construction of the Busia-Malaba Road.

(xiii) Question No. 390/2021 by Hon. Memusi ole Kanchory on the construction status of the roads under contract No. KURA/DEV/HQ/336/2019-2020.

The Cabinet Secretary (CS), Ministry of Sports, Culture and Heritage is scheduled to appear on Tuesday, 12th October 2021 before the Departmental Committee on Sports, Culture and Tourism to respond to the following Questions:

- (i) Question No. 115/2021 by Hon. David Gikaria regarding the Kenya Premier League match-fixing and betting.
- (ii) Question No. 181/2021 by Hon. Christopher Omulele regarding the funds collected under Sports, Arts and Social Development Fund.
- (iii) Question No. 213/2021 by Hon. Malulu Injendi on the comprehensive insurance for national team players and their dependants.
- (iv) Question No. 202/2021 by Hon. Gideon Keter regarding the rehabilitation of Kenya National Archives.
- (v) Question No. 300/2021 by Hon. Marwa Maisori on the protection of indigenous languages.

The CS, Ministry of Labour and Social Protection is scheduled to appear on Tuesday, 12th October 2021 before the Departmental Committee on Labour and Social Welfare to respond to Question No. 331/2021 by Hon. Kipsengeret Koros on the bilateral agreement on health workforce collaboration between Kenya and the United Kingdom.

The CS, Ministry of Industrialisation, Trade and Enterprise Development is scheduled to appear on Tuesday, 12th October 2021 before the Departmental Committee on Trade, Industry and

Co-operatives to respond to Question No. 291/2021 by Hon. Omar Mwinyi regarding the revival of the Akamba handcrafts industry and soapstone curving business.

Lastly, the CS, Ministry of Petroleum and Mining is scheduled to appear before the Departmental Committee on Environment and Natural Resources on Thursday, 14th October 2021 to respond to Question No. 368/2021 by Hon. Charles Were on the quarry mining activities in Kasipul Constituency.

Hon. Speaker, the House Business Committee (HBC) will reconvene on Tuesday, 12th October 2021 to schedule the business for the rest of the week.

I now wish to lay the Statement on the Table of the House.

Thank you.

(Hon. Amos Kimunya laid the document on the Table)

Hon. Speaker: Next Order!

MOTION

ADOPTION OF REPORT ON INCOME TAX EXEMPTION ON THE SEND-OFF
PACKAGE PAYABLE TO EMPLOYEES OF THE KENYA AIRWAYS PLC

Hon. Speaker: The Chairperson, Select Committee on Delegated Legislation.

POINT OF ORDER

AMENDMENT TO THE REPORT ON PETITION REGARDING INSECURITY
IN SAKU CONSTITUENCY AND THE LARGER MARSABIT COUNTY

Hon. Peter Mwathi (Limuru, JP): On a point of order, Hon. Speaker.

Hon. Speaker: What is your point of order, Hon. Mwathi?

Hon. Peter Mwathi (Limuru, JP): Hon. Speaker, I rise on a point of order to persuade you to invoke the provisions of Standing Order No. 1 regarding a matter that you previously invoked the same Standing Order in relation to the public Petition regarding insecurity in Saku Constituency and the larger Marsabit County.

In this matter, you ordered that we do this Report and it is discussed in the Assembly. Indeed, the Committee proceeded and did the Report, presented and debate has ensued. However, along the way, there have been presented amendments to the same Report that would require to be considered by the Committee, especially Amendment No. 20 which states:

“THAT, the national Government should compensate victims for the loss of lives, properties and livelihoods as a result of this conflict.”

This means that it will occasion expenditure from public funds, and under Article 114 of the Constitution, this will require further consultation between the Members of the Committee and the relevant Arms of Government including the Budget and Appropriations Committee. With your indulgence, I had scheduled a meeting on Tuesday for our Committee to consider the further recommendations that have been proposed by Hon. Rasso, especially in view of making them operational so that by the time I do the reply, I will be able to say how we have considered the matter among those relevant organs as provided for in Article 114 of the Constitution.

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I am requesting that you defer this matter to Wednesday afternoon to allow us meet on Tuesday and then the debate can proceed further on Wednesday while we are seized of all the provisions and we are able to respond.

Thank you.

Hon. Ali Rasso (Saku, JP): On a point of order, Hon. Speaker.

Hon. Speaker: Hon. Rasso.

Hon. Ali Rasso (Saku, JP): Thank you, Hon. Speaker. I have heard the Hon. Chairperson, Departmental Committee on Administration and National Security, and I totally disagree with that position. This Petition has been before this House since last year. It has taken almost one year and two months. The affected people are waiting for justice but he has selectively picked something.

Hon. Speaker, I beg your indulgence. The debate on this particular Report has already begun. The people of Saku and Marsabit are waiting for feedback from this House and I think justice delayed is justice denied.

(Applause)

The Chairperson should not move something on the Floor of the House because he was privy to this almost the whole of last week and this week.

Hon. Speaker, I beg you to invoke Standing Order No. 1 for the debate to proceed.

Thank you.

(Applause)

Hon. (Dr.) Robert Pukose (Endebess, JP): On a point of order.

Hon. Speaker: Do you want to go to the debate? It looks like it is becoming something else. Hon. Gufu.

Hon. Qalicha Wario (Moyale, JP): Thank you, Hon. Speaker.

I must say that the way Hon. Rasso has put it is the way to go. Remember last week, when we were here in this House, even the Chairman and the Vice-Chair were not in this House. It shows this is just a petty issue when the people of Moyale or the Maasai people are dying and they want justice from the Government of Kenya where they belong. What we are saying is that we are making an amendment to this Report. I do not know what is really scaring the Chairman for him to bring such kind of statement at this hour when we are about to debate the Report. I think that is very unfair and unacceptable. The Chair of the Departmental Committee on Administration and National Security should bring those amendments instead of Hon. Rasso. I request you to let the Motion to go on.

Hon. Speaker: All of you want to speak to the Request for Statement. Is that what all of you want to speak to?

Hon. Members: Yes.

Hon. Speaker: You need to educate me on how to exercise my powers under Standing Order No. 1. Do you want to persuade me not to use it? Let me hear those who want to persuade me then. Make sure that you persuade me. Hon. Jaldesa.

Hon. (Ms.) Rehema Jaldesa (Isiolo CWR, JP): Thank you, Hon. Speaker. I am glad you are the one personally sitting on that Chair. It is because you are the hope for those of us who have been marginalised for a long time in this country. I cannot wait to give you my vote come 2022, to be the next President of this country.

(Laughter)

I want to agree with the position of Hon. Rasso. We must really speak what is in our hearts that, this Departmental Committee on Administration and National Security needs to be really interrogated. It must rise to the occasion. Personally, I have brought two Requests for Statements regarding the insecurity affecting the people of Isiolo to this House. I did that in July and to date, there is nothing that has happened. I have not gotten a response.

Last year, I raised Questions on issues of insecurity. Nothing! The other year, I raised an issue on boundaries. Nothing has happened! Clearly, I hope I will not name somebody here because we have evidence. There is....

(Hon. Stephen Mule walked into the Chamber)

Hon. Speaker: Member for Matungulu, do not take your seat. Go to the door. You cannot walk from here. You know I told you I am always very hawk-eyed.

(Hon. Stephen Mule walked to the Bar and bowed)

Proceed, Hon. Rehema.

Hon. (Ms.) Rehema Jaldesa (Isiolo CWR, JP): Hon. Speaker, this Committee is being used by some people somewhere, to play and propagate local politics of hate, division and intimidation. This Report was debated. Actually, I was on the Floor when I was told I had a balance of seven minutes to discuss. Today, I had a funeral to attend but, because this matter is very important, I had to stay. The people of Saku and the people of Isiolo have been denied their rights. We know what is happening. Even as we are seated here, I saw the Vice-Chair of this Committee moving around trying to mobilise Members. Therefore, it is not right. We do not want to allow the agenda of the *Upya* Coalition to be brought to this House to deny us our rights.

(Loud consultations)

Therefore, allow us to proceed with this debate. Thank you so much.

Hon. Speaker: Do not even get agitated, I will give you a chance. Hon. Fatuma Gedi.

Hon. (Ms.) Fatuma Gedi (Wajir, PDR): Hon. Speaker, it is really sad. It is really sad and unacceptable that the Hon. Member said she saw me moving. I want to challenge her. There is a camera in this House. Since I entered this House at 2.30 p.m., I have been on this chair. I want to challenge her. I want you to find out whether I have moved from this chair from 2.30 p.m. If she cannot substantiate, then you must take action on her.

Secondly, I am the Vice-Chair of this Committee. I am sorry to say this: Hon. Rasso, you cannot benefit from mischief. He is the one who has made this Committee not to proceed with this matter. Through his amendments, the Committee is ready and we are very fair. This Committee has gone to Marsabit County. We have the evidence of videos from the communities that he represents. We have audios. We did not side with any Member. We did not side with any individual. We are doing our work. He himself has been mentioned in this Report. The same Member of Parliament wants to benefit from the privilege of this House to bring amendments to fight certain communities. We are fair.

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(Applause)

We are fair and we have evidence. This Committee has relied on the recommendations from the ground, the communities of Marsabit, the County Security Committee, the National Intelligence Service (NIS), the National Cohesion and Integration Commission (NCIC) and the Committee of this House.

So, please, we do not want politics of Marsabit. We do not want politics of division. We have evidence on Hon. Rasso himself. Hon. Speaker, if you allow us, we can bring evidence to this House on how he has killed innocent people and innocent children.

Hon. Speaker: No! No! No! Let us not get to that. Please, sorry, Hon. Fatuma Gedi. Now, Hon. Members, I do not think that is the way. If we go that route, we will not be addressing the issue. Let me just exercise my discretion as best as I know.

The specific item on the proposed amendment is number 20. Hon. Mwathi referred to what is item number 20. I am referring to what Hon. Mwathi raised. If we read the proposed amendment, it states as follows:

“That, the Motion be amended by inserting the following: After the figure “2021”- “Subject to the following:

- (a) deletion of Recommendation 2 appearing under ‘Recommendations’ in Part 5 on page 90 of the Report;
- (b) deletion of the words “including; Ambalo, Badan Rero, Elle Bor, Elle Dimtu and Kubi Qallo” after the word ‘County’ in Recommendation 4 appearing under ‘Recommendations’ in Part 5 on page 90 of the Report;
- (c) deletion of Recommendation 8 appearing under ‘Recommendations’ in Part 5 on page 91 of the Report and substituting with the following:

8. The Cabinet Secretary for Interior and Coordination of National Government, as a matter of urgency, ensures adequate National Police Service personnel are deployed to Marsabit and any existing gaps to be filled by Kenya Police Reservists in coordination and consultation with the National Police Service.

I think that is a reasonable one. But again, Hon. Members, it is up to you to decide. I am only supposed to exercise my discretion where issues to do with the Constitution are referred to. On this one, I think it is up to you to make the determination.

- (d) deletion of the words “in Kosso Banchale, Salesa and Isacko Umuro” after the words ‘displaced persons’ in Recommendation 4, appearing under ‘Recommendations’ in Part 5 on page 91 of the Report;
- (e) insertion of the following new Recommendations under ‘Recommendations’ in Part 5 on page 92 of the Report –

17. The Cabinet Secretary for Lands and Physical Planning and the National Lands Commission, as a matter of urgency, should address the disputes and clearly demarcate Administrative and Communal Boundaries in Marsabit County.

That is a reasonable request.

18. The Cabinet Secretary for Interior and Coordination of National Government should rationalise the creation of new sub-counties in Marsabit County, and address the current imbalance across the four constituencies, that is, Saku, Laisamis, North Horr and Moyale, as a matter of urgency.

That, again, is a matter for the Executive. So, the House can direct. There is no problem.

19. The Cabinet Secretary for Interior and Coordination of National Government should facilitate the return of Kenyan refugees in Ethiopia.

That again is a legitimate expectation.

Now, the contention is on number 20 which says that:

“The National Government should compensate victims for loss of lives, properties and livelihoods as a result of this conflict”. What do you mean by eight?

Well, let me say this: If the House resolves that that the national government should compensate victims, the process of seeking for that compensation, as we all know, is one that involves dispute resolution through the Judiciary. Therefore, this is a matter that is neither here nor there. There is no harm in the House resolving that a commission of inquiry be established. This has happened in the past without any hindrance. It will not be the first time.

Rather than provoke the kind of intense anxiety that I have just witnessed a few moments ago, I will leave this matter to the decision of the House. The House will proceed and deal with the matter as it best understands. Since I have no vote, I am perfectly protected by Article 122 of the Constitution. It is you to make a decision. Try to persuade one another about these amendments. In any event, since that matter is not the one coming up immediately for consideration, I will leave it to the House to deal with it when that order is reached. So let us proceed.

Hon. Kamket, the Chair of the Committee on Delegated Legislation.

MOTIONS

ADOPTION OF REPORT ON INCOME TAX EXEMPTION ON SEND-OFF PACKAGE TO KENYA AIRWAYS EMPLOYEES

Hon. Kassait Kamket (Tiaty, KANU): Thank you, Hon. Speaker. I beg to move that this House adopts the Report of the Committee on Delegated Legislation on its consideration of the Income Tax Exemption on the Send-Off Package payable to employees of Kenya Airways (Legal Notice No. 115 of 2021), laid on the Table of the House on Wednesday, 1st September 2021.

This is a very simple Motion.

Hon. Speaker: Sorry, the Motion does not seem to read the way you have put it. So I am wondering what you are up to. You have jumped to the legal notice yet there are a lot of stuff in between. Is the House supposed to consider those things? Move the Motion as it is.

Hon. Kassait Kamket (Tiaty, KANU): Hon. Speaker, I beg to move the following Motion:

THAT, this House adopts the Report of the Committee on Delegated Legislation on its consideration of the Income Tax Exemption on the Send-off Package payable to employees of the Kenya Airways PLC, 2021 (Legal Notice No. 115 of 2021.)

I do not have the rest of the Motion.

Hon. Speaker: You cannot say you do not have it. What then are you moving? Who prepares these things?

Hon. Kassait Kamket (Tiaty, KANU): Hon. Speaker, my apologies for that. I beg to move the following Motion:

THAT, this House adopts the Report of the Committee on Delegated Legislation on its consideration of the Income Tax Exemption on the Send-off Package payable to employees of the Kenya Airways PLC, 2021, laid on the Table of the House on Wednesday, 29th September 2021, and pursuant to the provisions of section 13(3) of the Income Tax

Act (Cap. 470), approves the Income Tax Exemption on the Send-off Package payable to employees of the Kenya Airways PLC, 2021, published as Legal Notice No. 115 of 2021.

As I started saying, this is a very positive application of the law and power by the Cabinet Secretary in terms of assisting employees of Kenya Airways (KQ) who were retrenched because of financial challenges that the airline has experienced because of, among other reasons, the closure of international airspace due to the COVID-19 pandemic. The main purpose of this exemption, therefore, as indicated in respect of Legal Notice 115 of 2021 is to exempt income tax on the send-off package to 187 KQ employees, who left the company between January and March 2021. The send-off package which is sought to be exempted from income tax amounts to three months' salary paid in lieu of notice, severance pay and payment for accumulated leave days due to those employees. The KQ will therefore reduce its cost of operations, which will have a positive impact on the insolvency status of the airline.

As a Committee, we looked at this statutory instrument and determined that it met all the statutory timelines and other requirements. Pursuant to Standing Order 210(4) and having examined Legal Notice 115 of 2021 in line with the Constitution, the Interpretation and General Provisions Act and the Income Tax Act, we therefore recommend that this House approves this Legal Notice. The employees were represented in the collective bargain agreement and the representatives requested for improvement of the send-off package. The staff will therefore be exempted from paying tax to allow them to go into retirement with a good package. In very simple terms, this is a very positive application of the law to help Kenyans who were retrenched. The law allows the Cabinet Secretary to exempt persons from paying income tax. We believe that with the approval of this Assembly, these Kenyans will be able to live comfortably.

With those few remarks, I beg to move and ask my colleague Hon. Martha Wangari to second.

Thank you, Hon. Speaker.

Hon. Speaker: Member for Gilgil.

Hon. (Ms.) Martha Wangari (Gilgil, JP): Thank you, Hon. Speaker. I rise to second this Motion that has been ably moved by our Chairman. Despite knowing that KQ has had numerous issues in terms of profitability, our mandate as a Committee is limited in terms of what to look at. We were to ensure that this legal notice conforms to the law, that is, the Income Tax Act, the Statutory Instruments Act and the Constitution. Having gone through the legal notice and having listened to the Cabinet Secretary, we know that by law this is not strictly classified as a statutory instrument. But the Notice in the *Gazette* is meant to come to this House under the Income Tax Act.

For the last two years, COVID-19 has really affected many companies, and KQ has not been spared. Because of the troubles it already had, it sank deeper. The management and the Board are trying to encourage voluntary retirement. One of the arguments they advanced is that if you offer a send-off package, many people will take it. A total of 187 staff member of the company have agreed to leave between January 2021 and March 2021 this year. As a Committee, we were totally convinced that it is the right thing to do. It came at the right time. We checked all the timelines as well as compliance with the law and they were okay. We looked at the legislative context. We actually looked at the grounds of exemption as presented to us and we are in agreement that these are also Kenyans who work and have families. We agreed that in terms of encouraging other staff members of the company, and in terms of encouraging other Government statutory bodies to look into rationalisation of staff, this can set a good precedent. We agreed that even other

Government parastatals can look at it with a view of ensuring that they encourage or offer good packages when it comes to retrenchment of staff so that people can start life afresh.

With those few remarks, I beg to second.

Hon. Speaker: Order, Members. The Members who are mobile, let us have order.

(Question proposed)

Hon. Members: Put the Question.

Hon. Speaker: The Leader of the Majority wishes to contribute. He has precedence.

Hon. Amos Kimunya (Kipipiri, JP): Hon. Speaker, I rise to support the Committee on Delegated Authority on this matter. It is a fairly emotive matter for the staff of Kenya Airways. As you know, Covid-19 has really disorganised the way the travel industry is operating. Kenya Airways was haemorrhaging and suffering even before the COVID-19 pandemic set in. It is a bad situation that has been made worse. For the staff who were affected in terms of layoffs and the ones who were also affected even before the layoffs had been affected in several other ways in terms of reduced incomes and allowances because they do not travel. So, by exempting those from paying the taxes on whatever retirement package they get will help to cushion them in these difficult times.

Hon. Speaker, this has been done before. I remember that when we had to lay off telecom staff after reorganisation of the defunct Kenya Posts and Telecommunications Corporation, we applied the same standards. We have had cases of redundancies before that resulted from reorganisation of institutions or when matters like this one arose. However, with the changes that came with the Constitution of Kenya, 2010, which basically says that any such exemptions have to be approved by this House hence, there is need to bring this for approval. I hear Members do not really want to ---

(Loud consultations)

I want to make sure that Members understand that it is our duty to do it. I am happy that we are in support of KQ staff at this point.

I support.

Hon. Members: Put the Question.

Hon. Speaker: The Question was proposed and moved. Is it the desire of the House that the Mover be called upon to reply?

Hon. Members: Yes!

(Question, that the Mover be now called upon to reply, put and agreed to)

Mover?

Hon. Kassait Kamket (Tiaty, KANU): Hon. Speaker, I beg to reply.

(Question, put and agreed to)

Hon. Speaker: Next Order.

MOTION

ADOPTION OF REPORT ON OUTSTANDING FUNDS FOR NG-CDF

Hon. Speaker: The Chairperson, Select Committee on National Government Constituencies Development Fund, Hon. Wamunyinyi.

Hon. Wafula Wamunyinyi (Kanduyi, FORD-K): Hon. Speaker, I beg to move: -

THAT, this House adopts the Report of the Select Committee on National Government Constituencies Development Fund on the outstanding funds payable to the National Government Constituencies Development Fund by The National Treasury, laid on the Table of the House on Wednesday, 22nd September 2021.

Hon. Speaker, we are all aware of the arrears that have not been released to the NG-CDF by the National Treasury in respect of previous financial years. As you are aware, our Committee is mandated, under Section 50 of the CDF Act, to oversee the policy framework and legislative matters that may arise in relation to this Fund. We are mandated to continuously undertake a review of the framework set out for the efficient delivery of development programmes financed through the CDF.

In view of this, our Committee resolved to consider the matter of the Kshs4.9 billion arrears that is owed to the fund by the National Treasury with a view of finding a solution, deliberating on the reasons as to why the said arrears have been occasioned and determine **modalities** to ensure that the said arrears have been remitted to the CDF board for onwards transmission to the constituencies.

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

[The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu took the Chair]

Nearly all the constituencies are owed between Kshs10 million and Kshs15 million. If these amounts are released, we will ensure that the constituencies get these monies for implementation of projects for which they were earmarked.

I can see there is change of Chair. I did not notice when the Speaker left. In addressing this issue, Hon. Temporary Deputy Speaker, the Committee established a subcommittee because there were a number of allegations that these funds needed to be investigated, audited so on and so forth. So, we set up a sub-committee of seven Members, which was chaired by Hon. Joseph Oyula, a former career civil servant who served at the National Treasury as the Finance Secretary. The Committee that was set up came up with a Report which I tabled and is the one that am seeking adoption.

This Report established that the National Treasury did not adhere to Section 4 of the National Government Constituencies Development Fund (NG-CDF) Act 2015 as amended in 2016, that states that a minimum of 2.5 per cent of national Government share of revenue shall be allocated to the NG-CDF as divided by Annual Division of Revenue Act enacted pursuant to Article 218 with an objective of addressing poverty and regional development imbalances. The Committee also established that the National Treasury affirmed in a letter dated 1st December 2020 which is annexed that the arrears of Ksh4.9 billion was not remitted to the NG-CDF Board due to revenue under-performance. Therefore, the Committee recommended as a result of those

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observations that the National Treasury should adhere to Section 4 of the NG-CDF Act, 2015 as amended in 2016 by ensuring that the 2.5 per cent of the national shareable revenue has been remitted to the CDF within the specified period of a financial year.

Secondly, the Committee recommended that the National Treasury should ensure that the Ksh4.9 billion being arrears for the previous financial years is released without any delay in order for the implementation of the projects to be undertaken. Those projects have not been implemented because of these arrears. In any case, once this Report is adopted, the National Treasury will be obligated to release these funds. It has become clear that the Treasury never released these funds. Therefore, you cannot audit or investigate what has not been expended. So, it is a straightforward matter. It is very clear the National Treasury is supposed to release these funds. It is going to raise what is due to Members in the constituencies.

Hon. Temporary Deputy Speaker, with these few remarks, I would like to remind Members that while we have this challenge of arrears, the National Treasury has already released the full amount for the first quarter, amounting to Ksh10.4 billion. This is supposed to go to constituencies but not all constituencies have submitted proposals. We have about 40 constituencies that have not submitted proposals for considerations so that funds can be released to them. The other ones have been under consideration but funds have been released to about 40 of them. The board is meeting every week - I think on Friday tomorrow and next week Thursday - to consider those proposals and then funds will be released to the constituencies. However, I appeal to colleagues who have not submitted project proposals to do the same. You are the people that occasion these arrears when you are left behind and funds will not be released to your constituencies.

Hon. Temporary Deputy Speaker, I therefore appreciate the National Treasury towards that. I think we have done well this time, and if this continues, we got to make sure that by December we have got 50 per cent of the funds and we complete 100 per cent early next year during the first quarter. Constituencies should implement the NG-CDF projects without disruption or any hindrance.

Having said that, I would like to move and ask the distinguished Member for Butula to second, Hon Joseph Oyula.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Let us have Hon. Oyula for seconding.

Hon. Joseph Oyula (Butula, ODM: Thank you, Hon. Temporary Deputy Speaker. I rise to support the Report of outstanding funds payable to the NG-CDF by the National Treasury as moved by the Chairman. I chaired the Sub-Committee that went into verification of the documents at the NG-CDF offices. Through our verification and the analysis that we had, it is evident that in the Financial Year 2011/2012 there was a balance of Ksh 541,750,000 which the National Treasury did not release. While in the Financial Year 2013/2014, the National Treasury did not release Kshs2.1 billion. In the Financial Year 2014/2015, the National Treasury did not release Kshs2.3 billion all totalling to Kshs4.9 billion. Non remittance of the same funds has negatively impacted implementation of projects in some constituencies such as Mander West Constituency which has a balance of nearly Kshs72,133,983 in the Financial Year 2013/2014.

The Sub-committee which reported to the Committee concluded that the National Treasury still owes the NG-CDF Board a total of Ksh4,973,196,750.00 which the National Treasury should put in the forthcoming supplementary budget so that the constituencies that were affected get this money.

Hon. Temporary Deputy Speaker, with those few remarks, I beg to second.

I thank you.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Order Hon. Members. Those who are standing can resume your seats. You can take your seats so that we propose your question.

(Question proposed)

Hon. Members: Put the Question.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): I can see we have interest. The Members who are on intervention please remove your cards from intervention so that I can be guided very well on any Member who has intervention. Is it the mood of the House that I put the Question?

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): I now call upon the Mover to reply.

Hon. Wafula Wamunyinyi (Kanduyi, FORD-K): Thank you very much, Hon. Temporary Deputy Speaker. I wish to thank the House for supporting the Report. I just want to appeal to the Budget and Appropriations Committee that once this Report is adopted, they will also be required to make sure that this is captured in the supplementary budget to ensure that funds flow to the constituencies. With those few remarks, I beg to reply.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): The Motion has been moved and there was no interest to speak to it. The mover has replied. I now put the Question.

(Question put and agreed to)

REPORT ON PETITION REGARDING INSECURITY IN SAKU
CONSTITUENCY AND THE LARGER MARSABIT COUNTY

(Hon. (Ms.) Halima Mucheke on 23.9.2021)

(Resumption of Debate interrupted on 23.9.2021)

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): On Motion No.13, we had a balance of 53 minutes. It is actually a resumption of debate and we have Hon. Jaldesa who had a balance of two minutes. You always have priority in speaking.

Hon. (Ms.) Rehema Jaldesa (Isiolo CWR, JP): Hon. Temporary Deputy Speaker, it is not two minutes. It was seven minutes.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): The clerks have already established it was two minutes because all Members have only five minutes in the debate of a Report as passed by the House. Please be advised.

Hon. (Ms.) Rehema Jaldesa (Isiolo CWR, JP): Thank you. Hon. Temporary Deputy Speaker, I rise to...

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Hon. Pukose, what is out of order and the Member has not even spoken?

Hon. (Dr.) Robert Pukose (Endebess, JP): Hon. Temporary Deputy Speaker, without having any disrespect to our colleague, since there are amendments that are proposed, I wish that you give us guidance on how to proceed. Maybe we could make the amendments and then proceed with the Motion as amended.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Order! We do not allow amendments on the Floor and I must be advised whether there is any amendment that has gone through the procedure.

*(The Temporary Deputy Speaker consulted
the Clerk-at-the-Table)*

I have noted the point of order. I will revisit. I will come back to you but for now I cannot interrupt Hon. Jaldesa in her debate. Hon. Jaldesa, please just finish your two minutes.

Hon. (Ms.) Rehema Jaldesa (Isiolo CWR, JP): Hon. Temporary Deputy Speaker, I stand to be guided but there was an approval to amend this Report. Therefore, I do not know whether you will want to allow me to contribute to the Report as it was or with amendments.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Let me guide you. You were on the Floor. You just had a balance of two minutes.

Hon. (Ms.) Rehema Jaldesa (Isiolo CWR, JP): Hon. Temporary Deputy Speaker, I rise to oppose the recommendation by the Departmental Committee on Administration and National Security because in my view, the recommendation is biased. It profiles a certain community in Saku in a negative way. The recommendation by the Committee fails to address the essence of the Petition. It is such a shame for a Committee of this House to admit in its Report that indeed in this country, we have an illegal militia group that is known by the Government. The Report does not give any solution to how the illegal militia will be handled. As I had said before, this Departmental Committee on Administration and National Security has reduced itself to a political party. This Committee has portrayed biasness. This Committee...

Hon. (Ms.) Odhiambo-Mabona (Suba North, ODM): On a point of order, Hon. Temporary Deputy Speaker.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Member for Isiolo, let me get a point of order from Hon. Millie Odhiambo.

Hon. (Ms.) Odhiambo-Mabona (Suba North, ODM): Thank you, Hon. Temporary Deputy Speaker. I do not sit the Departmental Committee on Administration and National Security. I am just concerned especially going by what had gone on before on the Floor of this House. Is the Hon. Member in order to impute improper motive on other Members without a substantive Motion? That is not the way the business of this House is conducted. When we are dealing with issues of national interest relating to security, it behoves on us as Members of Parliament to behave responsibly and not to make utterances that will cause other people in the constituencies to fight with each other. I do not understand the politics in that area but what my good friend, Hon. Jaldesa, is doing is actually very wrong.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Your point is well delivered. Hon. Jaldesa, you must be able to substantiate some of these allegations. This is a committee. We have many committees of the House. If you have a complaint on a particular Committee, please, can you do it officially.

Hon. (Ms.) Rehema Jaldesa (Isiolo CWR, JP): Hon. Temporary Deputy Speaker, I stand guided but I have my reasons because I had earlier indicated. I have brought about five petitions to this House to the same Committee and one and a half years down the line, they have not been responded to. I had raised a Question to this Committee since I joined this Parliament and to date it has not been responded to. Hon. Temporary Deputy Speaker, if you had the opportunity to go

through this Report, you will clearly see that the recommendation is one sided. It captures a certain narrative. I did not understand why even an amendment that...

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Your time is up. Again I need to order the same committee as a matter of concern to give the feedback to Hon. Jaldesa on the issues that she had raised in her petition. We have a proposed amendment to this Report on the Public Petition regarding insecurity in Saku Constituency and the larger Marsabit County that has already been captured in our Order Paper. So, at this point, I call upon the Member for Saku to move his proposed amendment.

Hon. Ali Rasso (Saku, JP): Hon. Temporary Deputy Speaker, I beg to move the following amendment but I want to take cognisance of this Report that it did not cover all the ground.

I beg to move: -

THAT, the Motion be amended by inserting the following after the figure “2021”-
“Subject to the following –

(a) deletion of Recommendation 2 appearing under ‘Recommendations’ in Part 5 on page 90 of the Report;

(b) deletion of the words “including; Ambalo, Badan Rero, Elle Bor, Elle Dimtu and Kubi Qallo” after the word ‘County’ in Recommendation 4 appearing under ‘Recommendations’ in Part 5 on page 90 of the Report;

(c) deletion of Recommendation 8 appearing under ‘Recommendations’ in Part 5 on page 91 of the Report and substituting with the following –

8. The Cabinet Secretary for Interior and Co-ordination of National Government, as a matter of urgency, ensures adequate National Police Service personnel are deployed to Marsabit and any existing gaps to be filled by Kenya Police Reservists in coordination and consultation with the National Police Service.

(d) deletion of the words “in Kosso Banchale, Salesa and Isacko Umuro” after the words ‘displaced persons’ in Recommendation 4 appearing under ‘Recommendations’ in Part 5 on page 91 of the Report;

(e) inserting the following new Recommendations under ‘Recommendations’ in Part 5 on page 92 of the Report-

17. The Cabinet Secretary for Lands and Physical Planning and the National Land Commission, as a matter of urgency, should address the disputes and clearly demarcate administrative and communal boundaries in Marsabit County.

18. The Cabinet Secretary for Interior and Coordination of National Government should rationalise the creation of new sub-counties in Marsabit County and address the current imbalances across the four constituencies, that is, Saku, Laisamis, North Horr and Moyale, as a matter of urgency.

19. The Cabinet Secretary for Interior and Coordination of National Government should facilitate the return of Kenyan refugees in Ethiopia.

Hon. Temporary Deputy Speaker, I am jumping Recommendation No.20 with magnanimity because the Speaker almost ruled against this. I am dropping Recommendation No.20.

(Proposed Recommendation No.20 by Hon. Ali Rasso withdrawn)

21. A Commission of Inquiry should be established pursuant to the provisions of the Commission of Inquiry Act (Cap 103) to comprehensively look into the perennial security problems of Marsabit County and come up with a lasting solution.

Those amendments generally reflect a broad-based approach to this Report that all the communities of Marsabit are important. The Government has a responsibility to issue identity cards (IDs) to make sure that there are no armed groups in Marsabit. Attacks on communities, their properties and livelihoods should not be allowed at all.

When we looked at the recommendations in the Report, they were not comprehensive. In the observations, the causes of the conflict were adequately covered, particularly in the area of boundaries, land and politics. The Report stated that one of the areas of concern that contributes to fighting in Marsabit is politics, but the recommendations stated nothing at all. That is why I have included those additional recommendations.

We talked about the National Police Reserve (NPR). The NPR have been the bastion of protection of our communities, particularly of the pastoral communities who move around. When you take them away yet you do not have enough police forces, you make the communities vulnerable. That is why we are saying that if you cannot deploy adequate forces, give us the NPR where there are gaps.

In the spirit of carrying everyone along, I persuade my colleagues to approve the amendments. I am fully convinced that we should not allow the Report to go the way it is. It is skewed, biased, inefficient and lacks the substance that would eventually address the problems of Marsabit. If we carry along those amendments without bias, they will help the House and the country in terms of taming the problem of perennial insecurity in Marsabit.

I beg to move and ask Hon. *Daktari* to support.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Let us have Hon. *Daktari* Pukose.

Hon. (Dr.) Robert Pukose (Endebess, JP): Thank you, Hon. Temporary Deputy Speaker, for allowing me to second the amendments by Hon. Rasso.

The Chairman of the Departmental Committee on Administration and National Security had said that Recommendation No.20 which states that the national Government should compensate victims for loss of lives, properties and livelihoods was a money issue. Hon. Rasso has been magnanimous enough to drop that amendment. Now that it is not a contentious issue, I hope that everybody can support those amendments. They are fairly general and will go a long way into resolving the issues of the people of Saku and Marsabit.

Hon. Rasso is the Petitioner...

Hon. Member: *(Spoke off-record)*

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Let him finish seconding first, we propose the Question and then you can contribute.

Hon. (Dr.) Robert Pukose (Endebess, JP): Hon. Temporary Deputy Speaker, Hon. Rasso is the Petitioner and, therefore, he understands the challenges his people are going through. As all of us as a country are aware, Saku and Marsabit in general have experienced a lot of insecurity. We have lost many lives. So, it will be upon us, as a House, to see how best we can look at the people of Saku and Marsabit as Kenyans who deserve security like any other individuals within the country.

With those few remarks, I beg to second.

(Two Hon. Members walked along the gangways)

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Order! It is good to direct them to freeze.

(Question proposed)

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): With that taken, let me give Members a chance to contribute to this amendment. As the substantive Hon. Speaker had indicated, it is important for Members to ventilate on this one. The House will take a position on the same. Please, for guidance...

Hon. David ole Sankok consulted loudly)

Order, Nominee 001! You do not shout from where you sit. We have to debate on the proposed amendment.

(Loud consultations)

Let me allow one or two Members as we establish whether the House is properly constituted. Let me give the Floor to Hon. Millie Odhiambo. We want to hear from two or three Members.

Hon. (Ms.) Odhiambo-Mabona (Suba North, ODM): Hon. Temporary Deputy Speaker, I want to find out whether the Member had dropped the amendment relating to victims because it was contentious. Unfortunately, at the time you were reading out the Motion, Members were consulting loudly. So, I did not hear. I just want to know. I want to inform him that we have the Victim Protection Act, on which there is a legal process. So, it does not matter if we pass it here, it still has to go to court. I encourage Members that we need to encourage peace.

Thank you.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): That is quite in order. Let me get a Member from this other side. I must establish whether the House is properly constituted, Hon. Gedi. Hon. Sankok.

Hon. David ole Sankok (Nominated, JP): Thank you very much Hon. Temporary Deputy Speaker. When it comes to matters of security, they are very important. Any act of insecurity in any part of this country is insecurity to the whole nation. This nation is bound by the unity that we have as a people. This matter is very important. That is why we need to canvass, discuss and debate it. On the issue of putting the Question, especially coming from the Vice-Chair of the Committee responsible, is a bit suspect. First of all, this Report has stayed in this House for more than one-and-half years. The Speaker ruled that we should go on because they wanted to postpone it again. This is a bit suspect. That is why we need to debate, so that we can bring sanity in Marsabit. Sanity in Marsabit is sanity for the whole country.

Hon. Rasso is the Petitioner and he knows what is happening on the ground. When he brought the amendments, they are well informed.

(Several Hon. Member stood on the aisle)

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Order Members standing on the aisle. Hon. Rasso, you petitioned the House.

(Several Hon. Members stood along the gangways)

Can I have Members resume their seats? You know where to consult from. You know how to consult. Please, let us behave in a manner that portrays respect for this House. Even if you have to consult, you can do so from the relevant area. You can walk to the seat of a Member. Yes, Hon. Sankok.

Hon. David ole Sankok (Nominated, JP): Thank you, Hon. Temporary Deputy Speaker for protecting me. I needed the protection.

We are very emotive when it comes to issues of insecurity in any place of this country because those who suffer most are persons with disabilities. First, I appreciate the Parliamentary Service Commission for employing somebody who is visually impaired to work in the Hansard Department. Mr. Opanga Silas has been confirmed as one of the Hansard officers of this august House. He is a person with visual impairment. We appreciate the Parliamentary Service Commission and the entire Parliament for considering persons with disability. We suffer a lot in places of insecurity and that is why we have to speak on this matter.

There has been a lot of intrigue in Marsabit, especially when it comes to conflict of interest in those who want to be governors and the leaders on the ground. That is why Hon. Rasso brought a very good Petition and an amendment. He was even willing to drop an amendment that had money connotation, so that we can move forward as a country and as Marsabit.

Issues of the pastoralist region have not been addressed properly in this country. We have just had insecurity in Laikipia and now we have insecurity in Marsabit. The Petition has been in this House for one-and-half years. Why is insecurity in Central Kenya and other places addressed very fast, but when it comes to the security of the 80 per cent of the land mass of this country, it is not addressed adequately and with efficiency? It is shameful because some of those who do not want issues of insecurity in pastoralist regions to be addressed are Members of the pastoralist community. It begs the question of whether they are really genuine to their people. We need to discuss this matter.

I support the amendment.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): The Vice Chairperson.

Hon. (Ms.) Fatuma Gedi (Wajir CWR, JP): Thank you, Hon. Temporary Deputy Speaker. From the outset, let me state that I am the Vice-Chair of the Departmental Committee on Administration and National Security, and I do not have any interest in this matter. My interest is the people of Marsabit, namely, the women and the children who have been killed and the children who cannot go to school.

The Petition was brought to the House by the Petitioner, Hon. Rasso, and as the Committee, we gave a fair hearing to it.

Hon. (Dr.) Robert Pukose (Endebess, JP): Hon. Temporary Deputy Speaker, is she in order to speak without a mask? I beg your indulgence.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Please, can you put on your mask?

Hon. (Ms.) Fatuma Gedi (Wajir CWR, JP): I am sorry for that.

(Hon. David ole Sankok consulted loudly)

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Order, Hon. Sankok. I can hear you from where I sit. Please, can you give the Vice-Chairperson time to express herself?

Hon. (Ms.) Fatuma Gedi (Wajir CWR, JP): We understand where he is coming from. Let him relax.

As a Committee, we gave a fair hearing to both the Petitioner and the people of Marsabit County. Leaders from Marsabit County, namely, Hon. Arbelle, Hon. Chachu Ganya and the Governor of Marsabit County, appeared before the Committee. The Cabinet Secretary for the National Treasury and Planning, who also comes from the region, and is the immediate former governor of that county, also came to the meeting.

The Committee visited Marsabit County. We had a town hall meeting. We met all the communities of Marsabit. We also met religious leaders and elders, women and the youth. As indicated in the Report, the Committee also invited the NCIC. The Committee invited the Cabinet Secretary, Fred Matiang'I, to come and shed light on the issues of Marsabit County. When we visited Marsabit County, and the Committee met the county security team.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Hon. Member, we are speaking to the proposed amendment. We will resume to the main debate once we dispose of the amendment.

Hon. (Ms.) Fatuma Gedi (Wajir CWR, JP): Let me restrict myself to the amendment.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Hon. Vice-Chairperson, we have a point of order by Hon. Wanga. Do not use the chance to debate. What is out of order?

Hon. (Ms.) Gladys Wanga (Homa Bay CWR, ODM): Thank you, Hon. Temporary Deputy Speaker. Will I be in order to ask that you put the Question on this amendment, so that we can dispense with it and then Members can make contribution to the substance of the Report? We want to make contribution to the substance of the Report because what the Committee did is comprehensive and covers all the areas. Therefore, we want to dispense with this amendment, so that we can focus on the Report because it intends to delete the Report.

Thank you.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Very well. As you had raised it before, I had confirmed that we did not have the requisite numbers, but I can still order that the clerks establish that the House is properly constituted for us to put the Question.

As that one is being looked at, Hon. Gedi, please, carry on. Please, restrict yourself just to the amendment.

Hon. (Ms.) Fatuma Gedi (Wajir CWR, PDR): Hon. Temporary Deputy Speaker, I support the suggestion by Hon. Wanga. I just want to restrict myself to the amendment. The Committee used time and resources to inquire into the facts of the matter in Marsabit. Whatever is happening is not right and I want to be on record. Hon. Rasso is the petitioner and he has been mentioned in the Report. Therefore, he is an interested party in this matter. The same person cannot bring...

(Loud consultations)

Hon. Temporary Deputy Speaker, I want your protection on this.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): You are protected. Order! Order! Order!

Hon. (Ms.) Fatuma Gedi (Wajir CWR, PDR): Let us not burn this country. This is a House of record. This is a country of law and order. You have entrusted the Committee with this Petition and they have brought a Report with findings.

(Loud consultations)

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Order! Hon. Gedi, of course, we need to protect every other Member. Hon. Members, let us protect every other Member. If you have to mention a Member, it is important for you to substantiate.

(Loud consultations)

Can you let the Member proceed? Maybe she is going to mention the Member, but she will have to substantiate. Hon. Gedi, you have only one minute.

Hon. (Ms.) Fatuma Gedi (Wajir CWR, PDR): Thank you, Hon. Temporary Deputy Speaker. Let us not burn this country. Let us not use House privilege to bring amendments that do not favour Kenyans.

(Hon. (Dr.) Robert Pukose consulted loudly)

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Order, Hon. Pukose!

Hon. (Ms.) Fatuma Gedi (Wajir CWR, PDR): Hon. Temporary Deputy Speaker, let us go to the observations and findings where Hon. Rasso has been mentioned. I want to be on record. Go to Page 79 under observations and findings.

(Loud consultations)

My friend, you have to give me time to explain. Let us not bring politics to this.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): You are protected. They are not on record.

Hon. (Ms.) Fatuma Gedi (Wajir CWR, PDR): Let us not bring politics. In the Report on Page 79 (302), Hon...

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Okay. Your two minutes are over.

(Hon. (Ms.) Rehema Jaldesa consulted loudly)

Hon. Jaldesa, you had your time to speak to this matter. In fact, I am going to rule you out of order. You cannot make noise in the House. I will take my position now.

Order, Hon. Members! We only have one year to elections and our voters may think that we do not know how to transact business. Let me have Hon. Nyikal. Maybe we can have some sanity.

Hon. (Dr.) James Nyikal (Seme, ODM): Hon. Temporary Deputy Speaker, Hon. Gedi has raised a very important question that was going through my mind.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Order, Hon. Members!

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Order! You must hold on a bit when the Speaker is speaking. For the Members who are asking me to put the Question, I want to tell you that we are not in a position to do so now. In fact, we only have 43 Members in the chamber.

Hon. (Dr.) James Nyikal (Seme, ODM): Hon. Temporary Deputy Speaker, Hon. Gedi raised a very important question that was going through my mind and I thought I should address it. If I bring a petition and there is a substantive report on it, as a petitioner, do I then bring amendments to that Petition that basically rewrites a whole report? That is the point that I would like you to guide us on.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): For those who were not in the House, it is on record. The Speaker reminded you that you can debate this matter. It is upon you to convince the other Members. That is on record.

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

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Yes, Hon. Millie Odhiambo.

Hon. (Ms.) Odhiambo-Mabona (Suba North, ODM): Hon. Temporary Deputy Speaker, going by what you have just said, this House is not properly constituted. We do not have quorum in this House. How do we proceed with the House? You have just said that there is no quorum. If we have no quorum, how are we proceeding? That has come from your own mouth. If we do not have quorum, I do not think we should proceed.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Very well. Hon. Millie Odhiambo, as I said, we are not properly constituted for us to be able to put the Question. You have the procedures set out in the Standing Orders. So, if you want to raise the issue of quorum, you can do it. Are you raising it?

Hon. (Ms.) Odhiambo-Mabona (Suba North, ODM): Yes, I am raising it.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Then be on record.

Hon. (Ms.) Odhiambo-Mabona (Suba North, ODM): Hon. Temporary Deputy Speaker, let me go on record that we do not have quorum.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Okay. For that matter, I order that the Quorum Bell be rung. However, before that, let us confirm. I can see some Members are coming in. Thank you.

*(Hon. (Dr.) Robert Pukose physically
counted Members in the House)*

Hon. Pukose, you are not a clerk. Let the clerks do their work. Clerks, please, confirm whether or not we have quorum as raised by Hon. Millie Odhiambo because the issue has to come from the Members. Let the clerks do their work. This is a very emotive Report and it is important for us to do the right thing.

*(The Clerk-at-the-Table counted the
Members in the House)*

(Some Hon. Members walked into the chamber)

Now, with the few Members who have walked in, I can confirm that we have quorum.

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(Applause)

Hon. Members: Put the Question.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Is it the desire of the Members that I put the Question?

Hon. Members: Yes.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): I order and give direction that we will put the Question in every part of the amendment.

(Loud consultations)

No, no. They are very different. They are not related. So, do we put one Question?

Hon. Members: Yes.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Are you okay with every other amendment?

Hon. Members: Yes.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Very well.

(Loud consultations)

Order, Members! Today being a Thursday, I can see you are very excited. Let me put the Question now for you to hear and make a decision or a determination.

(Proposed amendment No.20 by Hon. Ali Rasso dropped)

(Question, that the words to be inserted be inserted, proposed)

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

(Question of the Motion as amended proposed)

THAT, this House adopts the Report of the Departmental Committee on Administration and National Security on its consideration of a public Petition regarding insecurity in Saku Constituency and the larger Marsabit County, laid on the Table of the House on Wednesday, 11th August 2021 and that the Motion be amended by inserting the following after the figure “2021”- “Subject to the following:

- (a) deletion of Recommendation 2 appearing under ‘Recommendations’ in Part 5 on Page 90 of the Report;
- (b) deletion of the words “including; Ambalo, Badan Rero, Elle Bor, Elle Dimtu and Kubi Qallo” after the word ‘County’ in Recommendation 4 appearing under ‘Recommendations’ in Part 5 on page 90 of the Report;
- (c) deletion of Recommendation 8 appearing under ‘Recommendations’ in Part 5 on Page 91 of the Report and substitution with the following:
 8. The Cabinet Secretary for Interior and Co-ordination of National Government, as a matter of urgency, ensures adequate National Police

Service personnel are deployed to Marsabit and any existing gaps to be filled by Kenya Police Reservists in coordination and consultation with the National Police Service.

- (d) deletion of the words “in Kosso Banchale, Salesa and Isacko Umuro” after the words ‘displaced persons’ in Recommendation 4 appearing under ‘Recommendations’ in Part 5 on Page 91 of the Report;
- (e) insertion of the following new recommendations under ‘Recommendations’ in Part 5 on Page 92 of the Report –

17. The Cabinet Secretary for Lands and Physical Planning and the National Land Commission, as a matter of urgency, should address the disputes and clearly demarcate Administrative and Communal Boundaries in Marsabit County.

18. The Cabinet Secretary for Interior and Coordination of National Government should rationalise the creation of new sub-Counties in Marsabit County, and address the current imbalance across the four constituencies, that is, Saku, Laisamis, North Horr and Moyale, as a matter of urgency.

19. The Cabinet Secretary for Interior and Coordination of National Government should facilitate the return of Kenyan refugees in Ethiopia.

21. A Commission of Inquiry should be established pursuant to the provisions of the Commissions of Inquiry Act (Cap.103) to comprehensively look into the perennial security problems of Marsabit County and come up with a lasting solution.

Order Members! That is not the end of the Motion. Now we go back to debate on the Motion as amended. We are debating the Motion as amended. Hon. Duale, we are now going to debate the Motion as amended. You may decide either to negate or take it. Hon. Duale.

Hon. Aden Duale (Garissa Township, JP): Thank you, Hon. Temporary Deputy Speaker. I want to thank Members this afternoon. I was in Narok and I had to come because this matter is of great importance. I am the patron of the Pastoralists Parliamentary Group. Now that the amendment has been carried and we are back to the Motion as amended, I really want to urge Members to rise to the occasion so that we can handle the matter of insecurity in Mandera outside political partisanship of Marsabit and outside regional politics.

Let us talk to each other and to the Government. Many people, since the Turbi Massacre of many years ago, when many lives were lost... Great leaders from the northern part of Kenya lost their lives as a result of the conflict in Marsabit. I am talking about great leaders like Dr. Bonaya Godana, my brother Sasura, and other public servants. If you do not come from Marsabit or that region, you will not understand what we are talking about. It is very sad that a matter as serious as this one of Marsabit is being played into partisan politics. It is very sad. This House is supposed to protect lives and property of every Kenyan, regardless of their societal status, or where they come from, or which religion they believe in.

I really want to ask my good friends, namely, the Governor of Marsabit and the former Governor of Marsabit, who is currently the Cabinet Secretary for the National Treasury and Planning, to rise to the occasion as two great leaders. They have, in one way or the other, been part of the political leadership of Marsabit. Hon. Rasso is a man who has not seen peace since he became a Member of Parliament in 2013. The same with Hon. Chachu Ganya, who joined with me in the 10th Parliament with Hon. Millie Odhiambo. These are the people who understand what

is going on. The Gabbra and the Borana communities, like many other communities, have lived together as neighbours. They have no choice because it is the Almighty God who made them neighbours. Today, we do not have the luxury of removing either the Borana or the Gabbra and taking them to another part of the country. We do not have that luxury. You can choose friends but you cannot choose your neighbours. It is God who destined that Gabbra and Borana will live in Marsabit, in Saku, North Horr and Moyale constituencies as brothers and sisters until the end of the world. Why are we leaders? We are leaders so that we can preach peace and reconciliation.

I really ask this House that those of us who do not come from Northern Kenya, please, do not play party politics. Please.

Hon. (Ms.) Rozaah Buyu (Kisumu CWR, ODM) *Off-record*.

Hon. Aden Duale (Garissa Township, JP): You come from the Lake. Others come from the mountain and others from the Rift. You do not know what is happening in the north. You eat fish, we eat camel. Do not shout at me. I am not your boyfriend. I am not.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Hon. Duale, you are protected.

(Loud consultations)

Hon. Aden Duale (Garissa Township, JP): You must protect me. I am a ranking Member. Shame on you and sit down.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Hon. Duale, I do not know whom you are referring to. Hon. Duale, whom are you referring to as not being your girlfriend or boyfriend? Is that parliamentary language?

Hon. Aden Duale (Garissa Township, JP): Chair, let me apologise and withdraw. Chair, let me withdraw.

(Loud consultations)

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): I am not even aware whom you are referring to as to being your girlfriend.

Hon. Aden Duale (Garissa Township, JP): Chair, you need to protect me.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Hon. Rozaah, let me hear your point of order. Hon. Duale, just a minute I hear what Hon. Rozaah has. Yes, you do not shout. Please, get to speak. These two Members, it is only Duale who had the Floor. Hon. Rozaah, what is out of order?

Hon. (Ms.) Rozaah Buyu (Kisumu CWR, ODM): Hon. Temporary Deputy Speaker, I thank you for this opportunity.

Hon. (Ms.) Rozaah Buyu (Kisumu, ODM): Is the Member in order to suggest that Rozaah Buyu, an honourable Member, wants him to be her boyfriend? Is he in order to suggest that the only reason he is here...

(Loud consultations)

Hon. Aden Duale (Garissa Township, JP): Hon. Temporary Deputy Speaker, as a ranking Member and as a person who professes the Islamic faith, I do not need, either in this House or outside, any girlfriend, whether it be Rozaah Buyu or whomever. And she should shut up.

The Temporary Deputy Speaker (Hon. Jessica Mbalu): Hon. Duale, just apologise for the language used.

Hon. Aden Duale (Garissa Township, JP): There is no gender. I withdrew. She is not qualified to be my girlfriend. You do not qualify to be my girlfriend.

The Temporary Deputy Speaker (Hon. Jessica Mbalu): Hon. Duale, can you finish your minutes of debate. You were on record withdrawing the statement because it is not parliamentary language.

(Loud consultations)

Order Members! You may resume your seat. Order, Hon. Millie and Hon. Rozaah Buyu. Hon. Sankok, you are out of order. Hon. Millie Odhiambo, resume your seat. When I am on my feet, you must freeze. Otherwise, I will order the Serjeant-at-Arms to get you out.

(Loud consultations)

(Hon. Rozaah Buyu spoke off-record)

Order, Hon. Rozaah Buyu! We have heard you. It seems it is women versus men. Resume your seats. Hon. Rozaah Buyu, resume your seat. I will make a ruling. Hon. Duale, now you can see what you invited to yourself. Hon. Rozaah Buyu, you spoke to this matter. It is a very emotive Report. In fact, Hon. Duale you had finished your minutes. I will give the opportunity to someone else.

Hon. Aden Duale (Garissa Township, JP): Hon. Temporary Deputy Speaker, I ask Members to rise to the occasion and find a solution to the Marsabit issue. As leaders from that area, we will talk to our people.

The Temporary Deputy Speaker (Hon. Jessica Mbalu): Hon. Duale, your time is up.

(Hon. Rozaah Buyu spoke off-record)

We are very fair. Hon. Duale is on record apologising. Hon. Sankok, where did you pass by today.

(Hon. David ole Sankok spoke off-record)

No, he apologised to Hon. Rozaah Buyu and it is on record. He said that Hon. Buyu is not his girlfriend. Order, Members. Remember Hon. Rozaah Buyu is a cousin to Hon. Millie Odhiambo. Hon. Rozaah Buyu, you raised your issue and Hon. Duale is on record apologising and withdrawing the statement. Can I have Hon. Duale withdrawing the statement for the satisfaction of Hon. Rozaah Buyu?

Hon. Aden Duale (Garissa Township, JP): Hon. Temporary Deputy Speaker, because Hon. Rozaah is an old friend of mine, I withdraw to calm her down.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Thank you. That is quite in order. Hon. Members, the Motion had a balance of 53 minutes. I, therefore, call upon the Mover to reply. You have two minutes only. In the absence of the Chairperson, the Vice-Chairperson may reply.

Hon. (Ms.) Fatuma Gedi (Wajir, PDR): Hon. Temporary Deputy Speaker, I want to donate one minute to Hon. Millie.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Yes, it is procedural to donate time.

Hon. (Ms.) Millie Odhiambo-Mabona (Suba North, ODM): Thank you, Hon. Temporary Deputy Speaker. Hon. Gedi is allowed to debate. I want to encourage Members that when we are dealing with serious issues of security, we should be sober. This is about the life of the country. Let us be sober in the way we deal with security issues. When I was debating security issues, I was sober.

I want to warn my brothers that if you touch a woman, you touch a live wire. I will deal with you perpendicularly. Do not call my sister, Hon. Rozaah, your girlfriend. She does not desire a boyfriend. She is as beautiful...

(Loud consultations)

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Hon. Gedi to reply.

Hon. (Ms.) Fatuma Gedi (Wajir, PDR): Hon. Temporary Deputy Speaker, I am informed that there is no quorum, but that is for your determination. I beg to reply.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Hon. Members, the House is not properly constituted for me to put the Question on the Report. So, I order that the Question be deferred.

(Putting of the Question deferred)

Next Order.

MOTION

ADOPTION OF REPORT ON PETITION BY WAJIR AND GARISSA
RESIDENTS ON ACCESS TO CITIZEN REGISTRATION SERVICES

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Someone is shouting that there is no quorum. Hon. Sankok.

Hon. David ole Sankok (Nominated, JP): Thank you, Hon. Temporary Deputy Speaker. I need your guidance. When we are in this House, we must protect the Speaker's seat. Whenever the speaker is upstanding, all Members must be seated.

(Loud consultations)

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): There is nothing out of order. You are out of order.

Hon. David ole Sankok (Nominated, JP): Hon. Millie, *ukikataliwa, kubali*. If Hon. Duale has said you cannot qualify to be his girlfriend, it is his choice.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): You are out of order. Hon. Rozaah Buyu was using the Dispatch Box. So, there is no way she could have resumed her seat from there and they were orderly.

(Loud consultations)

As usual, you are out of order. In fact, you are making a lot of noise.

(Loud consultations)

Hon. Waluke, please, be on record.

QUORUM

Hon. John Waluke (Sirisia, JP): Hon. Temporary Deputy Speaker, there is no quorum.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): I ascertain that, indeed, there is no quorum. I order that the Quorum Bell be rung for 10 minutes.

(The Quorum Bell was rung)

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Order Members. You can resume your seats from where you are and I order that the Quorum Bell be stopped because, unfortunately, we are unable to raise quorum for transaction of the remaining part of the business.

ADJOURNMENT

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Hon. Members, the time being 5.51 p.m., this House stands adjourned until Tuesday, 12th October at 2.30 p.m.

Thank you.

The House rose at 5.52 p.m.