

**PARLIAMENT OF KENYA****THE NATIONAL ASSEMBLY****THE HANSARD****Tuesday, 12<sup>th</sup> October 2021**

The House met at 2.30 p.m.

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

## PRAYERS

**COMMUNICATION FROM THE CHAIR**

## VISITING DELEGATION FROM THE PARLIAMENT OF GHANA

**Hon. Speaker:** Hon. Members, can you take your seats?*(Several Hon. Members walked into the Chamber)*

Hon. Members, I wish to introduce to the House a delegation from the Parliament of Ghana which is composed of two Committees. The first is the Business Committee and is represented by:

- (1) Hon James Klutse Avedzi, MP, who is the Deputy Minority Leader in the Parliament of Ghana and also the Leader of the Delegation;
- (2) Hon. Dela Sowah, MP;
- (3) Hon. Eric Afful, MP;
- (4) Mr. Ebenezer Ahumah Djietror, Deputy Clerk; and,
- (5) Ms. Josephine Yartey, Committee Secretary.

*(Applause)*

The second is the Committee on Government Assurances and is represented by the following:

- (1) Hon. Cynthia Mamle Morrison, who is the Chairperson of the Committee;
- (2) Hon. John Bless Oti, a Ranking Member;
- (3) Hon. Kwaku Asante-Boateng, MP;
- (4) Hon. Emmanuel Kwasi Bedzrah, MP;
- (5) Hon. Andrew Chiwitey, MP; and,
- (6) Mr. Anthony Agyekum, Delegation Secretary.

*(Applause)*

The delegation is on a four-day study visit with the objective of understanding the operations of the House Business Committee (HBC), the Committee on Implementation, the Commission Secretariat, the Liaison Committee, the Directorates of Departmental and Select Committees, among others, and shall hold meetings with the leadership of the House. The delegation already had a meeting this morning with the HBC of this House.

On my own behalf and that of the House, I wish the delegation fruitful undertakings and welcome them to the National Assembly of the Republic of Kenya this afternoon.

*(Applause)*

## PETITIONS

### ACCESS TO NHIF COVER BY PERSONS LIVING WITH AUTOIMMUNE DISEASES

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

In this regard, I wish to report to the House that my Office has received a Petition signed by Mr. Mikeson Mugo, Ms. Faith Rotich and Ms. Wacera Maina of identity card (ID) numbers 31421942, 26243210 and 21647092 respectively, on behalf of persons suffering from autoimmune diseases in Kenya.

The Petitioners state that autoimmune conditions occur when a person's immune system reacts to parts or organs of the body as though they were foreign bodies and releases antibodies that mistakably attack the person's essential body cells. They aver that whereas over 80 types of autoimmune diseases have been identified, medical research is yet to unearth causes of the abnormal behaviour by which a person's immune system triggers adverse autoimmune reactions. They claim that since there is no single test that can precisely determine if a person has an autoimmune condition or not, doctors rely on clinical diagnosis which make it harder for healthcare workers to manage the condition in good time.

The Petitioners are concerned that the cost of managing autoimmune diseases in Kenya is extremely exorbitant. They claim that in a month, a person suffering from an autoimmune disease would have to spend approximately Kshs100,000 on medication to regulate the response of the immune system, Kshs350,000 on medication to prevent flare-ups and another Kshs70,000 for speech therapy to manage slurring.

In addition, the patient must undergo regular Magnetic Resonance Imaging (MRI) tests at an estimated cost of Kshs400,000 and Kshs1,000,000 for treatment. The Petitioners lament that despite the high cost of diagnosing, treating and managing autoimmune diseases in Kenya, a majority of medical insurance providers, including the National Hospital Insurance Fund (NHIF), do not offer medical cover for patients who suffer from autoimmune disease. This has made it nearly impossible for them to access medication hence making them vulnerable to premature death.

Hon. Members, the Petitioners are, therefore, praying for the intervention of the National Assembly to enhance access of persons who suffer from autoimmune diseases to medical care by ensuring that the NHIF provides medical insurance cover for them to cover the cost of drugs,

laboratory tests and diagnostic services, surgical, dental or medical procedures or equipment, physiotherapy care and doctors' fees, food and boarding.

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

I thank you.

There is a Petition by the Member of Murang'a, who chairs the Committee to which this one is referred. You have a Petition.

Proceed, please.

**Hon. (Ms.) Sabina Chege** (Murang'a CWR, JP): Thank you, Hon. Speaker. I have, on behalf of the Committee, received the Petition. We will look at it.

#### MALPRACTICES IN LICENSING OF COFFEE MARKETERS

**Hon. (Ms.) Sabina Chege** (Murang'a CWR, JP): I have a Petition regarding malpractices in the licensing of coffee marketers in the country.

I, the undersigned, on behalf of the National Coffee Co-operative Federation of Kenya, would like to draw the attention of the House to the following:

THAT, agriculture, including coffee farming, is a major mainstay of Kenya's economy and supports the livelihoods of many families in the country.

THAT, in recognition of the contribution of the coffee sector to the economy of the country through exports and job creation, the President appointed the National Taskforce on Coffee Sub-Sector Reforms vide *Kenya Gazette Notice No.1332* of 4<sup>th</sup> March 2016.

THAT, the taskforce was primarily tasked with the responsibility of looking into issues affecting coffee marketing by rigorously analysing the value chain in the sub-sector with a view to recommending ways of improving the same.

THAT, the taskforce submitted its report to the President who went ahead and appointed and gazetted the Coffee Sub-Sector Implementation Committee (CSIC) to coordinate the implementation of the recommendations of the report of the taskforce.

THAT, as part of the implementation roadmap, the CSIC spearheaded formulation and enactment of a new regulatory framework embedded in the Crops (Coffee) (General Regulations), 2019 - hereafter referred to as the Coffee General Regulations- and the Capital Markets (Coffee Exchange) Regulations, 2020 - hereafter referred to as the Coffee Exchange Regulations - to govern the coffee subsector.

THAT, the coming into force of the new regulatory framework abolished coffee marketing agents' licences and replaced them with coffee brokers to carry out the coffee marketing function.

THAT, pursuant to Regulation 11 of the Coffee Exchange Regulations, the Capital Markets Authority (CMA) granted coffee broker licences to the following brokerage firms under several coffee co-operative unions:

- (i) The United Eastern Kenya Coffee Marketing Company.
- (ii) The Meru County Coffee Marketing Agency Limited.
- (iii) The Kipkelion Brokerage Company Limited.
- (iv) The Mt. Elgon Coffee Marketing Agency Limited.
- (v) The Murang'a County Coffee Dealers Limited.

THAT, the CMA communicated to the Nairobi Coffee Exchange (NCE) and published a public notice to the effect that it had licensed the above firms to carry out the coffee marketing function.

THAT, the above firms underwent a rigorous and stringent application process, including obtaining no objection letters from the NCE, pursuant to Regulation 8(2)(c) of the Coffee Exchange Regulations.

THAT, in a surprise move, the Cabinet Secretary for Agriculture, Livestock, Fisheries and Co-operatives disregarded the new legal and regulatory framework and unilaterally issued *Legal Notice No.104 of 2021*, purportedly amending the Coffee General Regulations to extend agent licences from 1<sup>st</sup> July 2021 to 30<sup>th</sup> June 2022.

THAT, whereas the foregoing action by the Cabinet Secretary has the force of law hence requiring scrutiny and approval of the National Assembly in accordance with the Statutory Instruments Act, the CS sidestepped this House and exercised the delegated legislative authority.

THAT, in an attempt to remedy the above usurpation of legislative authority of this House, the CS by revoked *Legal Notice 104 of 2021*, once again issued a draft Legal Notice on 25<sup>th</sup> August 2021 extending coffee marketing licences on unfounded grounds that the CMA was yet to have the brokers' licences.

THAT, when the United Eastern Kenya Coffee Marketing Company, a duly licensed broker, applied to be admitted to the NCE auction floor and be allocated lots range and brokerage code, the NCE rejected the application on 9<sup>th</sup> August 2021, citing *Legal Notice 104 of 2021*, which is not only unlawful, but was also revoked by the CS.

THAT, the decision by the NCE amounts to a selective application of the law given that it had previously set a precedent by admitting the Meru County Coffee Marketing Agency Limited to the auction floor under a broker licence issued by the CMA.

THAT, the above malpractice offends sections 11(3)(i) and 11(3)(w) and 22A of the Capital Markets Authority Act and Regulations 6(e) and 6(h) of the Coffee Exchange Regulations that obligate the CMA to grant reasonable access to auction by all licensed entities and requires the CMA to direct the NCE to facilitate their participation in auction.

THAT, although the Coffee General Regulations and the Coffee Exchange Regulations came into force in 2019 and 2020 respectively, the CS has demonstrated lethargy in pursuing their full implementation as evidenced in the delay to have a board to manage the CME and cause the CME to select a provider for the Direct Settlement System (DSS).

THAT, if the malpractices surrounding issuance of coffee marketing licences are not immediately forestalled, the coffee sub-sector is at the risk of reverting to the old dispensation.

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

THEREFORE, your humble Petitioner prays for intervention of this House, through the Departmental Committee on Agriculture and Livestock to:

- (i) Inquire into the circumstances under which the CS of Agriculture, Livestock, Fisheries and Co-operatives unlawfully amended the Crops (Coffee) (General Regulations), 2019 through *Legal Notice No. 104 of 2021* and issued a legal notice without following the process set out in the Statutory Instruments Act.
- (ii) Declare that *Legal Notice No. 104 of 2021* and any other legal notices issued by the CS of Agriculture, Livestock, Fisheries and Co-operatives are unlawful, null and void since they were not subjected to public participation and parliamentary scrutiny as required under the Statutory Instruments Act.

- (iii) Recommend that all marketing licences issued under the revoked Coffee (General) Rules, 2002 or any other legal notice extending their operation contrary to the provisions of the Crops (Coffee) (General Regulations, 2019 be cancelled.
- (iv) Recommend that the Nairobi Coffee Exchange (NCE) urgently appoints a provider of Direct Settlement System (DSS) pursuant to Regulation 41 (1) of the Coffee Exchange Regulations so as to operationalise the system.
- (v) Recommend that the NCE admits all licensed coffee marketing brokerage firms with immediate effect in compliance with the provisions of the Capital Markets (Coffee Exchange) Regulations, 2020; and,
- (vi) Make any other recommendations that it may deem fit in addressing the concerns of the Petitioner.

And your Petitioner will ever pray.

The Petition is presented by Hon. Sabina Wanjiru Chege, CBS, and Member of Parliament for Murang'a County, on behalf of the Petitioners.

Thank you, Hon. Speaker.

*(Loud consultations)*

**Hon. Speaker:** Hon. Members, in lieu of the loud consultations, when I open the space for comments and clarifications, I hope all of you will be relevant to the two Petitions. The first one on the block is Hon. Sankok.

**Hon. David ole Sankok** (Nominated, JP): Thank you very much, Hon. Speaker. I arise to support the earlier Petition that you read on behalf of the Petitioners. People are suffering from autoimmune diseases because of the high cost of treatment and diagnosis of autoimmune diseases like the Hashimoto and Graves' disease. In the general population, their percentage is quite low. Covering it through the NHIF will not cost us a lot of money. This House should rise to the occasion and make sure that all Kenyans suffering from autoimmune diseases are covered through the NHIF.

Thank you. I support the Petition.

**Hon. Speaker:** Hon. Wamalwa.

**Hon. (Dr.) Chris Wamalwa** (Kimini, FORD-K): Thank you, Hon Speaker. I rise to support both Petitions, particularly the first one on autoimmune diseases. Health management in this country has become expensive in as far as diagnosis, consultation and the cost of drugs are concerned. I know we have just passed the NHIF (Amendment) Bill and I remember well that there was a provision for payment of extra premium for higher coverage. I hope the Departmental Committee on Health will look at this and harmonise how it can be managed in future. I know that currently we are dealing with the health laws which have a lot of issues. We have had many petitions pertaining to that law on the Floor of this House. So, as we move forward, I call upon Members to look into this aspect, so that general treatment, diagnosis, consultation and drugs are manageable.

Lastly, on the Petition on coffee, I know we have the Agriculture, Fisheries and Food Authority Act, No.13 of 2013. Currently, we have the Coffee Act before the Departmental Committee on Agriculture and Livestock and it is being revived. I have no doubt that the issues Hon. Sabina Chege has raised in terms of management and licensing will be handled. I support the Petition.

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**Hon. Speaker:** Member for North Imenti.

**Hon. Rahim Dawood** (North Imenti, JP): Thank you, Hon. Speaker. I want to talk about the first Petition on autoimmune diseases. Many people have Lupus where your body's immune system attacks your own tissues and the multiple sclerosis (MS) where the protective cover is removed by the immune system. So, I support and wish the NHIF will cater for the people who suffer from those diseases.

On the second Petition, I will not say whether I am supporting it or not. Hon. Sabina Chege has raised a few issues and she has mentioned Meru County. We are aware that there are many issues with the coffee sector. In Meru, farmers have been pulled to both sides, namely, the governor's side and the Cabinet Secretary's side. At the end of the day, we need to sit down as stakeholder's and agree on the best way our farmers will benefit. So, when we have a proper debate on this when the report is tabled, farmers will be put as number one and not the vested interests.

**Hon. Speaker:** Hon. Sossion.

**Hon. William Sossion** (Nominated, ODM): Thank you, Hon. Speaker. On coverage of autoimmune diseases, the Committee should also be prudent to consult actuarial facts in terms of the cost implications on the capacity of NHIF. We should also balance overreliance on NHIF to cover the population and the cost of the emerging new diseases. There is need to ensure that the country has the right infrastructure in order to scale down the cost of autoimmune diseases by it shouldering the cost of responsibility of certain diseases like the autoimmune diseases, so that we do not constrain and have exaggerated expectations on a scheme that is already constrained.

On the second Petition, we should strive, as a country, to remove the presence of cartels in the market chain of our farm produce, particularly the foreign exchange earners so that our farmers can access the markets and high prices for their goods.

**Hon. Speaker:** Hon. (Dr.) Pukose.

**Hon. (Dr.) Robert Pukose** (Endebess, JP): Thank you, Hon. Speaker. On the first Petition on autoimmune diseases, some Members may not understand what autoimmune diseases are. Type 1 Diabetes Mellitus is an autoimmune disease. You can talk of diseases like Rheumatoid Arthritis. One of our colleagues, Hon. Mukwe, who died while serving in this Parliament, had Rheumatoid Arthritis. So, this is not a strange disease. It is a common disease. Majority of the poor people have type 1 Diabetes Mellitus. So, we need to give it due consideration. Somebody should not die because of having a disease that is inherited. So, when the Committee looks at it, it should give it the seriousness it deserves.

On the Petition by Hon. Sabina Chege, I would request that the Committee on Delegated Legislation be involved. We have gazettements that have been done on issues and the Committee on Delegated Legislation has not looked into them. So, the Committee on Delegated Legislation should be involved because the Departmental Committee on Agriculture and Livestock does not have the capacity to know whether this has gone through the Committee on Delegated Legislation. The issues that have been raised are pertinent. It is important that the coffee sector is protected. We have a Bill in this House that deals with the coffee sector.

I support.

*(Loud consultations)*

**Hon. Speaker:** Hon. Members, if you are not going to lower the decibels, we might as well proceed with the rest of the business. So, the Petitions are committed to the respective committees,

namely, the Departmental Committee on Health and the Departmental Committee on Agriculture and Livestock.

*(Hon. (Dr.) Pukose spoke off-record)*

No, the committees are staffed by staff who are knowledgeable enough. They can always invite their colleagues from the Committee on Delegated Legislation to take them through some of the issues that they may wish to be informed about. Hon. Sabina Chege has chosen that the Petition goes to the Departmental Committee on Agriculture and Livestock notwithstanding references on what the Committee on Delegated Legislation had already dealt with.

Next Order.

### PAPERS LAID

**Hon. Speaker:** The Chairperson of the Departmental Committee on Justice and Legal Affairs (JLAC).

**Hon. Clement Kigano** (Kangema, JP): Thank you, Hon. Speaker. I beg to lay the following Papers on the Table of the House.

Two numbered Reports of the Departmental Committee on Justice and Legal Affairs on its consideration of:

- i) The WAQF Bill (National Assembly Bill No. 73 of 2019).
- ii) The public Petition by Mr. Francis Kimani Kanyola, Javan Riche and Mr. Chema Hillary Baraza regarding amendments to the Advocates Act to allow admission of legal practitioners from the Republic of Rwanda and the Republic of Burundi to the role of advocates in Kenya.

I beg to table. Thank you.

*(Hon. Clement Kigano laid the Documents on the Table)*

**Hon. Speaker:** Next Order.

### NOTICE OF MOTION FOR ADJOURNMENT UNDER STANDING ORDER NO. 33(1)

#### RAVAGING DROUGHT IN ARID AND SEMI-ARID COUNTIES

**Hon. Speaker:** The Member for Garissa Township.

**Hon. Aden Duale** (Garissa Township, JP): Hon. Speaker, pursuant to Standing Order 33(1), I rise to seek leave for the adjournment of the House to discuss a definite matter of urgent national importance regarding ravaging drought situation in most parts of the country.

The performance of both the 2020 short rains and the 2021 long rains has been poor across country, resulting into a severe drought among the arid and semi-arid counties of Turkana, Kilifi, Mandera, Garissa, Wajir, Kwale, Marsabit, Kitui, Baringo, Makueni, Isiolo, Tana River, West Pokot, Samburu, Meru, Laikipia, Lamu, Taita Taveta, Kajiado, Tharaka Nithi, Embu, Nyeri and Narok. The drought situation is likely to worsen in the second half of 2021, with negative

consequences for household food scarcity, crop and livestock production, access to water, the nutritional status of children, and local coping strategies.

The cumulative impact of two consecutive poor rainy seasons, coupled with the COVID-19 Pandemic, insecurity, pests and diseases have caused a rapid rise in humanitarian needs in the arid and semi-arid lands of Kenya. It is as a result of this that the President of Kenya, on 8<sup>th</sup> September 2021 declared the drought situation a national disaster, with Mandera, Garissa, Wajir, Marsabit and Isiolo being the most affected.

It is against this background that with your indulgence, I seek leave for the adjournment of the House to discuss this matter of national concern with a view to providing mitigation measures that may be lifesaving and life-sustaining assistance to the most affected by the drought through integrated humanitarian interventions and strengthening resilience of drought-affected communities to mitigate the impact of the drought.

Thank you, Hon. Speaker.

**Hon. Speaker:** Do you have the numbers?

*(Several Members stood up in their places)*

Very well, you have the numbers. You may take your seats. For those of you who stood up because it is fashionable to stand, the Motion is about the biting drought in the country. I know many of you may have finished their business for the day. The Motion is about drought. Honestly, it is a serious matter. I order that the House shall be moved by Hon. Duale to adjourn at 5.30 p.m., so that you have one and a half hours.

*(Applause)*

Next Order.

## QUESTIONS AND STATEMENTS

**Hon. Speaker:** The first Question is by the Member for Starehe. Where is the Member for Starehe? Or you do not know what you came to do?

*Question No.394/2021*

### MEASURES TO CUSHION STUDENTS FROM EFFECTS OF RISING COST OF LIVING

**Hon. Charles Njagua** (Starehe, JP): Thank you, Hon. Speaker. I rise to ask Question 394 of 2021 directed to the Cabinet Secretary for Education:

- (a) What specific measures is the Ministry taking to cushion students, particularly the financially challenged Government sponsored students, from the effects of the rising cost of living that have seen tuition and accommodation fees increased in various institutions, particularly at the University of Nairobi?
- (b) When will the Government increase the capitation and HELB funds allocation for students in public universities and other public tertiary institutions?
- (c) Could the Cabinet Secretary explain why the Government has been largely focusing on funding of private universities and neglecting public universities in the last four years?

Thank you, Hon. Speaker.

**Hon. Speaker:** The Question will be replied to before the Departmental Committee on Education and Research. Next Question is by the Member for Mwatate, Hon. Mwadime.

*Question No.408/2021*

PROVISION OF RELIEF FOOD TO RESIDENTS OF TAITA TAVETA

**Hon. Andrew Mwadime** (Mwatate, ODM): Thank you, Hon. Speaker. My Question is directed to the Cabinet Secretary for Devolution:

- (i) Could the Cabinet Secretary explain why the Government has not considered including Taita Taveta County, particularly Mwatate Constituency, in the relief food programme considering that over 80 per cent of the county is an arid region?
- (ii) Could the Cabinet Secretary undertake to ensure that residents of the said county, who are on the verge of starvation due to the ongoing drought, are urgently supplied with relief food and water?

Thank you, Hon. Speaker.

**Hon. Speaker:** The Question will be replied to before the Departmental Committee on Administration and National Security. Next Question is by the Member for Githunguri, Hon. Gabriel Kago.

*Question No.412/2021*

PROVISION OF FUNDS TO COFFEE FARMERS

**Hon. Gabriel Kago** (Githunguri, JP): thank you, Hon. Speaker. I rise to ask Question 412 of 2021 to the Cabinet Secretary for Agriculture, Livestock and Fisheries:

- (i) Could the Cabinet Secretary provide a list of all coffee farmers across the country who have benefitted from the Kshs3 billion Fund established in 2020 through the Public Finance Management (Coffee Cherry Advance Revolving Fund) Regulations, 2020, since the Fund was set up?
- (ii) Could the Cabinet Secretary explain the decision to settle for the Kenya Planters Co-operative Union (KPCU) as the sole distributor of the said Fund yet not all farmers sell their coffee through KPCU?
- (iii) What measures have been put in place to ensure that all coffee farmers across the country benefit from the Fund?

Thank you, Hon. Speaker.

**Hon. Speaker:** The Question will be replied to before the Departmental Committee on Agriculture and Livestock. Next Question is by the Member for Westlands, Hon. Wanyonyi.

**Hon. Tim Wanyonyi** (Westlands, ODM): Hon. Speaker, thank you. I am being obstructed.

**Hon. Speaker:** Hon. Sankok, you should not stand in the gangway.

*Question No.432/2021*

ADVISORY TO BACHELOR OF EDUCATION STUDENTS BY TSC

**Hon. Tim Wanyonyi** (Westlands, ODM): Thank you, Hon. Speaker. I rise to ask Question 432 of 2021 to the Cabinet Secretary for Education:

- (i) What was the rationale for the issuance of an advisory by the Teachers Service Commission (TSC) to all Bachelor of Education students in universities to study all subjects as opposed to specialisation as has been the case in the past?
- (ii) Could the Cabinet Secretary provide statistical data of all the special education teacher requirements per county, the number of all qualified special education teachers, and the number of special education teachers employed by TSC from the 2017/2018 Financial Year to present?

Thank you, Hon. Speaker.

**Hon. Speaker:** The response will be given by the Teachers Service Commission. Next Question is by the Member for Garsen, Hon. Ali Wario.

**Hon. Ali Guyo** (Garsen, JP): Hon. Speaker, I am sorry. I did not receive the Communication but I will find out.

**Hon. Speaker:** What? It is your Question?

*(Loud consultations)*

*Question No.433/2021*

DETAILS OF LAND IN CHARA, KIPINI AND WITO REGISTERED  
UNDER M/S NAIROBI RANCHING COMPANY LTD

**Hon. Ali Guyo** (Garsen, JP): Hon. Speaker, could the Cabinet Secretary for Lands provide specific details of the parcels of land registered under M/s. Nairobi Ranching Company Limited, in Chara, Kipini and Witu areas of Tana River County, including the land reference numbers, sizes and date of acquisition?

**Hon. Speaker:** That Question will be replied to before the Departmental Committee on Lands. The next segment is Requests for Statements.

Hon. Shabbir Shakeel, Member for Kisumu East.

## REQUESTS FOR STATEMENTS

### ENTRY OF PAKISTAN NATIONALS INTO KENYA

**Hon. Shakeel Shabbir** (Kisumu East, Independent): 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 entry into Kenya of a large number of foreigners alleged to be Pakistan nationals.

Over the past four months, Kenya has witnessed a surge in the number of foreign travellers transiting through our airports. The Pakistan nationals arrived in batches of between 200 to 500 everyday aboard chartered planes, among them Emirates, Qatar Airways and Pakistan International Airways, to name a few. Out of 20,000 transit travellers, only 8,000 have transited to Saudi Arabia. The remaining 14,000 are accommodated in various alleged isolation centres, but have been moving freely in Nairobi City and its environs. The Government made a statement that the Pakistan nationals are genuine tourists with valid visas. The Government is, however, alarmed

by the threat of the spread of the COVID-19 Pandemic caused by the influx of foreign travellers transiting through this country. Kenya was removed from the red list recently, but this incident of uncontrolled isolation centres and the absence of COVID-19 protocols have put Kenya's status at great risk.

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

- (i) Could the Chairman explain why the Immigration Department had not consulted their Pakistan counterparts and inspect the Pakistan nationals transiting through this country?
- (ii) Is the Ministry aware of the intent of this exodus in great numbers?
- (iii) Why has the Ministry not yet raised or identified the organisers of these travels in Kenya and Pakistan, whom have been paid US\$4,500 for each case?
- (iv) Could the Minister confirm whether COVID-19 protocols in respect of isolation were not strictly observed and resulted in risk of exposing Kenyans as a result of the large number of Pakistan nationals in this country?

Thank you, Hon. Speaker.

**Hon. Speaker:** Is the Chairman of the Departmental Committee on Administration and National Security in the House? He seems to be busy. Hon. Mwathi, the request is channelled to you.

**Hon. Peter Mwathi** (Limuru, JP): Thank you, Hon. Speaker. We should be able to address the matter within two weeks.

**Hon. Speaker:** Hon. Shakeel, is within two weeks okay?

**Hon. Shakeel Shabbir** (Kisumu East, Independent): Hon. Speaker, this is a matter of national interest and emergency. Two weeks is good, but the sooner we deal with it, the better. Two weeks is a long time for this issue because COVID-19 can attack us any time.

**Hon. Speaker:** Hon. Mwathi, have you heard what Hon. Shakeel said?

**Hon. Peter Mwathi** (Limuru, JP): Yes, he said that it is an emergency. I said we will respond within two weeks. If I will be able to do so before the expiry of two weeks, it will be fine, but the greatest extent we can go is two weeks. I will endeavour to see whether we can do so before two weeks are over.

**Hon. Speaker:** The next request is by the Member for Gatundu South. His request is to be channelled through the Member for South Mugirango, Hon. Silvanus Osoro.

EFFICACY OF MEDICAL PRODUCTS/DEVICES BEING  
SOLD BY M/S CERAGEM (KENYA) LTD

**Hon. Silvanus Onyiego** (South Mugirango, KNC): Hon. Speaker, pursuant to Standing Order 44(2)(c), I wish to request for a Statement from the Chairperson of the Departmental Committee on Health regarding medical products and devices being promoted and sold in the country by M/s. Ceragem (Kenya) Limited.

M/s. Ceragem Company Limited started operating in 1998 in South Korea as an alternative treatment method and with time, it spread its operations to 75 countries worldwide. According to information made available by the company, Ceragem discovered that most health issues have their origin in the spine or the central nervous system while the remaining few are lifestyle diseases. For that reason, the company came up with solutions to this through research and development of thermal acupuncture devices.

Hon. Speaker, M/s. Ceragem (Kenya) Limited promotes and sells its medical products and devices through a number of its branches located in various towns in the country. However, in the recent past, there have been claims levelled against the efficacy of some of its products and devices. Questions have also been raised regarding the lack of approval of some of its products and devices by both the Pharmacy and Poisons Board and the Kenya Bureau of Standards.

Hon. Speaker, it is against this background that I seek a Statement from the Chairperson of the Departmental Committee on Health to address the following:

(i) Could the Chairperson list all the medical products and devices being sold or promoted in the country by M/s. Ceragem (Kenya) Limited?

(ii) Have all the said products and devices been approved by both the Pharmacy and Poisons Board and the Kenya Bureau of Standards?

(iii) How many outlets does the company have in Kenya?

(iv) Is the Ministry aware that some of the products by M/s. Ceragem Limited's mother company have been banned in the State of Texas in the United States of America for making false claims about their efficacy against cancer?

(v) What action will be taken against the company in case it emerges that its medical products and devices do not have approval from the Pharmacy and Poisons Board and the Kenya Bureau of Standards?

Hon. Speaker, it is for that reason that Hon. Moses Kuria is in hospital.

**Hon. Speaker:** Chairperson of Departmental Committee on Health.

**Hon. (Ms.) Sabina Chege** (Murang'a CWR, JP): I have heard, Hon. Speaker. My Committee will take the Statement Request seriously and respond to it.

I visited Hon. Moses Kuria and he told me what happened. It is not just for the purpose of Hon. Moses Kuria, but also many Kenyans who might be exposed to such devices. It is not just a matter of probing the company that has been mentioned, but also the control measures that the relevant authorities in the country have put in place to protect the citizenry. I have seen those things being sold at various shopping centres. I urge Members to go out there, see what is happening and come to share their findings with the Committee, so that we can bring a good and conclusive answer.

**Hon. Speaker:** How long?

**Hon. (Ms.) Sabina Chege** (Murang'a CWR, JP): Three weeks.

**Hon. Speaker:** Three?

**Hon. (Ms.) Sabina Chege** (Murang'a CWR, JP): Yes.

*(Loud consultations)*

**Hon. (Ms.) Sabina Chege** (Murang'a CWR, JP): You cannot purport that I already have the answers. We might need to visit those places and open it to the public, so that if anyone has concerns, they can come and see the Committee. I am sure the answer will be ready in three weeks.

**Hon. Speaker:** Hon. Osoro.

**Hon. Silvanus Onyiego** (South Mugirango, KNC): Hon. Speaker, three weeks is a bit too long considering that the products are also in circulation and Kenyans are buying and using them. If the unfortunate situation befell Hon. Moses Kuria, then it can befall any person. We have so many other unreported cases. I propose two weeks.

**Hon. Speaker:** Hon. Sabina Chege, can you do it in two weeks?

**Hon. (Ms.) Sabina Chege** (Murang'a CWR, JP): That is okay, Hon. Speaker. We can try.

**Hon. Speaker:** This is because you may not be required to go to the villages and see what people are doing. The question is specific about the veracity of some of the products being marketed.

**Hon. (Ms.) Sabina Chege** (Murang'a CWR, JP): It is all right, Hon. Speaker. We will try two weeks. Thank you.

**Hon. Speaker:** Yes, two weeks.

**Hon. (Ms.) Sabina Chege** (Murang'a CWR, JP): Yes.

**Hon. Speaker:** Hon. Sabina Chege, you also have a request for a Statement.

#### VOTER REGISTRATION EXERCISE IN KIAMBAA CONSTITUENCY

**Hon. (Ms.) Sabina Chege** (Murang'a CWR, JP): Thank you, Hon. Speaker. Pursuant to Standing Order No.44(2)(c), I wish to request for a Statement from the Chairperson of the Departmental Committee on Justice and Legal Affairs regarding the voter registration exercise in Kiambaa Constituency.

Hon. Speaker, Article 88(4) of the Constitution provides for the mandate and functions of the Independent Electoral and Boundaries Commission (IEBC) which amongst other functions is to conduct continuous registration of citizens and regular revision of voters' roll. Article 38(3) of the Constitution stipulates that every adult citizen has the right to be registered as a voter.

Hon. Speaker, on 4<sup>th</sup> October 2021, the IEBC launched a mass voter registration exercise in the country and the objective of the exercise was to ensure that the citizens of Kenya exercise their democratic right of voting in the forthcoming 2022 General Elections. The IEBC has failed to commence registration of eligible voters in Kiambaa Constituency. The failure to conduct registration of voters in Kiambaa Constituency will deny the residents their voting rights.

Hon. Speaker, it is against this background that I seek a Statement from the Chairperson of the Departmental Committee on Justice and Legal Affairs on the following:

- (a) Could the Chairperson explain why voter registration exercise has not been conducted in Kiambaa Constituency?
- (b) What measures has IEBC taken to ensure that all eligible citizens are registered in the country?
- (c) When is the exercise expected to commence in Kiambaa Constituency?

Thank you, Hon. Speaker

**Hon. Speaker:** The Chairman of the Departmental Committee on Justice and Legal Affairs (JLAC).

*(Loud consultations)*

**Hon. Speaker:** The Statement was not requested from the Member for Kiambaa. Do not teach the new Member bad manners because you see he is now standing up thinking that is the way business is transacted here. Let him first of all read the Standing Orders. It is never done that way. Do not raise hands here.

Yes, Hon. Kigano.

**Hon. Clement Kigano** (Kangema, JP): Thank you, Hon. Speaker. Generally, the matter of voter registration was before my Committee this morning and we deliberated on it, but the subject of the Statement was not raised before us by that time.

Hon. Speaker, we adjourned the meeting to Tuesday and I think two weeks will be adequate for us to discuss Kiambaa and other areas and then issue a Statement. We are going to issue a comprehensive response. There will be more registration because that is not the final one. We have to issue a comprehensive Statement surrounding the entire exercise of voter registration. Therefore, Kiambaa and other parts of Kenya will be subject of that Statement. Two weeks will be enough.

Thank you, Hon. Speaker.

**Hon. Speaker:** Hon. Sabina Chege, are you satisfied with two weeks?

**Hon. (Ms.) Sabina Chege** (Murang'a CWR, JP): Hon. Speaker, if the Committee had already started the process and this is just an additional request, I would like to request the senior here to just give us one week, so that the exercise would not have ended by that time. Therefore, I totally feel that one week would be good for me given that the Committee had already commenced on the matter of registration.

Thank you, Hon. Speaker.

**Hon. Speaker:** Hon. Kigano, you could perhaps expedite and issue the necessary Statement in a week's time. Are you able to do that?

**Hon. Clement Kigano** (Kangema, JP): I am not comfortable because this is not the end of voter registration. There are a lot of anomalies in the exercise to date and we shall be asking the IEBC to extend the period or gazette another extension. We will issue a Statement in two weeks.

**Hon. Speaker:** Two weeks? Very well.

Next Order!

**Hon. Kimani Ichung'wah** (Kikuyu, JP): On a point of order, Hon. Speaker.

**Hon. Speaker:** What is out of order?

**Hon. Kimani Ichung'wah** (Kikuyu, JP): Thank you, Hon. Speaker. I rise on Standing Order No.91 on the responsibility for a Statement of fact for a Member. Having listened to what Hon. Sabina has raised and the response by the able Chair of the Departmental Committee on Justice and Legal Affairs, I was wondering whether it is in order for Hon. Sabina Chege to purport to be asking a question on a matter that is already within her knowledge. One, the only reason why voter registration is not going on in Kiambaa is because her party, Jubilee, and the candidate she supported in the last by-election in Kiambaa Constituency, have lodged an appeal.

It is also a statement of fact and it is in law and our statutes and Hon. Sabina Chege being a Member of Parliament, a legislator making laws in this House, knows that we have passed regulations in this House for the IEBC that if there is a petition filed in a court of law, then voter registration cannot go on in that particular constituency.

Hon. Speaker, I am just wondering whether Sabina Chege is not out of order to be misusing her privilege as a Member of this House to come and drive partisan agenda on Kiambaa Constituency on behalf of the candidate that she supported in the last by-election, whose proxies and supporters within Jubilee are stopping the people of Kiambaa from registering as voters.

*(Applause)*

It is a statement of fact that the children of Kiambaa today and young adults who have graduated at the age of 18 cannot even access bursaries. They are being denied an opportunity by Jubilee, Hon. Sabina Chege and the person who has sent them to come and raise these issues here.

It is only fair that we do not abuse our privileges as Members of Parliament while we are the same people who have passed these regulations in this House. Why would we pass regulations

stopping the IEBC? Hon. Sabina Chege should have brought a law that enables the children of Kiambaa, who cannot even access bursaries today because they cannot prove that they are voters in Kiambaa, get an opportunity to do so.

Hon. Speaker, I therefore, beg that with your great wisdom, you do find that Hon. Sabina Chege is completely out of order and abusing processes and her privileges as a Member of Parliament.

**Hon. Speaker:** Hon. Members, I am aware that as 9<sup>th</sup> August 2022 approaches, sanity is likely to become a rare commodity among many people who aspire to some positions. Please, remember you are required notwithstanding the proximity of 9<sup>th</sup> August to still remain decorous. So, it is within the rights of the Member for Murang'a to ask the question about voter registration. Also, it is within the rights of the Chairman of the Committee to come and give that explanation, so that the House will be richer with the information that will be given.

You see, the alleged existence of a petition is not a matter that is exclusive knowledge of only one person. If a reason can be given why voter registration is not happening in that constituency, let it be given. Let us not have things which are out of this place's influence on how we transact business here. Now, let us not go there. Hon. John Mbadi is saying there is a lot of heat in the mountain.

*(Hon. John Njuguna Wanjiku stood in his place and raised his hand)*

Member for Kiambaa, take your seat and put your hand down.

**Hon. John Njuguna Wanjiku** (Kiambaa, UDA): Thank you, Hon. Speaker. Voter registration is a very weighty matter because it is ongoing in other counties and constituencies, but not in Kiambaa. I do not think the Member for Murang'a is in order because she is at the centre of this issue. The Cabinet and the person they purport to support together with the Jubilee Party and the Orange Democratic Movement (ODM) took me to court with regard to the by-election that happened on 15<sup>th</sup> July. She is out of order since she purports not to know the law she is supposed to support. The Member she was supporting has taken me to court because of the by-election. Therefore, the IEBC cannot conduct voter registration in Kiambaa Constituency.

The issue is that young people aged between 18-24 years in Kiambaa Constituency cannot be registered as voters. Hon. Speaker, you can remember the first time you voted and these are the same people you will ask for votes as a presidential candidate in this republic. Therefore, the issue of voter registration in Kiambaa Constituency is weighty. I want to ask the Member for Murang'a not to play politics together with the person she purports to support. If she wants registration to go on, she should just ask the special person she supports to withdraw the petition and voter registration will start tomorrow. The issues of elections and voter registration are weighty and cannot be discussed under the blanket. Hon. Speaker, she is out of order.

*(Loud consultations)*

**Hon. Speaker:** Hon. Members, I do not intend this to be the business to be transacted this afternoon. There is nothing to respond to. Many of you appear to have forgotten the Standing Orders because this is not business. The only reason I allowed the Member for Kiambaa to say something is because the Request for Statement touches on his constituency and because of the sympathy of the Speaker. We will not deal with this now and no more. Let us move to the next Order.

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## MOTION

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

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, 11<sup>th</sup> August 2021, subject to –

- (i) deletion of Recommendation 2 appearing under ‘Recommendations’ in Part 5 on Page 90 of the Report;
- (ii) 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;
- (iii) 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.
- (iv) 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;
- (v) 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.
  20. 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.

*(Hon. Peter Mwathi on 11.8.2021)*

*(Debate concluded on 11.8.2021 – Afternoon Sitting)*

*(Question to be put)*

### **POINT OF ORDER**

#### DEFERRING PUTTING OF THE QUESTION

**Hon. John Mbadi** (Suba South, ODM): On a point of order, Hon. Speaker.

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

**Hon. John Mbadi** (Suba South, ODM): On a point of order, Hon. Speaker. Pursuant to Standing Order No.53(3), I wish to request that the Question on this Motion regarding the Report of the Departmental Committee on Administration and National Security presented to the House by the Member for Saku, Hon. Ali Rasso, on matters of insecurity in Marsabit, be deferred.

*(Loud consultations)*

While I have absolutely no intention of questioning decisions made by this House, it is my view that the Report under question is an important one touching on matters security and has the potential of escalating matters of insecurity in that region. I want to thank you for exempting this matter even from Standing Order No.227(2) to allow debate on it. In my view, given the issues raised in the Report and the emotive nature as I have mentioned of matters related to security, I wish to request for more time for further consultation on this matter. In particular, there were a number of issues raised during debate.

*(Loud consultations)*

Hon. Speaker, please, ask Hon. Jaldesa to keep quite so I can prosecute my matter because she had her day. One of the most fundamental issues that arose during debate is whether the Member who presented a Petition to the House pursuant to Standing Order No.225, can proceed to make amendments to the Report on the same Petition made by the Committee to which it was committed. If a Member has an issue and has brought a Petition to the House, it is considered that the House will objectively through a Committee, go out there, investigate the matter and present a report to the House. If the same Member who has petitioned brings amendments, it amounts to writing the report by the same Member who has petitioned the report.

*(Applause)*

Hon. Speaker, these are matters that are supposed to be canvassed for posterity. It is not a question of today. Today, it is Hon. Rasso and tomorrow it will be Hon. Mbadi. I think we need to treat this House with dignity and do things that would live the times. This is a matter that I would request your indulgence. Hon. Rasso has a right to canvass issues and can bring matters here, but where he has direct interest... If you look at the Report and I have read it, Hon. Rasso with all due respect, is mentioned a number of times.

Therefore, we would be irresponsible, as a House, to allow the same Member to bring amendments to a Report which I know was carried, but the Motion has not been voted on. It is still

the property of the House. I am not saying we kill the Report at this stage because killing it is not very good for this House. I am trying to restrain this House from killing this Report because that would only be the other route left for those of us who are unhappy with what has transpired. Before we go that direction, I request that we defer putting the Question on this Report, so that we can consult.

**Hon. (Ms.) Rehema Jaldesa** (Isiolo CWR, JP): *(off record)*.

**Hon. John Mbadi** (Suba South, ODM): I can see some agitation and excitement from the Woman Representative for Isiolo. She can be excited. She is behaving like she is coming from Marsabit and so I am getting a bit confused. Hon. Speaker the bottom line is, this is my request to you that you defer putting the Question to this Motion so that we can consult further. I am basing this in my capacity as the Leader of the Minority Party requesting that we do not make a decision at the moment. Thank you, Hon. Speaker.

**Hon. Speaker:** Hon. Members, let us do this. Before Hon. Duale speaks, let us allow people to just canvass the point raised by Hon. John Mbadi. Because I can see there will be some excitement, let us not go to other matters so that we just deal with the technical issue that Hon. John Mbadi has said. Hon. Duale.

**Hon. Aden Duale** (Garissa Township, JP): Hon. Speaker, it is such moments that the input of a ranking Member will be required. The issue before us on the outset is not a government Bill or matter. It is a report emanating from a Petition brought by a Member of this House. So, based on the practice and the Standing Orders, it is the Leader of the Majority Party – and I have done it several times – that can withdraw a government agenda at any stage in consultation with you, the Speaker. This matter is not a government agenda. It is not a minority sponsored Bill or Motion. So, in the first place, the Leader of the Minority Party must come out clearly and make full disclosure of the intent and purpose of his point of order.

*(Applause)*

Let me come back to procedure. Last week on Thursday, you ruled that the Leader of the Majority Party of this House can file a question to a committee on behalf of the people of Kipipiri. You get the essence. Forget about a Chair. We have seen Members filing questions to their own Committee not once, twice or thrice. Last week, somebody rose and said the Leader of the Majority Party cannot do that and you ruled that the Leader of the Majority Party, Hon. Amos Kimunya, in the interest of the people he represents in this House, can file a petition, statement or question.

Hon. Speaker, Hon. Mbadi is right within what he said. I totally agree with him. He is a man who understands the procedure but he should have raised this matter before. It should have been in the House on Thursday before the debate was completed. What is before this House right now is the Question to be put? We need a very valid reason. It is neither the Chairman of the Departmental Committee on Administration and National Security nor the Vice Chair who is asking for a deferment. You as our substantive Speaker signed the amendments that Hon. Rasso brought to the House. You signed the amendments; they were procedurally brought before the House and I remember Hon. Rasso dropped one of the amendments which you felt was contradictory and not in line with the Report.

We were here last Thursday. There was a very hot debate here. The amendments were carried. We were told to debate the Report as amended. I remember I took the position to amend it. I look at those amendments and the Reports and let me tell this House – and I have discussed with Hon. Junet off the line – that either way, if you kill this Report or approve it, Hon. Rasso is a

winner. Let me put it very clearly, Hon. Rasso was not very happy with the Report and so he brought amendments. If you approve the amendments, he is a winner. If you kill the Report and say the Nays are more, he is the winner. So, what are we postponing? People must read the Report and I am sure majority of the Members here were not here on Thursday. They never read the Report. I want to repeat and ask Hon. Mbadi. The more we postpone, the more we cause more tension in Marsabit. I said it last week. If you do not come from that region, you will not understand. This is a county where great leaders from this House lost their lives including Dr. Bonaya Godana, Abdi Sasura, Dr. Guracha Galgalo, Mirugi Kariuki, General Aden and Chelang'a. Many people died. Let us not play around with it. It is the first time in this House that I am seeing somebody asking to postpone the putting of the Question to a Report of a Committee. It is not the Chair or the Vice Chair. It is the Leader of the Minority Party. I do not know where the interest is coming from.

I think this House needs to discuss more fundamental issues. I have a Motion at 5.30 p.m. and thank you very much for approving it. The people of northern Kenya are dying. Our livestock is dead. The Government is saying it has given Ksh2 billion. We cannot see it. I want to say on the Floor the CS for National Treasury should not play politics in this House. He is my best friend. I know Ukur but he cannot play politics. If he wants to play politics, let him become a Member of Parliament. He cannot have his cake in the Executive and his cake in the Legislature. Hon. Speaker, I am really asking for your wisdom, we save time, we put the question and if there is a division, people vote and then we continue. Thank you.

**Hon. Speaker:** Hon. Members, I want to give a Member of the Committee a chance to say something. That is Hon. Kaluma. Go to the issues raised by Hon. Mbadi.

**Hon. Peter Kaluma** (Homa Bay Town, ODM): I thank you, Hon. Speaker. I did not have opportunity to speak to the Report because I was away on Thursday on other business of Parliament but I request we tackle the constitutional issue raised and not the merits of the Report. I think the issue raised by Hon. Mbadi is: Can a petitioner before Parliament sit when Parliament makes recommendations and proceed only not to move to amend the report but recommendations? This is important because it is not an issue that will just affect this matter. This is also precedent. What we do today will affect other matters. Relevant to this matter, when this particular petition was remitted to the Committee, it visited Marsabit. Among the people the Committee met was the petitioner, Hon. Dido Rasso and Hon. Chachu Ganya. There was Hon. Arbelle who was a Member of the Committee. We told them that we would meet them, and thereafter, they should leave us to meet the people. I am confirming that the petitioner was also heard by the Committee with the facilitation of this Parliament. To allow that petitioner to be seen in public suggesting amendments to the Report will make other people who listened, to question whether he had a privileged position above them. It bothers me.

Secondly, in law we have two principles which undergird the idea of natural justice. One, you shall not be condemned unheard. The other is, what is captured in the Latin phrase called "*Nemo iudex in causa sua*". No man shall be a judge in his own cause. If we allow a petitioner to propose amendments to a Report which is like a judgment by the Committee of the House brought to the House for ratification, it is the perfect case of allowing a person to write his own judgment. I would be worried we would not be just a foul to the law on natural justice, but we would have set a very dangerous precedent for Parliament. Without going to the Report, I would have been very happy if the recommendations and amendments that were moved by Hon. Dido Rasso were moved by any other party, not a party to the Report. In the manner it is, my view is not just that we defer, but that those matters, having been moved by the petitioner and because the appearance

that he is writing his own judgment cannot be avoided by any reasonable person; one, they be nullified and annulled out of that Report by the Speaker, because the Speaker allowed this. They are null and void for breach of the name of *Iudex Rule*. So, my request is that you direct that those amendments to the extent that they were brought by the petitioner, whether or not the House ratified them, they are null and void and that you pronounce them nullified. That can give the opportunity, if you can exercise your discretion in fairness to Hon. Rasso and the Members who sat, to be deferred. So, if they still want to pursue them through another Member, let the Member bring them but not him. I am saying this just for constitutionality and precedent. I urge that we approach it that way because this will be a dangerous precedent.

**Hon. Speaker:** Hon. Members, the issue here is not... Hon. Members, I appreciate one thing; the decisions in a House of Parliament are made by way of a vote. I can see that excites many of us. You have heard me in the past express my views about the provisions in the Parliamentary Powers and Privileges Act, where I have suggested and proposed that indeed the Speaker be removed from being the Chair of the Powers and Privileges Committee.

*(Hon. Gideon Koske distributed water to some Members in the Chamber)*

Some Members have become hawkers on the Floor. How did he know that everybody is thirsty?

So, it is for that reason that I am saying, this is not a light matter. The issues that have been particularly articulated by Hon. Kaluma are not light. As much as it is a question of a vote, like I said last week, I know usually there are very few Members present on Thursday afternoons, but on Tuesdays, they are always many and are always ready to vote. What they vote for is completely ...

*(Hon. (Dr.) Robert Pukose spoke off-record)*

Hon. Pukose says that they have been briefed. Let me hear from the Chair of the Justice and Legal Affairs Committee.

**Hon. Clement Kigano** (Kangema, JP): Thank you, Hon. Speaker. I would like to buttress what Hon. Kaluma submitted. My understanding of the position is, once a recommendation is brought to this House by a committee and the recommendations are amended through the House and they are carried, the Petition becomes a new Petition. It loses the original format. When it loses the original format, it becomes a new Petition. In my view, the Petition should be taken back for reconsideration by the Committee that made the recommendation to the original report, to consider the whole Petition including the amendments, since the format of the original Petition is changed. What you have now is the House trying to build a new Petition.

Thank you, Hon. Speaker.

**Hon. Speaker:** Let me hear from Hon. Otiende Amollo.

**Hon. (Dr.) Otiende Amollo** (Rarieda, ODM): Hon. Speaker, I want to lend my voice to the issue that is raised by Hon. John Mbadi, as amplified by Hon. Peter Kaluma. I think it is an acute issue of conflict of interest. I would agree that if that is the issue, then it should not be an issue of postponement as Hon. Mbadi was suggesting, it should be an issue in which you rule that a Member who presents a Petition by way of a public petition can then not come and amend that public petition. By definition that becomes conflict of interest.

In addition to that, I have seen that there is more. If you look at the Petition as it is amended, No. 17 has a problem. Number 17 is purporting to direct a constitutional commission how to do its work. That is expressly contrary to Article 249 of the Constitution. Number 19 has yet another problem, it purports to give direction to a Cabinet Secretary on how to deal with refugees contrary to the Refugees Act. The Refugees Act is very clear in terms of how to deal with refugees, who is a refugee and the refugee commissioner but now this one is bringing in the Cabinet Secretary. Number 20 is again another illegality. There is an express way in Section 3 of the Commissions of Inquiry Act on how a commission of inquiry is to be established. This Report purports to go contrary to the express provisions of Section 3 of that Act. The problem here is that we would be committing an unconstitutionality and an illegality and it is not just a matter of voting. We cannot vote on what is illegal. I would therefore suggest that you give an express ruling on this so that we cannot even defer it. It is illegal.

Thank you, Hon. Speaker.

**Hon. Speaker:** Hon. Members, I want that kind of sobriety. Let me just hear this. To the extent that the Constitution has been brought in... Remember it is in our own rules. A constitutional matter can be raised at whatever stage. Hon. Murugara.

**Hon. George Gitonga** (Tharaka, DP): Thank you, Hon. Speaker. First and foremost, I think we need to make it very clear. Hon. Rasso was not, *per se*, the petitioner. He was doing it on behalf of the people of Saku. Therefore, that element of conflict of interest cannot be as apparent as we are being told.

Secondly, we actually read the Report. Hon. Rasso read the Report and the findings. The proposed recommendations were pursuant to the Report and the findings. That is why they appear in the recommendations. There is nothing inconsistent with the Report and the findings. One element was inconsistent and he dropped it, which makes everything else he has done *intra vires* that Report.

Third, this matter is actually *res judicata*. The issues being raised are matters which this House has considered and made a decision on. Whether that decision is right or wrong, it is the decision of the House and it carries the day. Those matters were raised before the amendments were introduced. You allowed the House to consider them, which was the best thing to do, so that the Speaker is not seen to make decisions on behalf of the Members. The Members made the decision after a lengthy, acrimonious and heated debate. We agreed on those amendments being part of the Report. That is *res judicata*. We cannot reopen it at this present moment in time. I am sorry. If you were not there to raise your concerns at that time, you cannot raise them now.

(Applause)

Finally, I do not agree that since Hon. Rasso was actually a petitioner, he cannot make recommendations; he can. Even in a court of law, you know very well that as a plaintiff or defendant, if a judgment comes out and you find that it has an error apparent, you seek a review. That review is taken to a judge in the same way that those recommendations were brought before the House. If the judge agrees, he goes by the proposals you have made. If he does not, you are thrown out and your application is lost. In this instance, it was brought before us and we debated and agreed that those recommendations were merited. Therefore, that makes us *functus officio*.

Today, the only postponement and negotiation that can be done is how the Question will be put. What sort of negotiation is that? What will we be discussing? It is *functus officio*; it is *res judicata*. The only thing left is to put the Question for this House to approve or reject; nothing else.

(Applause)

**Hon. Speaker:** Let us have Hon. T.J. Kajwang'

**Hon. T.J. Kajwang'** (Ruaraka, ODM): Thank you, Hon. Speaker. The Member for Tharaka has spoken very well as a good lawyer should. Unfortunately, let me just tell him with a lot of respect that this is not a court of law; this is the National Assembly. Those rules that we are all used to when arguing for our clients are useful but are not applicable here. He has spoken about all those big things which I am not so sure Members have followed. He has talked about *res judicata* and things to do with *functus officio*. I am sure Members are wondering which officials are being rendered *functus*.

(Laughter)

Hon. Speaker, I hold nobody's brief. I do not hold brief for my leader, the Leader of the Minority Party, neither do I hold brief for all the honourable Members of this House. I hold brief for the Procedure and House Rules Committee. It has been a trying moment in this Parliament to find out the correct constitutional position of petitions. Petitions are a big step that has been brought to us by dint of Article 119 of the Constitution and domesticated under the Standing Orders in almost the same language as the Constitution. We have been agonising on how to increase the space for ordinary Kenyans to reach this House and voice what they think is happening, other than the legislative and representative mandate of the Members.

It is true that a Member may petition on behalf of his constituents. In fact, a Member could also petition on his own behalf and sign off on that petition. The issue that the House is dealing with this afternoon is an important one, were it not for all these challenges. I must confess that I cannot speak for the people of Marsabit because I do not come from there and cannot talk about those facts. However, I can talk on behalf of the House in the sense that we want to have an orderly and procedural way in which Members and anybody else can approach the House and be heard. Today it is the Member for Marsabit, tomorrow it will be the Member for Ruaraka.

Issues of constitutionality can be raised at any time. In fact, you have a lot of latitude, including Standing Order No.1 of our rules. The Member for Garissa Township knows that very well and that is why he spoke to you as a ranking Member of the House. He should have asked whether an issue of constitutionality can be raised just at the verge of a decision being taken by the House. We can arrest the decision, look at it and decide whether it is constitutional or not.

I am worried because this is the first time that a petitioner has petitioned, attended the hearing of his petition as a witness, thereafter, came to the House, assumed his representative role, decided that that was not in keeping with what his residents were saying and chose to amend it. When amending it, he may not have had the same brief that he did when he was filing the Petition. When filing the Petition, he was doing it on behalf of the people. When amending it, one does not know whether he did so on behalf of the people or whether it was his decision in his representative capacity. When he makes those amendments, a report is discussed as amended and a vote is taken on it. Those are issues which need to be clarified, so that the issue of petitions is clear to the House, whether you are for the people of Marsabit or not.

For the dignity of the House and the future generations who will use the procedures of the House, the issue of petitions is still a nascent thing which needs careful nurturing. The best way would be to retire, look at it very objectively and then bring what will become the norm or tradition of this House which can be used in future. So, irrespective of the facts of this case, Hon. Mbadi

was right in one aspect in that we should not defy it – although it means the same thing - but to retire and relook at it to determine whether there is a constitutional issue that has been properly brought and whether that issue can determine the fate of this Petition. If you come to the view that there is no constitutional issue, the matter can still be put on the Order Paper and then we vote on it.

I humbly beg.

**Hon. Speaker:** Can I be addressed on some interesting points that have developed in the course of these presentations on whether it is within the Speaker's power and authority to overturn a decision of the House? The House has made a decision. Remember, in our rules, once the House makes a decision on a matter, you can only revisit it after six months. The House has made some certain decisions, one of which was to carry the amendments as proposed. Is it open within the Constitution and our rules for the Speaker to come and overturn that decision of the House? If at all the Speaker can, where is that authority reposed? As you address me on that, bear in mind the provisions of Article 122 on voting in the House; the Speaker has no vote. Hon. Sankok, this is your area of expertise, is it?

*(Laughter)*

**Hon. David ole Sankok** (Nominated, JP): Thank you very much, Hon. Speaker. I come to the House before you and leave after you. Therefore, I have learnt a lot during these four years that I have been here.

Hon. Speaker, first of all, as to whether you have the power to overrule a decision that has been made by this House, I have gone through the Standing Orders, and I have not seen where it is expressed. The Petition was amended by the House not by Hon. Rasso. Hon. Rasso only proposed an amendment in this House. Through a Question that had been put, the House itself amended this particular Petition. The Petition has been in this House for more than one-and-a-half years and it has been postponed every now and then. I beg you not to allow anymore postponement of this Petition because people are dying. We do not know whether there is a hidden hand of blood-thirsty-vampires behind this postponement for people of Marsabit to continue dying.

Justice delayed is justice denied. Let us put the Question today so that those who want to kill this Petition and those who want to support the people of Marsabit can do so on the Floor of the House. Put the Question so that we can make a decision in this House. Any decision that may be unconstitutional can only be done and interpreted by the Judiciary because it has been given the mandate of interpreting the law. You cannot be in the legislative arm of the Government and at the same time in the Judiciary arm of Government for you to interpret whether a matter is constitutional or not. Put the Question and anyone who is aggrieved can go to court.

Thank you, Hon. Speaker.

**Hon. Speaker:** Let us hear from certain Members who wish to contribute. Member for Nyakach is also another expert.

**Hon. Aduma Owuor** (Nyakach, ODM): Thank you, Hon. Speaker. I will start by saying that this is an interesting debate. I want to support the sentiments by the Leader of the Minority Party. Article 119 of the Constitution gives the petitioner the right to raise issues that you have raised before this House. The issues before you are constitutional matters. As much as this is a House of rules and order, it is also a House of equity, fairness, honour and justice.

Hon. Speaker, the petitioner cannot suggest that we delete what the House had passed. I am speaking as a Member of the Committee. The issues which were brought before this House and which you entrusted with the Committee are very emotive. I speak as a Member of the

Committee and a Member of this House who has also been a victim of insecurity while serving in this House as the record would reveal. This House and you as the leader of Parliament have some inherent authority to ensure that we do not breach the Constitution.

The sentiments being raised and the decision that will be made today will be on record because this is a House of record. If it goes on record, which is for posterity, some of the Members who are of a different view will one day come and say: We were just herdsmen and not experts in law like you. As an expert in legal matters and a senior counsel long before we joined the profession, I want to state that you have authority under Standing Order No. 53 (3) in which the Leader of Minority raised this issue to defer it. You also have authority under Standing Order No. 1 to defer the matter for you to reflect on it soberly. It will go on record and it should not touch on your integrity in future.

Hon. Speaker, as a Member of the Committee, I recall that when we were arbitrating on these issues, Hon. Arbellé, who is a Member of the Committee, was not allowed to be part of the report writing to avoid conflict of interest. Therefore, it is now within your inherent powers to look at Standing Order No. 225 on whether the petitioner can still proceed to make amendments on the Report that was presented in this House. I support the views of the Leader of Majority Party, who is also a senior counsel, and the Leader of the Minority Party, that we should not go on record for wrong purposes.

Hon. Speaker, of interest, when this matter came for debate, it was imputed that Members of the Committee could have been compromised. I have looked for a copy of the *Hansard* but it is not yet out. These are weighty issues which ought to be considered. We need to look at the *Hansard* so that we could use the relevant provision to ask the Members who imputed that bad motive on Members of the Committee to substantiate those claims, more so on the late Chairman, Hon. Paul Koinange, whose reputation was known by all Members of this House.

Hon. Speaker, I would urge you to invoke those inherent authorities and defer this matter under Standing Order No. 53 (3) so that it can be reflected on well. That will also accord this House time to consider the issues which were addressed on the drought.

**Hon. Speaker:** Even if we were to defer, it can only be for one day. Hon. Makali Mulu.

**Hon. Makali Mulu** (Kitui Central, WDM-K): Thank you very much, Hon. Speaker. We have been listening to the legal minds giving us some technical words and I think it is important to now listen to the logic.

It is on record that this has been a very emotive matter in this House. I used to be a Member of that Committee and at one point, we had to plead with you to add us an additional one month so that we could get to the root cause of the problem. We asked for an additional time because we wanted to consult all the stakeholders for us to get to the root cause of this problem. As Hon. Kaluma said, everyone who was concerned was given a chance to be heard by the Committee, including Hon. Rasso. Even though I am not a lawyer, the basic question is that of conflict of interest. You petition the House on a matter and when the report is written, you propose amendments to it and they are carried.

As you said earlier, the House does not normally have many Members on Thursdays. We are aware of that because some of us go to our constituencies and others to Committee meetings. Even though there are records, I agree with the Leader of the Minority Party and plead with you that we might need to allow more time so that we look at this matter, more so on the issue of it being unconstitutional. As a House, we do not at any point need to vote on a matter being deemed to be unconstitutional.

I join my colleagues to plead with you to use Standing Order No.1 which gives you the power to make a decision even before the Question is put.

I submit.

**Hon. Speaker:** Let us have Hon. Ichung'wah.

**Hon. Kimani Ichung'wah** (Kikuyu, JP): Thank you, Hon. Speaker. I also want to weigh in on some of the issues that have been raised.

To begin with, if you listened to Hon. John Mbadi as he sought an adjournment to the putting of the Question, there is nothing that he raised that was constitutional in nature. It was Hon. Kaluma who brought in the issue of constitutionality and not that of the recommendations that were amended by the Member for Saku.

Secondly, there is a presupposition from the argument advanced by Hon. John Mbadi that the Member for Saku was the petitioner in this case. As has been clearly articulated by Hon. Murugara, the Hon. Member for Saku presented a petition on behalf of the people of Saku and Marsabit County. Therefore, it is quite clear. The Leader of the Majority Party, being a seasoned Member of this House serving his third term, knows that our own Standing Orders prohibit a Member from being a petitioner or petitioning. Therefore, the presupposition that the Hon. Member for Saku was the petitioner is wrong *ab initio*. It is also faulty to advance the argument that the Member for Saku was the petitioner in this case, and therefore, cannot even participate in the debate of the Report that came to the House.

The other issue that you are being asked to rule on is exactly what you asked yourself: Can Hon. John Mbadi or any other Member ask the Speaker to negate a decision of the House? You have sat there and told us that the best you can do is listen, but you cannot vote. This afternoon, Hon. John Mbadi is asking you to not only vote, but also to negate the vote of all the Members who spent taxpayers' time and money last Thursday and made a decision.

More substantively, whenever any Motion comes to the House, there are two or three things that we must do to it: debate, take a vote and either adopt or kill it. That was done with this Report. The Report came to the House, it was debated and amendments were done under your signature. Again, there is no amendment - be it in the Committee of the whole House or a Report like this during debate - that can happen without your signature allowing it. Therefore, we cannot entertain what Hon. John Mbadi is asking us, namely, to go back to what we already did as a House because either he or a few other people were not happy or were not there. Again, we are a House that is guided by our own traditions.

The other question that you should consider is: Is this the first Report that has been amended in the House? Think about the Truth, Justice and Reconciliation Commission (TJRC) Report. Was it amended? Think about the debate in this Parliament on the Ruaraka land scandal that was presented by Hon. Waihenya's Committee. There were proposals to amend and they were allowed even though they never went through. Therefore, it is not the first time that this House...

I was the Vice-Chairperson of the Public Investments Committee (PIC) in the last Parliament. I have seen Members propose amendments to Committee Reports on the Floor of the House, the House makes a decision and some are defeated. If Members of the Departmental Committee on Administration and National Security did not agree with the amendments that were proposed by the Member for Saku, they had the liberty to lobby and convince the House to kill them. However, they were not able to do that and the proposals were brought by the Member for Saku, debated by the House and passed.

Hon. John Mbadi is asking you to become a dictator which is very dangerous, especially for someone like you knowing where you are headed. You cannot even be seen by Kenyans as

having dictatorial tendencies such that you negate the vote of the House with your non-existent vote. Therefore, I just wanted to tell you that it is not right for you to negate the vote of the House.

Lastly, on the issue of constitutionality, I was just asking Hon. John Mbadi when we were consulting at the Bench: As a Member of Parliament and a representative of the people, can I not present a Petition before the House on behalf of the people that I represent? If I do, will I be gagged by the House such that I cannot debate, amend and vote on that particular issue? The more substantive constitutional issue is on the bill of rights of an MP on whether he or she has the right to represent his or her people, how to represent them and whether anybody, including those in the Executive, may want to capture this House. That is also a very critical issue. As the Speaker, you must not allow those in the Executive to capture this House.

**Hon. Speaker:** You cannot just argue about... Who is capturing whom? I do not see the room for capture.

**Hon. Kimani Ichung'wah** (Kikuyu, JP): Hon. Speaker, I was only cautioning you that as a Speaker you should not allow anybody, be it in the Executive or even you, as the Speaker, to capture the House and change our vote. However, in this case, it is quite clear that there... I have raised this issue before you and even with the Ministry of Interior and Coordination of National Government. There are Questions that are before the same Committee...

**Hon. Speaker:** It becomes very difficult when we digress like this. We are no longer dealing with the...

**Hon. Kimani Ichung'wah** (Kikuyu, JP): Hon. Speaker, let me rest my case there.

**Hon. Speaker:** Let us have Hon. Wamalwa.

**Hon. (Dr.) Chris Wamalwa** (Kiminini, FORD - K): Thank you, Hon. Speaker. I have been in this House enough times to know that this is a House of procedure and traditions.

On the issue of whether the Speaker can change the decision of the House, the answer is no. You have no vote. In case you change it, that is tantamount to gross misconduct and can be grounds for impeachment. The only person who can change the decision of the House is the President under Article 115 of the Constitution on Presidential Assent and Referral, and he must give justification.

Article 119 of the Constitution is clear that anybody can petition the House which can then repeal or amend. When a report comes to the Floor of the House, it is not automatic that an amendment will carry the day unless justification has been given. From procedure and traditions, we have clearly seen that for any amendment to come to the House, you must append your signature for approval. It is for this House to veto whatever decision is made. I remember that in the last Parliament when I was in the Select Committee on Appointments, we said that Phyllis Kandie was not fit for office at that time. A certain *Mheshimiwa* brought an amendment. I think it was Hon. Millie or the father of the House. At that time, whatever decision was made carried the day. So, it goes without saying that at a time like this, it is the House that makes the decision. Hon. Speaker, you have no right at all to amend even a comma. It is this House to make the decision.

I thank you.

**Hon. Speaker:** On the contrary, just for your information, I have that inherent power to make corrections to grammatical and typographical errors.

*(Laughter)*

So, you cannot say that. Hon. Members, we have sufficiently debated this matter.

**Hon. Members:** Put the Question.

**Hon. Speaker:** Hon. Maore.

**Hon. Maoka Maore** (Igembe North, JP): Hon. Speaker, I also wish to agree that the matter before the House is weighty. I know there is the urge to pass this matter as carried by the House during the Committee stage. If we had the House of Lords, where you have low lords, we could just pass it anyway because it can be intercepted there and corrected, but we do not have that House. You remember the issues elucidated by Hon. Otiende Amollo. There are people who had put cotton buds in their ears because they did not want to hear them. Those are constitutional weighty matters.

I would also wish to plead with you to invoke Standing Order No.1. We are not asking you to veto the matter before the House. We are asking you to look at a more amenable way of correcting the mistake that was done – overlooking the constitutional issues that have been raised. I spoke in seconding this Report but following the amendment, it ceased to be the Report that I seconded.

*(Loud consultations)*

My wish is that you ignore the passion and the mob that is shouting about supporting without considering the consequences of what we are asking for. I would hate to hear of refugees from Ethiopia being moved to Marsabit and Isiolo to become voters just because somebody wants numbers.

Hon. Speaker, save the country. Use your office.

Thank you.

**Hon. Speaker:** Member of Wajir North, Hon. Abdisalan.

**Hon. Ibrahim Ahmed** (Wajir North, ODM): Thank you, Hon. Speaker. Let me confirm that Marsabit County is my neighbour. At times the conflicts that happen in Marsabit happen within my constituency. I plead with Members to be extremely careful and sober up as we make decisions here. The decisions we are making here can lead to loss of lives or can save lives. Having listened to Members speak on this matter, I realise that they are divided into their different political groups. They are not bothered about the lives and wellbeing of the people of Marsabit County. I urge you to sober up and make decisions in a very sober way.

*(Loud consultations)*

Hon. Speaker, that said, I once again confirm that I have worked with the Kenya Red Cross Society as the Regional Manager for Northern Kenya. I have had meetings with both communities during my tenure as the Regional Manager there. We had five or six meetings in Moyale as well as several meetings in Nairobi. I am aware of a lot of information that the Members who have spoken on the Floor of this House are not aware of. That notwithstanding, coming to the real issue, I believe in the fact that only the wearer of the shoe knows where it pinches. There were better positions to solve this issue from – not on the Floor of this House but outside. But the Petition was brought to the House. The Committee has made their independent investigations. A Report has been submitted. The petitioner has now introduced amendments to a magnitude of totally changing the contents of this Report. Are we now in a position to accept the Report? This is no longer the Report of the Committee but that of the petitioner. I request my sister from Isiolo County to be cognisant of the fact that I am closer to Marsabit than her. She should respect that fact.

*(Loud consultations)*

This is a House where justice is observed. We must be fair. Mistakes have happened. Now that mistakes have happened, shall we continue with the mistakes made or should we stop at a certain position and ask ourselves whether it is not the right time to correct those mistakes? We should not be creating dangerous precedents where a petitioner can make an amendment to a magnitude that changes the entire Report. Under Article 119, I appreciate that any person has the right to petition Parliament to consider any matter within its authority but we must put safeguards in place to ensure that parliamentary reports are not mutilated to a level where we cause confusion and conflict – where we become war makers rather than law makers.

Hon. Speaker, this is a very difficult moment. It is a moment for you to go back to the drawing board. It is a moment for you to make a decision that will save lives. It is a moment for you to create a precedent where Members cannot mutilate a Report of a Departmental Committee to any level they want. In the event that you put the Question to Members and we make a decision today, we will be creating a very dangerous precedent that will haunt all of us.

It may be bitter but we must swallow the bitter pill. We must go back to the drawing board and make a decision that will save lives and the livelihoods of the people of Marsabit County.

I submit, Hon. Speaker.

*(Loud consultations)*

**Hon. Speaker:** Hon. Members, Hon. Abdisalan decided to go ahead and address the contents of the Report, and not the aspect that was brought out. Hon. Wanganga, I will allow you just three minutes.

**Hon. (Ms.) Gladys Wanganga** (Homa Bay CWR, ODM): Thank you, Hon. Speaker. I listened as Hon. Mbadi raised the issue of deferment. What he was calling upon you to do is the fact that this matter is emotive. It is a matter that, whichever way it goes, can escalate conflict rather than reduce it. I listened to the former Leader of the Majority Party speaking. He spoke about winners. He said that somebody will win; another person will win, and so on.

Hon. Speaker, I want to just bring your attention to Article 10 of the Constitution and the fact that we, as State officers, including yourself, are called upon, in the performance of our duties, not to just look at the letter of the law or what is happening but also to look at our national values, which include national unity. How are our decisions promoting national unity? This is what I wanted to bring to your attention in addition to the issues that have been raised by our colleagues, notably Hon. Kaluma and Hon. Otiende, among others who have raised constitutional matters. Can we defer this matter?

Earlier on, you spoke to the issue that we are coming closer to elections and, therefore, more prone to conflict. This is not the same year that we were in in 2018 when we could make a decision and it just goes. As we move closer to elections, we are also very likely to spark conflict with whatever decision we make. We are dealing with conflict in Laikipia. We are dealing with conflict in several parts of this country.

Hon. Speaker, therefore, on the basis of Article 10, I just want to ask you to use Standing Order No.1 to defer putting of the Question so that the temperatures can come down and people can relax.

*(Loud consultations)*

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I was here on Thursday when the amendments were being debated and my close friends were agitated. It is an emotive issue and I understand. However, if this House can serve a purpose in cooling down the temperatures, then we are called upon to do so.

Thank you.

**Hon. Speaker:** Now, we must bring this to an end. I have had sufficient representation and I have looked at both the Constitution and the Standing Orders. First of all, this matter we are dealing with is a Report of a Committee on a Petition. If you look at Standing Order No. 227 (2) it says the Speaker may allow after tabling of a Report some comments – not debate – for a period not exceeding 20 minutes. It is not a debate. The reason why the Standing Order reads like that... I am happy that Hon. T.J Kajwang' is here. He has been passionate about the rules. This is one of the areas that our own Standing Orders has a lacuna because a Petition is merely reported to the petitioner, a Report is tabled and there is no debate except in exceptional circumstances. I allowed this one because, as you will all appreciate, when Hon. Rasso read his Petition there were quite a number of other issues from other Members from around Marsabit County which touched on insecurity. Therefore, the Report on that Petition was exceptional. I am also aware that, indeed, the Committee spent quite some time listening not just to the Members of Parliament concerned but also the residents. A Report which a Committee has gone to such length was not going to be just reported to the Clerk who then writes to Hon. Rasso and we walk away. Hon. Rasso will go with the Report and maybe file it in his cabinet to enjoy it as part of his legacy. It was fair that the House expresses itself one way or the other on the issues that the Committee found on the ground. Therefore, I allowed the Report of the Committee on this Petition to be debated.

I have looked at the recommendations even after the amendments and I am just wondering. They are:

- (i) The Cabinet Secretary for the Interior and Coordination of National Government, as a matter of urgency, ensures that 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 see no harm in that. We always recommend that the Executive does this or the other.
- (ii) The CS 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. This is a recommendation. Those to whom it is directed to are at liberty upon receipt of the recommendation to see when... The NLC can investigate historical land injustices on its own motion or on one being moved. This, in my view, is just trying to move them to go to the area to find out what is the problem. They may or they may not and they will have their reasons if they feel it is not necessary.
- (iii) The CS for Interior and Coordination of National Government should rationalise the creation of new sub-counties in Marsabit and address the current imbalance across the four constituencies. Again, I see no harm in this. It is a recommendation.
- (iv) The CS for Interior and Coordination of National Government should facilitate the return of Kenyan refugees in Ethiopia. It is facilitation. That is done through the avenues of the law dealing with refugees, is it not?
- (v) A commission of inquiry should be established. It is up to those responsible of setting up a commission of inquiry to look at your recommendation. They can even say, "Sorry, Parliament you have overstepped your mandate. You have no

authority to direct us to set up a commission of inquiry”. If the law says they can only act on their own motion, it does not appear injurious.

The other issue is, that Hon John Mbadi rose under Standing Order No. 53 requesting for deferment of putting the Question which is perfect, but that deferment can only happen for one day. If I was to be persuaded to do so, I must appoint the time at which the Question is still to be put under that Standing Order No. 53.

Hon. Members, having determined that the recommendations in the manner that they are, are not injurious I have only one issue that should be directed to the Procedure and House Rules Committee as to how in future we deal with all questions on petitions. I know there is a Bill, Petitions to Parliament Bill that one of you has proposed. You will have to decide whether you want to have that governed by an act of Parliament or through your own Standing Orders. As it is, when people bring their Petitions, when a Committee completes it writes back to them. It is like what you see written “RTS”, you return to sender the findings. The Committee could make recommendations which the House does not have to adopt. The House merely notes. As you all know, those kinds of reports are not as efficacious as those that carry a resolution of the House.

Hon. T.J, Hon. Mariru, Hon. Omulele, Hon. Cheboi and I have some work to do because this is an area that we need to clean up even if it is for posterity. We do not have to be the ones to implement but those that will come after us will have more improved methods of dealing with Petitions.

*(Hon. T.J. Kajwang' spoke off-record)*

The Hon. T.J Kajwang' is already thinking about a retreat to the island of Seychelles

*(Laughter)*

Hon. Members, I determine as follows: That the House having been moved by Hon. Rasso to consider his proposed amendments and having carried those amendments, it will be a great travesty on the part of the Speaker to purport to overturn that decision by the House.

*(Applause)*

I can assure you I will not do that because I will be assuming a vote that I am specifically barred from assuming under Article 122 of the Constitution.

As one former Member, the late J.J. Kamotho, used to say something that happened at a place called Kasarani; this decision now rests on your shoulders and not on mine. I will take my seat to allow those walking in to make their way.

*(Several Members walked into the Chamber)*

Hon. Members, I will read the Motion as amended in full so that I can put the Question.

*(Question put and agreed to)*

*(Several Members rose to demand for Division)*

**Hon. Speaker:** You are enough Members to demand for a Division. You have the numbers. I direct the Serjeant-at-Arms to ring the Division Bell for 10 minutes in the first instance.

*(The Division Bell was rung)*

**Hon. Speaker:** Order, Members! Order, Members! Please, take your seats. Stop the Division Bell. Draw the Bars and lock the doors. I want to ask those Members who may be behind and desire to come, to do so now.

*(The Bars were drawn)*

If you intend to participate, please come in now.

*(Loud consultations)*

Hon. Members, take your seats so that we can clear this now. Is that the Member for Lari?

Hon. Members, I have been informed that there are some Members who do not have cards or have cards which are malfunctioning. Is that correct? Member for Nyamira, we have not finished. Once the bars have been drawn, you cannot even walk out. Therefore, there is no need.

Hon. Members, we will do a high breed. For those who have cards, I believe you have now all withdrawn them. Have you logged out? For those who do not have cards, please, approach the Speaker.

*(Loud consultations)*

Hon. Members, it is evident that many of you have lost their cards or have just woken up from some places.

*(Laughter)*

Very well! Even the Member for Mathare! I can understand the Member for Mathare not having a card.

*(Laughter)*

The Member for Mathare cannot have a card. Hon. Members, I will read the Question again in keeping with our rules. I will read the Question again for those that may just have been dragged from the various places of the streets. For those Members who have cards, please, log in.

*(Loud consultations)*

Hon. Members, the machine is still counting the number of people who are in. The system is logging in. *Yako ni ile ya Kibera?*

*(Laughter)*

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Hon. Members, we have not yet voted. Member for Runyenjes, it is not your Commercial Bank of Africa card. Please, wait for 20 seconds and log in. For those of you who are on this side, you cannot go back there until the electronic voting is complete.

Vote now!

*(Voting in progress)*

*(Loud consultations)*

*(Applause)*

One by one!

*(Loud consultations)*

### DIVISION

*(Question negated by 74 to 62)*

**Hon. Speaker:** Order Members! Hon. Members, you can take your seats. Hon. Shamalla take your seat. Hon. Members, this is the result of the division electronically, Ayes 43 and Noes 61. Manual voting Ayes 19 and Noes 13. Total the Ayes 62 and Noes 74.

### ELECTRONIC VOTING

**AYES:** Hon. Eric Njiru, Kimani Ichung’wah, John Nyaga, Josphat Kabeabea, Ali Sharif, Sylvanus Maritim, William Chepkut, Kareke Mbiuki, Aden Duale, Ms. Charity Chepkwony, Joyce Emanikor, Hon. Ahmed Kolosh, David ole Sankok, Ms. Faith Gitau, Dr. Victor Munyaka, Hon. George Gitonga, Japheth Mutai, Ms. Florence Mutua, Hon. Hassan Hulufu, Dr. Robert Pukose, Hon. Ali Rasso, Mugambi Rindikiri, Cornelly Serem, John Mutunga, Nelson Koech, Wilson Kogo, George Sunkuyia, George Koimburi, Ms. Peris Tobiko, Hon. Daniel Tuitoek, James Wamacukuru, Ms. Catherine Wambilianga, Caleb Kositany, Ms. Gathoni Wamuchomba, Hon. Gideon Koske, Joseph Limo, John Wanjiku Njuguna, Ali Wario, Qalicha Wario, Benjamin Washiali, John Kiarie, Ms. Florence C.K. Bore.

**NOES:** Hon. Shakeel Shabbir, Ms. Fatuma Gedi, Hon. Marselino Arbelle, Samuel Atandi, Sakwa Bunyasi, Ms. Rozaah Buyu, Sabina Chege, Hon. Makali Mulu, Mohamed Duale, Chachu Ganya, Mohamed Hire, Ms. Dennitah Ghati, Hon. David Gikaria, Ibrahim Ahmed, Peter Kaluma, Kanini Kega, Anthony Kiai, Clement Kigano, Kuria Kimani, Michael Kingi, Jeremiah Lomorukai, Caleb Luyai, Joseph Manje, Maoka Maore, John Mbadi, Mbogo Ali, Ms. Mishi Mboko, Hon. Robert Mbui, Stephen Mule, Ms. Florence Mutua, Hon. Danson Mwashako, Joshua Mwalyo, William Mwamkale, James Gichuhi, Jonah Mwangi, Peter Mwathi, Charles Nguna, Ms. Sophia Noor, Edith Nyenze, Hon. Erastus Nzioka, Ms. Pamela Ochieng, Hon. Tom Odege, Ms. Odhiambo-Mabona, Hon. Pavel Oimeke, Jared Okelo, Benard Okoth, Richard ole Kenta, Ezekiel Ombaki, Dr. Wilberforce Oundo, Hon. Aduma Owuor, Onyango Oyoo, Ms. Esther Passaris, Hon. David Pkosing, Ms. Shamalla Jennifer, Hon. Omar Mwinyi, Dr. Eseli Simiyu, Hon. T. J. Kajwang’, Munene Wambugu, Ms. Gladys Wanga, Hon. Emmanuel Wangwe, Ms. Wangari Mwaniki.

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## MANUAL VOTING

**AYES:** Hon. Nixon Korir, Kipsengeret Koros, Ms. Safia Sheikh, Purity Ngirici, Hon. Julius Melly, Ali Amin, Oscar Sudi, Ms. Anab Gure, Rehema Jaldesa, Hon. Joseph Kipkosgei, Ms. Liza Chelule, Hon. William Kisang, Ms. Rahab Mukami, Hon. David Nanok, Nimrod Mbai, Hilary Kosgei, Ms. Nasri Ibrahim, Hon. Dominic Koskei, John Waluke

**NOES:** Hon. Jimmy Angwenyi, Ms. Jerusha Momanyi, Zuleikha Hassan, Hon. Anthony Oluoch, Maina Kamanda, Dr. Irene Kasalu, Hon. Godfrey Osotsi, Elisha Odhiambo, Christopher Omulele, Simba Arati, Joseph Nduati, Kassait Kamket, David Kiaraho.

*(Applause)*

Hon. Members, the Noes have it and the net result is that the Motion is lost. Draw the bars and open the doors.

*(Several Hon. Members left the Chamber)*

Hon. Members, we have not finished business, remember I had ruled that at 5.30 p.m. the House will adjourn to discuss the matter of drought by the Member for Garissa Township. I had also allowed the Chair of the Departmental Committee on Finance and National Planning to table a Report. Please, Hon. Wanga.

**PAPER LAID**

**Hon. (Ms.) Gladys Wanga** (Homa Bay (CWR), ODM): Hon. Speaker, I beg to lay the following Paper on the Table of the House today:

The Report of the Departmental Committee on Finance and National Planning on its Inquiry into the following:

- (i) Public Petition No.39 of 2021 regarding Review of Abnormal Increments in Prices of Petroleum Products in the Country.
- (ii) Public Petition No. 40 of 2021 on a request to amend the Finance Act 2018 in order to address the drastic increase in prices of petroleum and petroleum products.

I thank you, Hon. Speaker.

**MOTION FOR ADJOURNMENT TO DISCUSS AN URGENT  
MATTER OF NATIONAL IMPORTANCE****RAVAGING DROUGHT IN ARID AND SEMI-ARID COUNTIES**

**Hon. Speaker:** Hon. Duale.

**Hon. Aden Duale** (Garissa Township, JP): Hon. Speaker, I rise under Standing Order No. 33(1) to seek the leave of the House in order to discuss a definite matter of urgent national importance regarding the ravaging drought situation in the pastoral counties that includes Garissa, Wajir, Turkana, Marsabit, Mandera and most parts of the country.

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From last year, the Meteorological Department gave a very bleak picture on the expected rains in the country. This year, the situation has not been any different. With the reduced and depressed rains or no rains at all, Kenyans in the arid and semi-arid areas are experiencing what I have never seen before. It is nothing short of a humanitarian crisis! Indeed, during the month of August 2021, most arid and semi-arid counties, including my own county of Garissa, remained generally dry and the rainfall received was below average.

I have just come back from Garissa and I am sure the country is cognisant of the situation in the North. It has never happened before. The last time we saw this kind of drought was in 2011. Last month, the President declared the drought a national disaster. The situation is likely to worsen in the second half of 2021 with negative consequences for household food security, crop production and livestock production, especially for my people who are largely pastoralists. Access to water is a big issue.

The drought that has affected this part of the country has been made worse by the COVID-19 pandemic, which has had adverse effects on both the economy and the social status of those residents. Although the drought can be traced to last year, the phenomenon started even earlier when the country was faced with locust invasion. The insects cleared all the vegetation in the arid and semi-arid counties.

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

*[The Temporary Deputy Speaker (Hon. Christopher Omulele) took the Chair]*

Hon. Temporary Deputy Speaker, I really want this House to look at the Kenya Food Security Outlook Report and the National Drought Management Authority Report that projects that in the pastoral areas, livestock conditions have deteriorated due to lack of vegetation and water. Mothers, children and herders are trekking for over 50 kilometres in search of water and pasture.

Hon. Temporary Deputy Speaker, it is not only the livelihood of the pastoralists that is affected, but also of wildlife. I am sure colleagues have seen on social media a video of a giraffe that has been affected. It has gone blind. The video shows young men giving water to it. So, it is a very sensitive and dire situation. One might imagine that the people in that area are not part of Kenya and that there is no government that is sensitive to their plight. Unfortunately, if the short rains are not realised by end of this month or next month, then there will be a serious humanitarian catastrophe in the entire region.

There are, at least, 2.1 million Kenyans who are food insecure, and this number is expected to rise to 2.4 million people by next month. Over 465,000 children under the age of five and 93,000 pregnant or lactating mothers in the region are actually malnourished. That is quite unfortunate. As a country, we must protect our children and women. Today, I stand to be counted. From the statistics that have been given by the Government, over 2 million Kenyans are now facing severe starvation, which might lead to death. According to the Flash Appeal Kenya Drought Report, US\$139.5 million is required to avert the drought crisis. What is the Government doing about this matter? After declaring the drought a national disaster, what is the next step? What response strategies have we put in place that are life-saving and life-sustaining?

Our counties have been denied their resources by the national Treasury. Counties are only receiving Recurrent Expenditure. If counties were receiving the emergency funds, I am sure

governors and other leaders would be able to, at least, provide water and food to our people. It is very disheartening and shameful that in 2021, one of our own, a pastoralist whose constituency has been worst affected, is at the helm of the national Treasury. History will judge us. He will be remembered as the Minister who looked on as our people died and also sent money to other areas where there was water and food. Shame on him!

The essence of my Adjournment Motion is this: We need to find solutions. The Government needs to provide a solution. It needs to rally the donor community and the private sector the way we did it in 2011 and save the lives of our people. You can read what is going on in the Horn of Africa. Other countries are doing better. I am sure the over 80 Members of Parliament who come from those 14 counties... Unfortunately, most of them are not here. I said, "Most". I am sure some of them are here: Hon. Chachu, Hon. Sophia, Hon. Sankok, Hon. Kolosh, the Member for Isiolo North, the Member for Tharaka and many others from Meru County. This is the time, more than any other time, when we must rise to the occasion. We must forget our political affiliation. Those who were involved in the handshake need to walk to the national Treasury. Those who are in this House and are in other political affiliations must discard that. We must not behave the way we did during the Petition that either way made Hon. Rasso the winner. It is because the original Report was implicating him. The amendment was not wanted. So, Hon. Rasso, you are a winner and I have said it.

The Budget and Appropriations Committee (BAC) of this House and the Departmental Committee on Administration and National Security must rise to the occasion. We must call the Government to order. We must call the CS of the National Treasury, CS for Devolution and CS Matiang'i. The people of the North are dying. They are not dying because of the constant insecurity that they face or diseases; they are dying because of the effects of drought. They are dying because the Government's response is not there or it is very slow.

We want to ask the Government to talk to its friends and partners and create a humanitarian appeal to all our friends that food, water...

Hon. Millie Odhiambo will agree with me that in 2011, when the then Prime Minister Raila Odinga and President Mwai Kibaki were in charge, the Military and the National Youth Service (NYS) were mobilised and there were over ten trucks in every constituency affected, doing water trucking. What is wrong with this Government? Why is this Government so insensitive? What wrong have the people of Northern Kenya committed? I want to ask our friends who are running around with an outfit called UPYA or *Upuzi*: you will face the wrath of the almighty God. Our people are dying and you are selling *Upuzi* to our people. Our people will not buy that *Upuzi*. They know the kind of leaders they will choose. The contest is between Raila Odinga and William Ruto. The people of *Upuzi*, who is your candidate? You better say it. Why are you hiding? When you were in Garissa, you said it was Raila Odinga. When you come back, you want to hide. The horses have been defined. Shame on those in Government who come from Northern Kenya! Shame on you! You are walking on the graves of your...

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Hon. Members, this is business under Standing Order No. 33, which is a matter of urgent national interest. It is not a matter for one region of the country. So, as we go on, you will remember that each Member contributing will have five minutes. Hon. Members, I am proposing to just follow the list the way it is. So, do not carry your hands; do not interfere. The list is here; I will just follow it. The first one on my list is Hon. Garane Hire, Member for Lagdera.

**Hon. Mohamed Hire** (Lagdera, KANU): Thank you, Hon. Temporary Deputy Speaker. First of all, I want to support this Adjournment Motion. The situation in the North is dire. On

August 2021, a similar Adjournment Motion was brought to this House and we exhaustively debated. Three months down the line, we have not seen any response on the ground. Even after the President of the Republic of Kenya declared drought as a national disaster, the response has been painfully slow if at all there has been any. We have been to the constituencies and counties and absolutely nothing is going on. I do not know when this help will come. We have allocated Kshs2 billion to help in the response to the drought but, the sad thing is that response will come late in the day when all our livestock and people are already dead. The response will come when everybody is already seriously affected by the drought.

We are cautioning everyone. What is wrong with this Government? We have been crying day and night so that our people can get some help. I do not know, whether the people of the North belong to this country or not. In other places, if a landslide occurs, we will see choppers and a lot of humanitarian response. But an area as vast as northern Kenya is getting no response even after the declaration by the President that the drought is a national disaster. The Kenya Defence Forces (KDF) has thousands of water bowsers. NYS has thousands of water bowsers. All those water bowsers are lying idle in the camps. Why have they not been taken to the North to give water to our people?

We were told that the Government has a programme called Off-take, in which it buys weak livestock from our people. Nothing is going on. We were told they are going to provide hay to the livestock, but nothing is going on. The National Drought Management Authority (NDMA) has billions of shillings lying in its accounts. What are they doing with the money? This is a very sorry state. If nothing is done in a couple of days, we will not be talking about the people in the North. We see many presidential candidates encouraging people to go and register to vote. How does a hungry man go to register as a voter? They cannot even get water! They are not even in their villages. They have moved thousands of kilometres away. Some have moved to the Ethiopian border and some to the Somalia border. You then wonder why a country like Kenya cannot take proper measures to respond to the situation. Weaker neighbouring countries have better response measures than ours. This is sad.

Finally, UPYA is the new kid on the block. UPYA is a vehicle we are going to negotiate with to allow us to sit at the table. I am sure if UPYA had a stake in the Government, we would not be talking about these issues. It is because somebody would be sitting at the table to raise the issues of northern Kenya. It is not *Upuzi*; it is called UPYA.

With those few remarks, I support this Motion.

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): The Member for Ijara, Hon. Noor Sophia.

**Hon. (Ms.) Sophia Noor** (Ijara, PDR): Thank you very much, Hon. Temporary Deputy Speaker, for giving me this opportunity to contribute to this very important Motion.

I also want to thank the Mover of the Motion, Hon. Aden Bare Duale. The situation we are facing in the North is very sad. I have been to the constituency, Ijara, and I have never seen such a situation in my life. People have migrated to as far as Wajir and Marsabit. You will find their animals in my constituency. They are dying in large numbers. It is really hurting to see a pastoralist man crying or killing himself because he has lost all his animals. We have had many human/wildlife conflicts. The number of people who have been hurt because of fights between wildlife and human beings over the scarce resources in the constituency are many.

The children and the elderly who are left in their houses are dying in large numbers. With the COVID-19 Pandemic, we do not have anything to give them. They do not have any meal. They are elderly, they are left behind; they do not have people who can ferry for them some water in

their houses. We have children below five years who are suffering. Families do not have water, milk or anything in their houses because animals have crossed borders to Ethiopia and Somalia. We do not have animals around there. Those that are there are very weak and are dying. The media has not covered this disaster. If you go to those constituencies, you will not eat food for the next five days because of the situation you will face on the ground. It is not only important to declare drought as a national disaster, but to follow the declaration with action. His Excellency the President declared the drought a national disaster but nothing has followed. That is the problem.

Our appeal is to go beyond this country. The Kenyan Government has taken responsibility. It took oath to protect, support and reach out to the vulnerable communities in this country. When we have problems in the tea and coffee sub-sectors, the farmers always get subsidies. When it comes to livestock, which is the backbone of the economy of the affected region, we do not have a proper plan and strategy to address the problems that are facing the community.

The other major issue is that water is a basic need and a human right under Articles 42 and 43 of the Constitution. In this time and era, it is very saddening, inhumane and disastrous that people and animals are dying because there is no water within the boundaries of this country. I cannot believe that in this era a person can die because there is no water in a village.

Both the national Government and county governments have failed the people of northern Kenya who have been left alone at this time when they are having major problems. If you do not help the people of northern Kenya today, when will you do so? This is the time! They have missed the rains for two consecutive rainy seasons...

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Let us have Hon. Ali Guyo, Member for Garsen. Hon. Guyo, you have just walked in. You will have to wait a little.

**Hon. Ali Guyo** (Garsen, JP): *(Spoke off-record)*

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Alright, proceed. You are within the confines of the House. Proceed.

**Hon. Ali Guyo** (Garsen, JP): Thank you, Hon. Temporary Deputy Speaker, for giving me a chance to also contribute to this matter.

The drought is really affecting our people. People have lost livestock and have started to commit suicide because of the loss. This matter has been declared a national disaster by the President, but little is being done on the ground. So, I urge the House to urgently allocate funds to save those people and compensate the pastoralists for their loss.

The role of the Government is to advise pastoralists on weather patterns so that they can plan to destock and restock. However, there was no advice from the Ministry of Agriculture, Livestock and Fisheries. I request the Government to compensate pastoralists for the loss.

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Are you done? Very well! Let us have Hon. ole Sankok, Nominated Member.

**Hon. David ole Sankok** (Nominated, JP): Thank you very much, Hon. Temporary Deputy Speaker, for giving me this opportunity.

For those of us in the pastoralist regions, not only in the North, but even in the South in Kajiado and Narok, our animals and people are dying. The Government is not willing to address that issue once and for all. For a long time, we have been considered as an appendix without function and non-existent in this country and yet, we sit on 80 per cent of the landmass of this country. We sit on natural resources like wind power and oil in Turkana, geothermal electric power in Narok and tourism in the entire region, which is a foreign exchange earner for our country. But we are not treated equal to other parts of the country. It is high time we said that we must be treated like others.

When you see some of us passionately fighting for the leadership of the hustlers, it is because those leaders know what it means to go hungry. If you tell some of our leaders who were born with a silver spoon in their mouths that you have not eaten food, they will most likely check your temperature to see if you have malaria, typhoid or lack of appetite! They do not know what it means to sleep on an empty stomach! Your parents could have done everything possible, but failed to get you anything to eat.

Our animals are not only emaciated, but are dying in large numbers. We plead, through the House and through you, that private companies, the Kenya Red Cross and the international community, should come in and save us by giving us humanitarian aid. We need to rescue those people. It is not those days when maize rations had to be transported to all parts of the country. We are now in a digital era. Money can be transferred digitally using M-Pesa or any other mobile money transfer platform. It will reach the beneficiaries within seconds and they will have the purchasing power to save their dying children, pregnant women and fathers. We need approximately Kshs150 billion for that project. The Government can afford that. It is not too poor to afford a mere Kshs150 billion that is required to save its citizens.

We have heard of an Off-take project, but we have not seen it. I have a ranch. My cows are dying in large numbers. We have only heard in the media that there will be an Off-take project and that they will buy our animals. How much will they buy our animals for? It is high time the National Drought Management Authority (NDMA), which is supposed to be a custodian of the funds for arid and semi-arid lands (ASALs), came up with projects like harvesting grass. During the rainy season, there is more grass than animals. It should be put into haystacks. It is high time we stocked animal feeds in our food reserves. If you only feed human beings and leave out animals... You know some of us are fed by those animals through milk and meat. We may die because you are feeding human beings but not animals at the same time.

Lastly, Hon. Temporary Deputy Speaker, the characters in the weather department are earning salaries without doing their job. If they predicted the weather well, the country and pastoralists would be able to prepare themselves. The President declared drought a national disaster, but doing so is not enough. That is why we are telling him, with all due respect, that his citizens are dying. Come and save them because they elected you so that you can protect them.

I support the Motion.

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Let us have Hon. Millie Odhiambo. You will inform me whether it is possible to sleep when you are hungry. I do not think you can sleep when you are hungry. It is a very troubling thing.

Proceed, Hon. Millie Odhiambo.

**Hon. (Ms.) Odhiambo-Mabona** (Suba North, ODM): Thank you, Hon. Temporary Deputy Speaker, for giving me this opportunity. For a moment, I thought the question on sleeping when you are hungry was aimed at me. That aside, I support the Motion.

This is a consequence of climate change which manifests itself in various ways. In the North, it manifests itself as drought. In my constituency, we have flooding and water levels that are rising. Yesterday at around 8:00 p.m., I was moving from Mfangano Island to Rusinga Island and almost drowned with my team because of the waters. Two days ago, we lost yet another three people in the lake because of that. I urge the Government that in dealing with this, we should not have sporadic efforts, but should look at the issue holistically as a consequence of climate change. We should deal with the issue of climate change and seek lasting solutions while being realistic about what we are dealing with.

We must also be innovative; where we have too much needs to balance with where there is lack. For example, in my area, people are dying because of floods. Yesterday, there was a huge storm that uprooted trees and people lost their houses to floods. It is not good because the weather is now very erratic. People do not know when to plant, because it used to be in November before, but now it is a different scenario. We have actually seen what is going on in the Northern Kenya. It is a tragedy that many people are dying, and I want to thank one of the media houses that aired what is going on there.

One of the greatest challenges is that we have governors who are also mandated to do the kind of work which we are still seeking the national Government to do. One of the areas that was under focus was Turkana and we are not being told, for instance, what the county government is doing, yet they also have money. I want to encourage our governors that we need to have a mental paradigm shift. This is not just about the national Government. I also want to encourage the Members in the House that are blaming the national Government; you must know that when the President declares drought a national disaster, it comes with implications. It means resources will follow that decision. You cannot get a declaration and expect things to change immediately. Members need to know that.

As a House, we must bring it to the attention of the Government that this is a crisis that we want to deal with. It is unfortunate that my dear good friend and brother, Hon. Duale, would want to attack people who are busy doing their work calling UPYA “*upuzi*.” We know very well that we have “*ufisadi daima*,” which he belongs to. You would rather have “*upuzi*” than “*ufisadi daima*.” “*Ufisadi daima*” is what has resulted to Kimwarer and Aror scandals, which are also causing people to die because of drought. The scandal was caused by corruption. I just want him to know that he should not throw stones when he lives in a glass house. He actually lives in a very brittle glass house. We do not want a lot of noise with no action, as we have just seen right now. Let us look at assisting Kenyans without bringing unnecessary sideshows.

Thank you, Hon. Temporary Deputy Speaker.

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Hon. Murugara Gitonga, Member for Tharaka, you may have the Floor.

**Hon. George Gitonga** (Tharaka, DP): Thank you very much, Hon. Temporary Deputy Speaker. I am quite distant from my neighbours, and I want to request you to allow me to just talk without my mask on. I rise to support this important Motion moved by Hon. Duale.

We should discuss the issue of drought in the country as a matter of national importance. While there is a very good case made out for the North Eastern region, may I draw the attention of the country and of the Government to the fact that drought is also ravaging my constituency, Tharaka. Tharaka Constituency borders North Eastern, the Eastern - Ukambani – and all those areas that are afflicted by drought. As we pray for the short rains, it is evident that we are going to have hardships in these areas and in my constituency. The Government must take immediate action to ensure that the situation is remedied.

There is an acute shortage of food and pasture, and we are afraid that we may start losing livestock; but most important is lack of, especially now that children are back in schools... We are calling upon the Government to ensure that we have sufficient relief food which we can give to schools so that our children are kept learning while we await the rains and the crops to mature. There is also total lack of water, and we have many rivers that traverse Tharaka Constituency, but most of them have dried. Some are due to the climatic changes that have occurred. However, we know for sure that in upper areas that border Tharaka, there may be illegal blockages that may lead

to the reduction of water and the drying up of rivers. I have called upon the Government to act with speed so that if there are any illegal blockages of these rivers, this must be undone.

This drought menace is evidence that rain-fed agriculture is not reliable. The Government must move away from telling Kenyans to wait for rains to plant and harvest, to ensuring that we have sufficient irrigation water throughout the country, especially in my constituency, Tharaka. We are able to construct dams and dykes which can harvest and store this water so that it is used for purposes of agriculture, livestock keeping and human consumption.

The National Drought Management Authority (NDMA) is one entity in the country whose functions cannot be explained at all. This is especially so when I am told that it has offices in Tharaka. I have been waiting for them to take action on matters drought and nothing whatsoever has been done regarding this. Today, I must raise the voice for my constituency; drought is afflicting the people and it is going to lead to children dropping out of school. Drought is going to lead to great loss of livestock, because we do not know whether the rains will come soon or they may be prolonged. In these circumstances, it is purely on the shoulders of the national Government – the Executive – to ensure that we have sufficient money to buy relief food and ensure that water is given to areas where there is no water. If necessary, we should get pasture for our livestock.

The county government must also come in. We have also seen very little of the County Government of Tharaka Nithi regarding this drought. They have the money, and they should make use of that money wisely. The children of Tharaka Constituency are not children of a lesser God; they are Kenyans like everyone else. Therefore, this matter of drought must also be addressed in my constituency as we address the rest of Kenya, including North Eastern.

Thank you, Hon. Temporary Deputy Speaker.

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Very well spoken.

Let us have Hon. Mohamed Kolosh, Member for Wajir.

**Hon. Ahmed Kolosh** (Wajir West, JP): Thank you, Hon. Temporary Deputy Speaker. I want to join my colleagues in support of this Adjournment Motion because of the seriousness of this drought. The effects and problems caused by drought have been said by those who spoke before me. It is important to say that it seems there is a wider Government strategy to punish the people of Northern Kenyan for reasons that we do not know. The inaction by the Government, especially on the response to the drought, can just be described as genocide. When people lose their property and lives because of the inaction of the Government, then it is as good as saying that the Government has caused the problem.

Hon. Temporary Deputy Speaker, there are many problems that the Government has instigated. Some of them include the educational crisis in the North. For the last three years, our children have not seen teachers. There is insecurity and the Report we have just been debating in Marsabit is just but one. Every other constituency in the region has one problem or another related to insecurity, whether it is *Al-Shabaab*, clan clashes or differences between communities. The Government has not done anything to bring those problems to an end. It seems that the Government enjoys the problems taking place in the North.

To make matters worse, our people have been undercounted during the census period. This was a deliberate Government policy. As I stand here, I can tell you that the number of people in my constituency have been reduced by half, and I have said this many times before. This is why I disagree with Members who think that now coalescing around some amorphous bodies like UPYA or whatever will solve our problems. There is no ‘table’ that is greater and stronger than being a Cabinet Secretary for National Treasury and Planning. If I was in the Cabinet today as the CS for the National Treasury and could not do anything, up to and including sending emergency

funds to counties to respond, I do not know what other table I will sit at to improve the livelihoods of my people.

*(Hon. (Dr.) Chris Wamalwa consulted loudly)*

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Hon. Chris Wamalwa, you are out of order.

**Hon. Ahmed Kolosh** (Wajir West, JP): Hon. Temporary Deputy Speaker, yesterday, I sent photographs of a dumping site for livestock that have died and have been collected from villages. The communities in my constituency have created a number of dumping sites. I sent those photographs to the President just to alert him that, that was what was going on.

The drought was not declared a national disaster because of the reports of institutions that were charged with such responsibilities like the NDMA, but because of politicians visiting and begging the President to declare it as such. Even after that, no action has been taken. The CS in charge of Devolution visited my county three or four days ago. Not even a quarter of whatever he said he came with has been delivered to the site; whether it is animal feeds or food for the people. Not even a quarter of what he said he came with has been taken to the ground. So, it is all just semantics. They are just taking photographs with dying people and livestock. It is important for the people of Northern Kenya to learn that this Government does not care about their interests, lives and properties. Therefore, they should look for a method to cope with their problems.

Finally, the weatherman spoke and said that the rains in the north will fall short of expectations. We pray to God that they missed that one and did not get it right. However, if that comes to pass, the situation is expected to worsen. That is why I urge the Government – and I have said it many times before but I know they will not listen – to finally listen to this problem, because the people of the north will one day rise and find how...

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Let us have Hon. Hulufu Oda, Member for Isiolo North.

**Hon. Hassan Hulufu** (Isiolo North, KPP): Thank you, Hon. Temporary Deputy Speaker. I would like to thank the Mover of the Motion.

The prevailing drought condition is a matter of national concern. As somebody who was born and brought up in the Arid and Semi-Arid Lands (ASALs) of Kenya, more specifically, in the arid part of this Republic, I can confirm that in my living memory, this is one of the worst droughts that we have experienced. It has been worsened by the Corona Virus pandemic.

The livestock market in the north collapsed before we started experiencing drought because most consumers of our livestock products, particularly meat from our cattle, sheep and goats, ended up being jobless and, therefore, there was no demand for our products. We have gone through two subsequent rain failures. Currently, 2.1 million people in the ASALs are at risk of starvation.

I thank the President for declaring this a national disaster. However, what we expected following that declaration was the fast-tracking of implementation of appropriate interventions that could save lives, enable our children to remain in school, help our people not to die of starvation, as well as helping us protect our assets and livelihoods.

Before I joined this House, I was an expert on drought risk management. In 2011, which was the last time we faced a drought of this magnitude, I was part of a consultative team which went round the Horn of Africa. As a country, we developed the Common Programme Framework for Ending Drought Emergencies (EDE) by 2022. The year 2022 is here with us. Unfortunately,

as a country, after failure of two rainy seasons, we have ended up with an emergency. What this tells us, particularly those from the North, is that we have a Government which does not care. If that framework called the EDE was resourced adequately year after year from 2012 up to this year, we would not have ended up with the current drought emergency.

Unfortunately, this matter seems to be a Northern Kenya affair. I do not see the leadership of this House from the Majority Party as well as the Minority Party taking interest, yet when they are interested in our votes, they put us into camps, visit our people in the name of UPYA or in the name of the United Democratic Alliance (UDA). Unfortunately, I do not see either side taking any interest in this matter. This should be a lesson for us, especially those of us who represent people being ravaged by drought. I was expecting the Chairman of the Budget and Appropriations Committee or the Departmental Committee on Finance and National Planning to be here. We need to immediately initiate a process where a Supplementary Budget can be passed. According to estimates by Government and UN agencies, what we need to effectively respond to these emergencies is about Kshs9.4 billion. We have Kshs2 billion from our National Drought Emergency Fund in respect of which Regulations were passed recently. The gap should be bridged through an immediate Supplementary Budget that must be brought to this House so that we can facilitate line Ministries to implement school feeding programmes; so that we can also waive fees for children in secondary schools and tertiary institutions from Northern Kenya; so that we can also mitigate resource-based conflict, which is also a major concern in most of our areas. As we speak, the few areas that provide feeding resources for our livestock are not accessible because of conflict.

Thank you very much, Hon. Speaker. I can see that my time is up.

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Hon. Kimani Kuria, Member of Molo.

**Hon. Kuria Kimani** (Molo, JP): Thank you, Hon. Temporary Deputy Speaker, for giving me this opportunity. Congratulations to the former Leader of the Majority Party, Hon. Aden Duale, for bringing this Motion.

I would like to quote one Doug Ose, who once said that “safe, affordable and plentiful supply of food is a national security issue.” So, the issue that is before us – the issue of food scarcity in this country – is not just an issue of food; it is not just about eating; it is a security issue. You can see a positive correlation between the controversial voting and the debate that we have just had about the same area. When there is drought, we expect that there will be lack of peace, culminating in inter-clan wars and conflicts. Also, you will see an upsurge of crime. When people are not full, it definitely becomes an issue of survival. So, people have to do everything they can to make sure that they get food.

It is quite unfortunate that in my constituency, which is Molo, we were a month ago giving potatoes, carrots and cabbages to cows, donkeys, sheep and goats because it was not worthy doing this farming. A *gunia* or what we call a bag of potatoes was retailing at about Kshs300. For you to harvest that bag and sell it at Kshs300, you would need to pay the person helping you to harvest – that – labourer Kshs200. Technically, you were left with only Kshs100 to recoup your cost of labour, seeds, fertilisers and for having to wait for those potatoes to ripen over a period of around three, four or five months. We throw foodstuffs to animals in one part of the country, while people in other parts of the country die of hunger, yet we have a Government. In fact, we do not just have a Government; we have both the county governments and the national Government. I am wondering what should be the actual solution to this situation. I have had the privilege of visiting some of these places in North Horr and Marsabit, and it was very interesting to see an airtime

credit card written Kshs100 retailing at Kshs120. You could clearly see that the airtime is Kshs100 but it is trading at Kshs120. Why would people still be willing to buy?

There is a great disparity in terms of movement of this food or what we would call factors of production from where they are produced to where they are needed. The moment we address this by, for example, building infrastructure so that when people harvest cabbages and carrots in Molo, they can reach the dry areas in a matter of hours... Most of these foods are perishable. The other solution is making sure that food is stored. During drought, whether there is sheep or cattle in the affected areas, they can be harvested and put in cold rooms or dried and stored until that time that they can be consumed. We always have times when we throw away food because it is in surplus; and a few months later we find the same people feeling hungry. It is not just the people of North Eastern that feel hungry, but even people in our constituencies.

When COVID-19 came, the Government was sending Ksh1,000 every week to needy families. However, that stopped, although COVID-19 did not end. We still have curfew and people's businesses are still not open. People who were getting these services from the Government stopped getting them, and they are still unemployed.

The other issue is to ensure that we grow food through the *shamba* system, which used to work well. In our constituency, for example, people would plant in the forest, take care of the forest and they would have a bumper harvest. As you can imagine, the land inside the forest does not need fertilizer and pesticides. It is fertile for production.

I support this Motion and urge the national Government and the county governments to rise up to the occasion and deal with this drought menace once and for all. With that, I submit.

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): The Hon. Mutunga Kanyuithia, Member for Tigania West.

**Hon. John Mutunga** (Tigania West, JP): Thank you, Hon. Temporary Deputy Speaker, for the opportunity to add my voice to this serious debate.

Many things have been said about the situation and how dire it is. I will concentrate on what we have done, and what we have not done. In a disaster situation, especially when the President has declared drought as a national disaster, we should already be moving at top speed to save the lives of the people and animals. In an ideal situation, disaster is normally prepared for; however, we have not been able to prepare for this disaster. For this drought we should have had supplies in their readiness for distribution.

In its wisdom, the Cabinet dealt away with the strategic food reserve. So this food reserve was supposed to be food set aside to support or respond to such emergencies. We know that one of the reasons why we do not grow fast as a country is because our procurement procedures are complicated and they take a long time. That is one of the deterrents of achieving Vision 2030, and one of the problems that we have identified as a country, and we have done very little about it. Even if we say that we are going to distribute money through cash transfers, people have already migrated to where they can get some food. There are no supplies. So, even if they are given money, they may not be able to buy food. Doing away with strategic food reserves was a major mistake and we blame the Cabinet for that mistake.

In a disaster situation, we normally mitigate. There are no mitigation measures. We are not prepared. All we can do now is to respond. We cannot seek a crisis response and we are in a crisis. People are dying, animals are dying. People get emaciated. Even if you respond and rescue lives, it will take a long time for the people to go back to normal operational standards. Why am I saying this? It is because people will need to build higher plans of nutrition to be able to get back to normal functions.

In this respect, there are people who also have huge needs. They are poor people. I speak for my people in Tigania West. Tigania West is next to Isiolo County. In fact, 95 per cent of Isiolo International Airport is in Tigania West. So, the climatic condition or the agroecology of Tigania is that of Isiolo. Today, I am happy that we are included in the list of those who are suffering. Sometimes Meru County is left out because some parts of Meru are next to Mt Kenya and are, therefore, considered to be well endowed in terms of food. Tigania is one of the lowland dry areas. We have more than 70 per cent of people requiring food, especially those near Isiolo, who need a lot of food. They are now migrating to other areas to look for money. They cannot register as voters, because voter registration is not a priority to people who are dying of hunger or who have lost their livestock to hunger.

It is time our government woke up. We see a lot of inaction, laxity and confusion. Why should a government be confused in such a situation? We need to respond to this particular issue. A national disaster has already been declared by the President. The international community should now come in. When a national disaster has been declared, all resources, competencies, capacities and efforts are supposed to be put in place to deal with it. However, we do not see much of that happening. We see a sluggish response, if any. There is not so much happening in terms of reaching people. What are we waiting for? How many people and livestock do you want to see dead so that you can respond? I do not think we should be waiting for death.

We should be a country moving in tandem with the trends of the 21st Century. In the international community, we are designated as a developing country. We are not even a least developed country. So, as a developing country in the 21st Century, we should have structures and systems that function to respond to these issues. In this particular situation, people have suffered at large, and it is not only the people in Northern Kenya. It is also the people in Eastern Kenya. Tigania West is in Meru County, which is in the eastern region. We need to respond quickly so that people do not lose their lives. They have lost their livelihoods. How will those be recovered? We do not have mechanisms to return people to their previous living standards. We need to respond to this disaster. The government should wake up.

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Hon. Rasso Ali, Member for Saku.

**Hon. Ali Rasso** (Saku, JP): Thank you very much, Hon. Temporary Deputy Speaker. Before I contribute, I want to register my appreciation to the House on the Marsabit debate. Either way, it has been considered to be a matter of national importance. We are not going to take the security of our people lightly, wherever they are.

I thank Hon. Aden Duale for this Motion. Colleagues who have spoken before me have said so much about the government. The issue of drought is becoming a song, particularly in northern Kenya. While we point an accusing finger at the national government, we must also begin pointing fingers at the county governments. We allocate enormous resources to them. Nobody stops anyone from allocating resources to help their people. It is the MCAs who budget in the county governments. It is governors and their mandarins who allocate resources to whatever they think is priority.

Lack of food, pasture and water has been caused by under investment in these vast areas. Climate change is with us. There will be floods and long periods of drought. When it rains, the rains will be much heavier than before. The sea level is also rising. Scientists tell us all these things day in, day out. It will not be a surprise to be told that it will not rain for the next one year. What will happen then? Are we just going to come to this House to cry? We must begin to look at how

our people in the four corners of Kenya will have enough food and be able to live peacefully. Their way of life, whether it is pastoralism or farming, should not be endangered by the lack of rain.

Hon. Temporary Deputy Speaker, it hardly rains in Egypt – they have rains maybe for one day in one year – but they get water from River Nile. If you go there, you might think that you are in paradise when you see what they have done using the water they get from River Nile. This House has become a place for lamentation. As legislators, we must begin focusing on providing solutions. We are the ones who make the National Budget. This is a Budget-making House.

I am sorry to say that the man who is heading the National Treasury is taking everything to his constituency. Recently, there was an issue of off-take, where livestock is being taken off the pastoral people or farmers who keep livestock. Why do you focus on your home area only? Why not focus on the whole of Northern Kenya? Why not focus on ASAL areas? Sometimes we point fingers to the wrong people. We, the pastoralists are, at times, the problem in this country. The people who represent us in the Cabinet and in other institutions within the national Government just look after their own clans and small hamlets.

I thank the President for declaring the current drought a national disaster, but he must go further and actualise it.

Thank you, Hon. Temporary Deputy Speaker.

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Hon. Ibrahim Sahal, Nominated Member.

*(Hon. Abdisalan rose to speak)*

Hon. Abdisalan, you will hold on for a little while.

**Hon. Nasri Ibrahim** (Nominated, FORD-K): Asante, Naibu Spika wa Muda, kwa kunipatia hii nafasi.

Watu wa Kaskazini Mashariki na wafugaji kwa ujumla wameteseka kupitia ukame huu. Wakazi katika sehemu hizo hutumia mifugo kama tegemeo lao. Huuza mifugo yao sokoni ili wapate fedha za kununulia chakula, na pia kwa kukamua maziwa. Tangu ukame umalize mifugo, wanateseka na njaa na ukosefu wa maji.

Mifugo wamekufa kwa ajili ya kukosa malisho na maji. Serikali za kaunti zimejaribu kuwachotea wananchi maji ili waweze kuokoa mali yao. Hata hivyo, serikali za kaunti pekee haziwezi kutosheleza mahitaji ya wakazi katika kaunti nzima ama wafugaji wote vile inavyotakikana. Hata wanyamapori katika maeneo kame wamekufa kutokana na ukosaji wa maji. Ukiangalia kwenye mitandao ya kijamii, utaona pia wanyamapori wakipewa maji na wananchi. Raia wakikosa vitu vya kula, watakufa kutokana na njaa. Naiomba Serikali Kuu ijitokeze haraka walete msaada wa dharura ili tuokoe maisha ya watu wetu. Hii ni kwa sababu, wanapopoteza mifugo kupitia kiangazi, hawana namna ingine ya kujisaidia kimaisha. Watoto pia hawaendi shuleni kwa sababu wazazi wamebaki kwa vyumba.

Kwa hayo machache, naunga mkono Mswada huu.

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Hon. Duale Dahir, Member for Dadaab.

**Hon. Mohamed Duale** (Dadaab, KANU): Thank you, Hon. Temporary Deputy Speaker for giving me this opportunity. First, I want to thank Hon. Aden Duale for bringing this Motion of Adjournment. I reiterate that this country has faced COVID-19 pandemic, locust invasion, serious economic problems and now a ravaging drought.

A month ago, the Government of Kenya led by our President, declared drought a national disaster. What does it mean when we say that drought is a national disaster? The people in Northern Kenya depend on livestock for their livelihoods. When people have problems with feeding their animals, they also become vulnerable, because they will not have food. What this means is that today in that area, there is literally starvation, serious malnutrition, death of livestock and wild animals. If we do nothing about the situation, people will soon start dying. It is the responsibility of the Government to protect the lives and property of its people. If this situation is not taken care of, the Government will have failed in its duty of protecting the lives and property of its citizens.

About a month ago, the Government declared drought a national disaster, what did we expect it to do? We expected the Government to open its coffers at the national Government level and fund the county governments, which should allocate resources to address issues of drought. We also expected the Government to release the National Government-Constituency Development Fund (NG-CDF) money. Even though it is not a lot of money – we have about Kshs7 million per constituency – that can help in water trapping and in certain responses that would have gone a long way in alleviating the situation.

We wanted the Government to appeal to the international donor community; the United Nations Agencies and friends to mobilise resources. We need to respond to...

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Minority Whip, what is the matter? Member for Daadab, just hold on.

**Hon. Emanuel Wangwe** (Navakholo, JP): Hon. Temporary Deputy Speaker, I am the Majority Whip.

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Sorry, Majority Whip.

**Hon. Emanuel Wangwe** (Navakholo, JP): I am very perturbed when I hear the Member making a suggestion that he would want to use the NG-CDF money to deal with drought. Is he in order to register in the HANSARD of the House what is absolutely impossible? This is because the NG-CDF Act does not provide for that.

Thank you.

**Hon. Mohamed Duale** (Daadab, KANU): Thank you very much, Hon. Temporary Deputy Speaker, let me just inform my colleague...

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Member for Daadab, proceed.

**Hon. Mohamed Duale** (Daadab, KANU): Yes. I want to inform the Majority Whip that we have an allocation in the NG-CDF for emergencies. If you understand what emergency means, then you know that drought can also be classified under that. That money can be used in water trapping and carrying out projects that can help alleviate the situation. However, let me proceed with my point, because I do not want to dwell on that, as it is going to deflect my attention from what I wanted to say.

We wanted our Government to appeal to the international donor community and the United Nations (UN) agencies to release its coffers. I am very saddened by the Government because I can see that people are putting a lot of blame on the Cabinet Secretary, National Treasury and Planning. However, I want to state that the Government works in unison. The Head of State declared drought a national disaster, and we have a Cabinet. I understand that there was a Cabinet meeting today, and I want to state that it is the responsibility of all Government departments to address this issue collectively. It is not going to be a one-man show. The CS for National Treasury and Planning might help, but we expect all the Cabinet Secretaries to take up their positions and address this issue.

I just want to correct a perception that has been created by some Members who have just spoken. They have given some funny names to some of the forthcoming political parties, but I want to appeal to everyone to respect other people's opinion. We should not be petty and parochial and forget about the bigger issues.

Thank you, Hon. Temporary Deputy Speaker, for giving me this chance.

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Hon. Chris Wamalwa, are you interested in this one?

**Hon. (Dr.) Chris Wamalwa** (Kimini, FORD-K): Thank you, Hon. Temporary Deputy Speaker, for this opportunity. It is very embarrassing to see part of this country where people are losing lives and their livestock, and the Government is silent. Recently, His Excellency, the President, declared drought as a national disaster; but it does not just stop there. You must go to an extra gear of resource mobilisation and international appeals. During the days of the late President Moi, when such a matter happened, we used to see corporate companies and individuals coming in to give donations. This requires the President to go an extra mile in terms of resource mobilisation from the international communities, other countries, business community, corporate companies, parastatals and the like-minded people. Hon. Temporary Deputy Speaker, I want to quote what Mother Theresa said: "If you cannot feed 100 people, then just feed one." We are calling upon our fellow Kenyans, wherever they are, to come and give a hand so that this matter of people dying can come to a stop. There is also a French poet who used to say, "a hungry stomach has no ears." This stomach, if it goes on strike, it paralyses all the systems of the body. We are calling upon our colleagues because this is not just in North Eastern; even when you go to Eastern, because of climate change, we can see drought there.

The question is whether there are people who are supposed to do forecasting so as to advise the Government and Kenyans in terms of preparedness. That way, we are able to prepare if the rains do not fall, and we what will happen. This is really embarrassing and as we move on looking at the Sustainable Development Goals (SDGs), which the Government is obligated. Goal 2 is zero hunger. Where are we as a country in terms of fulfilling the SDGs? When you go further, Goal 6 talks about clean water and sanitation; are we there or not yet? This is upon the Government of Kenya and even county government, which are our first line of defence. There are many governors and at a time like this, they blame the national level as opposed to their county governments.

I know there is about 2 per cent or so of the allocation of revenue which each county gets for emergencies. What are the county governments doing as far as mitigating this issue of drought is concerned? We are calling upon our governors to stop burying their heads in the sand. They must demonstrate concern, because they are our first line of defence, and this is a sorry state as we speak right now. We have seen, on the issue of livestock, sometimes back the Government had a policy on aspects of endurance. It is not just enough for the Government to buy the livestock, as Hon. Sankok has said, but what mechanisms has it put in place? I know that many organisations have come up with insurance; at least when livestock is insured, it will help in mitigating against these risks.

This is a sorry state, and is the highest time we are calling upon the national Government and county governments to wake up. The President should make international appeals so that international bodies can come in and give us a hand. At a time of Corona or the COVID-19 Pandemic, the situation has worsened. Companies have closed down, and the people have lost their livelihoods and jobs. We need the Government to put in place measures to cushion Kenyans.

Hon. Temporary Deputy Speaker, with those few remarks, I support.

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Hon. ole Kenta.

**Hon. Richard ole Kenta** (Narok North, ODM): Thank you, Hon. Temporary Deputy Speaker. I would also like to join my colleagues in supporting the Motion.

I would like to start by saying that it is unfortunate that 60 years after independence, we are still fighting hunger in our country. Eight successful regimes have said they will bring us prosperity and an end to this kind of suffering to our people; but I think we are retrogressing as of now. I think this is because politics have become our daily bread. We have not decided on the way to make this country great as they say. The national Government and county governments are to be blamed because this drought has affected all of us.

Narok is among the counties that have been affected, but nobody is concerned about this. When I hear people shouting here, blaming the President and part of the Government, this makes me wonder and laugh. Why do they not have courage to quit the Government? This is because they are speaking about some formations, yet they are in that Government they are saying has failed. One wonders whether we have political principles or morals in this country. I would like to call upon the Mover of this Motion to think twice about this kind of unnecessary criticism of his colleagues in the Government, the President and everybody else. I believe that in the 2013 to 2017 Government, everything went haywire from that time because Hon. Kibaki really made this country into something. The moment they came in, they went on a looting spree, and they destroyed everything. So, the blame should not even be in the Government of this time, but it should be in the 2013 to 2017 Government; and you know who were in charge.

I would like to talk to the pastoralists. How do you expect to mitigate these factors when you are disjointed and when you cannot speak with the same voice or read from the same script? How do you expect to succeed? When I hear somebody attacking the CS, yet some of them are actually in the Budget and Appropriations Committee and the Departmental Committee on Finance and National Planning, and they have not done anything to allocate the funds to that Ministry, then I wonder what you are talking about. I believe they should take their internal fights to their respective counties. But for the welfare of the Kenyan people, let us leave that kind of politics, because it does not assist at all. Personally, I think it is time that as the National Assembly of this country, we put aside partisan interests and think about the people, because when people die, they do not have any political alignments or affiliations. They die, and they go and they are forgotten. So, let us not use them as baits or anything but support them.

Hon. Temporary Deputy Speaker, I think it is time Parliament also asserted its authority. I have been in many committees, and one thing I have seen is that funds which are supposed to be used for the benefit of the people have actually been diverted for other purposes to make it easier for people to take that money at the other end. In agriculture, there is a colleague who talked about surplus of crops and potatoes. We have even seen in the past surplus of milk, whereby milk is poured down the drain. I think it is time that we added value to some of these commodities so that they can be used at such times. I think it is time we rose, as the National Assembly of Kenya, to think about all the people and not necessarily political affiliations or camps.

I support the Motion.

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Hon. Chachu Ganya.

**Hon. Chachu Ganya** (North Horr, FAP): Thank you, Hon. Temporary Deputy Speaker, for this opportunity to support this Motion on drought emergencies in our country.

At the outset, I appreciate the President of Kenya, Hon. Uhuru Kenyatta, for declaring drought as a national disaster. It is really a national disaster because over 2.1 million Kenyans are suffering. Some figures put it at 2.7 million and 23 counties, which are more than half the counties in Kenya facing severe drought. Our livestock are dying in large numbers. People are losing their

livelihood assets. Our people are facing acute water shortages. Some schools are actually closed down due to lack of water. This region is already affected by so many disasters and emergencies. The desert locust invasion cleared all our vegetation. Like the rest of Kenya, we are facing the COVID-19 pandemic emergency. There are serious security issues in that region with Al-Shabab militia; and now we have enhanced tribal conflicts over diminished natural resources. Now, in addition to that, we have these serious drought emergencies. It is really a region in crisis and this country really needs to support these counties to cope and manage the drought and make these communities drought resilient.

What we need are comprehensive drought mitigation measures. We need provision of relief food for the needy members of our communities. We need trucking of water to communities, to our boarding schools and even for our livestock, because we need to save these livestock if we are to save the livelihoods of the pastoralist communities even after the drought. We need animal offtake programmes initiated. I really want to appreciate our President, because just this weekend on Saturday, a livestock offtake programme was launched in Marsabit and is being launched in other parts of Kenya by the Kenya Meat Commission (KMC) and the Ministry of Defence. They were buying goats at Ksh4,000, and cattle at Ksh20,000, which is really a very good price.

I know, as of yesterday, we received hay and animal feeds in Laisamis Constituency of Marsabit County. I also know that food aid is going into our areas. The MPs who are saying that nothing is being done do not have information or are not in touch with their people. What I know, as of now, is that things have started flowing. Animals are being bought, food aid is being taken to most of our counties, and even livestock feeds are being received. I can confirm that because I witnessed this over the weekend in my constituency, in Laisamis Constituency and in other counties.

Another thing is that we need to drill strategic boreholes in range lands so that we can save the animals. Where we have pasture now, we have no water. Most of the water pans have dried up and because of that, the water stress levels are very high, and our animals die due to lack of water, not pasture. They have to go for long distances of about 50 kilometers and take about four days for our goats and cattle to get to a water source. That is what is killing our animals. If water is availed where we have dry pasture, we will save our livestock. We also need livestock interventions such as vaccination, livestock feeds and hay.

In addition, the most vulnerable – like the elderly, the sick and children – are the ones who are suffering. They are not able to feed on the grains that are being distributed in the form of relief food. What we need is milk, milk powder and other items that can enable them to survive this drought. I really have a problem with people blaming the CS in charge of Treasury, who happens to come from my constituency. He gave funds to the Ministry of Defense to facilitate the offtake programme. He also gave funds to the Ministry of Devolution and Planning for relief foods to northern parts of Kenya. He gave money to NDMA to do water trucking. He is not an implementing agency; he has given the implementing agencies of Government the resources they need, and it is with them. So, if these people have delayed on implementation, why blame the CS in charge of Treasury when he has done his best to bring this issue to the national attention, and asked the President to declare this drought as a national disaster within a short period? It is totally unfair and unfortunate. Hon. Duale is just advancing his UDA affairs using the agenda of drought, otherwise he has no business castigating the CS Treasury, who is doing an amazing job for this country and the pastoralists communities in Kenya.

I thank you, Hon. Temporary Deputy Speaker.

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Hon. Abdisalan, Member for Wajir North. Hon. Members, you will notice that I have kept Hon. Abdisalan here because he was to have a chance earlier, but he pressed his button and it was interrupted.

**Hon. Ibrahim Abdi** (Wajir North, ODM): Thank you, Hon. Speaker. I also want to add my voice to this Motion.

The performance of the short rains and long rains in 2021 was poor across the ASAL areas. There was late onset of the rains; it was below average and it was poorly distributed both in time and space. As a result, this is one of the worst droughts we have ever seen. About 12 counties are at an alarming stage as we speak. Access to water by these counties have been extremely poor, both in the household and livestock as well. You will find that trekking distances of the livestock to watering points have increased, and livestock mortality rates have highly increased. Vegetation is very low in most of the areas in these 12 counties, and prices for commodities like maize have gone high. There are irreversible coping mechanisms that have been adopted by most of these pastoralists because the food is shared by both livestock and humans, and as a result, we have had negative coping mechanism. Due to the body deterioration of livestock, livestock prices have drastically reduced. I can assure you that in most of these areas, malnourishment levels are extremely high just because pastoralists depend on milk, and milk production has now reduced drastically. As a result of this deterioration of the milk production, the malnutritional level is extremely high.

Hon. Temporary Deputy Speaker, the President recently declared drought a national disaster. Our assumption was that resource mobilisation was supposed to be done, both at the national as well as at the international levels. Both the Government and other non-state actors such as the Non-Governmental Organisations (NGOs) were supposed to mobilise resources, put them in the same basket and start immediate interventions. Currently, that has not been done.

I thank Cabinet Secretary Ukur Yatani, who has done his best. He has made disbursements of Ksh2 billion to the Ministry of Devolution and Planning. At this juncture, we cannot accept some kind of bureaucracies. Now that the National Treasury has disbursed the money, it should go directly to the NDMA and urgent interventions must be started.

On the aspect of who will coordinate the drought relief, that is a function of the NDMA and not the Office of the President. Currently, there is a lot of confusion. There is no central point for proper coordination of the different interventions to ensure that there is timely provision of services to the people. Currently, there are a number of schools that have been closed as a result of lack of water. That should not happen when we have adequate resources within the country.

Timely interventions must be done if we are to save lives. Some of the interventions I am talking about include provision of water to both humans and livestock; supplementary and blanket feeding of those affected by the drought; provision of food aid, the aspect of cash transfers and in terms of education, including food subsidies for school fees, which should be provided. I am sure that without those kinds of interventions, lives will be lost. Currently, the livestock mortality rate is already extremely high. We must do our best to ensure that we save the remaining humans and livestock.

The Cabinet should call for an urgent meeting to discuss drought issues in the country. If we are discussing other rapid onset disasters like COVID-19, why not the drought, where many humans and livestock have been lost? We must...

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Let us have Hon. Mwaluyo Mbithi, Member for Masinga.

**Hon. Joshua Mwalyo** (Masinga, WDM - K): Thank you, Hon. Speaker, for giving me this time. I want to be very brief.

In the past two seasons, there has not been any rain and, therefore, crops have failed in the lower Eastern counties. There is a lot of drought and famine in Masinga, as it is one of the constituencies in the lower Eastern. Therefore, we need an intervention by the Government so that our people can be fed. Students are missing school because there is no food to eat at home. The Government needs to take measures.

It is amazing that even when it rains, the water still flows to the Indian Ocean. We need to do something, because many years have passed since Independence, and the water is still flowing to the Indian Ocean. If we build many dams to contain the water, we can irrigate our farms and be food-sufficient.

With those few remarks, because I can see time is up, I urge the Government to supply food, especially to my Masinga Constituency and all the lower Eastern constituencies, because our people are suffering.

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Let us have the Member for Laisamis.

**Hon. Marselino Arbelle** (Laisamis, JP): Thank you, Hon. Temporary Deputy Speaker, for equally giving me this opportunity to add my voice to the Motion which Members are deliberating on.

Hon. Temporary Deputy Speaker, this Motion by the Member for Garissa Township is very timely. This country is facing a very serious drought, which is majorly affecting the pastoralist-dominated areas, including my constituency. The livelihood of the pastoralist community entirely depends on livestock. We do not have farms to grow maize and other plantations. As pastoralists communities, we only rear cows, camels and goats. Now, with the weather patterns, there is no rain. The pastoralist communities are thus exposed to real danger, where their animals are dying for lack of pasture, and people are also dying.

I really would have wanted to extend my talk on this particular issue. I want to applaud the President for declaring this drought a national disaster.

With those few remarks, I want to thank you. I hope that the Government can walk the talk so that pastoralist communities can have some food on the table.

Thank you, Hon. Temporary Deputy Speaker.

## ADJOURNMENT

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Very well.

Hon. Members, the time being 7.02 p.m., this House stands adjourned until Wednesday, 13<sup>th</sup> October 2021, at 9.30 a.m.

The House rose at 7.02 p.m.