



REPUBLIC OF KENYA

THIRTEENTH PARLIAMENT

NATIONAL ASSEMBLY

THE HANSARD

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THE HANSARD

Thursday, 21st March 2024

The House met at 2.30 p.m.

[The Deputy Speaker (Hon. Gladys Boss) in the Chair]

PRAYERS

Hon. Deputy Speaker: Clerks-at-the-Table, let us proceed.

COMMUNICATION FROM THE CHAIR

REFERRAL OF THE KENYA SIGN LANGUAGE BILL TO THE DEPARTMENTAL COMMITTEE ON SOCIAL PROTECTION

Hon. Deputy Speaker: Hon. Members, I have a Communication here.

As you may be aware, there are currently two Bills under consideration by the House on the subject matter of Kenya Sign Language. The first Bill, the Kenyan Sign Language Bill (Senate Bill No.9 of 2023) seeks to, *inter alia*, give effect to Article 7(3)(b) of the Constitution relating to the promotion and development of the use of Kenyan Sign Language, provide for the inclusion of sign language in the education curriculum, and the use of sign language in legal proceedings. The Bill, introduced in the Senate by Senator Crystal Asige, MP, is co-sponsored by Hon. Millie Odhiambo-Mabona, MP, in the National Assembly and was read a First Time on 28th February 2024.

On the other hand, the Kenya Sign Language Bill (National Assembly Bill No.1 of 2024) is a Bill sponsored by the Nominated Member, Hon. Umulkher Harun Mohamed, MP, seeking to give effect to Articles 7(3)(b), 44, 50(2)(m), 54(1)(d) and 120 of the Constitution, to establish the Kenyan Sign Language Council for the regulation of sign language interpretation in Kenya, and to provide for the recognition and promotion of the use of Kenyan Sign Language. The Bill was read a First Time on 13th March 2024.

At the time of First Reading, the Kenyan Sign Language Bill (Senate Bill No.9 of 2023) and the Kenya Sign Language Bill (National Assembly Bill No.1 of 2024) were committed to the Departmental Committee on Education, and the Departmental Committee on Sports and Culture, respectively for purposes of facilitating public participation in accordance with the provisions of Article 118 of the Constitution and Standing Order 127. Indeed, I am aware that the respective committees have initiated the process of consideration of the proposed legislations.

(Several Members walked into the Chamber.)

Let me allow Members to walk in. You may take your seats. I will not say “the nearest seat” because they will not do it anyway. I have a sore throat.

Having considered the true nature and character of the Bills, it is evident that the overarching subject matter relates inherently to the facilitation of persons with disability to access not only education but also to guarantee their full participation in official engagements, including legal proceedings. Additionally, it is noted that the Bills provide for more than just language as they relate to issues of assistance to persons with language disability during trial,

the right of persons with disability to use sign language or other appropriate means of communication, and the use of Kenyan Sign Language by Parliament to ensure access to proceedings by the deaf community. The Bills, therefore, seek to entrench Kenya Sign Language as a legislative tool for access to justice and the rights due to persons with disabilities.

In view of the foregoing and pursuant to the provisions of Standing Order 127(6), I hereby refer the two Bills to the Departmental Committee on Social Protection, under whose mandate matters relating to persons with disabilities fall, for consideration and subsequent reporting to the House. I do this noting the cross-cutting nature of the two Bills and the need to ensure that the object of the Bills as intended by the sponsors is upheld.

Further, noting the common subject matter between the two Bills, the Committee is encouraged to consider the Bills and advise the House on the most appropriate proposal to proceed so as to ensure the rights of all persons including those who are hard of hearing, the deafblind and the general deaf community are upheld. I further direct the Clerk to facilitate the Committee in undertaking public participation activities on the two Bills as required by the Constitution and our Standing Orders.

The House is accordingly guided. I apologise and leave the Chair. I have a sore throat. Let us go to the next Order.

[The Deputy Speaker (Hon. Gladys Boss) left the Chair]

[The Temporary Speaker (Hon. Martha Wangari) took the Chair]

MESSAGE

NOMINATION OF A CO-SPONSOR FOR THE CARE AND PROTECTION OF CHILD PARENTS BILL

The Temporary Speaker (Hon. Martha Wangari): I have a Message from the Senate on the nomination of a co-sponsor for the Care and Protection of the Child Parents Bill (Senate Bill No.29 of 2023).

Pursuant to the provisions of Standing Order 41 of the National Assembly Standing Orders, I wish to report to the House that I have received a Message from the Senate on nomination of a co-sponsor of the Care and Protection of Child Parents Bill (Senate Bill No. 29 of 2023).

The Message conveys that, pursuant to Standing Order 162(2) of the Senate Standing Orders, Sen. Miraj Abdillahi Abdulrahman, MP, being the sponsor of the said Bill, has nominated the Member for Kericho County, Hon. Beatrice Kemei, MP, to co-sponsor the Bill in the National Assembly.

You may recall that on Wednesday, 13th March 2024, I reported to this House a Message from the Senate regarding the passage of two Bills by the Senate, among them being the Care and Protection of Child Parents Bill (Senate Bill No.29 of 2023). The Bill was read a First Time on Tuesday, 19th March 2024 and referred to the Departmental Committee on Social Protection for consideration.

Pursuant to the provisions of Standing Order 143(1)(b) of the National Assembly Standing Orders, Hon. Beatrice Kemei, MP, will now assume the role of the co-sponsor of the Bill and shall be responsible for marshalling its consideration in the National Assembly.

The House is accordingly guided. I thank you.

We shall reorganise the Order Paper for the convenience of the House. We have dispensed with Order No.3. We will go to Order No.8 up to Order No.12 and thereafter, we will revert back to Order No.4.

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Next Order.

MOTION

CONSIDERATION OF REPORT ON THE STATUTORY INSTRUMENTS (AMENDMENT) BILL

THAT, this House do agree with the Report of the Committee of the whole House on its consideration of the Statutory Instruments (Amendment) Bill (National Assembly Bill No.3 of 2024).

(Moved by Hon. Naomi Waqo on 21.3.2024 – Morning Sitting)

(Debate concluded on 21.3.2024 – Morning Sitting)

(Question put and agreed to)

BILL

Third Reading

THE STATUTORY INSTRUMENTS (AMENDMENT) BILL (National Assembly Bill No.3 of 2024)

The Temporary Speaker (Hon. Martha Wangari): Mover.

Hon. Naomi Waqo (Marsabit County, UDA): Hon. Temporary Speaker, I beg to move that the Statutory Instruments (Amendment) Bill (National Assembly Bill No.3 of 2024) be now read a Third Time. I request Hon. Adagala to second.

Thank you.

Hon. Adagala Beatrice (Vihiga County, ANC): Thank you, Hon. Temporary Speaker. I second the Bill.

(Question proposed)

The Temporary Speaker (Hon. Martha Wangari): We have the numbers. I will put the Question.

(Question put and agreed to)

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

MOTIONS

ADOPTION OF REPORT ON FINANCIAL STATEMENTS OF KENYA SLUM UPGRADING LOW-COST HOUSING, INFRASTRUCTURE TRUST FUND AND ALCOHOLIC DRINKS CONTROL FUND

THAT, this House adopts the Report of the Special Funds Accounts Committee on its consideration of the Report of the Auditor-General on the financial statements for the Kenya Slum Upgrading Low-Cost Housing and the

Infrastructure Trust Fund for the financial years 2017/2018 to 2021/2022, and the Alcoholic Drinks Control Fund for the Financial Year 2017/2018, laid on the Table of the House on Wednesday, 18th October 2023.

(Moved by Hon. Fatuma Mohammed on 21.3.2024 – Morning Sitting)

(Debate concluded on 21.3.2024 – Morning Sitting)

(Loud consultations)

The Temporary Speaker (Hon. Martha Wangari): Order, Hon. Nyikal and your team.

(Question put and agreed to)

ADOPTION OF REPORT ON FINANCIAL STATEMENTS OF
LAND SETTLEMENTS FUND AND RAILWAY DEVELOPMENT FUND

THAT, this House adopts the Seventh Report of the Special Funds Accounts Committee on its consideration of the reports of the Auditor-General on the financial statements of the Land Settlements Fund for financial years 2020/2021 and 2021/2022 and the Railway Development Fund (Holding Account) for the financial years 2017/2018, 2018/2019, 2019/2020, 2020/2021 and 2021/2022, laid on the Table of the House on Thursday, 7th December 2023.

(Moved by Hon. Fatuma Mohammed on 21.3.2024 – Morning Sitting)

(Debate concluded on 21.3.2024 – Morning Sitting)

(Question put and agreed to)

CONSIDERATION OF REPORT ON THE HOUSES
OF PARLIAMENT (BICAMERAL RELATIONS) BILL

THAT, this House do agree with the report of the Committee of the whole House on its consideration of the Houses of Parliament (Bicameral Relations) Bill (National Assembly Bill No. 44 of 2022), subject to recommittal of Clause 14.

(Moved by Hon. Samuel Chepkonga on 21.3.2024 – Morning Sitting)

(Resumption of consideration interrupted on 21.3.2024 – Morning Sitting)

(Question put and agreed to)

COMMITTEE OF THE WHOLE HOUSE

(Order for Committee read)

[The Temporary Speaker (Hon. Martha Wangari) left the Chair]

IN THE COMMITTEE

[The Temporary Chairman (Hon. Peter Kaluma) in the Chair]

THE HOUSES OF PARLIAMENT (BICAMERAL RELATIONS) BILL
(National Assembly Bill No.44 of 2023)

(Recommittal of Clause 14)

The Temporary Chairman (Hon. Peter Kaluma): Hon. Members, we are back to the Committee of the whole House.

*(Hon. Silvanus Osoro, Hon. Kuria Kimani, and
Hon. Samwel Chepkonga consulted loudly)*

Order Hon. Osoro. Hon. Kuria Kimani and Hon. Samwel Chepkonga, please take your seats. This is a very short one. We have a recommittal on the Houses of Parliament (Bicameral Relations) Bill (National Assembly Bill No.44 of 2023).

Clause 14

The Temporary Chairman (Hon. Peter Kaluma): The Chairperson of the Departmental Committee on Justice and Legal Affairs.

Hon. Mwengi Mutuse (Kibwezi West, MCCP): Hon. Temporary Chairman, on behalf of the Chairman, I beg to move:

THAT, Clause 14 of the Bill be amended—

(a) by deleting sub-clause (4) and substituting therefor the following new sub-clause—

(4) At its first sitting, a mediation committee shall appoint its Chairperson from the members of the House that originated a Bill referred for mediation.

(b) in sub-clause (7) by inserting the words “the Chairperson, Vice-Chairperson or” immediately after the words “House by”.

In the morning, an amendment to this particular clause was moved by Hon. (Dr) Oundo and taken up by the House. However, on a closer look, we realised that the amendment created an internal contradiction. It would have created an impossibility in terms of implementing the Act. There is an agreement between Hon. Chepkonga, who is the promoter of this Bill, the Chairperson of the Departmental Committee on Justice and Legal Affairs and Hon. Oundo for the compromised version which is what is contained in the Order Paper.

(Question of the amendment proposed)

Hon. Jared Okello.

Hon. Jared Okello (Nyando, ODM): Hon. Temporary Chairman, the import of the Bill relates to the composition of a mediation committee, which is appointed by the Speaker of the National Assembly. The clause is intended to, in a way, gag the Speaker by cherry-picking only those who rejected the Bill at its original stage. Standing Order 1 gives the Speaker of this

House the latitude to choose those who sit on a mediation committee without necessarily subjecting him to anything that may torpedo what is inscribed in Standing Order 1. This amendment intends to bring it back to the Speaker so that he can exercise his inherent discretion to choose those who sit on a mediation committee. Therefore, I support it, Hon. Temporary Chairman.

The Temporary Chairman (Hon. Peter Kaluma): You support the recommittal. Hon. Beatrice Elachi, do you want to speak about this?

Hon. Beatrice Elachi (Dagoretti North, ODM): Thank you, Hon. Temporary Chairman. Most of the time when we have mediation committees with the Senate, it is important to have the Speaker's guidance to consider the committee's interest. Perhaps what a House proposes is better or needs enrichment without being removed. Or, it could be removed but through consensus. The absence of the Speaker on that committee can lead to a lot of confusion.

Thank you, Hon. Temporary Chairman.

The Temporary Chairman (Hon. Peter Kaluma): Hon. GK Ruku, do you want to speak to this?

(Hon. Ruku GK spoke off the record)

(Question, that the words to be left out be left out, put and agreed to)

(Question, that the words to be inserted in place thereof be inserted, put and agreed to)

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

The Temporary Chairman (Hon. Peter Kaluma): Is Hon. Oundo in the House? The consequence of that is that the amendments that were proposed to sub-clause 2, paragraph 4 by Hon. (Dr) Ojiambo Oundo fall.

(Clause 14 as amended agreed to)

The Temporary Chairman (Hon. Peter Kaluma): The Mover to move reporting.

Hon. Samwel Chepkonga (Ainabkoi, UDA): Thank you Hon. Temporary Chairman. Where I am sitting is still part of the House.

The Temporary Chairman (Hon. Peter Kaluma): Hon. Chepkonga, the Chair of the Committee on Delegated Legislation, I was searching for you, because your place is around here.

Hon. Samwel Chepkonga (Ainabkoi, UDA): I had come to sympathise with the ladies around here.

The Temporary Chairman (Hon. Peter Kaluma): Proceed.

Hon. Samwel Chepkonga (Ainabkoi, UDA): Hon. Temporary Chairman, I beg to move that the Committee do report to the House its consideration of the Houses of Parliament (Bicameral Relations) Bill (National Assembly Bill No.44 of 2023), and its approval thereof with amendments.

(Question proposed)

(Question put and agreed to)

(The House resumed)

IN THE HOUSE

[The Temporary Speaker (Hon. Martha Wangari) in the Chair]

MOTION

THE HOUSES OF PARLIAMENT (BICAMERAL RELATIONS) BILL
(National Assembly Bill No.44 of 2023)

The Temporary Chairman (Hon. Martha Wangari): Chairperson.

Hon. Peter Kaluma (Homa Bay Town, ODM): Hon. Speaker, I beg to report that the Committee of the whole House has considered the Houses of Parliament (Bicameral Relations) Bill (National Assembly Bill No.44 of 2023) and approved the same with amendments.

The Temporary Chairman (Hon. Martha Wangari): Mover.

Hon. Samwel Chepkonga (Ainabkoi, UDA): Hon. Temporary Chairman, I beg to move that the House do agree with the Committee in the said report. I request Hon. Hiribae to second.

Hon. Said Hiribae (Galole, ODM): I second.

(Question proposed)

(Question put and agreed to)

The Temporary Chairman (Hon. Martha Wangari): Mover to move the Third Reading.

Hon. Samwel Chepkonga (Ainabkoi, UDA): Hon. Temporary Speaker, I beg to move that the Houses of Parliament (Bicameral Relations) Bill (National Assembly Bill No. 44 of 2023) be now read a Third Time.

I thank all Members who contributed to this Bill. I am very grateful. I would like to request Hon. Hiribae to second.

Hon. Said Hiribae (Galole, ODM): Hon. Temporary Speaker, I second.

(Question proposed)

(Question put and agreed to)

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

The Temporary Speaker (Hon. Martha Wangari): Before we go to the next Order, allow me to recognise the following students that are in the Public Gallery: Kinyango Dandora Junior Secondary School, Embakasi North Constituency, Nairobi County; Kiru Boys, Mathioya Constituency, Murang'a County; Gitare Secondary School, Runyenjes Constituency, Embu County; Lewa Downs Primary School, Buuri Constituency, Meru County; and Jomo Kenyatta University of Agriculture and Technology (JKUAT) Student Leaders, Ruiru Constituency, Kiambu County.

In the Speaker's Gallery, we have a number of students today: Our Lady of Mercy South B, Starehe Constituency, Nairobi County; Chinga Boys High School, Othaya Constituency, Nyeri County; and Nyanyaa Secondary School, Kitui Rural Constituency, Kitui County.

On behalf of the Speaker and that of the House, we welcome you all to observe the proceedings of the House.

I will only indulge a minute each to the Members for Runyenjes and Buuri.

Hon. Muchangi Karemba (Runyenjes, UDA): Thank you, Hon. Temporary Speaker for the opportunity to welcome the students who have come to see what happens in Parliament. And in a special way, allow me to appreciate the students from all the schools and particularly, Gitare Secondary School situated near my home, and one that is coming up very well, and with new energy and determination. They have assured me that they are going to be the best school in the entire constituency, and county.

I wish them the best and I want to let them know that they are young today, but tomorrow, they will be the leaders of this country, and therefore, they should take their time seriously and believe in the beauty of their dreams because we are there to support them. As their Member of Parliament, I want to assure them more than what I have done. I will continue doing so, so that they would get a platform to become better people in this country.

Thank you, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Martha Wangari): Member for Buuri, Hon. Rindikiri.

Hon. Mugambi Rindikiri (Buuri, UDA): I thank you, Hon. Temporary Speaker. I want to take this opportunity to welcome all the students from various parts of this country to the House that makes the laws of this country.

Lewa Primary School is one of the best performing schools in Buuri Constituency. It serves both Buuri and Laikipia North constituencies, all in semi-arid areas. These boys and girls are here to see the other part of the world. I am sure this is the first time for many of them to come to Nairobi. Coming to the House of Parliament gives them motivation to push further in their education. I have no doubt in my mind that this school will continue performing very well, is going to be a game changer for that particular nomadic area and it would set a good example for the other students.

I thank you, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Martha Wangari): I will give the final indulgence to Hon. Dorothy Ikiara; a minute.

Hon. Dorothy Muthoni (Nominated, UDA): Thank you very much, Hon. Temporary Speaker.

I wish to join my colleagues in welcoming all the students seated in the gallery to come and observe the proceedings of Parliament. This is the place where legislation is done; where all the laws of this country are passed. I want to assure them that anything that affects them directly or indirectly, would be handled in this House. I would also like to let them know that we are looking upon them because they are the people who will be seated here in a few years' time.

I take this opportunity to also thank the teachers who have joined them and proudly say that I am a product of Meru. Above all, Lewa boys and girls, feel most welcome. One day, be sure to find yourselves in this House. Feel welcome, and journey mercies back home.

The Temporary Speaker (Hon. Martha Wangari): Thank you, Hon. Dorothy for welcoming all of the students in the galleries.

We will go back to Order 4.

PAPERS

The Temporary Speaker (Hon. Martha Wangari): Leader of the Majority Party.

Hon. Naomi Waqo (Marsabit CWR, UDA): Hon. Temporary Speaker, I wish to lay the following Papers on the Table:

1. Reports of the Auditor-General and financial statements for the year ended 30th June 2023 and the certificates therein in respect of:
 - (a) Anti-female Genital Mutilation Board;
 - (b) University of Nairobi Enterprises and Services Limited;
 - (c) National Biosafety Authority;
 - (d) Privatisation Commission Mortgage and Car Loan Scheme;
 - (e) Public Procurement Regulatory Authority;
 - (f) Kenya Bureau of Standards;
 - (g) Garissa University;
 - (h) Wildlife Clubs for Kenya;
 - (i) Water and Services Regulatory Board Car Loan and Mortgage Fund;
 - (j) Kenya Biovax Institute Limited;
 - (k) Water Sector Trust Fund; and,
 - (l) Tourism promotion Fund.

Thank you, Hon. Temporary Speaker.

[The Temporary Speaker (Hon. Martha Wangari) left the Chair]

[The Temporary Speaker (Hon. Peter Kaluma) took the Chair]

The Temporary Speaker (Hon. Peter Kaluma): Deputy Majority Party Whip, are you done?

Hon. Naomi Waqo (Marsabit CWR, UDA): Yes.

The Temporary Speaker (Hon. Peter Kaluma): Next Order.

(The Temporary Speaker consulted with the Clerks-at-the-Table)

Chairperson, Committee on National Cohesion and Equal Opportunity.

Hon. Yusuf Adan (Mandera West, UDM): Thank you, Hon. Temporary Speaker for giving me this opportunity. I beg to lay the following Paper on the Table:

Second Report of the Select Committee on National Cohesion and Equal Opportunity on Employment Diversity Audit in Public Institutions.

The Temporary Speaker (Hon. Peter Kaluma): Next Order.

NOTICE OF MOTION

The Temporary Speaker (Hon. Peter Kaluma): Chairperson, Committee on National Cohesion and Equal Opportunity.

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ADOPTION OF REPORT ON EMPLOYMENT
DIVERSITY AUDIT IN PUBLIC INSTITUTIONS

Hon. Yusuf Adan (Mandera West, UDM): Hon. Speaker, I beg to give notice of the following Motion:

That, this House adopts the Second Report of the Select Committee on National Cohesion and Equal Opportunity on the Employment Diversity Audit in Public Institutions, laid on the Table of the House on Thursday, 21st March 2024.
Thank you.

QUESTIONS AND STATEMENTS

The Temporary Speaker (Hon. Peter Kaluma): Hon. Said Hiribae, Member of Parliament for Galole.

REQUEST FOR STATEMENTS

ENCROACHMENT OF COMMUNITY LAND AT
JAMHURI LOCATION IN GALOLE CONSTITUENCY

Hon. Said Hiribae (Galole, ODM): Hon. Temporary Speaker, pursuant to the provisions of Standing Order 44(2)(c), I rise to request for a Statement from the Chairperson of the Departmental Committee on Lands regarding the encroachment of land LR No.30013 in Jamhuri Location, Galole Constituency.

Hon. Temporary Speaker, Tana River County borders Garissa County at Ijara Sub-county. Whereas, the relations have been cordial, there have been developing boundary disputes between the two administrative units. The residents of Jamhuri Location in Galole Constituency have raised a concern on encroachment of community land by people alleged to be from the neighbouring Ijara Constituency. There has been evidence of erection of beacons, bush clearing and raising of foundations for construction purported to be an airstrip.

Hon. Temporary Speaker, most villages in Jamhuri Location lie on a flood basin and therefore, the community land that has been encroached into is the only one left for the residents to occupy and undertake activities for their livelihoods. The residents fear a possibility of insecurity following the encroachment of the community land by the residents of the neighbouring constituency.

It is against this background that I request for a Statement from the Chairperson of the Departmental Committee on Lands on the following:

1. Provide details of the ownership of the land in Jamhuri Location, Galole Constituency and the identities of persons who have been illegally undertaking construction on the said land?
2. Provide a report of any public participation undertaken prior to the land being alienated from the residents of Jamhuri Location in Galole Constituency?
3. Explain whether the land has been allocated for any Government project and provide details of the project?

I thank you, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Peter Kaluma): Where is the Chairperson, Departmental Committee on Lands? The matter is for the Chairperson, Departmental Committee on Lands. Do we have the Chairperson or the Vice-Chairperson?

The Majority Party Leadership, what commitments do you have in terms of the timelines for addressing the concerns?

Hon. Naomi Waqo (Marsabit CWR, UDA): Hon. Temporary Speaker, give us two weeks after the recess.

The Temporary Speaker (Hon. Peter Kaluma): Two weeks granted. Hon. Abdi Ali, Member of Parliament for Ijara.

MYSTERIOUS DISAPPEARANCE OF
PERSONS IN IJARA CONSTITUENCY

Hon. Abdi Ali Abdi (Ijara, NAP-K): Hon. Temporary Speaker, pursuant to the provisions of Standing Order 44(2)(c), I rise to request for a Statement from the Chairperson of the Departmental Committee on Administration and Internal Security regarding the disappearance of Mr Jabril Abdullahi Farah of ID No.35162780 and Mr Hared Ali Kalif of ID No.22934104.

Hon. Temporary Speaker, Mr Jabril Abdullahi Farah, a taxi driver from Ijara Constituency who operates his business within Nairobi County was reported missing on 14th February 2024 under OB No.43/14/02/24 at Ngara Police Station. Efforts by his family to establish his whereabouts have borne no fruit. This has subjected his family to mental anguish and uncertainty regarding his well-being.

Hon. Temporary Speaker, Mr Hared Ali Kalif, a businessman in Hulugho Town in Ijara Constituency, was reported missing on 18th March 2024 under OB No.02/18/03/2024 at Hulugho Police Station. The sudden disappearance of Mr Hared has left his family in a state of distress and uncertainty, hoping for answers and a safe return.

Hon. Temporary Speaker, Article 29 of the Constitution provides for the right of every person to freedom and security. This includes the right not to be deprived of freedom without cause and not to be detained without trial. It is against this background that I request a Statement from the Chairperson of the Departmental Committee on Administration and Internal Security on the following:

1. What is the status of investigations into the disappearance of Mr. Jabril Abdullahi Farah and Mr. Hared Ali Kalif?
2. What measures has the Ministry put in place to ensure that Mr. Farah and Mr. Kalif are reunited with their families? and
3. What measures has the Government put in place to ensure the safety of businessmen operating in the country?

I thank you, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Peter Kaluma): The Chairperson, Administration and Internal Affairs Committee. That should be Hon. Gabriel Tongoyo. Do we have the Vice-Chair, Administration, and Internal Affairs Committee in the House?

The Leadership of the Majority side, this is a Statement concerning the disappearance of persons. Could you take responsibility in the absence of the Leadership of the relevant Committee?

Hon. Naomi Waqo (Marsabit County, UDA): Hon. Temporary Speaker, this is a very sensitive matter, and we will ensure that we issue the response as soon as we return from recess.

The Temporary Speaker (Hon. Peter Kaluma): Hon. Abdi Ali, are you satisfied with the fact that the response in this matter can be delivered after recess?

Hon. Abdi Ali Abdi (Ijara, DAP-K): What did she say? Yes.

The Temporary Speaker (Hon. Peter Kaluma): When you raise an issue of concern, you must attend to the responses.

Hon. Abdi Ali Abdi (Ijara, DAP-K): Yes. I am satisfied.

The Temporary Speaker (Hon. Peter Kaluma): What are you saying yes to?

Hon. Abdi Ali Abdi (Ijara, DAP-K): That after two weeks, they will give the report.

The Temporary Speaker (Hon. Peter Kaluma): The Leadership is saying that the response will come after the recess, not after two weeks.

Hon. Abdi Ali Abdi (Ijara, DAP-K): That is okay.

The Temporary Speaker (Hon. Peter Kaluma): That is okay. Granted. The response will be given after two weeks.

Let us have the Hon. Zaheer Jhanda, MP for Nyaribari Chache.

DELAYS IN DISBURSEMENT OF MONEY
BY THE NATIONAL TREASURY

Hon. Zaheer Jhanda (Nyaribari Chache, UDA): Hon. Temporary Speaker, thank you for this opportunity. I rise to request for a Statement regarding the delay in disbursement of money by the National Treasury.

Hon. Temporary Speaker, pursuant to the provisions of Standing Order 44(2)(c), I wish to request a Statement from the Chairperson of the Budget and Appropriations Committee regarding the delay in the disbursement of monies by the National Treasury to various ministries.

Every year, the National Assembly plays a crucial role in approving the annual budget and ensuring that funds are allocated appropriately to support the provision of essential services to citizens of this country. It is imperative to note that Government revenue is largely derived from taxes on the people. In this regard, the public rightfully expects efficient and expedient services that benefit them directly from the Government. These services include health, education, security, and transport. Regrettably, it is noted that the National Treasury has delayed the disbursement of funds to certain ministries, including the Ministry of Roads and Transport. Undeniably, the condition of our roads plays a significant role in ensuring road safety and contributing to the movement of goods and services within our country. The delay in the disbursement of funds for road construction and repair within the country threatens to exacerbate the surge in tragic road accidents that have continued to afflict the country.

Hon. Temporary Speaker, the urgency of this matter cannot be overstated as these delays impede the timely completion of critical infrastructure initiatives, and it is imperative that this matter be promptly addressed.

As I finish, it is against this background that I request a Statement from the Chairperson of the Budget and Appropriations Committee on the following:

1. What is the status of the disbursement of money appropriated by the National Assembly to the Ministry of Roads and Transport?
2. Could the Chairperson state plans that have been put in place to ensure timely disbursement of all appropriated funds for the current Financial Year to avert any delays before the end of this Financial Year?

I submit, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Peter Kaluma): Where is the Budget and Appropriations Committee Chairperson? Hon Ndindi Nyoro. Where are the Chairs of the Departmental Committees?

(Loud consultations)

We do not have the Chairpersons. The Chairperson of the Departmental Committee on Finance and National Planning is there, and the Chairperson of the Committee in charge of Water is there. The Chairperson in charge of the Departmental Committee on Transport and

Infrastructure is there, the Chairperson of the Departmental Committee on Defence, Intelligence and Foreign Relations is there, and the Chairperson of the Departmental Committee on Environment, Forestry and Mining is there. I can see. Where is the Chairperson Budget and Appropriations Committee? The issue being raised is crucial. It is not something we want to delegate.

(Hon. Kuria Kimani spoke off the record)

Do you want to address the matter for the Budget and Appropriations Committee?

Hon. Kuria Kimani (Molo, UDA): Hon. Temporary Speaker, as per our Standing Orders, the National Treasury and Economic Planning is under the Departmental Committee on Finance and National Planning. Finance and National Planning is a Departmental Committee. Therefore, the Committee would be well seized of this matter.

The Temporary Speaker (Hon. Peter Kaluma): I thought this concerned oversight of budget implementation. In this context, finance largely enables us to get taxes, Hon. Kimani Kuria. I want any ranking Member in the Budget and Appropriations Committee on this matter. The House Leadership, would you tell us something about this? Or maybe before you do, Hon. Gikaria, what is out of Order?

Hon. David Gikaria (Nakuru Town East, UDA): Hon. Temporary Speaker, in line with what he is saying, I had the same supplementary question, or rather concern, on matters NG-CDF. The lack of disbursement of the NG-CDF is even worse than that of the National Treasury and Economic Planning. This is because we are headed for a two-week recess, which will be followed shortly by another one-month recess, and the disbursement now is hardly at 30 per cent. It is important for the Chairperson, who has been given the mandate on the NG-CDF, to provide us with some way forward. To be honest, as I am saying, we increased the percentage of bursaries up to 40 per cent. We have not received that 40 per cent which means that most of these bright, and needy children are still at home.

Secondly, we were told to give money to junior secondary schools to prepare our students for laboratory practicals and other things, but nothing happened. There are no classes and no equipment. So, maybe with your directive, you could request the Chairperson of the NG-CDF Committee to give us a way forward and when we expect some funding for us to oversee.

I thank you, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Peter Kaluma): The matter you have raised is tied to the question by Hon. Jhanda on the delay of disbursement of funds.

Hon. (Dr) Makali Mulu.

Hon. (Dr) Makali Mulu (Kitui Central, WDM): Thank you, Hon. Temporary Speaker. As you have rightly said, this matter concerns the implementation of the budget, which falls under the purview of the Budget and Appropriation Committee. It would be better if the Leader of the Majority Party followed up on this. I cannot talk on behalf of the Government on this, but the Leader of the Majority Party should give a clear position on this matter.

As a House, we are tired of promises that do not seem to hold any water. Hon. Gikaria mentioned that the National Treasury promised to disburse Ksh10 billion for the NG-CDF monthly. However, we are going to recess today, and March is almost over. I do not know if the National Treasury plans to extend March until mid-April. We were expecting to receive the money now to plan on how to implement the projects that the Board has already approved once we go back to our constituencies.

Thank you.

The Temporary Speaker (Hon. Peter Kaluma): Hon. Jared Okello.

Hon. Jared Okello (Nyando, ODM): Thank you very much, Hon. Temporary Speaker. Allow me to take a tangent from Hon. Gikaria. On Tuesday this week, I raised an issue about a communication emanating from the NG-CDF Board to our respective Fund managers regarding removing the building of toilets from the proposals submitted last year. The substantive Speaker provided directives on the same.

I do not know whether this filibustering or jelly meandering is supposed to create inordinate delays in the disbursement of funds. However, the Speaker directed that the Leader of the Majority Party was to present an answer before us yesterday. This was not done.

This House does not legislate in vain, and therefore, the pronouncements of a Speaker cannot be ignored. We reckon this is our last day before we break for our short recess. That communication adversely affects the nature of disbursements as it suggests that constituencies will not be funded until they tinker with all the proposals. We are only two months into another financial cycle. If we allow this kind of monkey business to permeate this House, we risk falling short of the expectations of our electorates.

The schools are closing for the April holidays, and immediately after they report back, teachers will demand money because they cannot operate schools without cash. We are two months into the end of this Financial Year, and yet constituencies have received less than 20 per cent of the allocated funds. The National Treasury had promised to disburse Ksh10 billion every month, but they have walked back on all these promises several times. What is the future of our children? A country that does not pay credence to the welfare of the children is a dead country. The Government is paying more attention to housing than our children's future. I do not need a house, but I am being forced to pay for a house.

Therefore, the pronouncement from the Speaker on Tuesday vitiating the communication from the NG-CDF Board must be addressed now. If we do not, we welcome you back after recess when all the damage has been done.

Hon. Temporary Speaker, I seek your indulgence and direction on this matter right now.

The Temporary Speaker (Hon. Peter Kaluma): Hon. Jared Okello, I am informed that the matter you are raising was responded to substantively by the Vice-Chairperson of the Departmental Committee on NG-CDF yesterday. You can follow up on the Report.

Leader of the Majority Party, this is not for debate, but I lack direction in terms of how to treat this Statement. The Chairperson of the Budget and Appropriation Committee is not in the House, yet this Statement is directed to his Committee. What commitment can you give on behalf of the House?

Hon. Kimani Ichung'wah (Kikuyu, UDA): Thank you, Hon. Temporary Speaker. First, I appeal to all Chairpersons to be present in the House, especially the Budget and Appropriation Committee Chairperson, who is always present during the Budget process. Otherwise, he is never here. I am now constrained on what to say because he would have been better placed to tell us the position on budget implementation.

(Hon. Omboko Milemba spoke off the record)

Hon. Temporary Speaker, Hon. Omboko, is reminding me that when I was the Chairperson of the Budget and Appropriation Committee, I used to attend the House. That is indeed true. I will ask the Chairperson of the Budget and Appropriation Committee to be available here because he is better placed to tell us about the progress made in the implementation of the budget, including the disbursement of funds.

Regarding NG-CDF, I confirm that the Cabinet Secretary for the National Treasury committed to disbursing Ksh10 billion every month. This month of March is no exception, and they will disburse the funds. I am aware that the disbursement of money to ministries has been ongoing, but we have faced challenges due to a shortfall in revenues. However, I believe that

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we will address this through a Supplementary Budget when we resume after the short Recess. These shortfalls in revenue collections could be one of the reasons for the slowdown in disbursement.

Earlier today, during the launch of the medium-term plan for 2023 to 2027, the President spoke extensively about the issue of budgeted corruption. It is our constitutional mandate, as a House, to prepare and approve budgets. While the President addressed other players in the budget-making cycle, I believe he was also addressing those of us who serve in Departmental Committees. As we prepare to deal with the Budget Estimates in the next few weeks, we must scrutinise all budget lines thoroughly to ensure that there is no budgeted corruption from the Executive or even within the House.

The President was emphatic on this issue, and I must echo his words here. Even as we push for the disbursement of funds, we should also be aware of budgeted corruption. As a House and budget-making body, we must keep an eye on such issues because the Auditor-General and the Controller of Budget have previously highlighted them.

Hon. Temporary Speaker, I will follow up on this matter with the Chairperson or the Budget and Appropriation Committee Vice-Chairperson. They are both absent today, but they should appraise us when we resume after the recess.

The Temporary Speaker (Hon. Peter Kaluma): Leader of the Majority Party, the last point you have made is very critical. I want to indulge you as the top most leader in the House, below the Speaker. For the sake of first time Members, where do they get the budget estimates and lines? This is because we pass the budget when we are blank. You pass it as a representative, but your constituency is getting nothing. Would you guide the House on where these budget estimates can be found?

Hon. Kimani Ichung'wah (Kikuyu, UDA): Thank you, Hon. Temporary Speaker. For the benefit of those who missed induction at the beginning of this term, and also to refresh our minds, budget estimates are tabled before the end of April. Therefore, after we come back from recess, I shall table the budget estimates before the end of April.

These big books are table in the House. Thereafter, you can access them from either the Table Office or Parliamentary Budget Office (PBO). If you want to check whether any program or project you expected to be budgeted for in your constituency, you can ask someone in the PBO to help you drill down the numbers and see if it is there.

At the time, when we are passing the Budget, it is good for Members to come. Many times, budget estimates and even the Appropriations Bill is usually passed by about 50 or 60 Members out of 349 Members. Then you start complaining about things you passed in Budget. As I said, it is important for Members to avail themselves at this time, to scrutinise the numbers with a toothcomb, and be wary of budgeted corruption issues. This was spoken to by none other than His Excellency the President, this morning. So, I thought it was important as we move to the budget making process, we appraise ourselves with what is going on.

The Temporary Speaker (Hon. Peter Kaluma): Hon. Omboko I want us to leave this. Do you want to say something beyond what the Leader of the Majority Party has said? For one minute only, because we have so many statements.

Hon. Omboko Milemba (Emuhaya, ANC): Thank you, Hon. Temporary Speaker. I am very glad that the Leader of the Majority Party has spoken about budgeted corruption. Hon. Members, as we make the budget, we need to be careful. For a few days, I have been wondering what happened to the Ministry of Energy, only to realise that my constituency got only one electricity project. Yet, when you look at the budget, other people got between 14 and 17 projects.

Hon. Members, as we sit here, we cannot afford to completely drain the efforts of other Members. To an extent, that you can have so much while another Member has nothing and they have no chance of representing their constituents very well. This is also happening in the

Ministry of Roads and Transport and the Ministry of Agriculture and Livestock Development. As Chairpersons make the budget, they must be fair to other Members. Where has sanity gone?

For instance, the Ministry of Energy should give an equal share of transformers to every Member of Parliament for his constituency. Who will die because of this? Must you have too much while others have nothing? The same applies to roads. So, as we deal with the upcoming budget these are some of the things, we should consider. I support what the President said, that there is budgeted corruption. We should handle this carefully and call to order those in charge of making the budget when it comes here. In terms of resources distribution, we need to know how much goes to each constituency. That is what I wanted to raise.

Hon. Temporary Speaker, I am not a happy Legislator this afternoon.

The Temporary Speaker (Hon. Peter Kaluma): Why are Hon. Members seeking interventions as if we are debating a statement? What is the interest in the matter? I will allow Hon. Kangogo to be the last one to speak on this? We do not debate statements. Yes, Hon. Kangogo Bowen. Proceed.

Hon. Kangogo Bowen (Marakwet East, UDA): Thank you, Hon. Temporary Speaker. I want to agree with what the Leader of the Majority Party, Hon. Ichung'wah, has said. That Chairpersons of Committees like me - I am the Chairperson of the Departmental Committee on Blue Economy and Irrigation, as we budget we should engage ministries, oversight and work within ceilings. After we are done in our Committees, we present our budget estimates to the Budget and Appropriations Committees, who present them to the National Treasury.

As the Leader of the Majority Party said, many times, we pass the budget when there are five Members on the other side and 10 on this other side. We do not interrogate it including some Committee Members. For example, a Member of my Committee can deny our budget on the Floor of the House. This is because he was not keen when it was being presented. I want to request Hon. Members to be keen.

Chairs of Departmental Committees should own their budget. So, when it is altered by the National Treasury or the Budget and Appropriations Committee, they can deny it on the Floor of the House. So, that Budget and Appropriations Committee or the National Treasury does not mutilate their budget. We should be allowed to move amendments on the Floor of the House, to agree or reject them. Sometimes, when you raise an amendment, you are told to first agree with the Chairperson of the Budget and Appropriations, who might refuse and it is thrown away. I want all of us not to just sit here and say Aye or Nay. Yet, we do not know why we are saying so.

(Laughter)

The Temporary Speaker (Hon. Peter Kaluma): Lastly, Hon. Danson Mwashako, Member for Wundanyi.

Hon. Danson Mwashako (Wundanyi, WDM): Thank you, Hon. Temporary Speaker...

The Temporary Speaker (Hon. Peter Kaluma): Are you in the Budget and Appropriations Committee?

Hon. Danson Mwashako (Wundanyi, WDM): Yes, I am a Member of the Budget and Appropriations Committee.

The Temporary Speaker (Hon. Peter Kaluma): Okay. One minute only.

Hon. Danson Mwashako (Wundanyi, WDM): First, I want to agree with the Leader of the Majority Party that the Budget and Appropriations Committee and all other Committees of the House, must refuse budgeted corruption.

I know you want the Chairperson of the Budget and Appropriations Committee to bring a report on the implementation status of the Budget. I will take this message to him. So, after we come back from recess, we can Table a report in this House. I agree there is an issue of

budgeted corruption. Many times, Hon. Members tend to throw tantrums at Members of the Budget and Appropriations Committee without understanding the basics of how our Committee works.

When Chairpersons of Committees appear before us, we try as much as possible not to amend or make changes to their proposals. I want to say that many times...

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

The Temporary Speaker (Hon. Peter Kaluma): What is out of order, Leader of the Majority Party? Just a minute, Hon. Mwashako.

Hon. Kimani Ichung'wah (Kikuyu, UDA): Thank you, Hon. Temporary Speaker. I was keenly listening to the prospective governor for Taita-Taveta County...

(Laughter)

He is a Member of the Budget and Appropriation Committee and has said that Members are throwing tantrums. As you know, small babies, especially two to four-year olds are very good at throwing tantrums. When I look at all these Hon. Members, I do not see a 2 to four-year-old, who can throw tantrums.

I know Hon. Dan has been a Member of the Budget Appropriations Committee since last Parliament. He was a Member when I was the Chairperson of the Budget and Appropriations Committee. He knows what happens when Hon. Members raise issues, about the conduct of this Committee. I want to advise him that he is now treading on very dangerous grounds.

He knows what happened to the Budget and Appropriations Committee in the 11th Parliament. He might not have been in the House then, but I can apprise him on what happened courtesy of the late Hon. Jakoyo Midiwo. Members of the Budget and Appropriations Committee in the 11th Parliament did certain things. When other Members complained, terms such as "throwing tantrums" were used. The Budget and Appropriations Committee of that Parliament ended up being disbanded. The Liaison Committee did their work for the rest of the term of that Parliament.

Kindly ask Hon. Danson to withdraw that Statement about Members throwing tantrums. Carefully listen to the complaints raised by Chairpersons of other Committees, such as Hon. Kangogo, and the issues raised by seasoned Members, such as Hon. Omboko. The Committee should engage in introspection on those issues in terms of how to engage with the membership of the House and other committees to ensure that budgeted corruption does not find its way into the budget-making process within Parliament.

Therefore, I beg you, my brother, to withdraw that Statement.

Hon. Danson Mwashako (Wundanyi, WDM): Thank you, Hon. Temporary Speaker. I withdraw the term "throwing tantrums." However, Hon. Kangogo indicated that nothing can be done without the approval of the Chairperson of the Budget and Appropriations Committee. He further indicated that nothing takes place in the Committee without consulting the Chairperson. I withdraw the term "throwing tantrums," and I apologise. However, the remarks by Hon. Kangogo that nothing happens without consulting the Chairperson of the Budget and Appropriations Committee are not factual.

Hon. Temporary Speaker, as I finish...

The Temporary Speaker (Hon. Peter Kaluma): You are required to withdraw and apologise unequivocally. As you do that, Hon. Mwashako, remember that Members do not talk about things they do not know. By the way, listen keenly to the Statement by the Leader of the Majority Party. I can assure you that Members appear to be deliberately modest because they are being watched nationally. However, they are not speaking in vain.

(Loud consultations)

Take the caution from the Leader of the Majority Party very seriously. Remember, the Budget and Appropriations Committee has a term of three years, and it has been disbanded before mid-term. If you have the power to do so, why not just commit when you want to respond to this Statement as the Budget and Appropriations Committee?

Hon. Danson Mwashako (Wundanyi, WDM): Thank you, Hon. Temporary Speaker. I apologise for the term I used, and I withdraw my statement. If you allow me, I will consult the Chairperson of the Committee so that immediately after we come back from recess, we can have an appropriate response to the Statement sought by the Member.

If you allow me, I want to add to what Hon. Milemba said. Even as we look at budgeted corruption, we must also try to avoid the skewness of projects being done in this country. Although every part of Kenya should get projects, some areas have lagged behind. There are skewed projects from ministries and agencies as the budget is tabled in the House. We also need to find a way to balance the projects taking place in this country so that each part of the country enjoys the national "cake."

Thank you, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Peter Kaluma): Members, there are many requests for Statements. I want us to end this debate there.

(Hon. Samwel Chepkonga stood in his place)

What is burning, Hon. Chepkonga? Can you only use one minute?

Hon. Samwel Chepkonga (Ainabkoi, UDA): Thank you, Hon. Temporary Speaker. As I was listening to my very good friend, Hon. Daniel Mwashako, I realised we have a problem. If you sit in a committee, you do so for and on behalf of all the other Members. Do not use your position to enrich your constituency. Every constituency is entitled to a piece of the national "cake." If you take Ksh300 million and connect your constituency to electricity, you do not become the most popular Member of Parliament. In fact, voters will still vote you out. Just be frugal in the manner in which you conduct yourself in committees. What about some of us who are Chairpersons of Select Committees? We are not in Departmental Committees. What do we do? Are we supposed to just cry in the House?

We request that the Members of the Budget and Appropriations Committee not to take us down a path where we have to mention the names of Members who do wrong. We did that in the 11th Parliament, where Members of the Budget and Appropriations Committee gave themselves Ksh60 million each. We asked them what some of us should do since they had given themselves Ksh60 million each. What are other Members supposed to do? We can withdraw our support for you when your term ends in three years. We shall then see what happens to you.

Hon. Temporary Speaker, let us tell one another the truth. We are very kind to one another; however, let us be fair and reasonable and act within the constitutional limits. Let us not do things that will disadvantage other people. They say that leadership should be selfless. Let us not be selfish in how we approach issues that touch on our constituencies.

Thank you, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Peter Kaluma): The Statement requested by Hon. Zaheer Jhanda will be responded to in the first week after the House returns from recess. I request that the Majority leadership communicate this information to the Chairperson of the Budget and Appropriations Committee.

Let us stop there.

(Hon. (Dr) Makali Mulu spoke off the record)

Hon. Makali Mulu, there is nothing like "just one minute." You are old enough to know that. I know you know that one rises on a point of order if something is out of order.

(Hon. (Dr) Makali Mulu spoke off the record)

I have not granted you the chance to speak. Hon. Makali Mulu, I will give you exactly one minute only on account of rank.

Hon. (Dr) Makali Mulu (Kitui Central, WDM): Hon. Temporary Speaker, where I come from, they say there is always something if you see an old bull making some noise...

The last time I checked, all departmental committees were chaired by the Majority Party. They all sit on the Liaison Committee. Let us not harass Chairpersons in plenary on issues that can be sorted out in the Liaison Committee. It needs to go on record that we have a Liaison Committee in this Parliament where Hon. Kangogo, Hon. Koech, and all Departmental Committee Chairpersons sit. Can they discuss these matters with the Liaison Committee?

The Temporary Speaker (Hon. Peter Kaluma): Order, Hon. Makali. You are very wrong. You chair a Committee of the House on behalf of the House, not on behalf of any side. It cannot be that way. In fact...

(Hon. (Dr) Makali Muli spoke off the record)

Do not argue with the Speaker, Hon. Makali.

(Laughter)

All Members of a committee participate in the election of the Chairperson and they do not only serve the Majority side.

The response to that Statement will be given in the first week after the House resumes from recess.

Hon. John Paul.

GRADE DISCREPANCIES IN KILILAI SECONDARY SCHOOL

Hon. John Paul Mwirigi (Igembe South, UDA): Hon. Temporary Speaker, pursuant to the provisions of Standing Order 44(2)(c), I wish to request a Statement from the Chairperson of the Departmental Committee on Education regarding grade alteration and discrepancies in Kililai Secondary School in Igembe South Constituency, Meru County.

Hon. Temporary Speaker, on 8th January 2024, Kililai Secondary School received the 2024 KCSE results highlighting the performance of the candidates. These were confirmed as being the official Kenya National Examination Council (KNEC) results for the school but on 27th January 2024, the school received another nominal roll containing conflicting results. Additionally, it is noted that text messages received by individual candidates indicated different results. Despite efforts by the school to liaise with KNEC to rectify these discrepancies, the situation remains unsolved.

Hon. Temporary Speaker, this inconsistency in the grades has led to anxiety among the affected students, who now face challenges in applying to institutions of higher learning.

It is against this background that I request for a Statement from the Chairperson of the Departmental Committee on Education on the following—

1. What measures the Ministry has undertaken to resolve the issue at Kililai Secondary School and any other school experiencing similar discrepancies in grading?
2. What plans has the Ministry implemented to ensure that the students will promptly receive the correct results and prevent the disqualification or exclusion from the ongoing higher learning intake?
3. Could the Chairperson expound on the measures the Ministry has put in place to prevent such occurrences from recurring to ensure integrity and uphold the standards of our education system?

Thank you.

The Temporary Speaker (Hon. Peter Kaluma): Thank you, Hon. Mwirigi. The Statement request is committed to the Departmental Committee on Education. Is the Chairperson in the House? Yes, Vice-Chairperson, Hon. Malulu Injendi. How long will you take to respond?

Hon. Malulu Injendi (Malava, ANC): Hon. Temporary Speaker, on the last week of our recess, we will have activities to visit several universities for oversight activities. We will invite the Cabinet Secretary for Education on 9th April 2024 and then give a report either on 11th or a week after.

The Temporary Speaker (Hon. Peter Kaluma): Is that satisfactory, Hon. Paul Mwirigi?

Hon. John Paul Mwirigi (Igembe South, UDA): I am not satisfied, Hon. Temporary Speaker. Students are applying for the university intake.

The Temporary Speaker (Hon. Peter Kaluma): Hon. Mwirigi, I know how urgent your matter is. It is a matter affecting very many students across the country, not just your area. But it cannot be any sooner than the Vice-Chairman is mentioning because the House is going on recess.

Hon. John Paul Mwirigi (Igembe South, UDA): The problem now, Hon. Temporary Speaker, is that this secondary school has received the results three times: the one which the student applied through the text message; the nominal role which was provided to the school on 8th January 2024; and, another one which came with a conflicting result on 27th January 2024. That is why this matter becomes very serious.

The Temporary Speaker (Hon. Peter Kaluma): Is it possible for the Departmental Committee on Education to consider this matter during recess so that when the House resumes, we have a report not just concerning this particular school, but several others whose petitions were sent to KNEC?

Hon. Malulu Injendi (Malava, ANC): Hon. Temporary Speaker, when I look at the committee schedule, just as I have explained, we have already scheduled activities with universities in this country for the week of 2nd to 5th. Therefore, the only time available for a meeting to address the matter is the week starting 8th April, when we resume sittings on 9th April 2024. So, we can only invite the Cabinet Secretary on 9th April 2024 to give us some information, then make a presentation on 11th April 2024. That is the only feasible time.

The Temporary Speaker (Hon. Peter Kaluma): So which date did you say you want to respond on? Is it 9th or 11th April?

Hon. Malulu Injendi (Malava, ANC): Hon. Temporary Speaker, we will invite the Cabinet Secretary on 9th April 2024. After receiving a response from the Cabinet Secretary, we can report on 11th April 2024.

The Temporary Speaker (Hon. Peter Kaluma): Yes. Hon. Mwirigi, that is reasonable. All members whose constituents are similarly affected may attend the Committee proceedings so that the matters are addressed at once. It is so directed.

ALLEGED LAND OWNERSHIP BY KERIO VALLEY DEVELOPMENT
AUTHORITY AND IMPENDING EVICTIONS IN WEST POKOT

The Temporary Speaker (Hon. Peter Kaluma): Hon. Titus Lotee, on special request.

Hon. Titus Lotee (Kacheliba, KUP): Hon. Temporary Speaker, pursuant to the provisions of Standing Order 44(2)(c), I wish to request for a Statement from the Chairperson of the Departmental Committee on Lands regarding the claims to land in West Pokot County by the Kerio Valley Development Authority (KVDA) and the impending eviction and displacement of residents in that part of the county.

Hon. Temporary Speaker, KVDA has laid claim to land in West Pokot, Kacheliba Constituency, Kapchok Ward, citing ownership dating back to 1980. However, the legitimacy of this claim is unclear, with no evidence of documentation or adherence to the legal processes governing land transfer. The land in question spans an area of approximately 54,000 acres and is the ancestral home of thousands of people in Kacheliba Constituency. Notably, there are over 19 institutions, including schools, Early Childhood Development Education (ECDE) centres and health facilities on the land which have been operating over the last four decades.

The proposed eviction by KVDA has caused concern and raised uncertainty and fear among members of the community. Importantly, the arbitrary placement of beacons on the land by KVDA team on a Sunday when Government officials are supposed to be resting and the lack of transparency surrounding the purported land acquisition has sparked anxiety raising questions as to the rationale of the eviction. Entire administrative areas, such as Kamechwa Sub-Location as well as Konyao, Kopeyon, Lego and Kapyen sub-locations will be directly impacted by the planned evictions.

Hon. Temporary Speaker, it is against this background that I request for a Statement from the Chairperson of the Departmental Committee on Lands on the following—

1. Could the Committee inquire into and report on the purported ownership or acquisition of the land by Kerio Valley Development Authority including when and under what circumstances KVDA acquired the land?
2. Could the Chairperson enumerate measures that the Ministry intends to take to safeguard the rights of the concerned community and the critical institutions that have been established, ensuring that the land remains secure and free from unwarranted encroachment?

Thank you.

The Temporary Speaker (Hon. Peter Kaluma): Is the Chairperson of the Departmental Committee on Lands in the House? Let me direct, in order to save time that the response thereon be delivered by the first week when the House resumes from recess.

Hon. Members, before we continue, allow me to recognise the following universities and institutions present in the House to observe proceedings:

There is Machakos University based in Machakos Town, Machakos County; Oloserian Secondary School from Narok North, Narok County and Lake Solai Secondary School from Rongai Constituency in Nakuru County in the Public Gallery. In the Speaker's Gallery, we have Brookshine School from Kasarani Constituency in Nairobi County and Kanjalu Girls Secondary School from Tigania West Constituency in Meru County. You are all welcome to observe proceedings in the National Assembly. Hon. Mutunga, the list is very long and Members are attending to other businesses outside the station. Let me allow you to only welcome all these institutions in this House.

Hon (Dr) John K. Mutunga (Tigania West, UDA): Thank you very much, Hon. Temporary Speaker. I welcome all the students who have come to see what Members of Parliament do and how the law is made. Kanjalu Girls Secondary School is my best girls' school in the constituency which performs extremely well. We are grateful because they came

to learn what we do here. To all the others, you are welcome in this House. We are happy to see you. Look forward to become one of the people seated here and be influential people in this country.

Thank you very much, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Peter Kaluma): Hon. Gertrude Mbeyu, the Member for Kilifi County.

ERRONEOUS CLASSIFICATION OF MNAZI AS AN ALCOHOLIC
DRINK IN THE CRACKDOWN ON ILLICIT BREWS

Hon. Gertrude Mwanyanje (Kilifi County, ODM): Hon. Temporary Speaker, I rise to request for a Statement regarding erroneous classification of mnazi as an alcoholic drink in the crackdown on illicit brews.

Pursuant to the provisions of Standing Order 44(2)(c), I wish to request for a Statement from the Chairperson of the Departmental Committee on Administration and Internal Affairs regarding the crackdown on illicit brew in the Coast Region.

The Ministry of Interior and National Administration recently launched a crackdown on illicit brews in the country, including the Coast Region, following a directive by the Cabinet. The nationwide measures have resulted in suspension of all licenses issued and closure of outlets selling alcohol and other brews. However, in the Coast Region, the crackdown has erroneously been extended to mnazi which is not an illicit brew.

It is a traditional drink that defines the heritage of the Giriama people. It is naturally tapped from coconut trees without any additives that can render it a manufacturable drink that can be subject to being declared illicit. Its erroneous classification as an illicit brew and the crackdown thereof has negatively affected and caused unrest among the people of Kilifi County who rely on it as a pillar of their economic mainstay.

It is against this background that I seek a Statement from the Chairperson of the Departmental Committee on Administration and Internal Affairs on the following—

1. Under what circumstances did the Ministry classify mnazi as an illicit alcoholic drink, despite the known fact that it is a natural coastal drink tapped directly from coconut trees?
2. What measures has the government put in place to ensure preservation of culture, including the cultural heritage associated with the Mnazi drink and other traditional drinks, while implementing the crackdown on illicit brews?
3. What initiative has the Ministry undertaken to ensure compliance with the law and accurate implementation of the directive on illicit brews without favour or discrimination?

Thank you, Hon. Temporary Speaker.

Hon. Harrison Kombe (Magarini, ODM): On a point of order, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Peter Kaluma): You have requested for a Statement. What is out of order, Hon. Harrison Kombe?

Hon. Harrison Kombe (Magarini, ODM): Hon. Temporary Speaker, I want to add my voice to this request for a Statement. Mnazi is not brewed. It is tapped from the palm trees. This is the purest drink you can ever find at the Coast. It is very nice. Long ago before the introduction of yeast, it used to be used as a fermenting element for mandazi. We should find a way of preserving it and supplying it to other parts of Kenya and even outside the country. It cannot be done away with.

Hon. Temporary Speaker, thank you very much for giving me an opportunity to add my voice. Mnazi will be there forever.

(Several Members spoke off the record)

The Temporary Speaker (Hon. Peter Kaluma): This is not the time to debate. This matter concerning mnazi and by what instrument it has been categorised as an illicit brew, and the manner of operations around this crackdown will be responded to by the relevant committee the first week the House comes from recess.

Hon. David Kiplagat.

Hon. David Kiplagat (Soy, UDA): Thank you, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Peter Kaluma): Where is Hon. Chairman? He is not here. This House does not proceed at the whims of committee Chairpersons who decide to absent themselves. I have already directed that the House will expect a response of this Statement during the first week from recess. It is so ordered.

Hon. David Kiplagat, proceed.

MANAGEMENT OF FUND MANAGERS BY THE NG-CDF BOARD

Hon. David Kiplagat (Soy, UDA): Hon. Temporary Speaker, pursuant to the provisions of Standing Order 44 (2)(c), I rise to request for a Statement from the Chairperson of the Select Committee on National Government Constituencies Development Fund (NG-CDF) regarding management of fund managers by the NG-CDF Board. It is responsible for management of funds allocated to constituencies for development projects. It is also mandated to oversee the selection and oversight of Fund Managers to ensure proper utilisation of resources and adherence to regulations. However, there are a number of constituencies without substantive Fund Managers, thereby affecting operations of the essential funds.

It is against this background that I request for a Statement from the Chairperson of the Select Committee on NG-CDF regarding management of fund managers by NG-CDF Board on the following:

1. What is the number of constituencies that do not have substantive fund managers and the reasons for that?
2. What measures has the board put in place to ensure proper operations and development in constituencies that do not have substantive fund managers?
3. What criteria does the Board apply in the deployment of fund managers to constituencies, including determining the order to be followed when deploying?
4. What plans does the Board have to deploy fund managers to the constituencies that do not have substantive fund managers?
5. How many fund managers are currently not deployed and why?

Thank you.

The Temporary Speaker (Hon. Peter Kaluma): Do we have the Chairman of the Committee in charge? That is Hon. Brighton.

Hon. Brighton Yegon (Konoin, UDA): Hon. Temporary Speaker, I have been serving without a fund manager since October last year.

The Temporary Speaker (Hon. Peter Kaluma): Hon. Brighton, are you the Chairman of the Committee in charge of the NG-CDF?

Hon. Brighton Yegon (Konoin, UDA): I am not, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Peter Kaluma): Are you speaking on his behalf? Are you raising something supplementary to what is already raised? You will, in the exercise of my discretion. Proceed.

Hon. Brighton Yegon (Konoin, UDA): Thank you very much, Hon. Temporary Speaker.

I have not had a fund manager in my constituency for the last six months. The one that I had been given was an absentee fund manager who used to come once in a month or when he felt like coming to work. I consider that a rogue fund manager. We have cases of suspected misappropriation of funds and absenteeism. Efforts to get a replacement of my fund manager have been futile despite the fact that I wrote to the CEO on 31st January. There is no response so far. I have tried to visit the office of the CEO and even call him on his telephone so that we handle this matter. I have not found the CEO in office. Neither does the CEO answer calls to that effect.

My students are stranded. We are not able to disburse NG-CDF bursary funds up to today. This is despite the fact that I have more than 100 students on full scholarship and thousands in universities and secondary schools who benefited from this programme. Most of these students have been sent home. The issue raised by my colleague, Hon. David Kiplagat, is valid. We need to answer to this so that we handle those rogue fund managers being protected somewhere. Despite their misappropriation, they are being recycled all over. When a rogue fund manager is chased from a constituency, he or she is taken to another. This circus should stop.

The Temporary Speaker (Hon. Peter Kaluma): Hon. Maungu, do you want to debate this Statement? Say what you have to say in one minute.

Hon. Dick Oyugi (Luanda, DAP-K): Hon. Temporary Speaker, I have no intention to debate the Statement because they are never debated. I have an interest in the matter raised by Hon. David Kiplagat because, truthfully speaking, fund managers are rogue. The questions put by Hon. David Kiplagat to the Committee in charge of the NG-CDF are very important because it will unveil the very many questions that we have especially for us who are first timers in this Parliament. The issue on fund managers must be looked into because some of these people are rogue. It does not make anything better by transferring a rogue fund manager from my constituency to someone else's. I believe that the questions raised by Hon. David Kiplagat are genuine and they should cut across the entire county.

Thank you.

The Temporary Speaker (Hon. Peter Kaluma): I do not seem to see the Member raising his hand. Is that Hon. Julius Rutto? You have one minute.

Hon. Julius Rutto (Kesses, UDA): Thank you, Hon. Temporary Speaker.

I wish to make a supplementary support to the statement made by Hon. David Kiplagat from Soy. I confirm that the kind of fund managers being transferred from one station to another come with many bad records. The NG-CDF Board is fully aware of their staff. They know their pending cases and the disciplinary matters placed against these officers. The best they do is to transfer them with the same problems and culture to new constituencies. It looks like it is a systematic way right from the NG-CDF Board and the management all the way to the fund managers on the ground. There is an organised system of misusing resources, positions and impunity. Eventually, this exerts on constituency committees and staff.

I dare ask what the framework of supervision is. When a matter arises, who supervises these fund managers? Who can be put to task to explain the works of these fund managers? Where are the periodic reports? I mean quarterly, monthly, financial and non-financial reports that especially look at the performance of fund managers and the Fund in general. When you ask for these reports, they are not there. The only time you get them is at the end of the year when the Auditor-General comes. At that time, the period has already lapsed. Who knows what happens when the Auditor-General is around? As a person concerned with oversight, as a Member of Parliament, you remain in darkness. When we tried to pursue the issue of oversight, we were told by the committees that there was no money yet there is monitoring and evaluation money in the administration of votes, but they do not monitor the projects. This serious matter needs to be looked at.

Thank you.

The Temporary Speaker (Hon. Peter Kaluma): Where is Hon. Musa Sirma, the Chairman of the Committee in charge of the NG-CDF? Where is the Vice Chairperson? I do not want to debate this any longer. Where is the Chairperson? You have already been given the microphone.

Hon. Janet Sitienei (Turbo, UDA): Thank you, Hon. Temporary Speaker. I must add my voice to this.

What Hon. David Kiplagat has raised is very pertinent. It is affecting all the Members of Parliament. I am sharing a fund manager with Hon. Chepkonga of Ainabkoi Constituency. Every time I want to meet the fund manager, she tells me she is busy at Hon. Chepkonga's place. I think it is time that these fund managers are employed in the spirit of giving jobs to the youth of this country. This will enable every constituency to have a fund manager to carry out our project implementation properly.

The Temporary Speaker (Hon. Peter Kaluma): Hon. Members, I request that we leave it at that because I also know better. I have had some of the experiences being raised. Would we know who is responding on behalf of the Committee in charge of the NG-CDF in the House? He is not there. Okay. Due to the urgency of the matter we will be expecting a response to that Statement to have been delivered to the House the first week the House resumes.

Is that Hon. Bedzimba requesting to speak? It is Hon. Baby Twalib making a special request to be allowed to ask for a Statement. Please proceed.

LACK OF ADEQUATE FUNDING FOR PROJECTS AND MAINTENANCE OF BUILDINGS AT THE TECHNICAL UNIVERSITY OF MOMBASA

Hon. Bady Twalib (Jomvu, ODM): Thank you for giving me this opportunity to request a Statement regarding the lack of adequate funding for projects and maintenance of buildings at the Technical University of Mombasa (TUM), especially the School of Medicine's building.

Pursuant to the provisions of Standing Order 44(2)(c), I request a Statement from the Chairperson of the Departmental Committee on Education regarding the lack of adequate funding for projects and maintenance of buildings at the Technical University of Mombasa.

The university commenced the school of medicine project on 7th April 2017 in which a total of eighteen classrooms, six laboratories, one cold room, one library, one computer laboratory, one Board room, seven offices and one cafeteria were constructed by January 2021. However, there are obstacles to adequate funding for furnishing and equipping the facilities which has delayed the university from enrolling students for medical-related courses to date. Furthermore, the university is located at a heritage site with old buildings that are dilapidated since their construction in 1948 due to the salinity conditions and harsh coastal weather, hence requiring maintenance.

It is against this background that I request for a Statement from the Chairperson of the Departmental Committee on Education on the following:

1. The measures taken to ensure adequate funding is provided to the university for furnishing and equipping of the facilities designated for the School of Medicine Project including the maintenance of the old buildings within the university.
2. The steps taken to ensure that the school of medicine project is fully completed to allow the enrolment of students for the medical-related courses considering the socio-economic development effect it will have for the County.
3. The timelines which the funds will be provided to the university as a matter of urgency.

I thank you.

The Temporary Speaker (Hon. Peter Kaluma): Thank you, Hon. Bady Twalib. You said your matter concerns which Departmental Committee?

Hon. Bady Twalib (Jomvu, ODM): I beg your pardon.

The Temporary Speaker (Hon. Peter Kaluma): Your Statement concerns which Departmental Committee?

Hon. Bady Twalib (Jomvu, ODM): The Departmental Committee on Education. I cannot see the Chairman and the Vice-Chairman in the House.

The Temporary Speaker (Hon. Peter Kaluma): I have not seen the Chair of the Departmental Committee on Education, Hon. Julius Melly this afternoon. Where is the Vice-Chairman?

Hon. Bady Twalib (Jomvu, ODM): Hon. Julius Melly and the Vice-Chairman, Hon Injendi, are all absentee landlords here.

(Laughter)

The Temporary Speaker (Hon. Peter Kaluma): Hon. Injendi was here before. Hon Jerusha, are you a Member of that Committee?

Hon. Jerusha Momanyi (Nyamira County JP): Yes.

The Temporary Speaker (Hon. Peter Kaluma): How long do you need to consider and respond to that request for a statement?

Hon. Jerusha Momanyi (Nyamira County JP): Thank you, Hon. Temporary Speaker. I am a Member of the Departmental Committee on Education. Give us two weeks after we resume from the short recess to get the answers.

The Temporary Speaker (Hon. Peter Kaluma): Hon. Bady Twalib.

Hon. Bady Twalib (Jomvu, ODM): Hon. Temporary Speaker, I am satisfied with the two weeks, but they must be very serious on their promise. This matter that is now before their Committee has been raised as a matter of urgency. I expect to get feedback on this request after two weeks.

The Temporary Speaker (Hon. Peter Kaluma): Hon. Twalib, I know they know your name down there and why you were given that name.

Hon. Bady Twalib (Jomvu, ODM): Hon. Temporary Speaker, as you have said, they know about my name. Let me repeat it again so that they can hear it: My name is Hon. Bady Twalib, Kijana Mwepesi, Garang de Mabior, Mzee Fula Ngenge. That is how they call me down there owing to how I conduct my business.

Thank you.

(Laughter)

The Temporary Speaker (Hon. Peter Kaluma): I needed you to pronounce that name so that the Committee knows it has to deliver on schedule as promised. There is a good reason why his constituents call him not just Hon. Twalib Bady but de Mabior Garang.

Thank you.

Hon. Geoffrey Ruku.

CONTINUED SALE OF ROUNDUP BY BAYER EAST AFRICA LTD

Hon. Ruku GK (Mbeere North, DP): Hon. Temporary Speaker, pursuant to the provisions of Standing Order 44(2)(c), I rise to request for a Statement from the Chairperson of the Departmental Committee ...

*(Hon. Bady Twalib crossed the Floor
without bowing to the Chair)*

The Temporary Speaker (Hon. Peter Kaluma): Order, Hon. Twalib Bady! You cannot do what you are doing. You are a senior Member and you know what to do.

*Hon. Bady Twalib went to the Bar, bowed to the
Chair and proceeded to his seat)*

Hon. Ruku, proceed.

Hon. Ruku GK (Mbeere North, DP): Hon. Temporary Speaker, pursuant to the provisions of Standing Order 44(2)(c), I rise to request for a Statement from the Chairperson of the Departmental Committee on Agriculture and Livestock regarding continued sale of Roundup Herbicide in the country by Bayer East Africa Limited.

Roundup is a brand of herbicides used in weed control through spraying. The herbicide was originally produced by Monsanto, which was later acquired by Bayer in 2018. The use of Roundup has been a subject of immense international concern based on multiple credible studies including the International Agency on Research on Cancer which has found that glyphosate, the active component of Roundup, is carcinogenic. So far, victims of cancer associated with exposure to Roundup in Europe and the USA have been awarded compensation amounting to billions of US Dollars, which Bayer has settled; and indeed, the company is still fighting several other cases currently.

It is therefore disheartening that despite the global scientific proof of carcinogenic effects of Roundup, the Bayer East Africa continues to sell the toxic herbicide in the Kenyan market. This exposes Kenyans to the danger of cancer through:

1. drinking glyphosate contaminated water from rivers and underground water.
2. contact by farmers during spraying.
3. eating foods from contaminated soils.
4. contamination of aquatic resources such as fish or seafoods.

It is against this background that I request for a Statement from the Chairperson of the Departmental Committee on Agriculture and Livestock on the following:

1. Under what circumstances does Bayer East Africa continue to sell Roundup in the country for use in weed control despite the Roundup being scientifically linked to cancer?
2. What studies and findings has Bayer East Africa documented and submitted to the relevant Government agencies on the effects of Roundup, including profiled cases of harmful exposure, the mitigation measures and compensation so far extended to victims of carcinogenic effects of Roundup in Kenya?
3. Why has the Pest Control Products Board (PCPB) not banned the use of Roundup in the country and when does the Government intend to act so as to protect Kenyans from the risk of cancer resulting from continued exposure to Roundup?

I thank you.

The Temporary Speaker (Hon. Peter Kaluma): The Chair of the Departmental Committee on Agriculture and Livestock, Hon. Mutunga.

Hon. (Dr) John K Mutunga (Tigania West, UDA): Thank you very much Hon. Temporary Speaker. I wish to thank Hon. Geoffrey Ruku for the Statement on Continued Sale of Roundup by Bayer East Africa Limited.

The depth and breadth of this Statement requires us to do a thorough study. First of all, to confirm the extent to which Bayer East Africa Limited has studied and understood the use of Roundup and if they know or they do not know whether it is carcinogenic.

As a Committee, we need some time to do an in-depth inquiry into this matter. I request the House to grant us one month. In one month's time we will be able to respond adequately to this Statement.

Thank you, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Peter Kaluma): Hon. Mutunga, what response period are you proposing?

Hon. (Dr) John K Mutunga (Tigania West, UDA): I request you give us one month to go into the depth of this particular...

The Temporary Speaker (Hon. Peter Kaluma): One month for the continued sale of the products said to be carcinogenic?

Hon. (Dr) John K Mutunga (Tigania West, UDA): Hon. Temporary Speaker, the kind of Statement required here is scientifically analytical in nature. We cannot brush through it.

Secondly, they have been selling Roundup for many years and we need to go into the depth and breadth of the matter such that if it is the soils that are contaminated, we need to know to what extent and what the repercussions are, if any.

The Temporary Speaker (Hon. Peter Kaluma): Is this one of those chemicals the Hon. Deputy Speaker has been talking about in a series of Motions?

Hon. (Dr) John K. Mutunga (Tigania West, UDA): It is one of the chemicals that the Hon. Deputy Speaker listed. They are about 200 of them and she talked about a number of them.

The Temporary Speaker (Hon. Peter Kaluma): Hon. Ruku.

Hon. Ruku GK (Mbeere North, DP): Hon. Temporary Speaker, this is an extremely serious issue. We know this country is spending huge amounts of money in treating cancer patients. We also know the amount of money patients spend to travel to India and other countries for cancer treatment. The Chairperson of the Departmental Committee on Agriculture and Livestock is quite in order to request for one month so that he can do a proper inquiry on this issue.

Thank you, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Peter Kaluma): Hon. Mutunga, your request is granted. Let there be a response within one month not only to Hon. Ruku, but also to the House. If there are related chemical products which may also affect the health of the people, please, include them in the report.

Hon. (Dr) John K Mutunga (Tigania West, UDA): Thank you, Hon. Temporary Speaker for granting us that time.

The Temporary Speaker (Hon. Peter Kaluma): The Vice-Chairperson of the Public Petitions Committee, Hon. Janet Sitienei. On special request.

STATEMENTS

STATUS OF PETITIONS BEFORE THE PUBLIC PETITIONS COMMITTEE

Hon. Janet Sitienei (Turbo, UDA): Thank you, Hon. Temporary Speaker.

Hon. Temporary Speaker, I rise pursuant to the provisions of Standing Order 44(2)(d) and Standing Order 208A to report to the House the status of petitions before the Public Petitions Committee.

The Public Petitions Committee is established pursuant to the provisions of Standing Order 208A of the National Assembly and is mandated to, *inter alia*, consider all public petitions tabled in the House and making such recommendations as may be appropriate with respect to the prayers sought in the petitions.

Hon. Temporary Speaker, since its inception, the Committee has received a total of sixty four (64) petitions pursuant to the provisions of Standing Order 227(1) out of which 32 petitions were presented by honourable Members and 32 others were conveyed by the Hon. Speaker on behalf of members of the public.

Out of the 32 petitions for Members, five reports have been tabled, six are awaiting consideration and adoption, seven are undergoing stakeholder engagement, four are at the stage of compilation of findings, and 10 are at the initial stages of briefing and analysis by the secretariat as summarised below:

S/No.	Petition Status	Number
1.	Reports tabled in the House	5
	i.) Report debated & adopted by the House	1
2.	Awaiting consideration & adoption of Reports	6
3.	Stakeholder Engagement	7
4.	Compilation of Findings	4
5.	Briefing and Analysis	10
TOTAL		32

Out of the 32 petitions conveyed by the Hon. Speaker on behalf of the members of the public, eight reports have been tabled, three are awaiting consideration and adoption, two are undergoing stakeholder engagement, five are at the stage of compilation of findings, and 14 are at the initial stages of briefing and analysis by the secretariat as summarised below:

S/No.	Petition Status	Number
1.	Reports tabled in the House	8
	Reports awaiting debate by the House	2
2.	Awaiting consideration & adoption of Reports	3
3.	Stakeholder Engagement	2
4.	Compilation of Findings	5
5.	Briefing and Analysis	14
TOTAL		32

The 14 will be considered during the recess period when the Committee is going for a retreat.

Hon. Temporary Speaker, in the process of considering these Petitions, the Committee follows a structured approach, which includes briefing and analysis, meetings with petitioners, engagement with relevant stakeholders, potential site visits and public participation, compilation of findings, report writing, consideration and adoption of the report, and ultimately, tabling of the report and notification and delivery of the report to the petitioner(s) pursuant to Standing Order 227(3).

The Committee has encountered various challenges in processing petitions, which are required to be addressed within a statutory timeline of 90 days. Key among these challenges include: rescheduling of meetings by key stakeholders and witnesses who are pivotal in gathering evidence and finding solutions to the issues raised by the petitioners. This has occasioned delays in processing petitions and hinders adherence to the prescribed statutory timelines. Additionally, Members of the Committee also attend Departmental or other Select

Committee meetings which often overlap with the committee sittings hence lack of quorum for most of the meetings.

Despite these challenges, the Committee has implemented innovative administrative measures to expedite the processing of petitions and requesting permission from the Hon. Speaker to convene while the House is in session, pursuant to Standing Order 186(2).

Attached herewith is a detailed list of petitions committed to the Committee for the House to note. I would like to express my appreciation to the Office of the Speaker and the Office of the Clerk for the support in facilitating the Public Petitions Committee, which is an inaugural committee established at the onset of the 13th Parliament.

In Addition, Hon. Temporary Speaker, the Committee appreciates your kind consideration. Recently this week, you granted the Committee permission to sit even when the House is sitting and during recess. You also allowed us the use of Room 12 in the New Wing for the Committee meetings. It is easily accessible to Persons Living with Disabilities (PwDs) and on several occasions we have had to hear from them.

Finally, Hon. Temporary Speaker, I extend my gratitude to the Committee Members, Office of the Clerk of the National Assembly and the Committee secretariat staff for their facilitation and diligent commitment in consideration of matters brought before this House.

I hereby submit. Thank you, once again, Hon. Temporary Speaker.

(Applause)

Hon. Temporary Speaker to finish, I would like Hon. Members to note that we have an attachment that they can always look at to know the status of their petitions.

The Temporary Speaker (Hon. Peter Kaluma): Where is the attachment?

Hon. Janet Sitienei (Turbo, UDA): I have it and I will table it.

The Temporary Speaker (Hon. Peter Kaluma): Kindly table it for Hon. Members to follow. Hon. Members this is possibly one of the most powerful committees that is enabling us to address issues of concern brought to the House by the people.

Again, on special request, I will give opportunity to Hon. Nelson Koech, the Chairman of the Departmental Committee on Defence, Intelligence and Foreign Relations.

KILLING AND MAIMING OF RESIDENTS OF KAMAGUT WARD IN TURBO CONSTITUENCY BY KDF

Hon. Nelson Koech (Belgut, UDA): Thank you, Hon. Temporary Speaker, for accepting the request. This is a response to the request by the Member of Parliament for Turbo Constituency, Hon. Janet Sitienei, who sought a Statement pursuant to Standing Order 44(2)(c) on the poor relationship between Kenya Ordnance Factories Corporation (KOFC) and the neighbouring community. She specifically raised the following concerns in her Statement request:

1. What prompted the officers of the Kenya Defence Forces (KDF) to use live ammunition on unarmed residents?
2. What measures is the Ministry of Defence taking to ensure amicable coexistence between KDF and residents?
3. What steps has the KDF in Eldoret instituted to address the loss of lives, especially minors who have died in trenches around the Barracks since 2021?

The Temporary Speaker (Hon. Peter Kaluma): Order. An Hon. Member is engaging Hon. Janet Sitienei when her Statement request is being addressed.

Hon. Nelson Koech (Belgut, UDA): My Mother-in-law, Hon. Janet, please, pay attention because this is a response to your Statement:

1. What disciplinary and legal actions have been taken against the KDF officers involved in the alleged killings and maiming of residents in various incidences?
2. When does the Ministry of Defence intend to conclude the process of relinquishing the disputed portion of land to Kamagut and Buheba settlement schemes squatters and compensate the residents for the loss of their loved ones and livestock over the years?

Hon. Temporary Speaker, the Committee engaged the Ministry of Defence (MoD) on the above concerns raised by Hon. Janet Sitienei. I, therefore, wish to respond to the issues as follows.

On what prompted the officers of the KDF to use live ammunition on unarmed residents, on 25th November 2023, at around 10 p.m., a group of around 30 unidentified individuals armed with crude weapons trespassed into Block 21 of the KOFC farm. Upon detection by the Corporation's security team, the trespassers turned violent inflicting serious head injury on one of the KOFC guards who was performing a legitimate duty. Consequently, one of the intruders who had an axe and was identified as the suspect responsible for the said head injury was arrested, handed over to the National Police Service and thereafter presented before a court of law. Additionally, several bags of illegally harvested maize were recovered at the scene of the incident.

Hon. Temporary Speaker, live ammunition was not used during the confrontation between the trespassers and Kenya Ordnance Factories Corporation (KOFC) security personnel. This incident is currently under independent investigation by the Directorate of Criminal Investigation and Military Police whilst Defence Headquarters has also constituted a Board of Inquiry into the same. Above all, the death of citizens is unfortunate and MoD is committed to finding a shared long-term solution to the current dispute.

On what measures the Ministry of Defence is taking to ensure amicable coexistence between KDF and residents, as stated earlier, the Ministry of Defence, through KOFC, values the cooperation of the Turbo community towards mandate accomplishment and has taken various measures to enhance the well-being of the adjacent population. Some of the social, security, and economic interventions are:

1. Promoting respect for the rule of law, particularly through encouraging dialogue and alternative dispute resolution for land-related matters.
2. In partnership with county and national administration officials, MoD continually sensitizes members of the public on safety and security hazards applicable to protected areas such as KOFC and the Defence Forces Recruits Training School.
3. Engaging in corporate social responsibility activities, such as tree planting exercises, to support the community. For example, a tree-planting exercise was jointly undertaken on 13th November 2023.
4. Provision of employment opportunities to locals either as permanent staff or as casual workers in the farm and factory.
5. Partnering with the local administration, law enforcement agencies, community leaders, and the Member of Parliament for Turbo Constituency to address emerging challenges.

The third question was: what steps has the KDF in Eldoret instituted to address the loss of lives, especially minors who have died in trenches around the Barracks since 2021? I want to state that the "trenches" referenced are security barriers constructed within a protected area in accordance with the Protected Areas Act Cap 204 Laws of Kenya. These barriers were designed to counter the threat of international terrorism, especially those perpetrated using Vehicle Borne Improvised Explosive Devices. It is recalled that Kenya has been among the targeted countries with members of the public as well as security personnel and strategic

installations such as KOFC constituting lucrative targets. The security barrier also serves as a deterrent against encroachment and trespass into public land.

Above all, it was and still is necessary to protect the public against the hazardous materials held by KOFC as well as provide safety against military training activities linked to the Defence Forces Recruits Training School.

Fourth, what disciplinary and legal actions have been taken against the KDF officers involved in the alleged killings and maiming of residents in various incidences? According to the procedures under both Civil and Military Law (Penal Code Cap. 63 of the Laws of Kenya and KDF Act, 2012), when an incident is reported, the National Police Service is invited to conduct independent investigations. If any member of KDF is implicated, criminal or civil action is taken against them through a competent court of law. Further, the Military Police conduct parallel independent investigations and may recommend appropriate action in line with military disciplinary procedures applicable to anyone who is implicated. So far, no investigation has found any KDF officer liable.

Fifth, when does the MOD intend to conclude the process of relinquishing the disputed portion of land to Kamagut and Buheba settlement schemes squatters and compensate the residents for the loss of their loved ones and livestock over the years? I beg to respond as follows. The Ministry avers that Eldoret military land was compulsorily acquired for National Security purposes and an allotment letter to this effect was issued for 6,379.07 Ha. Thereafter, out of the 6,379.07 Ha, two parcels were surveyed, these being the current location of KDF Recruit Training School, 9 Kenya Rifles Battalion and KOFC. Titles were issued for these parcels while the rest of the land was still under survey. The allotment letter to the Ministry of Defence has never been revoked.

Despite the aforementioned, it is regrettable that trespass remains a major challenge, as evidenced by the latest fatal incident. So far, the only demand notice against MoD was by Mr. Oliver Kiptoo Samoei on behalf of his six-year-old son, the late Maxwell Kipchumba Samoei, who passed away on 20th July 2023. The matter is referred to the insurance firm contracted by KOFC. In this context and to prevent a recurrence, MoD and KDF through KOFC in liaison with national Government administration officers have enhanced community sensitisation about the risks associated with trespass into security installations and facilities.

Whereas MoD is the rightful owner and lawfully in occupation of the land, the ownership is currently contested and is at present subject to active litigation by various parties as follows:

1. Eldoret Land and Environment Constitutional Petition No.7 of 2020 Leseru Tebeson Farmers Society versus National Land Commission (NLC), Chief Registrar Lands, MOD and Attorney General (AG). The Petitioner claims to have been allocated two parcels of land, for which they allegedly paid for. For the first allotment of about 807.44 Ha, they allege to have paid Kshs13,585,000 and Kshs11,826,210 for the second parcel as standard premium. They further claim that MoD surrendered 1579.02 Ha to settle landless persons and that is the same land they were allocated. They want the court to declare that Land References 27206/3 and 27206/4 which are designated as KOFC safety zones belong to them.
2. Environment and Land Court Case No.78 of 2019 Kiplombe Farm and 9 other Farms versus KDF, AG, NLC and three Others. The Plaintiffs lay claim to nine parcels of land now referred to as Kamagut and Buheba Settlement Schemes, which are currently inhabited by over 19,000 residents. They allege a lack of commensurate compensation by the State and they were not allocated alternative land. They also mentioned an alleged declaration by the late former President Daniel arap Moi regarding the return of the farms to the owners.

Furthermore, some of the land being claimed by the plaintiff is also claimed by Lisiru Tebesu and Farmers Limited.

3. Eldoret Land and Environment Constitutional Petition No. 11 of 2019 – Daniel arap Kenduywa and 135 others versus Ministry of Defence, National Land Commission and the Auditor-General.

The petitioners filed the petition alleging they are the original owners of Land No.8406/6, having purchased it for value. They further claim that their ownership is subject to defeat by a flawed compulsory acquisition process in which they were not compensated.

Additionally, they argue that the compulsory acquisition was only partial and did not cover the whole parcel of the land. They also alleged that the late former President Daniel Toroitich arap Moi made a declaration that they be issued with a title to the land. Their prayer to the court is for them to be declared the owners of the land. Despite MoD being in lawful occupation of the land in question and ongoing litigation, the Ministry continues to engage the community and other stakeholders to negotiate an amicable settlement that shall be recorded in court upon mutual consensus being reached.

I submit and thank you, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Peter Kaluma): Hon. Janet Sitienei.

Hon. Janet Sitienei (Turbo, UDA): Hon. Temporary Speaker, I am very disappointed with the response. I do not even know how to explain it. In short, most of the questions were evaded. I want to cite two cases. About the children that fell into the trench and died, they have only mentioned one child and have not made a real commitment for compensation or even felt sorry about it.

Two, they have only dwelt on the conflict at the harvesting farm. On Christmas Day, 25th December 2021, three people were maimed and three others shot dead. The corpses were lying there. It was even in the papers. They have not made any mention of it. They have only denied use of live ammunition on them. On this day, however, there was live ammunition used during a baraza between the community and the Kenya Defence Forces (KDF). They have not even mentioned something about what we requested or the plans they have to evade any more accidents in the trenches.

I expected a reply on how they are going to protect or fence off the trenches so that the community or innocent children do not accidentally fall into those trenches again. What happened was accidental. It was not trespass. This was a five-year-old child who was just walking around and, because there were trenches, fell into a trench innocently without knowing. I am not satisfied with the response. However, we will take another avenue.

Thank you.

The Temporary Speaker (Hon. Peter Kaluma): Hon. Nelson Koech, before you respond, Hon. Kangogo, wanted to say something.

Hon. Kangogo Bowen (Marakwet East, UDA): No. Let him respond first.

The Temporary Speaker (Hon. Peter Kaluma): Hon. Nelson, proceed.

Hon. Nelson Koech (Belgut, UDA): I feel it, Hon. Janet. If you have further questions for the Ministry of Defence, I would kindly ask that you use the same channel to request for additional information. My Committee will take your questions extremely serious.

Hon. TJ Kajwang' (Ruaraka, ODM): Point of order.

The Temporary Speaker (Hon. Peter Kaluma): Hon. Tom Joseph Francis Kajwang', what is out of order?

Hon. TJ Kajwang' (Ruaraka, ODM): Hon. Temporary Speaker, I listened to Hon. Janet's response to the Cabinet Secretary's remarks and she said something profound: the Cabinet Secretary's response is not accurate in substance. That should worry us. In fact, in unparliamentary language, it would mean that the Cabinet Secretary is lying to the House. She says that on 25th December 2021, on Christmas Day, three people died because of bullet

wounds. People who die of bullet wounds are what a human being can see. Three people died because of bullet wounds and two others were maimed yet in the response by the Cabinet Secretary, he gives a statement which I found very worrisome. He says that no live ammunition was used. Those two statements are irreconcilable. One says three Kenyans died yet a Cabinet Secretary says there was no live bullet used.

When a Cabinet Secretary makes a statement which is untruthful on a matter of fact, should the House not reprimand them if it turns out that this is untrue? And should the Cabinet Secretary be ordered to give a further statement on the accuracy, if only on the use of firearms? I take the Member very seriously because Members do not lie in this House. When a Member says three people are dead because of bullet wounds, it is true. We take an oath here to defend the Constitution and be truthful to this House. I tend to think that Hon. Janet is telling the truth on this matter. When the Cabinet Secretary says there was no firearm used, should we not ask the Cabinet Secretary to make further statements on that issue so that we get the truth of this matter?

The Temporary Speaker (Hon. Peter Kaluma): Hon. Anthony Oluoch.

QUORUM

Hon. Anthony Oluoch (Mathare, ODM): Hon. Temporary Speaker, I would ask you to determine whether there is quorum for this House to continue before you proceed any further.

The Temporary Speaker (Hon. Peter Kaluma): The parliamentary administration should help with the confirmation. They should look around and confirm whether we have quorum. As they approach me with that confirmation, could Hon. Kangogo comment on this?

Hon. Kangogo Bowen (Marakwet East, UDA): Thank you, Hon. Temporary Speaker. I have heard the response that Hon. Nelson Koech has given us. It is completely different from what we saw and was reported in the media. The answer by the Chairman is just cosmetic. Although I cannot accuse my colleague, I would suggest that the Temporary Speaker rule that the Cabinet Secretary for Defence, Hon. Duale, appears before this House to answer this question substantively.

Second, KDF officers are very inhuman. These are sons of mothers. They are also brothers and sisters. They are human beings like us, but if you see how they treat Kenyans, it is terrible. Today, in my constituency, in the name of looking for cattle rustlers, they have destroyed almost 10 motorbikes. They have also destroyed about seven kiosks. They went to a place where there was a burial and mixed the food there with sand – imagine such kind of people. The behaviour the KDF is showing is completely wrong. They were taken to Kerio Valley to help build peace but they are becoming the source of insecurity. We are seeking that they be removed from Kerio Valley. We better live with our bandits because we were better off before KDF came in.

The Temporary Speaker (Hon. Peter Kaluma): Hon. Nelson Koech, as the issue of Quorum in the House is being confirmed, it appears that the response coming from the Ministry is unsatisfactory. I would not want to approach the issue because, as a Speaker, I do not agree with the position that upon a Member raising an issue on behalf of Kenyans, again, one has to follow other procedures to raise it again. It is an urgent issue. How do you want to approach the issue so that the House can have a satisfactory response?

Hon. Nelson Koech (Belgut, UDA): If Hon. Members were very keen, there is a section where I mentioned that the DCI, Military and Police quarters have constituted a board to inquire on the same. Nonetheless, I feel profoundly the concerns of Members that some questions were avoided in this response. We, as a Committee, take the requests for statements by the Hon. Members seriously. If allowed, we will invite the Cabinet Secretary one more time and ask all

the pertinent questions as Hon. Janet Sitienei has requested. You can be sure that I will come up with a proper response.

The Temporary Speaker (Hon. Peter Kaluma): Hon. Koech, I direct you, through your Committee, to pick up the lapses and the issues being raised by Hon. Sitienei and Hon. Kajwang'. For instance, the five-year-old child who is said to have fallen into one of the police trenches and died; please, go back to the Ministry and come back to the House with responses to those specific gaps so that the matter can be resolved at once, and conclusively. I am directing that you do this within the second week after the House resumes from Recess.

Hon. Janet Sitienei, would that be satisfactory?

Hon. Janet Sitienei (Turbo, UDA): Yes, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Peter Kaluma): If there would be a need to elevate it to a level where the Cabinet Secretary responds to it before all representatives in the House, you can also follow through the procedures, if by the time of their responses, all gaps would not have been sealed.

Hon. Janet Sitienei (Turbo, UDA): Hon. Temporary Speaker, I accept the response from the Chairperson. I know he will look at it seriously. I was very disappointed and did not know how to speak. On the 25th December, Christmas day, I was seated in church, and when the sermon was about to start, I saw many missed calls. I wondered what was happening, and I walked out. There were screams and wailing. One of my officers, a constituency manager, called me and said that people were dying in Kiplombe. I picked up my bag and left.

I wanted to make you realise that this is a serious matter and not something that I can stand here to lie about. People died. I found dead bodies. The officer who called me told me not to go there when I met him running but I told him I had to. I told him to get into the car but he told me not to do so because of what he had seen there. You are now telling me that live ammunitions were not used yet people were buried as a result of stray bullets. This has been asked but nobody has mentioned it like the case of the five-year-old child. How can someone say that they have given a warning on trespass? That child was surely, not trespassing.

The Temporary Speaker (Hon. Peter Kaluma): The Chairperson, Departmental Committee on Defence and Foreign Relations, you will give us that response. If that response will for any reason be inadequate or have any gaps, it would be addressed to a level where we will require the Cabinet Secretary to come and respond before the House.

The subject matter was in the media as Hon. Kajwang' and Hon. Sitienei have confirmed. Therefore, put the facts together so that you can be able to help Hon. Janet Sitienei address this issue. It is not only to those people, but also to the people of Kenya.

Hon. Members our Standing Orders provide that when the issue of Quorum is raised, it has to be ascertained. I am now informed by the systems in Parliament that, indeed, there is no Quorum. I order that the Bell be rung for ten minutes as per the Standing Orders before we re-engage.

(The Quorum Bell was rung)

(Hon. Anthony Oluoch and Hon. (Dr) Ojiambo Oundo walked along the Aisle)

Under the Standing Orders, when the Quorum Bell is rung, no Member is allowed to walk out, including Hon. Oluoch. He has raised the Quorum issue yet I am seeing him walk out. Hon. Anthony Oluoch and Hon. Oundo, come back.

It is unfair for Members to raise the issue of Quorum and walk out yet there are some Members who have sat here from the beginning of the House up to this late. We know the rules: once Quorum is raised, no business can be transacted.

Only the Whips are allowed to step out to whip in Members because even the Statement that the Leader of the Majority Party is supposed to give has not been done.

The Deputy Majority Whip, whip in everybody.

(The Quorum Bell was rung)

REQUEST FOR STATEMENTS

The Temporary Speaker (Hon. Peter Kaluma): We now have Quorum. Let us have Hon. Irene Mayaka. She will be followed by Hon. Njeri Maina, then the Hon. Leader of the Majority Party will make that important Statement. I request you not to step out. This is very brief.

ASPECTS OF FINANCIAL SERVICES OFFERED BY TELECOMMUNICATION COMPANIES

Hon. Irene Mayaka (Nominated, ODM): Thank you, Hon. Temporary Speaker for your wisdom. I wish to request for a Statement regarding various aspects of financial services being offered by telecommunication companies in Kenya.

Pursuant to the provisions of Standing Order 44 (2) (c), I rise to request for a Statement from the Chairperson of the Departmental Committee on Finance and National Planning regarding various aspects of financial services being offered by telecommunication companies in Kenya.

Telecommunication companies such as Safaricom PLC, Airtel, Telecom among others provide a wide range of services and solutions, primarily mobile, voice, messaging, data, financial and digital services that enable commercial and personal platforms. However, these companies through various digital applications such as M-Pesa, digital loan products, Fuliza, Airtel Money, Airtel Wallet, T-Kash among others have been offering loans using money believed to belong to non-borrowing digital application users, thus engaging in financial business without having been licensed as banks or financial institutions.

Further, telecommunication companies do not adequately address the SIM swap fraud, which has seen customers lose millions of shillings through scams and fraud targeting their mobile money services. Their customers have been victims of scammers who have been accessing their bank accounts using the victim's identification details.

Hon. Temporary Speaker, it is against this background that I seek a Statement from the Chairperson of the Departmental Committee on Finance and National Planning on the following matters —

1. Could the Committee undertake an inquiry into how telecommunication companies, through digital applications such as M-Pesa, digital loan products, Fuliza, M-Shwari and Airtel Wallet have been offering loans using money believed to belong to non-borrowing digital application users, thus engaging in financial business without having been licensed as banks or financial institutions?
2. State the measures that the ministry has put in place to ensure that the interest charged on loans and other credit facilities advanced to customers by telecommunication companies adhere to the law on interest capping?
3. What regulatory framework has the Government put in place to ensure that all the financial transactions, including loans and promotions transacted through all telecommunication companies are secured from cyber criminals?

4. What strategic response and protection measures have telecommunication companies adopted to address fraud related charges in mobile money services and tackling sim swaps?

I thank you, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Peter Kaluma): The Chairperson, Departmental Committee on Finance and National Planning.

Hon. Kuria Kimani (Molo, UDA): Thank you very much, Hon. Temporary Speaker. Hon. Irene has raised a very important matter and the Departmental Committee on Finance and National Planning is well seized of this matter. We have seen thousands, if not millions of Kenyans, lose their money from their bank accounts. When they raise those concerns with their respective banks, this has not been addressed.

We have had people lose money from their mobile applications and when this particular matter is raised, it has not been addressed. These institutions have a tendency to tell the customers to go report at the police station. Once this matter is reported to the police and an occurrence book (OB) number is obtained, nothing much is done.

As the Committee mandated to oversee the financial sector, we request to conduct an inquiry instead of seeking for a Statement so that we ask all Kenyans that have lost their money in either a bank account, Sacco account, microfinance account or through a mobile application to write to us to address that matter. If for any case it is because of non-existence of a legal framework, then this being a law-making House, we will propose the correct law. This is to protect the hard-earned salaries and savings of very hardworking Kenyans.

I thank you, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Peter Kaluma): By when did you say, you want to respond to the Statement?

Hon. Kuria Kimani (Molo, UDA): Give us 30 days, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Peter Kaluma): Will that work for you, Hon. Mayaka?

Hon. Irene Mayaka (Nominated, ODM): Hon. Temporary Speaker, I agree with the Chairperson of the Department Committee on Finance and National Planning, that 30 days would be sufficient. This should not take the angle of a Statement but rather an inquiry. As he has clearly put it, we obviously need to also hear from the public in terms of their experiences for us to make a clear determination. I concur with the Chairperson.

The Temporary Speaker (Hon. Peter Kaluma): The Statement is to be delivered within 30 days as requested. The Hon. Njeri Maina.

DEFILEMENT OF A MINOR AT KIBURU VILLAGE KIRINYAGA COUNTY

Hon. Njeri Maina (Kirinyaga County, UDA): Thank you, Hon. Temporary Speaker. I rise to request for a Statement regarding defilement of a minor in Kirinyaga County. For purposes of protecting her, kindly allow me not to mention her name.

Hon. Temporary Speaker, pursuant to the provisions of the Standing Order 44 (2) (c), I rise to request for a Statement from the Chairperson of the Departmental Committee on Administration and Internal Security regarding defilement of a minor at Kiburu Village, Baricho Location in Kirinyaga County.

Hon. Temporary Speaker, Kenya has enacted several laws and developed various policies to fight sexual offences. Despite the existence of many laws and policies prohibiting sexual offences in Kenya, there is still a sharp increase in sexual violence cases and the emergence of new forms of sexual violence which had not been addressed by the Sexual Offences Act. On 20th February 2024, a case OB17/20/02/2024, was reported at Baricho Police

Station on defilement of a minor, 13 years by one, Mr. Alfred Chomba, who is the chief of Mukure Location.

According to the report, the chief has been luring the minor, who is a grade seven pupil in Kiburu Primary School, to different lodgings by giving her some money and defiling her after school. When the chief learnt that the minor was pregnant, he approached her elder sister, persuaded her to keep the matter confidential and support procurement of an abortion, after which he would compensate her. However, the sister decided to report the matter to my office and at Baricho Police Station. Upon hearing the matter had been reported, the chief revenged by assaulting the sister who reported the matter on 21st February 2024.

(Loud consultations)

The Temporary Speaker (Hon. Peter Kaluma): Order! Hon. Members, would you consult in low tones? The matter being raised sounds very serious.

Hon. Njeri Maina (Kirinyaga County, UDA): Thank you, Hon. Temporary Speaker. Upon hearing that the matter had been reported, the chief revenged by assaulting the minor's sister on 21st February 2024. The assault case was also reported at Baricho Police Station under OB19/21/02/2024. Thereafter, the chief was arrested, but released on a cash bail of Ksh30,000.

Hon. Temporary Speaker, it is against this background that I request for a Statement from the Chairperson of the Departmental Committee on Administration and Internal Affairs on the following:

1. What measures has the ministry put in place to ensure the minor and her sister get justice?
2. Could the Chairperson explain reasons that led to the release of the chief from Baricho Police Station on a cash bail regardless of the victim's right to justice?
3. What measures has the Government put in place to ensure the safety of school going children in Kirinyaga County and the country at large?

Thank you, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Peter Kaluma): The Chairperson of the Departmental Committee on Administration and Internal Affairs is not in the House. Due to the urgency of this matter, I request that the response be delivered to you and the House within 30 days from today. Is that sufficient?

Hon. Njeri Maina (Kirinyaga County, UDA): Yes, that is in order, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Peter Kaluma): I have mentioned within 30 days so even if that response is available by tomorrow, it can be given. Within 30 days does not mean we have to wait for 30 days. Provided it is not beyond 30 days.

Hon. Njeri Maina (Kirinyaga County, UDA): Thank you, Hon. Temporary Speaker.

STATEMENT

BUSINESS FOR THE WEEK OF
8TH TO 12TH APRIL 2024

The Temporary Speaker (Hon. Peter Kaluma): Thank you. I now call upon the Leader of the Majority Party to give that Statement.

Hon. Naomi Waqo (Marsabit County, UDA): Hon. Temporary Speaker, pursuant to the provisions of Standing Order 44(2)(a), I rise to give the following Statement on behalf of the House Business Committee which met on Tuesday, 19th March 2024 to prioritise the business for consideration during the week.

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Hon. Temporary Speaker, from the outset, I wish to commend the leadership of the House and Hon. Members for the dedication and cooperation exhibited so far, in the Session. As Members will note, the House is set to proceed on a short recess, commencing after today's Sitting in line with the approved Calendar of regular sittings. Thereafter, the House is scheduled to resume sittings on Tuesday, 9th April 2024 at 2.30 p.m., to continue with the First Part of the Second Session.

Hon. Temporary Speaker, we wish Hon. Members a happy stay, as they reunite with their families because they have worked very hard. Although we only have a few days, it is good enough and we will be energised.

Hon. Temporary Speaker, it is noted that the House still awaits various reports from committees on business committed to them. In this regard, I wish to encourage committees to make use of this period to expedite pending business and finalise their reports including Bills, Treaties, Petitions and any inquiry. This will enable their consideration when the House resumes from the short recess.

Hon. Temporary Speaker, upon resumption, the House will continue debate on the Second Reading of the Land Laws (Amendment) (No.2) Bill, 2023; the National Disaster Risk Management Bill, 2023 and the County Licensing (Uniform Procedure) Bill (Senate Bill No.9 of 2022) should they not be concluded today. Additionally, debate will also be undertaken on the following Motions, should they not be concluded:

1. Reports of the Auditor-General on the National Government Constituencies Development Fund for five constituencies in Vihiga County;
2. Reports of the Auditor-General on Financial Statements for the Kenya Slum Upgrading Low-Cost Housing & Infrastructure Trust Fund;
3. Reports of the Auditor-General on the financial statements for the Land Settlement Fund and the Railway Development Fund;
4. Reports of the Auditor-General on the National Government Constituencies Development Fund for nine constituencies in Bungoma County; and
5. Inquiry into the Maize Flour Subsidy Programme for the Financial Year 2022/2023.

Finally, Hon. Temporary Speaker, noting that Ramadhan and Easter periods fall during this recess period, I wish to take this early opportunity on behalf of the House Business Committee and my own behalf, to wish Hon. Members a Happy Easter, Ramadhan Mubarak and a fruitful recess period. The House Business Committee shall reconvene on Tuesday, 9th April 2024 to schedule business for the rest of that week. I now wish to lay this Statement on the Table of the House.

Thank you, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Peter Kaluma): Thank you very much. Next Order.

BILL

Second Reading

THE NATIONAL DISASTER RISK MANAGEMENT BILL (National Assembly Bill No.24 of 2023)

The Temporary Speaker (Hon. Peter Kaluma): Mover, Hon. Lochakapong.

Hon. Peter Lochakapong (Sigor, UDA): Hon. Temporary Speaker, on behalf of the Leader of the Majority Party, I beg to move that the National Disaster Risk Management Bill (National Assembly Bill No.24 of 2023) be now read a Second Time.

I thank the Departmental Committee on Regional Development for a job well done. Hon. Temporary Speaker, as you are aware, the Bill seeks to provide a legal framework for the co-ordination of disaster risk management activities in both levels of Government by establishing an Intergovernmental Council on Disaster Risk Management and the National Disaster Management Authority (NDMA) to ensure co-ordination of disaster risk management issues.

Further, the Bill approaches disaster risk management in a manner that seeks first to respond effectively in a timely manner to any disaster and prevent the adverse effects of a disaster.

Hon. Temporary Speaker, the following Articles of the Constitution explicitly recognise the importance of disaster risk management, mandating the Government to ensure the sustainable management and contravention of the environment including disaster risk reduction namely:

1. Article 58(1)(a) on state of emergency provides that a natural disaster may lead to the declaration of a state of emergency.

2. Article 69(1)(a) on the obligations of the State in respect of environment provides that, the State shall eliminate processes and activities that are likely to endanger the environment including disaster.

3. Article 241(3)(b) provides that:

“(3) The Defence Forces—

(a) shall assist and cooperate with other authorities in situations of emergency or disaster, and report to the National Assembly whenever deployed in such circumstances.”

Hon. Temporary Speaker, the Fourth Schedule of the Constitution provides that disaster management is a shared function between the national and county governments.

I now seek to highlight the contents of the Bill. The Bill has 57 Clauses and Part 1 which is preliminary has Clauses 1 to 4. This Bill provides for the preliminary provisions and outlines the application of the Bill with the principal object seeking to provide a legal framework for the coordination of disaster risk management activities.

Clause 3 sets out the objects of the Bill which are; to provide a legislative framework for disaster risk management; enhance an effective and coordinated disaster preparedness, prevention, response, mitigation and recovery; to reduce disaster risks and vulnerabilities at the national and county levels of Government; and to enhance resilience to the impacts of disaster risks and climate change at both the national and county levels of Government.

Clause 4 of the Bill provides the guiding principles on disaster risk management, which include:

1. A comprehensive approach to disaster risk management for balancing between the reduction of risk and the enhancement of community resilience, while ensuring effective response and recovery capabilities.
2. All hazards approach in managing disaster.
3. Enhancing local disaster risk management capability as the front line to disaster risk management.
4. Respect, ethics and professional standards.
5. Transparency and accountability.
6. Commitment in service to the people.
7. Supporting the national Government and the county governments, including local communities, in disaster risk management.

Part II is on the establishment of the institutional framework on disaster risk management. That is in Clauses 5 to 29. The Committee proposes that the Bill be amended by deleting Clauses 5, 6, 7 and 8. The justification is that these clauses provide for the

establishment of the Intergovernmental Council that comprises 10 members. The Committee recommends its deletion for the following reasons:

1. The proposed Intergovernmental Council will be bureaucratic and the reporting structure is unclear as to how more than a third of the Cabinet, as currently constituted, will be reporting to the same Cabinet.
2. The arrangement may occasion delays in the critical decision-making process for effective disaster risk management, more specifically, during response. The Authority is best placed to discharge the functions.
3. The proposed establishment of the Intergovernmental Council would distort the principles of good governance.
4. The functions of the proposed Intergovernmental Council may conflict with the functions of the proposed National Disaster Risk Management Authority and the Board of the Authority. Both the Intergovernmental Council and the National Disaster Risk Management Authority established under Clause 9 are supposed to perform the functions of coordinating, monitoring and implementing the function of disaster risk management.
5. It offends the principle of co-operation between the national Government and the county governments. Out of the 10 members of the Intergovernmental Council proposed, nine are members of the Cabinet, and only one is from the Council of Governors.

Clauses 9 to 30 establish the National Disaster Risk Management Authority, whose headquarters shall be in Nairobi. However, the Authority may establish such other offices as it considers necessary for the discharge of its functions. The clauses further provide for the functions of the Authority and outline its composition, qualifications of members and the functions of the Board of the Authority.

It is worth noting that Clause 13 provides for the composition of the Board. The Committee proposes an amendment to ensure adherence to the Mwongozo Code of Governance, which recommends a membership of between seven and nine members.

Part III of the Bill is on the classification of disaster, plans and electronic information systems. That is from Clauses 31 to 34.

Clause 31 places a duty on the Authority to develop and maintain an electronic database containing:

1. Particulars of national and county organs involved in disaster risk management.
2. Non-Governmental organisations involved in disaster risk management, including foreign ones and experts.
3. Information concerning disasters.
4. A directory of role players.
5. Emergency response resources and capacity.
6. Emergency preparedness.
7. Classification of disasters.
8. Disaster risk management research and training facilities.

Clause 32 of the Bill states that the Authority shall develop and regularly review the national disaster risk management plan and strategy for State organs and other players involved in disaster risk management and collaborate with the counties in coordinating the implementation of the policies, plans and strategies.

Clause 33 of the Bill provides for the classification of disasters. When a disaster occurs or threatens to occur, the Authority shall determine whether the event is a disaster under the Act. Once it is declared a disaster, the Authority shall:

1. Assess the magnitude and severity or potential magnitude and severity.
2. Classify the disaster as a county or national disaster.

3. Record the particulars concerning the disaster in a register.

A county disaster is one that affects a single county, which the county is unable to effectively manage, whereas a national disaster is one that affects more than one county or a single county that is unable to effectively manage it. A disaster can befall a county but where a county may be unable to manage it, it becomes a national disaster. Again, where a disaster affects more than one county, it can also be classified as a national disaster.

Clause 34 gives the President the authority to declare a national state of disaster. The declaration shall contain the reasons and duration. During the subsistence of a declaration, the President may make orders or issue directives concerning the release of available resources, for instance, stores, equipment, facilities, vehicles, and the release of personnel for rendering of emergency services, among others.

Part IV of the National Disaster Risk Management Bill is on County Disaster Risk Management Committees. This is in Clauses 35 to 44.

Clauses 35 to 39 establish a County Disaster Risk Management Committee in each county and its composition, functions, powers and conduct of business and affairs. In addition, Clause 40 requires each county to establish a County Disaster Risk Management Centre, which shall be headed by an expert in disaster risk management, who shall be competitively recruited by the County Public Service Board.

The functions of the County Disaster Risk Management Centre include implementing the decisions of the committee specialising in matters concerning disaster risk management in the county and promoting an integrated and coordinated approach to disaster risk management in the county, among other functions.

Clauses 41 to 44 provide for the procedure during disaster events. If a disaster occurs or is forecasted to occur, a county committee shall determine whether the event is a disaster under the Act and if so, it shall assess the magnitude and severity or potential magnitude and severity of the disaster, implement applicable contingency plans and emergency procedures, and inform the Authority of the disaster.

Part V of the Bill, that is Clauses 45 to 48, is on financial provisions. It outlines the source of the funds for the Authority, which consists of monies appropriated by the National Assembly, monies as may accrue to the Authority in the performance of its function, and monies from any other source provided for, donated, or lent to the Authority.

Part VI of this Bill, that is Clauses 49 to 55, are on miscellaneous provisions. Clauses 49 to 50 place a duty on the members of the board, staff, or agents of the Authority to safeguard the information held by the Authority. Clauses 51 to 55 provide for the offences to include obstruction and refusal to comply with directions, false claims, false alarms or warnings, and the misappropriation of relief money or materials meant to provide relief during a disaster.

Part VII of this Bill is on the provisions on delegated power. Clause 56 gives the Cabinet Secretary the power to make regulations. The regulations govern areas such as measures for disaster prevention, mitigation, preparedness, response and recovery. They also govern the collection and publication of data relating to disaster risk management, the conduct of public awareness and civic education on disaster risk management, criteria for the classification of a disaster and form and particulars of the register for disasters, among other things.

As I conclude, disaster risk management is a complex and dynamic process that requires sustained commitment, collaboration and innovation. In Kenya, efforts to enhance disaster risk management face numerous challenges including climate change, resource constraints and governance issues. However, through policy reforms, investments in early warning systems, community engagement and capacity building, Kenya has made significant strides in strengthening its resilience to disasters. Moving forward, sustained efforts to address underlying risk factors improved coordination and adaptive capacity will be essential in

mitigating disaster risks effectively and building a safer and more resilient Kenya for future generations.

I beg to move and ask the Member for Ganze, Hon. Tungule, to second.

The Temporary Speaker (Hon. Peter Kaluma): Hon. Lochakapong, just before he seconds, it appears you have a lot of information on this particular Bill. There was a similar Bill which unfortunately lapsed. To what extent does this borrow from it? You may respond or look into it as you proceed to the relevant committee. Within the National Disaster Risk Management Bill, we are dealing with county disasters. Are these issues you could comment on? If not, we may proceed to second.

Hon. Peter Lochakapong (Sigor, UDA): Hon. Temporary Speaker, from what I presented, disaster risk management will require a collaborative effort. When disasters occur, counties will also come in. Within this Bill, we are also establishing a centre at the county that will involve counties in managing disasters. We are bringing counties on board because of the classification of disasters into two: national and county disasters. Where a disaster occurs in a county and it is not able to cope, we can scale it into a national disaster. Where a disaster affects more than one county, it automatically becomes a national disaster. In disaster response efforts, the national Government and county governments will have to collaborate.

To answer your earlier question, this Bill was first introduced in the last Parliament. We have just picked it up to ensure that we take it to a conclusion.

Thank you.

The Temporary Speaker (Hon. Peter Kaluma): Who was to second?

Hon. Peter Lochakapong (Sigor, UDA): The Member for Ganze, Hon. Tungule.

The Temporary Speaker (Hon. Peter Kaluma): Give him the microphone. Proceed, Hon. Tungule.

Hon. Kenneth Tungule (Ganze, PAA): Thank you, Hon. Temporary Speaker, for this opportunity. I rise to second the National Disaster Risk Management Bill (National Assembly Bill No.24 of 2023). Pursuant to the provisions of Standing Order 127, the Bill, which was sponsored by the Leader of the Majority Party, Hon. Kimani Ichung'wah, and moved by the Chairman of the Regional Development Committee, Hon. Lochakapong, was read a First Time on Wednesday, 9th August 2023, and committed to the Committee on Regional Development for consideration and reporting to the House. As the Mover pointed out, the Fourth Schedule to the Constitution, Articles 58(1)(a), 69, and 241(3)(b) among others explicitly recognise the significance of disaster risk management and require the Government to ensure sustainable management and conservation of the environment including disaster risk reduction.

Kenya faces a wide range of natural and human-induced hazards such as the vulnerability to climate change where Kenya is highly vulnerable to the impact of climate change including erratic rainfall patterns, increased frequency and intensity of droughts and floods and rising temperatures. This phenomenon exacerbates food insecurity, water scarcity, and the spread of vector-borne diseases amplifying disaster risks across the country.

Kenya also faces limited resources and capacity gaps in disaster preparedness, response, and recovery. Insufficient funding, inadequate infrastructure and a shortage of skilled personnel hinder the Government's ability to address disaster risks comprehensively.

Urbanisation and informal settlements are areas where we need intervention. Rapid urbanisation and proliferation of informal settlements in cities like Nairobi exacerbate vulnerability to disasters. Poorly planned urban areas lack adequate infrastructure services and land use regulations increasing the population's exposure to hazards such as floods, fires and landslides.

Despite efforts to strengthen the institutional framework for disaster risk management, challenges persist in governance and coordination among relevant stakeholders. Fragmentation, overlapping mandates, and weak coordination mechanisms hinder effective

collaboration and information sharing, thus undermining the efficiency and efficacy of disaster risk management efforts.

Hon. Temporary Speaker, these hazards in turn lead to disasters that cause death, injury, damage to property and environmental degradation as well as significant disruption of life in the community. Kenya's development gains have been under threat from an increasing number of disasters. Historically, disaster management in Kenya was not viewed as an integral part of development planning. When disasters occurred, they would be responded to in an ad hoc manner. It was only after the El Nino rains of 1997, and the 1998 bombing of the United States of America (USA) Embassy that the idea of creating a national disaster operations centre was conceived to coordinate, mobilise resources and respond to emergencies and disasters. In 2013, the National Disaster Management Unit was established through a presidential directive as an effective and competent disaster management unit with an established command structure, budget and standard operating procedures based on best practices.

This Bill is a step in the right direction for the country on matters relating to disaster risk management. It seeks to provide a legal and institutional framework for the coordination of disaster and risk management activities at both national and county government levels. It encompasses a range of activities aimed at minimising the impact of disaster in communities and safeguarding of their livelihoods. It involves identification, assessment and reduction of risks as well as preparedness, response and recovery measures. It also adopts a multi-disciplinary approach, incorporating elements of science, engineering, governance and social dynamics to comprehensively address complex risk scenarios.

Clauses 3 and 4 of the Bill incorporates several key principles and objects underpinning effective disaster risk management as follows –

1. Risk identification and assessment, which involves conducting risk assessment, mapping potential threats and evaluating the exposure and vulnerability of communities, infrastructure and ecosystems;
2. Prevention and mitigation, which includes land use planning, building codes, infrastructure improvement, ecosystem restoration and public awareness campaigns to promote safer practices;
3. Preparedness, which involves developing plans, protocols and capacities to respond swiftly and effectively when disasters strike as well as establishing early warning systems, training emergency responders, stockpiling supplies, and conducting drills and simulations to test response mechanisms;
4. Response, where efforts focus on providing immediate assistance to affected populations, including search and rescue operations, medical care, shelter and human aid, coordination among government agencies, NGOs and international organisations inclusion for effective and equitable response efforts; and,
5. Recovery and rehabilitation, which aim at restoring affected communities to a state of normalcy and resilience may involve re-building infrastructure, restoring livelihoods, providing psychological support and integrating lessons learnt to enhance future resilience.

Hon. Temporary Speaker, Standing Order 127(3) provides that the Departmental Committee to which a Bill is committed shall facilitate public participation on the Bill through an appropriate mechanism, including inviting submission of memoranda, holding public hearings, and consulting relevant stakeholders in a sector.

(Several Members spoke off the record)

Hon. Members, allow me to finish. I am concluding right now. The importance of the Bill cannot be overstated, particularly in an era of increasing climate change impact,

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urbanisation and globalisation. Effective disaster risk management not only saves lives and reduces suffering but also protects livelihoods. By investing in proactive risk reduction measures, communities can minimise the costs and disruptions associated with disasters and build a more resilient and sustainable future for all.

With those few remarks, I beg to second.

(Question proposed)

MESSAGE

NOMINATION OF PERSONS FOR APPOINTMENT TO DIPLOMATIC STATIONS

The Temporary Speaker (Hon. Peter Kaluma): Hon. Members, before we continue with debate, allow me to deliver a message to you, on behalf of Hon. Speaker.

Hon. Members, pursuant to the provisions of Standing Order 42, I wish to report to the House that I have received a message from His Excellency the President regarding nomination of persons for appointment to various diplomatic offices. He conveys that, in exercise of powers conferred to him by the provisions of Article 132(2)(e) of the Constitution, he has nominated 27 persons for appointment to the offices of the High Commissioners, Ambassadors, Permanent Representatives and Consuls-General.

The 27 persons are as hereunder—

HIGH COMMISSIONERS

NAME	STATION
1. Ms Catherine Kirumba Karemu	- London, United Kingdom
2. Hon. Joash Arthur Maangi	- Kampala, Uganda
3. Hon. Lilian Tomitom	- Lusaka, Zambia
4. Hon. Vincent Mogaka Kemosi	- Accra, Ghana
5. Ms Caroline Kamende Daudi	- Ottawa, Canada
6. Lt. Gen. Peter Mbogo Njiru	- Islamabad, Pakistan

AMBASSADORS

NAME	STATION
1. Hon. Fred Outa	- Cairo, Egypt
2. Prof. Anne Kisaka Nanguli	- Dakar, Senegal
3. Mr Timothy Kaluma Mcharo	- Algiers, Algeria
4. Hon. Christopher Andrew Lang'at	- Abidjan, Côte d'Ivoire
5. Ms Jessica Muthoni Gakinya	- Rabat, Morocco
6. Hon. Halima Yussuf Mucheke	- The Hague, Netherlands
7. Dr David Kiplagat Kerich	- Washington DC, USA
8. Ms Everlyne Mwenda Karisa	- Havana, Cuba
9. Dr Peter Mutuku Mathuki	- Moscow, Russia
10. Amb. Moi Lemoshira	- Tokyo, Japan
11. Mr Kenneth Milimo Ng'ang'a	- Abu Dhabi, UAE

- | | | |
|---------------------------|---|--------------|
| 12. Lt. Gen. Jonah Mwangi | - | Tehran, Iran |
| 13. Mr Abdi Aden Korio | - | Muscat, Oman |

PERMANENT REPRESENTATIVES

- | | | |
|-------------------------------|---|--|
| 1. Ms Getrude N. Angote | - | United Nations Environment Programme (UNEP) |
| 2. Ms Grace Atieno Okara | - | United Nations HABITAT |
| 3. Dr Fancy Too | - | Ambassador/Permanent Representative, Geneva, Switzerland |
| 4. Mr Ekitela Erastus Lokaale | - | United Nations, New York, USA |

CONSULS GENERAL

- | | | |
|------------------------------|---|----------------------|
| 1. Mr Ezra Chiloba | - | Los Angeles, USA |
| 2. Mr Charles Githinji Keiru | - | Goma, DRC |
| 3. Mr Aden Mohamud Mohamed | - | Jeddah, Saudi Arabia |
| 4. Mr David Iboko Lokemer | - | Dubai, UAE |

In accordance with the provisions of Standing Order 45(1), I hereby refer the Message, the *curriculum vitae* and testimonials of the nominees to the Departmental Committee on Defence, Intelligence and Foreign Relations, for consideration.

Hon. Members, Section 8 of the Public Appointments (Parliamentary Approval) Act of 2011 provides that, unless otherwise provided in law, the Committee to which such nomination is referred shall consider the matter and table a report in the House for debate and decision within twenty eight days. In this regard, the Committee is expected to immediately commence the approval process and thereafter table its report on or before Tuesday, 16th April 2024, to enable the House consider the matter within the statutory timelines.

I thank you.

(Applause)

(Resumption of the National Disaster Risk Management Bill)

The Message is delivered. Therefore, we will go back to the National Disaster Risk Management Bill. Do I assume that all these requests refer to this particular Bill? I have requests from Hon. Liza Chelule, Hon. Emmanuel Wangwe, Hon. Danson Mwashako, Hon. Ibrahim Saney, Hon. David Kiplagat and Hon. Gertrude Mbeyu. Do you all want to speak to this Bill or some of the requests are different issues? I can see that they are on different interests.

Hon. Oundo, do you want to speak to this Bill? If so, you may proceed.

Hon. (Dr) Ojiambo Oundo (Funyula, ODM): Thank you, Hon. Temporary Speaker. I stand to support the National Disaster Risk Management Bill (National Assembly Bill No.24 of 2023).

As you have clearly mentioned, this Bill was presented in this House in the last term. For some strange reasons, I do not know whether we did not complete it or it was transmitted to the Senate, and therefore, did not see the light of day. Maybe it was never processed to its logical conclusion.

Hon. Temporary Speaker, the world is changing rapidly. It is changing either positively or negatively. We always say that we are always a disaster away from a disaster. We are just a point away from a disaster. A disaster can happen anywhere and at any time. That is why it is always important that we have a broader approach when we define a disaster. As we stand here

today, this country has recorded very many disasters. I look at the word “disaster” in the fully negative aspect of it. Therefore, a good progressive society must hinge its management of affairs on three things –

- (i) Anything can go wrong.
- (ii) Anything can go wrong any time.
- (iii) We must be prepared to face it when anything goes wrong.

That is so that we minimise loss because of anything going wrong. This is an elaborate Bill. I want to start by picking areas that require attention. I hope the Chairman or Mover of the Bill is listening. If he is not listening, *The Hansard* is recording.

First, from an academic and theoretical point of view, the definition of “risk” under Clause 2 is restrictive and outdated. It no longer applies. A risk does not always have to be negative. A risk can be positive or negative.

The Temporary Speaker (Hon. Peter Kaluma): Hon. Moses Kirima, what is out of order?

(Hon. Moses Kirima spoke off the record)

Hon. (Dr) Ojiambo Oundo (Funyula, ODM): He has abandoned his point of order. My one minute has been eaten up as he was trying to abandon his point of order.

As I was saying, clearly, a risk is an occurrence of unforeseen event. That is the basic definition of ‘risk’, whether negative or positive. A risk should be defined as an occurrence of unforeseen event. A risk should be seen as an occurrence of unbudgeted or unexpected events. In the Bill, its promoters have already defined ‘risk’ as a combination probability of an event occurring with negative consequences. Again, we already have a negative approach to addressing disaster.

Let me give you a very typical example. The floods water that end up in Budalang’i come from Mount Elgon all the way down. As the water come down, it comes with fish. As much as people are displaced temporarily, they have an abundant harvest of fish once the water subsides. Disaster is never just about negative consequence. When there is rapid flow of water coming down, if we do dam water harvesting and tapping, it is not a negative consequence at all. Therefore, I want the Committee to look at this matter. Definitely, I will look at it. That is why I am saying the Bill is drafted from a negative point of view.

On disaster and risk management, again, we are so consummated with addressing or responding post-facto instead of finding out why risks occur. In the US, through a history of information gathering processes and modern technology, they can predict when cyclones will hit them. Again, the definition of ‘disaster risk management’ is not in the Bill. Early detection, modelling and prediction are not included here. We are simply interested in attending to the issues that happen.

Hon. Temporary Speaker, the structures in Part II of this Bill are very bureaucratic. This is another bureaucracy-laden framework that will not allow rapid response to disasters. The Departmental Committee Chairman mentioned that they will propose amendments. I have always had issues with ‘promissory notes’ contained in Committee reports to the effect that they will amend or that we should take less time to debate and accept that amendments will be made. What if we are pre-empting debate? That is anticipating debate. We do not know what the outcome of the Committee of the whole House will be. So, this is very heavy. It will not move. The relationship between the national Government and the county governments is already prescribed in the Constitution, and in the County Government Act. Creating another bureaucracy is, again, literally bogging down response.

Again, this is government-driven and government-heavy yet we have very many corporates, Community Based Organisations (CBOs) and other non-state actors that are

probably better equipped to address matters of risk compared to the Government. We now have another bureaucracy called the National Disaster Risk Management Authority that comes with authority, *fanya fujo uone*. Ninety nine per cent of this is about the Cabinet and nobody else. It is as if only the Cabinet can think and manage disasters.

From history, we know that a number of disasters are caused by landslides. We cannot have a body like this one without incorporating the physical planners who are experts in this matter in order to deal with visual-spatial planning to avoid settlements in landslide prone areas. We cannot afford to ignore spatial planners in terms of riparian reserves. Some lakes or rivers overflow because we have invaded riparian reserves and have taken away the safeguard that used to exist. We seem to believe only in the Kenya Red Cross Society as pertains to emergencies. What if other non-state actors emerge? What will be their place? Will they become subservient and ride on the back of the Kenya Red Cross Society. St John Ambulance Services and the Scouts Movement have been at the forefront in attending to disasters. Excluding them from any representation in this Authority, or anywhere, is a matter that surely requires to be addressed. We cannot fail to attend to professional bodies like the Institute of Engineers. When a building collapses, who is responsible? It is the engineers who have designed the building badly and have not supervised its construction properly. These are some of the issues that should be addressed.

I like some of the classifications under Part III. They talk about risk management experts and private sector volunteer experts. Are they going to be registered? Are they going to be licensed? Are they going to be trained? How do we find out?

Hon. Temporary Speaker, there is a terrible disaster waiting to happen. I would like you to add me one minute so that I can conclude. I was disrupted when they were withdrawing the threatening Motion.

The Temporary Speaker (Hon. Peter Kaluma): Give Hon. Oundo three minutes because he is very relevant.

Hon. (Dr) Ojiambo Oundo (Funyula, ODM): Thank you, Hon. Temporary Speaker. In Clause 34 of the Bill, essentially, they are handing the President powers of declaration of a state of emergency in addition to the provisions clearly stipulated under Article 132 of the Constitution. I want the nation to hear very clearly what Clause 34(1) says. It states that in the event of a national disaster, the President may declare a National State of Disaster by notice in the Gazette. That is without any reference to Parliament. It adds that the declaration shall contain a concise statement of reasons for the declaration and the duration of the declaration. Again, this is without any reference to this House, contrary to provisions of Article 132 of the Constitution.

The list of sanctions that are to be imposed limit personal liberties, contrary to the Bill of Rights contained in the Constitution of Kenya. I challenge the Committee to relook at this so that we build consensus. We do not want the kind of abuse that was perpetuated by police officers during the lockdown as a result of Covid-19. As a country, we should never get there. We must prepare adequately for disasters. I am not so sure on how we should interface with a pandemic because many times a declared pandemic is actually a disaster. How do we interface that? This is the kind of thinking we need to focus on. We have an elaborate disaster management system under the county governments. We are fixated with more formal structures believing it is only county governments that have the capacity to identify a risk or a disaster.

As I conclude, a disaster will cause damages but the aftermath of a disaster has benefits. Can the Committee open up their mind and look at this issue in a more positive manner and not negatively all the time? When an accident happens, it gives designers, for example, of motor vehicles ideas to design better vehicles that will avoid major failures later. If we close our minds, we will never solve problems. They will keep recurring and if they do, we must be

prepared for mitigation measures. I will introduce amendments to this Bill during the Committee of the whole House.

Thank you.

The Temporary Speaker (Hon. Peter Kaluma): Hon. Rindikiri Mugambi.

Hon. Mugambi Rindikiri (Buuri, UDA): Thank you, Hon. Temporary Speaker. I would like to support this Bill because disasters have taken a toll on the socio-economic and political aspects of this land. This is an area that has never been given a lot of attention in the past. Therefore, with this Bill, we should have more focus on how to manage this animal called disaster.

It is true that we have never had a legal framework for coordinating disasters in this country, and that is what this Bill is addressing. The establishment of the Intergovernmental Council on Disaster Risk Management and the National Disaster Risk Management Authority will form the basis for coordinating activities of various types of disasters when they occur. I note that the counties will also be involved. In the past, counties were left out in the management of disasters.

The Bill classifies disasters. We have suffered because of floods, which are natural. We have also suffered from man-made disasters in this country. We have also suffered from earthquakes. We have suffered from wild fires as well as industrial fires. In addition, we have suffered terrorist attacks and pandemics. This Bill, therefore, classifies various disasters with reference to how each one of them will be dealt with.

Hon. Temporary Speaker, these activities cannot continue properly unless the Government puts financial resources and personnel into the disaster management initiative. This Bill brings in funding. It stipulates how money will be appropriated, accounted for and audited. It brings information on risk management. In many cases, there has never been a central database from which to borrow data, analyse and make decisions. This Bill is establishing a framework for gathering information, protecting that information, sharing it and relating with it in future decisions. The Bill is looking at what the national Government and county governments will do.

We have seen very many disasters happen in this country, and we have seen nobody take responsibility or provide resources. I presume that is why all these ministries are being put together. The National Assembly is key in appropriating resources for disaster management. Therefore, this Bill is very important. If there is no response at the Government level, the responsibility lies squarely with the cabinet secretaries and the Council of Governors (CoG). That means there will be continuous engagement in terms of the way we relate to disaster issues.

Hon. Temporary Speaker, I see some conflict of interest in this Bill. We are talking about the Intergovernmental Council of Disaster Risk Management as the apex. Then the National Disaster Management Authority follows. We have to be very careful with the structures. Where is specialisation? The Council lacks specialisation. For example, I have seen that the Council and the Authority will have the Principal Secretary responsible for disaster risk management and another one responsible for drought management. This is one and the same thing.

This Bill does not mention the roles to be played by our universities in terms of research, data gathering and analysis. We need to have people with a lot of knowledge on disaster management in the Board, the Council and the Authority. You cannot avoid the universities, particularly the University of Nairobi. It needs to be included to provide expertise. We need international relations when it comes to sharing information. Universities are better placed to analyse information across the globe. When you do not involve them at the apex or authority level, then we are not doing justice to disaster and risk management.

Therefore, even as I support the Bill, I urge that we have more specialised personnel appointed to the proposed Authority. Let us not make the mistake of having political appointees because disaster management is a serious matter. People have died, others have suffered economically and populations have been displaced. We have spent a lot of money we cannot account for, and very many wrong things have happened. If this Bill is implemented with the amendments that we will bring, I am sure that disaster risk management in this country will be properly undertaken.

With those remarks, I support.

The Temporary Speaker (Hon. Peter Kaluma): Hon. Members, let us now listen to Hon. John Mutunga for his expertise in matters disasters.

(Laughter)

Hon. (Dr) John K. Mutunga (Tigania West, UDA): Thank you very much, Hon. Temporary Speaker, for giving me an opportunity to support this Bill.

The Bill was once brought to this House and it disappeared for very many years. I can remember the last time we were discussing a legislation on disaster management was in 2007. It always comes and goes. I hope this time round it will see the light of day and become law because Kenya needs a law on disaster risk management.

Hon. Temporary Speaker, disasters are majorly categorised into two types. Natural disasters, which occur whether we want or not due to climate change and other factors. The other category is technological disasters, which are as a result of man's influence. Basically, disasters are enhanced emergencies which occur incidentally and have negative connotation and orientation.

I note that the Bill carefully recognises that disasters are those emergencies which are beyond the capacity of a given jurisdiction to contain. If an occurrence is within the capacity of a jurisdiction, or an entity or organisation to contain, it is an emergency. It becomes a disaster the moment it goes beyond that particular jurisdiction. A country, considered as jurisdiction in this case, would also have a disaster. The Government can call upon the international community to intervene. That is why the disaster declaration process is captured in this Bill in very good order.

Disaster risk management has to do with containment of risks. I want to take a minute to allude to what Hon. Oundo was talking about. The professor was saying that there is a lot of negativity in the Bill. We grade disasters based on the credible worst scenario, which is considered to be the best to respond to. Therefore, a disaster cannot really be positive because we have to deal with bad situations. Disasters are basically about natural or technological occurrences that are bad in terms of the causative agents, which we call hazards.

Hon. Temporary Speaker, there are four key principles captured in this Bill, and we need to dwell on them. The Bill seeks to have the functions of the relevant agencies discharged in a co-ordinated manner. During disaster, there is no time to do things properly. It is important for us to be prepared so that we can better coordinate and collaborate.

In collaboration, disaster management has four factors. One is trying to make sure that disasters do not occur at all, which is mitigation. This is about building the capacity of a country to reduce the possibilities of disasters occurring, or doing anything possible to minimise the disasters themselves. Hazards cause disasters. So, we need to identify and interrogate in order to understand them. We also need to do hazard analysis to know what kind of risks they pose to a community, entity or jurisdiction.

Hon. Temporary Speaker, we cannot be disaster prepared unless we have mechanisms for response at all levels; from individuals to households and national levels. Preparedness is key. This is the ability to identify what types of hazards we are facing and quantifying them so

that we may know what kind of effects they will have on us when they occur. That is why we are talking about disaster risk reduction.

There is the issue of assessment or analysis of hazards. The process of disaster response occurs only after a disaster has happened. The response initiatives are about bringing back systems to normal up to their optimal operational standards or where they were operating at before. If a disaster occurred in Nairobi and this honourable house is affected, the response team will act as quickly as possible to reduce the effects of that disaster on such an institution. However, disaster recovery is not just about responding to the present situation but it also involves mitigating future disasters. To achieve this, we have to have a clear understanding of what has happened and what is likely to happen based on past experiences. The recovery efforts should also focus on building resilience for the future. Therefore, establishing an organised system of handling disaster is key to building resilience for the future. Maintaining order during a disaster is even more essential.

Hon. Temporary Speaker, in order to effectively respond to a disaster, we need to identify who has the capacity and competence to help. We must also have a mechanism in place to mobilise those individuals. We must also identify the triggers to call upon them to discharge their responsibility. This Bill aims at creating an integrated and collaborative approach to disaster response. This is necessary because we have different sectors, functions and institutions that need to work together. Proper coordination and collaboration are key to success. We also need to use our resources optimally and work in an organized and efficient manner to respond effectively to disasters.

Disasters are destructive in nature and destroy a lot of resources when they happen. Hence, we need to respond to them with utmost seriousness. This calls for serious collaboration where we put all available resources, competencies, efforts and partnerships into the disaster response process. Collaboration can be both within the state and without the state, involving state and non-state actors. Non-state actors are important because they play a role in the development and containment of emergencies. Because of their role, we need to identify them and understand their competencies and activation mechanisms. If we do not know these procedures, we cannot get them working in tandem with our preferred way of doing business during a disaster.

Hon. Temporary Speaker, disasters like fires and explosions caused by bombs can occur suddenly and can put us in a state of crisis. During such a crisis, it is crucial to ensure that everyone involved works together effectively. To achieve this, we need to identify the individuals or institutions that have a role to play and establish the proper notification procedures to alert them of the situation. We must notify them in the right way so that they may invoke action. Once they have been notified, we must ensure that they know how to respond. The activation mechanisms are, therefore, key to responding to any disaster.

Disasters can be classified into different levels, namely local, county and national. At the county level, we need proper coordination mechanisms that reflect the national level coordination.

Hon. Temporary Speaker, the disaster declaration process has been captured very well in this Bill. Sometimes when a disaster occurs, our county governments may need outside help to contain it. In such cases, they should declare it as a disaster and request aid from other regions or even the national Government. It is also important for a country to declare an occurrence as national disaster to activate resources without the country. In some instances, we need the United Nations (UN) to act or other countries to come to our aid. When the president declares a national disaster, the declaration calls upon everyone else to participate to minimise the effects and take care of everything else.

Recognition of various management committees is key but because I do not have so much time left, I support this Bill. I will come back with a few amendments.

Thank you, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Peter Kaluma): Hon. Andrew Okuome Adipo, Member for Karachuonyo.

Hon. Adipo Okuome (Karachuonyo, ODM): Thank you, Hon. Temporary Speaker. I want to look at this Bill – which I support – in two ways. First, disasters are either caused by acts of man or they occur naturally. The latter category are what people call ‘acts of God.’ Let me start with disasters that are caused by people.

Hon. Gertrude Mwanyanje (Kilifi County): On a point of order, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Peter Kaluma): What is out of order, Hon. Mbeyu?

Hon. Gertrude Mwanyanje (Kilifi County, ODM): I am sorry...

The Temporary Speaker (Hon. Peter Kaluma): I thought Hon. Okuome is very loud. What is out of order, Hon. Mbeyu?

QUORUM

Hon. Gertrude Mwanyanje (Kilifi County): Hon. Temporary Speaker, I stand under Standing Order 35. Looking around, I note that there is no quorum in the House.

The Temporary Speaker (Hon. Peter Kaluma): Are you raising the matter of quorum?

Hon. Gertrude Mwanyanje (Kilifi County): Yes, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Peter Kaluma): I order that the Quorum Bell be rung.

(The Quorum Bell was rung)

The Temporary Speaker (Hon. Peter Kaluma): Order, Hon. Members! Hon. Andrew Okuome, you will have nine minutes when this matter is rescheduled for consideration by the House

ADJOURNMENT

The Temporary Speaker (Hon. Peter Kaluma): Hon. Members, there being no quorum, the House stands adjourned until Tuesday, 9th April 2024 at 2.30 p.m.

The House rose at 6.50 p.m.

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