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NATIONAL ASSEMBLY

THE HANSARD

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THE HANSARD

Thursday, 29th May 2025

The House met at 2.30 p.m.

[The Speaker (Hon. Moses Wetang'ula) in the Chair]

PRAYERS

QUORUM

Hon. Speaker: Hon. Members, there is no quorum in the House. Sergeant-at-Arms, ring the Quorum Bell for 10 minutes.

(The Quorum Bell was rung)

Order Hon. Members. We have quorum to transact business. Clerk-at-the-Table, proceed.

(Several Members stood in their places)

Order Hon. Members. Members on their feet, take the nearest seat. Hon. Members, as you are aware, yesterday this country lost one of its greatest sons in the literary world. Prof. Ngugi wa Thiong'o, a prolific writer from this country, stood in the league of Chinua Achebe, Ayi Kwei Armah, Elechi Amadi, Flora Nwapa, and many other African writers who authored numerous books that helped open up the literary landscape in this country. Next week on Tuesday, I shall allocate the House 30 minutes to eulogise Prof. Ngugi.

However, for now, as a patriotic House, and in recognition of this great son of Kenya, one of the founders, developers, and nurturers of the Department of Literature at the University of Nairobi, alongside the likes of Okot p'Bitek, the late Micere Mugo, Chris Wanjala, Francis Imbuga, John Ruganda, and others, I ask you to be upstanding. Let us observe a minute's silence in honour of this great son of Kenya.

I must express my disappointment with our media today. I would have expected to see Ngugi's photograph on the front page of every newspaper, just as we did with the Pope's picture and Chinua Achebe when they passed away, and just as we have often featured less deserving headlines. Ngugi wa Thiong'o should have been the headline in every newspaper today. As a House, you can join your Speaker in recording this disappointment. So, let us observe a moment of silence.

(Hon. Members observed a moment of silence)

May the soul of this great son of Kenya rest in eternal peace.

On Tuesday, I will give an opportunity to the Leader of the Majority Party and the Leader of the Minority Party to lead the House in eulogising Ngugi wa Thiong'o. I expect many of you to speak from a point of literary knowledge.

Yes, Hon. Hassan. What is it?

(Technical hitch)

Pardon?

Hon. Yusuf Hassan (Kamukunji, JP): I thank you for giving us the opportunity to eulogise our great leader. However, I think 30 minutes is not enough time to give him the deserved recognition in this House.

Hon. Speaker: I will decide according to the wishes of the House.

Hon. Yusuf Hassan (Kamukunji, JP): Thank you very much.

Hon. Speaker: If you need an hour, I will give it to you.

Hon. Yusuf Hassan (Kamukunji, JP): Thank you. Having more time is better.

Hon. Speaker: Hon. Junet is asking how many people know him in this House. At least I do. How many of you have read his books?

(Several Members raised their hands)

Thank you.

PRESENCE OF DELEGATION FROM THE UNIVERSITY
OF NAIROBI IN THE SPEAKER'S GALLERY

Hon. Speaker: Hon. Members, I have a recognition of students from The University of Nairobi, which is my University. I wish to introduce you to a group of students from the Department of Political Science and Public Administration, Faculty of Arts and Social Sciences at The University of Nairobi, who are seated in the Speaker's Gallery. They are visiting the National Assembly for an academic lecture on the legislative process. They are led by—

1. Dr Oscar Otele, PhD – Senior Lecturer and Chairman, Department of Political Science and Public Administration.
2. Dr Mwachofi Singo – Lecturer, Department of Political Science and Public Administration
3. Dr Tom Ochola – Lecturer, Department of Political Science and Public Administration.

Hon. Members, on my behalf and that of the National Assembly, I welcome and wish them a fruitful and inspiring visit. I also wish that they join in bringing order to our great university.

Thank you.

(Applause)

Hon. Speaker: Yes, Hon. Sunkuli.

Hon. Julius Sunkuli (Kilgoris, KANU): Hon. Speaker, I know that I cannot joyride on your statement. However, as an alumnus of The University of Nairobi, is it in order that I also join you in welcoming this good delegation from the university? I say so because we are nowadays emphasising on science and things to do with our hands. However, this Department deals with the thinking brain. It is important that universities do not forsake the arts, so that we can get a group of people who will map out the future of our country because of their thoughts.

You are welcome. I hope you will find this House quite useful, but do not decide to descend to this Floor because it can be murky. Think for us, as a country, and show us the direction.

Hon. Speaker: Hon. Irene Mayaka, is it on the same issue? I am also an alumnus of The University of Nairobi.

Hon. Irene Mayaka (Nominated, ODM): Yes. Thank you, Hon. Speaker. I know a majority of us are alumni of The University of Nairobi, which is the only university with the

definite article ‘The.’ As an ongoing student for the second time in the Faculty of Law, let me welcome my fellow students to Parliament and wish them all the best. I encourage them because the course they are undertaking is very important for their work in terms of the political space. I welcome them very much and tell them that they should not be deterred. Keep going on because education is one thing that nobody will ever take away from you.

Thank you.

Hon. Speaker: Thank you. Hon. Owen Baya, did you also go to The University of Nairobi?

(Laughter)

Hon. Owen Baya (Kilifi North, UDA): Hon. Speaker, unfortunately, I did not go to The University of Nairobi but I went to the best university.

(Laughter)

I want to say something about the supposed University of Nairobi.

Hon. Speaker: Order, Hon. Owen Baya. You must withdraw that remark. It is not the supposed University of Nairobi, but it is The University of Nairobi.

(Laughter)

Hon. Owen Baya (Kilifi North, UDA): I withdraw it respectfully, Hon. Speaker.

Hon. Speaker, we have seen trends where the people who were at The University of Nairobi are busy destroying it. This is one of the iconic symbols of not only Kenya but also East Africa, as one of those universities that are respected. People are given the responsibility to run it but instead of doing so, they are running it down. I request anybody given an opportunity to run a university — in the capacities of Chairpersons, Chancellors and Vice-Chancellors — to do exactly that. Otherwise, we will waste a whole generation because of one person's interest in a university. The Councils and Boards of Management that run universities need to be selfless and think about the institutions that they run, and not about themselves.

We have seen the case of the council of a university trying to destroy a very important institution not only in East Africa but also in Africa— The University of Nairobi. I urge those who will come after these other guys leave office to go there and manage it. When The University of Nairobi goes down, Kenya and academia go down with it. Therefore, it is something that all of us, including those of us who went to some of the best universities in this country but not The University of Nairobi, need to support. The University of Nairobi must stay afloat. It must be properly managed, so that we retain the reverence that the world has for Kenya through it.

Thank you, Hon. Speaker.

Hon. (Dr) Otiende Amollo (Rarieda, ODM): Hon. Speaker, if we were to give everyone who went to The University of Nairobi an opportunity, most of the people in this House will stand. By a show of hands, let us see those who went to The University of Nairobi.

(Several Members raised their hands)

(Applause)

Thank you very much. Hon. Owen Baya cannot say that he went to the best university when he cannot even pronounce its name.

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(Laughter)

You appear to be ashamed of the very university you went to. We are sorry for you. On a serious note, I welcome the students and staff of The University of Nairobi. It is a serious point that The University of Nairobi appears to be going down. It can be on account of mismanagement, political interference or any other account. This is a point that the Departmental Committee on Education needs to take up. It is a very bad sign when The University of Nairobi continues to have scandals and other issues exposed by the media all the time. It will cause us to remove the prefix ‘The’ before ‘University’ which we cannot afford to do.

Thank you, Hon. Speaker.

Hon. Speaker: Everybody here has something to say. Let me close with Hon. Caroli Omondi. Did you also go to The University of Nairobi?

Hon. Caroli Omondi (Suba South, ODM): I am trying to remember my admission number, Hon. Speaker. I attended the University of Nairobi’s Faculty of Law.

I also join my colleagues in welcoming the students of The University of Nairobi. I acknowledge that on 26th May 2025, GPR 3104, Social Foundations of Law and Development, is an examination that was done this week. They actually based it on the Central Bank of Kenya (Amendment) Bill, 2025, which was proposed by yours truly, Hon. Caroli Omondi. It proposes that at points of payment for sale of goods and services, the cash option be made mandatory. Having read the Bill, the question was:

“Discuss the functions of law reform in light of the above passage. Drawing illustrations from the passage, discuss the relationship between law reforms and social change. (20 marks)”

Apart from that, I urge my colleagues here on the power of alumni to come out as alumni of The University of Nairobi and defend it because there is political interference in its management. Those who are there are able to run the university but there is a bigger and more fundamental issue.

If you look at the history of this country, when the alumni of The University of Nairobi, Makerere University and University of Dar es Salaam were the principal public servants, the standards were very high in public service and everywhere. This is documented in studies. There is a problem today. I do not want to go further than that.

Hon. Speaker, thank you for giving me the opportunity.

Hon. Speaker: If all of you who are alumni of The University of Nairobi start a movement, yours truly here will be part of it to revive it.

(Hon. Martha Wangari spoke off record)

Hon. Wangari, did you also go there?

Hon. Martha Wangari (Gilgil, UDA): Thank you, Hon. Speaker. I confirm that even women—Hon. Mayaka and I—went to The University of Nairobi. Our Deputy Speaker was a lecturer there.

More importantly, The University of Nairobi stands out not only as an academic giant but also as a serious incubator of leaders. I was the Vice-Chairperson of Student Organisation of Nairobi University (SONU) in 2006.

(Applause)

We have seen the metamorphosis in the leadership and administration. I agree with Hon. Caroli Omondi that we are very many here. Maybe we should start a serious caucus of the university because reading what is going on there is heart breaking. We hope that even these students can revive their students' union exactly to make sure that they also push for what should happen there. The leadership is in bed with the administration. The last separation was very important. I hope we can pick it up, as you have said, and redeem the face of The University of Nairobi.

Thank you, Hon. Speaker.

Hon. Speaker: Thank you Members. Apart from The University of Nairobi students and teachers, allow me to acknowledge, in the Speaker's Gallery, Muthembwa Secondary School from Masinga, Machakos County. Students, when you are mentioned, you stand so that the House can acknowledge you. In the Public Gallery, we have students from the following schools:

1. Kiuini Schools, Athi River from Mavoko, Machakos County.
2. Kenegut Day Secondary School from Ainamoi, Kericho County.
3. Namu Schools from Roysambu, Nairobi City County.
4. Eselenkei Supat Girls from Kajiado East, Kajiado County.
5. Kihoya Primary School from Kangema, Murang'a County.

(Applause)

The Member for Kangema has asked for an opportunity to welcome his school. In doing so, you can welcome all the others, so that we go to other business.

Hon. Peter Kihungi (Kangema, UDA): Thank you, Hon. Speaker. I rise to welcome the schools that have joined us in this Parliament today. This is a House which makes laws for this country. I assure them that the best brain that they will develop in their schools can also be part of this House. I encourage Kihoya Primary School to continue doing better. That is the home of the business gurus in Nairobi. They do better in business, but they can also perform even better in politics and economy of this country.

Thank you, Hon. Speaker.

Hon. Speaker: Eng. Kiragu, contribute for one minute.

Hon. (Eng) John Kiragu (Limuru, UDA): Thank you, Hon. Speaker. I also take this opportunity to welcome students from Ngarariga Secondary School, Limuru and Limuru Girls School to Parliament. Thank you, Hon. Speaker, for setting aside time for us to eulogise Professor Ngũgĩ wa Thiong'o. He knew these two schools very well and contributed to them much.

Mine is to request the students to work hard. There is space in this country for them to grow their careers and be recognised by society. Thank you.

Hon. Speaker: Thank you. Yes, the Hon. Member wanted to welcome students from Kajiado. Go ahead. Are they from Kajiado or Machakos?

Hon. Caleb Mule (Machakos Town, MCCP): They are from Machakos. Thank you, Hon. Speaker.

I welcome the students from Mavoko and Masinga in Machakos. They have come to visit Parliament. This is a House of debate where we legislate, represent and oversee. This is where your parents sent us. I visited Parliament many years ago. I sat there and now I am seated in here. It is possible for you to be here.

Thank you.

Hon. Speaker: Thank you. That is enough. Member for Kajiado East.

Hon. Kakuta Maimai (Kajiado East, ODM): Thank you, Hon. Speaker, for giving me a chance to welcome these young students from Eselenkei Supat and Mashuru, in Kajiado East Constituency.

I would like to let them know that they are the leaders of tomorrow. I recall that this is a girls school. In our society, I am extremely happy to see many parents in Maasai communities sending girls to school. This is a special school that I would like to welcome and inspire the students to do more and better. Let the sky be the limit because they too can be here tomorrow. One of them could be the Member of Parliament for Kajiado East Constituency. I encourage them to work hard and strive to do better to realise their dreams.

Kwa hivyo, karibuni sana. Thank you, Hon. Speaker.

Hon. Speaker: Thank you. Hon. Kemei is the last one on this matter. In future, you should obey orders when I ask one of you to welcome students on your behalf.

Hon. Beatrice Kemei (Kericho County, UDA): Thank you, Hon. Speaker. I welcome students from Kenegut Secondary School. As the County Member of Parliament, I am very happy and proud of them. I am also happy to report that this school is doing well. The students are disciplined and the teachers are doing great. I sponsored one of the students who was a teen mother. She has two children out of wedlock. She got a C+ and she will be joining university. She decided to go back to school because of the programme that I call ‘*Usawa kwa Wote.*’ I am very proud of the school and the girl child. I pray that all students do well.

Hon. Speaker: Well done. I hope you did not break the marriage.

(Laughter)

Next Order.

PAPERS

Hon. Speaker: Deputy Leader of the Majority Party.

Hon. Owen Baya (Kilifi North, UDA): Hon. Speaker, I thank you for this opportunity. I beg 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) Ol’lessos Training Institute.
 - (b) Kipsinende Training Institute.
 - (c) Rift Valley Training Institute.
 - (d) Tana River Technical and Vocational College.
 - (e) Bungoma North Technical and Vocational College.
 - (f) Bumbo Technical Training Institute.
 - (g) Lugari Diploma Teachers Training College.
 - (h) St. Augustine Teachers Training College, Eregi.
 - (i) St. Paul’s Kibabii Diploma Teachers Training College.
2. Reports of the Auditor-General and financial statements for the years ended 30th June 2023 and 30th June 2024 and the certificates therein in respect of:
 - (a) Maasai Mara Technical and Vocational College.
 - (b) Naivasha Technical and Vocational College.
 - (c) Siala Technical Training Institute.
 - (d) Emsos Technical and Vocational College.
 - (e) Kipkabus Technical and Vocational College.
 - (f) Sikri Technical and Vocational College.
 - (g) Tigania East Technical and Vocational College.

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(h) Tharaka Technical and Vocational College.

Hon. Speaker, I beg to lay.

Hon. Speaker: Chair of the Departmental Committee on Social Protection, Hon. Alice.

Hon. Alice Ng'ang'a (Thika Town, UDA): I beg to lay the following Paper on the

Table:

Report of the Departmental Committee on Social Protection on its consideration of:

1. The Kenya Sign Language Bill (National Assembly Bill No.1 of 2024).
2. The Kenya Sign Language Bill (Senate Bill No.9 of 2023).

Thank you, Hon. Speaker.

Hon. Speaker: Chair of the Departmental Committee on Justice and Legal Affairs, Hon. Murugara.

Hon. George Murugara (Tharaka, UDA): I beg to lay the following Papers on the Table:

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

1. The President's Memorandum to the Conflict of Interest Bill (National Assembly Bill No.12 of 2023).
2. The President's Memorandum to the Anti-Money Laundering and Combating of Terrorism Financing Laws (Amendment) Bill (National Assembly Bill No.5 of 2025).
3. The Elections Offences (Amendment) (No.2) Bill (Senate Bill No.28 of 2024).
4. The Political Parties (Amendment) (No.2) Bill (Senate Bill No.26 of 2024).

Thank you very much, Hon. Speaker.

Hon. Speaker: Thank you. Next Order.

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

Hon. Speaker: Yes, Hon. Junet.

Hon. Junet Mohamed (Suna East): Hon. Speaker, I wanted to bring something to your attention. Before we went for recess, you gave indication that you would rule when we come back. It is on the issue of the Supreme Court's judgement on the operations of the bicameral Parliament.

Hon. Speaker: You are very right.

Hon. Junet Mohamed (Suna East): When do you think you can rule? Remember there is also a Money Bill, the County Assemblies Pensions Scheme Bill, which originated in the Senate.

Hon. Speaker: Yes.

Hon. Junet Mohamed (Suna East): You stepped it down so that you could deal with that matter accordingly.

Hon. Speaker: You are very right. The Communication is ready. I will deliver it either on Tuesday or Wednesday, depending on the load of work.

Hon. Junet Mohamed (Suna East): Lastly, I wanted to bring to the attention of Hon. Members what the Chair of the Departmental Committee on Justice and Legal Affairs has just tabled – the President's Memorandum on the Conflict of Interest Bill (National Assembly Bill No.12 of 2023), and the President's Memorandum to the Anti-Money Laundering and Combating of Terrorism Financing Laws (Amendment) Bill (National Assembly Bill No.5 of 2025).

I ask Hon. Members to take note of the two memoranda to the Bills.

Thank you, Hon. Speaker.

Hon. Speaker: I have a Communication on it. Hold your horses. The next Order is by Hon. Shurie.

NOTICE OF MOTION

ISSUANCE OF HELB LOANS TO KMTC STUDENTS

Hon. Abdi Shurie (Balambala, JP): Hon. Speaker, I beg to give notice of the following Motion:

THAT, aware that Article 95(2) of the Constitution provides that the National Assembly deliberates on and resolves issues of concern to the people; further aware that the Higher Education Loans Board (HELB) is mandated to provide financial support to Kenyans pursuing higher education through loans, bursaries and scholarships; noting that students enrolled at the Kenya Medical Training College (KMTC) currently total approximately seventy thousand students, with thirty thousand of these having joined the institution in 2024; concerned that, forty per cent of the KMTC student population require financial support similar to that offered to students in other public tertiary institutions such as technical training institutes in the country but are excluded from receiving HELB support; appreciating that education funding plays a vital role in enhancing access to education for Kenyans, hence boosting the economic growth of the county, this House therefore resolves that:

1. The government, through the Ministry of Education, facilitates the issuance of HELB loans to students at the KMTC.
2. If no funds are appropriated for this exercise, approval is hereby granted for the National Treasury to release funds amounting to not less than Ksh1, 500,000,000 to the Higher Education Loans Board pursuant to Article 223 of the Constitution for loans to KMTC students, and that such release be regularised through Supplementary Estimates III for the Financial Year 2024/2025.

I thank you, Hon. Speaker.

Hon. Junet Mohamed (Suna East, ODM): Hon. Speaker, I wish to bring to your attention a matter that is important to this House regarding how this Parliament operates. A ruling was made today concerning a matter pending before the Justice and Legal Affairs Committee (JLAC). This is a House of procedure, traditions, and precedence, as has been pronounced by previous Speakers. It is established that when a matter is seized by the House and committed to a committee by the Speaker, the courts must wait until Parliament concludes its work on that matter. Only then can anyone go to court to litigate the issue. A committee of the House is a sitting of this plenary. One cannot injunct the House from doing its work and fulfilling its constitutional mandate. Articles 95 and 96 discuss this. We also cannot legislate on a matter already before a court of law; we must wait for the court to conclude the matter, after which we can legislate.

Something happened a week ago, and I think, in your wisdom, you were lenient because you wanted to maintain decorum as head of one arm of government. However, Parliament will not endure this any longer. When a Bill is presented in Parliament, it goes through the First Reading on the Floor of the House and is then committed to a committee. Anyone who has an issue with that Bill must wait for it to proceed through the Second Reading, Third Reading, and assent. After that, they may go to court and declare it unconstitutional—whether it be the entire Bill, a section, or any clause they are not happy with, assuming the court agrees. An injunction to halt Parliament's operations means Parliament cannot function in this country.

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I am pleased that the judge lifted the injunction today. However, I am giving judicial notice as a leader of this House that we will continue our work, irrespective of this challenge. If the ruling had not come out today, we would have been prepared to sit tomorrow to vet and finalise our business. After that, they could go to court and take whatever action they deemed necessary.

Thank you, Hon. Speaker.

Hon. Speaker: Hold on. I do not want to open debate on this. What the Leader of the Minority Party is saying is in sync with what the Hon. (Dr) Otiende Amollo raised yesterday on the same matter. There is a ruling or communication forthcoming on this issue to provide a precedent-setting direction. But for the avoidance of doubt, nobody—and I repeat, nobody—has the power under any law or our Constitution to injunct Parliament from performing its duties.

(Applause)

Parliament is a constitutional body enjoined with the authority to discharge constitutional functions. Once a matter is before Parliament and it is under consideration, whether in committee or plenary... The committees mirror the plenary and the proceedings in committees are akin to proceedings in plenary. For the information of the House, I have requested the Chief Justice to hold a colloquium with some members of this House, including yours truly, to ensure that we do not continue talking past each other as arms of Government. We need each other, but we discourage and disapprove of any overreach by one arm of Government over another, especially on matters that are legally clear, constitutionally defined, and morally untenable.

Therefore, I direct the Departmental Committee on Justice and Legal Affairs to proceed without haste to vet the nominees for Chairman and members of the Independent Electoral and Boundaries Commission (IEBC) and report back to this House. Any aggrieved party, whether from the Judiciary, the Executive, or the general public, can then go to court and challenge matters that we, as Parliament, will be *functus officio*. Let it be clear. A precedent-setting communication will be made next week on this matter to guide us going forward. Thank you.

Hon. Members, I want us to reorganise the Order Paper as follows. We will skip Order Nos.7 and 8 for now and proceed first to Order No.9. The reasons for this are known to the Leader of the Majority Party, the Leader of the Minority Party, and the Members of the House Business Committee. I will provide communication and direction on how to proceed with Order No.9. Following that, we will move to the Committee of the whole House. After that, we will return to Questions and Statements, concluding with Order No.8, and then continue with the remaining orders.

Hon. Members, before we go to the Committee of the whole House, I have a communication to make. Please, those who are upstanding, resume your seats.

COMMUNICATION FROM THE CHAIR

CONSIDERATION OF THE PRESIDENT'S RESERVATIONS ON THE CONFLICT OF INTEREST BILL, 2023 AND THE ANTI-MONEY LAUNDERING AND COMBATING OF TERRORISM FINANCING LAWS (AMENDMENT) BILL, 2025

Hon. Members, I have a communication on the consideration of the President's Reservations on the Conflict of Interest Bill, 2023 and the Anti-Money Laundering and Combating of Terrorism Financing Laws (Amendment) Bill, 2025.

Hon. Members, you will recall that on Wednesday, 30th April 2025, I reported to this House a Message from His Excellency the President, notifying that in the exercise of the powers conferred under Article 115(1) (b) of the Constitution, he had referred the Conflict of Interest Bill (National Assembly Bill No.12 of 2023) and the Anti-Money Laundering and the Combating of Terrorism Financing Laws (Amendment) Bill (National Assembly Bill No.5 of 2025) back to Parliament for reconsideration.

I did refer the memorandum containing the President's Reservations to the two Bills to the Departmental Committee on Justice and Legal Affairs for consideration. I also advised that the consideration of the President's reservations to the two Bills by the Committee and indeed the House shall, in so far as necessary, be guided by the Speaker's Communication of 28th July 2015 on the Consideration and Scope of the President's Memorandum.

The Committee has since laid on the Table of this House its report on the consideration of the President's Memoranda to the two Bills. With respect to the Anti-Money Laundering and the Combating of Terrorism Financing Laws (Amendment) Bill, 2025, the Committee has recommended that the House concurs with the President's Reservations to the Bill, albeit with amendments.

Article 115 of the Constitution empowers the House to propose amendments to the President's Reservations, either fully accommodating them or not fully accommodating the reservations. Where proposed amendments fully accommodate the President's Reservations, the amendments only require to be supported by a simple majority of Members of the National Assembly present and voting.

Conversely, where such amendments do not fully accommodate the President's Reservations, the amendments require to be supported by at least a two-thirds majority of Members of the National Assembly to be carried.

I have determined that the amendments proposed by the Departmental Committee on Justice and Legal Affairs to the President's Reservations to the Anti-Money Laundering and Combating of Terrorism Financing Laws (Amendment) Bill, 2025 do not fully accommodate the President's Reservations. In this case, the threshold must be realised for the amendment to be carried. Otherwise, the House will be deemed to have concurred with the President's Reservations to the Bill. In other words, if a vote on the amendment is called, whoever wants to carry the amendment must garner a super-majority of the membership, which is two-thirds of the whole House regardless of who is here, including Hon. Koimburi. It is not just limited to those who will be present and voting.

(Laughter)

Regarding the Conflict of Interest Bill, 2023, I am informed that the Committee recommends that the House does not concur with the President's Reservations to the Bill. Conversely, for the House to uphold the recommendation of the Departmental Committee on Justice and Legal Affairs that the House does not concur with the President's Reservations to the Conflict of Interest Bill, 2023, the House shall be required to muster the support of, at least, 233 Members. This is in keeping with the provisions of Article 115(4) of the Constitution which requires that such a proposal be supported by, at least, two-thirds of the Members of the National Assembly. If this threshold is not achieved, the House will be deemed to have concurred with the President's Reservations to the Bill. So, Hon. Murugara, if you want your proposals to be carried, you must have 233 Members.

For clarity, the recommended text in respect to the President's Reservations to the two Bills has been published in the Order Paper for this sitting.

Hon. Deputy Speaker or whoever is chairing the Committee of the whole House, where the direction is that there be a super-majority vote, when you go to vote, go straight to

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admission because you need a super-majority. It will not be a simple yes or nay vote. Will you now be up standing?

Hon. Wanami Wamboka (Bumula, DAP-K): On a point of order, Hon Speaker.

Hon. Speaker: Order, Members. Hold on Serjeant-at-Arms. What is it Hon. Wamboka? Serjeant-at-Arms, retreat. Take your seats, Members. Do you want to contribute on the same issue?

Hon. Wanami Wamboka (Bumula, DAP-K): I seek your guidance, Hon. Speaker. It looks like we are being ambushed.

Hon. Speaker: You are not.

Hon. Wanami Wamboka (Bumula, DAP-K): How about we postpone this matter to next week so that we organise ourselves with regard to numbers, especially on the Conflict of Interest Bill because it affects us? We are affected by the Bill, yet we were not prepared for this. Step this matter down and we will hit 100 per cent membership in the House next week as per Standing Order 30.

(Laughter)

Hon. Speaker: Order, Hon. Wamboka. As Members of this House, you must be like the good soldier Sheikh from Poland who was ready for combat 24 hours a day, anytime, anywhere. That is what you should be. This is not an ambush because I told you that this matter was already ruled on by previous Speakers in 2015. So, it is not something new. I encourage you to go into the Committee of the whole House. Will you now be up standing?

COMMITTEE OF THE WHOLE HOUSE

(Order for Committee read)

[The Speaker (Hon. Moses Wetang'ula) left the Chair]

IN THE COMMITTEE

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

PRESIDENT'S RESERVATIONS ON THE CONFLICT OF INTEREST BILL

Hon. Chairlady: Hon. Members, be seated. I now call the House to order. We can begin. Clerk-at-the-Table, call out the Order.

Clause 2

Hon. Chairlady: Hon. Members, we are considering the President's Reservations on the Conflict of Interest Bill (National Assembly Bill No.12 of 2023).

Mover, Leader of the Majority Party.

Hon. Kimani Ichung'wah (Kikuyu, UDA): Hon. Chairlady, I beg to move:

THAT, Clause 2 of the Bill be further amended by inserting the following new definitions in proper alphabetical sequence—

“family” means—

- (a) the spouse, dependent child or parent of a public officer;
- (b) a dependent child of the spouse of a public officer; or
- (c) a parent of the spouse of a public officer;

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“relative” means a person who is related to a public officer by birth, marriage, adoption or affinity;

“undeclared asset” means any asset that is not disclosed in the prescribed manner in any declaration year”.

Hon. Chairlady, to ease the Members’ concerns, Clause 2 included the definition of the words “family” and “relative”. The Bill was initially very wide in its definitions.

Hon. Wanami Wamboka (Bumula, DAP-K): On a point of order, Hon. Chairlady.

Hon. Chairlady: Let him complete moving the amendment. He has not completed moving the amendment. What would your point of order be about? Let him first complete moving the amendment. Proceed.

Hon. Kimani Ichung’wah (Kikuyu, UDA): I was explaining to Hon. Wamboka that the Bill initially had very broad definitions of the words “family” and “relative”. The President’s definitions have restricted the word “family” to mean your spouse, dependent child, a parent or spouse of a public officer. The word “relative” has been restricted to mean a person who is related to a public officer by birth, marriage, adoption or affinity. Before that, the definitions included a person’s great aunt, great uncle, first cousin, nephew, niece, husband, wife, grandfather, grandmother, grandson, granddaughter, father-in-law, mother-in-law, son-in-law, daughter-in-law, sister-in-law and all that. Those definitions have now been truncated in the President’s Memorandum.

Therefore, I beg to move.

(Question of the amendment proposed)

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

(Clause 2 as amended agreed to)

(Hon. Wanami Wamboka spoke off the record)

Hon. Chairlady: No. You should say nay. Let us get to... We have not even begun.

Hon. Wanami Wamboka (Bumula, DAP-K): Hon. Chairlady, honestly you are being unfair. On a point of order, Hon. Chairlady. It is within my rights to bring a point of order.

Hon. Kimani Ichung’wah (Kikuyu, UDA): Procedurally not...

(Hon. Wanami Wamboka spoke off the record)

Hon. Chairlady, I want Hon. Wamboka to understand that when you want to raise a point of order, we have very good gadgets here in which you put your card and put a request to the Speaker, and not shouting from your seat. It becomes very dishonorable when we go that way.

Clause 5

Hon. Chairlady: Leader of the Majority Party.

Hon. Kimani Ichung’wah (Kikuyu, UDA): Hon. Chairlady, I beg to move:

THAT, Clause 5 of the Bill be amended by deleting the words “a reporting authority and” appearing immediately before the words “the Ethics”.

This relates to the administration of this Act. It is important for you, Hon. Wamboka, to listen because what I am saying is very important to you. It affects you, me and even judicial officers. This clause said the Act was to be administered by the Ethics and Anti-Corruption

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Commission (EACC). The National Assembly and the Senate in the mediated version had adopted a version that would have this Act be administered by the EACC and by reporting authorities. In this case, reporting authorities for you and me would have been the Parliamentary Service Commission (PSC). The judicial officers would have been reporting to their reporting authorities which would have been the Judicial Service Commission (JSC). That is the practice as it has been. But now, the President's Memoranda proposes that the entire Act shall only be administered by the EACC. Therefore, our judicial officers have to submit their declaration of wealth to the EACC. Same for you. This is to enhance transparency and accountability and help in the fight against corruption. It is very important. Judicial officers must take note that it is all judicial officers from magistrates to officers working in the Judiciary; all the way up to the Chief Justice. They now report to the EACC on matters relating to conflict of interest. That is very important.

I beg to move.

(Hon. Wanami Wamboka spoke off the record)

(Question of the amendment proposed)

Hon. Junet Mohamed (Suna East, ODM): On a point of order, Hon. Chairlady.

Hon. Chairlady: Yes, Hon. Junet.

Hon. Junet Mohamed (Suna East, ODM): Hon. Chairlady, I wish to reiterate what the Leader of the Majority Party has said that Members need to take note that both the legislative arm of the Government and the Judiciary will be reporting to the EACC. This is a very serious policy change. The way I see it, this will put many people in jail; the corrupt. There is no due process as I see it. Before you report to the EACC, you should report first to the constitutional bodies that manage those institutions. That is why the Judiciary Service Commission (JSC) is in place, and that is why the Parliamentary Service Commission is in place.

This memorandum is trying to propose that the constitutional powers of those organs created by the Constitution itself, are now usurped by the EACC; another commission just like the JSC and the Parliamentary Service Commission. I am passing this Bill here, but I am telling the Judiciary that they are under attack. They must suspend this Bill once it is assented to *mara moja*.

(Laughter)

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

(Clause 5 as amended agreed to)

(Hon. Wanami Wamboka spoke off the record)

Clause 6

Hon. Chairlady: Leader of the Majority Party, go to Clause 6.

Hon. Kimani Ichung'wah (Kikuyu, UDA): Hon. Chairlady, I beg to move:

THAT, Clause 6 of the Bill be amended by inserting the following new paragraph after

paragraph (h)—

“(ha) institute proceedings for forfeiture of undeclared or unexplained assets;”

This relates to the functions of the commissions. In this reference, it is the EACC. I beg to move.

(Question of the amendment proposed)

Hon. Chairlady: There is no debate? Okay.

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

(Clause 6 as amended agreed to)

Clause 8

Hon. Chairlady: Mover.

Hon. Kimani Ichung'wah (Kikuyu, UDA): Hon. Chairlady, I beg to move:

THAT, the Bill be amended by deleting Clause 8 and substituting therefor the following new clause—

Conflict of
Interest

8. A public officer is in conflict of interest if—

- (a) the public officer exercises an official power, duty or function to further his or her private interests or the private interests of another person;
- (b) the private interests of the public officer can reasonably be perceived to impair or influence the public officer's ability to act objectively in the performance of an official duty; or
- (c) the public officer has private interests that could conflict with the duties of the public officer in future”.

This relates to instances where a public officer may be construed or seen to be in conflict of interest. In the mediated version, we had removed part (c) which says that the public officer will be in conflict of interest if that public officer has private interests that could conflict with the public officer in future. The President has reinstated that particular section.

I beg to move.

(Question of the amendment proposed)

Hon. Chairlady: Hon. Murugara.

(Hon. Wanami Wamboka spoke off the record)

Hon. George Murugara (Tharaka, UDA): Throw him out. It is gross disorder! Thank you, Hon...

Hon. Chairlady: Hon. Wanami, please, be orderly. Yes, Hon. Murugara.

Hon. George Murugara (Tharaka, UDA): Hon. Chairlady, the reservation which has been brought to us may be valid to some extent, but we wish to note that it applies to duties that the public officer may actually have in the future. This is for everybody to note, and it is subject to debate which we are doing now.

Thank you, Hon. Chairlady.

Hon. Chairlady: Yes, Hon. Junet.

Hon. Junet Mohamed (Suna East, ODM): Hon. Chairlady, I also want to add my voice to it. I do not know how we are legislating for the future. That ‘if someone will have a conflict

of interest in the future'. I do not think this clause has any meaning other than making things more difficult. It was removed in the Mediation Report. We are now saying: 'If somebody is going to have a conflict of interest in the future'. How will you know whether they will have a conflict of interest in the future or not? You are not God. How will you know? We disagree with this one, but it is the President's Memorandum.

Hon. Chairlady: Are you calling for a division?

(Laughter)

(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)

(Clause 8 as amended agreed to)

Clause 12

Hon. Chairlady: Mover.

Hon. Kimani Ichung'wah (Kikuyu, UDA): Hon. Chairlady, I beg to move:

THAT, Clause 12 of the Bill be amended by deleting subclause (3).

Clause 12 had a proviso under subclause (3) which was introduced in the mediated version which says,

"Despite subsection (1), no proceeding shall lie against a public officer who grants special consideration or treatment or advantage in good faith."

It is the President's Reservation to remove that particular subclause. We had raised the issue during debate that should you extend a favour to somebody on account of maybe age, perhaps, people are queuing at the airport and there is an elderly person and on account of their age, a public officer allows them to jump the queue, that cannot constitute a conflict of interest whether or not they know that person.

However, in the President's wisdom, he thinks we should not have that and, therefore, that has been deleted.

I beg to move.

(Question of the amendment proposed)

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

Clause 12 as amended agreed to)

(Clauses 13, 14 and 15 agreed to)

Clause 16

Hon. Chairlady: Mover.

Hon. Kimani Ichung'wah (Kikuyu, UDA): Hon. Chairlady, I beg to move:

THAT, Clause 16 of the Bill be amended by-

a) Inserting the following new subclause after subclause (3)-

"(3A) Where a public officer has knowledge that a family member or a relative has accepted a gift or favour under subsection (1),

the public officer shall, within forty-eight hours of such knowledge, or, if not on duty, within forty-eight hours of resumption of duty, make a declaration of the acceptance, giving sufficient details of the nature of the gift or favour accepted, the donor and the circumstances under which it was accepted for purposes of assessment of potential conflict of interest.”

- b) deleting subclause (4) and substituting therefor the following new subclause-

“(4) A person who contravenes this section commits an offence.”

This House, in our wisdom, created this proviso. I may not know, for instance, that Mzee Ichung’wah in Kikuyu might be receiving a goat from a neighbour. If I do not go to my father’s house today or tomorrow within 48 hours and since my father is my relative, I could be construed to be in conflict of interest because my father or a relative received a gift that may be construed to be on my behalf, and I do not report it within 48 hours. However, as I have said, many of us and judicial officers work in places away from many of our relatives. Our relatives in the village may probably receive gifts when you are a judge or magistrate. If you are a judge or magistrate, you must be very careful. If your grandfather in the village receives a gift from somebody who has a matter before you or a matter in court it may be construed to be conflict of interest. Therefore, that is what the House had sought to clarify. But, again, in the wisdom of the Ethics and Anti-Corruption Commission (EACC) and His Excellency the President, they think we should bring that back. You will now contravene this section and be committing an offence if you do not make that declaration.

(Question of the amendment proposed)

Hon. Junet Mohamed (Suna East, ODM): On a point of order, Hon. Chairlady.

Hon. Chairlady: Yes, Hon. Junet.

Hon. Junet Mohamed (Suna East, ODM): Hon. Chairlady, it must go on record that we opposed this Memorandum. Considering the last two clauses, the former and this one, we can see that this is not a Kenyan Bill honestly. It is an affront to all African cultures and values to say that if your relative who lives far away from you receives a bag of bananas or cassava from another person as a gift and you do not declare, then you have a conflict of interest case to answer. It also highlights that if you do a favour to an elderly person in a queue in good faith, then there is a conflict of interest.

These clauses in the Bill are alien to our country. Whatever intentions it wants to achieve, let us pray to God that it might not... I see Hon. Owen Baya, who is seated next to me in jail.

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

*(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)*

Clause 16 as amended agreed to)

Clause 17

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Hon. Chairlady: Mover.

Hon. Kimani Ichung'wah (Kikuyu, UDA): Hon. Chairlady, I beg to move:

THAT, Clause 17 of the Bill be amended-

- 1) in paragraph (a) by deleting the words “public officers” and substituting therefor the words “any person”,
- 2) in paragraph (b) by deleting the words “public officers” and substituting therefor the words “any person”,
- 3) by deleting paragraph (c).

The reservations relate to reporting authorities maintaining a register of gifts received. We had said gifts received by public officers serving in the reporting entity. The President's Reservations have added the word, ‘any person’, that it is gifts received by any person serving in the reporting entity not just public officers. Even if you are not a public officer, but you serve in the reporting entity, you must declare those gifts.

(Question of the amendment proposed)

Hon. Chairlady: Hon. Murugara.

Hon. George Murugara (Tharaka, UDA): Thank you, Hon. Chairlady. It is good that we make a comment on this.

It exactly says that a register will be maintained of all persons that receive gifts including when a judge comes to visit my court and sometimes they come with their mothers, because sometimes it is nice to carry an old lady to show her the rest of the country, and I gift her a chicken. If the judge forgets to declare that chicken, they would have committed an offence and will be liable to prosecution. It is not only the judge, but any public officer who fails to make the declaration. This is a reservation and we just have to go by it.

Hon. Chairlady: Thank you.

(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)

Clause 17 as amended agreed to)

Clause 18

Hon. Chairlady: Mover.

Hon. Kimani Ichung'wah (Kikuyu, UDA): Hon. Chairlady, I beg to move:

THAT, Clause 18 of the Bill be amended by-

- a) inserting the following new subclause after subclause (2)-
“(2A) Where a public officer has knowledge that a family member or a relative has accepted a complimentary treatment in the exceptional circumstances contemplated under subsection (1), the public officer shall, within forty-eight hours of such knowledge, or, if not on duty, within forty-eight hours of resumption of duty, make a declaration of the acceptance, giving sufficient details of the nature of the complimentary treatment accepted, the donor and the circumstances under which it was accepted for purposes of assessment of potential conflict of interest.”

- b) deleting subclause (3) and substituting therefor the following new subclause-

“(3) A person who contravenes this section commits an offence.”

Again, this relates to gifts. Clause 18 states,

“a public officer, a member of the officer's family or relative of the public officer shall not accept any complimentary treatment for any purpose unless a complimentary treatment offered is required in his official capacity or in exceptional capacities”.

Subclause (2A) was giving provisos on that and that is what the President has reinstated.

(Question of the amendment proposed)

Hon. Chairlady: Hon. Sunkuli.

Hon. Julius Sunkuli (Kilgoris, KANU): Hon. Chairlady, as Hon. Junet, the Leader of the Minority Party said, in real sense, in spirit and in all else, we do not find these reservations to be justified. The provision talks about relatives, but the definition of a relative is so wide that it is not a registrable interest. I do not even know who my great-nephews are. The definition has been widened so much that you are going to be responsible for the whole world. There must be a way out. If this House passes the amendment, we have to pray that it does not become the law of this country.

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

(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)

(Clause 18 as amended agreed to)

Clause 20

Hon. Kimani Ichung’wah (Kikuyu, UDA): Hon. Chairlady, I beg to move:

THAT, Clause 20 of the Bill be amended by deleting subclause (1) and substituting therefor the following new subclause—

(1) A public officer shall not acquire an interest in a partnership, private company or any other legal entity that is a party to a contract with any reporting entity under which the partnership, private company or legal entity receives a benefit.

Again, this relates to acquiring interest. It also relates to reporting entities. As I said, we had sought to restrict the provision to the PSC, the JSC and the EACC, but it has been widened to mean any reporting entity.

Thank you, Hon. Chairlady.

(Question of the amendment proposed)

Hon. Chairlady: Hon. Murugara.

Hon. George Murugara (Tharaka, UDA): Thank you, Hon. Chairlady. Again, this is another interesting proposal. Public officers, including judges, must know that you cannot buy

shares in a bank where your employer banks. This is what is being prohibited. Now that the provision is being reinstated through Presidential Reservation, we will pass it. But it is good to note what our reservations were and why the Departmental Committee on Justice and Legal Affairs rejected those reservations.

*(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)*

(Clause 20 as amended agreed to)

Clause 30

Hon. Kimani Ichung'wah (Kikuyu, UDA): Hon. Chairlady, I beg to move:

THAT, Clause 30 of the Bill be amended by deleting subclause (2).

In subclause (2), the Bill provides that the section shall not apply to a Member of Parliament or of a county assembly. Now, the section will apply.

I beg to move.

(Question of the amendment proposed)

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

(Clause 30 as amended agreed to)

Clause 31

Hon. Kimani Ichung'wah (Kikuyu, UDA): Hon. Chairlady, I beg to move:

THAT, Clause 31 of the Bill be amended by inserting the following new subclause after subclause (3)—

(4) For purposes of this section, “material change” means—

- (a) at least twenty-five per cent increase or decrease in the value of an income, asset or liability;
- (b) the disposal or acquisition of an asset or liability;
- (c) changes in marital status;
- (d) appointment to or changes in directorships;
- (e) changes in membership in companies or partnerships and other legal entities howsoever established; or
- (f) changes in membership in social associations, societies, clubs, foundations or trusts”.

This amendment relates to declarations. The subclause which we deleted is being reinstated. We had deleted it in the mediated version of the Bill. Of course, we had very good reasons for deleting the provision on what public officers must submit to the Commission in their declaration of assets and liabilities. The provision is being reinstated.

Hon. Chairlady, I beg to move.

(Question of the amendment proposed)

(Question, that the words to be inserted

be inserted, put and agreed to)

(Clause 31 as amended agreed to)

Clause 35

Hon. Kimani Ichung'wah (Kikuyu, UDA): Hon. Chairlady, I beg to move:

THAT, Clause 35 of the Bill be amended in subclause (1) by inserting the following new paragraph immediately after paragraph (b)—

(c) its completeness and correctness.

This relates to a provision we had removed. It is about completeness and correctness.

(Question of the amendment proposed)

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

(Clause 35 as amended agreed to)

Hon. Chairlady: Mover of the Bill to move reporting.

Hon. Kimani Ichung'wah (Kikuyu, UDA): Hon. Chairlady, I beg to move that the Committee do report to the House its consideration of the President's Reservations to the Conflict of Interest Bill (National Assembly Bill No.12 of 2023) up to Clause 35 and its approval thereof without amendments.

(Question proposed)

(Question put and agreed to)

Hon. Chairlady: We will now consider the next Bill.

THE ANTI-MONEY LAUNDERING AND COMBATING OF
TERRORISM FINANCING LAWS (AMENDMENT) BILL
(National Assembly Bill No.5 of 2025)

Clause 3

Hon. Kimani Ichung'wah (Kikuyu, UDA): Hon. Chairlady, I beg to move:

THAT, Clause 3 of the Bill be amended by deleting subclause (2) and substituting therefor the following new subclause—

(2) Any existing office holder appointed under Section 25 of the Proceeds of Crime and Anti-Money Laundering Act will complete their tenure under the provisions applicable at the time of their appointment.

This is related to the transitional clause relating to the Financial Reporting Centre (FRC) where we had created a transitional mechanism that would extend the term of the current Director-General by a further two years. The President has expressed his reservations to that in line with the Mwongozo Policy and recommends that the existing office holder, appointed under Section 25, will continue to serve in office to complete their tenure under the provisions applicable at the time of the appointment.

Hon. Chairlady, I beg to move.

(Question of the amendment proposed)

*(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)*

(Clause 3 as amended agreed to)

Hon. Chairlady: Mover.

Hon. Kimani Ichung'wah (Kikuyu, UDA): Thank you, Hon. Chairlady. I was laughing at Hon. Murugara because he has naturally dropped his amendment by the fact that he could not mobilise two-thirds.

Hon. Chairlady, I beg to move that the Committee reports its considerations of the President's reservation to the Anti-Money Laundering and Combating of Terrorism Financing Laws (Amendment) Bill (National Assembly Bill No.5 of 2025) and its approval thereof without amendments.

(Question proposed)

(Question put and agreed)

(The House resumed)

IN THE HOUSE

[The Temporary Speaker (Hon. (Dr) Rachael Nyamai) in the Chair]

MOTIONS

CONSIDERATION OF THE REPORT ON PRESIDENT'S RESERVATIONS ON THE CONFLICT OF INTEREST BILL

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Hon. Chairman.

Hon. George Murugara (Tharaka, UDA): Thank you. Hon. Temporary Speaker, I beg to report that the Committee of the Whole House has considered...

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Hon. Chairman, let me invite you again. I was not on record. Hon. Chairperson, please proceed.

Hon. George Murugara (Tharaka, UDA): Thank you very much.

Hon. Temporary Speaker, I beg to report that the Committee of the whole House has considered the President's reservation to the Conflict of Interest Bill, National Assembly Bill No.12 of 2023 and approved the same without amendments.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Mover of the Bill, Leader of the Majority Party.

Hon. Kimani Ichung'wah (Kikuyu, UDA): Hon. Temporary Speaker, I beg to move that the House do agree with the Committee in the said Report. I also request Hon. Dorothy to second the Motion for agreement with the Report of the Committee of the whole House.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Hon. Dorothy, please proceed.

Hon. Dorothy Muthoni (Nominated, UDA): Thank you Hon. Temporary Speaker. I second the Report.

(Question proposed)

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

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Hon. Members, for the convenience of the House, we move to the next Bill.

(Putting of the Question deferred)

Chairperson of the Committee of the whole or the representative.

CONSIDERATION OF THE PRESIDENT'S RESERVATIONS ON
THE ANTI-MONEY LAUNDERING AND COMBATING OF
TERRORISM FINANCING LAWS (AMENDMENT) BILL

Hon. George Murugara (Tharaka, UDA): Hon. Temporary Speaker, I beg to report that the Committee of the whole House has considered the President's Reservations to the Anti-Money Laundering and Combating of Terrorism Financing Laws (Amendment) Bill (National Assembly No.5 of 2025) and approved the same without amendments.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Mover of the Bill, Leader of Majority Party.

Hon. Kimani Ichung'wah (Kikuyu, UDA): Hon. Temporary Speaker, I beg to move that the House do agree with the Committee in the said Report. I also request Hon. (Prof.) Phylis Bartoo to Second the Motion for agreement with the Report of the Committee of the whole House.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Thank you very much Leader of Majority Party. Members I propose the Question...

(Several Members spoke off the record)

May I have a seconder.

Hon. Phylis Bartoo (Moiben, UDA): Hon. Temporary Speaker, I second.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Thank you very much Professor.

(Question proposed)

Members, for the convenience of the House, I defer putting of the Question.

(Putting of the Question deferred)

Next Order.

QUESTIONS AND STATEMENTS

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Leader of Majority Party, I see you are on your feet.

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Hon. Kimani Ichung'wah (Kikuyu, UDA): I do not think there are Questions Hon. Temporary Speaker.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Yes. After dropping some of the Questions, what we have are responses to statements. Leader of Majority Party you may proceed.

STATEMENT

BUSINESS FOR THE WEEK OF 2ND TO 6TH JUNE 2025

Hon. Kimani Ichung'wah (Kikuyu, UDA): Thank you Hon. Temporary Speaker. On behalf of the House Business Committee and pursuant to the provisions of Standing Order 44 (2) (a), I rise to give the following Statement on prioritisation of Business for Consideration during the week.

Hon. Temporary Speaker, I wish to officially welcome back Members from the short recess. I hope we have all come back invigorated in readiness to perform our roles in what promises to be a very busy part of the Fourth Session. I further urge Committees with priority business pending before them to expedite consideration and submission of reports to the House so as to enable the conclusion by the House within the set timelines.

Hon. Temporary Speaker, with regards to business scheduled for Tuesday next week, the House is expected to consider in Second Reading of the Learners with Disabilities Bill (Senate Bill No.4 of 2023) and the National Cohesion and Integration Bill (National Assembly Bill No.74 of 2023), should they not be concluded today.

Additionally, Hon. Temporary Speaker, debate will be undertaken on the following Motions should they not be concluded today –

- (i) Consideration of Sessional Paper No.7 of 2024 on The National Sanitation Management Policy;
- (ii) Consideration of the Comprehensive Economic Partnership Agreement Between the Republic of Kenya and The United Arab Emirates; and
- (iii) Report on the Ratification of the Agreement on Fisheries Subsidies.

Hon. Temporary Speaker, as Members will recall, you issued a Communication on the priority business that will come before the House during this Part of the Session, notably relating to the budget process. As such, Members will note that General Debate on the Budget Estimates of Revenue and Expenditure for the FY 2025/2026 will be prioritised once the Budget and Appropriations Committee Tables its Report.

I can report that they have been very busy this week in their retreat finalising on this. This will be followed by prioritisation of other budget-related business, including the Committee of Supply on the Estimates, the Finance Bill, 2025 and the Appropriations Bill 2025. I, therefore, wish to urge Members to be available both in plenary and committee so as to actively participate when this important time-bound business is brought before the House for consideration.

In accordance with the provisions of Standing Order 42A (5) and (6), I wish to convey that the Cabinet Secretary for Roads and Transport is scheduled to appear before the House on the afternoon of Wednesday, 4th June 2025 to respond to the following Questions:

1. Question 013/2025 by the Member for Vihiga County, Hon. Beatrice Adagala, regarding status of construction of Shamakhokho-Gitambai Road.
2. Question 014/2025 by the Member for Ruiru, Hon. Simon King'ara regarding the processing of the smart driving licenses in the country.
3. Question 015/2025 by the Member for Teso South, Hon. Mary Emaase, regarding the rehabilitation and maintenance of the Busia-Malaba Road

4. Question 053/2025 by the Member for Moiben, Hon. (Prof) Phylis Bartoo, regarding commencement of construction works on the Tachasis-Chebiemit, Ainet-Chebarus, and Riadha Roads.
5. Question 054/2025 by the Member for Kinango, Hon. Gonzi Rai regarding current condition of Kinango/Mariakani road (C107) and the impact of the recent rains on its deterioration.
6. Question 057/2025 by the Member for Naivasha, Hon. Jayne Kihara, regarding compensation of landowners for land acquired by the Kenya Railways Corporation for the construction of the Standard Gauge Railway (SGR) and Meter Gauge Railway (MGR).

Finally, the House Business Committee will reconvene on Tuesday, 3rd June 2025 to schedule business for the rest of the week.

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

The Temporary Speaker (Hon (Dr) Rachael Nyamai): Thank you, Leader of the Majority Party.

Hon. Members, before we proceed, I would like to welcome the following guests in the Speaker's Gallery this afternoon;

1. Kanyuambora Boys High School from Mbeere North Constituency, Embu County.
2. Kajiado SDA School from Kajiado Central Constituency, Kajiado County.

In the Public Gallery, we have:

1. Limuru Girls School from Limuru Constituency, Kiambu County.
2. Mara Christian High School from Narok West Constituency, Narok County
3. Ndururumo High School from Laikipia West Constituency, Laikipia County, and
4. Mount Kenya Academy from Nyeri Town Constituency, Nyeri County.

Hon. Members, let us welcome them in our usual way. I would like to ask Hon. Dorothy Muthoni, the UDA Nominated Member, to kindly welcome our students to the House.

Hon. Dorothy Muthoni (Nominated, UDA): Thank you, Hon. Temporary Speaker. I take this opportunity to welcome all the learners and their teachers, both in the Public Gallery and the Speaker's Gallery to the House of Parliament. I encourage them to view today as a learning experience because tomorrow, they will have an opportunity to serve in this House. I want to tell them to feel encouraged, go back to their institutions and work very hard. I have heard the schools mentioned, and I have no doubt that they will produce, in future, very good debaters and excellent legislators to serve in this House.

Thank you, Hon. Temporary Speaker. Once again, I welcome the learners and teachers to the House of Parliament.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): I would also like to give a chance Hon. Bady Twalib from Mombasa County to welcome our students.

Hon. Bady Twalib (Jomvu, ODM): Asante sana, Mheshimiwa Spika wa Muda. Nawakaribisha wanafunzi wote wa kutoka Narok na Nyeri. Nataka kuwaambia wawe na moyo wa kuamini kwamba kila kitu kinawezekana. Sisi pia tulitoka hapo tukitamani, lakini leo tuko hapa kama viongozi. Kwa hivyo, nawaambia wasome kwa bidii. Wao pia wanaweza, siku moja, kuwa Kiongozi wa Chama cha Walio Wengi kama Mhe. Kimani Ichung'wah, au kuhudumu katika Bunge hili mara tatu kama Mhe. Bady Twalib.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): *Asante sana, Mhe. Bady Twalib.* Leader of the Majority Party, please welcome the students.

Hon. Kimani Ichung'wah (Kikuyu, UDA): Thank you, Hon. Temporary Speaker. Allow me also to welcome the students from Mara Christian School in Narok West, Ndururumo High School in Laikipia West and Mount Kenya Academy in Nyeri. I could not fail to notice

that all the students look extremely smart. I welcome them to the National Assembly, where we sit to represent them, their parents and all the other Kenyans. We oversee the Government of the Republic of Kenya and legislate on their behalf. Those who were here earlier witnessed the legislation-making process during the Committee of the whole House on the two Bills we considered with the President's reservations.

Mount Kenya Academy in Nyeri is one of the best-performing schools in Central Kenya region, and I know many young people, even from my own constituency, who have attended that school. I encourage all these students to work hard and be disciplined, as we said yesterday during the National Prayer Breakfast. We urge them, as our children, to continue being obedient and disciplined students and young people in our country. They are indeed the future of our country, and we trust in God that they will grow up to be very responsible citizens in whom we can vest the future of our country into.

I welcome them to the National Assembly.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Thank you very much, Hon. Members. Thank you Leader of the Majority Party.

Hon. Members, in the Speaker's Gallery this afternoon, we also have students from:

1. Kirobon Girls High School from Rongai constituency, Nakuru County
2. Ngararia Girls High School from Limuru Constituency, Kiambu County.

On behalf of the substantive Speaker, the House and myself, we welcome them to the House of Parliament.

Hon. Members, we will now proceed to responses to Statements. I can see the Chairman seated in his place.

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

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): What is out of order, Leader of the Majority Party?

Hon. Kimani Ichung'wah (Kikuyu, UDA): Hon. Temporary Speaker, nothing is out of order. I just want to seek your indulgence.

For the convenience of the House, the Chairman of the Committee, Hon. George Murugara, who is here, had requested that we adjourn debate on Order No.11 to next week to allow them finalise the work they are doing on that Bill. Having consulted him, we have agreed that we can adjourn debate on Order No.11 on the Political Parties (Amendment) Bill so as to allow the Departmental Committee on Justice and Legal Affairs to conclude its work. His Committee is among those I referred to in my earlier Statement as having pending reports. He has promised that the report will be ready by mid next week so as to allow the House to proceed.

Two, with your indulgence, I wish to request again that Order Nos.10 and 12 be reordered so that we begin with Order No.12 on the consideration of Sessional Paper No.7 of 2024 on the National Sanitation Management Policy. This is because the Chairperson of the Departmental Committee on Blue Economy, Water and Irrigation, the very committed Hon. Kangogo Bowen, has come from very far. I know where he was and he came running to move this report. We can allow him to move that report then we can proceed to Order Nos.8 and 10 since we had already expended Order No.9.

Thank you.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Thank you very much Leader of the Majority Party.

Chairperson, would you like to make a comment? I would like to make a ruling on this matter. Member for Tharaka.

Hon. George Murugara (Tharaka, UDA): In respect of Order No.11, I confirm that is the position. Kindly let it be stood down to next week. We will be ready with all the reports.

Members will read and be able to debate the proposed amendments to the Act. Thank you very much.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Thank you. I would like to accede to the request that has been made by the Leader of the Majority Party.

BILL

THE POLITICAL PARTIES (AMENDMENT) (NO.2) BILL
(Senate Bill No.26 of 2024)

(Bill deferred)

In that regard, after Order No.7 we will go straight to Order No.12.

Hon. Kangogo Bowen (Marakwet East, UDA): Thank you, Hon. Temporary Speaker.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Members, before we go to Hon. Kangogo, let us go to statements.

STATEMENTS

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Hon. Tongoyo, please proceed. You can start with the first one. You actually have a long list.

Hon. Gabriel Tongoyo (Narok West, UDA): Thank you, Hon. Temporary Speaker. What you have said is true. I am ready with about three or so responses to requests for statements. I need your guidance because I am only seeing one Member, the Member for Kilgoris, in the House. I can respond to his and the rest when the Members are in the House.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Thank you. I would like to direct that we focus on responses for the Members who are in the House. In that case, for your four statements, the Member who is in the House is Hon. Julius Sunkuli, the Member for Kilgoris. So, you may proceed.

Hon. Kangogo Bowen (Marakwet East, UDA): On a point of order, Hon. Temporary Speaker.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): What is out of order?

Hon. Kangogo Bowen (Marakwet East, UDA): Hon. Temporary Speaker, this is a House of record. In the last Parliament, if a Member asked a question and that Member was not present in the House at the time of the response, the chairperson of a committee only needed to table the response. It was upon the Member who asked that question to get the written response, otherwise, you will have Members asking questions and during the time of response they are not there. The chairpersons will then be told to repeat themselves, and they may still not be there the following week. I want your ruling, that where the Member...

(Hon. Julius Sunkuli stood in his place and gestured)

I am not referring to you, Hon. Sunkuli. I am making reference to those Members who are not here yet they have asked questions. I also have one. If you allow us, we will table the answers for those Members who are not there.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Members, this is the way we will proceed. The first question which is being responded to was raised by Hon. Julius Sunkuli who is in the House. So, that one will be responded to. For those who are not here, so that we do not lose time for Parliament, I would like to order that the chairperson tables the responses on record. Thank you.

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Please proceed Chairman.

Hon. Gabriel Tongoyo (Narok West, UDA): Thank you, Hon. Temporary Speaker. With regard to your guidance, I will table the two that I have for the record before I respond to Hon. Sunkuli's.

I have a response for the Member for Kisii County, Hon. Dorice Donya, regarding the tragic death of Sylvia Kemunto and the escalating cases of gender-based violence. As you guided, once I am done, I will table the response. I also have a response for a request sought by the Member of Parliament for Mogotio Constituency, Hon. Reuben Kiborek. I just want to show that I do not....

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Just take your seat for a minute.

Members, Hon. Dorice Donya had written to the Speaker requesting that this be deferred. I would like to respect the fact that the substantive Speaker granted that. Kindly defer the one for Hon. Dorice Donya, the Member for Kisii County.

For the purpose of order, you may start with the one for Hon. Julius Sunkuli, who is already here, then we can proceed downwards.

DEMISE OF MS SYLVIA KEMUNTO

(Response to Statement deferred)

LAND CLASHES IN ANGATA BARRIKOI

Hon. Gabriel Tongoyo (Narok West, UDA): Well guided, Hon. Temporary Speaker. I want to respond as follows.

The question is from the Member for Kilgoris, Hon. Julius Sunkuli, who sought in particular a statement regarding the land clashes in Angata Barrikoi. The Member of Parliament wanted a report on who authorised police officers to use live ammunition against the citizens; why the land registrar and the surveyors went to survey the land belonging to the people of Angata Barrikoi without their consent; why the Ministry retains police officers in Lolgorian Police Station beyond their useful period, and whether they are serving special interests; and what interest is being served.

Hon. Temporary Speaker, the Government regrets the event that happened in Narok County and wishes to condole with the families that lost their loved ones during the unfortunate skirmishes on the 28th April 2025. We pray for quick recovery for the injured. The parcel of land known as Transmara/Moyoi/2, located in Transmara South, has been the subject of protracted dispute both within the courts and through informal channels. The land in question measures approximately 6,325 acres. The ownership of the land was formally registered under the Angata Cooperative Society following an adjudication process that commenced in 1976. However, 88 land titles arising from a subsequent adjudication process in 1986 were found to overlap with a portion of Moyoi 2. This overlap sparked a series of legal disputes which escalated to the Court of Appeal.

The matter was eventually withdrawn from court and resolved amicably through mutual consent among the litigants. This resolution is documented in a Court of Appeal ruling dated 24th October 2024. According to the ruling, approximately 1,500 acres were allocated to the Kipsigis community comprising about 624 individuals, while the remaining portion, 4,825 acres, was retained by Angata Cooperative Society comprising the members of the Maasai community. The settlement marked a significant milestone in addressing the long-standing tension in the area paving the way for peace, hope, and lasting tranquility. The same Court of

Appeal ruling directed the registrar and the county surveyor to implement their terms of consent within 30 days.

On 28th, the fateful day, during a planned demarcation of the land in question, a confrontation ensued between members of the public, land officers, and the police. In the process, five lives were unfortunately lost, several people including police and land officers were injured and six vehicles were torched.

On the use of lethal and non-lethal force, police officers are guided by national laws, National Police Service Standing Orders and international human rights standards. Generally, the use of force is expected to be proportional to the threat posed, necessary under the circumstances, and accountable under the law. No individual or institution explicitly authorises the use of live ammunition against an unarmed citizen. However, officers are trained and empowered to assess the situation and respond appropriately in real time. Live ammunition is regarded as a last resort, a force only to be used when an officer or another individual faces an imminent threat to life or serious injury, when non-lethal options have failed or are deemed insufficient to neutralise a lethal threat.

The Independent Policing Oversight Authority (IPOA) is currently investigating the incident. Any police officer found culpable will be dealt with according with the law. As the investigation gets underway, we have taken administrative measures and redeployed all police officers in the sub-county, including the Sub-County Police Commander, the Sub-County Criminal Investigation Officer, Officer Commanding Station (OCS) and Deputy County Commissioner (DCC).

(Hon. Johana Kipyegon spoke off the record)

Protect me, Hon. Temporary Speaker. I am still reading. You will have your time, Hon. Ng'eno.

There is also the issue of why the land registrar surveyed the land. Based on the Court of Appeal's ruling on the land demarcation....

Hon. Johana Kipyegon (Emurua Dikirr, UDA): On a point of order, Hon. Temporary Speaker.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): What is out of order, Hon. Ng'eno?

Hon. Johana Kipyegon (Emurua Dikirr, UDA): I am sorry for interrupting the Chairperson, but he is misleading this House by stating that the DCC has been transferred, yet he is still working there.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Please, you and I have been together in this House from 2013. I have a lot of respect for you. I know this matter is extremely emotional. I ask you to take your seat until the Chairperson finishes responding to the Member for Kilgoris, but not to you, who is listening attentively. After that, we will give you an opportunity, as one of the community leaders, to comment. As emotional as it might be, please keep your cool until the Chairperson finishes.

(Hon. Johana Kipyegon spoke off the record)

It is not upon you to tell us, but the Member who asked. I promise you that you will have your chance. Please proceed, Chairperson.

Hon. Gabriel Tongoyo (Narok West, UDA): Thank you, Hon. Temporary Speaker. Hon. Ng'eno is a high-ranking Member in this House who knows the rules and procedures. It is just fair that he allows me to finish. He will have the time to ask the necessary questions.

I was on the second question on why the land registrar and surveyors went to the land. Based on the Court of Appeal's ruling on 24th October, the land demarcation activities

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scheduled to take place on 28th by the Government officials were lawful, legitimate and grounded in due process.

On the last part on why the Ministry retained the police officers in Angata Lolgorian beyond their useful period, no officer has been retained in Lolgorian Police Station beyond their designated or useful period. All officers posted at Lolgorian Police Station have served for less than three years. All transfers and postings are carried out in strict adherence to the stipulated National Police Service human resource policies and guidelines. Regular staff transfers are maintained to promote efficiency, minimise complacency and ensure that officers gain diverse experience in different operational environments. Additionally, periodic reviews are conducted to assess the duration of service in each station, and necessary actions are taken promptly to avoid overstays. The current staffing situation reflects a well-structured rotation system aligned with institutional objectives and public service best practices.

Lastly, we request members of the public to remain calm and maintain law and order. We encourage the parties involved to resolve this dispute amicably. I submit this Statement which was signed by Hon. Kipchumba Murkomen, EGH, Cabinet Secretary for Interior and National Administration on 30th April 2025.

Hon. Temporary Speaker, kindly, before the Member reacts to the Statement, I remind the House that one, this Statement was slated to be responded to about two or so weeks ago, but the Member was out of the country. He requested that it waits until he is back. From the response, the letter was signed on 30th April 2025 which is almost a whole month's difference. Ever since the signing, a lot of activities have taken place. There is a lot of water that has gone under the bridge. I am sure when the Member will get the opportunity to contribute to this Statement, he will attest that even as we talk, there are a lot of negotiations and mediations that are underway. One is being spearheaded by my good friend here, Hon. Ng'eno, to look for a lasting solution to this problem.

It is also on record that the Committee that I chair, the Departmental Committee on Administration and Internal Security, visited the Angata Barrikoi area a couple of months because of the same problem. The Report is ready for tabling in this House. Even then, we were lucky to get the car that we delivered to the police officers which will enable them to respond to distress calls and execute their mandate. That is the response. I do not want to pre-empt the issue of the DCC being transferred or not but, I confirm that the DCC got a transfer letter. The only hitch was that the DCC who was supposed to report was going on leave which delayed the handover. Despite the Member for Kilgoris being a Member of this House, he was a very senior civil servant before. Hon. Ng'eno was also a very senior civil servant. Maybe, there is the issue of handing over.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Hon. Chairperson, you have done justice.

Hon. Gabriel Tongoyo (Narok West, UDA): Thank you very much.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): I do not want you to go beyond that. We will give a chance to Hon. Johana Ng'eno later. I will give a chance to Hon. Julius Sunkuli to tell us whether this Statement is satisfactory or not.

Please proceed.

Hon. Julius Sunkuli (Kilgoris, KANU): Hon. Temporary Speaker, I thank the Chairperson for the Statement that he has made. Before I comment, I would like to thank many Members of this House, beginning with my colleague from Transmara, Hon. Ng'eno, the Leader of the Majority Party at the Senate, and other Members who came to condole with us when the people of Angata Barrikoi lost five people. I also thank other Government officials who came to help us and condole with the families of those people who lost their lives.

This conflict has two parts. The first one is about the land and the other one is about security. The comments that have been made by the Chairperson on matters on land are

somehow correct. Let me not delve into the land issues because there is a process that we have initiated. The Government and we are involved in it to ensure that whatever disputes that arose from the land are resolved. We have met the elders from both the Kipsigis and Maasai communities. We believe there will be a lasting solution to this. The reason I requested for this Statement and directed it to the Chairperson of the Departmental Committee on Administration and Internal Security is because there are security issues. I want to ask the Chairperson a few questions on security. First of all, how can you say that there was need to use live bullets?

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): I will stop you briefly. Members, it is extremely important for students to be recognised. When they come to the House and then they walk out before we recognise them, it is not in order. I would like to welcome students who are seated in the Speaker's Gallery this afternoon. We have students from Kirobon Girls High School, Rongai Constituency, Nakuru County, and those from Ngarariga Girls High School, Limuru Constituency, Kiambu County. You are welcome to the National Assembly.

(Applause)

You may proceed, Hon. Sunkuli.

Hon. Julius Sunkuli (Kilgoris, KANU): Thank you, Hon. Temporary Speaker. The Chairperson has said in his response that police officers can use commensurate force. How did it become necessary to use guns? Did these people have guns? How did they become targets of bullets, yet they were either armed in a lesser manner or at least they were not armed with guns? That is not commensurate force. The Chairperson must go back and ask the Cabinet Secretary to explain that.

The second thing the Chairperson should tell us is who gave instructions for people to be shot dead. Somebody must have done so. If nobody did so, is the Chairman telling us today that we will never know who shot these people? Our concern is that we want to know who shot these people. If we know that, then criminal action should be taken to apprehend them. If the police officers have been transferred, can we be told where they have gone so that we can tell the people of those areas to be alert that they are killers?

Hon. Temporary Speaker, with your permission, I would like to invite the Chairman to look you in the eye and confirm that Mr Jubat, the Deputy County Commissioner of Trans Mara South, has left that station. If it is true that he was transferred, can you stand and proclaim the name of the DCC who was brought to take over from him? He says it is only the handing over that is awaiting. Who is he supposed to hand over to? What is the name? Can he confirm that the DCC was chairing a Lands Control Board meeting just the other day?

Hon. Chairman, this raises a serious issue because we know your integrity, but you have been made to read a statement that is not true. Those officers are well seated there, and we do not understand why. We do not hate them. I have nothing against them, but how can a whole Government stand up and say that the DCC has been transferred knowing very well that he has not been transferred? Just tell us he has not been transferred, and we will live our lives as usual.

Lastly, I know that IPOA has been told to go there. Does the Chairman know?

Hon. Gabriel Tongoyo (Narok West, UDA): Yes.

Hon. Kangogo Bowen (Marakwet East, UDA): On a point of order.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Yes, Hon. Bowen.

Hon. Kangogo Bowen (Marakwet East, UDA): Thank you, Hon. Temporary Speaker. If it is true...

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): What exactly is out of order?

Hon. Kangogo Bowen (Marakwet East, UDA): The statement by the Chairman. If it is true that the Chairman read that the DCC was transferred and these two Members are confirming that the DCC is still there, it is good that Hon. Temporary Speaker rules that the

Chairman is out of order and orders the Cabinet Secretary to appear here. As I heard from him, that statement was written and signed by the Cabinet Secretary. We can now confirm the true position, otherwise, the two Members are just speaking to each other, and we are not going anywhere.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Keep in mind that the Member had not completed his questions. His questions are very clear. Hon. Kangogo, you are rising on Standing Order 91 on responsibility for a statement of fact. From where I sit, I do not know who will take responsibility for the statement of fact bearing in mind that the Chairman is reading a statement from the Cabinet Secretary. I am going to, however, take into consideration what you have said. I believe the Chairman will also respond to that. Please conclude so that we give a chance to Hon. Johana Ng'eno.

Hon. Julius Sunkuli (Kilgoris, JP): The last question I am asking is: how effective will IPOA be? Is the Chairman aware that the police officers have been told not to cooperate with IPOA? Is there another channel that the Chairman is going to use to make these facts known? I do not want to open the other wounds because the land issues are being resolved. We want the security issues to be resolved so that the people of Angata Barrikoi can stay in peace. If possible, Hon. Chairman, please bring back the General Service Unit (GSU) that went.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): I give the chance to Hon. Johana Ng'eno so that you can put the questions together.

Hon. Johana Kipyegon (Emurua Dikirr, UDA): Ahsante, Mhe. Spika wa Muda, kwa nafasi hii. Niseme kwa huzuni kwamba sisi viongozi Wajumbe tuna jukumu la kuhakikisha kwamba sheria ambayo tunaipitisha, inaidhinishwa, kupitishwa na kutumika vizuri. Pia, wakati tumeteuliwa kama wenyeviti wa kamati, na tunajua kuwa imekuwa vigumu kwa mawaziri kuletwa hapa... Hata wakiletwa hapa huwa kwa masuala mengine na inabidi wakati tunaenda kuwauliza, nasi pia tufanye upelelezi wetu ndio tukija kujibu, tunajibu maneno ambayo tunajua yanastahili kujibiwa kwenye Bunge hili. Ninasema hivyo kwa sababu watu walikufa. Watu waliuawa. Sio kule kuuawa eti pengine unampiga mtu risasi kwa mguu halafu anavuja damu mpaka afe, ama amepigwa tumboni ndio labda baadaye aende afe hospitalini. Watu watano waliuawa na wanne walipigwa risasi kichwani. Hii ni kumaanisha kwamba kulikuwa na amri ya kupiga risasi ya kuuwa sio ya kuumiza; piga risasi, ua.

Sio mimi niliuliza hilo swali, *but ordinarily*, swali likiulizwa kwenye Bunge hili, linakuwa *property* yake. Kila Mjumbe anastahili kuliongelelea na kuuliza kama hilo swala limejibiwa vizuri. Ninaamini kuwa Mhe. Julius Sunkuli, ambaye ni jirani yetu mwema, alitaka kujua lakini sio sana mambo ya ardhi kwa sababu yameulizwa Kamati husika. Swala hili liliulizwa Kamati inayohusika na usalama wa nchi ya Kenya. Yale maneno yote tumeambiwa hapa ni kuhusu wale watu watano ambao waliuawa. Je, Idara ya usalama imechunguza mpaka iko na *post mortem* ya kuonyesha kuwa hawa watano waliuawa kivipi, na bunduki gani, na risasi ya nani iliua hawa watu? Saa hii tungesomewa *list* ya wale askari ambao waliua hawa watu. Hapo ndio nafikiri hata Mheshimiwa mwenyewe alitarajia hilo swala lijibiwe: ni akina nani waliua hawa watu na ni hatua gani Serikali imechukua dhidi ya wale ambao waliua hawa watu?

Tumeona mambo mengi yakiendelea Kenya hii. Kuna mambo ya kushika watu, wanasiasa na watu ambao wanafanya mambo kidogo kidogo sana. Lakini ikifika mahali ambapo polisi wenyewe wamefanya makosa, kama haya yalifanywa Angata Barrikoi, hata saa hii tukiongea, wacha hata kukamatwa, kusimamishwa kazi ama kupigwa *transfer*... Hawajapigwa *transfer* mpaka wa leo tukiongea - askari, DCC na mwenye alipeana *orders*. Tunashangaa na hili ni swala ambalo *Chairman* anafaa kuliangalia vizuri. Nani anapeana *orders*? Tulivyosema sheria ya nchi hii ilipopitishwa kikatiba, polisi hawafai kupokea *orders* kutoka kwa mtu yeyote ila tu kwa polisi. Haya mauaji yaliyofanyika Angata Barrikoi, *orders* za kuuwa zilitokana na DCC ambaye aliamrisha askari wapige watu risasi.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Hon. Johana, do not debate. Just ask specific questions to the Chairman. That will help.

Hon. Johana Kipyegon (Emurua Dikirr, UDA): Nimeuliza kama tatu hivi.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): I give you two more minutes.

Hon. Johana Kipyegon (Emurua Dikirr, UDA): Askari ambao walipiga hawa watu risasi wako wapi? Wako kazini, wamekamatwa, ama wamefutwa kazi? Hilo ni swali la kwanza. Swala la pili ni DCC ambaye tunaambiwa alipigwa *transfer*. Saa hii ako ofisini kule Lolgorian na ningesema labda hayo sio makosa ya *Chairman*. Tungepanga Waziri huyo aletwe hapa ili ajibu kama huyu *Deputy County Commissioner* bado yuko kazini.

La tatu, pia tungependa serikali itujulishe kuhusu mauaji ambayo yanaendelea Kenya nzima, ikijumuisha Angata Barikoi na *priest* aliyeuawa kwa risasi juzi. Baada ya hawa watu watano kuuawa, mtu mwingine aliuawa kwa risasi siku mbili baadaye. Lakini hakuna mhusika amekamatwa kufikia leo. Hakuna mtu kati ya waliowaua wale watano amekamatwa. Yule mmoja anayeitwa Lagat pia hajakamatwa kuhusiana na mauaji. Watu waliomuua *priest* juzi, ambaye hata hajazikwa, hawajakamatwa. Kwa hivyo, tunataka kujua kama Serikali inahusika na mauaji haya, ama wameshindwa kutekeleza kazi.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Chairman, I would like to give you a chance to make comments on this so that we can make a decision on what will be done.

Hon. Gabriel Tongoyo (Narok West, UDA): Thank you, Hon. Temporary Speaker.

Before I respond, it is worth noting that I am also a Member of Parliament in Narok County, in addition to serving as the Chair of this Committee. My two colleagues also hail from Narok. The people of Angata Barikoi are my great friends and supporters. I am equally affected by the loss, which I made very clear.

Secondly, as you said, Hon. Temporary Speaker, it is also worth noting that the Cabinet Secretary wrote and signed the Statement on the 30th, almost a month ago.

Regarding the transfer of the DCC, I may need to look for the latest status report. As far as I know, that DCC was supposed to be transferred immediately. The Cabinet Secretary was there, and he pronounced it. I actually want to ride on what my colleagues have said, that unless it is serving somebody's interest, that DCC was supposed to have been transferred immediately. If he is still there, I need to find out why he stayed. The issue of handing over may not take a whole month. If needed and as requested by Hon. Sunkuli, I may be able to provide the latest update next week, especially on what happened with the DCC who was supposed to go there.

Regarding the IPOA, I assure the House and the country that the law mandates this institution to investigate police excesses. If there are rogue police officers taking the law into their hands and killing innocent Kenyans, the IPOA is the mandated institution to undertake an investigation and bring them to book. I assure the country and the Member of Parliament that they are well-resourced and competent. They can do the job.

Additionally, regarding the police officers stationed in Angata Barikoi, I can confirm that a majority of them have since been transferred. If one or two are not transferred, I can make a case with the Inspector-General (IG) of police to enable their transfer. It is only then that the people affected will see a sense of justice and fairness.

I made the issue of the DCC clear. You can give me until next Tuesday to provide a status update on why he is still in Lolgorian. This is because I am not aware whether he chaired the meeting. That is all I have to say.

As much as I appreciate what the two colleagues have confirmed, much negotiation and mediation are ongoing regarding the land issues. I am hopeful that we reach an amicable solution and achieve lasting peace regarding this problem. Once the issue of land, which has been the cause of all these problems, is resolved, security will also be resolved.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Hon. Members, I do not know whether you would like us to continue doing the back and forth. I want to give a ruling because the House must make progress. We have several Questions to be responded to.

I have listened to the Member for Kilgoris. He appreciates that the Question is partially satisfactorily responded to, but there are a few issues that he needs to be updated. The Chair has committed to make the information available in a week.

Hon. Gabriel Tongoyo (Narok West, UDA): On the issue of the use of live ammunition, from the response I read by the Cabinet Secretary, it is very clear that no individual or institution explicitly authorised the use of live ammunition. I think that should go on record. The Statement is here. I will table it in the House so that we do not get confused. There is no authority whatsoever given to anyone to kill innocent and unarmed Kenyans. I think that should rest at that.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Hon. Members, so that we make progress, the Chair will avail responses to the Questions raised by the Member for Kilgoris and Hon. Johana Ng'eno next week in your Committee sittings.

Thank you. You have other questions.

Hon. Members, we have deferred the question by Hon. Dorice Donya upon request to the Speaker, which was assented to. For the other two, please table on record.

*(Response to Hon. Dorice Donya's
request for Statement deferred)*

Chair, I can assist you. It is the one by Hon. Adan Keynan, the Member for Eldas. Sorry, I want to take that again. It is by Hon. Beatrice Kemei, who is not in the House.

Hon. Gabriel Tongoyo (Narok West, UDA): Hon. Temporary Speaker, I do not have that one ready.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Would you like to table on record?

Hon. Gabriel Tongoyo (Narok West, UDA): Unfortunately, it is listed, but I do not have that response. I have the one for Mogotio.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): That one is deferred. Next is the one by the Member for Mogotio, Hon. Reuben Kiborek.

*(Response to Hon. Beatrice Kemei's
request for Statement deferred)*

ATTACK BY ARMED BANDITS IN BARINGO COUNTY

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Please proceed to table.

Hon. Gabriel Tongoyo (Narok West, UDA): Okay, thank you. I will table it.

(Hon. Gabriel Tongoyo tabled the response)

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): I will now proceed to the one for the Departmental Committee on Blue Economy, Water and Irrigation.

STATUS OF THE WAJIR WATER AND SEWERAGE SYSTEM PROJECT

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Please proceed, Chairman.

Hon. Reuben Kiborek (Mogotio, UDA): Thank you, Temporary Speaker.

I have a response to a request for a Statement by Hon. Keynan, the Member for Eldas. I want to be on record that I have the response from the Cabinet Secretary, Eng. Eric Muriithi Muuga, which I wish to table.

(Hon. Reuben Kiborek tabled the response)

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): You have tabled on record, Hon. Chair. Thank you.

Hon. Members, for the convenience of the House, I defer all the other statements to a time when they will be scheduled by the House Business Committee.

Next is Order No 8.

MOTIONS

ADOPTION OF REPORT ON CONSIDERATION OF THE AUDITED ACCOUNTS OF SPECIFIED CORPORATIONS

THAT, this House adopts the Third Report of the Public Investments Committee on Social Services, Administration and Agriculture on its consideration of the Report of the Auditor-General on the Financial Statements of the following State Corporations, laid on the Table of the House on Tuesday, 30th July 2024

1. Kenyatta National Hospital (KNH), Financial Years 2018/2019 and 2019/2020.
2. Kenya Medical Supplies Authority (KEMSA), Financial Years 2017/2018 and 2018/2019.
3. Kenya Veterinary Board (KVB), Financial Years 2018/2019, 2019/2022 and 2020/2021.
4. National Authority for the Campaign against Alcohol and Drug Abuse (NACADA), Financial Years 2017/2018, 2018/2019, 2019/2020 and 2020/2021.
5. Kenya Broadcasting Corporation (KBC), Financial Years (2000/2001, 2001/2002, 2002/2003, 2003/2004, 2004/2005, 2005/2006, 2006/2007, 2007/2008, 2008/2009, 2009/2010, 2010/2011, 2011/2012 and 2012/2013).

(Moved by Hon. Emmanuel Wangwe on 27.5.2025)

(Resumption of debate interrupted on 28.5.2025)

There is a Member who is ready to reply on behalf of the Chairperson. You may proceed.

Hon. Paul Nabuin (Turkana North, ODM): Thank you, Hon. Temporary Speaker. I beg to reply on behalf of the Chairperson of the Public Investments Committee on Social Services, Administration and Agriculture, of which I am a Member. I thank the Members who responded and gave their views on the Report. We have taken note of all the responses and counsel as a Committee, and we will utilise them in our next reports. Once this Report is adopted, I beg the Implementation Committee to fast-track all the recommendations we made so that State corporations can utilise them and align with the regulations.

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The Temporary Speaker (Hon. (Dr) Rachael Nyamai): For the convenience of the House, I defer the putting of the Question to when the matter will next be scheduled for consideration by the House Business Committee.

(Putting of the Question deferred)

Next Order.

APPROVAL OF SESSIONAL PAPER NO.7 ON THE NATIONAL
SANITATION MANAGEMENT POLICY

Chairperson of the Departmental Committee on Blue Economy, Water and Irrigation, Hon. Kangogo, please proceed.

Hon. Kangogo Bowen (Marakwet East, UDA): Hon. Temporary Speaker, I beg to move the following Motion:

THAT this House adopts the Report of the Departmental Committee on Blue Economy, Water and Irrigation on its consideration of Sessional Paper No.7 of 2024 on the National Sanitation Management Policy, laid on the Table of the House on Thursday, 17th April 2025, and approves the Sessional Paper No.7 of 2024 on the National Sanitation Management Policy, subject to the revisions as contained in the Schedule to the Report.

The Ministry developed this policy in collaboration with the African Population and Health Research Centre. The policy aims to streamline sanitation management in Kenya. Its objectives include expanding access to safe sanitation, improving public health outcomes, and reducing environmental pollution. It also addresses the long-standing gaps in governance, financing and infrastructure development related to sanitation.

The constitutional basis for the policy lies in Article 43(1)(b) of the Constitution, which guarantees every person the right to accessible and adequate housing, as well as a reasonable standard of sanitation. Furthermore, paragraph 11(b) of Part II of the Fourth Schedule to the Constitution assigns the function of sanitation services to the county governments under the devolved system. Sanitation has historically been neglected, which is why we are developing the National Sanitation Management Policy.

The Committee observed that despite the constitutional and environmental imperatives for a sound legal regime to support the right to sanitation and devolved service delivery, the current legal and regulatory framework remains fragmented. Sanitation-related provisions are scattered across malleable laws, many of which treat sanitation only as a peripheral issue. Currently, a sanitation programme is underway under the Ministry of Education, focusing on building toilets in all public primary and secondary schools. There are also sanitation programmes in the Ministry of Health and the Ministry of Lands, Public Works, Housing and Urban Development, which have their own policies. That is why there is need to have one national sanitation policy. There is no coherent legislative or regulatory framework that articulates the normative principles, institutional arrangements, and governance structures reflective of modern international, constitutional and policy development. This policy seeks to bridge those critical gaps.

The Committee made several key observations during the review. For example, the policy proposes an enactment of an Environmental Health and Sanitation Bill to address the fragmented sanitation laws. However, the Committee recommends that the Ministry of Water and Sanitation also consider amending the Water Act Cap.372 to incorporate sanitation issues as these are closely intertwined with water management and related infrastructure.

The Committee further recommends that the policy be reviewed to align with recent legislative changes in waste management, ensuring consistency in definitions and terminology, such as the term "sanitation".

Clarity on the roles and responsibilities of the national Government, the county governments and other stakeholders is essential. Paragraphs 6 and 7 of the policy refer to an annual multi-stakeholder review forum coordinated by the Ministry responsible for sanitation. This forum is designed to monitor and evaluate the implementation of policy in accordance with clear national guidelines. The Committee recommends that the Ministry develop these guidelines and regulations, explicitly outlining the mandates of county governments and relevant agencies to avoid overlaps and conflicts in the implementation of the policy.

After a thorough review of Sessional Paper No.7 of 2024 and consideration of submissions from key stakeholders, the Committee recommends approval of the policy, subject to the revisions outlined in Schedule 1 of the Report. When we sat as a Committee, and the Ministry and many stakeholders appeared before us, we realised that over the years, the Government has been focusing on water projects and water distribution but has been disregarding sanitation for a while. That is why, when the Ministry, together with stakeholders, developed this policy, the Committee thought it wise to approve it as a House.

I wish to express my sincere appreciation to the Members of the Departmental Committee on Blue Economy, Water and Irrigation for their diligence and dedication during the processing of this policy. I also thank our secretariat for their unwavering support and the stakeholders who made their submissions. I ask my honourable colleagues, the Members of the National Assembly, to go through the report that I tabled some time ago in this House. I persuade all Hon. Members to approve the National Sanitation Policy so that it becomes a framework for any institution coming up with any sanitation legislation, whether county governments or anyone else. We have a framework as a country.

I beg to move. I ask my colleague and a Member of the Committee, the Hon. Dorothy Muthoni, the Member from Meru County, to second. Thank you.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Hon. Muthoni, please proceed.

Hon. Dorothy Muthoni (Nominated, UDA): Thank you, Hon. Temporary Speaker. I want to thank my Chairman, Hon. Bowen, for bringing this very important submission before the Floor of this House.

Sanitation has historically been neglected in the water policy framework, resulting in minimal investment in this sector. According to reports by the World Bank and United Nations Children's Fund (UNICEF) 2021, only 16 per cent of urban Kenya had sewer coverage. There are 21 counties with no sewer coverage at all. That is why it is crucial that, as a House, we come together and support this agreement on Session Paper No.7 of 2024 regarding the National Sanitation Management Policy.

It is important to note, as the Chairman has indicated, that for a long time, we have always focused on water connectivity. We have endeavoured to ensure that every household has water, but we often overlook the issue of sewer connectivity.

For us to succeed as a country, both county governments and the national Government must work jointly to ensure that this Session Paper serves its intended intent. As we endeavour to connect water to all households, we equally endeavour to have sewer connectivity. This will improve hygiene. We will have clean towns and a clean environment. We will not worry about waterborne diseases and other dangers caused by spilling sewer systems.

Hon. Temporary Speaker, I beg to second this Motion. I urge the House to support it. Thank you, Hon. Temporary Speaker.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Thank you very much.

(Question proposed)

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Hon. Sunkuli.

Hon. Julius Sunkuli (Kilgoris, KANU): Hon. Temporary Speaker, I would like to support this policy. However, in my opinion, it is not adequate. I have not heard the Mover of the Motion say how much public participation it went through and the quality of public participation for this.

This is an area of our lives that requires a lot of attention. In the preamble, the Principal Secretary, Mr Julius Korir, says that the intention of this policy is to make Kenya a clean, prosperous, and secure country. However, as we all travel, especially to the West, we can see that we are still below the mark. We need to pay attention to our sanitation. When we travel out of Kenya, we get the impression that people believe Africans are dirty and that things from Africa are not clean.

The food is not clean. When you visit Africa, you carry bottled water because the water is not clean. I was in Geneva the other day. There, you are advised not to buy bottled water because tap water is clean.

We need to pay attention to a number of things. The first is the issue of defecation, although it has been mentioned in this policy. Many people in our country still go to the bush to answer the call of nature. This in itself causes a lot of problems. Sometimes, the places people use for a call of nature are close to water sources, and this contamination ends up in the water. It must be a strong part of the policy that in every marketplace and every town, the county government must provide toilets to the people. That must be the case. We must eradicate open defecation completely. There are some markets I have visited where people ask the Member of Parliament to construct a toilet. If you do not, and the county government has not either, what are people supposed to do about their sanitation? The city or town will be dirty. You will not even find a bush clean enough for goats to eat leaves. This issue is very important.

As Kenyans, we have bad habits that we need to get rid of for our country to be clean. If you are driving from Kisii to Nairobi, you must close your window because someone might eat something and throw the litter on your car. If your window is open, it might hit you. Even if it does not, it will hit the ground. If we do not eliminate these bad habits through legislation, it will remain a problem. In some countries, even chewing gum requires a certain level of responsibility because it is biodegradable. Non-biodegradable things ruin the environment.

More fundamentally, in how many counties do we have a sewage system? We are still using the old system. People build houses and have their own septic tanks. However, we ultimately do not know where the waste ends up. As a matter of policy, each county must provide a designated area for waste, including both solid and liquid waste. That is what this policy seems to lack, and what to embed in it. We should not give counties responsibilities without attaching consequences. We must say what exactly happens to counties that do not provide sewage and sanitation facilities.

I hope this policy will eventually be amended and customised, and more public participation will be carried out so that we can have cleaner and safer cities.

I support.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Hon. Rindikiri Mugambi, Member for Buuri. Some people call it 'Buuri', but it is pronounced as 'Vuuri'.

Hon. Mugambi Rindikiri (Buuri, UDA): That is the correct pronunciation, Hon. Temporary Speaker.

The National Sanitation Policy is long overdue in this country. Having clean sanitation facilities is embedded in our Constitution. Every Kenyan deserves a clean and sustainable environment, particularly a sanitation framework. A policy serves as a guide for planning, implementation, regulation, and monitoring. That is what a policy is supposed to address. The policy, as my colleague Hon. Sunkuli has said, is supposed to set clear objectives of what needs

to be achieved. It needs to establish standards, including scope and coverage, the institutional framework, the method of financing, and the relationship between the county government and the national Government. It should also set out how monitoring, upon implementation, will be carried out and evaluated.

The Chairman of the Committee has given us a generalised view of what the policy is, which lacks some information which is very key. This sector is not a preserve of the national Government. There is a need for inter-agency relationships. We need to conduct detailed public participation to gather views on what Kenyans would like to see in the policy. It is true that Sessional Paper No.7 of 2022 provided general guidelines. It is upon us to move to the second step and actualise it. I believe that is what the Committee is trying to do. However, we are not operating at the international level of what can be defined as best practice in sanitation. It is high time that more time was spent to come up with a clear policy which is acceptable. There are variations in the areas of implementation.

We have cities, municipalities and market centres with very high populations. All these places require different levels of sanitation facilities. We need adequate financing embedded in the policy. It should entail the money to be spent on sanitation facilities so that it is not utilised for other purposes. After 60 years of Independence, Kenyans need to enjoy the best clean water. A majority of rivers in Nairobi are polluted. This is against the international standards for human existence. The national Government has been blamed for this matter, yet it is a preserve of the county government. Water is a devolved function. This policy must take cognisance of the fact that county governments have...

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): I would like to give senior a minute to conclude. Would you like to conclude in a minute?

Hon. Mugambi Rindikiri (Buuri, UDA): Hon. Temporary Speaker, this is a very serious policy. It is not just a simple policy that we should pass simply because we need to pass it. After 60 years of Independence, we lack a policy to guide us into the future. I appeal to this House, as my senior colleague, Hon. Sunkuli, has said that we need to put more meat into the policy. This is a small part of what the policy should be. I ask this House to go back and start from small market centres, working our way up. Population is increasing in towns. There is a lot of movement to towns, which increases scarcity of water.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Thank you very much. I will give a chance to Hon. Adan Haji, the Member for Mandera West.

Hon. Yusuf Adan (Mandera West, UDM): Thank you, Hon. Temporary Speaker. I was eagerly waiting for Order No.15 so that I could move the Bill. However, let me say two things about the policy. It is important that we have a policy on the environment because it is where we live. The environment affects everybody on earth in one way or another. Maintaining a clean environment and properly disposing of sewage will significantly improve the lives of people. People will be healthier. By polluting our environment, our lives are compromised, and lifespans are shortened. It is very important to have a national policy at different levels. Urban centres, municipalities and villages need to have proper systems for managing environmental pollution. The policy must be very explicit. What we have now is a skeleton. It must outline the steps expected to be taken, from the village level to the cities. Once the policy is put into law, we do not need to come up with annual amendments to the Act because a certain matter has not been taken care of.

With the few remarks, I support. But we need to do a lot of work. I am eagerly waiting for Order No.15.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Hon. Oscar Nabalindo, the Member for Matungu.

Hon. Peter Nabalindo (Matungu, ODM): Thank you, Hon. Temporary Speaker, for giving me a chance to express myself on this Motion before the House. From the onset, I

support it. The National Sanitation Management Policy is long overdue and should have been enacted in this country almost 30 years ago. It is a shame that 50-plus years after Independence, we still have polluted rivers and lakes as a country, and we lack an elaborate system to manage our waste disposal. First, I would like to thank the Chair who moved this Motion today so that we have the National Sanitation Management Policy in place. Unfortunately, as I listened to the Mover, I did not get the real facts on how we will have a Sanitation Management Policy in rural areas. I represent a rural constituency. The policy has majorly concentrated on how to manage sanitation in urban areas, whereas the majority of Kenyans live in rural areas. Rural areas is where many families call home and they do not have anywhere else to go. As we speak, many families do not have access to water, a compost pit, or a toilet. Therefore, there is need for the National Sanitation Management Policy to take into consideration how we will handle sanitation issues in the rural areas where the majority of voters in this country live.

We still have many people who lack access to toilets in rural areas. As one Member said, they make use of bush toilets. Unfortunately, nowadays, we do not have many bushes because of the increase in population and the construction of houses everywhere. They have now resorted to using flying toilets. Flying toilets are no longer just a preserve of the urban slums. They are also being used in the rural areas. There is gross mismanagement of sanitation in water bodies, such as rivers and lakes in rural areas. People bathe in rivers. One person could be bathing upstream while others draw water and wash their utensils and clothes downstream in the same river. This negatively impacts the sanitation of these water bodies because people use the same water for drinking and cooking. Therefore, there is a need for us to consider rural areas when making policies so that we do not look like...

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Thank you.

Hon. Prof Phylis Bartoo, the Member for Moiben.

Hon. Phylis Bartoo (Moiben, UDA): Thank you, Hon. Temporary Deputy Speaker. I rise to support the Motion on the adoption of the Report of the Departmental Committee on Blue Economy, Water and Irrigation on the National Sanitation Management Policy. As my colleagues have said, I agree that the policy needs to go deeper to address other issues. This is a very important Motion because of what is happening in Kenya at the moment. Water management has been skewed towards water alone to the extent that water sanitation has been relegated.

As we speak, water sanitation focuses only on the haves. It is the rich who can afford it. If you want to use a washroom in an urban area in Kenya, you will have to visit a luxurious hotel to find such a facility. However, for an ordinary Kenyan, he must part with some money to get such services. This is a nationwide problem. A case in point is my county, Uasin Gishu. You can imagine it is the county that houses Eldoret City, yet it does not have an effective sewer line. If a city like Nairobi, Kisumu, Nakuru, or Mombasa lacks an effective sewer line, how are small urban areas and rural areas fairing? This is a very tricky situation. Therefore, the policy should address the sewer issue and be cascaded from urban areas to rural areas throughout the entire country so that everyone benefits.

Although the country has tried to actualise Article 43 of the Constitution on Economic and social rights in water sanitation, water is still a major problem in urban and rural areas. Water and cleanliness go hand in hand. You need water for a clean environment. We have concentrated on planting trees to green Kenya at the expense of waste management. People have come up with businesses of managing waste. For example, in our estates, we have companies that have taken up waste management, but they are very exploitative. They charge exorbitantly for waste collection and management. I hope that the National Sanitation Management Policy will address all issues, including the billing of waste management services. We should not have a policy that will end up exploiting the Kenyan nation. The business people in waste management should not overcharge.

Waste management has become a serious business for people who have connections and can access a license for waste management. They charge any fee irrespective of the services that they provide. I can tell that my time is up. I support this policy. I hope the Committee will conduct public participation to gather the views of Kenyans on the policy so that once it is adopted, we do not have to go back and forth revising it. I support the Motion.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Thank you, Prof Bartoo.

Hon. Caleb, the Member for Machakos Town.

Hon. Caleb Mule (Machakos Town, MCCP): Thank you, Hon. Temporary Speaker. I rise to support the Motion on Consideration of the National Sanitation Management Policy. I join my colleagues in saying that the policy should have gone further to take care of the sewer part. Most of the time, we deal with water and concentrate our efforts in that area. However, we often forget that the water we use eventually ends up in the sewer, and wherever it goes, it must be managed. When we have a clean environment, we have a healthy nation and when we have a healthy nation, even the life expectancy is high.

Therefore, I rise to support the Report, but I ask the Committee and Hon. Chairman to go deeper and deal with the issue of the sewer system. In my area, we have a river called Athi, which is now purely sewer. All the houses and dwellings around it discharge raw sewage into the river, which then flows into the big dam that we are building in Thwake. If we do not take care of and have good policies to take care of the sewer, we will have a big sewer in the name of a dam called Thwake, which is costing the Government a lot of money. Hon. Michuki tried to clean the river, which is a possible thing to do. It is very possible for us to clean the Nairobi River and the rivers that surround the city so that we can have clean rivers.

We also experience some negative effects from having these sewers in our lower area. If you go down to Machakos, the Athi River flows from Machakos, then continues to Mwala and eventually reaches Thwake. We have funny diseases like cancer that are being caused by unkept or improperly managed sewers and rivers. As I mentioned, the industries surrounding Athi River discharge all their carcinogenic waste into the river, which then flows downstream. That water is used by people in Mwala in Machakos. It is dangerous because it has cancer-causing carcinogenic chemicals.

Therefore, Hon. Temporary Speaker, I support the Motion. However, we must delve deeper and further to develop policies that will effectively address the sewer system.

Thank you, Hon. Temporary Speaker.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Thank you, Hon. Member for Machakos Town Constituency. Hon. Agnes Pereyio, Member for Narok North Constituency.

Hon. Agnes Mantaine (Narok North, JP): Thank you, Hon. Temporary Speaker, for giving me the opportunity to support the Report. Sessional Paper No.7 of 2024 on the National Sanitation Management Policy is very important. It should extend beyond urban areas and also consider rural areas.

If you look at the rural areas, you will find that people have no toilets and the rivers that are there are dirty. They are not fit for human consumption because the people do not have a place to relieve themselves. It is high time that county governments took responsibility and ensured that they built toilets in all markets for people. It is also high time that we considered our people to ensure that they do not take contaminated water. Therefore, I think it is important for the Report to be looked at so that they can bring in the rural areas and make it a bit stronger by ensuring it addresses the problems faced by our people.

I support the Report. As the Hon. Temporary Speaker said, most of the towns or markets have no places where people can relieve themselves. Therefore, I support the Report. Thank you.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Thank you, Hon. Agnes.

Hon. Salah Yakub, the Member of Parliament for Fafi Constituency.

Hon. Members, this is a Report by the Departmental Committee on Blue Economy, Water and Irrigation for those who would like to debate.

Hon. Farah Yakub (Fafi, UDA): Thank you, Hon. Temporary Speaker, for giving me a chance. I rise to support the Motion in the House on Sessional Paper No.7 of 2024 on National Sanitation Management Policy. This is a policy that has been lacking in our management of sanitation in the country.

We support this Motion because of many reasons. Firstly, improved sanitation leads to improved health. Improved health leads to a reduced budget for national health expenses. Most of the diseases that the country is facing now are infectious diseases, which are either airborne or waterborne. These are diseases related to sanitation. Lifestyle diseases are very rare, although they are on the rise. However, if we had an uncompromising and holistic sanitation policy, then the issue of infectious diseases would be the least on our tables today which means our budget for national health could have been reduced.

Sanitation levels in our counties are appalling. A case in point: I come from Garissa County, whose Headquarters is Garissa Town. There is a sewer done by the World Bank (WB) to the tune of billions. However, 75 per cent of Garissa Town residents still use septic tanks; they are not connected to this sewer line. The sewer itself is bursting as we speak today. There is a lack of a sanitation policy, which could have led to an Act that would have held people culpable for the effects of sanitation or sewage issues if they were not addressed in Garissa. Inception or consideration of this policy will help cater for such incidents. Seventy per cent of Garissa County uses underground water. The consumption of underground water is subject to the level of sanitation. The majority of people in those areas use pit latrines. Therefore, our consumption of that water could have been of higher standards if sanitation policies in this country were in place.

Wajir is a case in point where the water table is very low. Most of the water in Wajir Town originates from underground sources. Sanitation is appalling; 60 years after Independence, Wajir town still lacks a functioning sewer project of a substantial magnitude. I do not know whether it is in existence, but I think it is not there.

Therefore, we support this policy because we know the effect it will have on our people and the country. We also know that as a developing nation, we want to reach the level of developed countries. If we want to do that, then the sanitation standards in our country should be higher. If you look at a neighbouring country like Rwanda, you will be shocked by the level of cleanliness in that environment, as they have functional policies and Acts. Our dumpsites in this country do not meet the standards set by the Environmental Management and Coordination Act (EMCA) Laws. Anyone who feels like dumping something does it wherever they want. County governments often lack functional legislation, or if it exists, it is not enforced to the necessary level.

Our hospitals lack incinerators. If you visit our hospitals, you will be shocked to see the number of used needles, syringes, and bandages which have infections lying around there. This National Sanitation Management Policy will help us combat such kind of incidents. It will make this country a healthier nation, provide us with a clean environment, and reduce our national healthcare budget.

I submit. I support this Policy, and I hope it is fast-tracked so that we have an act guiding us on that.

Thank you, Hon. Temporary Speaker.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Thank you very much. Hon. Members, there being no other interest in this Motion. I would like to call upon the Mover to reply. Information on the Speaker's desk is that Dorothy Ikiara, you are replying on behalf of the Mover, the Chairman of the Committee. Please proceed to reply.

Hon. Dorothy Muthoni (Nominated, UDA): Thank you, Hon. Temporary Speaker. First, I want to take this opportunity to extend my sincere thanks to all Members who have contributed to this very important debate. It is important to note that investing in sanitation is not a choice; it is something that we must do. Discussing areas without proper sanitation is something we should not take pride in, especially in the 21st century.

I want to allay the fears of Members that we are only talking about urban centres. I did mention that 21 counties have not even attempted to have sewer lines in their counties. When we say that, it means we are holistically talking about the entire country.

As a Committee, we take cognisance of all the issues raised, and I promise that we will synchronise all these and come up with an acceptable document that will serve this country beyond today.

Hon. Temporary Speaker, I beg to reply. Thank you.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Thank you very much, Hon. Dorothy.

Next Order.

This is by the Chairperson of the Departmental Committee on Blue Economy, Water and Irrigation, but I am informed that Hon. Dorothy Ikiara, you are the one who is moving this Motion on behalf of the Chairman. You may proceed.

Hon. Mugambi Rindikiri (Buuri, UDA): On a point of order.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Yes, what is your point of order, the Member for Buuri?

QUORUM

Hon. Mugambi Rindikiri (Buuri, UDA): Hon. Temporary Speaker, this is a very important agreement for the House to ratify. It falls under the International Treaty Agreement and the World Health Organisation (WHO). To be fair to the Committee and the Mover, this House lacks the quorum to listen and pick up the Motion as it is. I am requesting that you consider this as provided under Standing Order 35.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Thank you very much, Hon. Member for Buuri. The Hon. Member has risen under Standing Order 35 regarding the quorum during the proceedings of the House. In line with this, I would like to order that the Quorum bell be rung for 10 minutes.

(The Quorum Bell was rung)

ADJOURNMENT

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Hon. Members, clearly, we have not raised the requisite quorum to transact business. The time being 6.05 p.m., this House stands adjourned until Tuesday, 3rd June 2025, at 2.30 p.m.

The House rose at 6.05 p.m.

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