

PARLIAMENT OF KENYA**THE NATIONAL ASSEMBLY****THE HANSARD**

Tuesday, 29th September 2020

The House met at 2.30 p.m.

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

PRAYERS**COMMUNICATION FROM THE CHAIR****DISCHARGE OF MEMBER FROM SELECT COMMITTEE**

Hon. Speaker: Hon. Members, I have a Communication relating to discharge of a Member from a Committee. Standing Order 176 provides as follows:

- “(1) A parliamentary party may discharge a Member from a Select Committee after according the Member an opportunity to be heard.
- (2) A parliamentary party whip of the party that nominated a Member to a Select Committee shall give notice in writing to the Speaker of the intention to discharge a Member from a Select Committee.
- (3) The Speaker shall, within three days of receipt of the notice under paragraph (2), inform the Member of the notice.”

In this regard, I wish to report to the House that my office is in receipt of a letter dated 25th September 2020 from the Majority Party Whip notifying that the Jubilee Party has discharged Hon. David ole Sankok from the Select Committee on National Cohesion and Equal Opportunity where he has been serving as a member. Having perused the documents through which the Jubilee Party transmitted the decision to discharge the said Member, I am satisfied that the process leading to the discharge met the requirements set out in Standing Order 176. Accordingly, the discharge of the said Member takes effect immediately.

The House is invited to note the provisions of Standing Order 173(3), which provides as hereunder:

“A vacancy occasioned by resignation or removal of a Member from a Select Committee shall be filled within 14 days of the vacancy.”

The affected Member and the House are accordingly advised. I thank you.

(Several Members stood at the Bar)

May the Members making their way in get settled.

CONSIDERATION OF MEMBERS' BILLS BY COMMITTEES

Hon. Members, I wish to make this Communication relating to consideration of individual Members' Bills by Committees of the House.

Legislation forms one of the principal mandates of any parliamentary body world over. Indeed, Articles 94(1) and 95(3) of the Constitution vests legislative responsibility on Parliament in general and the National Assembly in particular. It is a cardinal responsibility that the House should at all times discharge and prioritise.

Since the commencement of the 12th Parliament, many individual Members have sponsored legislative proposals on various subject matters. Many of these proposals have since been drafted into Bills, having undergone the due legislative processes and are at different stages of consideration by the House. Indeed, the House Business Committee (HBC) continues to prioritise individual Members' legislative business to ensure consideration and conclusion. As a matter of fact, Standing Orders have allotted Wednesday mornings as a day for consideration of individual Members' businesses to ensure unimpeded consideration of such business from the busy schedule of the House. During this part of the Session, as you will recall, priority is accorded to individual Members' business during the morning sittings of Thursdays.

The attention of the HBC has, however, been drawn to an apparent lackluster prioritisation and processing of individual Members' Bills by some Committees of the House. As a matter of fact, the HBC has been blamed by a section of the House for giving priority to individual Members' Bills originating in the Senate at the expense of a similar category of Bills sponsored by individual Members of the National Assembly. As you are aware, consideration and reporting by Committees is an integral part of the legislative process and forms the main avenue through which the House undertakes public participation on Bills as required under Article 118 of the Constitution. It is for this reason that the House Business Committee has been constrained to schedule the Bills for Second Reading in the absence of the respective reports from the committees. It has therefore, become necessary, that I guide the House on this matter.

Hon. Members, out of the 45 individual Members' Bills that are currently being processed by the House, 24 have been considered by the respective committees and the reports tabled before the House. The Bills are either undergoing Second Reading or awaiting Committee Stage. I take this early opportunity to laud the committees that have concluded the consideration of Members' Bills committed to them and tabled their respective reports. However, 21 individual Members' Bills are still pending before several departmental committees. You will agree with me that this is by no means a small number given the arduous effort put in by the respective Members in conceptualising the Bills in an efforts to resolve issues of concern to the people by way of legislation.

Hon. Members, from the foregoing, I wish to inform the House that Reports on the following 21 Bills are yet to be tabled by respective committees hereunder:

1. The Departmental Committee on Agriculture and Livestock is yet to Table Reports on the following three Bills:
 - a) The Kenya Food and Drugs Authority Bill, 2019, Sponsored by the Member for Endebess, Hon. (Dr.) Robert Pukose, MP, having been read a First Time on 2nd May 2019;
 - b) The Crops (Amendment) (No.2) Bill, 2019, Sponsored by the Member for Gatundu South, Hon. Moses Kuria, MP, having been read a First Time on 26th June 2019, and;

- c) The Sugar Bill, 2019, Sponsored by the Member for Kanduyi, Hon. Wafula Wamunyinyi, MP, having been read a First Time on 30th October, 2019.
2. The Departmental Committee on Communication, Information and Innovation is yet to Table Reports on the following two (2) Bills: -
 - a) The Kenya Information and Communications (Amendment) Bill, 2019, Sponsored by the Member for Gem, Hon. Elisha Odhiambo, MP, having been read a First Time on 25th September, 2019, and
 - b) The Kenya Information and Communication (Amendment) (No.2) Bill, 2019, Sponsored by the Member for Malava, Hon. Malulu Injendi, MP, having been read a First Time on 2nd October 2019.
3. The Departmental Committee on Finance and National Planning is yet to Table Reports on the following four Bills:
 - a) The Public Finance Management (Amendment) Bill, 2019, Sponsored by the Member for Emgwen, Hon. Alexander Kosgey, MP, having been read a First Time on 31st July 2019.
 - b) The Poverty Eradication Authority Bill, 2020, Sponsored by the Member for Sirisia, Hon. John Waluke, MP, having been read a First Time on 11th June 2020.
 - c) The Central Bank of Kenya (Amendment) Bill, 2020, Sponsored by the Member for Bonchari, Hon. Oroo Oyioka, MP, having been read a First Time on 28th July 2020; and
 - d) The Public Procurement and Asset Disposal (Amendment) Bill, 2020, Sponsored by the Member for Thika Town, Hon. Patrick Wainaina, MP, having been read a First Time on 28th July 2020.
4. The Departmental Committee on Health has not Tabled Reports on the following four Bills:
 - a) The National Hospital Insurance Fund (Amendment), Bill, 2019, Sponsored by the Member for Navakholo, Hon. Emmanuel Wangwe, MP, having been read a First Time on 20th March 2019.
 - b) The Assisted Reproductive Technology Bill, 2019, Sponsored by the Member for Suba North, Hon. Millie Odhiambo, MP, having been read a First Time on 26th June 2019.
 - c) The Radiographers Bill, 2019, Sponsored by the Member for Murang'a, Hon. Sabina Chege, MP, having been read a First Time on 11th September 2019.
 - d) The Breastfeeding Mothers Bill, 2019, Sponsored by the Member for Murang'a, Hon. Sabina Chege, MP, having been read a First Time on 6th November 2019.
 - e) The Kenya National Blood Transfusion Service Bill, 2020, Sponsored by the Member for Murang'a, Hon. Sabina Chege, MP, having been read a First Time on 14th April, 2020.

The Chair here has three Bills with no reports.
5. The Departmental Committee on Justice and Legal Affairs has not Tabled Reports on the following three (3) Bills:
 - a) The Independent and Boundaries Commission (Amendment) Bill, 2019, Sponsored by the Member for Kiambu, Hon. Jude Njomo, MP, having been read a First Time on 2nd May 2019.

- b) The Public Participation (No. 2) Bill, 2019, Sponsored by the Member for Kiminini, Hon. (Dr.) Chisanthus Wamalwa, MP, having been read a First Time on 30th October 2019; and
 - c) The Constitution of Kenya (Amendment) (No.6) Bill, 2019, Sponsored by the Member for West Mugirango, Hon. Vincent Kemosi, MP, having been read a First Time on 4th December 2019.
6. The Departmental Committee on Labour and Social Welfare is yet to Table Reports on the following three Bills:
- a) The County Governments' Retirement Scheme Bill, 2019, Sponsored by the Member for North Horr, Hon. Chachu Ganya, MP, having been read a First Time on 8th May 2019.
 - b) The Parliamentary Pensions (Amendment) (No. 2) Bill, 2019, Sponsored by the Member for Kigumo, Hon. Wangari Mwaniki, MP, having been read a First Time on 24th July 2019. and
 - c) The Employment (Amendment) (No.2) Bill, 2019, Sponsored by Nominated Member, Hon. Gideon Keter, MP, having been read a First Time on 26th February 2020.
7. The National Government Constituencies Development Fund is yet to table the Report on the National Government Constituencies Development Fund (Amendment) (No.2) Bill, 2019, which is Sponsored by the Member for Tongaren, Hon. (Dr.) Eseli Simiyu, MP, having been read a First Time on 18th September 2019.

Hon. Members, as you will have noted from the list above, most of these Bills were read a First Time more than one year ago, and may lapse at the end of the current Fourth Session in December this year, in keeping with the provisions of Standing Order 141 regarding lapsing and re-introduction of Bills.

In this regard, while I appreciate the heavy workload before all committees, I encourage the chairpersons and clerks of the concerned committees to endeavour to prioritise the listed Bills and table their Reports in the House as soon as practically possible. This will enable the House Business Committee to also prioritise the Bills for consideration in Second Reading and subsequent stages by the House in good time before the House goes for recess in December.

The purpose of this Communication is to therefore direct all the clerks of the committees concerned to pick a copy of this and see what it is that they have not prioritised or they have not processed so that in the next one or two weeks we have those reports. The House and the committees are accordingly guided.

I thank you.

The Members who are walking in, please do so hurriedly.

(Several Members walked into the Chamber)

Hon. Members, there is yet another Communication.

DISCLOSURE OF COMMITTEES' RESOLUTIONS BEFORE ADOPTION BY THE HOUSE

Hon. Members, this Communication relates to a matter in the Departmental Committee on Education and Research relating to the Teachers Service Commission (TSC) and the Kenya

National Union of Teachers (KNUT) which has been brought to my attention as requiring immediate intervention.

Hon. Members, I wish to inform the House that on 8th September 2020, I received a letter from the Leader of the Majority Party seeking my guidance on a matter that had been brought to his attention by the Secretary and Chief Executive Officer (CEO) of the TSC. In the letter dated 4th September 2020, the CEO of the TSC submitted the commission's concerns on the manner in which KNUT was approaching an ongoing labour-related issue in view of existing redress mechanisms.

Hon. Members, the reading and perusal of the documents that were attached to the letter of the Leader of the Majority Party as well as information available to me from the letter of the TSC to the Clerk of the National Assembly of 19th August, 2020 reveal as follows:

(i) On 11th August 2020, the Departmental Committee, in furtherance to the authority of parliamentary committees under Article 125 (1) of the Constitution, held a meeting attended by the leadership of the TSC as well as senior officials of both the KNUT and the Kenya Union of Post Primary Education Teachers (KUPPET). In that meeting, rafts of proposals were made as way forward on the ongoing impasse between TSC and KNUT;

(ii) Following the meeting, the KNUT strangely wrote to the TSC urging the commission to implement a raft of resolutions which KNUT claimed to have arisen from the aforementioned meeting. The resolutions titled "Way forward", which the KNUT asked the TSC to adhere to, were as follows –

(a) That the Code of Regulations for Teachers is a valid document used to manage teachers. The Code of Regulations does not capture Career Progression Guidelines.

(b) That the Committee of Education will spearhead the urgent and immediate review of the Code of Regulations for Teachers in readiness for the next CBA negotiations to avoid disputes and standoffs in future. All parties shall give their submissions via a public participation process.

(c) That all teachers to be paid their third and fourth CBA benefits notwithstanding union affiliations with immediate effect as per the law.

(d) That TSC immediately reverts to the Union Membership Register as it was in June 2019 and resume strict deductions of union dues to return normalcy to KNUT operations.

(e) That the Cabinet Secretary for Labour should urgently gazette agency fee in favour of KNUT to endure equal treatment of unions in the teaching service.

(f) That parties to immediately cease hostilities, compromise all matters in court and record consents of withdrawals and move out of courts and reset their relations to 2016.

(f) That TSC to develop Teacher Professional Development (TPD) guidelines and submit to the National Assembly for approval in compliance with the Statutory Instruments Act of 2013.

(g) In response, the Teachers Service Commission wrote to the Clerk of the National Assembly and later to the Leader of the Majority Party seeking guidance on the unusual sequence of events and voicing its reservations about its active participation in Parliament on a matter which is active in court.

Hon. Members, the occurrence of these events raises the following three key issues whose guidance I have been called upon to offer-

(a) How should Members who represent special interest relate with the said interest in the House and its Committees?

(b) Whether the recommendations or proposals of a Committee of the House can be implemented prior to being considered and adopted by the House; and,

(c) Whether a Committee of this House ought to deal with matters that are active in court including what we said compromising them.

Hon. Members, before I address the first issue, it is notable that the KNUT did obtain the proceedings of a Departmental Committee of this House including its minutes. Indeed, a perusal of KNUT's letter to TSC dated 26th August 2020 reveals that the presumed recommendations that KNUT wanted TSC to implement are an extract of the Minutes of the Committee of 11th August 2020. It is therefore logical to conclude that proceedings of the Committee and part of its journal was deliberately and prematurely disclosed to KNUT in blatant and clear breach of the Standing Orders and the provisions of Sections 13 and 25 of the Parliamentary Powers and Privileges Act, 2017.

Hon. Members, you will recall that I have in the past reminded the House, including the Members nominated to represent the youth, persons with disabilities and workers of the need to avoid conflict of interest between their personal and public interests as required by Chapter Six of the Constitution, the Leadership and Integrity Act 2012, the Public Officer and Ethics Act 2003 and the Parliamentary Powers and Privileges Act, 2017. Additionally, I have guided before that Members must at all times declare their interest on any matter before the House or a Committee pursuant to the provisions of Standing Orders 90 (1) and 107 (1)(e). Indeed, you will recall that on 9th May 2019, I guided as follows with regard to an issue that, interestingly, is similar to the one before me today:

“THAT, with respect to the Members of Parliament nominated under Article 97 (1) (c) of the Constitution – that is those representing the special interests including the interests of the youth, persons with disabilities and workers – they are also not exempted from the application of the provisions of Article 122 (3) and Standing Order 90. Further, it is gross misconduct and out of order to wear the hat of a trade unionist or a workers' representative and at the same time purport to also wear the hat of a Member of Parliament, in the same sitting of a Committee or the House.”

That guidance should suffice with respect to the first question. I need not go beyond.

Hon. Members, the next question that one would probably ask is: What about the authority of the information that was irregularly obtained from the Committee? Hon. Members are aware that it is a violation of Standing Order 86 for any Member, staff or other person to divulge contents of a Committee's proceedings before such proceedings become the property of this august House. The said Standing Order states as follows:

“86. No Member shall refer to the substance of the proceedings of a Select Committee before the Committee has made its report to the House.”

Hon. Members, even as I settle the second question, it is a matter of public knowledge that Committees are organs and creatures of this House and consequently their resolutions have no binding effect and cannot be acted on unless adopted by the House in its plenary sitting. Indeed, a Committee has no authority except that which the House has delegated to it.

Under Standing Order 216 (5), one of the functions of Departmental Committees is to investigate, inquire into and report on - emphasis on report on - all matters relating to the mandate, management, activities, and operations of the assigned Ministries and Departments. The operative words are “report on.” No Committee has powers to order, direct, or instruct, except as may be resolved by the House, having considered a report of a Committee on a particular matter.

Permit me, Hon. Members, to refer to the Commonwealth Parliamentary Practice as codified in the 23rd Edition of Erskine May on page 142, which states thus:

“The publication or disclosure of debates or proceedings of a committee conducted with closed doors or in private or when the publication is expressly forbidden by the House or of a draft report of committees, before they have been reported to the House, will constitute a breach of privilege or contempt.”

Hon. Members, the information quoted in the letter of KNUT to the TSC, constituted deliberations of the Departmental Committee on Education and Research, which are yet to be brought to the House in form of a report. While it is obvious that the KNUT and the TSC are free to exchange any correspondences between them, it is extremely out of order for KNUT, or indeed any other person to quote deliberations or proposals made in the Departmental Committee on Education and Research and use them as an authority in a bid to compel action from a third party.

In any case Hon. Members, even if the proposed recommendations had already been adopted by the House, the onus of communicating them to both the TSC and KNUT would have rested on the Clerk of the National Assembly and not on KNUT which is itself a party to the proceedings.

I, therefore, admonish the strange and the unprocedural manner in which KNUT appear to have behaved in this matter by not only purporting to use premature parliamentary information to its benefit, but also taking up the role of the Clerk of the National Assembly as the official conveyor of the decisions or resolutions of the House or its committees.

On the third issue of whether the Committee of the House ought to deal with matters that are active in court, which now introduces the issue of *sub-judice*, as indeed raised by the TSC, as you are aware, Standing Order No. 89 prohibits deliberation of matters that are active in a court of law. However, prohibition of discussion on active court matters is limited to the extent where such discussion is likely to prejudice the fair determination of the matters at hand. This is primarily the reason why Standing Order 89(5) grants the Hon. Speaker of the National Assembly power to allow reference to any matter before the House or a Committee, even if it is active in court.

Hon. Members, just to reiterate, I previously addressed this matter on several occasions both in 11th and the current Parliament. You may, for instance, recall the ruling that I delivered on 29th October 2013, upon request by the Member for Ugenya, the Hon. David Ochieng'. In that ruling I did state as follows:

“A recommendation of a committee is not final until the report is considered by the House and a decision made in one way or the other. However, should the House adopt a report of a committee purporting to invalidate or nullify a matter determined by a court exercising its judicial powers, then it becomes very difficult for anyone to implement such a resolution. This is because our Parliament does not have appellate jurisdiction or judicial processes. As a matter of fact, the practice of parliamentary appellate jurisdictions was primarily practised in the United Kingdom Parliament, where the House of Lords also acted as a court of appeal. However, again this practice ended on 1st October 2009, when the appellate jurisdiction was transferred to the Supreme Court. In this regard, it will probably be more useful for Parliament to require that the aggrieved party makes an appeal before a higher court. It has been urged that if Parliament makes a resolution that is not implementable or one that purports to unduly reverse a court process or decision, then such resolution would be in vain. I am on record asking committees

to refrain from making Parliament act in vain because that is not what the membership of the House was elected to do, certainly not to act in vain.”

Having said that Hon. Members, the information before me indicates that there are about eight active cases pending in various courts between the TSC and the KNUT part of which relate to the matters that the Departmental Committee on Education and Research was being invited to consider. As such, any intention by the Committee of this House to delve into these matters is likely to offend Standing Order 89.

Whereas the two entities; TSC and KNUT fall within the mandate of the Committee on oversight, it is only prudent that parties decide on the path they want to follow to settle their disputes. As of now, it does appear to me that they have chosen the court route. As a House, it is only fair that we allow them to exhaust that option which they have chosen on their own without inviting the House or its organs to be part of the dispute resolution process or to attempt to mediate, unless the parties formally opt out of the court process in favour of a parliamentary process. For abundance of caution, it is prudent that given that the matters are also active in court, it is proper that the Committee and indeed the House deals with the matter after litigation has been settled so that the House will not trespass into the judicial province.

However, it is noted that the principle of *sub-judice* cannot stand on the way of consideration of a matter vital to the public interest. Whereas under Article 95(2) and 5(b) of the Constitution the National Assembly is given the role to deliberate on and resolve issues of concern to the people and express oversight mandate over State organs, that mandate ought to be exercised outside the law, the Standing Orders and established precedent.

However, in the present case, I issue a precaution that it is not in the public interest that the Committee releases its long standing suits between the TSC and KNUT until the matters therein are concluded by the courts of law. After all, there are various formal dispute resolution mechanisms recognised in law and these ones outside committees is not any one of them.

Hon. Members, in conclusion, having examined the three issues as identified, my considered guidance is as follows:

- (i) That the Hon. Members who represent special interests should always declare their interest on any matter when considering the said interest in the House or in committees, in accordance with the requirements of Standing Order No. 90.
- (ii) That the recommendations of a committee of this House are not to be implemented prior to being considered and adopted by the House, unless the law of the Standing Order provides otherwise. However, at that stage, parties are at liberty to take counsel of the views of the Committee and the views largely represent the views of the people’s representatives.
- (iii) That the Departmental Committee on Education and Research does refrain from revisiting the current disputes between the TSC and the KNUT in accordance with the requirement of Standing Order No. 89 noting that the disputes are subject of active court cases unless the parties involved formally opt out of the court processes in favour of a parliamentary process. The House and the Committee are accordingly guided.

Thank you.

Next Order.

PAPERS LAID

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

Legal Notice No.122 of 2020 relating to the Matrimonial Proceedings Rules, 2020 and the Explanatory Memorandum from the Judiciary.

Legal Notice No. 159 of 2020 relating to increase of amount payable as protected deposit, under Section 28 (1) of the Kenya Deposit Insurance Act 2012, and the Explanatory Memorandum from the National Treasury and Planning.

The Report of the Auditor General and Financial Statements of the Central Bank of Kenya for the year ended 30th June, 2019 and the certificates therein.

The Report of the Auditor-General and Financial Statements of the National Corporation of Kenya for the year ended 30th June 2018 and the certificates therein.

The Report of the Auditor-General and Financial Statements of the National Oil Corporation of Kenya Limited for the year ended 30th June 2018 and the certificates therein.

The Report of the Auditor-General and Financial Statements of the National Oil Corporation of Kenya Limited for the year ended 30th June 2019 and the certificates therein.

Thank you, Hon. Speaker.

QUESTIONS AND STATEMENTS

ORDINARY QUESTIONS

Hon. Speaker: The first Question is by the Member for Lamu West, press the intervention button or you do not differentiate the buttons?

Question No.190/2020

MEASURES TO INCREASE ACCESS TO THE ADULT AND CONTINUING EDUCATION PROGRAMME

Hon. Stanley Muthama (Lamu West, MCCP): Thank you, Hon. Speaker. This is Question No.190/2020.

- (i) Could the Cabinet Secretary provide the implementation status of the policy guidelines, structural and curriculum reforms undertaken by the Ministry to enhance literacy levels under the Adult and Continuing Education (ACE) Programme?
- (ii) What specific measures are being undertaken to increase access to the ACE programme in view of its current challenges of inappropriate learning environment, shortage of qualified teachers, poor and constantly delayed teachers' remuneration, inadequate provision of capitation grants and poor management?
- (iii) Could the Ministry consider making proposals for review of ACE programme including revised teachers' remuneration plan from the current rate of Ksh2,000 per month and expansion of examination centres to make them more accessible to more learners, majority of whom are from poor backgrounds?

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

Question No.191/2020

MEASURES TO AVERT MISMANAGEMENT OF SUGAR COMPANIES

Hon. John Owino (Awendo, ODM): Thank you, Hon. Speaker. I rise to ask Question No.191/2020 directed to the Cabinet Secretary for Agriculture, Livestock and Fisheries.

- (i) Could the Cabinet Secretary explain the Government's rationale and basis for the recent decision to lease out the sugar industry to private investors?
- (ii) What benchmarks for performance have been laid out in the lease-based approach in a bid to avoid the possibility of mismanagement and corruption?
- (iii) Could the Cabinet Secretary provide the implementation status of Sessional Paper of 1988 regarding guarantee of loans that had been advanced to fund expansion and rehabilitation of Nzoia Sugar Company, and other sugar firms in the country?
- (iv) What measures is the Ministry putting in place to avert a repeat of past malpractices and mismanagement activities involving sugar companies that made cane farmers dependent on heavily-indebted sugar companies as their only cane selling outlets?

Hon. Speaker: That will be replied to before the Departmental Committee on Agriculture and Livestock. The next Question is by the Member for Baringo County, Hon. Gladwell Cheruiyot and she has requested for deferment. That request is acceded to so, the Question is deferred. Next is by the Member for Ainabkoi, Hon. William Chepkut.

Question No.198/2020

FAILURE TO UPGRADE RAVINE-SIGORO-OCHI ROAD TO BITUMEN STANDARD

(Question deferred)

Question No.201/2020

NON-ADHERENCE TO CONSTRUCTION STANDARDS AND TIMELINES FOR ROADS IN AINABKOI

Hon. William Chepkut (Ainabkoi, Independent): I rise to ask Question No. 201/2020 to the Cabinet Secretary for Transport, Infrastructure, Housing and Urban Development.

- (i) Could the Cabinet Secretary confirm whether the recently upgraded 5.5 km section of the Naiberi- Ainabkoi- Timboroa Road in Ainabkoi Constituency was constructed in accordance with the required standards, considering that the stretch is already in an almost deplorable state, even before the official handover by the contractor?
- (ii) Could the Cabinet Secretary intervene to ensure that upgrading works on the road linking Waunifor and Flax (Kiptagat), a very important road which runs through one of the key maize producing region of the Rift Valley are completed?

- (iii) Could the Cabinet Secretary consider terminating the contract on the said road, seeking the blacklisting of the contractor, and awarding the contract afresh to a contractor who will adhere to the set construction standards and timelines?

Thank you, Hon. Speaker and God bless you.

Hon. Speaker: That Question will be replied to before the Departmental Committee on Transport, Public Works and Housing. Next Question is by Hon. Githinji Gichimu. Member for Gichugu Constituency. The next Question is by the Member for Alego-Usonga, Hon. Atandi.

Question No. 219/2020

RELOCATION OF SCHOOLS AFFECTED BY FLOODS

Hon. Samuel Atandi (Alego-Usonga, ODM): Thank you, Hon. Speaker. I rise to ask Question No.219/2020 in today's Order Paper. The Question is addressed to the Cabinet Secretary for Education and Research.

- (i) What urgent measures is the Ministry taking to ensure that learning from the following six schools, that is - Dibuoro Secondary School, Dibuoro Primary School, Nyandheho Primary School, Uwaasi Primary School, Udaamayi Primary School and Uhembo Primary School in Usonga Ward, Alego Usonga Constituency, which are currently uninhabitable due to the flooding caused by heavy rains experienced in the area between May to July 2020 continues upon reopening of schools?
- (ii) What urgent measures is the Ministry taking to ensure that the learners are relocated to other schools before schools reopen?
- (iii) Could the Ministry also consider having the said schools relocated to other safer grounds to protect them from perennial flooding?

Thank you, Hon. Speaker.

Hon. Speaker: The Question to be replied before the Departmental Committee on Education and Research. The next Question is by the Member for Nandi Hills, Hon. Alfred Keter.

Question No. 220/2020

STATUS OF THE LAST MILE CONNECTIVITY PROGRAMME

Hon. Alfred Keter (Nandi Hills, JP): Hon. Speaker, I rise to ask the Cabinet Secretary for Energy the following Question:

- (i) Could the Cabinet Secretary provide the implementation status report of the Last Mile Connectivity Programme in the country, with particular reference to Nandi Hills Constituency, indicating the amount of funds the programme has received, and how much has been utilised since its inception?
- (ii) Could the Cabinet Secretary outline the challenges faced in implementing the programme?
- (iii) Could the Cabinet Secretary consider facilitating electricity connection under the said programme to the following areas and institutions in Nandi Hills Constituency which are in dire need of connectivity: Sile A/Kipchenge, Ng'ame, Kipkoror/Kapkawa,

Tigityo/Tabarin, Keben/Cherobon, Kapchumba, Kapkakaran, Kamenjeiywa, Kapnyemis/Simatwet, Kamyemis/SDA, Kapkutung, Kaplelemet/Kerengwet, Toroton, Serengonik, Kipsebwo/Kalel, Kipkoror/Nguseret, Koilot/Losingiran, Chepngetuny, Choimimplot, Chebinyiny/Bondeni, Kipkoror/Kapkorio, Kipkimba/Kiboki Dip, Kapchogen, Tereno Primary Schools, Lolkireny, Chepkunyuk/Kapketemi, Lelwak, Kibiok Village, Kimwogi/Chepnoet, Cheptililik, Cheptabach, KitechGaa, Nduroto, Kapkorio, Tartar/Kamalel, Sirwa and Shamba Mpya/Sile?

Hon. Speaker: That will be replied before the Departmental Committee on Energy. Next Question is by the Member for Igembe Central, Hon. Iringo.

Question No. 238/2020

DIPLOMATIC INTERVENTION FOR RELEASE OF
MR. M'MUMBWIKA FROM TANZANIAN PRISON

Hon. Kubai Iringo (Igembe Central, JP): Hon. Speaker, I rise to ask the Cabinet Secretary for Foreign Affairs the following Question:

- (i) Could the Ministry give an update regarding investigations into the whereabouts of one Kinyua M'mumbwika, a young man aged twenty-one (21) years from Ithamwari village, Njia Ward, Igembe Central, Meru County, who is allegedly detained in the United Republic of Tanzania without trial since the year 2015?
- (ii) Could the Ministry consider diplomatic intervention to ensure that the Kenyan, who is allegedly being illegally held and languishing at Maweni Remand Prison in Tanga, Tanzania, is released without any further delay?

Hon. Speaker: That will be replied before the Departmental Committee on Defence and Foreign Relations. On the Question by the Member for Gichugu, I have received Communication that the he has requested for deferment. The request has been acceded to. The Question is deferred to another date.

Question No. 217/2020

PROVISION OF WATER TO RESIDENTS OF GICHUGU CONSTITUENCY

(Question deferred)

Hon. Speaker: The next segment is Statements.

STATEMENTS

REASONS FOR LOCKDOWN OF EASTLEIGH AND OLD TOWN MOMBASA

Hon. Abdullswamad Nassir (Mvita, ODM): Ahsante sana, Mhe. Spika. Kupitia Kanuni za Bunge, ningependa kupata jawabu kutoka kwa Waziri mwenye kuhusika na masuala ya afya. Kwanza, sote tunafahamu kuwa wakati janga la Corona lilipokuwa linaingia huku kwetu, maeneo ya Old Town na Eastleigh yalifungwa ikawa hamna kuingia wala kutoka. Ni muhimu sasa tuweze

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kujua ni hesabu zipi ambazo ziliweza kutumika. Ni hekima ipi ama vigezo, almaarufu *criteria*, iliyoweza kutumika au ni sayansi ipi iliyoweza kutumika ikawa ni sehemu hizi mbili peke yake katika Kenya ndio zilizofaa kufungwa si mara moja bali kuendelea.

Pili, ni muhimu kujua kutoka kwa Waziri ikiwa wameweza kufanya utafiti kujua hali ya kijamii na kiuchumi, baada ya athari za kufungwa. Serikali ina nia gani kuhusiana na wakazi wa Old Town na Eastleigh kuongeza mapato yao ya kiuchumi baada ya athari hii ya kufungiwa?

Mwishowe, tunaomba waziri aongeze rasilimali hususa katika maeneo athirika kupitia mfuko wa kukabiliana na dharura ambao kwa Kiingereza unajulikana kama *Emergency Response Fund* ili wakazi wetu waweze kusaidika. Ni rahisi sana kwa yeyote kuleta fujo na ghasia ikiwa hali ni mbovu, lakini hekima ni pale unapoyatatua matatizo ya watu wako hali ikiwa imetulia. Tulikuwa tunaogopa kwanza kuuliza maswala pale mbeleni serikali isije ikasema sasa munauliza ndio tunafunga zaidi.

Sasa, maadam tunaona wazi kuwa hesabu zinapungua, ni sawa wale wakazi wa Old Town na Eastleigh waweze kujua hatima yao na ilikuwaje haya yote yakafanyika. Pili, Serikali ihakikishe uchumi wao umeongezeka ikiangaliwa ya kuwa huko Old Town na Eastleigh kihistoria imejulikana kuwa ni mahali ambapo watu wanaenda kufanya ununuzi wa bidhaa zao, kwa Kiingereza shopping.

Ahsante sana, Mhe. Spika.

Hon. Speaker: The Chair of the Departmental Committee on Health and Members, please take note. It is not right that you can have so many Bills and then you are seen chasing other things we do not seem to understand out there. Please, also deal with the legislative proposals and not just those other things. Please come back to the House now and work from here. The request will be channeled through the Office of the Leader of the Majority Party for a response. The other segment is for Statements to be issued. Let us have the Chair of the Departmental Committee on Labour and Social Welfare.

Sorry, did I see the Member for Suba North with an intervention? What is it?

POINT OF ORDER

RANKING OF HON. MEMBERS BY OPINION POLLSTERS

Hon. (Ms.) Odhiambo-Mabona (Suba North, ODM): Thank you, Hon. Speaker. With your indulgence, I just wanted to raise an issue of concern. There was a day that a matter was raised on this Floor when I was away about ranking by opinion pollsters. In the last three months, I have been ranked number 305 by one opinion poll. I have been ranked number 80 and over 270. I do not know what it is now. Given that I am a brand, when I am ranked worst or I am near the worst, they bring my photo ahead. I want to indicate on the Floor of the House very clearly... Let me remove my mask because I want them to see that not only am I a performer but I am also beautiful and elegant.

I want to tell the lady called Agatha Ambitho, who is from Siaya, that I am focused on supporting the gender agenda even where you have gender idiots like her who do not know what people go through to be elected. I want to tell her I will support her so that she can be nominated to come to the Floor of this House so that she can work hard and be elected and so that the demons...

Hon. Speaker, let me not get there. Let me not get personal because I have actually dug a lot about her and I know a lot about her. What I want to tell her is in Kijaluo we have something

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called *jiw dendi*. If she dares joke with me again, she will know politics because I have *jiwod denda*. I have worked hard. I am a woman of steel. The last time she ranked me number over 270 I was still elected as Member of Suba North with a margin of over 10,000 votes. I beat my opponent with a margin of over 10,000 after she ranked me over 270.

So, I want to tell her not to get into the politics of Homa Bay because others are collateral damage. If you actually look at this opinion poll, one of the things that happened is, last week they did the exact thing they did last time and I was quiet, but this time round we will go down with you. *Nitawatwanga* because I am not going to joke with you. Look for votes the same way Millie Gesa Gesa looks for votes, do not come and use fake technical things.

How did you know you will be ranked number one or two so that you were ready with photos? Some of them are now revealing things in our groups. Other Members are saying they were asked to give about Kshs100,000. Hon. Kaluma even has a name. I do not want anybody to rank me number one or two or last, because I know my work. I do not need anybody to rank me. I can rank myself. I know how I perform on legislation, representation and oversight. Even now, the issue that we were dealing with earlier on is in one of my Bills. I do not need you to rank me. I know what I am doing in this House. The first time she raised my name, I kept quiet. Now she is raising my name again, I will not let her go. Even the ones who are ranking me number one, I do not want to be ranked, I know what my position is. Do not rank me, I do not need your rankings.

I think we need to tell people like Infotrak, we know that corona virus has affected businesses, but she will not use Members of Parliament as commodities to make money. I have been told by those who listen to Ramogi FM that when she was asked the criteria she used, she said she asked one question; that on a scale of one to ten, how do you rank your MP? What is her sample size? If you come to Suba North and ask 9000 people, they will probably tell you they do not like me because that is the vote of my opponent, but you have not asked the over 20,000 people who voted for me.

I am sorry I am calling her an idiot but her actions are similar to the acts of an idiot. She has not been elected. Let her come here, let her fight and let her get her space. If you actually look at the ranking in Homa Bay, those of us who know Homa Bay politics know that it is mirroring the Homa Bay politics exactly. Number one in Homa Bay, one line, number two in Homa Bay, one line, number three in Homa Bay, one line. All the people who are in another line are from eight coming up to four. Look for your votes directly, ask the public, but do not use Millie to try and get votes.

What I can say as an MP who oversees NG-CDF, when I go to the ground, I talk about NG-CDF, I do not look for works that other people, including work done by the Ministry in charge of water, have done and put my names on them and declare that I have done water in Gorogoro or elsewhere. Tell us what you are doing with the projects given? As a Member of Parliament use NG-CDF, as a woman representative use National Government Affirmative Action Fund (NG-AAF), as an MCA, if there is any money use it or as a Senator who does not have anything, do not go hanging on people's coats when you have stolen women's money and then use political polls. The rest of the people here are victims of Homa Bay politics. I will not be quiet and play underground, I play on the surface. You will deal with Millie Gesa Gesa, I will not joke with you.

Hon. Speaker: That is too heavy. Now there are so many of you who want to... Unless you allow me to dictate that every person speaks for a maximum of two minutes. This is not business. In that case I will just go by what is on the screen. Member for Gem.

Hon. Elisha Odhiambo (Gem, ODM): Hon. Speaker, thank you very much for this opportunity. It is important that whoever is doing survey in the Republic of Kenya be a student of

statistics and a real student of inferential statistics. I am a student of statistics and normally when you are doing research, you will have to look at basic variables that would then determine the activities between the variables. If you are looking at somebody putting on a shirt in a constituency and you say that that person is popular, you are talking about coefficient of determination. If you are looking at development and how popular an individual is in social media that is coefficient correlation. I have looked at variables, the information that Infotrak used and I can say this, without an iota of doubt, they are a bit careless on their part.

For example, you cannot compare Gem Constituency which has six wards and is on 400 square kilometers and 46 sub-locations with Ugunja which is my counterpart on 200 square kilometers and has 19 sub-locations and four wards. So you cannot compare Ugunja and Gem because Ugunja is like three wards in my constituency and you cannot rubbish my performance evaluating me with a small minute constituency. As MPs we are given the same amount of money. So if you want to evaluate the performance of MPs you must evaluate based on same kilometers, same resources and same population, then you have a framework to argue that this MP performed better than the other.

Hon. Speaker, thank you for the opportunity but I believe that the workers of Infotrak should go back to school as people of Gem would say.

Hon. Speaker: Hon. ole Sankok.

Hon. David ole Sankok (Nominated, JP): Thank you, Hon. Speaker. At the outset Infotrak is a total mess because if you are to rank Members of Parliament, why would you rank specific Members of Parliament leaving out the nominated Members of Parliament who do not have a kitty. If you are ranking Members of Parliament based on the NG-CDF kitty, the job description of a Member is representation, oversight and legislation, which is done in this House. Our work station is this House, when you rank us depending on how you have used your NG-CDF, *kwani wewe ni contractor?* Are you on the ground doing contractual jobs? We are supposed to be ranked based on our contribution in this House, the way it was done by Mzalendo. I was ranked number two only after Hon. Millie Odhiambo by Mzalendo. This time round, I am not appearing anywhere, I am neither one or last. I am wondering what criteria they used.

Hon. Speaker, you will bear me witness, I have never missed a sitting in this House or in a committee, I am always number one in this House and I contribute on every Bill and Motion because the issues of persons with disabilities are crosscutting. So I contribute to every issue that is brought before this House because I am representing persons with disabilities who are my constituents and they are about 6.5 million people. I represent more people than any other Member of Parliament, not to be ranked upon or to be told I am number one or last, it is an abuse to me and the 6.5 million persons living with disability. By the way, a curse is upon them. That is what persons with disability have told us....

Hon. Speaker: Member for Tigania East.

[Hon. John Mutunga (Tigania West, JP)]: Thank you, Hon. Speaker for the opportunity to add my voice to this very important issue. I was also surprised to see the kind of data published by Infotrak. I have no interest in discussing any other data, because they do not have a basis, they have been lying to us and everybody else in Kenya and they have invoked the good name of the NG-CDF Committee or the board of the NG-CDF, which is not true. I would like to thank the National Government-Constituencies Development Fund (NG-CDF) Board for coming out sooner rather than later to refute some of those rankings.

Looking at the rankings by Infotrak and what they evaluated, that particular research is not generalisable and cannot be relied upon. It is not verifiable. It is just figures. It is based on other

parameters rather than development. Development cannot be equated to the number of times you appear in the media; the number of times people call on you or whether or not you are on social media. Some of us deliberately avoid social media because we want to remain sane due to the kind of things that are discussed there. Some of them are disgusting and no sane person would want to engage in them.

If people want credibility and trust from Kenyans, if they want us to believe what they are doing, let them be scientific. There are scientific procedures of doing this work. I am a teacher of scientific research. I supervise PhDs. If they do not know that, they should not...

Hon. Speaker: Let us have the Member for Mavoko.

Hon. Patrick Makau (Mavoko, WDM – K): Thank you, Hon. Speaker. I join my colleagues who are annoyed by research report made by the Infotrak. I confirm to this House that I was called by two purported staff of Infotrak. One was Morris Ondego who told me that they know I want to be the governor of Machakos and so they want to rank me first. He told me to give him Kshs100,000.

Hon. Members: Say! Say!

Hon. Patrick Makau (Mavoko, WDM – K): Secondly, there is a lady called Mary Mueni who told me, “*Bwana Makau, sasa wewe kama unataka kuwa governor, toa kitu kidogo tukupatie.*” She told me to give her Kshs75,000. This House must stand against fraudsters and connen. We cannot be taken for granted. We have an NG-CDF Board. We have credible institutions in this country which can undertake research. A credible research must be ethical. This research by Infotrak is a total insult. It undermines the integrity of the Members of this House. You cannot compare constituencies as the Member for Gem has said. You cannot compare a constituency in Nairobi that has three or four public primary schools with a rural constituency with more than a 100 public primary schools. They cannot be the same.

In 2017/2018, there was no money in the NG-CDF. We are seeing Members of Parliament in their first term being ranked higher than Members who have been executing their NG-CDF for many years. However, that is not the point. It is the members of the public who are supposed to rate us. I join Members in saying that...

Hon. Speaker: Let us have Hon. Kimunya.

Hon. Amos Kimunya (Kipipiri, JP): Hon. Speaker, I join my fellow colleagues in condemning this unscientific research that is being peddled around. As you were calling me, I was trying to go through my phone to find a message that they sent me saying that they would like to discuss the results and how to make them better. I told them that was totally unethical. I have been a researcher. I value scholarly work. When a researcher calls the subject of the research to discuss the research findings, he or she is influencing the results of the research. It, therefore, stops being research and becomes something guided.

I would not want to use the words that Hon. Millie Odhiambo - a very hardworking Member of this House and we all know that – used. I urge the Departmental Committee on Education and Research to look at the law on all these things. The other day we had some other ranking and now we have Infotrak and others. Let the Committee look at the law and see what safeguards we can put into it. Much as it is affecting Members today, we are two years away from a general election. There will be all manner of opinion polls coming up. If we do not guide the country - which is our responsibility - we will plunge this country into chaos due to all manner of purported research showing what the feelings of Kenyans are...

Hon. Speaker: Let us have Hon. Makali Mulu

Hon. Makali Mulu (Kitui Central, WDM – K): Thank you, Hon. Speaker. I join my colleagues in stating that it is a pity that institutions like Infotrak exist in this country. I remember when computers were introduced in this country, we used to say, “Garbage in garbage out”.

I agree with those who say that we need to look at the research methodology. Issues of research are taught at master’s degree level. One does serious work at that level. As an economist, I have done advanced econometrics. This lady has to be professional in her work. I do not want to mention names. If you want to prove your research is credible, you must share the methodology. You will never see her share her methodology. We need to take her back to school so that she can do proper work. I do not want to comment on the results because they do not make sense. It was an opportunity for rent-seeking. As Kenyans, we should not allow anybody to rent-see through such rubbish studies.

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

Hon. John Mbadi (Suba South, ODM): Thank you, Hon. Speaker. I wanted to take a slightly different trajectory and ask my colleagues to relax. I previously spoke when there was another released result like this and asked people to relax. When I tried to find out what Infotrak did, I was told that they ask a standard question. I will be the devil’s advocate and assume it was a scientific research. The general question was: How do you rate your Member? I hear Members talking about the NG-CDF. That was not part of what was asked. What Infotrak said is that they asked people at random to rate their MPs. Maybe you have not attended many funerals in your constituency and that is why they ranked you the way they did.

I just want to say two things. I have been here for a while. I will give live examples. In the 10th Parliament, the then MP for Kasipul Kabondo, Oyugi Magwanga, was always ranked by the National Taxpayers Association (NTA) as the best performing Member from our region. I was very low on the list. At the end of the day when we went for elections, Oyugi Magwanga...

Hon. Speaker, allow me just one or two minutes. Oyugi Magwanga had difficulty coming back to this House. It was a walk-over for me even with that low ranking. In the last Parliament, I do not know what happened. They kept ranking me highly. That was the time I fought for my life to come back to this Parliament. I am not bothered with results and surveys. Let me tell you. I plead...

Hon. Speaker: Let me give you an extra minute.

Hon. John Mbadi (Suba South, ODM): I just wanted to caution those who still want to be here. Please, just work for your people. If you are building schools through NG-CDF, make sure they are constructed. Make sure there is water in your constituency. Struggle to get the Government to construct roads in your constituency. Please, make sure you legislate effectively. At the end of the day, your people will give you another term. No one will refer to those Infotrak results. Relax. Forget about those emotions that I see around. I have relaxed all these years. Please, relax.

Hon. Speaker: Let us have the Member for Limuru

Hon. Peter Mwangi (Limuru, JP): Thank you, Hon. Speaker. I want to pick from where the Leader of the Minority Party has stopped. Hon. Speaker, we cannot relax. We cannot allow people to soil our names and then we relax. We must call them what they should be.

(Applause)

We have to shame them. I want to give an experience. We need to put together some of this information that we are getting, so that Kenyans can know that these people are extortionists. I was sent one of those results. My performance was 10 per cent. The question they asked the

people was: How do you rate your Member of Parliament? I was given 41 per cent this time. I was given 10 per cent in the first one. Then, I was told to “*onzea vizuri*” and the performance would be nice. I said that I would “*onzea vizuri*”. I told them that I would speak to them. I told them to send me what would be the results after I speak to them. I was put at 80 per cent. When the results came out, I neither talked nor produced anything. When I did not talk to them, they ranked me No. 300.

(Laughter)

I know that the people of Limuru Constituency are listening to me. I had a crowd of 1000 people yesterday. They told me to forget about that nonsense from Infotrak Research and Consulting Limited. We need to regulate these people. We need to go to the law and see how to regulate them, so that they do not play around with elected leaders.

I thank you, Hon. Speaker.

Hon. Speaker: I thought that you were sitting down.

Hon. Peter Mwathi (Limuru, JP): No. I want to thank you, Hon. Speaker for allowing us time and space to ventilate. As we ventilate, please, let us look at the law and see how we can regulate these people.

Thank you very much, Hon. Speaker.

Hon. Speaker: Member for Bomachoge Borabu.

Hon. (Prof.) Zadoc Ogutu (Bomachoge Borabu, Independent): I thank you, Hon. Speaker for giving me this chance to reflect on the discussions that have occupied the social media for the last two days.

I want to start by supporting the various views that Members of this honourable House have given. We should ignore the Report from Infotrak Research and Consulting Limited. We should not be shaken. Fundamentally, what is more serious is that we have a society that is now becoming a big consumer of information. Our job as Members of this House and representatives of the people is to categorically come out strongly and condemn, without necessarily personalising, the reports of this firm. We should condemn the acts that have been implicated, reflected and brought about by this firm. In simple words, we do not want our society to be fed on hateful and false information. We need to protect our people. I condemn that kind of act. I was ranked No. 260. I have no problem with that because I do not know what they looked at.

(Laughter)

Hon. Speaker: Member for Narok South, Korei ole Lemein.

Hon. Korei ole Lemein (Narok South, JP): Thank you, Hon. Speaker for giving me this opportunity to contribute. I also thank you for giving us this opportunity to ventilate on this particular issue. I join my colleagues in condemning this information from Infotrak Research and Consulting Limited. What they used to give out this information is wanting.

One, as my colleagues have put it, some constituencies are as small as wards. Therefore, it is really unfortunate because these people do not respect the kind of work that we do. I like the way Hon. Makali Mulu has put it. They do not even understand the methodology of what they are doing. They do not understand the variables, so that they can come up with a solution. They are pure extortionists.

Thank you, Hon. Speaker.

Hon. Speaker: Member for Kimilili.

Hon. Member: He left the Chamber.

Hon. Speaker: Member for Alego-Usonga.

Hon. Samuel Atandi (Alego-Usonga, ODM): Thank you, Hon. Speaker. Opinion polls are subjective. I am one of the people who have suffered under the hands of these pollsters. Since I came to Parliament, I have received very unfair reports from the pollsters.

Infotrak Research and Consulting Limited is a renowned company in this country. It conducted credible polls in the past. Even though I have not been rated fairly, it is very unfair for Members to begin to disparage the credibility of this company. This company conducted opinion polls in the past.

(Hon. (Ms.) Odhiambo-Mabona consulted loudly)

It predicted that Hon. Raila Amolo Odinga would be the President of the Republic of Kenya in 2007 and he won the election. Therefore, I want Members to be honest and say that.... Hon. Millie, you are a senior Member of Parliament, do not make noise.

Hon. Speaker: Hon. Members, allow the Member for Alego-Usonga say what he has to say, however strongly you disagree with him.

Hon. Samuel Atandi (Alego-Usonga, ODM): Hon. Speaker, you can be a very vocal Member of Parliament in this country, but when you go back to your voters, they can reject you. We do not want to know whether you say that you are very vocal and therefore, you must be popular. Even though I am not rated properly, this opinion poll is very credible. The results are fair. Nobody was asked for any money. If you have received a poor rating, you cannot begin to disparage the name of a credible company.

(Loud consultations)

Hon. Speaker: Member for Laikipia.

Hon. (Ms.) Catherine Waruguru (Laikipia CWR, JP): Thank you, Hon. Speaker. I also want to join the majority of the legislators—whether they are Members of the County Assemblies (MCAs), Senators or Members of the National Assembly—to shame Infotrak Research and Consulting Limited and its Chief Executive Officer. I will name and shame her in this House because she and Johvine Wanyingo who is a researcher called me and persuaded me to pay a visit at their offices in Lavington. I went to their office. However, I did not even stay for more than three minutes because I was told that I was ranked position 31. Laikipia County code is 031. I was told, “*Sasa niaje?*” I asked whether it is 031 which is the code for Laikipia County or what it was. I was asked for Ksh300,000. I am so annoyed because of the extortion which is being used to rank Members of Parliament. I also ask our colleagues who are participating in this shoddy business to look for better things to do to appeal to the voters. Being position one in the country does not add a coin to the people of Laikipia County. As a Parliament, we are the only ones who can shun these people whom we call the *wazalendo* of this world, *mizizi* and Infotrak Research and Consulting Limited. I support what Hon. Kimunya, who is the Leader of the Majority Party and Member for Limuru said. We need to do something on the piece of legislation that govern research organs in this country.

Ms. Agatha Ambitho is a marketer. She is in search of queens for money. Please look for them elsewhere but not from the Members of Parliament in the 12th Parliament. You are dialing the wrong number. Do not come near me.

(Laughter)

Hon. Speaker: Member for Nandi, Hon. (Dr.) Tecla Tum.

Hon. (Dr.) Tecla Tum (Nandi CWR, JP): Hon. Speaker, I want to add my voice to this issue. The results were discouraging in the social media in Nandi County, I was ranked No. 38.

Hon. Speaker, I know very well. I am in Parliament every day when the session is on and I attend all committee meetings. So, these unqualified people should not rank us. They have to tell us the sample size, the number of respondents and whether they were urban or rural respondents. Women Representatives have different programmes. I give out tents while others give out blankets. How do you compare the two? Did they meet the women groups, youth groups and people with disabilities (PWDs) to analyse how they have been economically empowered or they just went to hotels and did some shoddy work?

I was a research professor and I cannot be ranked by stupid people.

(Laughter)

Hon. Speaker: Let us have the Member for Rarieda,

Hon. (Dr.) Otiende Amollo (Rarieda, ODM): Hon. Speaker, let me start by declaring the position that the Managing Director (MD) for Infotrak Research and Consulting, Madam Angela Ambitho, is not only my constituent, but also from my clan and by extension, my relative, but I want to confirm that I was not called, not asked for any money and also not ranked very well. I was ranked at position 108. For me, I have come to learn that...

(Loud consultations)

If only you could give me a second. In this short time that I have been in Parliament, I have once been ranked number two, 20 and another time, I was ranked number 150. This has taught me that, first of all, we should not concentrate on this ranking because we will always have ranking even for the parties. Right now, we are defending ourselves collectively, once we are out there and we are in the Orange Democratic Party (ODM) and Jubilee, when the ranking comes, half of us will be supporting while the other half will be condemning it. What we need to focus on is how we ensure that we have authentic and defensible research. That is what we need to do. Even as we do that, let us measure and have tempered language and focus on that.

Thank you, Hon. Speaker.

Hon. Speaker: Let us have the Member for Westlands.

Hon. Tim Wanyonyi (Westlands, ODM): Thank you, Hon. Speaker. I know what I stand for. I know my work and that is why I was re-elected. I am a Member of Parliament who campaigns and stays with the people even after elections. Therefore, whether I am ranked number last or number one or whichever position, I know the people are the ones who determine my performance. Maybe, we should not be so much concerned about how we have been ranked because that will not subtract anything from us.

If you are doing the right thing, you will be on top of your people's list - the people who elected you. With that, I truly believe in myself and in the people who elected me. I know that at one point during the last election, I beat my closest opponent by more than 3,000 votes. So, I do not think that is going to change. I believe the people of Westlands know me better.

I thank you, Hon. Speaker.

Hon. Speaker: Let us have the Member for Shinyalu.

Hon. Justus Kizito (Shinyalu, ODM): Thank you, Hon. Speaker. This kind of ranking is totally unfair. One thing that I have come to understand as a Member of Parliament is that not many people understand the work of a Member of Parliament. So, they are totally in darkness as they continue conducting research and opinion polls. For me, this is totally wrong.

Hon. Speaker, as the Chairman of the Select Committee on Parliamentary Broadcasting and Library, I wish you would allow me to have these people appear before the Committee for us to deal with them. On this note, I would like to ask the Members of Parliament to support me. I tend to think that the people of this nation do not understand what we do. They think that our work is only limited to the plenary and constituencies in terms of the National Government Constituency Development Fund (NG-CDF) thus we are not able to be seen properly.

I want to ask Members to support me as I try to seek more coverage on television and radio, so that we can have our own television station that is going to cover us so that our people can see what we do in plenary as well as in committees and in international discussions. The citizens can see us and make informed decisions based on what we do because people do not get to know. As my colleagues have talked about being called, I was called many times and I was supposed to give some money. I do not want to mention much about that, but...

Hon. Speaker: The Member for Kiminini, Hon. (Dr.) Wamalwa, you may have the Floor.

Hon. (Dr.) Chris Wamalwa (Kiminini, FORD-K): Thank you, Hon. Speaker. I am here to speak as a research student and as someone who has taught research at the university level. When it comes to research, there is a threshold that one must meet. In any research, you must define the sampling framework. This is very critical because your sample must be a true representation of the entire population. The methodology that is used must also be disclosed. When it comes to data analysis, there must be a clear framework.

I want to declare that I was not called by Infotrak Research and Consulting. They never called me yet they rated me as the best Member from Trans Nzoia County. I never talked to them; I do not know who did that. However, there are minimum thresholds that that research did not meet. Why am I saying this? When I tried to ask about the parameters they were looking at, they said that they were using a telephone interview and they do not even know the respondents they were picking. A Form Two dropout, Standard One dropout and a university graduate respond differently.

The most important thing is that as Parliament, we must put regulations in place because this is the time these unscrupulous business people are busy. Tomorrow, you will see a presidential poll in the newspaper because they want to make money. They will carry out campaigns for parliamentarians like us who want to be governors. It is, therefore, important that the law must be in place, so that whoever is going to do this kind of survey must meet the threshold. If not, they must be punished.

I remember Hon. Boni Khalwale brought a law to this Parliament. It is important that any pollstar must meet the minimum threshold.

Hon. Speaker: Let us have the Member for Kitui South. We agreed that it is two minutes for each Member.

Hon. (Ms.) Rachel Nyamai (Kitui South): Thank you, Hon. Speaker. I would like to agree with the other Members that this ranking is extremely unfair. We do not understand the parameters that they used. They did not visit any constituency. They did not view any project and did not check our books to see the uptake of money from our constituencies. So, we can just call this a circus.

What happened immediately after this was published is that it was pushed to radio stations in our vernacular languages where our constituents were told how their Members had been ranked. I was ranked number 139. I was called by a lady who told me that there was a matter that was coming through Infotrak Research and Consulting and that I needed to have my constituency branded, so that it can be ranked properly. I did not give them time because I thought it was a big joke.

It would be nice to hear from Members who were rated number one speaking. What did they do to become number one? They should not be walking out of the House. They are not talking. They are very quiet. We would like to know what they did to be ranked number one.

(Applause)

Finally, our constituencies are not homogeneous. I know they do not even know what that is because they are not researchers. My constituency has 230 primary schools and 70 secondary schools and I am ranked with a person who has four secondary schools and 10 primary schools. This is a big joke. We would like to give an opportunity to the Departmental Committee on Education and Research to summon these people to come and tell us what they did. *Wanatuchafulia majina.*

Hon. Speaker: There is unanimity in having the Member for Emuhaya say something.

Loud consultations)

Let us hear the Member for Emuhaya first.

Hon. Omboko Milemba (Emuhaya, ANC): Thank you, Hon. Speaker. Last Friday or thereabout when we were dealing with the issue of dissolving Parliament, one of the Hon. Members, I think Roorah Buyu, stood and I am on the record of this House asking how she got to that institution, how it ranked her and why. I was questioning this ranking. Previously, I have been ranked number 339. I was ranked position eight some other time. I was also ranked number one in Vihiga County. After questioning the ranking last Friday, I found that I was ranked position one.

(Laughter)

That is what happened. For me, what is very important is to follow up on what Hon. Mbadi and Hon. Dida said. They said that we have to standardise these institutions and regulate them so that if any work comes from them, it is standardised, acceptable and for everybody. That will defend every Member of Parliament whether the ranking has to be done or not. Otherwise, let us not allow ranking where Hon. Omboko can be position 339, sometimes number one or number three at other times.

Hon. Speaker, I called nobody. The way I live is that I call nobody and nobody also approached me. By the time I was being ranked the first, I was in a local church in a place called

Ebukolo in my constituency. People surprised me when they told me that I had been ranked the best. I said that sometimes I am ranked last.

Hon. Speaker: Hon. Duale, you have the Floor.

Hon. Aden Duale (Garissa Township, JP): Hon. Speaker, I was nowhere in that ranking. In fact, my constituency was left out. So, I should be the most useless man. I looked at the list and saw Dujis Constituency.

Hon. Speaker, I was the Member for Dujis in the 10th Parliament. Hon. Millie, Hon. Kimunya and Hon. Mbadi can testify to that. I looked for Garissa Township Constituency in the list, but I did not see it. By putting Dujis Constituency in the list, it shows that the whole thing is a hoax and fraudulent.

As Hon. Mbadi said, let us relax. Right now, optics matter. Politics is about optics and perception. This thing was run the whole week. I was wondering why Hon. Wamuchomba was trending yesterday because I did not bother to read only later to realise that she was ranked 47 out of 47.

(Laughter)

She was trending because of the fake ranking.

In the USA, polling is regulated, particularly during elections. An opinion poll cannot be done at certain period towards elections. This House, through the Departmental Committee on Education and Research, should summon Infotrack because their integrity is in question today. They should come and clear their name. Those who were ranked number one to twenty must tell us how they were ranked and what they paid. The Member who was ranked number one did not tell us how much he paid.

I was not called. Had they called me, I would have told them that I am the Member for Garissa Township and not the Member for Dujis. So, this is about optics and not whether a Member will come back. It is about perception.

Hon. Speaker: Let us now hear the Member for Navakholo.

Hon. Emmanuel Wangwe (Navakholo, JP): Thank you, Hon. Speaker. Allow me to confirm that I was sent an e-mail by one person from Infotrack called Javin Wanyingo. In the e-mail, the person requested that we meet in their office in Lavington now that the performance for Navakholo for 2020 was out. My question to the person was what we were to meet for, what we were going to discuss and what incentives the person would want from me. It means this is a hoax based on inducement and a wrong way of approaching research. I want to shame and say that Infotrack lost on this one and they need to be abused.

What they are doing is simply positioning the brains of Kenyans in view of what Members of Parliament are doing today. What if we were in a political environment in which elections are forthcoming? That is wrong. This House should regulate how research is done and how matters of comparison are going to be done in the country.

Hon. Speaker, allow me to associate myself with Hon. Wamalwa, who suggested that we compare and enforce. The research world should be regulated by virtue of good regulations made in the House.

Thank you, Hon. Speaker.

Hon. Speaker: The Member for Bundalangi, you have the Floor.

Hon. Raphael Wanjala (Bundalangi, ODM): Thank you, Hon. Speaker. I was ranked number one in Busia County and number 25 in the whole country. I confirm that I have never

been called by Infotrack. I do not even know where their offices are. In fact, when the ranking was announced, I was in Mombasa. I did not know.

I join my colleagues in saying that it is important that all these things are regulated because sometimes they have been misused during campaign times. I assure the House that I was not asked for money. I do not know them, but that is the ranking they gave me.

Hon. Speaker: Yes, the Member for Dagoretti South.

Hon. John Kiarie (Dagoretti South, JP): Thank you very much, Hon. Speaker. I would like to, first, say that, indeed, I was called by an individual. The individual told me that I should talk to them and see how we can work on the rating that they were about to give me. This gives credence to what Members of Parliament have said here to the effect that the research that was done by Infotrack is questionable. The bigger issue we should be concerned about as Parliament is the fact that there shall be narratives told about this institution and individual Members of Parliament. It is high time that Parliament started telling its own stories. If we do not tell the story of Parliament, it will be told by someone else. The person who will do so may not have the good interest of the House.

I am not a worried man because before I got into this House, I was ranked very badly in all the opinion polls that were published out there. However, when an opinion poll in form of election was called on 8th August, it emerged that I was actually five times ahead of the person who was behind me. So, the bigger question here is who is telling Parliament's story. If we are not telling our story, it shall be told by someone else and they may not tell our side of the story.

Thank you, Hon. Speaker.

Hon. Speaker: Hon. Osotsi was not ranked.

Hon. Godfrey Osotsi (Nominated, ANC): Hon. Speaker, I am among the Members who were not ranked, together with Nominee No.1.

Listening to the Members raise their concerns, this is a wake-up call on Parliament, through the Parliamentary Service Commission, to consider having an internal ranking system. We have also talked about having live broadcasts of committee sittings because most of the pollsters only consider what a Member says in the Chamber, but do not consider what we do in committees, where a lot of work is done.

As much as I disagree with the Infotrak Research and Consulting Limited in terms of how Members have been contributing, I come from a constituency that is neighbouring where Hon. Omboko Milemba comes from, and I want to confirm that though Hon. Omboko Milemba may have been ranked by default without knowing, indeed, he deserves to be at position No.1 based on what he has done on the ground with the NG-CDF. All the same, this House must consider having an internal valuation of the work we do based on our three roles, namely oversight, legislation and representation.

Thank you, Hon. Speaker.

Hon. Speaker: Members, it is only two minutes for contribution. So, surely, why should you interrupt somebody who has only two minutes to contribute?

(An. Hon. Member spoke off record)

Do not worry about that. That is his opinion. Even as you contribute, remember this also came against the backdrop of some advisory. So, it was also meant to excite Kenyans. So, you must also take that into account.

Let us hear from the Member for Igembe South.

Hon. John Paul Mwirigi (Igembe South, Independent): Thank you, Hon. Speaker. For the three years I have stayed in this City, I have learnt a lot. I also want to confirm that I was called, but unfortunately, I was not in town, so, I did not visit them. This House must come up with a regulation which will regulate these institutions so that if it is a must that any rating be done, it should be done according to the funding which we are given and the work we do in this House as well as in committees.

With that, I rest my case.

Hon. Speaker: I think this Member was not ranked because he must have been somewhere. Let us have the Member for Nakuru Town East. We read about where he was.

(Laughter)

Hon. David Gikaria (Nakuru Town East, JP): Thank you, Hon. Speaker. I want to join my colleagues especially Hon. Otiende Amollo. It is important for us to realise that the ranking... I was ranked position No.235 and I accept that position. Sometimes it is good for Members of Parliament to accept some realities on the ground. Now I understand, from the experts like Hon. (Dr.) Chris Wamalwa, about the parameters that are being used when doing a research. That changes my perception on what the opinion polls are all about. However, I totally agree with what the Leader of the Majority Party has brought up that it is high time we started regulating opinion polls. In the last Parliament, we had a different opinion when President Uhuru Muigai Kenyatta was rated so highly yet the other people were not accepting, but he finally won the election. So, it is important for us to realise that opinion polls are correct and factual at some points, but I totally agree with the experts that the parameters that were used ought to have been said and given a nod to for us to understand them.

Thank you, Hon. Speaker.

Hon. Speaker: Hon. Members, now we can leave it at that point. Just for your information, when this thing came out yesterday, I was in the office and we discussed it with the Clerk and we agreed that the Clerk is going to write to this company called Infotrak Research and Consulting Limited to ask them to avail information regarding the parameters used, the people interviewed and the size of the sample that was done. They must also ensure that the parameters conform, and more importantly, must have a bearing on the functions of a Member of Parliament serving in the National Assembly, and it must be on the basis of the laws that govern the operations of a Member of Parliament. More specifically, they should be educated on the functions as stipulated in Article 95 so that those who deal with the NG-CDF know what work a Member does there. There are also those who deal with something else you call GAF or something like that. I do not know what it stands for. Is it Global Assessment Functioning? That is something which Hon. (Dr.) Tecla spoke about.

Again, if they are going to do samples, they must have a bearing on those general functions of a Member of Parliament. You cannot just call a person in the streets and ask him: "How do you rank your MP?" This is somebody who is very hungry and does not know the MP because the Member is busy serving the constituency in the village. That is the guy you get and he just tells you: "I do not like him/her." So, that matter is being addressed. We can now go to the business of the House. However, it was fair that you had a chance to also express yourselves about it, and I thank Hon. Millie for raising the issue.

Sorry, before we go to the next Order, the Chairperson of the Departmental Committee on Labour and Social Welfare, the other day you were not able to issue the Statement because of the business that was there. You can proceed, Hon. Mwathi.

STATEMENTS

STATUS OF TEENAGE PREGNANCIES IN THE COUNTRY

Hon. Peter Mwathi (Limuru, JP): Thank you, Hon. Speaker. The following is a response to the Statement which was sought by Hon. (Prof.) Jacqueline Oduol regarding teenage pregnancies in the country. In the Statement, she raised a few issues which were responded to by the Cabinet Secretary as follows:

The first question was: What measures are in place to protect teenagers from negative impact of social media, pornographic material and sexual abuse during the COVID-19 lockdown? It was responded to as follows:

From the outset, let me emphasize the role of parents and guardians as the first point of call in the responsibility to protect our children. The Government cannot police all homes hence parents and guardians have a huge role to play. The Cyber Crime Unit and Child Protection Unit of the Directorate of Criminal Investigations (DCI) are mandated to prevent and respond to cyber-crimes including pornographic and social media. In addition, the Government, through the Ministry of Information and Communications Technology (ICT), Innovation and Youth Affairs, has put in place the following measures:

- (a) Mapping and analysing existing Apps on adolescent health and Human Immunodeficiency Virus (HIV) information and their popularity among the youth.
- (b) Promoting utilisation of existing virtual platforms for health messaging on adolescent health and HIV prevention strategies and explore centralised hosting of the platforms, use of Short Message Service (SMS) or Skiza tunes, in partnership with social media.
- (c) Facilitating adolescents to develop their own health messages and Apps, that is, use of website or portal specific to the agenda and include a link for back office email with officers responding to questions and auto response mail system.
- (d) Promoting use of innovations and technology for adolescent's health promotion and reduction of teenage pregnancy including:
 - (i) Awareness creation materials, that is, posters or flyers, with age appropriate adolescent health messages.
 - (ii) Engaging media, that is, talk shows, print, televisions, radio, social media.
 - (iii) Develop mobile phone Apps and web portal for young persons.

The second question was: What specific reproductive health services has the Government earmarked for teenagers to promote healthy living, discipline and responsible conduct? The response was as follows:

- (a) The Ministries of ICT, Innovation and Youth Affairs and Health as well as the National Council on Population and Development have partnered in health promotion messaging services which are generated and disseminated through various mediums.
- (b) The Ministry of Education has included the Adolescent Sexual and Reproductive Health and Hygiene in the new Competency-Based Curriculum (CBC) programme.

Three, the preventive and promotional health department of the Ministry of Health has several initiatives towards implementation of the National Adolescent and Sexual Health Policy.

The policy aims to enhance the sexual reproductive health status of adolescents in Kenya and contribute towards realisation of their full potential in national development. The policy intends to bring adolescents' sexual and reproductive health and rights issues in the mainstream health and development.

Issue number three was on the steps the Government has taken to strengthen parental care and community protection mechanisms to prevent and detect teenage pregnancy. It was responded to as follows:

The following are the steps being undertaken by the various MDAs:

- (i) Ministry of Education
 - (a) Assessing and monitoring enforcement of the Gender in Education Policy of 2015 through the Quality Assurance and Standards Officers.
 - (b) Training of key stakeholders like the parents, head teachers and the teaching and non-teaching staff together with the pupils on the policy to minimise stigma.
 - (c) Sharing of parental guidelines and materials developed by the KICD and engaging the parents' association at county and national levels.
 - (d) Makes it a standing and mandatory agenda to discuss sessions on adolescent health and teenage pregnancies during boards of management's and parents' associations meetings or any other parents' meeting.
- (ii) The Inter-Ministerial Technical Working Group
For this agency, the response was that it has:
 - (a) Developed a national standard information package for parents and guardians on adolescent health for schools, children's homes, refugee camps, borstal institutions, rescue centres, safe homes and rehabilitation centres.
 - (b) Initiated a high level advocacy on parental empowerment and engagement ant national and county levels including and not limited to faith based communities, unions and associations such as the Kenya Union of Post Primary Education Teachers (KUPPET), the Kenya National Union of Teachers (KNUT) and the National Council for Population and Development (NCPD).
 - (c) Instituted quarterly reporting on adolescent health and teenage pregnancy by institutions of learning like primary schools, secondary schools and colleges.
 - (d) Targeting parents with specific information from regions most affected by FGM, children marriage, gender based violence and other harmful traditional practices.
 - (e) Development of sensitisation packages for communities engaged in adolescent health of gate keepers and opinion shapers, faith based organisations, community based organisations and local and political administrative leaders on prevention of teenage pregnancy.
 - (f) Holding strategic meetings with key interested groups, namely, transport associations like of bodabodas and matatus, fish mongers and others with collaboration with the Ministry of Transport.
 - (g) Established partnerships with gate keepers and opinion shapers.
- (iii) Ministry of Labour and Social Protection

- (a) Provision of cash transfers to caregivers of orphans and vulnerable children.
- (b) The Draft Family Policy of 2017 emphasising on parental responsibility with the following objectives:
 - (i) Enhance equal parental responsibility at home and in public sphere.
 - (ii) Enhance positive parenting skills to nurture and protect children from exposure to sexual abuse and teenage sexual engagement as well as alcohol and drug abuse which are associated with teenage pregnancy.

In conclusion, Hon. Speaker, the Statement ends with the following:

Teenage pregnancy in Kenya is a challenge that often has immediate effects on our children, their educational opportunities, future implications for their social health and economic outcomes, and negatively impacts on them. However, this is an outcome shaped by a myriad of issues affecting our adolescent girls' lives, including community norms on gender roles, violence and the value of girls, barriers to formal education, household poverty, lack of economic independence, experience of violence and social isolation.

For girls to achieve well-being in early and late adolescence, no single-sector intervention, whether in education or health or wealth creation or the prevention of violence, will be adequate. Therefore, it is critical to intervene before the myriad of issues that girls face result in outcomes that are irreversible or costly to compensate or reverse. The root causes of these vulnerabilities work in tandem to create the current situation for adolescent girls, cultural norms that do not empower women and girls, acceptance of violence, poverty, social isolation, economic vulnerability, lack of voice in society.

Therefore, the interventions that will enable girls in early adolescence to make a safe and healthy transition through adolescence into adulthood must be integrated as well. Through the Inter-Ministerial Technical Working Group on adolescent health that was constituted on 20th March 2019, it is our hope that the issue will be sufficiently addressed. I thank you.

Hon. Speaker: Prof. Oduol, you have the Floor.

Hon. (Prof.) Jacqueline Oduol (Nominated, ODM): Thank you, Hon. Speaker. I would like to take this opportunity to thank the Chairperson for the comprehensive response.

As I agree with the response and the stipulated suggestions, allow me to say that a crisis is the best time to find and utilise what could be seen to be attractive solutions. The bigger the problem, the bigger the crisis, the bigger the opportunity to make a lasting difference. A crisis helps to discover problems. It is, indeed, clear in our country that as we celebrate or keep hoping that we are going to open schools, it would be useful, in a context where we have just emphasised the importance of data, to recognise that we are going to find there are going to be very many girls who will not find their way to school. Projecting ahead, we are going to find that a whole generation is lost.

It is for this reason that, as I appreciate this very particular and substantive response, especially the opening acknowledgement that parents are really the first line of duty and that Governments cannot take the place of parents. Based on my experience having served in Government as the Permanent Secretary (PS), the Government is the closest that our children have when they are in a crisis like this to not only comprehensively and in a sustainable manner address the issue. We cannot in a way just leave the matter at the perspective of dealing with technical working groups or looking at the gender and education committee of in a way doing business as usual. It is for this reason that I urge the Chairperson of the Departmental Committee on Labour and Social Welfare to deal. I appreciate the manner in which it was recognised that this matter cuts

across. It is not just for the Departmental Committee on Labour and Social Welfare, the Departmental Committee on Communication, Information and Innovation and the Departmental Committee on Education and Research.

I would like to address an area and a ministry that I notice was not in any way addressed, the Ministry of Sports, Culture and Heritage. If we look at what is happening and the three critical areas, we will see that the tendency is to just let our young people get access to reproductive health information and in a number of cases, enable them to see that this is their right. I do not deny that we need to have information timely disseminated. I am of the view that, as a House, we should not only look at issues of legislation, but also seek to offer oversight and represent the voices of those that we serve. We would like to deal with the plight our teenagers face. A number of them are going to get access to reproductive health information and they will not be able to deal with the responsibility that comes with it. So, as I appreciate this response, I would like to urge that it is only the Government that has a framework with outreach capacity. The Protection of Traditional Knowledge and Cultural Expression Act, 2016 seeks to ensure that, we, to the extent that is relevant, use traditional knowledge to solve problems. My humble submission is that as we deal with this crisis of teenage pregnancies, we do not let the matter rest on policy and spend time and resources on inter-ministerial working groups that observe. We should not stigmatise teenagers who find themselves in the way of families, but look at how we are equipping their parents.

In my experience as the Permanent Secretary in the Ministry of Gender, Children, Social Development, parents had a major cry. They asked why, we, as the Government were allowing NGOs to put our children in places where the only thing they think of is their rights and sometimes when they talked about their rights, they were not clear of what their responsibilities were. I want to urge the Chairperson of the Departmental Committee on Labour and Social Welfare to see if there can be a thinking outside the inter-ministerial working groups to allow parents to have a sense of skills that would not just be based on guidelines that, unfortunately, are only policy based or informed by foreign ideologies, but to also look at the opinions that elders and grandmothers have. I thank the Chairman and appreciate the effort of the Committee. I am particularly happy that the Ministry of Labour and Social Protection has recognised that they need to enhance positive parental skills and nature and protect children from exposure to sexual abuse. I want to inform the Ministry of Labour and Social Protection that there is a breakdown of values. Some teenagers are getting impregnated within their families by their relatives. This is something that is not discussed because it is considered a taboo, yet it is a real reflection of the way the social values of our society have broken down.

As a Member for County of Siaya, a county that has a joke that if you throw a stone, it is likely to land on a head of a professor or a researcher, I have listened with concern to Members. I want to express great regret that we can have a situation where a research report is tabled and it has not met research parameters. However, I am always a student and sometimes sitting in this honourable House can make you have a changed view of how research is interpreted and the relevant parameters to be followed in research. Therefore, I want to express deep regret in the manner in which Infortrack came up with their research and I appreciate the guidance that you have given on the same. I hope, as we sit in this House, we will remember that the kind of research that takes place in the academia and in other places may not be necessarily appropriate in a political context like this one.

Thank you.

Hon. Speaker: Next Statement is by the Chair of the Departmental Committee on Education and Research. She was supposed to issue a Statement in response to a request by Hon.

Mwadime Andrew. Well, I see that both of them are absent, I believe not desiring to be present. I suppose they can go and meet wherever they are and do some bit or research.

(An. Hon. Member Spoke off-record)

Hon. Omboko is not in possession of the Statement. He has said he was somewhere in some church in the village. About this Statement, he may not be aware. If we tell him to respond, it may reduce his rating.

(Laughter)

Next Oder!

MOTION

STATUS OF IMPLEMENTATION OF LEGISLATIONS, PETITIONS AND RESOLUTIONS

Hon. Speaker: Hon. Ole Kenta, you have the Floor.

Hon. Richard ole Kenta (Narok North, ODM): Hon. Speaker, I beg to move:

THAT, this House adopts the Report of the Committee on Implementation on the Status of Implementation of Legislations, Petitions and Resolutions passed by the House, laid on the Table of the House on Tuesday, 30th June 2020.

This is in line with the Committee's mandate pursuant to Standing Order 209(2). This is an omnibus Report covering various House Resolutions. It is the second Report the Committee is tabling having tabled the first one in 2018. Unfortunately, the same has not been brought for debate. I want to ask the HBC to expedite the introduction of that Report to the House.

The Report covers six Motions, six committees' reports and 19 reports on petitions. For the record and benefit of the concerned Members, the six Motions are as follows:

(i) Resolution that the national Government formulates and implements a policy on the criteria for recruitment and remuneration of village elders. The Motion was proposed by Hon. Murugara and passed by the House on 3rd April 2019.

(ii) Resolution that all Disciplined Forces should give priority to the National Youth Services (NYS) graduates during recruitment. The Motion was proposed by Hon. Michael Muchira and passed by the House on 19th April 2018.

(iii) Resolution on review of terms and conditions for recruitment, remuneration and deployment of National Police Reservists in arid and semi-arid areas (ASALS). The Motion was proposed by Hon. Alois Lentoimaga and was passed by the House on 26th September 2019.

(iv) Resolution that the Government exercises its power to protect Kenya from harassment by external threats and takes adequate measures to ensure that Kenyan territorial integrity is guaranteed and safeguarded through the establishment of a naval force to man Lake Victoria waters. The Motion was tabled by Hon. John Mbadi, the Leader of the Minority Party and passed by the House on 25th July 2018.

(v) Resolution on the fast-tracking the implementation of the National Employment Authority (NEA) Act. The Motion was tabled by Hon. Faith Gitau and passed by the House on 18th April 2018.

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(vi) Resolution on the establishment and maintenance of integrated up-to date database of persons seeking for employment. The Motion was tabled by Hon. Faith Gitau.

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

[The Temporary Deputy Speaker (Hon. Patrick Mariru) took the Chair]

The reports are as follows:

1. Report on the ratification of East African Community protocol on cooperation in meteorological services.
2. Report on the East African Community protocol on information and communication technology networks.
3. Report on the inspection visit to Isebania one-stop border post.
4. Report of the Departmental Committee on Environment and Natural Resources on its inquiry into forest resource management and logging activities in Kenya.
5. Report on the inquiry into procurement and implementation of excisable goods management services (EGMS) for printing, supply and delivery of security revenue stamps, complete with a track and trace system and an integrated production accounting system by the Kenya Revenue Authority (KRA).
6. Report on the Sessional Paper No.1 of 2017 on National Land Use Policy by the Ministry of Lands and Physical Planning.

The reports on petitions are as follows:

1. Report on the petition on the challenges in the implementation of social assistance programme in Samburu North Constituency by Hon. Alois Lentoimaga.
2. Report on the petition on the proposed demolition of buildings for purposes of expansion of the Likoni-Lunga Lunga Road. The petition was tabled by Hon. Khatib Mwashetani, Member for Lungalunga Constituency.
3. Report on the petition on the construction of speed bumps and establishment of rumble strips between Madea and Rang'ala trading centres along the Kisumu-Busia highway. The petition was tabled by Hon. James Opiyo Wandayi, Member for Ugunja on behalf of residents of Ugunja.
4. Report on the petition on erection of bumps and construction of footbridges at Kangoro Bus Stop along the Meru-Embu Highway. The petition was tabled by Hon. Onesmus Muthomi Njuki. (I think that was much earlier or it is mistaken, because he is no longer a Member of Parliament.)
5. Report on the petition on upgrading of Old Mombasa Road, Maasai Roads A, B and C in Nairobi County to bitumen standards. The petition was tabled earlier also.
6. Report on the petition on erection of speed bumps along the Kakamega-Mumias Road.
7. Report on the petition on erection of speed bumps along the Bomas-Ongata Rongai Road by Hon. Manje.

8. Report on the petition on re-carpeting of a section of Meru-Maua Road by Hon. Cyprian Kubai Iringo.
9. Report on the petition on construction of Kabati-Kangundo Bridge by Hon. Mbui.
10. Report on the petition on the dilapidated status of sections of Karatina-Jambo Road.
11. Report on the petition on tarmacking of Gituu-Mathas-Matangani-Ilangani-Kathiani-Mayua Road.
12. Report on the petition on behalf of residents of Mowlem Ward, Embakasi West, on irregular allocation of LR No.113793.
13. Report on the petition on rectification of records in the Lands Registry in Thika II for Parcel No.Igembe/Ntoleleni/Athi by Hon. Kubai Iringo.
14. Report on the petition on settlement of Ngithi-Subuka squatters.
15. Report on the public petition regarding implementation of delocalisation policy by the Teachers Service Commission. The petition was tabled by Hon. Patrick Mariru in 2019 on behalf of teachers in Laikipia West Constituency.
16. Report on the petition regarding lifting of the ban on logging and harvesting of mongoose in Lamu. The petition was tabled in the House by Hon. (Capt.) Ruweida Obbo.
17. Report on the petition on alleged impending demolition of buildings along the Madaki-Zikitini Road in Pate Island. This was also tabled by Hon. (Capt.) Ruweida Obbo.
18. Report on the petition on oil marketers' company resources supply and distribution of Jet A1 fuel. The petition was tabled before the House by the Speaker on behalf of Mr. Pius Omollo and Mr. Agwei Fedel on behalf of oil marketers in the country.
19. Report on the petition regarding fraudulent medical bill issued by MP Shah Hospital on account of treatment of the late Matilda Anyango. The petition was filed by the Consumers Federation of Kenya (Cofek).

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

The Temporary Deputy Speaker (Hon. Patrick Mariru): What is out of order, Hon. Millie Odhiambo Akoth?

Hon. (Ms.) Odhiambo-Mabona (Suba North, ODM): Thank you, Hon. Temporary Deputy Speaker. I am sorry for interrupting my good classmate, who is making a very good presentation. I was just consulting with my two colleagues and we are of great concern that there is something that took the whole world by storm and was calming especially after a heated earlier session. So, we are just wondering when the Parliament of Kenya is going to do its own version of Jerusalema Challenge. I am willing to be the Chair with the Speaker. We want a Jerusalema caucus. The Leader of the Majority Party is saying no because he does not know how to do it. We must do a Jerusalema Challenge to bring calmness.

The Temporary Deputy Speaker (Hon. Patrick Mariru): Order, Hon. Millie. Hon. Jennifer, do you want to contribute to a point of order? Order, Hon. Jennifer. What the Speaker is being invited to participate in - the Jerusalema Challenge - I can tell the Leader of the Majority Party is not even sure what it is. There needs to be a bit of education.

(Hon. Jennifer Shamalla spoke off record)

Order, Hon. Jennifer. We are not going to entertain that, but I can tell Hon. Millie Odhiambo will cross the Floor and talk to the Leader of the Majority Party. Whom do you want to inform? Hon. Millie Odhiambo will cross the Floor and talk to the Leader of the Majority Party. He needs some information and education.

Hon. Ole Kenta, please, proceed.

Hon. Richard ole Kenta (Narok North, ODM): Thank you, Hon. Temporary Deputy Speaker. I hope you are going to add me the minutes we have lost. This is a fairly long Report and it is important for the House to know the status of Resolutions of the House.

We called several stakeholders and we got submissions from the ministries concerned. I want to talk about a few of the Resolutions before I go into the challenges and issues. On the Resolution on fast-tracking of the implementation of the National Employment Authority Act (No. 3 of 2016), the Act has been operationalised. The Resolution that the national Government formulates and implements policy on the criteria for recruitment and remuneration of village elders has been facing headwinds because there is no budgetary allocations and legal framework to enforce it. Village elders are very important in assisting chiefs and assistant chiefs in maintaining security in their areas of jurisdictions. On the Report of the Departmental Committee on Environment and Natural Resources on its inquiry into forest resource management and logging activities in Kenya, I am happy to report that the implementation status is that the moratorium on harvesting forest plantation in public forests is still in force and the restoration of un-stocked areas is ongoing. The other issue on the same is about securing of funds to ensure that these activities are protected and assisted. The National Treasury is supporting group tree planting campaigns. The same has been going on and is being implemented by KWS and KEFRI, among other Government agencies.

On the Report on the petition on challenges in implementation of social assistance programmes in Samburu North, there has been problems, but I think it is being worked on. It is ongoing but very slow especially because of the distance people have to travel to get their tokens.

On the Mowlem Ward issue that was brought by Hon. Theuri on the status of enumeration, the Ministry of Lands and Physical Planning waived payment of all statutory fees for processing and issuance of title deeds to the beneficiaries under the National Titling Programme. It has already been done by the Nairobi City County Government and is in the process of quality control. The Ministry of Lands and Physical planning will proceed to issue titles once the Nairobi City Government forwards and leases to the Ministry. The implementation is on-going albeit at a very slow pace.

Hon. Temporary Deputy Speaker, in its deliberations, the Committee observed that lack of legal frameworks to guide Government policy hampers efficient implementation and operationalisation of public policy. Also, inadequate budgetary allocation for implementation of the resolutions of this House contributes to such delays. Further, late and incomplete responses by ministries lead to back-and-forth communication with the Committee thus delaying submission of reports to the House by committees. Additionally, most of the Motions and legislations introduced in the House are not subjected to thorough scrutiny on viability of the implementation. This makes the House pass resolutions that are not in line with existing Government agenda and mid-term policy.

The Committee also observed that delays occasioned by court cases hamper implementation of this House's resolutions and consequently the Committee is unable to

conclusively report on implementation of affected resolutions, especially those under the Ministry of Lands, Environment and Forest.

The Committee, after deliberations, made the following recommendations:

- (i) Clear legislations should be developed to implement various Government policies.
- (ii) The National Assembly should develop an online tracking tool for the implementation of House resolutions as a matter of priority for effective follow up of implementation of House resolutions.
- (iii) The National Assembly should enhance its scrutiny of law resolutions and Motions to ensure that resolutions passed are implementable.
- (iv) The House and by extension, committees, should ensure that all resolutions passed are specific, measurable, achievable, realistic and time-bound to ensure they are implementable and for effective follow up of the same.

Hon. Speaker, sometimes resolutions are meant to be directed to county governments, which are impossible to implement. Some Members' Motions urge the Government to do things which are not enforceable. We have prepared several reports. I urge the House Business Committee to bring those ones for debate in the House. I know there are many Members who have been asking me about the implementations of their Motions, Bills and everything, but I would like to advise them that we have already tabled several reports. Maybe, we can scrutinise them and find out whether theirs are there. If they are not, then they can always come back to us. I know Hon. Wamalwa is one of them. We are following up on his matter. I just want to request the Members that we need to work together. Please, read the Report. It is detailed. If there is anything you need us to follow up on, we will do so.

With those remarks, I beg to move. I request Hon. Osotsi, who is the Vice-Chairperson, to second the Motion.

The Temporary Deputy Speaker (Hon. Patrick Mariru): Hon. Osotsi, kindly, have the Floor.

Hon. Godfrey Osotsi (Nominated, ANC): Thank you, Hon. Temporary Deputy Speaker. I am sorry I did not carry my card today.

I beg to second the adoption of the Report on submissions from stakeholders regarding the implementation status of legislation, petitions and resolutions passed by the House as moved by my able Chairperson, Hon. Ole Kenta.

I start by congratulating the Committee for the good work it has done.

(Loud consultation)

Yes, I have to. This is among the many reports that this Committee has tabled. I am happy the House Business Committee allowed us to debate this Motion. It is an omnibus of six Motions, six Committee Reports and 19 Petitions. As alluded to by my Chairman, we also have a series of other reports which we have tabled and have not been debated. However, I want to encourage the House that the Committee on Implementation is a very important committee to this House. It reports back on the status of the issues that have been adopted by the House. It would be very important to prioritise their debate so that Members know that they are not legislating in vain.

This Report was compiled after intensive scrutiny of written submissions from Government agencies, various stakeholders, so many meetings with the ministries and stakeholders, scrutiny of records of evidence and in some cases, visits to some of the places which are contained in the various reports that have been adapted by the House. However, as a Committee, we are facing a number of challenges. I think most of them have been alluded to by the Chairman. However, one

challenge is court cases that arise in the middle of our examination of some reports and in some instances, immediately some reports are adopted by the House. This has slowed down some of the work we do as a Committee. Some of the court cases are unnecessary. Sometimes they are a way of interfering with Parliamentary independence. Just like Parliament does not deal with matters which are of *sub judice* in nature, it is not proper for courts to appear like they issue injunctions to stop Parliament from carrying out its responsibilities. A case in point is that of the Mombasa Cement, which has been pending in the Committee for almost a year now because of a flurry of cases that keep coming up.

Another challenge is on the quality of recommendations. At one point, the former Leader of the Majority Party alluded to the fact that we would need to retrain our clerks, so that recommendations contained in committee reports are specific and actionable. Sometimes it is very difficult for the Committee on Implementation to deal with recommendations that are vague. If you give recommendations that are vague, you should expect to get a vague answer. That has been one of the challenges. So, moving forward, I would like to recommend that committees, through the clerks, focus on giving us recommendations that are specific and to the point.

Another issue is on notification from the Clerk's Office. The Standing Orders say that this Committee can take up a matter 60 days after that matter has been adopted by the House. We find ourselves engaging in a fishing expedition, looking for what to handle. What should happen is that 60 days after a matter has been dispensed with by the House, the Clerk's Office needs to write to the Committee and say: "We have a particular Question that was asked in the House and these were the responses, these were the undertakings and the Committee should deal with it." However, in most cases, we have to look for that information ourselves. We need a seamless process from the Clerk's Office in this regard.

Another challenge is petitions from aggrieved parties. We make recommendations here and then one of the parties, who may have been adversely mentioned, goes to court because he was not given a chance to be heard. We have seen implementation of petitions hampered in that manner. Some reports have been passed in this House but the resolutions could not be implemented. An example is the resolution on the Sugar Report.

The Temporary Deputy Speaker (Hon. Patrick Mariru): You get two more minutes now that you are seconding.

Hon. Godfrey Osotsi (Nominated, ANC): There is the issue of no responses especially when we write to some ministries asking for information on implementation of Acts of Parliament. We do not get answers from ministries. One of the roles of this Committee is to follow up on the implementation status of Acts of Parliament. We have a series of Acts of Parliament which have not been implemented. However, we would need to work extra hard to get answers from ministries on why agencies or even ministries are not able to implement Acts of Parliament. Otherwise, this is a good Report. We would strive to work harder especially on issues to do with budgetary allocations.

The Chairman has agreed that our next focus will be on reports of the Public Investments Committee (PIC) and the Public Accounts Committee (PAC), and on the issue of answers to Questions which have undertakings. These are issues that have come here severally and we need the House to support the Committee to have them dispensed with.

With those few remarks, I second.

(Question proposed)

The Temporary Deputy Speaker (Hon. Patrick Mariru): Hon. ole Sankok, you have the Floor.

Hon. David ole Sankok (Nominated, JP): Thank you very much, Hon. Temporary Deputy Speaker. The implementation of policies and the legislations that we pass in this House are very important. Therefore, I stand to support Hon. ole Kenta and his Committee for the marvelous job they have been doing. In addition, I also have some legislative framework that is still pending. However, I am sure they will up their game and follow to the letter to ensure that whatever we pass in this House is implemented, so that the House does not act in vain.

With those very few remarks, I support. Thank you.

The Temporary Deputy Speaker (Hon. Patrick Mariru): Let us now hear Hon. (Dr.) Wamalwa.

Hon. (Dr.) Chris Wamalwa (Kiminini, FORD-K): Thank you, Hon. Temporary Deputy Speaker for the opportunity. The Committee on Implementation is a very important Committee as far as this House is concerned. First, I want to thank the Chairperson and the Committee Members. At least we have seen some light in this Committee on Implementation. Parliament cannot legislate in vain. There are some Bills that were passed in the last Parliament - and I am happy the Leader of Majority is here. In the last Parliament, we sponsored a Bill and it is now an Act on the fertiliser board. We know the importance of fertiliser in this country and up to now, we have no fertiliser board in place. I am saying this so that they take note of it. It is supposed to come under the Ministry of Agriculture, Livestock, and Fisheries. We know very well this is an agricultural country and agriculture can only move when there is availability of fertiliser. Moreover, this is a big problem to our farmers. Why is it that despite this Bill being assented to by His Excellency the President around 2014, 2015, we do not have a fertiliser board?

Hon. Temporary Deputy Speaker, there is also a Motion that we passed here under the Heroes Act. There is a Motion that was passed in the Senate that with devolution, we should have a public university in every county. In line with that Motion that was passed in the Senate and in line with the Heroes Act, I brought a Motion on the Floor of this House to upgrade Kitale Technical College to become a university and to be renamed Wamalwa Kijana University of Science and Technology. This issue was passed. The Cabinet Secretary came to the Committee and the Kitale Technical College was upgraded because of that Motion to become a national polytechnic. In addition, it was in the final end of becoming a university, but we said as we wait for the upgrading to become a university, it should be renamed to Wamalwa Kijana University of Science and Technology. Up to now, it has not been renamed and it has not been upgraded. However, we thank the Ministry because it was upgraded from a technical college to a national polytechnic.

Hon. Temporary Deputy Speaker, there is so much that is going on. Look at the issue of COVID-19 funds. There are a lot of issues that were put across by His Excellency the President to cushion Kenyans. We expected the Committee on Implementation to bring a report and tell us about the issue of COVID-19 especially the funds that have been misappropriated at the Kenya Medical Supplies Authority. This is a very serious matter. We expect this Committee to prioritise its work. We need these urgent reports particularly on the COVID-19 issue because a lot of money has been misappropriated. The Chief Executive Officer has been suspended. We need you to summon the board to understand the implementation status and impact. This Committee is very powerful. We want it to be facilitated by the Parliamentary Service Commission (PSC) as it is stipulated under Article 127. Parliament is here legislating. However, we cannot be a laughing stock. We want whatever is passed on the Floor of this House to be implemented. It can only be done if this Committee on Implementation is empowered.

I really want to thank Hon. ole Kenta and Hon. Osotsi. We can see some life in this Committee. It is, indeed, a very important Committee that we must support. I am also happy about the Leader of Majority Party. He is here and you can see he has fitted very well in the shoes of Hon. Duale. I want to thank Hon. Kimunya. He is on top of things. We are happy about this. They have picked up very well with Hon. Wangwe. You can see the leadership has moved in very well. They are committed and we are here to support them. We are happy with the work they are doing. As we move forward, now that we have discussed the issue of Infotrak, it would also be nice for the Committee on Implementation to move with speed and summon these people. Parliament has expressed itself. We have talked about this issue. Therefore, move quickly and summon them. Tomorrow we are going to see other posters coming up without clear parameters and this is going to mess up the entire country. We know very well 2022 is not far. The Building Bridges Initiative (BBI) is about to come out. I have seen some people bringing in posters and once we put in place mechanisms, they are going to bring sanity and professionalism.

Hon. Temporary Deputy Speaker, I support and thank you.

The Temporary Deputy Speaker (Hon. Patrick Mariru): Hon. Mutunga, Member for Tigania West and Hon. Members, just to remind you, you have at least a maximum of five minutes so that you are able to organise your thoughts accordingly.

Hon. John Mutunga (Tigania West, JP): Thank you Hon. Temporary Deputy Speaker for the opportunity to speak to this Motion. This is an important day for Kenya because a lot has gone on in terms of legislation and much has not been done. We make laws in this House and they are not implemented. I would like to specifically touch on matters agriculture. In the year 2013, two laws were passed by this House, namely, the Agriculture and Food Authority (AFA) Act and the Crops Act. In the Crops Act, we suggested that there would be amalgamation of the former boards into one and that was done. The AFA was formed without a board. To date, there is no board that should guide that particular institution. Right now, we are disengaging or dismembering AFA into individual boards. We have been discussing the Bill on the sugar board and another one on the tea board. We will soon be discussing the coffee board. We will then be discussing the horticultural board. We will also go back to discuss the oil and nuts board and the fisheries board. The question is: If this House passed a law that presupposed that we should have a body called the Agriculture and Food Authority, why did the ministry not put together a board that would guide the institution? Without a board, no decisions can be made. Moreover, an interim management committee was set up to make sure that this law was implemented. This law had a specific deadline upon which it would have become effective whether they wanted it or not. Upon approaching that deadline, some hurried mechanisms were put in place and then an interim management committee, which I happen to be a member, was set up and the law was more or less implemented. However, the remaining part of the executive was not done which was the appointment of the board. We even recruited a chairperson which was part of the terms of reference and this chairperson was not given the job. The agriculture sector is more or less stalled because nothing happens in as far as these boards are concerned. The entire boards were collapsed into sub-directorates or directorates under AFA and these directorates are still interim. The Chief Executive Officer (CEO) of AFA is interim. All the members of staff are interim. Everybody is interim. Interim people do not make serious decisions and this is a serious matter that needs to be looked into.

Therefore, as the Committee on Implementation of legislations takes effect, I seek the support of this House for it to do its work very well. We cannot be having laws that are not implemented. There is a lot of hue and cry in the sector saying that AFA as an institution is not performing. However, it is not AFA as an institution which has failed to perform. It is because the

institution is not supported effectively. If we have no board how do you perform? Now we are going to disengage and form very many other boards. How many boards shall we form? The commodities produced in this country are very many. We cannot have many boards for these commodities. That will be quite irrelevant and costly. Therefore, as a nation, we should focus on implementing these laws so that we can have a framework that can be followed for the purpose of yielding results from the work that we do. That is not the only law that has not been implemented. Many others have come up and they are even being repealed before they can be implemented and that is the work of this Committee.

Having said that, Hon. Temporary Deputy Speaker, I support that this Committee is given the relevant or requisite support that they need, so that they can be effective. The effectiveness of this committee needs to be checked in view of how we are rolling out implementation of the laws or the Acts that we pass in this House. We should demand for a regular report probably on a quarterly basis to show the extent to which we are implementing the laws that we pass in this House.

I support. Thank you.

The Temporary Deputy Speaker (Hon. Patrick Mariru): Let us have Hon. Odhiambo Akoth.

Hon. (Ms.) Odhiambo-Mabona (Suba North, ODM): Thank you Hon. Temporary Deputy Speaker for giving me the opportunity to support. I commend the Committee for the good work that it has done. It could be that the challenge we face as a House is to make sure that we put punitive measures for different ministries that are not implementing the work of this House. The opportunity to serve in the 10th Parliament, may be because of the way the Parliament was configured, showed me that it was easier to hold the cabinet secretaries (CS) accountable. Members would refuse to engage with their own issues on the Floor when they do not act. However, when we just speak here and ministries are not responding to what we are dealing with, then it makes our work as Members very futile.

Hon. Temporary Deputy Speaker, just before you called me, I was reading a comment that somebody is mentioning in relation to Rwanda. It is said that in Rwanda, during this COVID-19 period, they have built 22,000 schools, while in Kenya we have COVID millionaires instead. It is not because we have not appropriated money for classrooms. The money has been appropriated. I know we have said that we shall call the respective ministry so that we can get an update, but sometimes even our bureaucracy is too much that you might find that COVID is over and the money that was appropriated for specific purposes no longer makes sense. So, what we need is for this Committee to work very closely with the relevant committees that are overseeing specific departments, just to make sure that the things that Parliament does takes effect.

Recently, I was shocked to see that there was a Bill we worked on very closely with the late Hon. Joyce Laboso, namely, the Social Safety Bill, that seeks to cushion a lot of the vulnerable women and poor children during these times. In fact, a lot of it also has to do with what Hon. Prof. Jackline Oduol was talking about. Unfortunately, we are bringing the Bill to repeal it before its even implemented. What sense does that make honestly? At least even when we want to repeal something, let it go through a process of implementation for one or two months. This Bill has never been operationalised. So, we do not know how good or bad it is and we are not even giving any alternatives, but we are already seeking to repeal it. What I would suggest is that as Parliament, we need to have teeth with which we bite so that we can be taken seriously and not just as a rubber stamp to the Executive. Otherwise, I support and also congratulate the Committee. Thank you.

The Temporary Deputy Speaker (Hon. Patrick Mariru): Let us have the Hon. Leader of the Majority Party.

Hon. Amos Kimunya (Kipipiri, JP): Hon. Temporary Deputy Speaker, I rise to support the Report of the Committee on Implementation on the status of the various legislations, Motions, Petitions and Resolutions. I am happy that at last we can slot them in because we were being bashed that they were not working. However, we were probably guilty as a House Business Committee that we are giving you the time, but now at least, we have updated Members. The sad thing is that the Members being updated are not here. Tomorrow they will be asking us the same things about the status of their Bills. I am not even sure how many of them have read this Report.

Anyway, that is how life is. When people have it, they do not want it, when they do not have it, they ask for it. I also commend the Committee for the work you have done. Just going to some of the findings that they have come up with, I think the one of the things is lack of legal frameworks to guide Government policies which they believe hampers the efficient implementation and operation of policies. Now, I will leave the issue of budgetary allocations because we in this House are the ones who do the budgetary allocations. I know it will always be a standard excuse that we did not have money to implement the policies. However, that should be factored in in the next financial year when the ministries or the MDAs should come and say: “We need so much money to implement certain things”.

So lack of money should not be an excuse given to the committees, because ministries have a chance every year to prioritise what they need. If something is worth implementing, then they should prioritise it in the budget. Looking through the debate about the incomplete responses, I know this is a standard thing that committees will rush to do a report here, by the time they do a report, ministries come back later to respond. I have seen on some of the Bills that are in the process. Ministries would give a set of amendments, when the committee has finished, they bring another set or on miscellaneous which was published. Therefore, the ministries started coming back and saying: “We do not want this or that published”. Until I wonder why they brought it in the first place. So, there is that disconnect between what happens.

However, the long and short of it all is that the one thing that we can control are these frameworks. I would like to ask the Chairman and his Committee to identify key legislation that we need to amend to create the missing frameworks. I have always said that our work as an oversight and Parliament is not to commend that the Directorate of Criminal Investigations takes action. He was going to do it anyway. His work is to identify the loopholes. As to where are, the legal loopholes that we need to seal so that a mistake is not repeated in future, is our work as Members. So, the individual committees have come up with resolutions. The COI is in the unique situation of looking on a bad side view and identifying some commonalities in the weaknesses that are forcing things not to be implemented. So, you can identify the overarching law that we need to amend so that we can force implementation and do not say that because there is lack of a proper legal framework, is impeding on implementation.

The other thing that the Committee has identified is on Motions and legislations not being in tandem with some Government policies and hence, when the two of them are at cross purposes, the Ministry will always say that they cannot implement because it against their policy. I urge the Committee to simultaneously and ask how we can capture that upfront. I will look at it later because the committee also said that we find some of these resolutions and Motions being implementable. Since we all sit there when Motions are drafted and recommendations coming, I want to throw to the Committee that before the House pronounces itself, Members of the

committee should perhaps act as a quality control committee and look at the recommendations coming to the Floor of the House and decide if they are going to be implementable.

So, bring in an amendment to ensure that we do not have the Committee doing a lot of work for something that is not implementable or alternatively, giving hope to Kenyans that the House has passed and the following shall be done, knowing too well that it is not implementable. Perhaps we should work as one House and have the COI not just wait to report on the implementability or status of implementation, but to proactively intervene. It should not be only report on the status of implementation, but to proactively intervene at the point of a report being tabled in this House, and almost telling the Chair the report cannot be passed. This can only be done with some more technical expertise at the secretariat level.

In fact, I thought the Report would be recommending that apart from clerks being trained, we have a quality control component to look at the quality of a report before it comes here and see whether it is implementable, so that we do not seem to be legislating in vain. It is unfortunate if we come up with a resolution and it cannot be implemented because it is unimplementable.

I like the fact that you have flagged some of those things. With some solid examples, we can use them as part of learning and developing the necessary capacity to judge what is implementable and what is not. It will not be necessarily for us, but even for those who will come after this House. That way, they can see the quality of a resolution that is implementable. If it falls below the threshold, the Committee will be told: "The report cannot be accepted on the Floor of the House. Unless amended, it will be thrown away by the House." Otherwise, we will be wasting one another's time.

I also want to urge the Chair to pick up some of these things. We can give him some time within the framework of the Liaison Committee to share some examples with the other Chairs or have him in the next leadership meeting. We may be blaming the clerks for not doing reports in a certain way, but it is not them who move those reports in this House. It is not the clerks who sign, but the Committees and the Chairs.

We want to build the capacity of the Chairs and the committee members level, so that they can own their reports. That way, they do not have to say it is the clerks who draft the reports in a certain way. Clerks will give you a draft, but what you do with it is up to the committee. I think this is what we will share in the Liaison Committee and leadership meetings. What are some of the issues that we have picked up in some reports that are not good and are disharmonious with Government policies that should never see the light of the day in the House? So, we can use them as part of our learning process and make better ones in future.

Once again, I want to thank the Committees, commend and encourage them to go through all the other reports and put many of them to rest. Let Members know this so that they can stop asking what happened to their reports. Hopefully, Members will be here next time when we are discussing this Report. That way, they do not keep on asking while you have already done your work.

Thank you and congratulations once again.

The Temporary Deputy Speaker (Hon. Patrick Mariru): We shall have Hon. Yaa.

Hon. Owen Baya (Kilifi North, ODM): Thank you, Hon. Temporary Deputy Speaker. At the outset, I want to congratulate the Chair of the Committee on Implementation for his dedication to work, the Vice-Chair and the team that he works with. I think we have a very robust and good team that wants to ensure that Parliament succeeds.

The work of this Parliament, going forward, rises or falls on this Committee. If this Committee does not do its work, then Parliament's work might be in vain. But because this

Committee is here, it is possible to ensure Parliament enforces its decisions. When Parliament passes resolutions within 60 days, the Committee should check whether those decisions have been implemented or not. I think the story currently is that, 60, 90 or 100 days go by until a Session of Parliament ends yet, many things that are passed in this House are not implemented.

Every time a Motion is brought in this Parliament, there will be one or two Members saying it was discussed, passed and nothing happened. This is a statement that indicts Parliament's work; that we are unable to enforce or ensure that what is passed by this House is implemented by the Executive. A lot of work that has been done here has not been implemented.

If you look at this comprehensive Report that has been given by my Chairman, it tells you that many things that are discussed in Parliament in terms of Motions and Petitions are not implemented. One of the things that I would like to suggest going forward is that, Parliament needs to have an Act for the Committee on Implementation. This will give it powers to ensure it can enforce what this House passes. Otherwise, without an Act of Parliament and proper structuring of the Standing Orders, people will ignore what Parliament does.

We had an opportunity with the Chair to visit Zambia where they have a Committee of Government Assurances. Every assurance that the Government gives in the House is immediately followed. It can lead to impeachment motions and dismissal of ministers. That is why they take the Government assurance very seriously. The Committee of Government Assurances can draft an impeachment motion based on their findings and send a minister packing.

But what we have here is a whole Act of Parliament, as Hon. Millie has said. The Act has been passed, but it has not been implemented. We have been told of one by Hon. Chris Wamalwa on fertilizers, which was passed and never implemented. I did two motions in this House on cashewnuts and another on coconuts. They were passed and every time I asked the Cabinet Secretary why they were not implemented, he said they were not a priority. But Parliament passed the two Motions. That happens a lot.

I thank God we have the Leader of the Majority Party here with us and he listens. I want to urge him as we pass Motions, Acts of Parliament, petitions and reports, to create a tracking system. That if something goes beyond 60 days and is not implemented, he kindly asks the Clerk's Office to inform the Committee of Implementation. A lot of the work that we have is by Members who have complained that something was passed and never implemented.

But we do not have proper mechanisms where what is passed in Parliament after 60 days automatically falls on the laps of the Committee on Implementation so that, immediately the Committee takes it up, it tries to implement or push for implementation. The Committee on Implementation where I sit has had issues where we call Cabinet Secretaries to come and explain certain things, but they feel they are not responsible to Parliament on implementation matters. They think they are only responsible to the President and do not come.

The only three Committees manned by the minority are Public Accounts Committee (PAC), Public Investments Committee (PIC) and Committee on Implementation. That is how powerful this Committee is. It is an oversight Committee on behalf of Parliament. This is a very important thing, but Cabinet Secretaries do not see that this Committee needs to do its work. So, Leader of the Majority Party, I want to urge you to liaise with us closely.

Lastly, this is a Committee of the Minority. The Minority leadership should have been here. But today, I take over the role of the Leader of the Minority Party in this House.

The Temporary Deputy Speaker (Hon. Patrick Mariru): You cannot have more time because I will set precedent. Let us have Hon. Mutua Barasa. He took leave. Hon. Justus Kizito.

Hon. Justus Kizito (Shinyalu, ODM): Thank you, Hon. Temporary Deputy Speaker. This is a very important Committee and I want to support my colleagues who have said so. Whatever we pass in this House must be implemented to the letter. Therefore, I would like to ask the Chairpersons of Committees to take it upon themselves and follow up on what is passed in the Committees so that it is implemented.

This is a House of Representatives. We represent Kenyans. At the same time, it is the House that handles money bills, appropriation bills and even gives authority to incur expenses and the budget itself. This House has been given the responsibility to deal with matters that concern corruption through its three very important Committees. That is the Special Funds Accounts Committee which deals with all the funds in this country, the Public Accounts Committee (PAC) that deals with the mainstream expenditures and accounts and the Public Investments Committee (PIC) which deals with parastatals and Government investments.

More often than not, these Committees have done very good recommendations on matters to do with graft and Parliament is another arm that is supposed to help the other arms of Government that deal with graft. However, more often than not, I have seen very good recommendations especially from PAC, PIC and the Special Funds Accounts Committee, but I have never seen the DCI of this nation following them up and picking them to investigate, prosecute and actually convict the people who participate in graft and criminal activities of that nature. We have seen a lot of drama out there. I can say that, that is why it is not easy for this Government to convict a single person who has engaged in graft or corruption. I can remember there are quite a number of people who have been there in offices, but we have never seen them actually prosecuting anything. It is because they leave Parliament out. Whatever we pass here, they do not take it up and they want us to do drama and run up and down taking people to court and, at the end of the day, there is no evidence. We have a lot of evidence here that can be used. If the Committee on Implementation can be followed up and we follow on our recommendations, it is very possible that we can be able to cut down on this. This is because Parliament as an arm of the Government has actually been let down.

I remember Hon. Kimunya, Hon. Chachu Ganya, I and others were in the 10th Parliament. That is the time the Government used to sit in the House. We used to have ministers here and everybody else. So, anytime there were those kinds of Motions, they were taken very seriously and they were followed. So, I tend to think that the Committee on Implementation... We want to support and give you the tools and impetus to make sure you pursue those cases. Whenever recommendations are done that are implementable or actionable, please, summon those people and let them tell us how they are going to deal with the matters or recommendations that have been made by this House. That is because this House belongs to the people and it is the people who gave us the mandate to be here and speak on their behalf. Therefore, whatever goes through this House must be implemented so that Kenyans can get value for their money. It is very important that this Committee also has to be tough and give us periodical reports to see how it is doing so that we also follow up on this as Parliament. We want to support this very dignified Committee so that it can be able to implement whatever we have passed in this House since, at the end of the day, things do not work.

We have seen so many people in acting positions in this country and the committees have been talking about this again and again. I can give an example of the CEO of the NG-CDF Board who acted for over 10 years and recommendations were done again and again. Nothing was going on. So, I tend to think that the Executive must take this House very seriously because, if you do not take this House seriously as the Executive or as the Accounting Officer of this nation, it can

easily pull you down. That is because you are not working if you are not working for the people. That is why I want to support BBI and say that when it is presented, I think the Government must come back to this House so that we can be able...

The Temporary Deputy Speaker (Hon. Patrick Mariru): Hon. Ganya Chachu.

Hon. Chachu Ganya (North Horr, FAP): Thank you, Hon. Temporary Deputy Speaker, for giving me this opportunity to support this Motion of the Committee on Implementation. This is a very important Committee. This Committee is actually fairly new. It only started in the 11th Parliament and now we are in the 12th Parliament. In those years, we were able to have ministers on the Floor of the House and we got commitments from them. We had sanctions for them if they did not fulfill or go through with the commitments. However, under this presidential system of government, we do not have ministers here. We can only ensure that whatever laws and Motions we have passed in this House can be fully pursued and commitments made through such a Committee. Private Members' Motions and Private Members' Bills were passed here and we made resolutions as a House, but no follow-up was made. It was actually all in vain. That is when we felt that we should come up with the Committee on Implementation.

Departmental committees are able to pursue their issues and resolutions with the relevant ministries that they oversee, and they are able to ensure that things are done as per the resolutions. However, for Private Members' Bills and Motions, Members did not have a mechanism to ensure that whatever we passed on the Floor of this House was implemented. That is why this Committee came into being. I am sorry to say that even in the 11th and 12th Parliaments, I am yet to see that you have achieved the targets that we wanted to achieve through this Committee. That is because we pass resolutions here on the Floor, they are owned by the entire House, but there is no mechanism to ensure that they are followed and actually implemented. As a House, we do not make laws or pass resolutions in vain. We have mechanisms or sanctions. We can impeach ministers, deny them budgets or refuse to pass their policy and legislation on the Floor of this House. We can actually refuse as a Parliament to deal with them until the resolutions that we have passed here are honoured and fully implemented. That is exactly what this Committee is supposed to do.

I have just read the Report of the Committee. The Chair is my good friend and a very brilliant Member of Parliament. I have served with him in the same Committee in the past. This House is not able to really do what we need to do to ensure that our resolutions are fully implemented by the Executive. If there is need to amend our Standing Orders or look at our legal framework here to ensure that whatever we pass on the Floor of this House is not in vain, I think we really need to look at this very critically. As Parliament, we have powers and if we really want to exercise those powers with the authority that we have, we can actually ensure that whatever we pass on the Floor of this House is actually honoured and the Executive implements it. However, that is not happening as of now. I really want to also appeal to the Leader of the Majority Party who is also a key member of the House Business Committee to actually give the Report of this Committee the necessary time for us to discuss their issues and reports on the Floor of this House. It is only through this Committee that whatever Members want to do for this country through their Motions and private initiatives whether they are Bills, Questions or Petitions can be done.

As the Committee on Implementation, please also come up with sanctions. You have teeth to bite. Let us bite where necessary even if it means denying them budgets or impeaching some of them or making some serious sanctions on some ministers and State corporations that fail to honour what we do. As a House, to be effective and be taken serious by the Executive arm of Government, we really have to empower this Committee. That is critical for this House under this presidential

system of governance. I really support this Committee and hope going forward, it will live up to its task and be able to be effective and enable us to realise the objective for which we set it up in the 11th Parliament. I wish to support.

The Temporary Deputy Speaker (Hon. Patrick Mariru): Hon. Adagala.

Hon. Emmanuel Wangwe (Navakholo, JP): It has come to me, Hon. Temporary Deputy Speaker.

The Temporary Deputy Speaker (Hon. Patrick Mariru): No! You are actually next, Hon. Wangwe. But, first, we shall have Hon. Adagala.

Hon. (Ms.) Beatrice Adagala (Vihiga CWR, ANC): Thank you, Hon. Temporary Deputy Speaker, for giving me this opportunity to also put my voice on this Committee on Implementation, which has done a very good job. I was actually wondering what is happening to some of the Bills that passed through this Parliament. We normally do not see them being implemented. I concur with my colleagues who have talked about it. The Chairman and the team, you have done a good job and you should continue. We have to monitor whether what we pass here is being implemented or not. In the case of the village elders, most of them keep on asking us whenever we go to the county about their remuneration from the Government. They require, at least, a small token. What has happened?

The other day, the staff of Postal Corporation of Kenya kept on calling me and asking why we keep talking about their salaries. They asked me: “Are we getting the money or not?” So, Hon. Chairman and your team, as the House debates Bills and Motions, please, make a follow up and ensure they are implemented to the letter, for people of Kenya to have confidence in this House because we have seen several cases, including court orders which are never followed. So, what is passed in this House should be taken as law and should be implemented with the urgency that it deserves.

Therefore, I support this Committee for the good work. Keep up! Thank you, Hon. Temporary Deputy Speaker.

The Temporary Deputy Speaker (Hon. Patrick Mariru): Hon. Wangwe.

Hon. Emmanuel Wangwe (Navakholo, JP): Thank you, Hon. Temporary Deputy Speaker. Allow me to appreciate the Report and thank the Chair and the Vice-Chair, my very good friends starting with lawyer, Hon. ole Kenta, Hon. Osotsi and the team as a whole.

This Report is good and I support it because of its ability and its measurability. The Committee has compared and brought a very strong element of quality into perspective where this House has been challenged that both the secretariat and the Members should be able to put their heads together, debate a Bill or a Motion on the Floor and ensure it is quality report. The Committee has reached a point where the Executive is challenging it saying that the report is not compatible with a certain element in terms of law or regulations that they have, or the Motion is not in tandem or is not as per the Act as it is.

Therefore, what it means is this: Let this House now look at each and every Motion. In as much as we support the Motions, let us look at them in terms of quality and measurability and compare them to existing laws. I want to thank the Committee for bringing up a very serious issue of the village elders. They have picked up the issue as having come into this house for the first time in 2008. Those are 12 years ago. I have the benefit of having been in this House in the last Parliament and the Member of Parliament for Malava brought it up as a Motion. It was debated and passed. To date, we are in the 12th Parliament and so far, village elders are still not earning anything from the national Government. It is a challenge to the Committee on Implementation and I want to ask them that, if they face any challenge, they should revert back to the House and come

up with a Bill since the two were Motions by Hon. Wamalwa in 2008 and by Hon. Malulu Injendi in the 11th Parliament. Let the Committee now give us a Bill which we can debate and put into an Act so that we can now get a cadre lower than a sub-chief to employ in the Civil Service who could either earn honoraria or earn some allowances, so that our village elders can have something to take home.

I want to thank the Committee very much because it is being handled very well. For the first time, in the 11th Parliament where I served with Hon. ole Kenta, he will agree with me that this was one of the weakest Committees. Today, Hon. Kenta is comfortable to sit because the Report he has brought on the Floor of the House is very good and this is encouraging to all of us.

We come to this House courtesy of Article 95 of the Constitution which gives us the power to legislate, represent and play oversight role. Every Wednesday morning has been a day set aside for Private Members' Bills and Motions. Now we have set it aside for Thursdays. That means that all Members are happy and anxious to legislate on behalf of their voters. If you legislate and what we have put on legislation cannot be implemented, it is discouraging. Therefore, I want to encourage the Committee on Implementation that you are doing a good job. We will endeavor to support you, Hon. ole Kenta and your Committee to make sure that all the matters that shall have been debated on the Floor will be legislated in terms of Bills or Motions. What you will require from us, we will support you.

I beg to support, Hon. Temporary Deputy Speaker.

The Temporary Deputy Speaker (Hon. Patrick Mariru): Hon. Zadoc Ogutu

Hon. (Prof.) Zadoc Ogutu (Bomachoge Borabu, Independent): Thank you, Hon. Temporary Deputy Speaker. I want to start by saying that I am very impressed with the Report from one of the Committees that, for a long time, we have thought has done a disservice to this House. The Committee on Implementation is like a yard stick on the performance of this honourable House. We spend a lot of time here passing Bills and Motions, but there is no way we can measure our success until we are informed of the progress of the implementation of those Bills. It is for this reason that I say I am very impressed for the first time being in this House – and it is close to three years now - and I am getting a feeling that a committee somewhere is tracking our performance.

There are two areas that I want to focus on. One, I would want the Budget of this country to be able to indicate to us, among the new items that have been funded, how many are from the recommendations of this august House. That is very important because I have learnt that some of the technical staff take this Parliament for granted. They do their own things that do not include the Bills that have been passed by this Parliament. I think the best could be that we get indication on how much change we are making because of seeing the technical team putting a budget for the implementation of Bills and Motions that have been discussed in the august House.

Secondly, as Members have already discussed, we need a clear tracking system that is easier to follow, easier to probe and indicating from the different Committees the Bills and Motions, their status and also where there have been challenges. That way, we will be able to make progress in transforming this country. Otherwise, as other Hon. Members have already said, there may be Bills and Motions that were discussed about two Parliaments ago, and they could still be hanging because nobody has picked them up.

I want to say that I thank this Committee and, indeed, support the first Report that they are giving and also realise that it is important for these changes to take place in Committees because new blood brings in new emotions. I would like the Committee on Implementation to give us a

status report on a quarterly basis so that we can see what difference we are making in terms of translating what we discuss into action.

I support the Motion.

The Temporary Deputy Speaker (Hon. Patrick Mariru): Let us have Hon. Oduol Adhiambo.

Hon. (Prof.) Jacqueline Oduol (Nominated, ODM): Thank you, Hon. Temporary Deputy Speaker.

At the outset, I would like to thank the Committee on Implementation for tabling very clear and actionable issues. I note in particular that in the recommendations, the Committee is seeking a clear legislative framework. The nature of this Committee is to follow-up on the resolutions that are passed by the House and ensure that they are put into action. We should establish a monitoring and evaluation unit or office that is domiciled in Parliament and would serve the same purpose as the Parliamentary Budget Office. That is because it would allow the Committee to not only follow-up, but also link up in a manner that is strategic and workable.

Secondly, at times, resolutions that are passed in this House are not in line with Government policies. It would be useful to verify because the role of this House, as we pass resolutions, is to provide direction not only in terms of legislation, but also oversight. It is important that this is taken into account.

One notable aspect is the recommendation by the Committee that we should ensure that the resolutions that are passed are smart, specific, measurable, achievable, results-oriented and time-bound. As has been raised, it would be useful for the Committee to give a sense of what resolutions should look like for them to pass effectively.

Finally, as we look at the different arms of Government – the Judiciary, Legislature and Executive - this Committee will enable us to, not only redeem the right position of the Legislature, but also ensure that we manage areas that would provide some challenges. It is clear that Parliament observes the *sub judice* rule. We do not discuss anything that is before the courts. It is clear that part of the challenge come when the Judiciary sometimes interferes with valid matters that are before this House.

I thank the Committee. It will give Parliament an opportunity to truly serve its role and be in the driving seat in terms of ensuring that the work we do is not in vain.

With those remarks, I support the Report.

The Temporary Deputy Speaker (Hon. Patrick Mariru): Let us have Hon. Momanyi. Member for Nyamira.

Hon. (Ms.) Jerusha Momanyi (Nyamira CWR, JP): Thank you, Hon. Temporary Deputy Speaker for giving me this opportunity so that I can also contribute to this Report.

First of all, I thank the Chair, Hon. Kenta, and the Vice-Chair, Hon. Osotsi, for giving us a very comprehensive Report which gives the House the impetus to continue doing the work that it does.

This House is the most honoured institution in the country. It mostly influences what takes place in our country, which comes through the legislation that we pass. If what we do is not implemented, the work of the House cannot be respected. This House has come up with many pieces of legislations. Since I came, I have participated in the making of legislation, especially the one which has been enumerated on village elders. Whenever we are out there, village elders always say that they saw us discussing a Bill which would affect their lives. They ask us what happened to the legislation. Those are the questions that they ask.

If some of the Bills that we pass are never implemented, our people may never take us seriously. For us to be taken seriously, and for the country to know that this is the honourable House from where all the laws that affect our country come from, they have to be implemented. When a law goes through all the processes and is assented to, there is no reason why the Executive or any other body which is supposed to implement it would say that the law is not implementable, unless it is against the Constitution of Kenya. The secretariat also guides us because we have lawyers. They guide us on the type of legislations that we make. When we get reports that some of our legislations are not implemented, that means the House is not taken seriously.

I support the Report. We want to give the Committee energy so that it can continue making sure that what we discuss and deliberate in this House is implemented. That is when we will represent our people well, their views will be heard and that will influence their lives.

I congratulate the Committee for the good work that it has done.

The Temporary Deputy Speaker (Hon. Patrick Mariru): Let us have Hon. Oundo Ojiambo.

Hon. (Dr.) Wilberforce Oundo (Funyula, ODM): Thank you, Hon. Temporary Deputy Speaker. I was getting worried because I thought my card was lost.

Let me take this opportunity to join my colleagues in thanking the Committee on Implementation on their Report in respect of the various petitions, reports, legislations recommendations and action points that the 12th Parliament has passed since we started.

It is unfortunate that we are mandated to legislate. We are mandated to oversee. We are mandated to prepare budgets for the purpose of running this country. It is unfortunate that we do all this but the saddest part is that many times, the Executive and other bodies routinely ignore the edicts or the resolutions of this House, thus making us look as if we are a mere talking point. I hope that, as a House, we could find mechanisms to ensure that all resolutions - unless they are set aside by another competent authority like the Judiciary - are implemented without debate, question and within a reasonable period of time. It is very discouraging that a Member of this House spends a substantial amount of time to research, prepare a Motion, bring it for debate, convince colleagues to pass it and the last thing you hear about it is that acclamation of the “Ayes” and the “Nays”, and that is the end of the story. It is discouraging. It sends a wrong picture on the effectiveness of Parliament. I join the chorus of my colleagues who say that we must find a mechanism of enforcing whatever we pass here, so that we do not legislate in vain.

On the other side of the story, Hon. Temporary Deputy Speaker we, Members, must apprise ourselves on Government policies, existing legislation and prevailing economic situation, so that we do not propose Motions that we know very well that they will have no capacity of being implemented or they counter the existing Government policies which you debate and approve here.

It is also important that we strengthen our secretariat, which is the Clerk’s Office, and all those who serve us in one way or the other. Whenever they tell us something, they should review Government policies, existing conditions and advise us on whether the Motion that we propose to move is workable and implementable or not. On that score, I suggest that we should have a committee or a certain department within the Clerk’s Office or wherever it can reside to provide some form of monitoring and evaluation so that there is a proper link between the Members of Parliament and what happens in the Executive. That way, we will not make a mockery of ourselves and legislate in vain. It is a shame. As we support this Report, we sincerely need a stronger legislative framework to enable us to implement what we pass.

As I conclude, earlier in the day, there was a debate about Infotrak Research and Consulting Limited. We spoke about it. We hope that we will move to the point of putting in place relevant

legislation to avoid a situation where we embarrass everybody who has undertaken research before. A survey should be taken truly as a survey. In a composite regime like the one we work for, asking one simple statement that offer your opinion on a scale of 1 to 10, disregarding the various roles of Members of Parliament is unethical in so far as research is concerned.

With those few remarks, I support the Motion.

The Temporary Deputy Speaker (Hon. Patrick Mariru): Hon. Muchangi.

Hon. Eric Njiru (Runyenjes, JP): Thank you, Hon. Temporary Deputy Speaker for giving me the opportunity to support the work which was done by the Committee on Implementation. I want to thank Hon. Kenta for the work well done.

This Committee and the resolutions that are passed in this House are very important for this country. Like what a number of Members have said, a couple of months ago, we passed a Motion regarding remuneration of village elders. I have 500 village elders in my constituency. One question that they keep on asking me every day when we meet is when they will be rewarded for the work that they do for this country. I agree with the Members here that we need to have a way of ensuring that whatever resolutions or Motions that we pass in this House are implemented without delay. We must not legislate and pass or reject Motions in vain. Whatever we resolve here should be implemented for the benefit of our country.

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

The Temporary Deputy Speaker (Hon. Patrick Mariru): Hon. Ibrahim Sahal.

Hon. (Ms.) Nasri Ibrahim (Nominated, FORD-K): Thank you, Hon. Temporary Deputy Speaker for giving me this opportunity. I rise on a point of order under Standing Order No. 95 and say that because the Motion is straightforward and Members are repeating themselves, can you call upon the Mover to reply?

Thank you.

The Temporary Deputy Speaker (Hon. Patrick Mariru): She is not out of order for asking that. When a Member rises on that point of order, the good news is that the House determines that and not the Hon. Speaker. I would like to establish the mood of the House.

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

There are a few Members who want to contribute to this Motion. We have three or four Members. Let us hear them. Hon. Manje.

Hon. Joseph Manje (Kajiado North, JP): Thank you, Hon. Temporary Deputy Speaker for giving me this chance to add a word to this Motion. This is a Committee that ensures that what the House decides is implemented. Otherwise, without this Committee, the House can legislate in vain.

The House comes up with a resolution or report and then after that, it is put in the shelves and it is not implemented. The Committee on Implementation makes sure that it tracks what the House decides. For example, if there is an Act that has been passed by Parliament, then it is the work of this Committee to make sure that it is implemented on the ground. If there is a petition that is written by Kenyans through this House, it is the Committee that checks whether the same has been implemented and any other resolution that is made in this House.

While tracking what has been implemented and what has not been implemented, the implementing officers should not shy away from this Committee because its work is to check whether what people decide, because we represent them, is implemented. We are here on behalf of the people. If they are unable to implement a resolution because of some shortcomings, they

should go to the Committee and explain the level they are able or unable to implement it. It is a good tool for the Executive to make sure that it uses this Committee to question whether some officers who are supposed to implement resolutions or recommendations on the ground are doing the same.

When we are debating, we should come up with resolutions that are implementable to some extent. You might find that some of them cannot be implemented given the Budget that the country has. Given the budget-making process in this country, you might come up with a resolution that requires a large amount of money to implement. So, it sometimes becomes difficult for the officers to implement it. The implementation should be in phases. We should come up with good recommendations that are implementable on the ground and not general in nature. For example, if you want a resolution or recommendation to be implemented, it should be within a particular time. When you leave it open, the officer can come before the Committee and say that the process is still on because it is not time-bound. We should check on that to make sure that the implementation is in place.

We have to make sure that the Committee does not operate like any other oversight committee. We have Departmental Committees in this House. For example, the Departmental Committee on Energy checks whether the sector is being run correctly. However, the Committee on Implementation should not operate as if it oversees that particular Ministry. It is supposed to make sure that it calls the officers only to check the level of implementation.

Lastly before I sit down, we have so many parliamentary reports in this country, especially PAC and PIC reports. If they are implemented to the fullest, we can take a very big step in this country to make sure that, at least, what has been recommended is done.

With those remarks, I support the Report.

The Temporary Deputy Speaker (Hon. Patrick Mariru): Hon. Ochanda, you may have the Floor.

Hon. Gideon Ochanda (Bondo, ODM): Thank you, Hon. Temporary Deputy Speaker. It is important that the whole country recognises that the best way in terms of how we can monitor and see exactly what we do is through the Committee on Implementation. It is vital to us. This is the only Committee that can follow-up the very many resolutions that we make as a House. Resolutions by this House may not be restricted to Reports, Petitions and Motions. As a House, we need to go beyond what we are doing. This Committee may need to look into this. You realise that in each and every Sitting of this House, there are clear-cut agenda that are brought in the name of Orders of the day. By the end of it, apart from the oaths and the first two agenda, all the others generate resolutions, including some decisions that are made by the Speaker. We have a whole range of agenda that generate resolutions.

I am convinced that some of these are still not in the hands of the Committee on Implementation; not because they are not working hard, but because of our procedures or some things that we have not set up properly. Many a times, there are responses from Ministries. We give them time. Members raise Questions and Ministry officials commit themselves to take certain action. The commitments are read out here by Chairs of the Departmental Committees, indicating clearly the action to be undertaken within specified time frames. In my view, such is a resolution of the House. So, how many of those do we have to get to the Committee on Implementation? The idea of chasing Ministries is just too much. We need to get a way of stopping the chase because it does not work. Members run on the corridors of the Ministry offices day-in, day-out. We raise Questions here which are responded to, but after the response, there is no action. So, when there is no action, we have nowhere else to go.

In my view, these are things that need to get to the Committee on Implementation. Cabinet Secretaries and whoever else is responsible are called upon to respond to Questions before Departmental Committees. Members are notified in this House on the date and time of the appearance by, say, the Cabinet Secretary in charge of Transport. Cabinet Secretaries appear before Departmental Committees and answer Questions, and that is the end of it. So, how do we connect? Most of the Questions that Members raise are about issues of concern to the people that they represent here. They are not as general as committee reports and many motions. That is one thing we need to check as a House.

Another thing we need to look at, as a House, is Motions. Motions do not go through the normal process like Bills. Bills go through a journey of scrutiny in various stages, where they are thoroughly checked. Motions do not go through that process. When legislation has monetary implication, the Budget and Appropriations Committee advises us that it will need money for purposes of its implementation. We do not do that for Motions.

Therefore, Members actually bring Motions here that, in real sense, are not implementable. I can give an example. During the last Parliament, we passed a Motion here with a very serious acclamation - that each and every constituency must have, at least, 20 kilometres of tarmac road. When the Cabinet Secretary at that time appeared before the Committee to explain why this had not been done, he said: "You people passed a Motion, but you did not provide money for the construction of the 20 kilometres of tarmac road." So, the debate went on, but at the end of the day, it emerged that it was Parliament which did not know what it was doing. We pass a Motion, but we do not allocate funds for the implementation of the resolution and yet, it is this House that does the Budget.

Therefore, Hon. Temporary Deputy Speaker, at that level, we have a gap that needs to be fixed. That whenever we are bringing in a Motion, can our Motion be tracked and go through the due process like the Bills? Let them go through all these stages and the Movers or the proposers...

The Temporary Deputy Speaker (Hon. Patrick Mariru): Order! Your slot is gone but Clerk, please remember to notify the Members when their time is nearly ending.

Let us have Hon. (Ms.) Obo Mohammed.

Hon. (Ms.) Ruweida Obo (Lamu CWR, JP): Ahsante, Mhe. Naibu Spika wa Muda, kwa kunipa nafasi hii nami nichangie. Mwanzo, ningependa, moja kwa moja, niunge mkono Kamati. Tunapouliza maswali ama tunapoleta *petitions*, huwa kuna sababu za kutufanya tufanye hivyo. Baada ya kuleta maombi haya, ikiwa hakuna linalofanyika, basi huwa zile sababu zetu hazijapata suluhisho. Kwa hivyo, ni muhimu tunapouliza maswali, yanapojibiwa, yawe yenye kufuatiliwa ili shida zilizoko mashinani ziweze kutatuliwa ama huduma kwa mwananchi iweze kupatikana. Pia, ingawaje wakati mwingine shughuli hiyo hufanyika, huwa inachukua muda kufanyika. Wakati mwingine inapofanyika, inakuwa imepitwa na wakati. Kwa mfano, tunapouliza Swali, tuseme msimu wa matikiti maji, kabla swali hilo lishughulikiwe, ule msimu umeisha kabisa! Sasa ni kama lile swali ulilouliza halikuwa na maana.

Sitaki kuchukua muda mwingi kwa sababu nilisikia kuwa ni watu watatu wanaostahili kuzungumza ili tumpe nafasi Mwasilishi Hoja aendelee. Sitaki kuchukua muda mwingi. Wacha nikomee hapa ili tupate kuendelea.

Ahsante.

The Temporary Deputy Speaker (Hon. Patrick Mariru): Very well. Let us have Hon. (Dr.) Musimba Patrick.

Hon. (Dr.) Patrick Musimba (Kibwezi West, Independent): Thank you, Hon. Temporary Deputy Speaker for according me this opportunity. At the outset, I want to encourage and thank

my colleague, Hon. Ole Kenta and the Committee, for such a robust Report. Noteworthy is the fact that Parliament is literally at the verge of being taken for granted. As Parliament, we are anchored in the Constitution of Kenya, 2010; and the functions bestowed upon the Executive in terms of implementing legislations, Petitions and Motions from this House is not a request. One cannot hide under technicalities.

I will draw upon the function of His Excellency the President on part (c) of Article 132 of the Constitution, which requires the President to bring forth reports on the implementation of national values every year. The President, since 2013, has done that without fault. If we fast-track downwards - you know we are looking at a framework - the framework is already in our Constitution in Article 153 under Sub-Article (iv), which bestows upon every Cabinet Secretary in the Government of the Republic of Kenya a responsibility to periodically furnish this House with reports on the progress of what is going on in their dockets. Other than the Office of the Leader of the Majority Party, I believe the Committee on Implementation has to utilize this particular Clause in the Constitution to ensure that every Cabinet Secretary tables reports every quarter of the year not only about motions or legislations, but also on matters which are before the Departmental Committees for further interrogation by the House.

Why do I say this? Parliament does not Act in vain. We act to implement the agenda of moving Kenya forward in terms of improving the lives and livelihoods of Kenyans. We have an empty medium-termed framework which is targeted at achieving Vision 2030 and the greater goal of achieving the Sustainable Development Goals (SDG) as set out by the United Nations (UN) for the prosperity of the citizenry around the world. So, when we come up with these motions and petitions, it is in response to issues affecting the society. Therefore, the Committee has to act actively.

Since 2013, we have seen only a handful of Cabinet Secretaries appear mostly before the Public Accounts Committee (PAC) or the Public Investments Committee (PIC), where ministry officials and management teams of parastatals are required to respond to queries as they appear in the audit reports on their dockets. They are required to explain how they have utilized their funds, and that is done religiously.

Whenever we are going towards budgets, the Executive, the Judiciary and, indeed, Parliament, through the Parliamentary Service Commission, never misses the deadline on the dot. So, the Committee has to be encouraged to enforce, either through the Secretary to the Cabinet, so that we have a mechanism where every quarter we write to the Secretary to the Cabinet for forward implementation or recommendation to His Excellency the President, saying that the following Cabinet Secretaries are falling behind in keeping pace with the resolutions of the House. So that, by the time we are talking, as a House, about either removing a Cabinet Secretary, it is all founded within a proper framework. I believe this was the intention when Hon. Raphael Tuju was appointed to become a Cabinet Secretary with portfolio to specifically deal with Parliament. That was, I think, the thinking. So, we need to pursue that so that we have periodic reports that go back through the Committee on Implementation and, indeed, our Hon. Speaker or the Clerk telling them what has, so far, not been done.

Hon. Temporary Deputy Speaker, let me go down memory lane. If we had implemented the Constituency Innovation Hubs (CIHs) or the Laptop Programme and we had followed it to a nut, when a pandemic as COVID-19 would have hit us, we would have been better prepared as a nation. This is alive. These are the resolutions of this House that, as we move forth, how efficiently are we applying the funds that we utilized within the departmental committees so that in the event somebody goes to court...

Hon. Temporary Deputy Speaker, I ask for your indulgence for another minute! *Tafadhali!* Kindly, Hon. Temporary Deputy Speaker.

The Temporary Deputy Speaker (Hon. Patrick Mariru): I give you a minute, as you have pleaded.

Hon. (Dr.) Patrick Musimba (Kibwezi West, Independent): It is part of the reach-out to you. Grant me just a minute, Hon. Temporary Deputy Speaker.

In the event, for instance, we have allocated money to do a certain road, and the contractor goes to court, the money should not remain idle. The House is able to...

The Temporary Deputy Speaker (Hon. Patrick Mariru): You have the minute you requested for, but conclude within it.

Hon. (Dr.) Patrick Musimba (Kibwezi West, Independent): Thank you very much. I am coming to a close.

So then the departmental committees or the Budget and Appropriations Committee should be able to reassign the money through a Supplementary Budget as opposed to waiting towards the end for this to happen.

All in all, I want to thank and encourage the Committee for the good work it continues to do as we move this country forward.

Thank you, Hon. Temporary Deputy Speaker.

The Temporary Deputy Speaker (Hon. Patrick Mariru): Hon. Members there being no further interest to speak to this; I call upon the Mover to reply. Hon. ole Kenta.

Hon. Richard ole Kenta (Narok North, ODM): Hon. Temporary Deputy Speaker, I beg to reply.

I thank the Members for their contributions. There are some issues that I really want to clarify. One of them is that Members have a perception that this is the first Report we have tabled. In fact, Hon. Temporary Deputy Speaker, we have tabled more than ten reports - 12 to be exact. We had one we did in 2018 like this one. We have other several important ones like the one touching on the sugar industry and several others. Unfortunately, we do not control the Calendar of the House and debates brought on the Floor of the House. In fact, we had to write to the House Business Committee to protest for us to be given this opportunity. So, I am happy today that the Leader of the Majority Party has actually confessed that we are not to blame for the delay in tabling and debating of the reports.

I would like to request the House, because it has said it will support our Committee, that we be given an opportunity, at least, every fortnight to brief the House on the implementation of several laws, motions and everything else. Why am I saying this? Members have also said that the Government or the Executive has not been implementing the resolutions of this House. If that was the case, then this country would not be functioning. Whereas there may be two or three issues that have not been sorted out by the Government, hundreds of them have actually been implemented. We would not have a Government or anything if they would not have been implemented. So, I would like to advise the House that it is not that the Government or the Executive has not implemented anything. Let us also appreciate that they have actually implemented a lot.

The other issue I would like to raise is with regard to departmental committees. The Committee on Implementation is supposed to address the implementation status after 60 days. For example, let us take the issue of Covid-19. It was brought before this House and we were asked a question about implementing its financing. Honestly, that was not our role. It was supposed to be

the role of the Departmental Committee on Health. So, Members erroneously believe that we are supposed to do things on our own motion. No! We act after the House has deliberated and resolved.

The other issue is about Cabinet Secretaries. I would like to assure this House that several Cabinet Secretaries have appeared before us and have given their side of the story. They have given us data and have done reports. I want to put this on record. We do not have any Cabinet Secretary who has failed, refused or neglected to appear before our Committee. However, there are times when there are delays, but that is understandable and sometimes we quarrel with them, but they try. I would like to request this House that we sometimes can come to that level and sanction a Cabinet Secretary who has been unable or has refused to appear before us. That one we shall do! For not just failure to appear before our Committee, but also for failing to implement the resolutions of the House! However, we must also be alive to the fact that we might pass a Motion here that has budgetary implications. How do we expect a CS to implement that resolution, for example, the one on the elderly, which is very popular, but without getting a legal framework? A Member said here that the Committee on implementation should table a report on it or have a law or a Bill. But that is not our role. It is a role for the Ministry of Interior and Coordination of National Government because it is under it.

Hon. Temporary Deputy Speaker, we shall do our best. I request the House Business Committee to schedule all our Reports for hearing and debate. We shall ensure that this House does not act in vain.

Hon. Temporary Deputy Speaker, I beg to reply.

The Temporary Deputy Speaker (Hon. Patrick Mariru): Hon. Members, we will pend putting the Question on that particular Order.

(Putting of the Question deferred)

Next Order!

BILL

Second Reading

THE PUBLIC PARTICIPATION BILL

The Temporary Deputy Speaker (Hon. Patrick Mariru): Where is the Chairperson, the Committee on Parliamentary Broadcasting and Library. That must be Hon. Kizito. You have the Floor.

Hon. Justus Kizito (Shinyalu, ODM): Thank you, Hon. Temporary Deputy Speaker, for giving me this opportunity to present our Bill. This is my first or maiden one. First of all, I must thank Parliament and the leadership of the two Houses for giving me an opportunity to serve on the side of the Majority and in the Committee as the Chair, together with my Vice-Chair, who is here ready to second. Now, I would like to go straight to the....

The Temporary Deputy Speaker (Hon. Patrick Mariru): Move the Second Reading.

Hon Justus Kizito (Shinyalu, ODM): I want to do that now.

Hon. Temporary Deputy Speaker, I beg to move that the Public Participation Bill, (National Assembly Bill No.69 of 2019), be now read a Second Time.

Hon. Temporary Deputy Speaker, the Public Participation Bill, 2019, which is a Bill for an Act of Parliament, was sponsored by the Committee on Parliamentary Broadcasting and Library and read for the First Time on 29th October 2019. Subsequently, it was referred to the Committee on Parliamentary Broadcasting and Library for consideration and thereafter report to the House, which we are doing now.

The principle objective of this Bill is to provide a framework for effective public participation. The Constitution of Kenya 2010 ushered in a new system of governance that places the people at the centre of governance. Accordingly, all public processes ranging from policy making, legislative process and other ultimate decision-making require the participation of the people of Kenya.

Our Constitution actually puts everything around the public. So, the public has a say on everything that we do. And even this comes from God Himself, when he made man to be at the centre of the universe. That is the anthropocentric position that man was given in the universe. Therefore, a good Constitution follows that.

The Bill, therefore, proposes to provide a mechanism of facilitated, effective and coordinated public participation. The Bill accordingly gives effect to the constitutional principles of public participation and participatory democracy. This one is reflected and deeply embedded in Articles 1, 10(2), 35, 69, 111, 174, 184, 196, 201 and 232 of the Constitution.

The Bill provides for preliminary matters including the short title, objectives of the Act and the guiding principles that guide public participation. The Bill also designates the responsible authorities for purposes of developing institutions' specific guidelines for public participation and also designates the responsible public participation officers. Public participation processes are different in all institutions; therefore, the bill recognises these differences and designates responsible authorities for purposes of developing the specific guidelines and offering oversight for public participation.

The Bill also requires the responsible authorities to develop specific guidelines within a stipulated timeline. It provides for the development of the guidelines which must be in line with the general guidelines provided in the Schedule to the Bill. The Bill also proposes that each responsible authority must budget for expenditure pertaining to public participation in the annual estimates. Further, for accountability, every responsible authority is required to include, in its annual report, an outline of activities and outcomes of public participation.

On the statement on the delegation of legislative powers and administration of rights and fundamental freedoms, the Bill delegates legislative powers to the Attorney-General to make regulations for the better carrying into effect of the provisions of the Bill. The Bill does not limit any of the rights and fundamental freedoms contained in the Bill of Rights in the Constitution.

This Bill seeks to provide a national framework for public participation. Public participation is a constitutional requirement at all levels of government, that is, the national and county governments. The Bill, therefore, concerns county governments in terms of Article 110(1)(a) of the Constitution in that, it contains provisions that affect the functions and powers of the county governments as set out in the Fourth Schedule to the Constitution.

It is also worth noting that this Bill, when it becomes an Act of Parliament, will also be like a money Bill. In the enactment of this Bill, it shall occasion additional expenditure of public funds. Remember, in the Bill, we had indicated that every institution that has to participate in whatever they do, we have to set aside money that will facilitate public participation, which is fully embedded throughout our Constitution. This is because whatever we do must be alive to that.

In considering the Bill, the Committee carried out an extensive public participation process where an advertisement was placed in the local dailies on 11th November 2019. The Committee further invited key stakeholders to submit their views on the Bill. The Committee held public county forum meetings with stakeholders from Kakamega, Mombasa, Kilifi, Busia, Garissa, Kitui, Nyamira, Narok and Nakuru counties, where the public gave their views on the Bill. The Committee noted that all were in support of the Bill. The Committee received and analysed the memoranda from the following stakeholders: *Sauti ya Wanjiku* Organisation, the Council of Governors (CoG), and the Institute of Social Accountability and Natural Justice.

I would like to take this opportunity to thank the Office of the Speaker, the Office of the Clerk, the Office of the Leader of the Majority Party, Members of the Committee on Parliamentary Broadcasting and Library and the Secretariat of the Committee for their dedication and support during the process of this Bill. Further, I wish to appreciate all the stakeholders for their input. Therefore, I urge all Hon. Members to participate in discussing this important Bill to help us come up with a more solid and resolute document that is going to guide public participation.

Hon. Temporary Deputy Speaker, with those few remarks, I beg to move and ask Hon. (Ms.) Jerusha to second. Thank you.

The Temporary Deputy Speaker (Hon. Patrick Mariru): Proceed, Hon. (Ms.) Jerusha Momanyi.

Hon. (Ms.) Jerusha Momanyi (Nyamira CWR, JP): Hon. Temporary Deputy Speaker, I beg to second that the Public Participation Bill (National Assembly Bill No. 69 of 2019) be read a second time. This is because the principle objective of this Bill is to provide a framework for effective public participation. We are all aware that the 2010 Constitution brought in a new system of governance where the people of Kenya are placed at the centre of every governance issue that takes place within public institutions in Kenya.

Accordingly, in all public processes which include policy making, legislative and even decision-making, the people of Kenya must be involved. For them to be involved so that their participation is well coordinated, this Bill proposes that the public participation has to take place. Those who are going to participate are going to be given guidelines. Especially, any authority which is going to have public participation is going to be given guidelines on how to do it, and the Attorney-General is going to give legislations which are going to guide every institution. We know that, in Kenya, people have been enlightened. It is only that the Bill has not been put in place so that we have well-coordinated public participation within our institutions.

So, I want to thank the Members who came before us. As you know, my Chairman and I are new in this Committee, but the other Members of this Committee had done a lot to make sure that this Bill comes into being and today, I am seconding that this Bill be accepted and debated so that it can assist our entities as they undertake their public participations.

So, I second.

The Temporary Deputy Speaker (Hon. Patrick Mariru): Very well. I hope Hon. Members do appreciate the importance of this Bill. There have been very many questions on how practical the aspirations of public participation are as captured in the Constitution. The Bill tries to breakdown those aspirations. It is very important to allow public participation as a principle and a policy as envisioned in the Constitution.

(Question proposed)

We shall start with Hon. (Dr.) Oundo.

Hon. (Dr.) Wilberforce Oundo (Funyula, ODM): Thank you, Hon. Temporary Deputy Speaker, for giving me the first chance to contribute to this Bill.

For record purposes, you and I sit in a committee called the Committee on Delegated Legislation. One of the toughest challenges we continuously face is to determine the adequacy of public participation. Indeed, the Constitution of Kenya is explicitly clear that any matter, be it policy, legislation or regulations, that affects the people of Kenya in any way or the other, cannot be enacted or implemented without the public having had a say on exactly what they want to be done. However, the toughest challenge and the biggest question is the definition of “public”. In the context of any given piece of legislation, subsidiary legislation or policy matter, the question is the definition of what constitutes the public. Indeed, and it is unfortunate, the Bill that is before us here today does not delve into the specifics of what constitutes the public. For example, is it mandatory that the entire Republic of Kenya is given an opportunity to contribute or have their say on a matter dealing with doctors? Is it necessary for a matter dealing with the code of conduct of the Judiciary, for the judicial officers and the rest, be a matter to be subjected to the so called public participation? I hope, at the appropriate stage during the consideration of this Bill, we will have an opportunity to contextualize and truly define what constitutes public participation.

The second point that has always been a big issue to handle is what happens with the views expressed by the public. Is the public authority as indicated in this Act obliged to consider all views provided or offered by members of the public? If, indeed, that is the case, what will be the end product considering that quite a number of views are going to be conflicting? At any given time, typical Kenyans will never agree on any matter. So, it is a matter that we must deliberate and agree. Should we have a threshold that, out of a hundred submissions made, there are those that we will consider and those that we will not? What are the frameworks? What are the issues?

I have perused the Bill and one area that is obviously going to remain contentious is Clause 6, so to speak. That Clause 6 requires that any person purporting to present any memorandum or any person wishing to state anything that is adverse about somebody or whichever nature must do so by way of a sworn affidavit before attending, and gives timelines of 30 minutes before then. That provision alone is onerous and difficult to implement. It will, indeed, kill the spirit of public participation. A villager in my constituency of Funyula in the village of Sidonge... For example, we have gone for public participation on the National Government Constituency Development Fund (NG-CDF) projects, and we are asking that villager to prepare a sworn statement if he has a beef to pick with the NG-CDF chair or a PMC committee member! That is, indeed, asking for too much.

Yes, it is a good Bill. I support the Bill but we need to make several amendments at the appropriate time. That is to make it reasonable, workable and capable of achieving the intentions of the particular Articles of the Constitution that it seeks to address.

Thank you, Hon. Temporary Deputy Speaker.

The Temporary Deputy Speaker (Hon. Patrick Mariru): Let us hear Ibrahim Sahal.

Hon. (Ms.) Nasri Ibrahim (Nominated, FORD-K): Thank you, Hon. Temporary Deputy Speaker, for giving me this opportunity.

The Constitution of Kenya 2010 gives prominence and importance to public participation. It promotes democracy by providing the citizens with the opportunity to take part in decision-making processes affecting them and their community. The space for citizens-state interaction continues to expand. The Government and the civil society have gained significant experience deploying participatory tools and approaches for dialogue and engagement. There is need to

establish a national structure and an effective and coordinated public participation mechanism, which this Bill seeks to establish.

The Bill further designates responsibilities for developing a public participation mechanism that is respecting and recognising the different levels of government. This seeks to change the narratives and approaches on citizen participation and adopt a conventional-led approach to a trajectory that is more impactful with an inclusive legal framework.

I, therefore, support.

The Temporary Deputy Speaker (Hon. Patrick Mariru): Hon. Musimba, you have the Floor.

Hon. (Dr.) Patrick Musimba (Kibwezi West, Independent): Thank you, Hon. Temporary Deputy Speaker for giving me this opportunity. I want to acknowledge your words that this is a momentous Bill coming at an important time. We have seen monumental pieces of legislation which have been produced by this able House being nullified on account of public participation and the owners say that there was not enough time. This gives us an opportunity to enact for Kenyans and for ourselves a framework that progresses our country. I will draw from where sovereign authority comes. The Preamble of the Constitution of Kenya, 2010 says as follows:

“We, the people of Kenya–

ACKNOWLEDGING the supremacy of the Almighty God of all creation:

HONOURING those who heroically struggled to bring freedom and justice

to our land:

PROUD of our ethnic, cultural and religious diversity and determined to

live in peace and unity as one indivisible sovereign nation...”

It is important to recognise the sovereign. He is the one who contributes and enables the daily progress of our nation through contribution of taxes, acceptance of the smooth sailing of our policies and giving of goodwill to operate. The public participation theory that we have been doing through the National Government Constituencies Development Fund (NG-CDF) activities has been seamless in this House. We have been acknowledging the sovereign and the important position he has in the betterment of the nation in terms of serving our lives and livelihoods as we move forward in ensuring that we bequeath ourselves and the future generations of this nation a smooth time so that we remain competitive and powerful. So, I support the clauses of the Bill. I support the clause on signing of affidavits within 30 minutes. That is monumental. Within the same Bill, we have bequeathed the Attorney-General with the authority to come up with active regulations on enactment.

My point of call is about the validity across the veil. What is good for the Judiciary, the Executive and Parliament might have varying ways of application. We need to see, through the Committee on Delegated Legislation or the Departmental Committee on Justice and Legal Affairs, the reports they have generated on this Public Participation Bill moving forward, especially if we marry that with things to do with procurement where an agency like the Public Procurement Oversight Authority that looks at the processes and the ways by which we appeal to enable our projects to be implemented across the county, so as to ensure that we get value for our money. As they say, where the rubber meets the road is where the shillings and cents apply on this. You will find that things to do with the Budget are treated casually. The implementation phase is critical to us. For example, in the blue economy policy implementation, you will see where Somalia begins and where Kenya ends and you discover that it is a dicey thing. Who do we mention as “public” in terms of public participation in grey areas or in treaties that we have signed to do with aviation on our air spaces and exploration? So, how do we improve our domination in new areas that are

coming through? So, these will be interesting areas in defining who “the public” is. I think it is a Bill whose time has come and we will certainly support it.

I thank you, Hon. Temporary Deputy Speaker.

The Temporary Deputy Speaker (Hon. Patrick Mariru): Very well. Hon. Members, it is 7.00 p.m. The House must rise. There is a provision of two-and-half hours for this Bill. So, there will still be further time of two-and-half hours but, of course, you have spent a few minutes on the same.

ADJOURNMENT

The Temporary Deputy Speaker (Hon. Patrick Mariru): Hon. Members, the time being 7.00p.m., this House stands adjourned until Thursday, 1st October 2020, at 10.00 a.m.

The House rose at 7.00 p.m.