

PARLIAMENT OF KENYA**THE NATIONAL ASSEMBLY****THE HANSARD****Thursday, 18th November 2021**

The House met at 2.30 p.m.

*[The Speaker (Hon. Justin Muturi) in the Chair]***PRAYERS****QUORUM****Hon. Speaker:** Order! Ring the Division Bell for quorum.*(The Quorum Bell was rung)*

Very well. We can commence now.

PETITION**HARASSMENT AND UNLAWFUL EVICTION OF PEOPLE LIVING
IN MWENDO WA PANYA VILLAGE****Hon. Speaker:** Hon. Ken Chonga, Member for Kilifi South.**Hon. Ken Chonga** (Kilifi South, ODM): Thank you, Hon. Speaker. I wish to present Petition No. 072/2021 regarding persistent harassment and unlawful eviction of people living on L.R. No.176/111 MN in Mwendo wa Panya Village, Mtepeni Ward in Kilifi South Constituency.

I, the undersigned, on behalf of concerned residents of Mwendo wa Panya Village in Mtepeni Ward, Kilifi South Constituency draw the attention of the House to the following:

THAT, Mwendo wa Panya Village is a pre-colonial village that was established around 1908 by one Athman Suleiman as a safe home when he was running away from arrest by slave merchants;

THAT, the land on which the village is located measures approximately 23.75 acres and is registered as L.R. No. 176/111/MN;

THAT, the village became an acclaimed safe haven and many locals who were running away from slave merchants and arrest by the colonialists would sneak and hide;

THAT, over the years, the population at the village increased and ethnicity diversified as escapees from the interior of the colony also found refuge at the village;

THAT, although the village was originally inhabited by the local Mijikenda and Waswahili communities, the ethnicity at the village diversified through intermarriages as escapees from other

communities in the interior such as the Taita, Akamba, Agikuyu among others also escaped from slave caravans as they approached the Indian Ocean and found refuge at the village;

THAT, with time over 242 villages were built and the village has become home for over 1,000 people today;

THAT, the communities living in Mwendo wa Panya Village have established both communal and administrative structures that have been enabling them to co-exist peacefully;

THAT, the village has a wide range of public utilities such as hospitals, shopping centres and even farmlands on which residents practise subsistence farming of maize, peas, sweet potatoes and other food crops;

THAT, the land also has commercial cash crops like coconut trees, mango trees, cashewnut trees and orange trees that have supported the livelihoods of residents for over 70 years;

THAT, the residents have been living in the village for over 100 years and have a community cemetery where they have been burying their departed ancestors, as evidenced by graveyards and shrines from where they perform their traditional rites;

THAT, for many years since Independence, efforts by the residents to regularise ownership of the land for them to have security of tenure and realise full economic potential of their land have been unsuccessful;

THAT, sometimes in November, 2021, residents of the village were shocked to learn that the parcel of land which they inherited from their ancestors and have lived on for many years had been registered in the name of three persons, namely Mark Mwaura Mwangi, Charles K. Wanguhu and John Waweru Mwangi;

THAT, in their entire life, residents of Mwendo wa Panya Village have never consented to the transfer of the land in question to any party;

THAT, on one early morning of 19th November, 2018, the claimants went to the plot with hired people, harassed the residents and demolished structures on the land, leaving the residents homeless;

THAT, the residents have no other known home other than Mwendo wa Panya Village, hence have nowhere to relocate to;

THAT, any further delay in issuance of certificates of title deeds and lease to the residents is likely to jeopardise the residents' tenure over their land, hinder realisation of its full economic potential and risks rendering the residents' squatters on their land;

THAT, efforts by the petitioners to move to relevant Government agencies, including the Ministry of Lands and the National Land Commission (NLC) to address the matter have been unsuccessful;

Therefore, your humble petitioners pray for the intervention of this House through the Departmental Committee on Lands to:

- (1) inquire into the irregular allocation of plot No L.R.176/111/MN to Messrs. Mark Mwaura Mwangi, Charles K. Wanguhu and John Waweru Mwangi with a view to recommending revocation of such illegal land transaction in order to revert ownership of the said land to residents of Mwendo wa Panya Village as the rightful owners;
- (2) recommend that the Ministry of Lands, the National Land Commission and other relevant Government agencies immediately facilitate the sub-division of plot No L.R.176/111/MN and issuance of certificates of titles to residents of Mwendo wa Panya Village as rightful owners in order for them to have security of tenure and realise full economic potential of their land;

- (3) recommend that the Government restrains Messrs. Mark Mwaura Mwangi, Charles K. Wanguhu and John Waweru Mwangi, acting by themselves or through their agents, from harassing residents of Mwendo wa Panya Village until ownership of Plot No. L.R. 176/111/MN in Kilifi South Constituency is resolved; and,
- (4) recommend any other relief it deems fit to secure the petitioners' rights.
- And your petitioners will ever pray.

I thank you.

Hon. Speaker: The Petition has taken quite some time. I will allow limited comments for only two minutes. Those of you who want to comment, just limit yourself to Mwendo wa Panya Village issue. Or is it *mwendo wa paka? Lakini paka wanawezapitia wakijua panya wako pale.*

(An Hon. Member spoke off-record)

Labda ndio maana paka wameingia kwa sababu wamepata panya wengi.

(Laughter)

Please, let us have limited comments not going for more than two minutes.

Hon. Mbui.

Hon. Robert Mbui (Kathiani, WDM – K): Thank you, Hon. Speaker. I support this Petition by my colleague.

Land is a very emotive issue. Almost 10 years after establishing the NLC, we still have issues of community land having issues, disputes and wrangles as well as public land also being wrestled from the public by individuals. They need to step up their game so that this problem of public and community land can be sorted out once and for all.

We have this problem all over the country. In Mavoko, Machakos County, we still have issues where the public feel that their land is still being taken away from them. So, this is something that needs to be sorted out as soon as possible.

I, thank you.

Hon. Speaker: Hon. Charles Kilonzo.

Hon. Charles Kilonzo (Yatta, Independent): Thank you, Hon. Speaker. What is happening in Kilifi South Constituency is very common in many parts of this country; where people have been in occupation for over 50 years and then down the line, somebody claims he or she has a title deed. As the Committee looks into that matter, they need to look to the fact that if somebody has been in occupation for over 40 or 50 years, automatically, they should advise this House on what to do with the law to ensure those people are protected.

The courts are very unfair. Imagine being in occupation for 50 years and then it gives a ruling in favour of even grand kids; they evict and it is for commercial purposes.

I plead with the Committee that as they look into that issue, they advise the House what we need to do and change the law to ensure the poor or people in occupation for many years are protected.

Hon. Speaker: Or, indeed, the *pakas* do not follow the rats.

(Laughter)

Hon. Oundo.

Hon. (Dr.) Wilberforce Oundo (Funyula, ODM): Thank you, Hon. Speaker.

Historically, land issues are very emotive in this country. We had always hoped that the NLC and the so many other organs dealing with land would have had a hand in solving these issues. We expect many issues to come up.

Indeed, it might be time for the Departmental Committee on Lands and related organs to have a very serious sit-down and try to review how we would resolve these issues. They are becoming too many all over. These issues have been there. We tried to incorporate the National Land Policy and we had hoped that by now, we would have had a stop on this matter.

It must be on record that the Constitution of Kenya allows people to own land anywhere in this country, but in all honesty and fairness, some names are not associated with some locations. It is important that this kind of issue is addressed fully to avoid these kinds of issues.

In the meantime, I support the Petition. I hope the Committee will have the time to conclude and present the report in this House before Members get tired and disappear to their constituencies.

I thank you.

Hon. Speaker: Hon. Pukose.

Hon. (Dr.) Robert Pukose (Endebess, JP): Hon. Speaker, land is a very important asset when it comes to the lives of Kenyans.

As you are aware, I have presented a Bill to amend Article 67(2) of the Constitution, which states that the NLC will recommend; it needs to resolve not to recommend. When it recommends, it makes the process of resolving land matters very long for Kenyans, yet land is a very important factor of production. I would like the Committee to look at what we can do together in terms of the Constitution so that we resolve the issues that we have been taking to the NLC within the shortest time.

Thank you, Hon. Speaker.

Hon. Speaker: Let us have Hon. Kabinga.

Hon. Josphat Kabinga (Mwea, JP): Thank you, Hon. Speaker. As speakers before me have alluded, land matters are very emotive. It is high time that this country looked at all pending matters on land.

Mwendo wa Panya Village is one of the areas which has land problems. I do not know how that name “Mwendo wa Panya” came about. As you put it, probably there are some *pakas* who are also following.

This is not the only problem that we have in the country. In most parts of the country, including my own constituency and county, we have issues of land. It is high time that the Government took them seriously, took stock of all the problems that we have and ensured that they are resolved so that we can live in peace and harmony.

Thank you, Hon. Speaker.

Hon. Speaker: Let us have the Member for Kilifi North.

Hon. Owen Baya (Kilifi North, ODM): Thank you, Hon. Speaker. I would like to support the Petition by my brother, Ken Chonga.

It is not the first time the Mwendo wa Panya issue is coming to Parliament. We have failed to resolve it. I sit in the Departmental Committee on Lands. The law that anchors the NLC is faulty in the sense that it says “recommend” instead of “resolve”. I support my brother, Hon. Pukose, for bringing in that amendment. I am also making amendments to the law. I think you have seen the letter that I have written on the same to amend the National Land Commission Act so that it can get power.

Again, the mandate to resolve and review grants expired in the law. The NLC needs to be serious about the law that anchors it so that we can solve many of the problems that we have,

especially in Kilifi County. Kilifi County is actually the bastion of land problems in this country. This Parliament needs to take this matter forward and be counted as the House that solved the problems of land in Kilifi County and at the Coast in general.

Thank you, Hon. Speaker.

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

Hon. Mbogo Ali (Kisauni, WDM-K): Thank you, Hon. Speaker. I support the Petition that has been brought by our colleague, Hon. Ken Chonga. It is not the first one; these Petitions have been there.

I am also a Member of the Departmental Committee on Lands. The main challenge that we face today is that you will find residents who have been living on these parcels of land for over 50 years. They have built churches, schools and have their graveyards there, but at the end of the day, someone comes from nowhere with a title deed. Since courts only appreciate ownership of land by production of a title deed, we end up evicting the people because they do not have those documents.

We lost a very good opportunity when the NLC had power to revoke titles. I fully agree with Hon. Pukose that we need to amend the Act to give power back to the NLC. We should not only depend on courts to revoke titles. The NLC should also have powers to revoke titles and give those lands back to the people.

Thank you, Hon. Speaker. I support the Petition.

Hon. Speaker: In sympathy, Member for Kilifi County, your card does not appear to be working. You are moving from place to place and it is not showing. However, with great sympathy from the Chair, I will give you an opportunity

Hon. (Ms.) Gertrude Mwanyanje (Kilifi CWR, ODM): Asante, Mheshimiwa Spika. Naungana na Mheshimiwa Ken Chonga wa Kilifi South ili kuona jinsi shida ya mashamba itapata suluhisho. Sisi kama viongozi, tunataka *title deeds* za sehemu nyingi, haswa za Kilifi County ambazo zina mzozano. Wenyeji wako pale. Mheshimiwa amesema kuwa watu hao wameishi pale kwa miaka arobaini na makaburi ya mababu zao yako pale.

Si Mwendo wa Panya peke yake. Kule Kilifi Mjini, kuna sehemu inaitwa Nayeni ambapo watu wanavunjiwa manyumba kila wakati na hatujawahi kupata suluhisho la kudumu. Lakini kuna hatimiliki nyingi sana ambazo zimetengenezwa za Kilifi South. Rais Uhuru Kenyatta alikuja Rabai na kupeana hatimiliki alizotuambia ataleta Kilifi. Tunamuomba aje na zile zingine ambazo ziko tayari ili watu wetu waweze kuamini kuwa suluhisho la shida ya mashamba na ardhi kule Kilifi County linafuatiliwa.

Mashamba katika mahali kwingi hayajapata hatimiliki. Wamegonga mwamba kule Kibarani *Settlement Scheme*. Saa hii wanataka kurudia kupima tena kulingana na miji na yale mashamba ya wenyeji. Kuna sehemu nyingi Mazrui ambamo wenyeji wanaangalia.

Muda wa kazi yetu umeisha. Tunataka watu wetu wapate hatimiliki zao ili waweze kuishi vizuri, kuweka miradi yao na kujenga nyumba za kudumu. Mwishowe, watasema kuwa katika kipindi cha Serikali hii, Rais Uhuru Kenyatta alihakikisha kuwa Wakilifi na Wapwani wamepata hatimiliki. Watauamini uongozi wake na kutakuwa na kitu ambacho amewaachia Wapwani.

Asante, Mheshimiwa Spika.

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

Hon. Ferdinand Wanyonyi (Kwanza, FORD-K): Thank you very much, Hon. Speaker. I would like to weigh in on this matter.

It looks like the rot is actually at the headquarters. I have seen cases where someone sees a piece of land, goes to the NLC, gets a title deed and goes and starts harassing the residents of the

place. The Departmental Committee on Lands should call the Commissioner of Lands and correct these abnormalities at the headquarters.

I have had similar cases in Trans Nzoia. My colleagues from Trans Nzoia are here and they can confirm that we have that kind of thing. The problem is not even on the ground; it is at the NLC. Once you have some money, you just go there, bribe your way in, leave with a title deed, move in and start harassing the residents. The rot is at the NLC. Let us call a spade a spade. The Departmental Committee on Lands should summon the Commissioner of Lands to rectify that. The problem is not on the ground, but at the headquarters.

I support the Petition.

Hon. Speaker: The Petition is referred to the Departmental Committee on Lands for consideration in the usual manner.

Let us go to the next Order.

PAPERS LAID

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

Hon. Amos Kimunya (Kipipiri, JP): Thank you, Hon. Speaker.

Hon. Speaker, I beg to lay the following Papers on the Table of the House:

State of the Judiciary Administration of Justice Report for 2020/2021 and Gazette Notice No.12385 on the Report.

Commission on Revenue Allocation Recommendations on the Basis for Equitable Sharing of Revenue between the National Government and County Governments for the Financial Year 2022/2023.

Quarterly Economic and Budgetary Review Report for the First Quarter of the Financial Year 2021/2022 from the National Treasury.

Annual Reports and Financial Statements in respect of the following institutions for the Financial Year 2020/2021:

- (a) Public Service Commission; and,
- (b) Office of the Data Protection Commissioner.

Reports of the Auditor-General and Financial Statements in respect of the following institutions for the year ended 30th June, 2021, and the certificates therein:

- (a) Kenya Electricity Generating Company PLC; and,
- (b) Kenya Power PLC.

Reports of the Auditor-General and Financial Statements in respect of the following institutions for the year ended 30th June, 2020, and the certificates therein:

- (a) Kenya National Highways Authority;
- (b) Kenya Rural Roads Authority;
- (c) Kenya National Trading Corporation;
- (d) Sacco Societies Regulatory Authority,
- (e) New Kenya Cooperative Creameries Limited,
- (f) The Jomo Kenyatta University of Agriculture and Technology Noodles Limited; and,
- (g) Maasai Mara University.

The Report of the Attorney General and Financial Statements of Lake Victoria South Water Works Development Agency for the year ended 30th June, 2019, and the certificates therein.

I thank you, Hon. Speaker

Hon. Speaker: Next Order.

QUESTIONS AND STATEMENTS

Hon. Speaker: Order, Hon. Members. Knowing that Thursdays have their own peculiar challenges with Members and looking at how we are, for convenience of the House and not to make the legislative process of the House suffer, I have decided to rearrange the business appearing on the Order Paper so that before we go on to Questions, we deal with the business appearing as Order Nos. 9 and 10, which are straightforward.

So, proceed that way, Clerk.

Next Order.

BILL

Second Reading

THE COMMUNITY GROUPS REGISTRATION BILL

(Hon. Amos Kimunya on 17.11.2021)

(Resumption of Debate interrupted on 17.11.2021)

Hon. Speaker: Hon. Members, debate on this Bill was concluded yesterday, and what is remaining is for the Question to be put. Now that the House quorate, I will put the Question.

(Question put and agreed to)

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

Hon. Speaker: Next Order.

MOTION

REPORT ON IMPLEMENTATION STATUS OF LAND ISSUES IN TAITA TAVETA COUNTY

THAT, this House adopts the Report of the Select Committee on Implementation on its consideration of the Implementation Status of the Report of the Departmental Committee on Lands regarding Land Issues in Taita Taveta County, laid on the Table of the House on 29th Wednesday, 2021.

(Hon. Richard ole Kenta on 17.11.2021)

(Debate concluded on 17.11.2021)

Hon. Speaker: Hon. Members, the idea is to ensure that when you take a decision, the House is not in violation of the Constitution, but has quorum. So debate here was concluded and I will put the Question.

(Question put and agreed to)

Hon. Members, again so that as many of you are present when the decision on the Motion appearing as Order No. 8 takes place, I will move that we proceed with that business. This is because if we go to Questions, after you ask your Questions and especially after you have commented on the petitions for two minutes, you will have assumed that you have finalised business. So, let us just clear that one as well.

PROCEDURAL MOTION

EXTENSION OF SITTING TIME

Hon. Amos Kimunya (Kipipiri, JP): Hon. Speaker, I beg to move the following Procedural Motion:

THAT, pursuant to the provisions of Standing Order 30(3)(a) (Hours of meeting), this House resolves to extend its sitting hours with respect to the afternoon sittings for the remaining part of the Session so that the House sits until 9.00 p.m. on Tuesdays, Wednesdays and Thursdays with effect from Tuesday, 23rd November, 2021.

Hon. Members, when we met at the House Business Committee (HBC) and considered the pending business on the Order Paper and all the Individual Members' Bills that are here to be processed, we realised that the time available to us is not adequate. So by extending by two hours every day over the next two weeks, we will have 18 hours added so that we can fast track some of the Bills that are pending at different points.

We are also cognisant of the fact that during the day, Members are busy following up with some projects with the Ministries and busy with the committee processing the work that is required. So, Members will have an opportunity to transact committee business and constituency work during the day and then we will have an extra two hours where they will transact business in the House.

This is slightly different from what we had earlier on. Last time we had a specific session starting from 7.00 p.m. to 9.00 p.m. However, this is not a separate session, but a continuation. We have also noted that by 7.00 p.m., Members still queue to transact business and they do not necessarily get priority the next day. So, Members who come early will know that at least they have up to 9.00 p.m. to contribute to the Bill or matters of their interest.

So, I ask Members to move together on this. In the same spirit that the HBC looked at the matter, let us see what we can save before we break on 3rd December, also noting that there will be the East African Legislative Assembly (EALA) Games immediately after 3rd, hence we do not want to interfere with the games by extending the Session of Parliament beyond the 3rd. So, it is easier to extend it early before the games than after the games. We equally do not want to interfere with your Christmas holidays, because we know what is happening at the constituencies.

So, I beg to move and ask Hon. Wangwe, the Deputy Chief Whip to second.

Hon. Speaker: Let us have Hon. Wangwe

Hon. Emmanuel Wangwe (Navakholo, JP): Thank you Hon. Speaker, I rise to second. Hon. Leader of the Majority Party has well elaborated and in the interest of time, I wish to second.

I thank you.

Hon. Speaker: The Member for Sigowet/Soin is thirsty.

(Question proposed)

Hon. Members: Put the Question.

Hon. Speaker: Do I put the Question?

Hon. Members: Yes.

Hon. Speaker: Well, it seems like it is the mood of the House that I put the Question. Either way Hon. Members, it is your decision anyway.

(Question put and agreed to)

Hon. Members, there is one other thing that we need to remind Members, which the Hon. Leader of the Majority Party perhaps forgot. It is in view of the very many Private Members' Bills, which have actually been processed and are ready. We, as the House Business Committee, also recommended that at the beginning of every debate, should Members feel that maybe we can limit the time depending on the size or substance of what is in a Bill - some of the Bills relate to a clause or two - please draw the attention of whoever is in the Chair under Standing Order No. 97 for reduction of time. The reduction of debating period does not require notice. Let the House make a decision one way or the other. This is because we did notice that Wednesday mornings, which are reserved for Private Members' Bills, are not going to be enough for consideration of the very many Private Members' Bills. They are very many.

Indeed, I think we had agreed that they all be listed every Wednesday morning so that Members can see that indeed there are very many Private Members' Bills which have matured and we do not want them to be lost without due consideration by the House. I know there are some who are always available in the Chamber most of the time. Please draw the attention of whoever is on the Chair under Standing Order No.97 for the reduction of time as appropriate. Maybe the House can decide that looking at the Bills which are pending, every debate on each Bill be limited to either one hour or one-and-a-half hours, as the House may determine, so as to enable the House consider as many of these Bills as possible. I am sure those of you who have proposed Bills have also gone an extra mile. You have done a lot of research. It is only fair that you get your efforts somehow recognised and considered by the House. It must not necessarily be passed because the House may not agree with you, but even if it is rejected, at least the record will show that you made some effort. You are not just merely walking into this place and ticking there and walking out; you did something else. You had a Bill in your name that even went to Second Reading and maybe got lost, like I saw some which was lost yesterday. Those are all efforts. They add onto your curriculum vitae. Even if you lose, do not worry; it goes to your curriculum vitae.

Now that we have resolved that, the business will now revert to Order No. 7, having concluded business appearing as Order Nos. 8, 9 and 10. When we finish Order No. 7, we will go to business appearing as Order No. 11.

I see some interventions. Can you do those interventions after Question Time? Hon. Rachael Nyamai, you had put your intervention button but you removed.

Hon. (Ms.) Rachael Nyamai (Kitui South, JP): Hon. Speaker, earlier, I felt that I should not comment on the Petition that is coming to the Departmental Committee on Lands. That is why I withdrew.

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Hon. Speaker: That was wise.

Hon. (Ms.) Rachael Nyamai (Kitui South, JP): Thank you. Hon. Speaker, my intervention is concerning the decision that has been made by the House, which is a very good decision and it is going to assist us to clear the Private Members' Bills. However, there are very good Bills that are lying in the Senate and a very good example is a Bill that was brought by Hon. King'ara on registration of public land. I do not know whether there is a way that information can reach the other House that these are extremely important Bills and they have been there for more than one year. Your intervention is very good. It is going to make this House give quite a lot of deliverables but what do we do with Bills that have been processed by this House and they have been in the Senate for more than one year?

Thank you, Hon. Speaker.

Hon. Speaker: Hon. Baya, I wanted to invite you. I have noticed just today. I think there is something wrong with that place.

Hon. Owen Baya (Kilifi North, ODM): If I press the intervention button, it does not show. I wanted to add to what Hon. Rachael Nyamai has said. We processed the Crops (Amendment) Bill here, which is very important. It is lost in the Senate. I have been asking in the Senate where the Bill is, and nobody seems to know where it is and how far it is.

Hon. Speaker, I think you need to intervene to see that those Bills that leave this House to go to the Senate are actually processed and brought back to the House. That will help fast track what we are trying to do. But as it stands now, I think there is something wrong with what the Senate is doing. Very small Bills of two or three clauses that require a short session to finish stay there forever, while they discuss long Bills that do not even make much sense here.

Hon. Speaker, kindly do something about what is happening in the Senate. I thank you.

Hon. Speaker: In fact, the reason why I picked the Constitution very quickly is just to refresh your memory on something. Article 123 of the Constitution talks about decisions of the Senate. It says:

“(2) When the Senate is to vote on any matter other than a Bill, the Speaker shall rule on whether the matter affects or does not affect counties.

(3) When the Senate votes on a matter that does not affect counties, each Senator has one vote.

(4) Except as provided otherwise in this Constitution, in any matter in the Senate affecting counties-

(a) each county delegation shall have one vote to be cast on behalf of the county by the head of the county delegation...”

I am not too sure that actually drawing from this... This is what has caused the Senate to put in their Standing Orders the question of delegations. There is no county which brought a delegation. The fact that somebody may have been nominated from a county which has got an elected Senator does not mean that that Senator was nominated as a delegate. This is because they were either nominated as the 16 women by political parties; as youth, a boy and a girl; or as people living with disabilities, a female and male. That is how they were nominated. They were never nominated as delegations. We have had two Parliaments, the 11th Parliament and this 12th Parliament. Perhaps at the tail end of this one, the Senate should reconsider this issue of delegations, because this is what is making them not to be able to vote on several of the Bills that are before them. You know many of the Bills are Private Members' Bills in the Senate. Party sponsored Bills are not many. That is why there is this problem. I do appreciate, but we keep communicating. The HBC is always communicating to the Senate Business Committee. There is

no other mechanism through which we can do so. They always argue that they have to bring the delegations. Maybe the delegations of the youth, the boy and the girl, are not present. You never know where the boy and the girl could be.

Hon. Njomo, you wanted to raise an issue?

Hon. Jude Njomo (Kiambu, JP): Yes, Hon. Speaker. My issue is on the same direction. On 4th of November, the Departmental Committee on Labour and Social Welfare of the Senate adopted a Report directing the Ministry of Labour, Social Security and Services to stop facilitation of export of our labour to Saudi Arabia and Gulf countries. According to our Constitution, it is the mandate of the National Assembly to deal with policy matters involving labour. Not only has the Senate attempted to address a national matter that affects the labour movement in our country, it has also touched on foreign policy, a matter that is going to affect even our diplomatic relationship with those countries in the Gulf.

I am wondering whether this is a mandate of Senate. In view of that fact, the international and domestic market in the Middle East accounts for about 500,000 people who are remitting money in foreign currency into our country. I would like to request you, Hon. Speaker, to ask the Departmental Committee on Labour and Social Welfare to find out whether we are ready for such actions, where we shall have mass movement of people who are working in the Middle East coming back into our country because they will have lost their jobs. Are we ready to absorb the number of people who are out there, if we are going to have our people fly back from Middle East?

Can the Committee also tell us whether the Departmental Committee on Labour and Social Welfare overstepped its bounds in making that ruling? That does not portray a good picture to other countries when the Committee in the Senate goes to Saudi Arabia to investigate a matter. Then about three months down the line, the Departmental Committee of Labour and Social Welfare also goes to the same country to do the same thing and adopt its own report.

Thirdly, these two Committees could come up with contradictory reports that have two different meanings and results to the Ministry. If these two reports are presented to the Ministry, whose report is the Ministry going to obey? Which report is the Ministry going to adopt? That is a question that we need to ask ourselves and find out who is doing the right thing and who is not. The Departmental Committee on Labour and Social Welfare should assist us in doing this.

Hon. Speaker: Hon. Jude Njomo, perhaps you were not present on Monday when the Departmental Committee was showcasing some of the works they have done in the last two years. When I made my remarks, I reminded the audience of the observations made one time by some American Secretary of State about parliaments in exhibition and parliament at work. Parliament in plenary, according to that Secretary of State, was parliament in exhibition; while parliament in committee, according to him, was parliament at work. Maybe this was done in plenary; the decision was taken in plenary. So, they could have been part of that exhibition because matters foreign policy and matters labour, particularly when it relates to policy, are not devolved. Remember, even getting *bonga points* is a way of representation. It is up to the national Executive. We have advised them. Hon. Duale is aware. Time without number, we have told the national Executive that they are the ones who are encouraging these things to happen. Even if you look at what is in Article 119 on petitions, it is very clear that anybody can petition Parliament on any matter which is within its authority. So, if you petition us about coming to sentence anybody, we will just look at it and say that we do not have the authority to do this. You can receive reports from anybody, look at it and just keep it there for purposes of entertainment. There is no harm if people want to entertain themselves.

Remember in the last Parliament, there was a Report on Kenya Airways. It took a long time; they did a lot of work but it is somewhere in some cupboard because it is not part of their work. We cannot, as a House, go to tell them what to do. They have work to do.

Hon. Racheal Nyamai just raised the issue of the many pending Bills that have come from here and even from their own Members. We do not police the other House. It is really up to us, as leadership, to move on. We know the Committee that will produce a report that will be acted on is the Committee of this House.

Somebody should raise these questions. Even as you raise, Hon. Jude Njomo, there is the question of foreign policy, but there is a committee on foreign policy there. They even have a committee on Defence. Look at the four functions of the Senate under Article 96, even on representation, they represent geography, not human beings; and then serve to protect the image of county governments. Oversight is restricted to national revenue, which comes through County Allocation of Revenue Act and division of revenue. The fourth function is to deal with the issue of impeachment, which would have come from this House anyway. You see, people say all manner of things. Even out there, you have seen them telling everybody that if they joke with them, they will fine you and impeach them. Oversight over State officers and State organs is the exclusive function of the National Assembly. It is very clear. It is even this House that begins the process of removal.

There is a programme that I used to enjoy a lot, but it is no longer there; it is called *Gumzo Mtaani* by Lolani Kalu. I used to enjoy it. I do not know whether some of you may have seen it. This could be part of *Gumzo Mtaani*. There is nothing we can do about this. The national Executive is at liberty to look at what has been said, and there can be no sanctions. There can be no sanctions because you cannot sanction if you do not have authority. So, for you to sanction even the Cabinet Secretary, you must have the power to do what you purport to have done to even make that recommendation. If you did not have it and in this case constitutionally, it means even any attempt to have that thing enforced, would fall flat on the face of anybody trying to enforce it. So, we just have to live with it as part of entertainment, *Gumzo Mtaani*, or *mazungumzo badala ya kazi*. Hon. Waruguru seems to enjoy that; *mazungumzo badala ya kazi*. Let us just go on with this.

Hon. Rachael, we will keep pursuing that.

Hon. Ochanda, do you have something on the same line?

Hon. Gideon Ochanda (Bondo, ODM): Thank you, Hon. Speaker. I have two things; one has largely been brought up by your observation and what was raised by Hon. Jude Njomo. We have mentioned and talked about some of the proposed legislation from the Senate. We have, many-a-times, wondered whether they really need to come to this House or they are matters that are supposed to be dealt with by the county governments. We have mentioned many of those issues here.

I wanted to note that when there are conflicts in the Executive, they have ways of sorting them out through some Executive Order. If there are conflicts across departments or if the placements of departments are in the wrong Ministries and stuff like that, there are ways of sorting them out. As Parliament, when something like this is on us and it is wrong, we really need to get a way on how to sort it out on our own. I do not know the kind of an arrangement that we have, but what is happening is really a problem.

Hon. Speaker, in as much as you are talking about these exhibitions, they cost a lot of money here and in the Senate. As we prepare the Budget for Parliament, there is a portfolio that we give to the Senate. I think there is a problem when we give the Senate a budget for purposes of exhibitions that needs to be sorted out. I do not know whether it is possible to have a sitting of the

Budget and Appropriations Committee to resolve this kind of a problem that we have in Parliament. There is also a bigger problem in the idea of Committees in the Senate and those of the National Assembly conflicting that we need to look at.

Secondly, I wanted some element of clarity from the Leader of the Majority Party in terms of the extension that we are talking about. He mentioned that we are not doing a Sitting but extension of the Sittings. I would like this to be clarified in relation to Wednesday morning sittings, when Private Members' Bills are debated. Does it mean that part of the evening on Wednesdays will now also be taking care of Private Members' Bills?

Thank you, Hon. Speaker.

Hon. Speaker: Absolutely. We have considered this. Ideally, we want to make sure that the House has expressed itself in one way or the other on the many Private Members' Bills so that they do not get lost. Some of them could easily get lost if they go beyond the two-year limitation. We will make sure that more Private Members' Bills are included, not just on Wednesday evening, but even on the other two evenings. We will try to strike a balance.

Let us go to Question No. 279/2021 by the Nominated Member, Hon. Gideon Keter.

An Hon. Member: He is not in.

Hon. Speaker: He is not there.

Next is the Member for Kathiani, Hon. Mbui.

ORDINARY QUESTIONS

Question No. 306/2021

DELAY IN PAYMENT OF SALARIES TO PART-TIME LECTURERS IN PUBLIC AND PRIVATE UNIVERSITIES

Hon. Robert Mbui (Kathiani, WDM-K): Thank you, Hon. Speaker. I rise to ask Question No. 306/2021 to the Cabinet Secretary for Labour and Social Protection:

- (i) Could the Cabinet Secretary explain the cause of delays in the payment of salaries to part-time lecturers in public and private universities over the past six months?
- (ii) What measures has the Ministry taken to ensure that the lecturers are paid their salaries in full without further delays?
- (iii) Could the Cabinet Secretary take decisive measures to permanently address the financial woes facing these part-time lecturers?

I thank you.

Hon. Speaker: It will be replied to before the Departmental Committee on Labour and Social Welfare.

The next Question is by the Member for Meru County, Hon. Bishop Kawira Mwangaza.

Question No. 478/2021

CONSTRUCTION OF PUBLIC EDUCATIONAL INSTITUTIONS ACROSS THE COUNTRY

Hon. (Ms.) Kawira Mwangaza (Meru CWR, Independent): Thank you, Hon. Speaker. My Question No. 478/2021 is directed to the Cabinet Secretary for Education:

- (i) Could the Cabinet Secretary outline the measures in place to ensure construction of public educational institutions across the country are properly supervised by experts to ensure quality standards are met and that the safety of learners is not compromised?
- (ii) What plans has the Ministry put in place to repair old and dilapidated school infrastructure in Meru County so as to forestall their collapse?
- (iii) Could the Cabinet Secretary explain the criteria used by the Ministry to allocate and disburse infrastructure funds meant for public learning institutions in Meru County?

I thank you.

Hon. Speaker: The Question will be replied to before the Departmental Committee on Education and Research.

The next Question is by the Member for Sirisia.

Question No. 488/2021

ELIMINATION OF GENDER BASED VIOLENCE IN KENYA BY 2026

Hon. John Waluke (Sirisia, JP): Thank you, Hon. Speaker. I rise to ask Question No. 488/2021 to the Attorney-General:

- (i) Could the Attorney-General explain measures in place to ensure that the country is ready to meet the 2026 deadline with respect to elimination of Gender Based Violence, given the increased cases of domestic violence in the country?
- (ii) Could the Attorney-General also state whether the Government has undertaken any survey in the last five years regarding cases of GBV and what was the outcome?
- (iii) What is the status of implementation of the Presidential directive that the Government would invest about Kshs2.3 billion by year 2022 and a further Kshs5 billion by 2026 to help fight GBV and establish shelter for women and girls who are in dire need and vulnerable?
- (iv) Out of the amount stated in the Presidential directive, how much has been disbursed to Bungoma County and in particular to Sirisia Constituency?

I thank you.

Hon. Speaker: It will be replied to before the Departmental Committee on Justice and Legal Affairs (JLAC).

The next Question is by Hon. Godfrey Osotsi.

Question No. 490/2021

COMPLETION STATUS OF THE VIHIGA WATER SUPPLY PROJECT

Hon. Godfrey Osotsi (Nominated, ODM): Thank you, Hon. Speaker. I wish to ask Question No. 490/2021 directed to the Cabinet Secretary for Water, Sanitation and Irrigation:

- (i) Could the Cabinet Secretary provide a progress report on the current status of implementation and completion of each project component of the Vihiga Water Supply Project launched by the Cabinet Secretary in 2018?
- (ii) When is the project expected to be completed?

- (iii) Could the Cabinet Secretary further explain the plans in place to review funding to the project to cater for the critical component on last mile connectivity to households?

I thank you.

Hon. Speaker: It will be replied to before the Departmental Committee on Environment and Natural Resources.

For the second time, can we have the Question by Hon. Gideon Keter? He is absent. The Question is hereby dropped.

Question No. 279/2021

MEASURES PUT IN PLACE TO ADDRESS PSYCHOSOCIAL
AND STRESS-RELATED ISSUES AMONG POLICE OFFICERS

(Question dropped)

We shall now move to the second segment: Response to Statements. There is a response by the Departmental Committee on Transport, Public Works and Housing to a request by Hon. Baya. Who is responding?

(The Speaker consulted the Clerk-at-the-Table)

Sorry, it is a Statement by Hon. Baya.

REQUEST FOR STATEMENTS

EXPANSION OF MALINDI INTERNATIONAL AIRPORT

Hon. Owen Baya (Kilifi North, ODM): Thank you, very much, Hon. Speaker. I would like to make a request for a Statement regarding the expansion of the Malindi International Airport.

Hon. Speaker, pursuant to the provisions of Standing Order 44(2)(c), I wish to request for a Statement from the Chairperson of the Departmental Committee on Transport, Public Works and Housing on the expansion of the Malindi International Airport for purposes of tourism promotion.

Hon. Speaker, the tourism sector relies heavily on transport infrastructure in order to thrive in both the domestic and international tourism market. The Malindi tourism circuit includes areas of Vipingo, Mnarani, Takaungu, Kilifi, Watamu, Mayungu, Malindi and Mambrui that all rely on the Malindi International Airport to boost international tourism business. The sector urgently requires an upgraded airport in order to attract more international airlines flying directly between Malindi and various destinations and source markets.

Hon. Speaker, the Malindi tourism circuit business continues to suffer due to the limited size of the Malindi Airport. It is on account of these concerns that I seek a Statement from the Chairperson of the Departmental Committee on Transport, Public Works and Housing on the following:

- (i) Within which timelines shall the Ministry of Transport and Infrastructure, takeover the land that was compulsorily acquired for the expansion of the Malindi Airport and duly compensate the affected home owners under the expansion programme that stalled over four years ago?

- (ii) Within which timelines shall the Ministry upgrade the airport to passport control standards to allow direct flights from tourism source markets?
- (iii) Within which timelines shall the airport runway be upgraded and expanded to increase business at the airport?
- (iv) Within which timelines shall the Ministry allow Ethiopian Airlines, Alitalia and other international airlines to fly directly to Malindi Airport in order to boost tourism business?
- (v) Does Kenya Airways intend to inaugurate direct flights from Milan, Rome, Berlin and other key tourism source markets to Malindi Airport?

I thank you, Hon. Speaker.

Hon. Speaker: The Chairperson of the Departmental Committee on Transport, Public Works and Housing. Who is the Vice-Chairperson? The request will be channelled through the Office of the Leader of Majority Party.

The next request is by the Member for Moyale, Hon. Qalicha Gufu.

SUPPLY OF WATER TO MOYALE TOWN

Hon. Qalicha Wario (Moyale, JP): Thank you, Hon. Speaker for giving me the opportunity to request for a Statement regarding supply of water to Moyale Town.

Hon. Speaker, pursuant to Standing Order 44(2)(c), I wish to request for a Statement from the Chairperson of the Departmental Committee on Environment and Natural Resources regarding water projects meant for water supply to Moyale Town in Moyale Constituency.

Hon. Speaker, Moyale Town has been experiencing water challenges since independence and according to the 2019 Population Census, Moyale has registered a population of over 400,000 people. Water problems have hindered investors, business enterprises and economic development in the region and made the place inhabitable especially to even government employees who find it difficult to continue working in the area.

Hon. Speaker, the national Government of Kenya allocated Ksh.150 million towards Odda-Moyale Town water projects that connect water from Odda boreholes to Moyale Town, Hellu, Somare, Sessi, Manyatta Burji and Butiye locations. The Northern Water Works Development Agency a State Corporation in the Ministry of Water, Sanitation and Irrigation had received funds from the National Treasury in 2020 towards the cost of financing water projects in this region under different programmes for the FY 2020/21. However, Odda-Moyale project has stalled notwithstanding payment of the contractor.

Hon. Speaker, it is against this background that I seek a statement from the Chairperson, Departmental Committee on Environment and Natural Resources on the following -

- (i) Could the Chairperson provide report on the status of construction of the Odda-Moyale project as at November 2021, including how funds allocated for the project were utilised and the cause for its stalling despite funds being released to the contractor?
- (ii) Could the Chairperson explain the measures in place to ensure completion of the project?
and
- (iii) What measures is the Ministry putting in place to ensure that the residents of Moyale Town have access to clean and safe water?

I thank you, Hon. Speaker.

Hon. Speaker: The Chairperson of the Departmental Committee on Environment and Natural Resources. The Vice-Chairperson, Hon. Sophia is there?

Hon. (Ms.) Sophia Noor (Ijara, PDR): Thank you, Hon. Speaker. We will respond in two weeks' time.

Hon. Speaker: Very well. The third request is by Hon. Kipsengeret Koros.

PREPAREDNESS ON FOOD SECURITY

Hon. Kipsengeret Koros (Sigowet/Soin, Independent): Thank you, Hon. Speaker for this opportunity. I rise to request for a Statement regarding the Government's preparedness on food security.

Hon. Speaker, pursuant to the provisions of Standing Order 44(2)(c), I rise to request for a Statement from the Chairperson of the Departmental Committee on Agriculture and Livestock on the Government's preparedness with regard to food security that may be hampered by drought.

Hon. Speaker, as we are aware, the country is experiencing unusual and poor pattern of rainfall distribution. Further, there has been a delay on the onset of the short rains typically experienced between October and December of every calendar year. Additionally, weather focus reports from the Metrological Department indicate that the country shall experience below average rainfall which is unlikely to sustain, especially small-scale farmers who depend on rain for their farming activities.

Hon. Speaker, in reality, there is an impending crisis on how the country will respond to the demands of food, water and green pasture for the pastoralists. From experience, it has been worse and profound when the Government is unable to feed its citizens and provide fodder or pasture for pastoralists communities.

Hon. Speaker, it is against this background that I seek a Statement from the Chairperson, Departmental Committee on Agriculture and Livestock on the following:

- (i) What is the contingency plan in place by the Ministry to deal with the country's possible food shortages?
- (ii) What steps is the Ministry taking to equip the small-scale farmers with alternative farming methods or techniques like irrigation to avert food shortages due to lack of sufficient rainfall?
- (iii) Does the Ministry have any plans to provide farmers with drought resistant seeds?
- (iv) Has the Ministry set aside funds or budget to cushion its citizens against drought and famine?

Thank you, Hon. Speaker.

Hon. Speaker: The Chairperson, Departmental Committee on Agriculture and Livestock. The Vice-Chairperson is here.

Hon. (Ms.) Catherine Waruguru (Laikipia CWR, JP): Thank you, Hon. Speaker. We want to commit ourselves to a period of two weeks.

Hon. Speaker: Very well. Hon. Koros.

RESPONSE TO STATEMENTS

Hon. Speaker: There is a response to a request for a Statement by Hon. Sossion. Hon. Sossion, you gave an indication that a response had come.

Hon. Wilson Sossion (Nominated, ODM): Thank you, Hon. Speaker. I was assured by the Chair of the Committee, Hon. (Ms.) Florence Mutua that she has the report and I am ready to receive it.

Hon. Aden Duale (Garissa Township, JP): On a point of order, Hon. Speaker.

Hon. Speaker: What is your point of order?

Hon. Aden Duale (Garissa Township, JP): On a point of order, Hon. Speaker. Last week on Wednesday, you were not on the Chair but the Deputy Speaker was. This is a matter of great national importance on the drought that is ravaging northern Kenya, which you must have seen on television. There is loss of lives, people's lives are in danger and carcasses are everywhere. I sought a Statement from two Cabinet Secretaries: the Cabinet Secretary for the National Treasury and Planning and his counterpart, the Cabinet Secretary in charge of Special Programmes and Gender. Because of the magnitude of the issue, the Deputy Speaker asked the two Committees: the Departmental Committee on Administration and National Security and the Departmental Committee on Finance and National Planning to summon and give the feedback to the House by yesterday, Wednesday, 17th November 2021. I am still waiting for summons so that I can present myself before the two Cabinet Secretaries.

Secondly and more fundamentally, I also sought a Statement two months ago on the Capital Markets Authority and issue to do with Cytonn where millions or thousands of Kenyans lost their money. The same Cabinet Secretary for the National Treasury and Planning is yet to appear before that Committee.

Hon. Speaker, I also sought a Statement two months ago, I am yet to get it, from the same Cabinet Secretary on the Kenya National Bureau of Statistics' late presentation of various economic survey reports that are used by stakeholders including the National Treasury.

The people and region I represent and as the patron of the pastoralists, livestock and livelihoods are lost. As we speak, the projection on the rains is very bad. Because the President declared a national disaster, Ksh2 billion was allocated but nothing is on the ground. I asked the Cabinet Secretary to give us the statistics per constituency. The Chair of the Departmental Committee on Administration and National Security undertook, with the Vice-Chair of the Departmental Committee on Finance and National Planning, to provide the Statement.

Hon. Speaker, I want you to guide this House that the Cabinet Secretary for the National Treasury and Planning, who is busy with politics should come back to this House and answer our Questions. He has no choice. He can play his politics but the people he purports to represent in the future are dying. I do not know if they will even vote. Their livelihood is finished.

Hon. Speaker, I need your direction because I waited for the Statements on Wednesday and today. The people I represent can see and hear, the Cabinet Secretary should give us statistics of how food, water, animal offtake by the Kenya Meat Commission and animal feeds component are distributed in that region.

Hon. Speaker: Did you say Hon. Mwathi gave an undertaking?

Hon. Peter Mwathi (Limuru, JP): Thank you Hon. Speaker for giving me a chance to respond to that issue. I thought he would have dealt with the Statement that was ready to be issued. Nonetheless, I stood and sought direction from the Deputy Speaker regarding the reference of that matter to two departmental Committees and the Deputy Speaker, who was in the Chair, gave clear direction that that matter will be dealt with by the Departmental Committee on Finance and National Planning.

Hon. Speaker: Where is the Chair of the Departmental Committee on Finance and National Planning? The Chair of the Departmental Committee on Finance and National Planning and Hon. John Mbadi are conspicuously absent. Do they have something in common?

Hon. Members: Yes.

Hon. Speaker: The Vice-Chair of the Departmental Committee on Finance and National Planning, Hon. Waihenya Ndirangu, Member for the “royal suburbs”. That matter should be taken by the Leader of the Majority Party. Was it for Hon. Duale to appear before the Committee alongside the Cabinet Secretary? Is the Cabinet Secretary scheduled to appear before any Committee?

(Several Hon. Members spoke off record)

An Hon. Member: They are busy campaigning and this is a matter of life and death.

Hon. Speaker: Let summons be issued for the Cabinet Secretary to appear before the Committee on Wednesday, 24th November 2021 in the morning at 10.00 a.m.

(Applause)

Hon. Florence Mutua.

CAUSES OF SCHOOL UNREST IN THE COUNTRY

Hon. (Ms.) Florence Mutua (Busia CWR, ODM): Hon. Speaker, pursuant to Standing Order No.44(2)(c), Hon. Wilson Sosion had requested for a Statement regarding schools unrest in the country. We forwarded the same to the Ministry of Education. I beg to give the response as follows. It is a long read and I will ask the Members to bear with me.

Hon. Speaker: Take the highlights. In any event Hon. Sosion has a copy of the response.

Hon. (Ms.) Florence Mutua (Busia CWR, ODM): The first question was, in view of the proper governance structure in existence in managing schools in the education sector in general, what are the causes of the ongoing unrest in schools across the country?

The response is that the causes according to various taskforces and field reports can be grouped into two: school-based factors and other factors.

The school-based factors:

- (a) Congestion in classrooms and dormitories. This could be attributed to the 100 per cent transition policy and the increasing population.
- (b) Communication breakdown between students and the administration. Unrest could be a way of communication about underlying irritabilities. Poor communication channels promote violent expression of students’ needs.
- (c) Drugs and substance abuse in schools. This requires a multiagency approach to address effectively. Causes of students being under the influence of drugs and engaging in destruction of school property has been reported.
- (d) School administrative styles. Stringent administrative tendencies could be viewed as oppressive by students today who are mainly used to unlimited freedom in their homes under parents. This could be a major cause of resentment to administration.
- (e) The congested school calendar.

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(f) Reduced extra curriculum activities. Due to the COVID-19 Pandemic, interschool activities were suspended. This denied the learners who are gifted in various areas and fields an opportunity to engage and interact outside the school environment besides occasionally allowing the whole school ease of pressures beyond the confines of the school.

(g) Inadequate guidance and counselling services. Many schools lack professional counsellors.

On other factors:

- a. The negative influence of the media, television and social media that tend to glorify violence. The modern student has easy access to information from the mainstream media and social media and this has on certain occasions had a negative influence on the modelling.
- b. Poor school community relationship.
- c. Poor parenting. There is an element of poor role modelling in school children due to parental negligence and absconding of this social duty on the assumption that it is being handled by the teacher.
- d. Insensitivity to a changing society. The school managers and teachers may be insensitive to the emerging trends in behavioural adaptation of students. There is therefore a possibility of conflicting approaches in addressing behavioural correction by teachers.
- e. Poor role models. Many students have experienced gaps in role modelling and draw support from media and peers. Children are crying out for someone to guide them. The father figure is absent in certain cases. This Kenyan society is patriarchal in nature. Therefore, if leadership is absent from fathers, confusion is eminent. That might explain why over 70 per cent of the unrests are reported from boys' schools.
- f. Peer pressure.
- g. Inadequate school inspection services. Due to inadequate capacity to offer inspection services, it is likely that precipitating triggers of unrest are not detected on time thus failing to arrest them before they occur.

We also have the teacher factors. The law seems to protect the child even in criminal behaviour thereby making teachers hesitant to carry out disciplinary measures. This is made worse by parents who are overprotective of their children. It is not uncommon to hear a parent remark that their child is innocent even when the school has evidence of misconduct.

The second question was: What practical measures the Ministry of Education is pursuing in addressing the current spate of unrest in schools. The response is that the Ministry of Education, together with other State agencies, education managers and school administration, is pursuing the following actions to address the current spate of unrest:

In the short-term, action has been initiated against schools' unrest which include:

- (i) Three hundred and two arrests have been made between January and November, with 126 cases recorded in November 2021 as at 11th November 2021.
- (ii) Forty-one suspects have been arraigned in court as at 11th November 2021.
- (iii) Boards of Management (BoMs) have been directed to convene urgent meetings and put in place modalities of ensuring enhanced school safety.

- (iv) The county security and intelligence committees have been directed to convene meetings with education stakeholders in the various counties to discuss matters of schools' unrest and a circular has been issued by the Ministry of Education to field officers to liaise with school administration and the National Government Administration Officers (NGAO) to improve management of safety and security in schools.
- (v) There has been closure of affected schools to pave way for investigations and cost assessment of damages to schools in accordance with Regulations 35 and 36 of the Basic Education Regulations, 2015.
- (vi) Conditional readmission of students in the affected schools in a bid to pick out those who are involved in the unrest for necessary disciplinary actions.
- (vii) Controlled transfer of students to stem out movement of undisciplined students from one school to another.
- (viii) Schools have been instructed to double the number of teachers on duty, especially at night in boarding schools.
- (ix) Strengthening of guidance and counselling.

In the medium-term to long term, the Ministry of Education, working in concert with other stakeholders, will pursue the following actions to help avert further occurrence of unrest:

- (i) Holding stakeholders' forum led by regional and county level coordinators of education to address schools' unrest.
- (ii) Enhance monitoring of the current situation to avert any further escalation of arson incidences.
- (iii) Resumption of the school co-curricular calendar.
- (iv) Ensuring that there is flexibility in school programmes and tenable demands of the learners are addressed by the school administration.
- (v) Fast-tracking of the court cases and securing convictions in all cases involving incitement and destruction of school property.
- (vi) Enhance Closed-Circuit Television (CCTV) coverage in schools by exploring ways of making the Information Technology (IT) solution affordable to schools.
- (vii) Engage the relevant State agencies to provide for recruitment of additional teachers to address the existing shortage.
- (viii) The Government to address the level of congestion in tuition and boarding facilities progressively.
- (ix) The Ministry recommends structured courses for institutional heads to be trained on managerial and leadership skills on a regular basis.
- (x) Enhance sensitisation on drugs and substance abuse policy in schools while at the same time, work with players in the security sector to curtail availability of drugs.
- (xi) Recruitment of professional counsellors to schools.
- (xii) Schools to establish welfare committees comprising of teachers, non-teaching staff and students that will address both internal and external potential causes of unrest and improve school community relations.
- (xiii) Borstal institutions under prisons should only hold convicted students thus the need to address the issue of criminal indiscipline.
- (xiv) Education correctional institutions envisaged by the Board of Educational Affairs (BEA), 2013 need to be established where student suspects can continue learning as they await verdicts. They also do not cover secondary education.

- (xv) The country needs to fully and critically examine the place of boarding schools going into the future.

The final question was whether the Ministry has involved all relevant stakeholders in addressing and mitigating past and present occurrences of unrest in schools. The response is that to address the issue of schools' unrest, the Government has, in the past, appointed taskforces which include the Claire Omollo Taskforce, the Davy Koech Taskforce and the Naomi Wangai Taskforce. In the course of undertaking the functions assigned to them, the taskforces engaged with all stakeholders. The Ministry compiled the recommendations of these taskforces for action and implementation in 2013. Therefore, the Ministry has engaged with relevant stakeholders and the recommendations touch on policies, legal, research and monitoring, financing, teachers and schools. The implementation of the recommendations is at various stages.

I have a very clear matrix showing the level of the recommendations. As a Committee, we urge the Ministry of Education to ensure that most of these recommendations are acted upon quickly, so that we can have sanity in the sector.

Thank you, Hon. Speaker.

Hon. Speaker: Let us have Hon. Sossion.

Hon. Wilson Sossion (Nominated, ODM): Thank you, Hon. Speaker. I thank the Chairperson and the Ministry for availing this Report within seven days. The responses are extensive and satisfactory, but there are a number of glaring issues that this House needs to move further on.

On the basis of this Report, the House should take further action because the matter of schools' unrest has been very repetitive since 2008. Why do they only burn dormitories? We had two cases over the weekend at Jamhuri High School and Kerugoya Girls High School, where they only burned the dormitories. Why is it only dormitories? This has not been touched in the Report. I would have wished that the Report also touched on other emerging issues because it is referenced on the activities of previous taskforces.

The other issues are to do with policies that are conceived without proper consultations like delocalisation of principals, which has affected quite a number of schools. It is an issue that needs to be examined further. I welcome the clear analysis that day schools have done well. If you look at what is happening across the country, we have not had any reported incidents in day schools. Looking at the cumulative value addition of the implementation of the reports, 70 per cent of high school students are in day schools. The issue of looking at the future of boarding schools becomes extremely collective.

Admission of the effect of the 100 per cent transition is an indictment on the Ministry. It accepts excessive admission numbers resulting in congestion in dormitories and poor boarding services which lead to these direct actions from students. Could this have been avoided by engaging in proper preparation of boarding services in our schools? It could be about the quality of boarding services. For those of us who have done child psychology, if you see students burning dormitories, it means there is something wrong in there.

I am attracted to the very extensive matrix of the Ministry of Education, and particularly the recommendation that boarding services should be outsourced, so that they are of high quality and standards. They should be delinked from other aspects of school management. The matrix indicates that it has not been acted upon. If, indeed, it was a recommendation, why was it not acted upon?

The recommendations and the direction are good, but the House can take advantage of the Report and further audit the affected schools with respect to the matrix, so that we can help the Ministry.

Hon. Speaker: You are now debating the Report. There is no need for debate. You just needed to highlight this and the other. You will take the whole afternoon.

Hon. Wilson Sossion (Nominated, ODM): Hon. Speaker, considering the gravity of the matter...

Hon. Speaker: It does not matter. Not when I am on the Chair. That is in breach of the rules. The rules do not have that thing you are calling “gravity”. It is just to make comments and if there is anything that is not clear; if there is something which is not clear, try to find out from the Chair.

Hon. Wilson Sossion (Nominated, ODM): Hon. Speaker, I think I have made very extensive statements on the same. I stand guided, Hon. Speaker.

Finally, I recommend that the Committee further takes action on this with respect to certain items on the matrix that have not been acted upon. If this is done, we should be able to stop this cycle of waves of strikes in our schools.

Hon. Speaker: Hon. Members, I would not wish to encourage debates on Statements that have been read. It should just be a comment here and there. Hon. Pukose.

Hon. (Dr.) Robert Pukose (Endebess, JP): Thank you, Hon. Speaker. Listening to the Chair, it is a comprehensive Report. But when you look at some of the recommendations, I think it would have been good to question them. When you talk of issues like outsourcing of catering services yet you find that even paying fees by many of these students is a problem even with the bursary that we give, many of them are feeling challenged. Parents are not able to pay for that. So, when a ministry makes a recommendation like delinking education from catering services, are they really being realistic? Not all parents can afford outsourcing such services like catering.

The second issue I wanted to seek clarification on or make a comment on is students burning only dormitories. I was listening keenly. I wanted to find out where they get fire from. Are they using petrol? How does this fire get to the school? You talked of external and internal factors. Among the external factors, are there people who have been arrested for taking fire to schools? That bit is what I would also want to find clarification on.

Hon. Speaker: Of course, I imagine that what you are raising can only be responded to with specifics, namely, incident and school, traces of petrol or some other suchlike substances were found. It cannot be generic. It may all be that in others, maybe it is those students and other people who engage in smoking that could even have provided the fire.

(Laughter)

Hon. Wangwe.

Hon. Emmanuel Wangwe (Navakholo, JP): Thank you very much, Hon. Speaker. I want to commend that comprehensive Report. But how do we move forward? My suggestion is that the House seizes this Report and works on it. It should come back to us as a full report of the Departmental Committee on Education and Research. Thereafter, it should be handed over to the Committee on Implementation, so that we follow up with good recommendations to understand whether the Ministry will have implemented the solutions to the problems as laid down in the Statement.

Therefore, I am seeking that the Committee takes it up and writes a full report, so that we can have it in the House as a whole.

Hon. Speaker: Very well. Hon. Oundo.

Hon. (Dr.) Wilberforce Oundo (Funyula, ODM): Thank you, Hon. Speaker. I must commend the Chair of the Departmental Committee on Education and Research who happens to be the Woman Representative for my county, for bringing a comprehensive Report in this House on a very touchy issue of school fires in the country. I must go on record that my constituency of Funyula has had two devastating fires. Five dormitories at Sigalame High School have been torched in a spate of three months. Two dormitories have been torched at Namboboto Secondary School.

While the Report is fairly general, it gives far-reaching recommendations. I totally agree with the Whip of the Majority Party that the Committee needs to go beyond the Statement, seizes the matter on its own volition and accord, investigates even in form of a petition and reviews these cases thoroughly. The most disappointing case is that many times when these fires happen, security organs do not move with speed to analyse in details what caused the fire, and what fuel fuelled the fire. Many times, if we are able to find out what the agent was, we can then connect the dots up to the point where it was supposed to have been.

Honestly speaking, it is a matter that we must as a country address. We are literally bringing up criminals, sorry to use the word. These criminals are coming from our homes. Our homes have become a breeding ground for criminals. If as a country we do not seize this matter and nip it at the bud and solve it now, we are creating a dangerous society that is going to be destroyed in the years to come. I totally agree that it is a point we need to look at.

There are very many issues which, unfortunately, have not been covered in the Report. Some have been glossed over. They need a thorough review. I sincerely support and request the Committee to seize the matter and deal with it. Look at the relationships between the principals and the teachers. What is the relationship in respect of the issues of contracts and tenders in schools that is also fuelling animosity to a point that the children are just being used as scapegoats? They are being used as pawns in fairly elaborate wars, which they are not part of. It is a matter that has hurt me so much. I can speak about it the whole day. I hope a process has begun. It is a matter that we can bring to the table for national discourse and debate.

Hon. Speaker: Remember that it was a Request for a Statement. So, it is up to the Committee. Hon. Florence Mutua, it is up to you as a Committee to see whether, given that response or comprehensive Report as it is, there are issues that you think you can, as a Committee, take up and even make a report that you could table before the House. We cannot debate that which is just a response from a Ministry. Hon. Florence Mutua, you think there is something you can do?

Hon. (Ms.) Florence Mutua (Busia CWR, ODM): Thank you, Hon. Speaker. I thank Members for their comments. As a Committee, we are ready to take it up as Hon. Wangwe has said, so that we can come up with a comprehensive report on this very urgent issue. Also, we will have to look at the issues that have been raised by Hon. Sossion on why it is only dormitories that are being burned and who brings the fuel. These are things over which we need to sit down as a Committee and agree on how we are going to get the facts and table a report.

Hon. Pukose, about the suspects, I only got the numbers of the people arrested. I am not so sure who these people are. So, we will dig deeper as a Committee and know who the 302 suspects are.

Hon. Speaker: Well, of course, Hon. Oundo raised the issue that security agencies are not always available when the fires happen. What crossed my mind is the efficiency that has been

demonstrated by the security agencies today by nabbing three escaped convicts. Hon. Duale suggests that you have to confirm the identities of those who have been arrested and those who escaped, so that you do not arrest the wrong people.

(Laughter)

Hon. Pukose is saying that some peasants in Kitui may have been arrested. We only hope that they did not arrest poor peasants. Maybe they are doubles. This one is over. It is not debate. This House operates on rules. It is getting to 4.30 p.m. and we still have not gone to business. Remember this House represents the people and legislates on behalf of the republic. You know the others participate. You have an onerous task of legislating and not to just participate.

STATEMENT

BUSINESS FOR WEEK COMMENCING 23RD TO 25TH NOVEMBER 2021

Hon. Amos Kimunya (Kipipiri, JP): Hon. Speaker, pursuant to provisions of Standing Order No.44 (2)(a), I rise to give the following Statement on behalf of the House Business Committee which met on Tuesday, 16th November 2021, to prioritise business for consideration: Just to reiterate, as Members are aware, we are in the Third Part of the Fifth Session of the 12th Parliament. In this regard, the remaining time is constrained in comparison to the pending business. Consequently, we resolved...

(Hon. Peter Mwathi walked out of the Chamber)

Hon. Speaker: Leader of the Majority Party, I am just wondering whether the Chairman of the Departmental Committee on Administration and National Security is right to walk out when the next business obviously touches his Committee. Surely, that business on citizens' registration. Maybe, he has not looked at the Order Paper.

Hon. Amos Kimunya (Kipipiri, JP): He says he has delegated.

Hon. Speaker: To Hon. Aduma?

Hon. Amos Kimunya (Kipipiri, JP): Yeah.

Hon. Speaker: Okay.

Hon. Amos Kimunya (Kipipiri, JP): Consequently, we resolved during the last meeting that we will consider revising the Calendar. I thank Members for having accepted our recommendation and passed the Motion which we did earlier. I also wish to reiterate that the House needs the assistance of the Committees' chairpersons and Members in expediting the pending business.

In this regard, I urge all Committees to finalise on their reports which are critical to enrich debate at Second Reading. It is almost becoming the norm that the House proceeds to debate Bills without the benefit of the Committees' input, which is certainly not in the spirit of our Standing Orders and the procedures of this House. As we speak, there are quite a number of Bills that are scheduled, but we are yet to receive reports from the relevant committees.

Hon. Speaker, on Tuesday, 23rd November 2021, the House is scheduled to consider, at the Committee of the whole House, the Senate Amendments to the Public Private Partnerships Bills

(National Assembly) Bill (No.6 of 2021). The House will also continue with consideration of the following Bills at the Second Reading:

- (i) The Asian Widows and Orphans Pensions (Repeal) Bill of 2021.
- (ii) The County Governments Grants Bill (Senate Bill No. 35 of 2021).
- (iii) The Provident Fund (Repeal) Bill of 2021.
- (iv) The Coffee Bill (Senate Bill No. 22 of 2020).
- (v) The Mediation Bill of 2020.

In accordance with the provisions of Standing Order No.42A 5 and 6, I wish to convey to the following Cabinet Secretaries our schedule to appear before departmental committees as follows:

- (a) The Cabinet Secretary for Lands is scheduled to appear before the Departmental Committee on Lands on 24th November 2021 to respond to:
 - (i) Question No.343/2021 by Hon. Simba Arati regarding the ownership details of parcels of land occupied by Kilimani, Milimani and Kileleshwa primary schools in Nairobi City County.
 - (ii) Question No.350/2021 by Hon. Moses Kirima on the demarcation of boundaries between Tharaka Nithi and Meru counties along Central Imenti and Tharaka constituencies as recommended by the Interim Independent Boundaries Review Commission in November, 2010.
 - (iii) Question No.353/2021 by Hon. Babu Owino regarding the ownership status of parcels of land No.334 and 4422 which had been set aside for public use in Embakasi East Constituency.
 - (iv) Question No.420/2021 by Hon. Godfrey Osotsi regarding the ownership status of parcels of land within Mautama Settlement Scheme in Lugari Constituency.
 - (v) Question No.433/2021 by Hon. Ali Wario regarding the details of the Nairobi Ranching Company Limited, in Chara, Kipini and Witu areas of Tana River County including land owned by the company and the date of acquisition.
 - (vi) Question No.411/2021 by Hon. Rahab Mukami regarding the progress on realisation of the Big Four Agenda with respect to affordable housing.
 - (vii) Question No.461/2021 by Hon. Florence Bore regarding the ownership status and the total acreage of land occupied by Bomas of Kenya Limited in Lang'ata Constituency, Nairobi County, and compensation status for compulsory acquisition.
 - (viii) Question No.461/2021 by Hon. Bady Twalib regarding the circumstances surrounding sudden blockage of Muganda Road CR666811 in Jomvu Constituency.
- (b) The Cabinet Secretary for Environment and Forestry is scheduled to appear before the Departmental Committee on Environment and Natural Resources on 25th November 2021 to respond to Question No.416/2021 by Hon. (Dr.) Robert Pukose regarding stoppage of the *shamba* system in various forest establishments in the country.

Hon. Speaker, the House Business Committee will reconvene on Tuesday, 23rd November 2021, to schedule business for the rest of the week.

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

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

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

Hon. Aden Duale (Garissa Township, JP): Hon. Speaker, I want to thank the Leader of the Majority Party for that comprehensive Statement.

There is a Bill, and you need to help us, by the Member for Nambale, Hon. Sakwa Bunyasi, on managing the public debt and establishing an autonomous public debt management authority which will be independent of the National Treasury. I indulge you that that Bill, which is a Private Member's Bill, is among the few Private Members' Bills that you said are very important.

I have been following the tracker of the National Assembly in the last two years and I do not know why somebody does not want to bring that Bill. I kept asking Hon. Sakwa and I really want you to guide us on when that Bill will come, so that we can start the Second Reading next week. It is a Bill that will help this country manage its debt and establish an autonomous authority.

Hon. Speaker, you have been the Chairman of the Public Investments Committee (PIC). This is something that happens in other jurisdictions. The problems we are facing as a country need an independent autonomous authority to manage public debt. I ask you, maybe, in the next House Business Committee, that that Bill be fast-tracked. It is important not only to the Member, but also to this House as we go on our last few months before the end of the 12th Parliament, so that we can go into history as a House that dealt with many issues under your leadership. This Bill is very critical.

Hon. Speaker: Leader of the Majority Party.

Hon. Amos Kimunya (Kipipiri, JP): Indeed, the Bill is very important. It is a very well drafted Bill, but it has two pending processes. The first one is that we are yet to get concurrence from the Senate that it does not concern counties. The second one is that the Committee report is also pending. It was done in 2020, but those two processes are pending. We need to get concurrence and consultations from the Senate. That is why I was appealing to Committee chairs to go through some of those things. Let us have the reports, especially on a critical Bill like that, so that we are not told that there was no public participation. That is the only reason it is not on the Order Paper.

Hon. Speaker: Have we done the communication to the Senate?

Hon. Amos Kimunya (Kipipiri, JP): It is being followed. It is on my tracker. As of today, it is showing that that concurrence is yet to be received.

Hon. Speaker: Yes, Hon. Duale.

Hon. Aden Duale (Garissa Township, JP): Hon. Speaker, the Leader of the Majority Party cannot have his cake and eat it and Hon. Wanyonyi will agree with me. Yesterday, the same Leader of the Majority Party was insisting that we start debating a Bill from the Senate on county grants before the tabling of the report of the Committee. We are now being told that the Bill has been around for the last 18 months. Hon. Bunyasi will agree with me on this. First, I have not seen the concurrence. The concurrence of the Senate is a function at the Speaker's Office and it does not go to all Bills. This is a Bill within the reading of Article 109 and hence it can originate here. Secondly, a committee cannot keep a Bill for more than a year. We cannot stop some Bills from being debated. Yesterday, under the guidance of Hon. Deputy Speaker, having realised the magnitude of the County Governments Conditional Grants Bill, allowed the Chairman to move, to be seconded and then said, "until the Committee report is tabled".

Hon. Speaker, you have to give us direction as our Speaker. Why is this Bill in the corridors of Parliament? It is a Private Member's Bill. If you look at the Wednesday's chronology, my own Bill, which was done around May this year, was on Order No.15 or 16. This Bill has been published and read for a Second Time. The last page on the Memorandum of Objects and Reasons indicates whether the Bill concerns counties. Why are we talking about concurrence of the Senate? Let us

not split hairs here. Please, help us. Let us debate this Bill and let us form that independent debt management authority. Let us help this country manage debt. That is why we are here.

Hon. Speaker: Provisions of Article 110(3) of the Constitution provide that before a Bill is considered before any House, the two Speakers shall resolve any question as to whether it is a Bill concerning counties or not. While it may be stated in the Memorandum of Objects and Reasons that it does not concern counties, but unfortunately you are all aware of the High Court decision on these matters. That is what we do to literally every Bill including the obvious ones like the Finance Bill and the Appropriation Bill, which you all know does not concern counties because counties have their own Appropriation Bills. You know they are 47 and, therefore, a national Government Appropriation Bill can never concern counties. Article 165 of the Constitution provides that the final interpretation of the Constitution is vested in the Judiciary. The Judiciary is the armour of things including... You know an Appropriation Bill is purely to allow Government to withdraw funds. There is no way it can concern counties because they have their own Appropriation Bills and Acts.

(An Hon. Member spoke off record)

It is true, but the Judiciary has said that you must also seek concurrence on that one. Article 110(3) provides that the two Houses resolve any question as to whether it is a Bill concerning counties. In fact, some of the Judicial officers, whom I have a lot of respect for, have clearly ruled that a question must arise because that is what Article 110(3) presupposes, that a question must arise. If no question arises, then there is nothing for the two Speakers to resolve. This happens because you know they did not go to the same schools. There is another group, which was brought from outlying stations, that did not read this and they made that determination. We respectfully disagree. Nevertheless, we obey. They have said that we need to resolve. In fact, the Leader of the Majority Party talked about concurrence, but the Constitution does not talk about concurrence. It is just the resolution of any question as to whether it concerns the counties.

Hon. Sakwa Bunyasi, you could tell us because I am aware and have actually read your Bill. I, however, cannot remember where exactly it is.

Hon. Sakwa Bunyasi (Nambale, ANC): Hon. Speaker, let me get my mask on. Thank you, Hon. Speaker, for giving me this opportunity. I want to thank the Member of Parliament for Garissa Township for getting sufficiently concerned to raise this matter. I appreciate that.

I have been following up on this Bill fairly frequently, the last time being yesterday or the day before. The Departmental Committee on Finance and National Planning had not yet finalised the report. I was told that they are still waiting for comments from the Central Bank of Kenya. It surprised me a bit. The last time we had a public participation meeting, we met various agencies, but the Central Bank of Kenya did not show up. We had the National Treasury and Planning, the Institute of Certified Public Accountants of Kenya (ICPAK) and many others. That is at least three months ago, but I probably have to get the correct date. The delay in finalising the report is because they are waiting for the Central Bank of Kenya to come in. The Central Bank of Kenya is an interested party in the sense that we would reduce their fiscal revenue because of the provisions of the Bill. They probably would not be excited to come, but it does not conflict with their core mandate as the Central Bank of Kenya. These are fiscal responsibilities that go to the Executive in the finance side. I think it would be really helpful for that to come before the House. There are many public interest questions that are in there.

Hon. Speaker, as you think through this and give us your feedback, there needs to be some service charter in the committees to also have a turn around on this report. Otherwise, the right of

Private Members is completely diminished. We are here to pass Bills by Government and Private Members and it is really frustrating when they are delayed. We do not have an open transparent system for saying it is too late or it is taking too much time. I really would urge the House leadership, including the Leader of the Majority Party and the Majority Whip who are here, to look into this.

In addition, this particular Bill is of tremendous interest to the country. It is contrary to what people fear and think that probably the Bill will gag the administration from incurring debt. It actually helps rationalise that process. It will make the process more transparent and provide rigorous analysis behind it. It will provide better book-keeping than it is being done, and more open record management. It will be easier for us to deal with the agencies that we work with. It is really a positive growth enhancing Bill.

Therefore, I would urge that we get it here.

Hon. Speaker: Hon. Sakwa, just for my information, has the Bill been read the First Time?

An Hon. Member: Even the Second Time.

Hon. Speaker: The resolution between the two Speakers has then happened. If the issues about Article 110(3) have been sorted out, then it is just the Committee to do public participation and bring their report to the House. Can we get an update on Tuesday from the Chairlady of the Departmental Committee on Finance and National Planning?

(Applause)

The Chair should begin to be a bit more serious. I do not know what happens. She has suddenly disappeared from the House. I made this plea on Monday that even as you do those other things, the business of the House must not suffer. There is a Vice-Chair, but let us get an update on Tuesday. Let the Clerk follow up with the Chair of the Committee. There may be no issue about 110(3) from what I am getting. We will get the report on it. I will urge that Hon. Sakwa Bunyasi also be present, so that whatever update we will be getting from the Committee, you can relate to what you have just reported to the House.

Next Order.

MOTION

ADOPTION OF REPORT ON LACK OF ACCESS TO CITIZEN REGISTRATION SERVICES

THAT, this House adopts the Report of the Departmental Committee on Administration and National Security on its consideration of a Public Petition by residents of Wajir and Garissa counties regarding lack of access to citizen registration services, laid on the Table of the House on Wednesday, 11th August 2021.

(Hon. (Ms.) Fatuma Gedi on 14.10.2021)

(Resumption of Debate interrupted on 14.10.2021)

Hon. Speaker: Hon. Speaker, the information that I have is that this Report had been moved. The Mover had moved and the Seconder was in the process, but has a balance of three minutes. The person who was seconding was Hon. (Dr.) Makali Mulu, who is not present, but wrote to me requesting that Hon. Aduma will proceed to take his three minutes.

Hon. Aduma Owuor (Nyakach, ODM): Thank you, Hon. Speaker. I want to take the three minutes to second the Report.

I notice that this Report was brought by my long-time friend, who must be very privileged because he is one of the few Members who have known Aduma for over 16 years. What the Member brought concerns the issue of registration of persons.

According to the Report, this is an issue that Members were concerned about. We looked at the Report and made very practical recommendations to intervene. We urge Members to join in and support the Committee. Implementation should be fast-tracked, so that people do not suffer from lack of amenities. We realise that without proper registration, people do not enjoy some of the basic amenities. They cannot get proper treatment in hospitals, proper bank services and they cannot enjoy education facilities in schools.

Hon. Speaker, I am also informed that even men who have attained the age of the Leader of the Majority Party cannot enjoy the basic conjugal rights because they are being discriminated upon and cannot marry. I urge that we support this Motion, so that people can enjoy these very basic needs. I have known the Mover of this Petition for a long time since I was in the Executive in Garissa Township. I have known Hon. Duale for that long and his privilege of meeting me made him enter this House and become a ranking Member ahead of me because for him to get access to *Baba*, he had to rely on me many times.

I support and second the Motion. This should be fast-tracked for the benefit of our people in Wajir and Garissa.

I second.

(Question proposed)

Hon. Speaker: Let us have Hon. Duale

Hon. Aden Duale (Garissa Township, JP): Thank you, Hon. Speaker. I support the Report of the Departmental Committee on Administration and National Security on its consideration of my public Petition by the residents of Wajir and Garissa counties regarding lack of access to citizen registration services on the basis of their fingerprints being captured within the framework and database of the United Nations High Commissioner for Refugees (UHNCR). When I brought this Petition, it was because of what a representative of the great people of Garissa Township had witnessed.

Hon. Speaker, for 60 years since Independence, can you imagine the citizens of this country in Garissa Town Constituency, in Lagdera, Ijara, Fafi, Dadaab and Wajir South constituencies have not been in position to access Government services including health, education and economic rights such as banking services and formal employment? Without an identity card, what can you do in this country? Nothing. Article 12 of the Constitution of Kenya provides that every citizen is entitled to the rights and privileges and benefits of citizens that include a Kenyan passport and any other documents of registration or identification issued by the State to its citizens. The Kenya Citizenship and Immigration Act of 2011 also provides for registration and issuance of identification documents to Kenyan citizens.

Consequently, my people have a constitutional right to be registered and issued with identification documents just like any other Kenyan. We have no apologies and we are going nowhere. These Kenyans by virtue of their livelihood in the 1990s following a severe drought just like what we are experiencing now, went to refugee camps to get basic livelihood services. In the camps, there was food, better education and health facilities found just within their neighbourhood

and borders of Kenya, and that is not a crime. I do not know what is going on in this country. There is a systematic plan and strategy to profile a certain community called the Somali in all the successive Governments.

We are telling those people that we are here to stay. We will not go back even if our fingerprints were captured. The UNHCR has invested resources, time and technology to prove to the Government of Kenya that these are Kenyans. They are people of Kenyan origin. However, it is very sad that my people lack registration and identification documents which resulted in them being registered in the refugee data mainly at Dadaab and Kakuma refugee camps, so that they could access services such as medical and education opportunities, but they have been left stateless without dignity in their own country.

Hon. Speaker, you can imagine children above 18 years old who cannot go to a university, and also cannot get gainful formal employment or even visit health facilities at night. Ladies who are married cannot take their children to hospital. This is an indictment. This is not what the Constitution 2010 and more so the Bill of Rights anticipated. This is the same government that is registering the Makonde and making them the 45th tribe of Kenya and giving them registration documents, but when it comes to Kenyans who were born and their fathers and mothers are known...

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

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

In the 2017 General Election, this was a campaign promise by President Uhuru Kenyatta and I want to thank him because he asked for a taskforce to be established. It was done. They went to the ground with all the arms of security including the intelligence and the police. With the help of the chiefs and the elders, they verified close to 17,000 of these Kenyans to be given their rightful citizen documents. Some people somewhere between the Office of the President and the National Social Security Fund (NSSF) where the National Registration Bureau is established think that the people in these five constituencies do not deserve those documents. We are telling them “shame on you”. You must. It is a constitutional right. We are not begging.

However, now we are told the documents are ready. They need to be given because of the campaign period again. They need to be given either by leaders of certain regional parties, the Cabinet Secretary for Interior and Co-ordination of National Government or the President. We do not care who gives. Please hurry. You can take the whole government and do a ceremony but we want our children to get those documents. Please give our children those documents. They need them like yesterday. We thank this Committee and this House. We thank the National Registration Bureau and the taskforce. This House must act and must act now.

I support.

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

Hon. Mohamed Duale (Dadaab, KANU): Thank you very much, Hon. Temporary Deputy Speaker, for giving me this opportunity. As a person who represents Dadaab Constituency and a resident of Garissa Town, I thank the person who brought this Petition, Hon. Aden Duale, on behalf of the resident of Garissa and Wajir counties.

It is very important for the Members of this House and Kenyans to understand what the issue is about. It is actually very important for us to mention that we cannot talk about this issue

without talking about how the Kenyans have ended up in the refugee database. What it basically means is that Kenyans have actually registered as refugees because when the refugees came, the services available at the refugee camp were good. There was food, shelter, water, education, health services and so many things. In 2006 the Government harmonised the refugee database with the National Registration Bureau database. Consequently, everybody who was in the refugee database who wanted to get an ID card could not access these cards. What this means is that for the last 30 years, the hosting communities have shared with the refugees whatever resource that came to the refugees and the refugees have shared with us our local resources. We have intermarried with the refugees and lived together harmoniously. Because of that, those Kenyans who ended up in the refugee database could not access their ID cards because their refugee database was harmonised with the national database.

Hon. Temporary Deputy Speaker, I want to tell you that we cannot even think of closing the refugee camps in Dadaab because over 70,000 Kenyans are in the refugee database who are actually part of the refugee population. Even as the Government thinks about closing the refugee camp, the issue of removing Kenyans from the refugee database has to be addressed before we actually think of closing the camp. In fact, I say the closure of these camps is with the Government of Kenya because for 30 years those people have lived with us. We have shared their resources. We have entered into their database. They have shared with us our local resources and consequently an integration has happened at the level of the county where the refugees are. Currently we are aware that about 20,000 people were vetted for removal from the refugee database but let me say that I believe there are over 50,000 Kenyans who are still in the refugee database and even if those people who were vetted are given ID cards and removed from the database, we still have many Kenyans who are in the refugee database who need to be looked at.

The Government of Kenya should consider like the case of Tanzania how to close this camp without always bringing deadlines. This is because if you were born in the refugee camp, you are 30 years old. If you came when you were 10 years old, you are 40 years old. If you came when you were 30 years old, you are 60 years old. Basically those people have nowhere else to call home. Unlike the case of Tanzania, we have a President. I think the Government of Kenya should even consider giving those refugees citizenship because of their long stay. Refugees have been taken to the United States of America, Europe and many other parts but Kenya has never accepted a refugee as a citizen of this country. You know very well the congresswoman in the USA, Ilhan, came through Hagadera Refugee Camp. The one-time minister for Immigration and Citizenship in Canada was once a refugee. These are people who have come from these camps. I am saying that if the refugees are also given an opportunity, they can contribute to the economy and welfare of this country and also enhance security.

With those many remarks, I support this Report and we hope that all those Kenyans in the refugee database will be removed so that they can get back their citizenship and they can actually integrate and get their rights as citizens of this country. I support. Thank you very much.

The Temporary Deputy Speaker (Hon. Patrick Mariru): Hon. Oundo, Member for Funyula.

Hon. Wilberforce Oundo (Funyula, ODM): Hon. Temporary Deputy Speaker, the issue of registration documents, specifically ID cards and passports for communities living along the border has been a troublesome issue in this country for many years. For many years, the national Government has deliberately profiled these persons and communities believing that they are not truly and fully hearted Kenyans. As my colleagues have said, because of this reason, these people have had nothing else to do to associate themselves with Kenya. That is why when you travel to

the North Eastern region, they always ask you “*habari ya Kenya*”. They profile you as *Nywele Ngumu* because our activities and actions since independence have demonstrated that they are not part and parcel of Kenya.

We thank the Committee for having listened and taken this Petition to its logical conclusion. I also thank the national Government for having heard the pleas of these persons who left their homes in search of basic subsistence and survival. This is because the records available indicate that life in refugee camps has always been far much better than lives of the surrounding community. So, it makes sense naturally to go to those refugee camps so that they can get a livelihood that befits their status as Kenyans. Probably it is an indictment on the successive governments that you cannot treat your own citizen as a second hand citizen and treat others as better citizens. Based on the Report of this Committee, I am encouraged. I might also have to bring a Petition especially for those of us who live along the border between Kenya and Uganda especially from Busia County. Naturally, we are one community. We have got homes standing between the two artificial boundaries that were created by the colonialists. They did not care that we have a shared heritage and shared names. Many of the names we have here are also found across. Many a times, it takes a lot of persuasion and a lot of noise for the registration clerks to even give IDs to people along the boundary.

Naturally, the men of Kenya tend to marry women from Uganda, and because our marriages are always by mutual consent, there are no much formalities that are by mutual consent because you smile and the lady smiles then the following day you talk, then you come and live together. About 20 years down the line, the lady has given you 20 children, all the children have IDs, but the lady has been denied an ID because she did not come through the normal process. She did not have a passport because in Uganda they do not have passports. She did not have an ID because she did not come through immigration. In any case, there are so many *panya* routes. We do not even call them *panya* routes; they just come and go so that it becomes a point.

As we speak now, as Members of Parliament we suffer every single day. The Government has Linda Mama Programme to assist the ladies or mothers during child birth where they are paid through National Hospital Insurance Fund, but because these women do not have IDs, they cannot be enrolled in the programme. So, it means that that other has to suffer, has to look for extra expense to cover maternity cost. In many cases where they end up with caesarean section we find that many mothers are losing their lives. If you profile or do proper statistics you find that these mothers do not have IDs because they are originally from Uganda, they have been with us for about 30 years, we must relook at this. How do we naturalise our people? By virtue of sharing a bed with a Kenyan man, that woman is more of Kenyan than even the man because, where we come from, we say relationships are straightened through two things, through the stomach and through the process that results in pregnancy. That should be strong enough to make a relationship and to make them Kenyans.

Thank you, Hon. Speaker, I support.

The Temporary Deputy Speaker (Hon. Patrick Mariru): Let us have Hon. Sophia Noor.

Hon. (Ms.) Sophia Noor (Ijara, PDR): Thank you, Hon. Temporary Deputy Speaker for giving me this chance to contribute to this very important Report. First and foremost, I want to support the Report of the Departmental Committee on Administration and National Security on its consideration of the public petition by the residents of Wajir and Garissa counties. Article 12 of the Constitution provides that every citizen of this country has a right, privilege and benefits of citizenship including getting certificates and documents of registration like birth certificates, identity cards, passports and other registration certificates like driving licence.

Kenya Citizenship and Immigration Act 2011 also provides for registration and assurance of identification documents to all Kenyan citizens. My people and particularly the youths from my constituency and other constituencies in the region have suffered a great deal. They have no registration. As you know, fellow colleagues who have contributed to this Report have said that most of the people from the region during the very bad drought of 1990/1991 when His Excellency then, declared state of emergency, communities lost their livelihoods and their lives. The refugee camps were newly established; all our people migrated and moved in the refugee camps just to look for basic needs like water, food and shelter. Along the line, their data was captured in the refugee database. That gave a problem to over 70,000 Kenyans who were recruited and captured in the refugee database. We have struggled as a community to advocate for their rights for many years. I want to appreciate particularly His Excellency the President who formed a taskforce and directed the Ministry of Interior and Coordination of National Government to immediately work on the citizenship of those Kenyans who were captured in the refugee database.

The United Nations and the Kenya Government sat together and some of us as Members of Parliament in this House were called for those meetings. We attended those meetings and as a result, today as we stand here, we have about 20,000 Kenyans who were vetted and removed from the database of the refugees. The documents are in the registration bureau here in Nairobi. This House, being a House of records should quickly rise up and help those communities so that those identity cards which are ready should be given to the owners so that they will be able to get the services as it is their right as Kenyans. It is shameful for a Kenyan citizen to be unable to get basic needs and basic rights like any other person. The person goes to the refugee camps just to get those services, be it food, shelter, education and health services but today, they are stateless. When you are stateless, you lose your self-confidence, your self-esteem. You cannot become a person of standards or experience free movement.

The Temporary Deputy Speaker (Hon. Patrick Mariru): Hon. Sophia, there is nothing wrong. It is just that your time is up. Hon. Fabian Muli.

Hon. Fabian Muli (Kangundo, Muungano): Thank you, Hon. Temporary Deputy Speaker for giving me this opportunity to add my voice on this recommendation of a very important Petition. If due diligence has been done about the people living in that refugee camp, they have a right to get their right document. The challenge we have in this country within the administrative system is that people at the boarder are frustrated. People who are within the country are frustrated for not getting their documents. To get documents like birth certificates, ID and passport will involve many cartels. To get a birth certificate in Kangundo, you have to travel 150 kilometers to Machakos Headquarters. We used to have headmen, sub-chiefs, chiefs, and they have the intelligence of people who were born there and people who have migrated there. People can receive their birth certificates through these administrative services.

In my constituency, we have gone ahead to build offices for chiefs and assistant chiefs. However, these offices are not being used for administration. The office of the chief in this country has only been used to mediate in cases of land disputes instead of giving administration services. The Ministry of Interior and Coordination of National Government needs to help citizens and help this country to grow economically because the Government cannot track their people without identification. The Government cannot do business with people who do not have documents. As you can see, our kids in Standard Eight, for them to go to Form One, they need birth certificates. Parents with their little resources are being forced to move every corner looking for this document which can be found in a chief's or assistant chief's office.

If due diligence has not been done then, I do not see why we call Kenyans refugees. What is happening in this country is that people are failing to get their basic rights like food and clothing. If they see an important place like a refugee camp, they go there. We know our people are facing challenges in getting their basic rights and these areas must have a chief and assistant chief with intelligence of where these people come from. So, we do not have any excuse that we do not know where they come from.

Due to the COVID-19 pandemic, young girls who are 16 years old have kids. That girl instead of getting a birth certificate is forced to look for food for her child and money to bribe so as to get a birth certificate. How do we feel as a country during this time when we cannot provide birth certificates to our people? I support this Report and urge that a birth certificate, ID and passport is a right for our citizens. They need to be given these documents without these challenges.

Thank you, very much, Hon. Temporary Deputy Speaker.

The Temporary Deputy Speaker (Hon. Patrick Mariru): Hon. Mohamed Sheikh.

Hon. Mohamed Mohamud (Wajir South, JP): Thank you, very much, Hon. Temporary Deputy Speaker. I stand to say there is some goodness on its way for these people who have languished in refugee camps due to various circumstances particularly, Kenyans who are unable to access their birth rights. Citizenship and birth rights are enshrined in Chapter 3 of the Constitution of Kenya. Therefore, this gives a condition to this country to provide their citizens with all documents that are required.

Having said that, the current circumstances in this Report and particularly, the Petition is indeed one that needs to be addressed. The matter has been lagging for many years. The current debate going around is about getting back the right of citizenship to Kenyans who languished in refugee camps, unable to access their birth right documents. This began during the time of the late President Moi and for these decisions to be undertaken, they went through various fights; in-fights, out-fights and other fights. Unfortunately, this was not good enough for the poor Kenyans.

It eventually ended during President Kibaki's era, since he gave some directives as well, that Kenyans should get their birth right and citizenship documents. Before I go back to the rationale, President Kenyatta took it from there; 10 years of President Kibaki, about 10 years of President Moi and now 10 years of President Kenyatta. This means we have been struggling to ensure Kenyans get their rights in about 30 years. The sad thing here is the bottlenecks, bureaucracy and political in-fights. There are individuals we know who have been fighting this process politically. It is worth ending the 30 years of generational trouble and unfortunate circumstances to those who have gone through this.

Having said that, my colleagues who discussed this in this House have talked about 50,000 people. Anecdotal information indicates that they are close to 100,000 people. I want to cite that I worked with UNHCR in 1994 and 1995 in Marafa Refugee Camp in Malindi and Utange in Mombasa. What I am saying here is that there are many people in Utange Mombasa, who are the indigenous people of Marafa in Malindi who have also faced similar circumstances because of this. This does not mean that those living at the periphery are the ones who are really touched.

If you go to Turkana, Kakuma has hosted refugees for many years: Sudanese, Eritreans, Ethiopians and Somalis. The local indigenous people face hardships in Kenya and the saddest thing is that this country barely thinks about its citizens during the current drought that is happening. So, people go to refugee camps for food and for the United Nations to take care of them because Kenya has failed to do so. Today, there is indication that similar things are happening in my constituency and you can see Dadaab Refugee Camp is flooded again. We neighbour Dadaab Refugee Camp

and my constituency hosts refugees. So, due to this drought people have lost their livestock and moved to the refugee camps again.

Chapter 119 of the Constitution gives the opportunity for citizens to get back their citizenship and birth rights. The unfortunate thing is that many political leaders were fighting this and some of them are crying wolf or shedding crocodile tears at this particular time. I am quite happy that my people are going to get their citizenship because we have fought enough. Also, the Government has eventually agreed to ensure that every Kenyan gets their citizenship and rights within this period of time especially those who have gone through hardship. I am quite happy and this must be fast-tracked and we should ensure that in the next few weeks ID cards are received by the young men and women who have waited for over 30 years to get back their birth rights again...

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

Hon. (Prof.) Jacqueline Oduol (Nominated, ODM): Thank you, Hon. Temporary Deputy Speaker and Hon. Ochanda for facilitating me to press the intervention button.

Right from the outset, I would like to thank the Committee and indicate that this Petition raises issues that are fundamental and must be addressed. The Report of the Committee has done justice. I say this because the Petition has very specific aspects affecting a particular category of people in terms of constituencies and region. This issue of citizen registration and the problems therein is largely affecting almost all quarters of the country.

In Siaya County, where I come from, specifically Alego Usonga Sub-County, we have similar issues like those mentioned by Hon. (Dr.) Oundo except his was about Uganda. We have all these young girls who up to this point do not have IDs. This is because of the system and the manner in which this is done, it does not enable them. Most of them have moved from one area to settle in a different one in marriage. It seems they get to a point where they have to get consent or information from their paternal parents, their fathers and this creates a problem.

Hon. Temporary Deputy Speaker, we find it is largely misunderstood when we try to get into issues of registration, unlike what is clearly indicated here, this is a right and a process that should automatically take place. It appears this requires to have some added ways of either motivating or making special arrangements. So, deserving Kenyans can get IDs which are very fundamental and are not only useful during times of registering for elections, but without IDs they are denied a lot of ability to engage. So, this is a very important Petition.

I thank Hon. Duale and the Committee for the Report. This is because as we handle the specificities coming through this particular Petition, it is clear we need to relook and take a very specific sense of measure so that we can understand this is not just uniquely related to the given category although, the nature is one that must be handled this way. However, we want to ensure that as we deal with the issue of registration and citizenry for all Kenyans, it is not a matter that we should limit. We hope that it will cover all those areas once it is handled.

I am a Member of the Committee on National Cohesion and Equal Opportunity and also the Vice President of the Inter-Parliamentary Union (IPU) High-Level Advisory Group on Countering Terrorism and Violent Extremism (HLAG-CTVE). During the 142nd Assembly that took place in Vienna, Austria, part of what was clearly approved by all parliamentarians was that we ensure that we find ways in which our youth are not excluded. There is a way that we sometimes provoke and create areas that give young people a challenge. As we go to the 143rd IPU Assembly which will take place from 26th to 30th November, a key issue that we will be discussing as Members of Parliament is how to ensure that we do not deny any of our youth their rights. Sometimes, this leads to undesirable results.

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

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

Hon. Gideon Ochanda (Bondo, ODM): Thank you, Hon. Temporary Deputy Speaker. There is a tendency for plant roots to move towards water, and plant leaves and stems to move towards sunlight. This also happens with human beings. Immediately there is food next door and your homestead does not have food, the likelihood of your kids or guests moving in the other direction is very high. This happens in very many ways.

For example, we are now seeing cases of refugees setting up camps in the communities around Dadaab. People move into the camps, not as refugees, but as “refugees” for purposes of accessing food. This is normal. It happens even in ordinary life. Oundo has left but I would have used this as a good example. There are some fraudulent philanthropists somewhere in Budalangi who give out some gifts. People are moving from Funyula and Bondo to Budalangi in the guise of changing voters’ cards. That is already happening. They change to become voters on the other side because it has been mentioned that if you cross over, there will be maize, *mafuta ya taa* or *mafuta ya kupika*, from time-to-time because the philanthropists support flood victims. That tendency is there. It is similar to how Kenyans cross into Uganda and Tanzania. It is a normal tendency.

The biggest problem is that the Government has deliberate ways of recognising stateless people in the country. The Shona are now recognised in Kiambu. The Pemba are under consideration somewhere at the Coast. There are very many others who got into the country before Independence. They are tracked and are now able to be identified and get some form of registration.

Why is it so difficult for the Government to sort out the issue of registration of people who move into a camp in the neighbourhood? That is where we have a problem. In my view, the tendency of moving is not a problem. However, why is it so difficult to identify those who have moved into the camps for food as members of the local community when the camps close down? That is where there is a problem. It is deliberate. It is not something that one wants to sort out.

The biggest issue is that when stateless agencies are properly recognised and registered – and we looked at that some time last year – it would be impossible to operate in the country without registration in the form of an identity card. You are simply not a person if you do not have an ID. Even if you are 40 or 80 years old, you are like a baby if you do not have an ID. The ID is everything. If you faked your name, got a Safaricom or Airtel line and someone sent you money, you would not get it for lack of an ID.

If the Government was serious, some of these things are not as difficult, sorting out people who are clearly stateless and who we inherited at Independence.

Thank you, Hon. Temporary Deputy Speaker.

The Temporary Deputy Speaker (Hon. Patrick Mariru): Let us have Hon. Abdi Yusuf.

Hon. Yusuf Hassan (Kamukunji, JP): Thank you, Hon. Temporary Deputy Speaker, for the opportunity to speak. I am delighted that, at last, we have come to the end of this episode of our citizens who have been excluded in the two neighbourhoods that have been mentioned. We are about to give them justice and equity.

Kenya is an artificial colonial creation. Our borders were developed as a result of our colonial experience and history, and it is the same for many other African countries. We are now shackled by the lines often drawn by mindless and drunk English, French or Portuguese colonial officers. As a result, exclusion has been a major source of conflict and radicalisation among those who feel excluded and rejected in their colonial borders. As a result, many wars and conflicts have been fought over those colonial borders, millions have been displaced and have become refugees and thousands have been killed.

Africa needs to unshackle itself and move towards integration and a borderless continent so as to achieve its dream enshrined in the Africa Union (AU) Vision 2063 of a united, economically advanced and prosperous continent. The only way we can do that is by rethinking and reviewing the colonial border relationships that we have. Also, within that context, Africans have found themselves struggling for no reason whatsoever or no blame on their part and have become victims of the bureaucratic systems that came into place after the end of colonialism.

One would have expected that African leaders would come together to resolve the problems of colonial borders through an African solution. This is so that we benefit from the human resource that straddles our borders and the economic output of those regions rather than spending money and energy on conflicts that never end and never result in a sustainable solution.

Our colonial history has meant that many of us have never been registered or accepted as subjects or citizens. As a result, the children and grandchildren of those people are, even today, excluded, discriminated against or criminalized in independent Kenya. We must reform and decolonise our citizenship registration. Many residents in my constituency are invisible because of the unfortunate situation that they inherited from their parents or grandparents who were never registered.

It is also important to consider afresh the issue of refugees. Refugees are not a problem, but a major social and economic resource to the host country. We must change our bureaucratic mindset that characterizes refugees as a problem. Wealthy nations that are better equipped than us have seen the benefits of the entrepreneurial skills, resilience and power of immigrants.

In recent years, they have been draining the refugee camps like Dadaab of the crème de la crème of the African refugees there, who have been rejected by their own brothers and sisters here. These people are now in those countries as scientists and doctors. Recently, when they had the COVID-19 crisis, some of the major breakthroughs in the development of the vaccines were made by immigrants who had arrived in those countries as refugees.

I appeal and we must look. Kenya has sacrificed, but it now must become part of the solution and we must look at the refugees who were born here as Kenyans and not as aliens who should be pushed to a country they do not know, they have never been to and will never be part of.

Thank you, Hon. Temporary Deputy Speaker.

The Temporary Deputy Speaker (Hon. Patrick Mariru): Hon. Wanyonyi Kevin.

Hon. Ferdinand Wanyonyi (Kwanza, FORD-K): Thank you, Hon. Temporary Deputy Speaker. I agree with the taskforce on what they did in Wajir and Garissa. Garissa and Wajir are part of Kenya. They are on Kenyan soil and therefore whatever that happens there is, to say the least, discriminatory. It does not matter where someone comes from. If you happen to be working in the United Kingdom or in German...

By good luck I have got a son who is in one of the states in Europe or happy enough a child born there. The child will have the birth certificate for that particular country. Subsequently, they will be able to get other documents, and eventually when the child grows up, will get a passport.

The problem we have in North Eastern today is our own creation because the people from Somalia who came because of the hardships and were born here are Kenyans by birth. Therefore, they have the rights. For justice and equity, they should be accorded the same treatment as any other Kenyan. Without a driving licence, without a passport, without a birth certificate, without an ID, we will make the person a criminal. If he happens to offend, how will we get hold of him? No wonder we are now having a lot of problems in this country where there are criminals but we cannot get them because they do not have any form of identification. Even if their fingerprints

were taken, how will we get to know them? That is why I have said it is our creation and therefore actions should be taken as fast as possible. The task force made recommendations and it is upon this House to adopt them and move forward and treat these people well. I have been to Dadaab at one time and I saw how people are suffering there. Some of them are now adults. If he is found in the streets here, how will he be traced? He is a human being who is a nobody because he cannot be identified. The taskforce made recommendations and we should go by them.

We have people in the provincial administration stationed there. Therefore, they should be able to identify people who are born here. They can also be adopted like we now have the Shona from the South who were rejected, but have now got citizenship. We should look at our brothers and sisters of Somali origin and treat them as Kenyans and accord them the same respect. Some of them want to go to school but they cannot go to a school without identification documents. Someone may have done well and gets admitted to the University of Nairobi, what will happen? He has no documents. So, we are creating a problem for ourselves in the future.

We should implement this to the letter and move fast. The task force went there and verified what was there, let us move fast and implement the recommendations. From today onwards, the Committee on Implementation should move fast and implement what has been recommended so that they are treated like other Kenyans.

I support this Report.

The Temporary Deputy Speaker (Hon. Patrick Mariru): Hon. John Bunyasi.

Hon. Sakwa Bunyasi (Nambale, ANC): Thank you, Hon. Temporary Deputy Speaker for giving me a chance to intervene and raise my concerns. Those of us from border counties have special problems the rest of the Republic does not suffer. We seem to go the extra multiple miles to prove that we are local or Kenyan. This is a big disfavour. We need to get symmetry in the application of the regulations so that every Kenyan is treated the same way as they would be in any part of the country. It is a form of cohesion and belonging. In my constituency and in neighbouring ones, we have a number of Kenyans from other regions including North Eastern. They have greater difficulties than we have but we share the same problems, where the system allows parents to lack and children to get identification even though they have lived in those areas for years, seven is the minimum and by the time they get an ID it could be 20 or more. That needs to be corrected.

It is not just at the time of verification or vetting. The target number that the registration officers have are terribly small. I visited a county registration office two years ago and the target they had to register in the whole of Busia County was 19,000. My sub-location alone has probably three times that at the minimum. It starts right from Nairobi. You get a sense that some of it could be wilful. It is not just bureaucracy and it is not about citizenship but it is also about under-accounting or number suppression.

I appeal we get ratification so that the problem of people who are near refugees... We have heard and it is really sad, but it is not just them. We are all in this boat. I hope and pray we find a solution that is symmetrical for the whole republic. Being in Kenya, if you apply for it in Busia or in Isiolo or elsewhere, you face exactly the same requirements, which must be simplified.

Thank you very much, Hon. Temporary Deputy Speaker.

The Temporary Deputy Speaker (Hon. Patrick Mariru): Hon. Obo Mohamed.

Hon. (Ms.) Ruweida Obo (Lamu CWR, JP): Asante Mhe. Naibu Spika wa Muda kwa kunipatia nafasi nami nipate kuchangia.

Naunga mkono Ripoti ya Kamati. Ni kweli kuna shida ya kupata vitambulisho. Inachukua muda ambao haeleweki ambao si wa kawaida. Kuna sehemu unaweza kuchukua hadi miaka

mitatu ukingojea kitambulisho na tuko Kenya; kaunti zote zilizotengwa na kaunti zenye ziko kwenye mipaka. Sio hadi tufanye ombi ndio tuje tuhudumiwe.

Lamu pia kuna shida ya kupata vitambulisho. Naomba hii Kamati pia iangalie maeneo mengine. Nilikusanya zile kadi za kungojea vitambulisho karibu 100 kwa kijiji kimoja kinaitwa Kizingiti ni katika Kaunti ya Lamu. Nilibeba hizo *waiting cards* nikaenda nazo kwa ofisi husika. Nashukuru kuwa walihudumiwa. Lakini mnatupa kazi zaidi sisi Wabunge. Kwa hivyo, naomba Kamati hii izingatie mambo hayo na ihakikishe kuwa kazi inafanyika.

Tusiseme shida iliyoko Lamu ni shida tu. Tukitafute kiini cha shida. Kwa nini vitambulisho vichelewe kupatikana? Inaweza kuwa tatizo nililo hilo kwa sehemu zingine lakini shida kule Lamu ni kwamba yule afisa anayehudumia watu ni mmoja tu kaunti nzima. Afisa huyo anahitajika kuzunguka kwenye visiwa na pia kwenye bara. Kusema ukweli, inakuwa shida kwa huyo afisa na hata hatufai kumlaumu sana.

Tunaomba Kamati iangalie namna yakusaidia hawa watu wapate vitambulisho ili wapate kuajiri maafisa wengine wengi. Sehemu za Lamu zipewe mazingatio maalum. Hii ni kwa sababu hapa Nairobi unaweza lipa Ksh50 upande *matatu* na ufike pale unapoenda kuhudumia watu. Kule Lamu, huyo afisa haweze kufanya hivyo kwa sababu kuna sehemu hakuna usafiri wa kila siku mpaka akodishe boti.

Tatizo lingine ni kuwa hawana pesa. Pesa hazitoshi. Kwa hivyo, huku Nairobi, afisa mmoja akiwa kwa kila eneo basi kule Lamu, inafaa kuwe zaidi ya ofisa mmoja. Vilevile, pesa zinazopewa afisa Nairobi za kumsaidia kuhudumia wananchi haziwezi kuwa sawa sawa na Lamu. Ukimpa sawa sawa na Nairobi nikumwambia asifanye kazi yake kwa sababu watang'ang'anana aseme kuwa wapewe boti kwa sababu ukitoka Lamu kuenda Ndooni unachukua saa moja na dakika thelathini kwa boti ndani ya maji. Mafuta yale yanatosha wewe kuja Nairobi na kurudi. Ukienda Kiwayu kutoka Lamu ni saa moja na dakika arobaini kwa boti. Mafuta hayo yana kuleta Nairobi na kurudi. Kuna changamoto hizo nyingi.

Naona muda hautoshi. Kwa hivyo, acha nisonge mbele. Pia naomba Bunge hili, kupitia Kamati, watenge pesa za kutosha kwenye Bajeti ili hizi kazi zifanyike. Pia naomba Rais, kupitia Wizara Maalum na Kamati hii, wazingatie kwa wale wakimbizi ambao wako Kenya nani Wakenya. Wamekuwa wakimbizi lakini ni Wakenya kwa sababu walioa wale wakimbizi wakaenda kwenye kambi wakijua kuwa watasafiri. Kuna wale wakimbizi ambao wako hapa Kenya na wamekaa zaidi ya miaka arobaini. Pia nao wafikiriwe. Hili ni tatizo liko na tusilipatie kisogo tu. Tuliangalie jinsi tutakavyolitaua. Wizara zote husika zishughulike na ziteo suluhisho.

Asante, Mhe. Naibu Spika wa Muda.

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

Hon. (Ms.) Nasri Ibrahim (Nominated, FORD - K): Asante, Mhe. Naibu Spika wa Muda, kwa kunipa nafasi kuchangia Ripoti hii. Kwanza, Nataka kusema asante mno kwa Mhe. Duale aliyelea ombi hili. Kile kimenishangaza ni wakati niliona kina mama ambao wako na watoto sita au saba na hawana vitambulisho. Hiyo ni kwa sababu baba zao hawakuwa na vitambulisho ama vyeti vya kuzaliwa. Hiyo imeleta shida kubwa kwa watu wetu wa Kaskazini Mashariki.

Watu wetu wengi wakutoka Kaskazini Mashariki ni wafugaji. Wanakaa huko misituni kabisa kwenye vichaka. Kutoka huko kichaka mpaka kwa kituo inawachukua siku nzima kutembea. Hilo linachangia wasije kutafuta vitambulisho na vyeti vingine kama vyeti vya kuzaliwa.

Lingine ni kuwa wale ambao wako na vitambulisho walikosa huduma mbali mbali kutoka pahali wanapokaa na ikabidi waende huko kwa kambi za wakimbizi kusajili kama wakimbizi na

walikuwa na vitambulisho vyao. Watu kama hawa ndio sasa wamekuwa watu wasio na utaifa. Tunaomba wale ambao wanashughulika...

(Hon. (Ms.) Nasri Ibrahim's phone vibrated)

The Temporary Deputy Speaker (Hon. Patrick Mariru): Order, Hon. Sahal! Is that your phone? There is some background noise from there.

Proceed.

Hon. (Ms.) Nasri Ibrahim (Nominated, FORD - K): Pole, Mhe. Spika wa Muda.

Sasa tunaomba Serikali ihakikishe kuwa hawa watu wanapata vitambulisho ili wapate huduma mbali mbali. Bila kuwa na kitambulisho, huwezi kupaata huduma yoyote. Kile kimewafanya waende kule nikutafuta huduma mbali mbali kama za afya, chakula na shule. Kuna wengi ambao nawajua kule sehemu yetu karibu na Habaswein na wakaenda kujisajili na imekuwa shida kubwa sana kwao saa hii kupata vitambulisho.

Ningependa pia kuongea juu ya pasipoti. Watu wa Kaskazini Mashariki wana shida kubwa sana wakiomba pasipoti. Wanachunguzwa lakini hawawezi kupata pasipoti. Hiyo ni shida nyingine ambayo watu wetu wanapitia.

Lingine ni kuwa kuna kina mama kutoka Somalia na wengine kutoka Ethiopia ambao wameolewa na Wakenya na wakazaa watoto. Watoto wao wameshapata vitambulisho lakini hawa akina mama wanabaguliwa sana kwa sababu hawana vitambulisho. Tunaomba kuwa hawa akina mama waangaliwe pia na wapewe vitambulisho. Kuna wengi ambao wameniomba niwasaidie lakini sijui nitaanzia wapi. Ni lazima tushughulikie watu wetu ili hata hawa akina mama ambao wameolewa wapate haki na wasikae kama watu ambao si wananchi.

Kwa hayo machache, Ningependa kusema asante.

The Temporary Deputy Speaker (Hon. Patrick Mariru): Hon. Members, the debate on this Motion is time-bound and the time has lapsed. We cannot proceed. I would have loved that you speak to this, but unfortunately, it is time-bound.

(An Hon. Member spoke off record)

It is not about two minutes. It is about the House's resolution. The House has resolved that this debate is time-bound and that time has lapsed. The Mover must be called to reply.

Who is the Mover? Where is the Chairperson of the Departmental Committee on Administration and National Security? Yes, proceed.

Hon. Aduma Owuor (Nyakach, ODM): Thank you, Hon. Temporary Deputy Speaker. I want to reply by thanking all the Members for their useful and valuable contributions to this very sensitive issue of registration.

The Committee has made recommendations and the interest which has been shown is an indication that this Petition was actually quite timely. I want to thank the Members for all these contributions and for supporting the Committee's Report. The Committee has made a Report for the Ministry to expedite so that they can regularize the status of the persons who have been vetted by the team of committees and to facilitate the registration. As has been observed by the Members, we realized that the issue of registration is quite basic and apart from the two areas of Garissa and Wajir, it cuts across the country from what we have observed from the contributions of the Members.

We will ask the Ministry of Interior and Co-ordination of National Government to facilitate and expedite so that these people do not lose the opportunities which are their basic rights. As I had indicated earlier, we realized that registration guarantees citizens basic amenities like the rights to be attended to well in hospitals, the right to good education in schools and the right to enjoy and benefit from the banking facilities. As I had mentioned earlier, that there are also other basic things which are never said, but are a reality.

That you cannot even enjoy good communication by way of mobile phones unless you are a registered citizen. We know that most transactions are now undertaken through mobile phones. I said that even basic rights like conjugal rights can actually be infringed if citizens are not registered because sometimes it is difficult to know whether you are dealing with persons who have attained the age of maturity.

I reiterate and thank Members in a special way, so that all Members support. I urge the Committee on Implementation to fast track this to ensure that it is implemented.

Thank you, Hon. Temporary Deputy Speaker.

The Temporary Deputy Speaker (Hon. Patrick Mariru): Hon. Members, we will pend putting the Question on that item until a subsequent time.

Next Order.

(Putting of the Question deferred)

BILL

Second Reading

THE RADIOGRAPHERS BILL

The Temporary Deputy Speaker (Hon. Patrick Mariru): The Chairperson, Departmental Committee on Health.

Hon. (Ms.) Sabina Chege (Murang'a CWR, JP): Thank you, Hon. Temporary Deputy Speaker. I beg to move that the Radiographers Bill (National Assembly Bill No. 47 of 2019) be now read a Second Time.

This Bill was published on 25th June 2019. It underwent First Reading on 11th September 2019 and was committed to the Departmental Committee on Health for consideration and reporting to the House.

Following placement of advertisements in print media on 7th October 2019 requesting for comments on the Bill from members of the public and relevant stakeholders, pursuant to the provisions of Article 118(1) (b) of the Constitution of Kenya and Standing Order No. 127(3), the Committee received memoranda from six stakeholders. They were mainly the Association of Kenya Medical Laboratories Scientific Officers, the Association of Professional Societies in East Africa, Caesar Barare, Dr. Solomon Kilaha, the Kenya Association of Radiologists and the Society of Radiography in Kenya. The public participation meeting on the Bill was held on 18th March 2020.

This Bill seeks to provide a legislative framework to make provision for training, registration and licencing of radiographers to regulate their practice and to provide for the establishment, powers and functions of the Radiographers Board of Kenya.

Clause 1 and Clause 2 the Bill provide preliminary provisions, including the title of the Bill and the interpretation of terms in the proposed Act.

In Clause 3 to Clause 12, the Bill provides for the Radiographers Board. Clause 3 to Clause 11 of the Bill provide for the establishment, composition, and functions and powers of the Radiographers Board. The board shall consist of nine members. It is further proposed that the board shall be the regulatory body in respect of the training, licensing and control of the practice of radiography in Kenya. This part also provides for the Office of the Registrar who is appointed by the board and who shall be the secretary to the board.

Clause 13 to Clause 17 of the Bill is on the training and registration of radiographers, especially in Clause 19 where it provides for approved institutions in charge of training radiographers. This part also contains provisions on set out requirements for persons to be registered as radiographers. Provisions on registration of radiographers are also provided for under this part of the proposed legislation. The Registrar of the Board shall maintain a register for all persons registered as radiographers under this Act. It also seeks to provide for the process of removal of members from the register. This part will mostly affect institutions and courses that are foreign-based as it proposes to exempt institutions and courses approved under the Universities Act from the requirements of this Part.

On Clause 18 to Clause 21, the Bill contains provisions relating to private practice. It is proposed that radiographers wishing to offer their services directly to the public be issued with an annual practising certificate, by the board, so as to safeguard the public from unfit persons purporting to offer these services. This part sets out the qualifications for private practice, the procedures of application for a practising certificate and the validity of a practising certificate. Procedure for renewal, cancellation and suspension of a practising certificate is also set out under this part.

Clauses 22 to 28 of the Bill contain provisions relating to discipline of registered radiographers. The Bill proposes to establish a disciplinary committee of the board. Its function shall be to inquire into any matter referred to it by the board where there is professional misconduct, impropriety and negligence by a practitioner.

In Clauses 29 to 34, the Bill provides for financial provisions and the funds of the board. They shall comprise of grants, gifts and donations, and such fees. The board shall run for 12 months ending on the 30th day of June in each year. This part of the Bill also provides that the accounts and the audits shall be kept by the board at all times.

Clauses 35 to 38 of the Bill deal with miscellaneous provisions, especially where Clause 35 of the Bill deals with certificates and provides that the certificate shall be issued by the board. It proceeds to state that a person who destroys or defaces a certificate shall be guilty of an offence. This part provides for offences and general penalties.

In Clause 39, the Bill provides for delegated powers. Radiography is a profession protected by the International Labour Organisation (ILO). It is for all persons who are radiographers with technical expertise in application of non-ionising or ionising radiation for medical, forensic, veterinary, and industrial and research purposes. Radiographers are at the heart of modern medicine. There are two sorts of radiographers. We have the diagnostic and therapeutic ones. Diagnostic radiographers employ a range of different imaging techniques and sophisticated equipment to produce high quality images of an injury or a disease. Diagnostic radiographers take images and very often report on them so that correct treatment can be given. They use a range of techniques which include X-rays, computerised tomography which is famously known as the CT-Scan, the Magnetic Resonance Imaging which is the MRI scan. Ultrasound scans are used to

perform imaging examination of expectant mothers or women on the progress of the foetus, the wellbeing of the mother, among others.

There is fluoroscopy screening which is a specialised procedure to examine the vascular system of the body. There is dental X-ray and OPG which is use of specialised X-ray equipment to check for diseases of the teeth and the mandibles. There is mammography which is the examination of the breast tissues using X-rays to detect diseases like breast cancer. There is nuclear medicine which is the use of specialised equipment used for detecting the spread of cancer in the body. So, it shows how important it is to regulate people who are in this practice. Therapeutic radiographers play a vital role in the delivery of radiotherapy services. They are the only healthcare professionals qualified to plan and deliver radiotherapy. They constitute over 50 per cent of the radiography workforce, working with clinical or radio oncologists, medial physicists and engineers.

Globally, radiographers are represented by the International Society of Radiographers and Radiological Technologists which is an affiliate and strategic partner of the International Atomic Energy Agency and the World Health Organisation (WHO). In Kenya, radiographers are represented by the Society of Radiography in Kenya which is a member of the International Society of Radiographers and Radiological Technologists, the Pan African Congress of Radiology and Imaging, and the Association of Professional Societies in East Africa.

The training of radiography in Kenya commenced in 1951 in Kisumu. It was by the colonial Government, to cater for the East African territory under the London Society of Radiographers. Between the year 1951 and 1979, the then Kenyan radiographers were trained locally by foreign experts and examined by the London College of Radiographers.

As from the year 1979, the training was briefly hosted by the University of Nairobi as a Diploma in Diagnostic Radiography. The programme was introduced at the Kenya Medical Training College (KMTC) from 1985 as a Diploma in Radiography. To date, the KMTC offers up to a higher diploma level in radiography to include radiotherapy and ultrasound. The KMTC has currently trained over 2,000 radiographers to date.

Recently, in the year 2011, the Jomo Kenyatta University of Agriculture and Technology (JKUAT) commenced the training of radiographers at degree and post-graduate levels. In consultation with the Society of Radiographers of Kenya, the JKUAT radiography curriculum was developed and to date, JKUAT has trained over 100 radiographers who are serving the country in various hospitals, including Kenyatta National Hospital (KNH). Since 1980s and probably earlier, the Society of Radiographers in Kenya has made various efforts to have a legislative framework to regulate the practice and training of radiographers. These efforts can be traced back to Dr. Richard Muga who, then, as Director of Medical Services, saw the need for a legislative framework to regulate the practice and anticipate future training needs. The process stalled when he left the Ministry. This was then picked up by immediate former Director of Medical Services, Hon. Dr. James Nyikal, Member of Parliament, whose efforts yielded a lot of fruits, with the support of the former Vice-President, Hon. Moody Awori.

The draft Bill has been drafted by the Society of Radiographers of Kenya in consultation with the Office of the Medical Legal Affairs at the Ministry of Health. The process towards enacting of the draft Radiographers Bill was stalled by the promulgation of the new Constitution in 2010. However, most recently in 2014, the process was again ignited by the Society of Radiographers in Kenya. Today, there is a ready draft Bill for enacting to regulate the training and practice of radiography in Kenya.

Several people asked whether this is justifiable. There are several factors justifying the urgent enactment of this proposed Bill. One reason and the most important one is that there is danger that would arise due to unqualified professionals handling radiation sources, radiation equipment and radioactive materials leading to medical malpractice. I would like the House to appreciate that diagnosis of diseases is one of the fundamental steps in proper management of diseases. We could have an unqualified person performing X-ray procedures and commits an error that would lead to misdiagnosis or delayed diagnosis of a medical condition, illness or injury. When the radiographer's procedure is wrong, a wrong report is sent to the doctor and the error will lead to incorrect treatment, delayed treatment or non-treatment at all. A patient's condition can be made worse and they may even die. Therefore, regulation of radiography will eliminate quacks by providing punitive measures that will go a long way to protect the people of Kenya from wrongful practice.

The second danger is public exposure to ionising radiation and materials. Radiation is proven and known to be dangerous. The hazardous effect of ionising radiation ranges from breaking of the skin, eye cataract, sterility, radiation sickness, foetus death, heredity defects like the Down Syndrome, cancer and instant death if exposed to huge amounts of ionising radiation. Considering the above-mentioned hazards, the regulation practice is critical to ensure ethical behaviour is withheld.

There is the likelihood of acts of terrorism arising due to usage of radiation facilities perpetuated by unregulated radiation workers with ill intention to the nation and the people of Kenya. The world is currently experiencing unprecedented wave of terror from extremists. Concerns are currently focused on possibility of nucleus radiological terrorism. On the implication of such terrorist threats for radiation biology and radiation accident preparedness, the spectrum of events in the radiation terror includes the use of an explosive or non-explosive radiological dispersal device, placement of radiological exposure device in a public facility and the use of an improvised nuclear device. On the consequences of an event related to the physical and medical damage of the event itself, the financial impact, acute and long-term medical consequences include fear of radiation induced cancer.

Through this regulation of practice and training of radiographers in Kenya, the proposed board will put measures in place, in consultation with sister ministries, to develop medical counter measures to mitigate or treat radiation injury, counsel and appropriately follow likely exposed or potentially exposed people and help the local community to develop confidence in their own responsive plan.

The importance of the Bill is to standardise and regulate the education, training and practice in radiography, to enhance professional capacity and maintain professional quality with anticipation of future national needs. In line with the possibility of terror, the curriculum of radiography must be reviewed and approved by an accredited body. Schools are increasingly considering being on the frontline of the battle to prevent extremism. Consequentially, higher education institutions will have due regard to the need to prevent individuals from being drawn into terrorism. In addition, Kenya has Vision 2030 and the higher learning institutions are expected to develop skilled manpower that will execute the fruition of the vision.

The Competency Based Curriculum that develop reflective practitioners can only be developed in consultation with respective professional bodies to regulate and improve monitoring of radiation to ensure safety. Thus, only those who are legally qualified are allowed to administer radiation. That is the main concern and achievement of this Bill. Considering the dangers associated with radiation and its possible implication to the society and the people of Kenya, there

is need to have a regulation to provide for monitoring the use and the professional application of the same, and to enhance standards within the profession by bringing them at par with international trends and norms by setting legally recognisable benchmarks, locally.

In line with this, this will enhance professionalism and sustainability of quality service delivery. Radiographers in Kenya are the only East African health professionals who are not regulated. The Report from the East African Community (EAC) Common Market Protocol painted an ill picture of the radiography practice in Kenya indicating that it is hampering the process of bringing them at par with international trends. The world all over, radiology, as a profession, is regulated. The International Atomic Energy Agency (IAEA), World Health Organization and the International Labour Organisation (ILO) are all advocating for the regulation of vital professions that have a direct impact on the lives of every Kenyan.

Hon. Temporary Deputy Speaker, we have case scenarios which can be used to demonstrate the role of radiographers in the community. On the cancer patient cycle, consider walking to a health facility for regular check-up. Among the procedures one is likely to go through are general X-ray, ultrasound scan, or even CT scan. For ladies, a mammogram or ultrasound is recommended. In the unlikely event that the disease process is positively identified, the patient will be referred to a cancer physician who will review and recommend further testing. At the end of the day, if the tests are confirmatory, the patient will be referred to radiation therapy. After radiation therapy, the referee oncologist will need to know the extent of cancer. The patient will then be referred to nuclear medicine or PET scan. In this context, the patient will meet the radiographer in, at least, three stations during his or her management cycle.

Taking an example of a victim of a road accident, a hypothetical *boda boda* rider who is a victim will need an initial X-ray to ascertain the site and type of the fracture. After that, the results will be sent to a specialised physician for review. In the event he could be recommended for reconstructive theatre radiography, after the procedure, the surgeon will ascertain the status of the fracture with a follow up X-ray. In this context, the patient would have visited a radiographer in three distinct areas.

The Government is mandated by the Constitution to ensure that every Kenyan has the highest attainable status of health. It has done well. However, without the regulation of radiographers, we are still several steps amiss especially when we are still lagging behind our neighbours. Recently, the Government engaged in a project worth Kshs38 billion of which Kshs20 billion is centred on radiological facilities. The equipment is very expensive and as such, it requires highly trained persons who are regulated to ensure sustainability of the project and proper utility of the equipment.

In addition, as a show of commitment and dedication towards the fight against the rise of communicable and non-communicable diseases, regulation of radiographers will be a shot in the arm. Kenya, being a member of the East African Community Protocol, is the only country without legislation to govern the training and practice of radiographers in the region. The implication attributed to this scenario include migration of unqualified personnel to seek job opportunities in the country because of underdevelopment of professional practice in radiography and healthcare service delivery. The EAC states like Rwanda, Uganda and Tanzania have all ratified and assented that Kenya should fast-track the legislation of radiographers.

In conclusion, I urge the Members to support the Radiographers Bill 2019 (National Assembly Bill No.47 of 2019) with amendments as proposed in the Schedule contained in the Report of the Committee, noting that radiographers play an important role within the health

system. I also thank all the stakeholders including the Committee Members who engaged vigorously to ensure the relevant amendments in the Bill are considered.

I beg to move the Radiographers Bill 2019 (National Assembly Bill No.47 of 2019) and ask Hon. (Dr.) Ochanda to second.

Hon. Gideon Ochanda (Bondo, ODM): Thank you, Hon. Temporary Deputy Speaker. From the outset, the Bill is older than me in that Committee. There were a lot of considerations that took place by 2019 and I am hardly a year in the Committee. I do not want to fault what the Committee and stakeholders have done. However, I have the advantage of having been in the last Parliament. Since the 11th Parliament and in this one, there has been a very clear trend. Professionals and technicians in the health and medical sector have yearned for separation in terms of how each one of them should be looked at, trained, licensed, and regulated. It has been a trend. Most have managed to do it and only a few remain. I do not want to fault radiographers when it comes to that.

For instance, there is a Bill on opticians. It has not yet come to the House. There are Bills already in the House touching on all those professionals up to the very last cadre of community health workers. Therefore, virtually all cadres, sectors and professionals in the health and medical sector have gone in the direction of limiting themselves to issues of their profession so as to regulate themselves within themselves. They do not want to be regulated by another body which also deals with other professions.

Therefore, this Bill serves that purpose. Based on the history that was laid out by the Chair, it is very clear that radiographers have been looking forward to this. Based on where we are, we cannot be a barrier. Other countries have left us behind and our radiographers do not have any regulations or clear ways of how they are supposed to be licensed. If you critically look at this Bill, we really have no choice, but to give radiographers their own Act as we have done for others in the health and medical sector.

I beg to second.

(Question proposed)

The Temporary Deputy Speaker (Hon. Patrick Mariru): Let us have Hon. Obo Mohamed.

Hon. (Ms.) Ruweida Obo (Lamu CWR, JP): Asante, Mhe. Naibu Spika wa Muda kwa kunipa nafasi ya kuchangia Mswada huu wa wataalamu wa X-ray. Hawa ni watu muhimu katika nchi yetu. Wanachangia pakubwa, wanafanya kazi kubwa na ni watu muhimu. Wanafaa kuwekewa sheria ambazo watafuata ili kuwe na mpangilio au utaratibu fulani. Tumeambiwa kuwa mashirika mengi yanayohusu mambo ya afya kama shirika la *World Health Organisation*, *International Atomic Energy Agency* na *International Labour Organisation* yametoa mwongozo kusema kuwa ni vizuri sheria ziwekwe. Kama Bunge la Kenya, hatuna budi ila kuweka sheria hizo.

Mhe. Naibu Spika wa Muda, naunga mkono Mswada huu.

The Temporary Deputy Speaker (Hon. Patrick Mariru): Hon. Members, there seems to be no further interest on this. Hon. Chege, it looks like Members have read the Bill. Yes, Hon. Mbai. Do you want to weigh in on this matter?

Hon. Nimrod Mbai (Kitui East, JP): Yes. I can try.

The Temporary Deputy Speaker (Hon. Patrick Mariru): It is just that I had not seen you registering interest to speak to this, but you now have the Floor.

Hon. Nimrod Mbai (Kitui East, JP): Thank you, Hon. Temporary Deputy Speaker. I am happy that you could see me from there even without my card. I appreciate the opportunity.

Allow me to throw my weight behind the Bill. The X-rays and other radiography technologies that support health services cannot be neglected. First of all, it is a way of diagnosing conditions. There is no way doctors can start treating some of these conditions without diagnosis. With that kind of importance, the policy around the whole thing needs to be put in law. So, the wisdom to come up with the Bill was very important. What I could add is about the sharing of information. You go to a county hospital such as the Kericho Hospital and you are moved, say, to Machakos, but when you get to Machakos, you will need the same X-ray before you are treated. It would assist if health facilities and especially at the county level had a way of sharing the images of patients to avoid duplication.

I support and thank you.

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

Hon. Amos Kimunya (Kipipiri, JP): Thank you, Hon. Temporary Deputy Speaker. I support that the Bill be read a Second Time especially noting that we have just moved into this molecular imaging at the Kenyatta University Hospital. We moved into the area of using the nuclear technology. It is already happening in Aga Khan within the country through PET. We are moving from the common known radiography of X-rays and CT scans to MRIs, to these highly risky and sophisticated ways of radiography. If we do not have better control of this profession and better regulations of the professionals, we could end up with situations of regret in the future. So, this Bill comes in at a very timely stage. I followed the Mover and she explained the mechanics of it and what we are covering. I am very happy that it is coming in at a time when we have moved one extra step in terms of technology and how it detects cancer and other diseases through the molecular technologies.

It is a very important department. Radiography within the health sector is one of the professions where we have a dedicated day. The World Radiography Day is celebrated on 8th November each year. This is something that has been happening since 1895. It is a long lived profession on a global basis. So, I did not want to go through the importance of radiography in healthcare because at some point in our lives, we have all gone through some type of imagery examination, whether it is a simple X-ray to look at your dental structure, be it scanners that tell you what is happening on your tissues, or whether it is how your bones or cavities look like.

Basically, it is looking at things that the naked eye cannot see, but through imaging, whether on a two or three dimension. That way, we can get a clearer diagnosis of the problem. It has gone further to make use of ultrasound scans. You can imagine what used to happen before the days of the ultrasound especially on our ladies when they went for antenatal clinics. The technology that was there in the old days was more of a feel, but with all these things, you are able to monitor whether there are issues before complications set in. I have just underscored the importance of this profession and I know even the Secunder was looking at not just joining the train of being recognised as a separate profession. Actually, they should have been recognised far much earlier than the other professions because of the importance of what they do.

There is a report by the National Health Service of UK of 2013 which looked at the trends on imaging test. It identified that the total number of imaging examinations had increased over the years with over 90 million tests performed every year. That is on a global basis. Over the last 10 years, that overall number of tests has also increased by another 39 per cent. That is the demand, but on the supply side, that increase has not been met by an increase in terms of equipment or

training facilitation to radiography departments. That is in UK, and it is one of the sophisticated areas.

In Kenya, radiographers have been operating through the Society of Radiography in Kenya, as they call themselves, which was basically registered through the Registrar of Societies under the Societies Act Cap.108, which has been in operation since 1962. I believe the membership is just about 1,070 with about 90 per cent of them on the diagnostic and therapeutic side. This society is obviously affiliated to the professional bodies and is recognised by the Association of Professional Societies and by the Ministry of Health. So, this Bill basically will move them from that marginal recognition to full recognition in law.

I do not want to go through the various clauses which have been very well enumerated by the Committee, but I just want to underscore the fact and thank the Departmental Committee on Health because it is a Bill that has been worked on for long. I was almost getting worried that all that hard work would disappear with the passage of time. However, I am glad it has made it to the Floor of this House. Before too long, probably even in the course of next week, we could end up with it in the Committee of the whole House, so that radiographers in this country can enjoy their Christmas with some legal recognition because they deserve it, especially because, like I said, we are advancing in terms of the medical investments that have been made through the county governments.

I think in every county hospital there is all this hi-tech equipment. Some of it has not been activated because we do not have radiographers or specialists to do it, but by recognising them within the law, it will probably even incentivise some more people to join this profession knowing that they are properly regulated, hence we will get a growing pool of health professionals to not only help this country, but also that we can export to the rest of the world just as we export our nurses and other professionals. We saw the Cubans export their expertise here. We have seen the Philippines exporting their expertise across the world. We have been exporting our teachers. I would want to see many more people taking up radiography because it is a growing profession. There is demand for it and there is only one thing that we are sure of, that health will be a demand in the future. The population is growing and in Kenya alone, you expect by around year 2050, probably the population will double. We will need more people to diagnose these issues. We have seen the challenges that have come with the COVID-19. We do not know what the next virus will be hence these are the kind of people we need to be training and regulating so that they can help us going forward, into the future. So, I want to congratulate the Committee for eventually getting here and urge the House that we fast-track the passage of this Bill, so that we can help this cadre of health workers to get the legal recognition they need and the regulation they require, so that we do not have any of them going astray especially with the sensitive materials that they will be using.

We also do not want to have our people being exposed to radiation because of some carelessness. The work they are doing is very important, but it is double edged. It could backfire if it gets in the wrong hands or they are supplied with the wrong tools or work with the wrong mind set.

With those few remarks, I beg to support.

The Temporary Deputy Speaker (Hon. Patrick Mariru): Hon. Ngugi Nduati.

Hon. Joseph Nduati (Gatanga, JP): Thank you very much, Hon. Temporary Deputy Speaker. I support the Bill. It will go a long way in regulating this profession which has not been taken care of in a long time. Looking at the registration requirements, they are broad enough and I want to support the penalties, although it is quite hefty, namely, a penalty of Kshs5 million or a term not exceeding 12 years or both. It is good we regulate the profession.

The only challenge I have seen is when it comes to qualifications of radiographer, which has not been well defined. I think when we come to the Committee of the whole House, we need to define the qualifications of a radiographer. Again, I have seen that training will be regulated by the Universities Act 2012 and the Technical and Vocational Education and Training Act, where they will train people on certificate and diploma courses and they will be allowed to practise. However, I have seen a risk because when it comes to people being registered, they have been categorised into five broad levels. There is the general practitioner, who will have a diploma, and then, of course, there will be the advanced practitioner who will have a higher national diploma or a degree, then a consultant, who will have a master's degree, and then the fellow or a senior. That has not been defined. The Chair needs to define that. We are talking of a fellow or a senior, which should be defined. Who will have a doctorate degree? This is one area where we normally have a risk. When you allow many people to practise with different categories, unless we define up to what level a diploma level will be undertaking the work, or what level of work a general practitioner will undertake, we might fall in a risk. That is something which we need to be clear on.

The other thing that I have seen here is discrimination especially when you come from a foreign university. What you are supposed to go through is quite immense. Since we are encouraging our people to go out and study in foreign countries, we should come up with mechanisms on how to support them. If you read what one has to undergo to qualify, it is a lot. There is a proposal in the Bill that when you come from a foreign college, you are supposed to undertake a written examination obtained by the board. It is not clear what happens if you failed that exam. It should be clear that when you pass the exam, you cannot say that you have successfully done an exam. That is not a good definition of doing an exam.

If it is going to apply to somebody from a foreign university, it would also be very important when you are locally trained. It is proposed that you are supposed to work under a registered radiographer for 12 months. It does not provide what you are supposed to get afterwards. In my view, doing a professional exam is supposed to be a proof that you worked under somebody who is registered. I would like to encourage that after practising for 12 months, one should do a professional exam to test whether they were practising under a registered person or not. That is very key.

The validity of the practising licence is quite short. I have seen somewhere that it is one year. I would propose that we increase that. There is no need of renewing that licence all the time. Otherwise, apart from those few things which I have mentioned, I support the Bill. It is very important that we regulate all practitioners in our country. We have been having problems not only in this sector, but even in other sectors like the construction industry, where I come from, which is not well regulated. We have been seeing buildings collapse all over the country because we have allowed people with very many different qualifications, those who do not have enough experience and those who are not well-schooled, to practise.

Hon. Temporary Deputy Speaker, I support the Bill. I thank the Chairlady, the incoming Governor for Murang'a County, for doing a good job.

Thank you, Your Excellency.

The Temporary Deputy Speaker (Hon. Patrick Mariru): Is she Her Excellency now? We now know. Hon. Chairlady, please, reply.

Hon. (Ms.) Sabina Chege (Murang'a CWR, JP): Thank you, Hon. Temporary Deputy Speaker. I thank the Members of this House and especially those who have been here like the

Leader of the Majority Party and Hon. (Eng.) Nduati Ngugi for looking deeper into the Bill. As we move to the next stage, we have put the issues they have raised into the recommendations.

This has been a long journey for the Society of Radiographers in Kenya. There is no better Christmas gift that we would give them just after 10 days of celebrating the World Radiography Day. If I heard the Leader of the Majority right, he said it was on 8th November and today is 18th November. For this House to pass this Bill 10 days after the celebration of their international day, is very important.

As the Leader of the Majority Party alluded, we have a state-of-art oncology hospital at the Kenyatta University Teaching and Referral Hospital. This facility has a PET scan and it is a highly sensitive place. If we have people working there and they are not regulated, we might end up messing up more than even offering solution to Kenyans. I am very happy today. I once again want to thank all the stakeholders and my Committee Members for their commitment. I even met a few radiographers, who are now retired, and they said that they have been looking forward to this regulation. It was a very difficult process. For my Committee Members who went through this process to make this reality come true, I want to say thank you.

I beg to reply. I thank you for the opportunity. Hon. Temporary Deputy Speaker, I am the incoming Governor of Murang'a County.

The Temporary Deputy Speaker (Hon. Patrick Mariru): Okay. I am sure the Leader of the Majority Party has noted that, although he does not come from Murang'a.

Hon. Members, we shall pend putting the Question on that particular matter until a subsequent time.

(Putting of the Question deferred)

Next Order!

MOTIONS

The Temporary Deputy Speaker (Hon. Patrick Mariru): Chairperson, Committee on Members' Services and Facilities.

ESTABLISHMENT OF A PARLIAMENTARY HEALTH SERVICES UNIT

THAT, this House adopts the Report of the Select Committee on Members' Services and Facilities on establishment of a Parliamentary Health Services Unit, laid on the Table of the House on Wednesday, 11th August, 2021

He is not here, but the Majority Leader is here, maybe he knows where he is.

Hon. Amos Kimunya (Kipipiri, JP): Hon. Temporary Deputy Speaker, the assumption was that the matter would not be reached. But this is not an excuse for the Chair not to be here, because he has been asking for this business to be fast-tracked. I will communicate to him so that next Thursday, he can be here to transact this matter. I see we will suffer the same fate on all the others.

The Temporary Deputy Speaker (Hon. Patrick Mariru): Let us see.

Hon. Amos Kimunya (Kipipiri, JP): I also know that Thursday is a bad day as most Chairpersons travel to transact Committee business.

The Temporary Deputy Speaker (Hon. Patrick Mariru): In the circumstances, that item is deferred.

Next Order!

(Motion deferred)

ADOPTION OF THE TENTH REPORT OF THE SPECIAL FUNDS ACCOUNTS COMMITTEE

The Temporary Deputy Speaker (Hon. Patrick Mariru): Hon. Members, I have a letter from the Chair, Hon. Kathuri Murungi nominating Hon. Kivasu to move on his behalf.

(Hon. Erastus Nzioka walked into the Chamber)

Hon. Kivasu, you are on time. You may have the Floor and proceed.

Hon. Erastus Nzioka (Mbooni, Independent): Thank you, Hon. Temporary Deputy Speaker. I am sorry I was out and had to rush in.

I beg to move the following Motion:

THAT, this House adopts the Tenth Report of the Special Funds Accounts Committee on Audited Financial Statements for the Local Authorities Provident Fund, the Unclaimed Assets Trust Fund, the National Environment Trust Fund, the Land Settlement Fund and the Petroleum Fund, laid on the Table of the House on Tuesday, 10th August 2021.

Hon. Temporary Deputy Speaker, I would like to give a brief on the Local Authorities Provident Fund. This is a Fund established as a corporate body under an Act of Parliament (Cap. 272). The Fund is a defined contribution retirement benefit scheme for employees of all county governments, water and sewerage companies and other associated companies in Kenya. Its mandate includes collecting contributions (savings) from individual employees and employers, and administering the funds on retirement or earlier withdrawal to the dependents of deceased members upon death.

The Fund operates as a parastatal under the Retirement Benefits Authority (RBA) supervision and under the Inspectorate of State Corporations. The current membership of the Fund stands at 52,000 members, mainly drawn from county governments and water and sewerage companies. The contributions made to the Fund comprise of 12 per cent of the employee's gross salary with the employer (sponsor) contributing 15 per cent. As at 30th June 2019, Local Authorities Provident Fund net worth was Kshs35 billion invested in different assets including property, Government securities, equities and deposits regulated by the RBA and the approved investment policy.

The Local Authorities Provident Fund has diversified its market and customer base to include part of the public sector, private sector, non-governmental organisations, informal sector, Kenyans living in the diaspora, the Muslim community and Kenyans willing to save under the Sharia-compliant laws. Further, the Fund has devolved its operations by establishing seven zonal offices in Kisumu, Nakuru, Mombasa, Nairobi, Garissa, Isiolo and Nyeri to ensure efficiency in service delivery.

In support of the Government's Big Four Agenda, the Local Authorities Provident Fund has developed various healthcare and housing products. These include enhancing pension mortgage products for members to improve their eligibility for a house mortgage, provision of group life insurance to members, provision of post-retirement health cover and investment in affordable real estates.

The Unclaimed Assets Fund is managed and operated by the Unclaimed Financial Assets Authority (UFAA), a State corporation established under the Unclaimed Financial Assets Act, No.40 of 2011. The mandate of the Fund, which became operational in 2015, is to receive unclaimed financial assets from the holders of such assets, safeguard and reunite the assets with their rightful owners. Upon its operationalisation, the Fund received an amount of Kshs3 billion from various institutions and holders of unclaimed assets. The value of the Fund as at 30th June 2017 was Kshs25 billion, which comprised of unclaimed assets in cash amounting to Kshs8.5 billion and shares of Kshs16.5 billion.

The National Environment Trust (NET) Fund is a State corporation established under the Environmental Management and Coordination Act of 1999, whose mandate is to facilitate research intended to further the requirements of environmental management, capacity building, environmental awards, environmental publications, scholarships and grants. The Fund provides a platform for environment conservationists and funding agents to converse and share bankable ideas. Further, the Fund coordinates environmental sector players and creates synergy to deliver well researched initiatives for effective environmental management in Kenya.

The Fund has improved access to sustainable financing available for environmental management in Kenya and mobilised, managed and availed resources for environmental awards, capacity building, research and publication, scholarships and grants in Kenya. It has also played a significant role in offering technical support to the Government of Kenya and private institutions in designing projects and capacity building to improve the quality of concept notes to access global funds. Further, NET Fund has trained public officers in all the 47 counties on renewable energy and integration of climate finance in the County Integrated Development Plans (CIDPs) through support from the African Development Bank. The NET Fund has trained an inter-ministerial resource mobilisation committee on accessing finance from the Global Climate Fund. In addition, the NET Fund has conducted various environmental researches funded by the Exchequer.

The Land Settlement Fund is established under Section 168 of the Agriculture Act, Cap. 318 and Legal Notice No. 352/1963 repealed by the Agriculture, Fisheries and Food Authority Act, 2013. The Fund is mandated to settle landless poor on viable agricultural land, facilitate land registration and provide security of tenure. The Fund is administered by the Principal Secretary, Ministry of Lands and Physical Planning, and its management is overseen by the Settlement Fund Board of Trustees, which comprises of the Cabinet Secretary responsible for land matters as the chairperson, Cabinet Secretaries responsible for the National Treasury, agriculture, environment and natural resources, internal security and a representative of the National Land Commission (NLC).

The Fund's day-to-day operations are undertaken by the Director of Land Adjudication and Settlement, whose key strategic priorities are the facilitation of discharge for issuance of title deeds, finalisation of ongoing land adjudication sanctions and settlement schemes, and computerisation of Settlement Trust Fund billing and accounting systems.

The Petroleum Development Levy Fund is established under Section 4(2) of the Petroleum Development Levy Act No.4 of 1991 and is domiciled in the State Department for Energy. The Fund is administered by the Principal Secretary for Energy, appointed by the Principal Secretary for the National Treasury. It is wholly owned by the Government of Kenya and is domiciled in Kenya. The principal activity of the Fund is to supplement the development budget of the State Department for Energy as Appropriation-in-Aid.

The Committee made some observations and recommendations on the five Funds. On the Local Authorities Provident Fund, for the 2016/2017, 2017/2018 and 2018/2019 Financial Years,

the Committee observed that the Fund value had grown over the years from Kshs25.54 billion in the 2014/2015 Financial Year to Kshs35 billion in the 2018/2019 Financial Year. It is estimated at Kshs40.4 billion in the 2019/2020 Financial Year. The growth was attributed to an increase in contributions due to a rise in membership over the years, an improved and diversified investment portfolio and effective cost management measures in the operations of the Fund. In addition, the Committee also found out that the Fund was in the process of developing housing units in its property located in Makasembo Estate in Kisumu County.

The Committee recommends that the Fund continues to diversify its investment portfolio in property to support the country's Big Four Agenda on affordable housing, as well as enhance growth in retirement benefits for its members. Secondly, the County Government of Kisumu should pay an amount of Kshs11,979,000 within three months of the adoption of the Report by the House. The third recommendation is on the asbestos which we found buried within the compound in Makasembo. We recommend that all asbestos roofing sheets and materials be disposed of in line with the National Environment Management Authority (NEMA) asbestos guidelines.

On the Unclaimed Assets Trust Fund, for the 2016/2017 Financial Year, the Committee came up with the understanding that out of the Kshs25 billion worth of assets held by the Fund, only Kshs34 million had been settled, which indicates a low level of unification of assets with their rightful owners. The Committee was informed of various strategies that the Fund had devised including partnering with Government agencies to cascade information on how to claim for assets held by the Fund. The Committee noted that the Fund was in the process of finalising formal engagement with Members of Parliament on sensitisation of its mandate with a view to leveraging on their grassroots networks to increase reunification rate.

On the Land Settlement Fund, the Committee observed that the Fund's loans of Kshs6,983,399,323 and development loans of Kshs70,931,965 issued to settlers from 1962 had remained outstanding as at June 2019. This was attributed to the slow pace of loan repayment by settlers or beneficiaries due to tedious manual bill processing and dispatch processes that were previously in place. The Fund has since digitised billing and loan repayment processes. That is geared towards improving loan recoverability. In addition, the accounting officer had put adequate measures to ensure outstanding loans are settled before discharge and registration of land parcels to beneficiaries. However, resettlement of internally displaced persons in some regions had been hampered by various court cases, some of which are active to date.

On the Land Settlement Fund, the Committee recommends that the accounting officer complies with the provisions of Section 68(2) of the Public Finance Management (PFM) Act No.18 of 2012 on timely submission of documents. The accounting officer should reconcile book balances with the newly reconstructed figures approved by the National Treasury and submit the revised financial statements to the Auditor-General for review in the next audit cycle.

On the Petroleum Fund, the Committee recommends that the Ministry of Energy ensures that energy centres are spread in all the 47 counties and adequate budget allocation be made so that all the counties can benefit from this spread.

With those few remarks, I beg to move and request the Leader of the Majority Party to second. Now it becomes hard. Do I see him?

The Temporary Deputy Speaker (Hon. Patrick Mariru): Hon. Kivasu, I think the Leader of the Majority Party has stepped out. So, you must be very sure on who is seconding. If the Seconder is not here, you must not risk this Motion. We still can pend that if the person you had proposed to second is not here.

An Hon. Member: I can second.

The Temporary Deputy Speaker (Hon. Patrick Mariru): Hon. Member, that comes from the Mover. Hon. Kivasu, you know the person who should second is the one you nominate. If that person is not here, you should not risk on your Motion. We can still pend, so that the Secunder gets an opportunity at an appropriate time.

Hon. Erastus Nzioka (Mbooni, Independent): Thank you, Hon. Temporary Deputy Speaker. I beg to move. The Secunder I had talked with, Dr. Pukose, the Member for Endebess, is not in. I request that we pend it until he is present next time, so that he seconds and we can move forward.

The Temporary Deputy Speaker (Hon. Patrick Mariru): Yes, that is fair enough, Hon. Kivasu. We shall pend that. You must be very sure on the person to second because you can jeopardise your Motion. But that is fair enough, Hon. Kivasu. We shall pend that. When this is rescheduled by the House Business Committee, the Secunder will have an opportunity.

(Seconding of the Motion deferred)

Hon. Members, it is 6.55 p.m., and really, it does not make any sense to get to the next business.

ADJOURNMENT

The Temporary Deputy Speaker (Hon. Patrick Mariru): Hon. Members, for the convenience of the House, and the time being 6.55 p.m., this House stands adjourned until Tuesday, 23rd November 2021 at 2.30 p.m.

The House rose at 6.55 p.m.