

NATIONAL ASSEMBLY

OFFICIAL REPORT

Wednesday, 23rd July, 2014

The House met at 9.30 a.m.

[The Deputy Speaker (Dr. Laboso) in the Chair]

PRAYERS

QUORUM

Hon. Deputy Speaker: Order! There seems to be no Quorum in the House. Let the Division Bell be rung.

(The Division Bell was rung)

Order, hon. Members! We are now properly constituted and we may start business.

STATEMENTS

Hon. Members, as promised yesterday, we were expecting to get a response to the matter of police recruitment. I would like to know from either the Leader of Majority Party or the Chair of Administration and National Security Committee. Is that response ready?

Hon. Members, I am using Standing Order 1, although you do not see it on the list of responses. I will order that we get that Statement first before we move onto the rest of the business on the Order Paper. Chairman of the Departmental Committee on Administration and National Security, can we get that response?

POLICE RECRUITMENT COUNTRYWIDE

Hon. Abongotum: Thank you, hon. Deputy Speaker. I just want to say that this issue has raised a lot of eyebrows among hon. Members and members of our society.

Therefore, I will read the Statement and give you what the Committee feels about this matter. I will not repeat the request by the hon. Member.

Hon. Deputy Speaker, the Member of Parliament for Kiminini Constituency, hon. (Dr.) Wakhungu requested a Statement regarding the on-going police recruitment. He sought to be informed of the following:-

1. whether the recruitment was in line with Article 232(1) of the Constitution that requires equal opportunity to all in public service appointments, hiring and training;

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2. the number of recruits per constituency, including gender and ethnic background;

3. the measures being taken to correct any irregularities, inequalities that may have risen;

4. any corrupt cases reported during the recruitment and action taken against the perpetrators.

Hon. Deputy Speaker, this is the response from the Cabinet Secretary.

Following the directive that 10,000 persons be recruited into the national police service to address security concerns facing the country, the National Police Service Commission (NPSC), pursuant to Section 13 of the NPSC Act, 2011 established committees at the national and sub-county level to manage the recruitment process. In accordance with Section 10(3)(a) of the Act, the Commission also developed guidelines to be followed by all the parties involved in the recruitment process. I wish to table a copy of the published guidelines on the recruitment of the police Constables of June, 2014. I will do it after this.

Hon. Deputy Speaker, our new Constitution, 2010, Article 232 (1), requires all public institutions to afford adequate and equal opportunities for appointment, training and advancement of all Kenyans at all levels of the public service of; the groups referred to are:-

1. men and women;
2. members of all ethnic groups; and,
3. persons with disabilities.

The NPSC has adhered to this Article by (a) advertising the vacant positions in three daily newspapers on 30th June, 2014, besides running radio messages to inform all Kenyans of the recruitment exercise; (b) briefing the police and regional co-ordinators on 4th July, 2014, at the Commissions office, who in turn briefed the sub-county recruitment committees on 8th and 9th July, 2014 in order for them to publicize the exercise in all regions of the county; (c) advertising 289 recruitment centres covering all the gazetted districts in the county to maximize access by all interested men and wome as well as all ethnic communities.

Hon. Deputy Speaker, Section E1 6 (g) of the Commission's guidelines on recruitment states that in preparing the shortlist of candidates following the physical and medical assessment and verification of documents the sub-county committee shall be guided by:-

1. one quarter of vacancies allocated to the sub-county;
2. regional and ethnic representation in the sub-county;
3. gender.

The recruitment was based on 289 centres spread across all gazetted districts and not constituencies.

According to the recruitment programme contained in the recruitment guidelines the Commission will receive the final recruitment report from the national recruitment committee by 4th August, 2014. It is, therefore, not possible at this point in time to determine the persons recruited in each district, their gender and ethnic background.

Hon. Deputy Speaker, as the Commission awaits the recruitment report, the members of public and other stakeholders are expected to raise their concerns, if any,

with the Commission's so that they can be addressed as a matter of priority. In the meantime, the recruitment guidelines require that each sub-county recruitment committee should address any complaints raised during the exercise. The Commission is, therefore, waiting for the returns on how this was implemented.

Observers and other independent organisations are also expected to give reports to the Commission on any irregularities and inequalities they may have noted in the Commission's action. As at 17th July, 2014, the Commission had received 35 complaints, which are being investigated on a case-by-case basis. The Commission has received various allegations of corruption which are being investigated and where bribery is proved, relevant action will be taken in accordance with the law.

As a Committee, we were not fully satisfied with this Statement. We have requested that--- We have actually summoned the Commission. We will see them on Thursday. We will also meet the Independent Police Oversight Authority, the Directorate of Criminal Investigations and Ethics and Anti-Corruption Commission. We want to get their reports as a Committee; we will not allow any centre that entertains corruption and nepotism. The reports that we will get from the four groups, we will analyze them and demand that the areas where there was corruption and nepotism--- We will recommend that results from those areas be nullified and the exercise be repeated. Where there is evidence that there was corruption, nepotism and discrimination---

When young police officers get to know that they went into the service after their parents or friends paid some bribery, I think we are going to entrench corruption from the word go. Therefore, we are meeting them and we will give Parliament a report after meeting stakeholders. We have also written to the Commission advising that they should extend the reporting date from 5th August, 2014 until these issues are cleared.

That is the position of the Committee.

Hon. Deputy Speaker: Hon. Members, I can see a long line of interest in this matter.

Hon. Amina Abdalla, are you on because you have an issue, or are you waiting to respond to questions? Hon. Gichigi, is yours on this matter? I apologize to the owner of the Statement, hon. Chris Wamalwa. Allow hon. Wamalwa, who initiated this process, to have a go at it and then hon. Gichigi will follow.

Hon. Wakhungu: Thank you, hon. Deputy Speaker for giving me this opportunity.

(Hon. (Ms.) Kiptui stood up in her place)

Hon. Deputy Speaker: Hon. Kiptui, kindly, observe the Standing Orders about standing between the person who is speaking and the Chair.

Hon. Wakhungu: Hon. Deputy Speaker, I want to thank hon. Kamama for the trial he has made in responding to this important Statement request. In my constituency, somebody sold land and bribed with Kshs300,000. When this man heard that his daughter was not given the job, he collapsed and died. As we speak today, this is an issue of great national importance. I am happy that the Chair has raised these sentiments.

In some regions, which are cosmopolitan like Trans Nzoia, a directive was given that 70 per cent should come from a certain community. This was designed in a manner

to bring confusion. We know very well that the Luhya Community has the Bukusu, Tachoni, Maragoris and many others. When it comes to the Kalenjin Community, we have the Nandi, Sabaots and the Kipsigis. That directive was given in a manner as to mislead. Some sub-tribes were given their own slots. So, there was confusion. We need to have clarification from the Chair as he calls the stakeholders to appear before the Committee; he should bring a report to end this issue of tribalism. A place like Trans Nzoia County is cosmopolitan. We have very many Kisiis in Trans Nzoia and I can see the hon. Commissioner is very excited. When you look at the list, the Kisiis, for instance, did not get anything.

The issue of giving directions about tribes is encouraging tribalism. We want people to compete as Kenyans; the moment you give directives that this should go to a certain community and the minority are given the lion's share is unfair. The Chair should confirm to this House that in regions where there is evidence of corruption, the exercise will be nullified and repeated. Two, as he clearly puts it, the reporting date should be delayed, so that the exercise is done again in a competitive, transparent and accountable manner.

Hon. Deputy Speaker: Hon. Members, I really see a long list and if we are going to start giving instances and incidents that happened in all our constituencies, we will never leave this question. Can you just confine yourself to a simple clarification, so that we can move on? If it has already been asked, do not repeat it because a standard response will be given if the issue is the same.

Hon. Gichigi: Hon. Deputy Speaker, the Chair says that investigations are being carried out, but the very same Commission that committed these irregularities is now claiming to be investigating its conduct.

Two, could he indicate to us whether there is an independent body that is going to carry out investigations? Is his Committee aware that when it comes to corruption, it is very difficult for people to come out and say that they gave money or that they received money? The investigations should be carried out by an independent body.

Three, when he says that they have requested that the reporting date be suspended, have they received confirmation from the Service that, indeed, this is going to be done or he will come back later and tell us that their request was not honoured? Has the exercise been suspended or is this a mere request?

Finally, he has told us that they have received 35 complaints. We have thousands of complaints from the public everywhere in this country. Could the Chair tell us whether they are planning to have the entire exercise nullified and repeated across the board? There are many cases where people are not able to reach Nairobi to complain.

Hon. Iringo: Hon. Deputy Speaker, I have two clarifications to seek from the Chair. He should follow up issues in the Committee when he meets the Commission. He said that there are gazetted units, or areas, where the recruitment was being undertaken. Some units have several constituencies. If the exercise was done without using constituencies as units, some areas were disadvantaged to the extent that the recruitment was done in one centre serving two constituencies. For example, my constituency was lumped together with Igembe South. My constituency was disadvantaged because the two constituencies shared the 25 slots instead of one constituency getting all of them.

The second issue is that the exercise was to start at 8.00 a.m. and end at 5.00 p.m., but in some areas it went up to 4.00 a.m., so that corruption could be accommodated. Under the cover of darkness, these things happened. Legally, if the exercise was supposed to end at 5.00 p.m., why did it go on up to 4.00 a.m.? The exercise should be nullified in those areas.

Finally, as my brother has said, we should know who is going to do the investigations. Is it the same people who were corrupted who are going to undertake the exercise, or we will get an independent body to do the investigations?

Hon. Kemei: Hon. Deputy Speaker, let me thank the Chair for speaking as the Chairperson of a Committee of the National Assembly. Often we speak as if we are part of the Executive, which we are not.

The clarification I want to get from the Chair is that in areas where the spread did not cover all the locations as was intended, what action is he going to take? Secondly, the investigation which he has promised this House, is his Committee going to be responsible? Thirdly, which independent organization can we rely upon to do proper investigations instead of relying on the same institution which has been corrupt and has committed crimes against the people of our country?

Hon. (Dr.) Simiyu: Hon. Deputy Speaker, the recruitment of the police this last time has been well exemplified by the Chairperson of the Committee, who has a document which he says he will table at the end. He should have tabled it earlier so that people can peruse it as we asking him questions. Underhand deals took place during the police recruitment. I would advise the Chair that when he meets this team they should give him the formula they used to allocate slots to the various communities in this country. That particular formula is very flawed and encourages what we call “ethnic imbalances” in the police service. It is a very important document; I would advise the Chairman that when he meets those people, they should show him the formula they used which ended up lumping together different Luhya communities as one community while the Kalenjin were shown as Kipsigis. Nandi and so on. That is what brings tribal imbalance in various organizations. That is my request to the Chairman.

Hon. Wario: Mhe. Naibu Spika, ufafanuzi ninaomba ni kwamba wakati kulitangazwa kuwa kulikuwa na kazi, kulikuwa na pendekezo katika gazeti kwamba wanasiasa wasitoe mapendekezo. Nataka sababu ya hili jambo kwa misingi ya kisheria; kwa nini mwanasiasa asitoe mapendekezo?

Pili, makurutu waliambiwa wakimbie. Huu ni mwezi mtukufu wa Ramadhan. Ikiwa hii ndio mbinu inatumika kujua kurutu bora na hali wengine walikuwa wamefunga; je walikimbia sawa na wale ambao hawakuwa wamefunga? Je, hii si ilikuwa dhulma kwa Waislamu?

(Loud consultations)

Hon. Deputy Speaker: Order, hon. Members!

Hon. Wamunyinyi: On a point of order, Hon. Deputy Speaker. When the Chairman was responding to a question, he alluded to a report which he was going to table. Up to this moment, he is still holding it. Am I in order to ask that you compel the Chairman to table that report before the House?

Secondly, he has confirmed that apparently from initial investigations, there are indications that the process was flawed and that is why they have initiated investigations. Am I in order to also ask that this House takes extraordinary measures and pass a resolution asking the Ministry to stop the entire process completely, re-advertise it and undertake the whole process afresh?

(Applause)

Hon. Deputy Speaker: Hon. Abongotum, before Hon. Wario continues, you have a report that you intend to table in the House?

Hon. Abongotum: Hon. Deputy Speaker, I do not know whether my good friend, Hon. Wamunyinyi was listening. I talked of tabling guidelines. I said the report will be ready on 4th August. He did not listen and I would urge him to be very keen, if he wants to respond appropriately. I will bring the guidelines as I promised.

Hon. Deputy Speaker: So, what you are tabling are the guidelines that you were given and which were used to recruit applicants, but you have not carried out your investigations? If I heard you right, you are yet to carry out investigations.

Hon. Abongotum: Hon. Deputy Speaker, there are no investigations. We are summoning the team sometime next week. We wanted to do it on Tuesday but because of Idd ul Fitr, we have postponed it to Thursday; after that we will come up with a report to tell the House the districts that---

Hon. Deputy Speaker: So, there is no report?

Hon. Abongotum: There is no report!

Hon. Deputy Speaker: There is no report to be tabled.

Hon. Abongotum: These are guidelines and I will table them.

Hon. Deputy Speaker: Order, hon. Members! I do not think we require the guidelines. I am sure they may even have been in newspapers.

(Loud consultations)

Order, hon. Members!

Hon. Abongotum, you have guidelines that were given to you by the Executive on how they carried out the process? If that is what you have, kindly tabled it. That is the information that you have received and then we will await your report; the report that you will write after the meeting that you are going to hold with the concerned parties.

(Hon. Abongotum laid the document on the table)

Can we authenticate the guidelines that have been tabled? We cannot have a document that has not been authenticated. This is a signed document; it is signed by Mr. Johnston Kavuludi, the National Police Service Commission Chairman; the title is "Guidelines on Recruitment of Police Constables." So it is a valid document that can be accepted in this House.

Hon. Members, I see that you have a lot of interest in this. The Committee has not yet carried out investigations. Remember, we said that this was a very urgent matter, and

asked them to bring a report soon. They have not carried out any investigations from the answer that has been given by the Chairman. Would we be doing ourselves any justice if we continue repeating ourselves on the different instances that we feel took place if the report by the Committee is not before this House?

(Loud consultations)

Order, hon. Members! I was trying to sample a few different communities and different regions, and then we let the Chairman to respond. Hon. Wario was on the Floor. If you reduce your points of order, we will move faster and conclude this for now until we get the report from the Committee. Can you allow Hon. Wario to complete asking his question?

Hon. Wario: Mhe. Naibu Spika, jambo la nidhamu la mhe Wamunyinyi imenipoteza kidogo maanake halikunihusu.

Nikimaliza, iwapo polisi wanasema wanataka kufanya uchunguzi wa kiafya kwanza, ama kutumia mbinu kama mbinu inayoonyesha ni kurutu gani bora, katika Bura, daktari ni mmoja, na ndiye anakagua makurutu 100. Je tutazuije ufasadi? Nikimaliza, Bw. Kavuludi alisema yeyote mwenye malalamishi ampelekee lakini karani akasema kwamba mwenyekiti hachukui malalamishi yoyote. Tunataka mbinu badala ya kupeleka malalamishi kwa sababu kuna mchezo wa paka na panya. Inafaa kuwe na tume huru ambayo itachunguza jambo hili. Wale wanaoajiri ni tume ya Kavuludi. Itajichunguza vipi? Afadhali malalamishi yaende kwa Kamati ya Bunge maanake walipokuwa wakiajiri, walisema hawataki maoni ya wanasiasa. Kwa vile ufasadi umedhihirika, wacha wanasiasa wauchunguze.

Hon. Mulu: Thank you, hon. Deputy Speaker. I want to seek a clarification on two issues. One of the problems we are facing is that this recruitment was done in a lot of secrecy. Being a public recruitment, why was it not important that Members of Parliament were informed about the criteria used? The Chair of the Recruitment Committee was the Sub-County Commission; this is a former District Commissioner (DC). The same DCs are now sitting in our CDF boards and other committees. Why was it difficult to involve leaders in the criteria used?

Secondly, is it really within the law to have a recruitment exercise extending up to midnight and even 4.00 a.m?

(Loud consultations)

Hon. Deputy Speaker: Order, hon. Members! The level of consultations is high. I realize that this is an emotive issue, but hon. Members, could we have some decorum in the House?

Yes, hon. Gikaria.

Hon. Gikaria: On a point of order, hon. Deputy Speaker. You have made it very clear that we will be doing ourselves some injustice by continuing with this Statement. However, based on what the Chairman has said, I seek your directive.

I am a Member of the Committee and yesterday when we were deliberating on this issue, the issue of the summoning of the Cabinet Secretary and others came up; we

were advised by the Clerk of the Committee that it takes seven days for us to be able to summon people. I need your direction because if we wait for the seven days when they are reporting on 5th August and the report is coming on 4th August--- Maybe you could direct that we change that. This is due to the emergency in the matter, yet we want the Cabinet Secretary to appear before us within the shortest period of time. I was seeking some directive from you. We were thinking of meeting him tomorrow, but the Clerk of the Committee said that under the current regulations, we cannot summon a Cabinet Secretaries in less than seven days.

Hon. Deputy Speaker: Thank you. We have procedures that are followed. We have indicated the seriousness with which this matter is being taken by the Members. We are trying as much as possible to expedite the process of the Cabinet Secretary meeting with the Committee. However, the question on when that will happen--- Our request, as has been said by some Members, is that reporting time be postponed for these things to be ironed out before the reporting date comes.

Hon. Members, remember these are matters to do with the Executive. You, as the representatives of the people, want our Committee to move with speed with the support of our clerks to ensure that that a meeting takes place as quickly as possible. That is what needs to happen for us to get real answers to the questions that you are raising.

Hon. Ng'ongo: Thank you, hon. Deputy Speaker. Even though you say that this is the work of the Executive, Article 95 of the Constitution gives Parliament an oversight role over State organs. It is high time this House pronounced itself. There are a number of times when Committees have even stopped tendering processes. Hon. Deputy Speaker, you can communicate from that seat because you took an oath to protect the Constitution.

This House needs to communicate that the reporting date of 5th must be pushed forward. This is not a request. When you see a woman crying in a market place because she spent Kshs200,000 and her child has not been taken; when you see people in a whole location in my constituency being told that they are HIV positive--- I agree that there is high prevalence of HIV/AIDS in my place, but it cannot be 100 per cent; it can be 17 per cent, as statistics have shown. It is not even a requirement.

(Loud consultations)

Hon. Deputy Speaker, I request that you instruct the Executive to postpone the reporting date.

Hon. Deputy Speaker: Order, hon. Members. It would still be discrimination even if people were HIV positive, if they were not given the right to be members of the police force.

Hon. Members, let us have some order. As I have said, this is very emotive and all of us are affected in one way or another, because we represent constituencies across this country. You are the representatives and people are looking up to all of you to right this wrong, if there was a wrong that was committed.

Hon. Members, because of this long list allow the Chairman to give us an undertaking. As I have said, I will give the order that we hold on the reporting date until the matters that have been raised in this House have been concluded.

(Applause)

We gave this Committee that mandate and all of us cannot speak at the same time. We have given the mandate and let us allow them to undertake this process, so that we do not appear like we are all trying to be the Departmental Committee on Administration and National Security.

Hon. Members, we will now hear from the Chair and then move to the next Statement.

Hon. Abongotum: Thank you, hon. Deputy Speaker. First, I really appreciate the fact that the House, through you, hon. Deputy Speaker--- Of course, as a Committee we wrote a letter yesterday that the House will instruct the National Police Service Commission to postpone the reporting date until this matter is disposed of by the House.

(Applause)

Through your office, hon. Deputy Speaker, we also wanted to summon these people tomorrow. If it is possible, we want you to give instructions that they should appear before the Committee on Monday. As a Committee we wanted to be within a timeframe. It will be good if you assist us, so that they can appear before the Committee on Monday, we dispose of the issue and be able to come up with a report to the House on Wednesday. That is my humble request.

I will start with hon. Chris Wamalwa, who must be informed that--- Of course, we are sorry we had to lose somebody who sold land and allegedly gave Kshs300,000 to the Recruitment Committee members.

I want to say that Trans Nzoia, as we all know, is a cosmopolitan county. I want to know the formula that was used to arrive at the figures.

When we meet the National Police Service Commission on Monday or Thursday, we will ask them the criteria they used so that if there are any issues of discrimination then those issues will be addressed. Normally, when you are using quotas you must use demography and those other parameters. So, we want to know the parameters that were used. I agree with hon. Wamalwa on this.

On the issue of the reporting date, I think that has been addressed. Hon. Gichigi wanted to know whether there is an independent authority. So far, the team that is investigating comprises of members of the National Police Service Commission and members of the Ethics and Anti-Corruption Commission (EACC). We have members of the Commission and persons who are not members of that Commission. It is up to the House to see what will happen. When we meet them on Monday or Tuesday we will demand that we have an independent board that will deal with this matter and not the same people who participated in the recruitment exercise.

Hon. Deputy Speaker, we will get a report from the Independent Police Oversight Authority (IPOA) about what transpired. We will also get a report from the EACC and the Director of Criminal Investigations. We have also requested the National Intelligence Service (NIS) to come up with a report. So, we will use the four reports to arrive at a conclusion and decide on the areas where the exercise will be nullified and those where it will not be nullified.

On the issue raised by my good friend from Meru about gazettement of areas, we all know that there are certain constituencies that have not been gazetted. That is an issue that has to be dealt with at some stage. Gazettement is, of course, done by the Ministry of Interior and Co-ordination of National Government. As a Committee, we will advise the Minister to actually expedite the gazettement of constituencies that have not been gazetted. As he said, two constituencies were lumped together and when you compare the number--- If they got 25 and one other constituency got the same number then you know they actually lost as a constituency. We will address that.

On the issue of timing, we got reports that in some areas recruitment went on up to 2.00 p.m. Others are talking about 4.00 a.m. Really, it should not be like that. In future we will advise that they do it within two days. This is because after midnight you do not know what may transpire. A lot of things can happen at night. We will advise that they have two days to prosecute this. In future we will ensure that this is done.

Hon. Serem wanted to know about a few of his locations that were left out. We will also talk to the Commission to see the areas that were left out. I hope those areas had people who were qualified. If there were people who are qualified then we should be able to address that. Normally, during a recruitment exercise, every division is given its quota. A division will then divide itself into locations and every location is supposed to have its quota. That should be addressed by the Commission when we meet them.

Dr. Eseli talked of the formula that was used. Even for me, I think there were variations and people complained that they were not sure about the formula that was used. We want to know what formula was used to give a place like---

(Loud consultations)

Hon. Deputy Speaker there are loud consultations.

Hon. Deputy Speaker: You really have to summarize, Mr. Chairman because we will come back to this after we get your report.

Hon. Abongotum: With regard to the formula that was used, we should be able to get that from the Commission. On the issue of lumping together luhyas and treating Kalenjins differently, I think we should be told why that happened.

Hon. Wario raised the issue of the recruitment exercise taking place during the month of Ramadhan. In future, in the interests of fairness we should not have this exercise done during Ramadhan when our muslim sisters and brothers are fasting. I know that after fasting, a good number of my muslim friends do a lot of feasting at around 4.00 a.m. and 5.00 a.m. So, when they are told to run around 8.00 a.m. they are really energetic. I know that if the process goes up to 5.00 p.m. then it may not be good for people who are fasting.

Hon. Wario talked about one doctor in his constituency. One doctor cannot handle 100 people. So, they needed to get doctors from other places.

Hon. Deputy Speaker: Chairman, please, remember that you are a legislator. You cannot make the final decisions. You are going to make recommendations. It is the Executive that will be executing! So, do not talk on their behalf, please. Just say what recommendations you will make.

Hon. Abongotum: We will recommend that, hon. Deputy Speaker.

Hon. Wario also talked about an independent body and I have said something about that.

Hon. Mbadi raised a fundamental issue on discrimination of people who are HIV positive. I think the law is very clear that anybody who is HIV positive must never be discriminated against in employment. The law is very clear.

Hon. Kaluma: On a point of order, hon. Deputy Speaker. I have respect for the Chairman. However, you have given directions in terms of how this matter should be proceeded with and the Chairman has undertaken to sit down with his Committee and bring to the House a comprehensive report on this issue. Really, I think we are taking too much time on this. We should be transacting other business instead of---

Hon. Deputy Speaker: This is what I have been telling the Chairman. Just summarize because Members asked questions. We will wait for the comprehensive report. If Members do not mind, we even do not have to get answers to the other issues because you have already responded. We must move on. You are taking too long on each response, yet we will be coming back to the same issue.

Hon. Abongotum: Hon. Deputy Speaker, with regard to discrimination, an issue that was raised by hon. Mbadi, that should not be allowed at all. Even if you are HIV positive you are entitled to employment in this country.

I rest my case. We will summon this group sometime next week and bring to the House a comprehensive report.

Hon. Deputy Speaker: Order, Members. What is out of order, hon. Gumbo?

Hon. (Eng.) Gumbo: Hon. Deputy Speaker, I wanted to say that the issue of discrimination goes much higher than just the question hon. Mbadi has spoken about. For example, a lot of the recruits who went for these posts were denied opportunities because they had a tooth missing or broken. One has to ask: What does one need a tooth for? I mean do our policemen and women require to use their teeth in defending our country?

So, when you look at the issues of discrimination they are so widespread. People are denied opportunities because they are not of a certain height. I did physics and I know shorter people are more stable than taller people. So, why are people being discriminated against? These are not in the requirements.

Hon. Deputy Speaker: Engineer, that point is taken. Hon. Njagagua, were you on a point of order?

Hon. Njagagua: Yes, hon. Deputy Speaker. You know I am shocked when I listen to the contributions by some Members of Parliament. Quite a number of these Members are saying that their constituents bribed and some of them even died after their daughters were not admitted to the police force.

Hon. Deputy Speaker, it takes two people to tango. Unless we want to reduce this House to one of corruption that where Members of Parliament can come and start saying that people were bribing their way to the police force, we should get names. We should assist this Committee chaired by hon. Kamama. We do not have to just keep on bandying words left and right. So, I would seek your guidance on this. Any Member who has said that somebody was bribing should give the names forward so that within the police force we---

Hon. Deputy Speaker: Order. That is information that is in the public domain. It is not new information, hon. Njagagua. I would like to encourage Members that when

you are calling the Cabinet Secretary (CS) and the Police Commission make sure that Members are aware of where that meeting is going to take place so that all these Members with their various allegations and incidences can come and bring them before them. So, make sure it is publicised so that Members are aware where that meeting is taking place and then you can get the clarifications that you are seeking from the Floor today. So, hon. Members I want us to move to the other business otherwise we will spend the whole day on this matter. Thank you, Members. Chair, we are done with that. You will do in the Committee.

Next response is from the Chair of the Departmental Committee on Environmental and Natural Resources following a request by hon. Mwangangi.

POLLUTION OF THIKA RIVER BY FRUIT CANNERS

Hon. (Ms.) Abdalla: Thank you, hon. Deputy Speaker. Pursuant to Standing Order No.44(2)(c), the hon. Francis Mwangangi, Member for Yatta Constituency requested for a Statement regarding the pollution of Thika River by the fruit canners along the route from Thika to Yatta. He wanted the Committee, in our Statement, to report to the House on the following:

(i) The content of the spray used and the potential harm it may cause to the public using the river water downstream.

(ii) Whether there are any plans by these fruit canners to treat this affluent.

Hon. Deputy Speaker: Please we are not hearing you hon. Amina. I do not know if it is the volume that is not right and please try to summarise because we have spent quite a lot of time on the last Statement.

Hon. (Ms.) Abdalla: Secondly, he asked whether there are any plans by these fruit canners to treat their affluent which is released into the river for the safety of the users and the environment downstream and thirdly, the plans in place for relevant Government bodies to prevent such occurrences.

Hon. Deputy Speaker, I beg to read the following response. The main industries in Thika River basin are Del Monte, Yatta Fruit Canners and tea factories in the upper reaches of the river. Waste water from these industries is treated in accordance with an affluent discharge control plan that has been approved by the Water Resource Management Authority (WARMA).

Hon. Deputy Speaker, the companies are adhering to an affluent discharge plan as per their permit. These industries are complying with this plan except for the occasional instances when tea factories experience challenges in affluent treatment during the heavy rains.

Hon. Deputy Speaker, on farm activities such as crop spray and the content of such sprays is regulated by the Kenya Plant Health Protection Services which also monitors pesticide residues in crops. As such, the contents of the sprays used are not controlled by WARMA. However, whenever incidences of pollution from pesticide spillage or wrong timing in application are detected, WARMA works with the relevant agencies to agree and take remedial measures. In this regard, WARMA has not experienced any such incidences in the Thika basin.

Hon. Deputy Speaker, as stated earlier, industries have an obligation to treat their waste water in accordance with an affluent discharge control plan approved by WARMA. WARMA as the regulator of water resources has to monitor and ensure the plan is complied with. In this connection, the Ministry undertakes to ensure that WARMA together with other concerned agencies such as National Environment Management Authority (NEMA) under the Ministry---

(Loud consultations)

Hon. Deputy Speaker: Order, hon. Members. The consultations are too high. Let us have some order in the House.

Hon. (Ms.) Abdalla: The Ministry undertakes a rigorous sampling and screening quality assurance exercise on Thika River for pesticide residues and to take appropriate action. The Ministry also undertakes to table within two months a report on the appropriate action. Thank you.

Hon. Deputy Speaker: Yes, the hon. Mwangangi. You can have the first chance to seek clarification very briefly please.

Hon. Kilonzo: Thank you, hon. Deputy Speaker. Before I seek a clarification I want to commend the good work of the Committee. They invited me to one of their sittings with the Ministry. However, as late as yesterday this was still ongoing. So, please I would wish you push the Ministry more so that this kind of pollution can stop.

Hon. Deputy Speaker, the clarification I am seeking is: Is it true that these canners and other industries which have been mentioned here have denied being behind the pollution? This is because at the beginning of the Statement they are saying they are not doing it. At the end of the Statement the Ministry is saying they are going to investigate and table a report within two months.

Hon. Deputy Speaker: Okay. Any other clarification on the same? Daniel Maanzo, were you seeking a clarification?

Hon. Maanzo: I would like to seek a clarification from the Chair. If the report you have presented is accurate then why do we have, occasionally when they release the affluent' fish and other animals within the water dying, bearing in mind that this is the water that goes to the Yatta Canal which is consumed by a lot of people downstream?

Hon. Deputy Speaker: Okay, Committee Chairperson.

Hon. (Ms.) Abdalla: Hon. Deputy Speaker, on the clarification sought by hon. Mwangangi, in terms of pushing the Ministry to provide a report, I will do so because the two months period will be lapsing next week. On the question of canners polluting the water, which is similar to that raised by hon. Dan Maanzo about the effects of the affluent on fish, the information that the Ministry officials had as at the time of the Committee's sitting implicated only the tea factories in the upper catchment area as those who had challenges with affluents.

Upon hon. Mwangangi's insistence that the canners did have a problem, it was agreed between the Committee and the Ministry that the allegations of hon. Mwangangi pertaining to the actions of the canners shall be clarified in his presence. So, they are seeking to give us a further clarification because at the point of answering this question, the information that they were confident to give us was that they did not feel that the

canners were liable for polluting the water. However, hon. Mwangangi demanded that M/s WARMA and the National Environmental Management Authority (NEMA) jointly undertake an actual assessment to prove or disprove his allegation. So, that is where we are.

Hon. Deputy Speaker: Hon. Amina, we are moving to the next Statement, which is, again, yours.

Is hon. James Gakuya in the House? If he is not in, we will do what we have done in the past. The Statement will be tabled, so that if any hon. Member is interested they can access it. So, hon. Amina, table the Statement.

Next is the Statement request by hon. David Epuyo. Is the Member in the House?

Hon. Nanok: Hon. Deputy Speaker, my name is Daniel, not David.

Hon. Deputy Speaker: There was a misspelling of your name. The hon. Member is in. I can see that the Chairperson of the Committee on Education is also in. Can we, please, get your response to his Statement request, hon. Sabina?

ESTABLISHMENT OF LOW-COST BOARDING SCHOOLS IN TURKANA COUNTY

Hon. (Ms.) S.W. Chege: Hon. Deputy Speaker, pursuant to the provisions of Standing Order No. 44(2)(c), hon. Daniel Epuyon Nanok, the Member for Turkana West Constituency, requested a Statement from the Chairperson of the Departmental Committee on Education, Research and Technology concerning the establishment of low-cost boarding primary schools in Turkana County. I would like to respond as follows.

The establishment of low-cost boarding schools is a strategy by the Government of Kenya to ensure improved access to quality basic education for children from nomadic communities living in ASALs and other marginalised areas. The strategy allows nomadic pastoralists to take their children to such schools as they move from place to place in search of water and pasture for their livestock. Under Expanded Education Opportunities Programme (EEOP), as an investment programme, the Ministry disburses a capitation grant of Kshs3,303 per child for boarding expenses and Kshs3,000 per support staff as top up towards their salaries.

The funds are disbursed in two tranches in September and January. Currently, the Ministry of Education funds 400 low-cost boarding schools with an enrolment of 113,624 pupils. However, there is a huge deficit in the funding for those schools, amounting to Kshs422,901,000 to cater for the new low-cost boarding schools and increased enrolment in the existing schools. There is an appendix on the same.

As per the Printed Estimates for 2014/2015, the budgetary allocation for this category of schools has remained constant. It is, therefore, highly unlikely that funding will be for the new requests. The criteria for selection, approval and establishment of low-cost boarding schools stipulate that schools should:

1. be registered by the Ministry of Education, Science and Technology as a public institutions;
2. validated by the national office on the need and suitability of their status as low-cost boarding school;
3. meet the minimum standards for establishment of low-cost boarding school; the standards are attached to this Report;

4. make a formal request to the national office, through the County Education Board. Funding is subject to availability of funds in the Investment Programme Vote Head.

Hon. Deputy Speaker, in Turkana West Constituency, the Ministry of Education, Science and Technology is currently funding seven schools at a cost of Kshs15,592,470 per year. Five schools in the constituency have already requested low-cost boarding schools. The status of the applications is that they are awaiting funding. The lists of the new low-cost boarding schools requests and schools already receiving funds have been provided in response to questions 1 and 3. The following five schools in Turkana West Constituency are amongst 214 schools in the country that have applied for low-cost boarding funds: Nanam, Letea, Lopwarim, St. Marks' Songot and Oropoi primary schools. Kalobeyi Mixed Primary School is already on the Ministry's funding list. The current funding level of low-cost boarding primary schools in Turkana West Constituency and the status of the Free Prime Education (FPE) funds are given. The total is Kshs15,592,470. There is also a table which shows the status of the FPE funding for Turkana County, including the districts of Turkana West Constituency.

Hon. Deputy Speaker, that is the information I have in response to the Statement request. A document on the minimum starting requirements for establishment of low-cost boarding schools is also attached to the Report.

Thank you.

Hon. Deputy Speaker: I believe that the hon. Member already has the Report. Member for Turkana West Constituency, you have the first opportunity to seek clarification.

Hon. Nanok: Hon. Deputy Speaker, let me thank the Chairperson of the Committee for the Statement.

What I required to be inquired into was the criteria for establishment of the low-cost boarding schools, to which an adequate response has not been given. I asked how many schools have been approved as low-cost boarding schools in Turkana West Constituency. What I have got from the Ministry in response is a list of schools that are considered low-cost boarding schools.

For purposes of information to this House, one of the seven schools contained in the list does not belong to Turkana West Constituency. That is Aisinapur Primary School. Out of 57 schools in Turkana West, only six are considered low-cost boarding schools. There are some low-cost boarding schools which were approved when I was in primary school. Those schools were established in the 1970s and the 1980s.

My question was: How many of the schools that applied have been approved as low-cost boarding schools? I have not gotten an answer to that question. If it is about the five schools that are said to be in the waiting list, it seems like there is no approval that has been given.

Hon. Deputy Speaker: Hon. Nanok, you have sought clarification. Please, do not go into explanations.

Hon. Nanok: Hon. Deputy Speaker, please, allow me to prosecute this case because we are suffering.

Hon. Deputy Speaker: No, no! It is not a case that is being prosecuted.

Hon. Nanok: Hon. Deputy Speaker, we are having problems. I have problems in my constituency, because currently cases of children being chased away from school are very many. It all pertains to this issue. Schools are considered low-boarding schools but they do not get funding. That is the problem. The population keeps on increasing in those schools with no commensurate increase in funding. I have just been told that there is no likelihood of the schools being funded in the current financial year.

Hon. Deputy Speaker: Committee Chair, was the hon. Member invited to the sitting you had with the Ministry officials?

Hon. Nanok: Hon. Deputy Speaker, I was not invited.

Hon. Deputy Speaker: We have been encouraging committee chairpersons to invite hon. Members with requests for Statements, so that they can speak directly to the Ministry officials and get the clarifications much more clearly than they can get on the Floor of the House since the Cabinet Secretaries are not here yet. They will be here but they are not yet here for you to question them.

Hon. Member, your point has been made. You do not think that the request has been adequately responded to. I do not know what the Committee Chairperson has to say on that one.

Hon. Nanok: Hon. Deputy Speaker, I am satisfied. Therefore, I need to be given a better response to the Statement request.

Hon. Deputy Speaker: Hon. Nakuleu, are you seeking further clarification on the same matter?

Hon. Nakuleu: Yes, hon. Deputy Speaker. I have keenly listened to the response from the Committee Chairperson. It has come out clearly that in the 21st Century, the Government has not upgraded any of the schools in ASALs to low-cost boarding schools. The list that has been provided has names of schools which existed in the 20th Century. So, we want the Government to tell us what it has done to bring pastoral communities to the level of the rest of Kenyans in the 21st Century.

Secondly, the Government has accepted that it has a budgetary deficit which has been in existence for quite some time. What action is the Government taking to address the gap? We know that the current Government is very generous, even the schools which held certificates of various students who could not clear their fees have now had the fees waived. Now, there is a case of some people who have never accessed education. These ones have partially accessed it; the only problem now is the labour market. But there are those who are still languishing with their livestock outside and the Government has not made any effort to address this.

Thank you, hon. Deputy Speaker.

Hon. Deputy Speaker: Hon. Francis Kilonzo are you on the same or on another matter? There is a habit of Members putting on their cards and then leaving the room. Hon. Mwangangi, this was not your question?

Hon. Kilonzo: You have just called my name, hon. Deputy Speaker.

Hon. Deputy Speaker: The Chair can now respond to the ones that have been asked because Members put their cards on and leave the House. I cannot tell who are waiting for this question or waiting to contribute to another matter. Order hon. Members! Order! Hon. Protus Akujah.

Hon. Akujah: Thank you, hon. Deputy Speaker. After listening to the Chairperson and the response she has given to this Statement request, I wish to seek a clarification on criterion No.4 which talks about the availability of funding for this particular programme. I wish to be told what the Government is doing to ensure that areas that are prone to drought are catered for in this programme. This is because in my constituency over 30,000 people have actually moved to Uganda in search of pasture and water and their children are not catered for in terms of education, because they cannot fit into the system in Uganda.

Therefore, these children need to be in boarding schools in Kenya; their parents have moved to another country. Can the government give an assurance that when parents move to another country their children will actually remain in their respective schools. If we talk of lack of funding then it means funds will never be available and, therefore, these children will not go to school.

Thank you, hon. Deputy Speaker.

Hon. Deputy Speaker: Okay, hon. Mwangangi are you on a point of order?

Hon. Kilonzo: Some clarification from the Chair, hon. Deputy Speaker.

Hon. Deputy Speaker: Yes, what is your clarification?

Hon. Kilonzo: Thank you, hon. Deputy Speaker. I am just seeking clarification. I am meant to understand that this area receives the Equalization Fund money and also Constituencies Development Fund (CDF) money. In which other parts of the country is the Government constructing these low-cost schools?

Hon. Deputy Speaker: Yes, hon. Kaluma; your clarification is on the same? The two of you are jumping up!

Hon. Kaluma: Thank you, hon. Deputy Speaker. What I was really asking was the public policy position around the establishment of these schools because these areas in particular get the highest CDF allocations and county devolved funds. In fact, Turkana County gets a lot in addition to those other allocations. They get the Equalization Fund money which some parts of the country do not get. What is the public policy position? Are we dealing with only these ones or with our areas too? The boarding schools which were in my area are long dead. We could be building these marginalized areas, while marginalizing other areas at the same time.

Hon. Deputy Speaker: Okay, can we get the response. Is that hon. Shidiye? That should be the last one, and then we can get the response from the Chair.

Hon. Shidiye: Thank you, hon. Deputy Speaker. Turkana happens to be the highest recipient of relief food in this country. Children in Turkana have dropped out of school because of hunger and poverty. These children are supposed to be in school, but most of them are languishing outside school and have nowhere to go. Actually, low-cost boarding schools will be a catch for children who stay out of school; the Chairperson is not coming out very clearly on this matter.

We want to find out whether the Government is willing to pump money to those areas; you realize that children are leaving schools en masse; what is she doing about it? This is because the Ministry looks like it is not serious about this matter; children are leaving schools and their parents are suffering. At the end of the day, these children become cattle rustlers because they graduate after being trained when they are very young, and start stealing animals from their neighbourhoods. The cycle of abject poverty

continues and they continue to suffer. So, what is the Ministry policy, because Turkana is the poorest community in this country?

Hon. Deputy Speaker: Okay; hon. Chair.

Hon. (Ms.) S.W. Chege: Thank you, hon. Deputy Speaker---

Hon. Deputy Speaker: Hon. Members, I think your issues have already been raised by several other Members. You have noticed I have given quite a number of Members from that area a chance, and I cannot give all of you a chance.

Hon. (Ms.) S.W. Chege: Thank you, hon. Deputy Speaker. I just want to make one clarification that the answers I have given today were as per the questions asked by the hon. Daniel Epuyo Nanok. Some of the clarifications that my colleagues are seeking might require us to have a further meeting with the Ministry of Education, I can see there is a lot of interest in hon. Members from Turkana County, whom we can invite to our meetings.

Hon. Daniel Epuyo had asked about approval of boarding schools; he gave specific schools that he wanted to know whether they are in the list. In my answer I said Korabeyei Primary School is one of the Schools that have already been approved.

It is also important for other Members to know that the issue about a school being classified as a low-cost boarding school is an initiative that must come from the parents, the leadership and also the Ministry of Education and the guidelines clearly state this. Among the requirements, for economic purposes, is that the distance between the low-cost boarding schools in the sub-county should not be less than 30 kilometers apart, unless under special circumstances explained by the County Education Board. Those are some of the requirements that are given by Government for the existence of these low-cost boarding schools.

There are some hon. Members who wanted to know whether it is only in the ASAL areas. When I started my Statement, I said low-cost boarding schools are a strategy by the Kenyan Government to ensure improved access to quality basic education by children in nomadic communities living in Arid and Semi Arid lands (ASALs) and other marginalized areas. That means even other areas can apply for such schools even if they are not in ASALs. The strategy allows the nomadic pastoralists to take their children to school as they move from place to place in search of water and pasture for their livestock. So, hon. Members who feel that their constituencies are also marginalized should also take the opportunity and apply for these schools.

Finally, hon. Kaluma has raised a very important point; yes, we have some counties which are marginalized but they are getting a lot of money from the Equalization Fund. Also, in the Ministry of Education, there is a fund, and from the CDF they get a lot of money as compared to other counties. Also, as their county governments receive a lot of money compared to other counties. I would advise all the Leaders that the issue about education and putting our children to school is a collective responsibility not only of the Ministry of education but of all of us. I would advise all leaders to mobilise resources and complement what the Government is doing, so that then we are able to have many more of these schools to help our children.

Thank you, hon. Deputy Speaker.

Hon. Deputy Speaker: Thank you; Members, please feel sufficiently represented.

The next one, again, is the Ministry of Education, Science and Technology, Science and Technology. It was sought by hon. William Kisang. Is the hon. Member in the House?

Hon. Members, we have dispensed with that matter. If we need any more clarification on that, then we can raise them.

Hon. Chairperson, remember the hon. Member did indicate that you did not call him. We have said, as a matter of policy, please, call hon. Members. When you are having the Cabinet Secretary (CS) addressing a matter, involved hon. Members that have asked that question so that we do not get all the questions arising on the Floor of the House.

Hon. Nanok: On a point of order, hon. Deputy Speaker. I feel that my Statement has been trivialized in the manner in which it has been addressed by the Chair, and even through some of the interjections that have been given by other hon. Members. We are talking here of a grave matter and I was not invited to meet the CS. I know I will not be called because the Chair has not given the direction that this Statement be re-done, so that I can be in a position to interrogate further those who are in the know.

As regards the issue of CDF and the issue that I raised here about boarding schools, they are not related. The CDF does infrastructure. We do not provide funds for food in those schools. Food is a recurrent expenditure and, here, we are being made to look like we have all the money to do whatever we want. Every constituency in this country receives CDF in a given criteria. Therefore, I do not think it is fair to bring out issues of CDF on matters of low-cost boarding schools in this country and in Turkana County.

Hon. Deputy Speaker: Okay, hon. Member. Your point has been made. Hon. Chair, when you are calling the CS on whichever other matter, can you, please, indicate the response given on the question of the low-cost schools in Turkana was not sufficiently responded to? Ensure that you do call the hon. Member and any other interested party in those local schools into that meeting, so that they can get satisfaction or the request can be responded to properly.

Order, hon. Members! We are now moving to the next one by the hon. Chairperson of the Departmental Committee on Education, Science and Technology. Is hon. Kisang in the House?

Order, hon. Members! We have left those clarifications. Any further clarifications should be sought when the matter is brought into the Committee.

Order, hon. Members! Is hon. Kisang in the House? Yes, he is there. Go ahead and respond.

STATUS OF CERTIFICATES OBTAINED OUTSIDE THE COUNTRY

Hon. (Ms.) S.W. Chege: Thank you, hon. Deputy Speaker. Pursuant to Standing Order No.44(2)(c) of the National Assembly, hon. William Kisang, hon. Member for Marakwet West Constituency, requested for a Statement from the Chairperson of the Departmental Committee on Education, Research and Technology regarding the status of certificates acquired out of the country.

In his inquiry, he needed the report on the circumstances under which a certificate must be equated to the Kenyan standards and the responsible officers. The guiding parameters and the standards used by the responsible body or officers and to provide data of all certificates that have undergone the process and how long it takes in the process. I beg to respond as follows:-

According to Section 5 (1), (g), of the Universities Act No. 421 of 2012, one of the functions of the Commission for University Education (CUE) is to recognize and equate degrees, diplomas and certificates conferred or awarded by foreign universities and institutions in accordance with the standards and guidelines set by the Commission from time to time. The Commission has oversight only on qualifications obtained from foreign institutions.

Secondly, the criteria for recognition and equation of qualification are as follows:-

(i) The qualification should have been obtained from an accredited or recognized institution.

(ii) The applicants must meet minimum entry requirements for a course leading to a similar award in Kenya.

With regard to bachelors degree qualifications, in 1985, the Government of Kenya set the minimum admission into the university at C + (Plus) at KCSE.

However, those who score less than C+ (plus) should have other high qualifications such as diploma with a credit pass or any "A" level with two principle passes or its equivalent.

Specifically, the applicants must have obtained the grades listed below:-

KCSE with a minimum aggregate of C+ (plus) and above or its equivalent, a diploma recognized from a tertiary institution with a minimum aggregate grade of credit or KCSE mean grade of C (Plain) or equivalent, a post secondary certificate and diploma from a recognized institution or "O" level Division II or equivalent, a post-secondary certificate and diploma from a recognized institution or "A" with two principle passes and a subsidiary or a pre-university course as a qualification for university entrance.

For a masters degree, post-graduate diploma and post-graduate certificate qualifications, applicant must have obtained a bachelors degree qualification. For doctorate degree qualifications, applicants must have obtained a masters degree.

With specific reference to the teaching profession, there are minimum standards that have been developed by the experts from the university sector and Commission for University Education. There have been consultations and the stakeholders reaffirmed the minimum admission requirement as follows:-

(a) Be a holder of Kenya Certificate of Secondary Education with a minimum aggregate of C+ (plus) in two teaching subjects or its equivalent or be a holder of Kenya Advanced Certificate of Education (KACE) with a minimum of two principle passes and one subsidiary pass. A minimum of a principle pass in each of the two teaching subjects or be a holder of a diploma in education from an institution recognized by the Commission for University Education.

On the question of qualification, the criteria take into accounts the following:-

(a) Duration of study and credit hours for a given qualification.

(b) Previous background or achievement before enrolling for a degree to be equated.

Hon. Deputy Speaker: Order, hon. Members. We cannot hear the response from the Chairperson. Order! Hon. Mwangangi and the other hon. Member, please, do your salutations later on and not in the Chamber.

Hon. (Ms.) S.W. Chege: Hon. Deputy Speaker, let me continue.

(c) Content on what is studied and the length of time devoted to the components or the contents. Academic transcripts must be produced in support of that, which includes contact hours per a course.

(d) The stage you have reached in a given program of study.

(e) In case of professional courses, whether the candidate is registered to practice in the country of origin.

The guiding parameters used to recognize foreign qualification are given in detail in the Commission for University Education Standards and Guidelines. They are also available at www.cue.or.ke and which:-

(a) Take into account the accreditation status of the institution and/or programme through which the qualification was awarded.

(b) Establish whether the high education institution is a member of the Regional Convention. For example, there is the Arusha Convention and other international conventions like the Lisbon Convention.

(c) Take into account the established quality assurance system or accreditation system, including the formal evaluation of higher education institutions and programmes in originating countries.

(d) Identifying the qualifications in the system of the country in which recognition is sought, which is most comparable to the foreign qualification. Where available, make reference to the National Qualifications Framework and Regional Qualification Frameworks.

(e) Consider the difference in the content, profile, workload, quality and running outcomes.

(f) Take into account prior learning, credit transfer, joint degree programmes, life-long learning without dismissing the learning outcomes.

(g) Consider previous level of education, especially the level immediately preceding the qualification for which recognition is sought.

(h) Considering the qualification issued under a previous higher education system or structure.

The details of data on routine recognition and equation of the cases between 2008 and 2013 are given below.

It normally takes 24 hours for certificates to be recognized, if all requirements have been met.

The number of cases that have been recognized and equated since 2008/2009 is shown as follows:-

In the year 2008/2009 the number of qualifications recognized was 340. In 2009/2010, it was 562.

In 2009/2010, it was 562. In 2010/2011, it was 1,048. In 2011/2011, it was 2,301 and 2012/2013, it was 3,044. The summary of typical yearly statistics on recognized and equated qualifications was taken in the period of 1st June, 2013 to 31st December, 2013. It is also shown in the table attached.

Hon. Kisang: Hon. Deputy Speaker, I want to take this opportunity to thank the Chair for a well answered question. I only have one clarification that I want to seek from her on the third issue. It normally takes 24 hours for a certificate to be recognized, if all the requirements have been met. I raised the question because there was a candidate who had all the requirements, but it took more than four months to get an equation. This is not true unless the Ministry has changed.

Hon. Limo: Hon. Deputy Speaker, I have one clarification to seek. Kenyans now are spending a lot of money to take their students to foreign countries. Some of them are studying within Kenya, but through accredited colleges. They agonize when they are seeking for employment. For example, during the recent police recruitment, it was difficult for those people to prove that the certificates were accepted in the country. What specific document is the Ministry producing to show that the students who have certificates from foreign universities are recognized, so that they do not go round arguing with people?

Two, even when the document to show that the certificate is recognized is provided, what is the quickest way of verifying it especially when there is a recruitment process going on? Could the Government put in place a data base in which one can quickly check whether the document is genuine? We are in an E-age and yet, the Government is still in analogue. What steps is the Government taking to ensure that we are becoming of age?

Hon. F.K. Wanyonyi: Hon. Deputy Speaker, I have a case with equating of certificates from foreign countries. My question is similar to the previous one. We have students particularly from Uganda. My colleagues from Western Kenya will bear me witness that students, who go to universities in Uganda, for instance, Makerere University, come back to Kenya and getting jobs is a big problem. Has the system changed? Previously, it was easy for anybody who had gone to Makerere University to get a job. Now, we have cases of students from Makerere University and it has become an issue for them to get employment and yet, they have valid certificates.

Secondly, is it possible for the Chairperson to tell us whether they can now decentralize the equating programme to the counties? People have to travel all the way to Nairobi, leave the certificates in Nairobi and come back for them. It becomes very difficult for them to follow up. Could this be decentralized and taken to the counties? Education has already been devolved. Why should this be based in Nairobi? It has become very difficult for the students to get the results.

Hon. Kaluma: Hon. Deputy Speaker, in our engagement as leaders with friends and other institutions out of the country, we get opportunities, including for scholarships. This is very immediate. Sometimes, we agonize on whether we can avail the Kenyans that we represent the benefits from such opportunities. Could we have the list of the learning institutions which are recognized by the Commission for University Education tabled in Parliament so that, as the representatives of the people, we can know and guide our people? If it is not included in the report, could the list of all the institutions whose certificates are recognized be tabled so that we can make reference to them?

Hon. Kiptanui: Hon. Deputy Speaker, from the response, the Chairperson has indicated the number of the qualifications which have been recognized over the last five years? Could she also tell us the number of students whose applications have been

rejected by the Commission? In addition to that, can we know whether the Ministry has a system of guiding the students who are interested in learning abroad, so that once they finish studying and come back here, their applications are not rejected by the Commission? Is there a system to guide the students even as they go abroad to study?

Hon. (Ms.) S.W. Chege: Hon. Deputy Speaker, I will start with the question by hon. Kisang, about the verification. The verification of those certificates is done by the Commission of University Education and I have already indicated that. We already have a pending Bill on the Kenya Qualification Framework Authority which is going to look at all the inner details of those accredited universities. I would also like to just indicate to the parents and the students that they should be very careful with the colleges that they enroll in. There are so many colleges that have come and some of them are in this country. Those colleges always advertise and it is always very good. But before the parents enroll their students to those colleges, it is good to confirm with the Commission for University Education whether those are some of the accredited colleges.

Hon. Wanyonyi also asked about getting a job with a certificate from Makerere University, which was initially easy. Even to our students who have gone to local universities, unemployment in this country is a reality. So, I would request all the students who have got certificates or qualifications from foreign universities to make sure that immediately they report back to the country, they should go and ask for the verification from the Commission for University Education. This also goes to the ones who are asking for jobs and, maybe, from what we saw recently with the police recruitment, they need to have the confirmation that this is the right qualification that is required by our Kenyan institutions.

About the counties, we will recommend that to the Ministry of Education, Science and Technology. I know education is not devolved, but we have the County Education Directors. The Commission for University Education is stationed here at the University of Nairobi. We can request whether they can move some of the branches from the headquarters to the county level.

Hon. Kaluma asked about the list of the recognized learning institutions. We will ask for this list and we will be happy to table it in Parliament.

Hon. Kisang raised the issue of the student who took more than four months to have his certificates equated. They said it takes 24 hours if all the requirements are met. I request hon. Kisang to forward the case to me and I can assist and follow it up. If it has taken four months and the student has the qualifications, then, as the Chair, I will assist.

Hon. Kiptanui has asked about the rejected cases. As I mentioned earlier, it is good that they first verify. It is good that we follow the Ministry's guidance on the colleges that have been given accreditation by the Commission for University Education, so that we can avoid cases of parents taking their children for a period of four years or investing money in some colleges just for them to come back and be told that those colleges cannot be accredited by the Commission for University Education. So, before going to an institution, it is good for the parents and the students first to confirm with the Commission for University Education. This is a new Commission, but I am very sure it is going to do a good job. Again, as we debate on the Kenya Qualifications Framework Authority, it is also going to come in to help our students so that all the certificates can be accredited.

Hon. Deputy Speaker: Thank you! In the interest of moving forward, we will have Hon. (Prof.) Nyikal. What is burning?

Hon. (Prof.) Nyikal: Hon. Deputy Speaker, thank you. What is burning is that I am thankful for the detailed criterion that has been given. But there is one point that is not clear to me. It includes entry into universities and you have tagged it at C+. Do we have a situation - and what are the solutions - where a university is recognized but the entry requirement is lower than the C+? That way, the student may go to a recognized university but the criteria then imputes an entry requirement that is reduced. That would be important so that there may be a screening process before the students go and say that entry into that recognized university will give them a problem later.

Hon. Deputy Speaker: Can you just respond to that? Hon. (Ms.) Chege, can you respond to the concern of hon. (Prof.) Nyikal?

Hon. (Ms.) S.W. Chege: Hon. Deputy Speaker, the qualification for C+ was set by the Government in 1985 and so, if the student did not get a C+ and has gone to another university and has been admitted, unless they have done a pre-university course, then they will not be accredited by the Commission for Higher Education (CHE). That is why I said it is important that when parents want to enroll their students outside the country or to colleges that are accepting a grade that is below C+, they should first verify. That is because when they go out and do the degree and come back here yet they had not done a pre-university course or a diploma course earlier, then they will not be accepted.

Hon. Deputy Speaker: Hon. Members, we can deal with our last Statement for today which is yours, hon. (Ms.) Chege, from hon. (Ms.) Kanyua, who is in the House.

PROVISION OF SANITARY TOWELS TO PUBLIC PRIMARY SCHOOLS

Hon. (Ms.) S.W. Chege: Hon. Deputy Speaker, pursuant to provisions of Standing Order No.44(2)(c) of the National Assembly, hon. (Ms.) Kanyua requested a Statement from the Chairperson of the Departmental Committee on Education, Science and Technology concerning the provision of sanitary towels to pupils in public schools. In her Statement, she sought to inquire on the implementation status and the number of pupils who have benefited and, in particular, those in Nyeri County. She also sought the measures the Committee is taking to ensure that all needy girls in public schools receive sanitary towels.

In response, I wish to say the following:-

The overall objective of the provision of sanitary towels is to mitigate against regional gender disparities in access, equity, retention, transition and achievements in education. In the financial year 2011/2012, the Government set aside Kshs240 million for the purchase of sanitary towels for distribution to targeted primary and special secondary schools across the country. Based on the resources available, the Ministry of Education, Science and Technology identified 443,858 needy girls from Classes IV to VIII in 4,114 primary schools drawn from 82 districts. The criterion used to identify the districts took into account the following:-

- (i) National poverty index.
- (ii) Gender parity index.

(iii) ASAL characteristics.

(iv) Needy areas based on provincial directors of education reports.

In the Financial Year 2012/2013, Kshs300 million was allocated for the programme of 568,925 needy girls in 7,141 schools drawn from 142 districts. The identification criterion used was as follows:-

(i) National poverty index - based on the National Economic Survey Report of 2010.

(ii) Gender parity index.

(iii) ASAL and slum characteristics.

(iv) Needy areas based on county directors of education reports.

(v) The Monitoring Report of 2011/2012.

In the current Financial Year, that is 2013/2014, the Government allocated Kshs201 million for provision of sanitary towels. A total of 665,251 needy girls from Class VI to VIII in 9,060 public primary schools and special schools from 156 districts across the country have been identified to benefit. There is a table that summarizes the implementation status of programmes in the last three years in the country and the number of girls who have benefited. It also shows the number of pupils who have benefited from the programme in Nyeri County. According to the records, there are 23,190 girls. The details are indicated. From Mukurweini, we have 3,240 girls, from Kieni East, 3,304 girls and Kieni West has three categories, 4,460, 2,740 and 3,378 targeted. In Nyeri, there are five special schools where 404 benefited in 2012 and 404 are targeted for 2013/2014. So, the total number of girls is 23,190.

The supply for the central region, by the time this report came to us, was yet to be distributed the sanitary towels for the 2013/2014 Financial Year and the projected time by then was 23rd to 27th June.

The measures the Government is taking to ensure that all needy girls in public schools receive sanitary towels are as follows:-

(i) In 2014/2015, the Government has allocated around Kshs400 million for the sanitary towels in the programme. That means more needy girls will benefit this time round.

(ii) The Ministry is currently in the process of receiving new data from all counties in Kenya for consideration of 2014/2015 Financial Year.

(iii) Other stakeholders have partnered with the Ministry of Education, Science and Technology in the provision of sanitary towels to needy girls in some areas of the country. The Ministry is in the process of coordinating those partners.

Hon. (Ms.) Kanyua: Hon. Deputy Speaker, I wish to thank the Chairperson for that response and for the comprehensive answer. But as I sit here, I am shocked and dazed that 23,190 girls in my own county got sanitary towels. I have not heard a single one of them come out and say that, that has, indeed, happened. This is what prompted the question. As County Women Representatives, we have asked the Ministry to allow us to be involved in this programme so that we can deliver the sanitary towels. It is all very well to have good figures and numbers of girls who are in school because the intervention is working. But it is something entirely different to go and find that you cannot find one witness or one family that confirms that, that happened. So, we will be asking the Chairperson to confirm to this House the role of Women Representatives in this process;

not just for what is past but for the double-allocation in the current financial year which is Kshs400 million. In the current financial year, we have Kshs400 million and we will be asking that the Women Representatives are involved in that programme, so that we can ensure that the sanitary towels actually get to the girls. More importantly and this is for the Ministry, is the question of quality. Some teachers, not in particular from Nyeri County--- But when I went to Homa Bay, teachers raised the question of quality. They asked whether we have quality sanitary towels being given to our girls. The question of quality needs to be taken together with production. It is also a bit sad that we continue to buy sanitary towels from western countries when we can grow cotton and produce the sanitary towels here. Does the Ministry have any future projection to begin producing sanitary towels in this country? Lastly, we also want to question the criterion of marginalized areas. If the idea is to give girls sanitary towels across our country from poor and needy families, then the question of districts is a bit questionable. It should be advisable that needy and poor girls wherever they are in our country are affected and benefit from a programme like this one. So, that criterion of districts, we might want to go back to it and check it.

Hon. (Ms.) Shebesh: Hon. Deputy Speaker, I am also shocked by the figures that have come from the Chairperson on the number of girls in Nyeri County that have been given sanitary pads. I am happy to hear the County Women Representative say that she has never encountered them; neither have I encountered any school or a young girl in Nairobi. But I am wondering whether the Government is thinking about ways of how we can use--- Sanitary towels have also evolved to be reusable where children can afford them and the Government can give them free of charge because they are much cheaper. Has the Government started thinking outside the box? This is because it seems the sanitary pads will always be too expensive for the ordinary young girl.

(Hon. Lati stood up in his place)

Hon. Deputy Speaker: Hon. Lati, is it on this matter? I hope you do because you need them for elections.

Hon. Lati: Thank you, hon. Deputy Speaker. Although I am a man, I also represent women from my constituency. This is a noble thing and I want to thank hon. Nyokabi for bringing up this issue. I have never known that something like that takes place in our primary schools where I come from. I want to seek the following clarifications.

First, is the Government providing money for sanitary pads the same way it does with money to old people and other vulnerable groups or is it giving the sanitary pads so that we can follow that up in our constituency?

Secondly, apart from poverty, some of those things are new and are unknown where I come from. Is there any special consideration to those areas because the word “sanitary” means a lot to some of us? It also means a lot to the public health of our country. Is there any awareness programme or special consideration for areas like pastoralists areas where some of those things are unknown?

Finally, since there is a co-relation between educational achievement of girls and sanitary pads, is the Government considering sanitary pads being part of our educational

curricular system? If it really affects the education of our girls, then it will look more like text books and everything else that is needed in schools. Is there a consideration by the Government to bring this product into the mainstream educational requirements for our schools?

Hon. (Ms.) Ghati: Thank you very much, hon. Deputy Speaker, for giving me this opportunity to talk about this topic. We know very well that sanitary pads keep girls in school. We also know from research the number of days girls spend out of school for lack of such an important commodity which should be a basic necessity for those girls.

I am also one of the people who are shocked. I have never heard that there are schools in Migori - which is my county - where girls get sanitary pads to keep them in school. I have tried to ask this question to the Ministry of Education, Science and Technology. I think the criteria and procedure for accessing sanitary pads is not clear. So, it depends on who you know and how well you are connected to get those necessary commodities to our various schools.

I would like to know from the region of Nyanza and especially Migori County, how many schools have benefited. What is not clear is the criteria and I want the Departmental Committee on Education, Research and Technology to try and find out for us. Maybe, we should even be publicizing the schools that receive those sanitary pads when we are talking about districts. From research, we know very well that there are poorer schools in this country that even if girls get sanitary pads, there are other commodities that go with those items. For example, we have a pant. So, we need to look at the whole criteria and process. It is one thing to provide a school girl with a sanitary pad and another to make sure that they have the panties. If we are looking at the poverty index and all those criteria, we should know that a sanitary pad like Always or whatever it is always goes with a very clear pant for wearing. This is the case so that those girls do not only have the sanitary pad and yet they do not have a pant and clear information on how to use that necessary commodity. Maybe, we need to revise the whole idea and criteria for disbursing those things and provide relevant information so that those young girls are able to access reproductive health information that is necessary to complete that whole package.

I beg to ask that question.

Hon. Wekesa: Thank you, hon. Deputy Speaker. This issue should not just be a county issue only. Those items should be sent to the constituencies. For example, we have never heard of this in Saboti Constituency which I represent. The Ministry should come out clearly and tell our girls how they can access those things.

Thank you, hon. Deputy Speaker.

Hon. (Prof.) Nyikal: Thank you, hon. Deputy Speaker. I think there are two issues. I am glad that this thing that started in the Ministry of Gender when I was there is taking a national outlook. However, is there a policy that is being developed between the Ministry of Education, Science and Technology and the Ministry responsible for gender to guide the whole process so that in the end, it is national, is part of the educational system and, therefore, we do not ask those questions?

Secondly, I think the issue of quality was mentioned, but there is another element of the medical quality. Are we looking at how those items are procured and their safety? That is because sanitary towels, particularly the internal ones, can actually have very

severe medical complications that are often not easily traced to that. Where you are going to a mass distribution, even those rare complications should be looked at so that the quality that is given out is important. I seek clarification on those issues.

Hon. (Ms.) Wanyonyi: Thank you very much, hon. Deputy Speaker. I am also interested in this matter. I want to thank my colleague here, hon. Nyokabi, for bringing up this matter to this House. I am worried because this is where we have a lot of corruption. We are not even being told how those items reach the counties or constituencies. Maybe, the Chair should tell us the schools which have benefited from that exercise so that we can also be aware.

I also come from a county where we have squatters. You know squatter children cannot access those facilities. I request the Chair to come up with good measures so that we can also benefit from that exercise.

Thank you, hon. Deputy Speaker.

Hon. (Ms.) Kipchoim: Thank you, hon. Deputy Speaker, for giving me this chance to contribute to this issue. I also want to thank hon. Nyokabi for bringing up this noble course at this time. I want to ask the Chairperson, Departmental Committee on Education, Research and Technology a question. My constituency was in the limelight last year when we were battling with the Press for bringing up my girls on the issue of the period of shame. It was aired on the radios and televisions that things were not good.

We want the Ministry to come up with a better way of distributing those items in the constituencies or districts as she has said. We want to find ways and means to reach those poor girls who are not accessing those items. At the same time, we have to realize that in the rural set up like in a county like Baringo, those girls may not even use those things because they do not have pants. At the same time, they do not have toilets to drop those things. So, we have to come up with ways and means to deal with this problem. This is the case of Tiaty Constituency. We want every county to be forced to have its own people who manufacture those items. This is an issue that will be with us and will not be over soon. The people are being enrolled everyday are more than those who are retiring.

As Legislators in this country, we have to come up with better ways of assisting our girls to remain in school. All the girls must miss classes for several days in my constituency every month and we have to take action.

Thank you, hon. Deputy Speaker.

Hon. Deputy Speaker: Hon. Dawood!

Hon. Dawood: Hon. Deputy Speaker, the clarification I require from the Chairperson is that she provides us with the list of all the districts and, more so, the primary schools which have received. I think this would help. In Meru County, our County Women Representative has initiated the sanitary pads programme, but I have not heard of anything being done in North Imenti - although there are some private individuals who are doing it. In fact, SOS is doing it on Friday this week. I have not heard anything from the Ministry of Education, Science and Technology. Could she, probably, provide a list showing the primary schools in each district, so that we can, at least, follow up on the matter?

Hon. Deputy Speaker: Hon. Members, please, let us not ask anything more on criteria. I think that issue has been raised severally.

Hon. (Ms.) Munene: Hon. Deputy Speaker, I went to my constituency last Saturday to give girls sanitary towels, but so many of them do not know how to put them on. How are they going to use them? When we were in school, we used to be told how to use those things - which I am not going to mention here. We want to know, because we are women in Parliament, whether we could be allowed to go there and teach those girls how to wear those things. We need to think about how they can get the panties. That is because even if you give the girls the sanitary pads and yet they do not have the panties, they are not going to use them. We are not talking of Othaya only; rather it is the whole country. When I was in Baringo, one girl asked me: "How am I going to use those things?"

Hon. Deputy Speaker, we also do not want to forget about the boy child who is now feeling left out. We think about girls and yet there are some boys who want to be given boxers to wear. We must start educating our children on how to be clean.

(Laughter)

Hon. Makenga: Hon. Deputy Speaker, I would like to thank the Member for Nyeri County for having asking this question. In my constituency, in the last three financial years, I have not witnessed any single school benefiting from those sanitary towels. Could the Ministry ensure that the sanitary towels are distributed through CDF? A fund can be set through the CDF so that a Member of Parliament can ensure that the schools benefit from the sanitary towels. This will ensure fair distribution and there will be no question of some constituencies claiming that they have not benefited.

Could the Ministry also not think of establishing special rooms for nursing the students when they get the periods? They can be given a changing room and somebody who can take care of them. Some of them get shocked when they get that kind of thing. I would like to request the Chairperson, through the Ministry, to see to it that special rooms for the pupils to be taken care of are set up.

Hon. Deputy Speaker: Members, please, feel sufficiently represented across the country so that we get a summarized answer from our Chairperson, and then we can move to the business. Remember we have not even started today's business.

Hon. (Ms.) S.W. Chege: Hon. Deputy Speaker, I would like to thank hon. Nyokabi and my other colleagues who have raised issues. Indeed, those are very pertinent issues because many girls miss school when that time of the month comes. As a mother, I am also very sensitive on the issue. Hon. Nyokabi clearly stated that she has not seen any distribution of the sanitary towels in Nyeri County. As per the last communication from the Ministry, it was said that the sanitary towels were to be distributed once in a financial year. The Ministry also said that it is trying to ensure that the distribution is done before the end of term two.

Since other Members of Parliament have raised the issue of distribution not being done, my Committee has also raised that issue. Remember, I am also a Member representing a county and I get those questions when I go to the county. As the Chairperson of the Departmental Committee on Education, Research and Technology, I also get embarrassed when those things are not present in my country. So, we will be

tabling the Report from the Ministry of Education, Science and Technology on the districts that have benefitted in 2013/2014 and the ones that have had actual delivery.

The Ministry officials indicated to us that the County Director of Education (CDE) is the one who identifies the schools to benefit. The Ministry also coordinates with field officers, the CDEs, the DEOs and the identified supplier. They are responsible for the distribution of the sanitary towels. Once the tender goes out and a person wins the tender, they are supposed to supply the sanitary towels to the specific schools and do the training on usage of those sanitary towels. That is the criteria we have been briefed about by the Ministry. We, however, will be happy to do a further inquiry on the same. The supplier is the one who is supposed to distribute the sanitary towels and also conduct the training. I will raise it with the Ministry that the teachers should also be in a position to assist those girls.

My Committee visited Kigali, Rwanda and we learnt that most of the schools have a room where the girls can rest. The sanitary towels are kept in that specific room so that the girls can access the sanitary towels whenever the need arises.

With regard to the role of the women representatives in distribution, it is not yet very clear from the Ministry of Education, Science and Technology. However, I would like to support the idea that those are women who can volunteer to go to the ground and actually train the girls. Personally, I have no problem to train the girls in my county on how to use a sanitary towel. I also have no problem to go to the ground and do the Ministry's work because what we need is the girls to access the sanitary towels.

The idea of local production is very good. I know this can lower the cost. Perhaps, the number the Ministry is targeting can be higher if local production is done. So, this is one of the things that we are going to recommend to the Ministry of Education, Science and Technology. They need to think out of the box. I have seen clubs, for example, Rotary Club, give out cheaper sanitary towels. They are many in numbers and they include six panties. It is actually very cheap; it is actually around Kshs400,000 and a girl gets a supply for a whole year with six panties. There is also a leaflet containing instructions. I am very sure the Ministry can borrow from them. The Ministry should instead of doing business with the sanitary towels, look at how it can partner with the Rotary Club.

With regard to marginalized areas and the needy girls to be catered for, I would urge Members to liaise with the CDEs because they are the ones that give those things to the Ministry of Education, Science and Technology. That answers hon. Wafula's concern. Hon. Gitau raised the issue on policy. He wanted to know whether this matter is being wholly handled by the Ministry of Education, Science and Technology. It is the Ministry that has come up with the policy on how to do it. I agree that the procurement, medical quality, safety and so on are very important issues. There is also a big danger coming on because of the waste management. There are no incinerators in schools and the girls dump the sanitary towels in the pit latrines. I do not know whether Members know that the sanitary towels cannot decompose. So, the pit latrines are just getting full very fast and it is actually a very big environmental hazard and the Ministry needs to re-look at it. Those are some of the things as we do further inquiries that we are going to be liaising with the Ministry of Education, Science and Technology.

Hon. Junet, on how to reach the constituency, as I said, the Country Director and the District Education Officers (DEOs) are the ones who are giving those instructions. Once we table the report on the schools per district that are benefiting, then hon. Members can follow up and actually inform us whether those sanitary towels have gotten into their constituencies.

Hon. Kipchoim also raised the issue of distribution and I think I have handled it. I think there were other initiatives like *Inua Dada*, Save our Souls (SOS) and other people who are coming up and helping with those sanitary towels. I think it is important for the Ministry of Education, Science and Technology to co-ordinate all those partners so that we do not have the same schools benefiting and then, maybe, we can cater for a bigger number.

On hon. Dawood's question, yes I have said we will table the list of all districts. Hon. Mary Wambui on the responsibility on how to use them, I have said yes we will involve the leaders and I will also request the Ministry of Education, Science and Technology that even when they launch those programs, they can invite hon. Members and especially the women who are in this House so that we can go and train those girls. We will be offering to do that. It is true that many of our girls even today do not know how to use sanitary towels and they need to be trained even if the pads are provided to them. They also need the inner wears.

On hon. Dennitah Ghati, I have explained the criteria of the valuation and we will table the documents. There is also the addition of the inner wear that must be used when one is using a sanitary towel and the County Director is the one who is the coordinator.

I am a bit hesitant to answer or to further clarify hon. Makenga's question because he is a member of my Committee. We have walked with him through this road. We have interrogated the Ministry of Education, Science and Technology. So, I would ask him to kindly, as we do the further inquiry from the Ministry, to support the Chair and come out very strongly as he has done on the Floor of the House to ask for this further clarification.

Hon. Deputy Speaker, so, as the way forward, we will table the list of the schools that have benefited for the last year 2013/2014 and we will commence the inquiry on the programme. That is something that our Committee raised when we were awarding the money for the Budget. We were a bit hesitant to add more money and the Ministry could not show us where they have distributed even one single sanitary towel for the allocation of last year's money. So, we will actually be following it up and I think it is the duty of this House and also the committees to be evaluating how the money that is being allocated to ministries is being used.

Hon. Deputy Speaker, I want to rest there and thank you very much.

Hon. Deputy Speaker: You have said that you will be bringing several things like the list. So, it looks like you really need a comprehensive report that can then include all those things that the Members have asked. Please, Members, let us move on. As you can see, we have quite a lot of business. We have eaten into your time. You know this is Wednesday morning. It is your time to move your Bills. Hon. Kaluma, you have had sufficient time today on almost everything that has been discussed. What is the direction hon. Kaluma? You make us not move by constantly interjecting.

Hon. Kaluma: Hon. Deputy Speaker, some of those questions raised like the issue which was being dealt with last requires interrogation of the existing policies and

not just answers and responses. I was going to ask that on an issue as sensitive and as grave as this, really, we have a firm direction to the Committee to bring to us a report with suggestions as a National Assembly, including legislative measures and, if possible, administrative budget issues so that we deal with them as once. The Executive may not be listening to those answer response issues.

Hon. Deputy Speaker: You are right hon. Kaluma and I think that is exactly what I have asked the Chair. She is to bring a much more comprehensive report on the issue of the issuance of sanitary towels, including all the areas that you have alluded to, so that Members can really know how that is being administered. Hon. Nyokabi, you can see this is quite a sensitive matter.

Hon. (Ms.) Kanyua: Thank you, hon. Deputy Speaker. We really appreciate your guidance on this matter. But could you just give the Chair a time line within which to bring that report since this is the third year into this question of sanitary towels? I think if the Chair could promise us that in the next two weeks they will bring the report, that will be very helpful. Thank you.

Hon. Deputy Speaker: Okay. I do not know whether you can give her two weeks to bring a comprehensive report but Chair, how long do you think--- That is because, already, you have done it through this question. But this is not sufficient as you can see from the Members? How long do you think you need to consult and come up with a comprehensive report?

Hon. (Ms.) S.W. Chege: Hon. Deputy Speaker, I would like to be given a month because I also want, as the Ministry gives us the list of the schools that have benefited, it will also be in order for my Committee to actually go and verify. Also, we are going to come up with a comprehensive report on the training and everything else we actually need to go and visit. We will not just rely on the information given by the Ministry of Education, Science and Technology. So, I think a month will be good for my Committee.

Hon. Deputy Speaker: A month it shall be. Let it be a comprehensive report of all the areas and call the Members when you are doing the interrogations to your sessions so that they can also ask questions which are important to them. Members, let us move to the next Order.

BILL

Second Reading

THE NATIONAL DROUGHT MANAGEMENT AUTHORITY

(Hon. Ganya on 25.6.2014)

(Resumption of Debate interrupted on 25.6.2014)

Hon. Deputy Speaker: Okay. I am told Peris Tobiko had three minutes. If she is not in, then the next Member who wants to contribute. It is Alloys Lentoimaga. You are next.

Hon. Lentoimaga: Thank you, hon. Deputy Speaker. I want to add my voice to this very important Bill. I want to thank my colleague Chachu Ganya for bringing it to the House. Drought has been increasing over the years and has been declared a national disaster. Every three years, there is a drought and it really affects our people in terms of its intensity and even in terms of loss of lives, property and economic losses. People experience drought every now and then.

An elder in the North can have more than 200 cows and they are wiped in a single drought spell to an extent that, that particular person dies because of heart attack or pressure. That is because he totally loses the livelihood that he depends on for his children and everything. Even apart from that, serious displacements take place. People are displaced from their ancestral homes. They come and stay in towns like Maralal, Garissa, Wajir and Lodwar. That is serious displacement to the extent that those people are rendered poor and they become slum dwellers. So, I hope this particular Bill will address those kinds of anomalies so that we can be able to compensate such people when they are in dire need of food.

At the moment, we do not have a legislation which enhances this particular Article. So, we desperately need this law in order to operationalise this particular Article. A legal notice is not enough because it can be nullified at any time. The other day, the Minister for Labour published a legal notice to retire some senior officials. A court ruling can nullify such a legal notice.

So, we need legislation for this matter. Even though we have not had legislation over the years, in some instances, like in 2001, the Government of Kenya responded to address disasters like drought. However, it has not done it properly. It has always been done in a haphazard manner because there is no Act which provides clear directions on the matter and empowers an institution like the National Disaster Management Authority (NDMA) to effectively deal with disasters like drought. When it does, there is a lot of wastage of resources because there is no legislation.

In 1999 and 2001, there was widespread disaster in northern Kenya region. The disaster affected more than five million people. In fact, it destroyed over 70 per cent of our livestock in the Eastern and Rift Valley regions as well as in the Central region. Even crops were destroyed. The consequence was serious food insecurity. We used a lot of money then. Donor and the Government of Kenya used more than US\$340 million to address that particular disaster. The problem then was that the money was not directed to the areas that could have improved the livelihoods of our people. Once we have an Act of Parliament in place, such anomalies will be addressed.

A new Bill will incorporate planning and provide for a legal framework for plan implementation. Such law will be proactive in terms of mitigation against disasters, risk management, resource mobilisation and stewardship, public education and coordination. The absence of a legal framework on disaster response has resulted in duplication of efforts by NGOs and other stakeholders. So, this particular Bill---

The Temporary Deputy Speaker (Hon. (Ms.) Shebesh): Your time is up, hon. Lentoimaga! Please, wind up.

Hon. Lentoimaga: Hon. Temporary Deputy Speaker, this Bill will assist us in terms of donor response. Many donors may not want to donate money if there is no enough---

The Temporary Deputy Speaker (Hon. (Ms.) Shebesh): You have made your point!

Yes, hon. Christine Ombaka!

Hon. (Ms.) Ombaka: Thank you, hon. Temporary Deputy Speaker, for giving me the opportunity.

I am in support of the establishment of the National Drought Management Authority because drought is a problem we have had for many years in this country. It is a perennial problem. It is not just drought alone that is the problem. When drought strikes, there is hunger. People get emaciated. The media always publishes very stressful images. People and livestock are always brought out in the media very pathetically. That gives a very bad image of our country. I believe that the establishing of the Authority will help in addressing the drought situation in this country. I believe that they will work hand-in-hand with the Ministry of Agriculture to ensure that the right things are done, so that there can be no hunger.

There is a lot to be said about agriculture because we do not see much of agriculture going on in the modern manner that it should. So, when drought strikes, why can the Ministry of Agriculture whoever is concerned with food production be responsive and teach the local people on how to carry out irrigation activities? How is irrigation handled in this country? It is important that irrigation is undertaken in this country. People have visited Israel. It is a desert, but that country produces the best food ever. They do not suffer from drought in the manner we do. Israel is a desert which has been improved in terms of irrigation. We have a lot of water in this country. In Nyanza region, where I come from, there is a lot of water; but irrigation activities are very rare yet people continue to suffer from drought.

I believe that there is much we can do to mitigate drought, but we are just not implementing our programmes. Putting laws in place is good but if there is no implementation, we will still end up with the problem. I want to stress the fact that we are making laws to create authorities to address the problems that we face. However, implementation is so poor that the laws we make here amount to nothing in terms of improving the lives of our people. So, this is a very good Bill. It will be nice to establish the proposed Authority but we need to stress on the implementation process. Mere paper work will not help. We come up with new authorities every week, but implementation of the same is lacking.

The person behind this Bill has done the right thing. Alongside drought, we need to put many other issues into this Bill. For example, whenever there is drought, there is also sickness. People fall ill due to malnutrition. Drought affects animals. This in turn affects human beings. Everybody suffers and, therefore, there is no good health. Droughts are national disasters. When the first case of HIV/AIDS was reported in 1989, retired President Moi declared the pandemic a national disaster. So, we should always treat droughts as national disasters. The sad thing is that the Government is always too slow to respond to drought. That is why individuals and NGOs come in to help. I want to commend them for doing a good job. I also encourage the Government to always come forward and support drought-stricken communities in good time.

Thank you.

The Temporary Deputy Speaker (Hon. (Ms.) Shebesh): Let us have hon. Mary Emaase.

Hon. (Ms.) Otucho: Thank you, hon. Temporary Deputy Speaker. I am queuing to contribute to the next Motion.

The Temporary Deputy Speaker (Hon. (Ms.) Shebesh): Let us hear hon. Justice Kemei.

Hon. Kemei: Hon. Temporary Deputy Speaker, I just want to add my voice on this important debate.

First of all, let me thank hon. Chachu Ganya for bringing this Bill to the House. It will actually ground the Authority in the statute as the Executive Order 171 of 2011 has been used for the last two years to have the Authority in place. I am on record having said in this House that I am against the establishment of more State corporations but on this one, I agree with its formation. We need a State corporation that will mobilise resources for use on drought mitigation activities. Three-quarters of our country suffers from perennial drought. After every two-and-a-half years, we have a minor drought. After every five years, we have a major drought in the country. At this point in time, we need to have an institution that is capable of handling matters related to drought.

I would like to add my voice again on the use of irrigation. The waters that are being used in Egypt and Sudan originate from our land. We have not made proper use of those waters in our country. I want to make it a point for the Authority to be established that we should use much of the flood waters that we have in this country to do a lot of irrigation.

Finally, I want to see that this institution is not one that will be running to the National Treasury to ask for money day in and out. It must be a corporation that looks for money from all sources and is able to fund its activities instead of relying on the National Treasury. The enlarging Government is something that this Parliament must reduce. We want a leaner and more efficient Government that does not spread so much in the middle but one that is sharp in the head and quite tenuous when it comes to movement.

Thank you, hon. Temporary Deputy Speaker.

The Temporary Deputy Speaker (Hon. (Ms.) Shebesh): Hon. Joseph M'uthari, Member for Igembe North.

Hon. M'uthari: Thank you, hon. Temporary Deputy Speaker. I rise to support this very important Bill. Actually, having this Authority will be a very good step in the right direction. I thank my brother, hon. Ganya for this because it will bring into focus the ASAL areas which for a long time have never really got a good focus. I believe by having this---

The Temporary Deputy Speaker (Hon. (Ms.) Shebesh): Hon. Member, there is a point of order from hon. Kathuri of South Imenti.

Hon. Murungi: On a point of order, hon. Temporary Deputy Speaker. I take this opportunity to recognize the presence of Egoji Day and Boarding School, who are seated at the Public Gallery, very beautiful young boys and girls, together with their teachers.

(Applause)

Thank you, hon. Temporary Deputy Speaker.

The Temporary Deputy Speaker (Hon. (Ms.) Shebesh): Go on, hon. M'uthari.

Hon. M'uthari: Thank you, hon. Temporary Deputy Speaker. This Authority will have at least the legal mandate to carry out its work in terms of promoting and facilitating development in the ASAL areas. As you may be aware, when a country cannot feed herself or her own people, it is a serious problem and when you cannot feed yourself, you cannot even claim independence as a country.

So having this Authority, with the mandate that will be entrusted according to this Bill will stimulate development in these arid areas. We will be more prepared for disasters and in that case we can make our people---

The Temporary Deputy Speaker (Hon. (Ms.) Shebesh): Hon. Member, please finish up because we need to give the Mover time to reply. Remember this Bill has a set timeline.

Hon. M'uthari: Thank you, hon. Temporary Deputy Speaker. I will be very brief. I support this particular Bill, it will bring order and attract support for northern Kenya and this is very much in line with what we---

The Temporary Deputy Speaker (Hon. (Ms.) Shebesh): Okay, hon. Member. The Mover, hon. Chachu.

Hon. Ganya: Thank you, hon. Temporary Deputy Speaker. I want to thank all the 20 Members who have contributed to this Bill and all of those who supported it. I commit myself to ensure that I take into account their rich contributions as I propose amendments during the Third Reading.

The Executive is proposing to change the mandate of NDMA to a common disaster management. I think this will be retrogressive, it is there for Kenya and it also places at risk the recent progress we have made in drought management in Kenya. It will dilute the only national institution that we have focusing on unique challenges facing the ASAL counties which are about 14. It also suggests lack of understanding of what drought management requires and a failure to learn the lessons from Kenya's three decades of drought management. The whole thrust of national and international practice in drought management is towards managing drought through sustainable development. The reason why drought is much greater, in impact now than ever, is because we do not understand the underlying factors that actually cause these challenges. These include among others, poverty, inequality, environmental pressure as well as climate challenge.

We can only talk of environmental, social and developmental challenges if we fully understand drought management and do not associate it with disaster which is a one time thing and quick onset. We need strong institutions in Kenya with capacity in disaster management, I strongly endorse that, but I think combining disaster and drought management will really dilute the progress we have made in this country for the last 50 years in terms of drought management.

I support disaster management policies and the need for us to have disaster management legislation but combining it with drought management will be a disaster for this nation. A good example is India, where they have both Drought Management Authority as well as Disaster Management Authority. One is quick onset of things like fire, floods which come and go, within a day but drought basically affects livelihoods of 10 million Kenyans in 14 counties.

Having said that, I beg to move that the National Drought Management Authority Bill be read a Second Time.

The Temporary Deputy Speaker (Hon. (Ms.) Shebesh): Hon. Members, for reasons known to us, we will move to the next Order, but I can see a point of order by hon. Sakaja.

PROCEDURAL MOTION

LIMITATION OF DEBATE TIME ON BILLS

Hon. Sakaja: On a point of order, hon. Temporary Deputy Speaker. I think Members are alive to the fact that from 9.30 a.m. up until now, we have only been able to move to Order No.8 and we still have a number of Bills that we would like to be able to deal with and even get to hon. Opiyo's Bill. So, I would like to move a Procedural Motion, and I have consulted a few Members.

I would like to move:-

THAT, pursuant to the provisions of Standing Order No.97(4), this House resolves that debate on the Bills appearing under Order Nos.9 and 10 be limited as follows; a maximum of one hour and thirty minutes with five minutes for each member and ten minutes for the Leaders of Majority and Minority Party and fifteen minutes for the Mover, in moving and five minutes in replying so that we can at least fast track how we are prosecuting the following two Bills.

I beg to move.

The Temporary Deputy Speaker (Hon. (Ms.) Shebesh): Do you have a Secunder?

Hon. Sakaja: Yes, hon. Ottichilo, will second.

Hon. (Dr.) Ottichilo: Thank you, hon. Temporary Deputy Speaker. I want to concur and agree with my brother hon. Sakaja, the business of this House on Wednesday is to transact Private Members' Bills, but as you have realized we spend more time on Statements, and we have so many Bills pending. So, I want to second the proposal by hon. Sakaja that we limit the discussion on the remaining Bills to one-and-a-half hours so that we can move forward.

Thank you, hon. Temporary Deputy Speaker.

(Question proposed)

(Question put and agreed to)

The Temporary Deputy Speaker (Hon. (Ms.) Shebesh): Next Order!

Second Reading

CLIMATE CHANGE BILL

Hon. (Dr.) Ottichilo: Thank you, hon. Temporary Deputy Speaker, for giving me this opportunity. I beg to move that the Climate Change Bill, National Assembly Bill, No.1 of 2014 be read the Second Time.

This is a very important Bill and I would like hon. Members to contribute to it positively. Climate change is the greatest global threat and challenge that is facing mankind today. Climate change is leading to global warming which is caused by what is commonly known as green houses which is mainly carbon dioxide. The carbon dioxide emitted from vehicles and factories use fossil fuel or fossil energy.

Also climate change is caused through deforestation, change of our land uses and burning of green biomass or use of wood fuel. So, most of the gasses that are emitted out of this process are emitted into the atmosphere where they form a layer like a green house. Therefore, when the sun rays heat the earth, the heat does not escape back into the atmosphere but is held within the earth and that makes the earth to keep on heating. That is why we have global warming.

Hon. Temporary Deputy Speaker, global warming is a threat to the survival of this planet. It is only the planet earth where life is known to exist. Scientists are working round the clock to find out whether there is life on any of the other planets, but so far they have not succeeded. Therefore, with the increasing heating of the earth, we are likely to burn this earth. If we burn this earth, life will be no more. Therefore, it is important that human beings reason and see to it that, we stop the increase of green houses into the atmosphere.

Hon. Temporary Deputy Speaker, a recent scientific research shows that the heating of the earth is going on and for the last 20 years the earth heat increased by 2 degrees, which is too significant. What has been the result of that heating of 2 degrees? What has happened is that the earth is heating up and, therefore, we are having a lot of impact because all the global systems have been put off balance, particularly what is called ecological life supporting system; systems that make life possible on this earth are now being put off balance. That means life on this planet is under threat.

Therefore, what are the impacts of climate change to the normal life of a human being on this planet? I will be very brief.

Hon. Temporary Deputy Speaker, the increasing temperatures are causing a lot of issues. One of the major issues is drought. We have just discussed a Bill on the Floor of this House on how to deal with drought. Therefore, the frequent occurrence of drought that we are now seeing in this country and in the world at large is due to climate change. The Chair will agree with me that drought costs this country a lot money. During the 199/2000 drought, this country spent more than Kshs4.7 billion on food aid to the affected people.

Hon. Temporary Deputy Speaker, also the impact of climate change is that the rainfall patterns have changed and the seasons are no longer predictable. Rain comes in torrents and they cause floods. So, we have a lot of floods and if you listen to radio, everywhere in the world you will hear about floods every day. These are causing a lot of problems.

Hon. Temporary Deputy Speaker, the climate change has led to failure in crop and livestock production; and you have heard people from Arid and Semi Arid Lands (ASAL) clearly articulating the issue of drought and how drought is affecting this

country. Drought has now become a common phenomenon in this country. Every year people in ASAL areas are actually on food aid. Without food aid, they cannot survive. This is as result of climate change.

Hon. Temporary Deputy Speaker, the biggest threat of climate change is sea rise. We have a coastal line of 7000 kilometres of Indian Ocean. The statistics and data available today – we can get it from Kenya Meteorological Department – shows that the sea level is raising and you can ask the people at the coast and they will tell you.

Already in highlands in southern Tanzania, south of Mafia Island, a number of islands have sunk and have been covered by water. Therefore, there is a threat that, with the increase in temperatures, the sea level is rising. Why is it rising? The ice in the Arctic and that in the Antarctic are melting and the water in the ocean is expanding because of heat. For that reason, the sea level is rising.

Hon. Temporary Deputy Speaker, therefore, if we do not do anything I can tell you, in the next 50 to 100 years, Mombasa and other towns in our coastline will be no more. Even our LAPSSET programme or Lamu may not survive. Therefore, it is extremely important that climate change must be taken extremely serious.

Hon. Temporary Deputy Speaker, with regard to Mt. Kenya; ask the people who stay in Central Kenya. The glaciers on Mt. Kenya have actually receded and dried because of increase in climate change. For those who stay in Taveta, near Mt. Kilimanjaro, they will tell you that the ice on Mt. Kilimanjaro has receded showing climate change. Therefore, this is a major disaster that is offing.

Hon. Temporary Deputy Speaker, take for example, diseases. Malaria was confined to the Lake Basin, but today we have highland malaria because temperatures in the Rift Valley have increased and, therefore, mosquitoes can now survive in the highlands. That is why we have highland malaria. A question was raised here recently on why Lake Baringo is rising- the hon. Member for Baringo County must be here. She raised the issue on what can be done to Lake Baringo. The reason is because of increased rainfall and seepage of water from all these areas. Therefore, we need to address this issue very seriously.

Hon. Temporary Deputy Speaker, this country depends on wildlife. Our wildlife is under threat because of increased temperatures. Most of our wildlife is dying because of drought and lack of foliage material. Plants are also dying and if you ask the people from the ASAL areas; they will tell you that most of the plants that used to be there are no longer there. This is because of these climate change issues.

Hon. Temporary Deputy Speaker, the most important thing is water. Our water resources are declining everywhere in the country; even in western Kenya where we have so many rivers because of climate change. This is a major disaster in the offing and if we do not address it, we are in for a shock. We have so many efforts that are being made internationally to address this problem.

In 1988, an inter-governmental panel on climate change was formed by UNEP and world meteorological organization to study this phenomenon. This body has consistently shown that climate change is a reality, temperatures are increasing and some of hon. Members in this House will attest to it. Sometimes the nights have now become too hot that you cannot even cover yourself with a blanket, in order to continue sleeping.

In the Rio de Janeiro meeting, in 1992, it was realized that this problem exists and the UN Framework Convention on Climate Change was formed. Therefore, we have had a convention on climate change since 1992.

We have Kyoto Protocol, which has tried to address how to limit climate change or temperature increase. All these efforts have not stopped the increase in temperatures. What are we doing as a country? As a country, we have done very well. Currently, we have a national climate change response strategy which was prepared in 2010. This strategy tries to tell Kenyans that climate change is a reality and we must address it. It outlines what we should address on climate change if we have to limit it. We also have the national climate change action plan which was launched last year. It also looks at what we should do to address climate change. Climate change is with us for the next 100 years and over. So, we must learn how to live with it. We cannot run away from it. This Bill is attempting, first of all, to create awareness on the impact of climate change to the socio-economic development of this country. It is now a reality and we shall live with it. We must now find ways on how to live with it.

This Bill intends to create an institutional framework to address the challenges of climate change. Right now, we do not have an institutional framework and because climate change is not an environmental issue, but a developmental issue, we need an institutional framework that can cut across all the sectors of the economy. That is why this Bill is looking at possibilities of where we can anchor this institution that will coordinate all the activities throughout the country. This Bill is also looking at mitigation factors. There are factors that we have to mitigate to reduce the increase of green houses into the atmosphere. We must reduce the emission of carbon dioxide. Our vehicles on the roads in Nairobi are emitting tonnes and tonnes of carbon dioxide every day. In fact, in Nairobi, we live in a carbon dioxide atmosphere. This has a lot of impact on the human health and my friend here, who is a doctor, will tell you what it does. We are concerned about the non-communicable diseases and climate change is one of the major causes of that.

We need to adapt to climate change. So, adaption is important. We must find a way on how we are going to limit the use of fossil energy. I know that we, in Kenya, are celebrating now that we have discovered oil and coal, but these are the biggest fuels that emit carbon dioxide. So, we will have to find a way of using our oil and coal without emitting more carbon dioxide into the atmosphere. There is already an international convention which makes sure that if you emit carbon dioxide into the atmosphere, you must pay for it. So, as we go ahead to exploit our oil and coal, we have to be aware that we shall have to pay for that pollution. So, we need to look for possible ways of minimizing the use of fossil energy by going to renewable energy. That is why, as a country, we will need to embrace the use of renewable energy. I am happy that this country is already doing that. We have a lot of capacity in geothermal of over 10,000 megawatts and we are doing very well. So, in that direction, we are doing very well. We need to increase our use of solar and wind energy.

In a nutshell, this Bill is trying to address all these issues and setting up an institutional framework. The Committee on Environment and Natural Resources has looked at this Bill and it will be bringing in a number of amendments, but most of those amendments are based on institutional framework.

So, I beg to move.

The Temporary Deputy Speaker (Hon. (Ms.) Shebesh): Do you have a seconder?

Hon. (Dr.) Ottichilo: Hon. Temporary Deputy Speaker, I would like to ask my brother, hon. Chachu, to second this Bill.

Hon. Ganya: Thank you, hon. Temporary Deputy Speaker, for the opportunity. I want to second the Climate Change Bill, Bill No.1 of 2014. I want to congratulate my colleague and friend, hon. Dr. Ottichilo, for publishing this Bill, not for the first time, but for the second time.

I served in the Tenth Parliament and this Bill was on the Floor. It went all the way to the President for assent and it was not assented to. In the Eleventh Parliament again, having taken into consideration those reasons, he has published this Bill and we are now debating it in the Eleventh Parliament. He has been very consistent in ensuring that this country has a law to manage climate change activities.

Climate change has been recognized as one of the most defining developmental challenges of the 21st Century which will jeopardize all the gains that we have made socially and economically for decades to come. In Kenya, we are already observing increased climate change related incidences of enhanced floods and frequent droughts. These extreme climatic conditions are resulting from the climate change. Kenya is one of the most vulnerable countries to climate change with the national climate change index score of 0.5. The worst possible national climate change index score for a country is 0.1. Drought and floods affect over 15 million Kenyans in over 20 counties. The question of extreme climate change conditions such as drought is estimated to cost our national economy between 2 and 2.8 per cent of our GDP per year.

The drought experience between 2008 and 2011, for four years, was estimated to have cost this country a loss of Kshs968.6 billion, which is about US\$3.1 billion. The state of the environment report by NEMA for 2010, that was the most recent, estimates that Kenya will need about US\$1 billion to US\$2 billion per year by 2030 to address climate change related challenges.

This Bill, among others, looks at the issue of climate change coordination. It proposes to have a secretariat housed in the presidency to coordinate climate change interventions. However, there is a lot of merit to this position. The impacts of climate change are across sectors and multi-sectoral. They range from agriculture, water, energy, infrastructure, human settlement, health and education, national security as well as environmental governance. The need for a multi-sectoral approach to climate change has made it necessary for many governments in the world to place climate change coordination in high offices with mandate to coordinate government's wide actions. This is either in the office of the prime minister or in the presidency.

The jurisdictions which have placed the coordination of climate change in the presidency or the office of the prime minister are the United States, China, United Kingdom, Singapore, Pakistan, Denmark, Belgium, Brazil and Indonesia among others. Even our neighbour, Tanzania has done that. Our policy; the Kenya National Climate Change Response Strategy, 2010, argued that climate change coordination unit must be placed in the office of the Prime Minister then. Of course, that office is not there anymore

under the new Constitution. So, it now means the presidency. This is to provide high level political support and coordination of climate change activities in the country.

Climate change is not an environmental challenge, but it is rather a complex developmental challenge of this century. It is highly multi-sectoral in nature and there are high political stakes in the climate change sector. It requires high level coordination that can only be guaranteed by the presidency, which is coordinating all the Government Ministries. This Bill covers many developmental issues which are covered in our Committee report and I am sure hon. Members of the Committee and other Members in the plenary will debate it.

Hon. Temporary Deputy Speaker, it is my pleasure to second this important Bill and I rest my case.

(Question proposed)

The Temporary Deputy Speaker (Hon. (Ms.) Shebesh): I will start calling out those who are interested. If you are not interested, please remove your card so that we do not interfere with the flow.

Hon. (Eng.) Gumbo: I thank you for giving me the opportunity to contribute to this Bill. As I contribute to this Bill, I want to commend my good friend, hon. (Dr.) Ottichilo, for the relentless pursuit that he has had on this matter. It is true that issues to do with climate change are with us. They are global in nature but the fact that Kenya is, at least, trying to do something to mitigate the effects of climate change is commendable. However, having said that, it is a fact, of course, that as we stand today, Kenya's carbon footprint globally is negligible. The tragedy of global abuse of the environment is that whether you participate or not, the effects will always catch up with you and, therefore, to the extent that we are doing something to be prepared to deal with those effects, I think it is commendable.

I have looked at the Bill and at the Committee Stage, together with the relevant Committee and my good friend, hon. (Dr.) Ottichilo, we will be proposing some amendments so that it is aligned to issues that are contemporary to us. Having said that, I think also it is important that, as a country, we look at what opportunities we can get from issues to do with climate change. One of the areas that we have been concerned about as a country is the question of energy mix. I have said that in so far as global perspective is concerned, Kenya's contribution to the issues of carbon emission are negligible but nevertheless, that is no reason for us not to take appropriate steps to utilize and make our contribution no matter how minimal. What is encouraging is that countries, particularly the USA and China which have been the culprits with regard to carbon emissions are now beginning to realize that this thing is here with us and unless we take mitigating steps, we could as well be toying around with whether or not we want humanity to survive to the decades to come.

But that is maybe at the international stage but I think at the local level, this is an opportunity to look at how we do things. Recently, together with my energy Committee, we visited the Federal Republic of Germany and it is very interesting to note what we were able to see in that country. As you know, the Federal Republic of Germany is a temperate country. In terms of the surface area, it is just about 360,000 square kilometres

as opposed to Kenya's land mass which is about 583,000 square kilometres. That is roughly about 60 per cent of Kenya's land mass. But being a temperate country, that country right now produces nearly 36 Gigawatts of power from solar. If you compare that with our production of power from solar, you will find that it is negligible. In fact, our total power production, as it stands now, is just about 1.8 Gigawatts which is about 5 per cent of the total solar power production in Germany. Why am I saying this?

Hon. Temporary Deputy Speaker, as we look at these things, it is incumbent upon every country of the world to make its contribution. As Kenya, we should perhaps start dealing with issues that nature has given us and will help us to deal with our bit. This is even though our---

*[The Temporary Deputy Speaker
(Hon. (Ms.) Shebesh) left the Chair]*

*[The Temporary Deputy Speaker (Hon.
(Ms.) Mbalu) took the Chair]*

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): Your time is over. Thank you, hon. Member for your good contribution. Hon. Members, just as a reminder, the hon. Member has five minutes. Hon. Members, we have lights at the Clerks-at-the-Table that can control us. Let us observe that.

Hon. Members, as per our resolution in this House just before the start of the debate on this Bill, we decided that Members will be contributing for five minutes. Today is on Wednesday and our sitting goes up to 1.00 p.m. That is just for your information.

Yes, the hon. Member for Ugunja, hon. Wandayi.

Hon. Wandayi: Thank you, hon. Temporary Deputy Speaker. I want to support this very important Bill. I must thank hon. (Dr.) Ottichilo for having thought it wise to initiate this process.

Kenya will be one of the first countries in this region to have enacted such a Bill. Indeed, we will set the pace for the entire East Africa region in enacting this Bill. Therefore, in supporting this Bill, I want to point out a few things.

One, it is a fact that global warming is with us. Indeed, climate change has caught up with us. There has been a lot of argument to the effect that since the developed world; that is the West, North America and now China are the culprits in climate change or global change, that they were able to emit these greenhouse gases in their process of development which has enabled them to reach where they are currently, why would us in the developing world be concerned or be constrained to follow the same path so that we also reach their level of development?

That is a very pedestrian kind of argument. As hon. Gumbo put it a while ago, whether we like it or not or whether we are responsible or not, the effects of global warming are with us and we shall feel them now and in future. This is whether we have caused it or not. Therefore, what Kenya is doing by debating this Bill is to be proactive as far as taking mitigation and adaptation measures are concerned.

In my view, what we can do as a country which is still developing is to do what is within our means. In my view, again, one of the mitigating measures at our disposal is the

area of afforestation and reforestation. It is a fact that when we embark on proper afforestation and reforestation we end up creating opportunities for the gases that have been emitted to be sucked. Therefore, our biggest contribution will be the area of afforestation and reforestation. It is a requirement globally that the forests cover should be at least ten per cent. It is on record that Kenya has attained three per cent to four per cent, if I am not wrong. So, we have a long way to go. Therefore, we have to create opportunities to carry out afforestation and provide a natural sync for the gas emissions in the atmosphere. This is one area that needs to be explored and it requires inter-departmental, inter-agency, and inter-ministerial approach.

In the past, we have been made to believe that certain species of trees are unfriendly to the environment. This has been out of, I would say, ignorance to an extent. If we restrict Kenyans from planting certain exotic tree species on account that they consume more water, then we will be encouraging Kenyans to make use of the indigenous tree species which take a long time to grow and develop. We, therefore, need an approach that encourages the planting of both exotic and indigenous tree species.

Hon. Rotino: Thank you, hon. Temporary Deputy Speaker for giving me the opportunity to add my voice to this very important Bill. From the outset, I would like to thank Dr. Ottichillo for bringing this very important Bill. I think it is long overdue. This is something that we always experience.

There are many conventions that have been put in place, but it is upon every country to implement these conventions so that we are able to educate the masses. They need to know that climate change is a problem that faces us. It is also a problem for the future and, now Mr. Speaker we should begin fighting it.

Mr. Speaker, one of the things we have seen in---

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): Hon. Member, sometimes let us appreciate gender. I am Madam Speaker.

Hon. Rotino: I am sorry, hon. Temporary Deputy Speaker. One of the things we are experiencing is massive deforestation. The forest cover in this country is very low. The population has increased in our country and we are engaging in deforestation. We are, therefore, increasing the problem of climate change. A moment ago we passed a Bill on drought. How do we manage drought? We know that the drought is a result of deforestation. As Members of Parliament we need to educate our masses. We also need to change the policies that we have as far as resettlement of our people is concerned. We should not think that it is only in the forest that we can settle. We can do something else.

Hon. Temporary Deputy Speaker, education is vital. Our schools need to know that the problem of climate change is here with us. Look at the fuel we are using. We should be able to empower NEMA so that it goes round to check on the institutions that emit carbon dioxide.

Hon. Temporary Deputy Speaker, we need as Members of Parliament to join hands together and pass this very important Bill.

So, with those few remarks, I beg to support.

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): Thank you, very well spoken. The Member for Butula, hon. Michael Onyura.

Hon. Onyura: Thank you very much, hon. Temporary Deputy Speaker for allowing me also to contribute to this very important Bill. From the outset, I want to say

that I support it and thank hon. Ottichilo for sponsoring it and also for the very able and elaborate manner in which he has moved it.

Hon. Temporary Deputy Speaker, the objective of the Bill as we see it is to provide a legal and institutional framework so that when it comes to areas of regulation or any other activities, they can be done in a planned and professional manner. This is so that we are able to mitigate, as has been put very well, the effects of climate change.

Hon. Temporary Deputy Speaker, the Mover mentioned that the temperatures have moved by 2 degrees and this is worrying. I was just wondering in my mind that if we allow these temperatures to move up I think we will be having disasters and this is quite possible. If we just sit back and do nothing about it, it is very possible that slowly and surely the temperatures will keep increasing.

We get to read that even some of the areas that are desert now were at one stage or another fairly productive regions but over time and maybe through lack of the sort of measures that we envisage through this Bill, they have now become deserts and they are expanding. So, we must be prepared to do anything that we can to mitigate and also ensure reduction of carbon emissions.

Hon. Temporary Deputy Speaker, reading the Bill I am happy with the establishment of the Council and also the powers and roles that it has been given. I think it has been given powers that it would require to be able to ensure that this Bill is operational. I am even very encouraged by the provision that appointments to the Council will be done in a transparent and competitive manner. I also like this trend where these appointments have to be approved by Parliament, which means that we will have a chance to ensure that those who will be given this enormous responsibility are people who can be up to the task. Of course, I am also happy with this trend where we are insisting that those who get these appointments must conform to Chapter Six of the Constitution. I think that is very important. There are times when we have had fairly capable people but due to maybe lack of integrity and commitment, they have not done well.

Finally, hon. Temporary Deputy Speaker, I am also happy to see that the Council will be charged with advocacy and dissemination of information. The involvement of everybody is very important and it should be integrated even in the school curriculum.

I strongly support the Bill.

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): Very well spoken!

Let us now hear the Member for Taveta.

Hon. (Dr.) Shaban: Thank you, hon. Temporary Deputy Speaker.

I wish to join my colleagues who have spoken before me in congratulating hon. Ottichilo for this well thought out Bill on climate change. It is a fact that climate change is here with us. As much as sometimes we bury our heads in the sand and pretend that it is not here, the reality speaks for itself. Nowadays, we experience long spells of droughts at times when we least expect them. Our country and our continent have ASAL areas but nowadays, it is like there is an extension of the ASAL areas. Kenyans and Africans generally have been suffering.

We have floods at times when we least expect them. We have droughts at times when we do not expect drought. The rains even come at times when they are not expected. It is difficult for people to plan. It has become very difficult for the

Government to organise people in terms of rain-fed agriculture. The Government has to revert to irrigation and make sure that so much funding is diverted towards that direction, so that we can ensure that our people are food secure.

It is in public knowledge that even the Head of State of Maldives had asked his Cabinet to go and have a Cabinet meeting under water, so that they could discuss the issue of climate change and appreciate them as they came up with solutions and a way forward for their country.

Hon. Temporary Deputy Speaker, the proposed Council will bring together brains of people who will advise the Government on how best we can deal with this menace, and how best we can work together and engage other member states of the African Union and the United Nations and put our heads together to see the way forward where climate change is concerned. Climate change has been a source of conflict. In most of our ASAL areas, people have been fighting because they cannot get water or food. That is why people have gone into conflicts.

Our wildlife has been dying at a time when they are not supposed to be dying because of the drought that is affecting the environment. It is not enough to just have a Council. All Kenyans have to be sensitised. That is one of the job descriptions of the proposed Council and the Board. They are supposed to take up the matter and ensure that Kenyans are sensitised towards making sure that they understand these changes.

More so, we cannot be talking about climate change and controlling issues if we are not going to take care of our environment by discouraging people from cutting down trees. There are things which Kenyans can simply do and be able to change our environment.

Hon. Temporary Deputy Speaker, I would like to, once again, congratulate hon. Ottichilo for a job well done. We look forward to having the Fund, the Council and Board members to be able to put their heads together to be able to advise the Government, and be able to influence policy in this country and across the world, where climate change is concerned.

I beg to support.

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): Thank you. Very well spoken, Member for Taveta Constituency.

I now give the Floor to the Member for Mbeere North to acknowledge the presence of special visitors.

Hon. Njagagua: Hon. Temporary Deputy Speaker, may I take this opportunity to thank you for giving me this chance to acknowledge the gallant boys and girls of Kambaru Primary School, who are seated on the Speaker's Gallery. They hail from Mbeere North, which is my constituency.

Hon. Temporary Deputy Speaker, now that I am on my feet, I do not know whether I could contribute to the Bill.

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): Hon. Njagagua, the chance I gave you is only for acknowledgement of visitors. I want to support you. They are very much welcome to the Chamber.

Let us now hear hon. Yusuf Chanzu.

Hon. Chanzu: Thank you, hon. Temporary Deputy Speaker. I also rise to support this important Bill. I want to congratulate---

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): Hon. Johnson Sakaja, what is your point of order?

Hon. Sakaja: I also would like to acknowledge that we have a very serious group of the Presbyterian Church of East Africa (PCEA) boys and girls brigade who are with us, they are from all over the country. They include boys and girls from the age of four to 14 and we will be doing many more things to support them. I will be looking upon Members to support them. The boys and girls brigade is a national body.

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): Thank you, your point is taken. They are very welcome to the Chamber. Hon. Chanzu, Member for Vihiga.

Hon. Chanzu: Thank you, hon. Temporary Deputy Speaker. I also rise to support this Bill which is very important for our wellbeing as a community. I want to take this opportunity to thank and congratulate the Member for Emuhaya and my neighbour, *Mhe.* (Dr.) Ottichilo for thinking very wisely and coming up with the Bill.

We have heard time and again, this is a global phenomenon, but the only thing which we have done as a country is to be able to attend seminars and workshops worldwide, without thinking about what we can contribute ourselves locally from here. It is important now that we have come up with this Bill, which will show that at least we have got a contribution towards the global effect of the phenomenon. There is one point that has been raised here which we really must stress; forest cover. Just to keep on talking without doing something practical, we are not making any contribution.

In fact, I wonder who said that for every tree we cut, we must plant only five, because trees in a country like this one should be very easy to plant. In the Bill, I would like to encourage that we say that we can plant as many trees as possible for every tree that we cut. Already, we have done a lot of vandalism to our forests, in the past few years. I do not think for the forests that we cut for commercial purposes we replace those trees. I think we have got quite a lot to do, in order to catch up with the minimum that we have set for ourselves, that is five trees. I would suggest that we should leave it as open as possible or even if we are to put a minimum, then it should be 100 trees. This is because it is possible to do that, if we have the seedlings and whatever it takes. Most of these trees do not need a lot of input. It is just a matter of planting and they will grow. Therefore, we need many approaches to this, that is including forestation and reforestation, and the measures that have been talked about on how we can lower the temperatures world wide.

ADJOURNMENT

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): Hon. Chanzu, you will have your balance of two minutes in the next sitting. Hon. Members, we are discussing the Climate Change Bill by hon. (Dr.) Wilber Ottichilo, Second Reading. Hon. Members the time being 1.00 p.m. now, this House stands adjourned, until this afternoon at 2.30 p.m.

The House rose at 1.00 p.m.