

# NATIONAL ASSEMBLY

## OFFICIAL REPORT

Tuesday, 19<sup>th</sup> March 2019

The House met at 2.30 p.m.

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

### PRAYERS

**Hon. Speaker:** Hon. Members, before we go to petitions, I wish to inform the House that at the request of the Chairperson, Public Investments Committee (PIC), the Communication relating to the issues raised regarding the Report by that Committee will not be delivered today or tomorrow because he is attending to some matters to do with the bereavement of Hon. Mishi Mboko.

### PETITION

**Hon. Speaker:** Let us have Hon. Brighton Yegon, Member for Konoin. Hon. Members must know that petitions are not like Questions, which can be called out a second time. Once we pass this particular Order, then the Member loses the chance to present the Petition. So, the Member being absent, not desiring to be present, the Petition is dropped to go back to the queue. Next Order!

*(Petition dropped)*

### PAPERS LAID

**Hon Benjamin Washiali** (Mumias East, JP): Hon. Speaker, I beg to lay the following Papers on the Table of the House:

Reports of the Auditor General on the Financial Statements in respect of the following institutions for the year ending 30<sup>th</sup> June 2018 and the certificates therein:

- (a) State Department for Fisheries, Aquaculture and the Blue Economy;
- (b) University of Eldoret;
- (c) National Environment Complaints Committee;
- (d) The Judiciary;
- (e) State Department for Sports Development; and,
- (f) Kenya Youth Employment Opportunity Project under the State Department of Labour.

Reports of the Auditor General on the Financial Statements in respect of the following institutions for the year ending 30<sup>th</sup> June 2017, and the certificates therein:

- (a) Rongo University;

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(b) Masinde Muliro University of Science and Technology; and,  
(c) National Government Constituencies Development Fund for Mumias East Constituency.

**Hon. Speaker:** Hon. Washiali, I have one correction. The Judiciary is not a State Department. It is an arm of Government.

**Hon Benjamin Washiali** (Mumias East, JP): Which number are you referring to?

**Hon. Speaker:** Number (d)

**Hon Benjamin Washiali** (Mumias East, JP): Number (d) stands corrected. It is a Report from the Judiciary.

**Hon. Speaker:** Yes, correct. Hon. Benjamin, Washiali that is your constituency. Let us have Hon. John Mbadi.

**Hon. John Mbadi** (Suba South, ODM): Hon. Speaker, I beg to lay the following Paper on the Table of the House:

The Report of the Committee on Appointments on the Vetting of the Nominee for Approval as the Cabinet Secretary for the Ministry of Education.

Thank you, Hon. Speaker.

**Hon. Speaker:** The Chairperson, Select Committee on Members' Services and Facilities.

**Hon. Ezekiel Ombaki** (Nyaribari Masaba, NAPK): Hon. Speaker, I beg to lay the following Papers on the Table of the House:

Fifth and Sixth Reports of the Committee on Members' Services and Facilities on:

1. Study Visit to the National Assembly of Zambia from 16<sup>th</sup> -20<sup>th</sup> October; and,
2. Improvement of Members' Services and Facilities.

**Hon. Speaker:** The Chairperson, Budget and Appropriations Committee.

**Hon. Kimani Ichung'wah** (Kikuyu, JP): Hon. Speaker, I beg to lay the following Paper on the Table of the House:

Report of the Budget and Appropriations Committee on the Division of Revenue Bill (National Assembly Bill No. 11 of 2019).

**Hon. Speaker:** The Chairperson, Departmental Committee on Transport, Public Works and Housing.

**Hon. Dominic Koskei** (Sotik, JP): Hon. Speaker, on behalf of the Chairperson, I beg to lay the following Paper on the Table of the House:

Report of a Delegation of the Departmental Committee on Transport, Public Works and Housing to the 9<sup>th</sup> World Urban Forum (WUF9) Held in Kuala Lumpur, Malaysia from 7<sup>th</sup> to 13<sup>th</sup> February 2018.

Thank you.

**Hon. Speaker:** Next Order!

## NOTICE OF MOTIONS

APPROVAL OF APPOINTMENT OF PROF. GEORGE ALBERT OMORE MAGOHA  
AS THE CABINET SECRETARY FOR THE MINISTRY OF EDUCATION

**Hon. John Mbadi** (Suba South, ODM): Hon. Speaker, I beg to give notice of the following Motion:

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THAT, taking into consideration the findings of the Committee on Appointments in its Report on the Vetting of the Nominee for Approval as the Cabinet Secretary for the Ministry of Education, laid on the Table of the House on Tuesday, 19<sup>th</sup> March 2019, and pursuant to the provisions of Article 152(2) of the Constitution and Sections 3 and 5 of the Public Appointments (Parliamentary Approval) Act, 2011, this House approves the appointment of Prof. George Albert Omoro Magoha as the Cabinet Secretary for the Ministry of Education.

**Hon. Speaker:** The Chairperson Select Committee on Members' Services and Facilities.

ADOPTION OF FIFTH AND SIXTH REPORTS OF THE SELECT  
COMMITTEE ON MEMBERS' SERVICES AND FACILITIES

**Hon. Ezekiel Ombaki** (Nyaribari Masaba, NAPK): Hon. Speaker, I beg to give notice of the following Motion:

THAT, this House adopts the Fifth and Sixth Reports of the Select Committee on Members' Services and Facilities, laid on the Table of the House on Tuesday, 19<sup>th</sup> March 2019.

**Hon. Speaker:** There were three Members who had written requesting the leave of the House to move Motions for adjournment of the House to debate the current drought in the country. I can see two of them are present. I think the other one is not present. One delivered his request yesterday at 2.30 p.m. That is Hon. Didmus Barasa. He is not present in the House. The other one delivered his request yesterday at 3.00 p.m. That is the Member for Ndhiwa, who is present. The third one is Hon. Caleb Amisi, who delivered his request today morning. If we follow the order in which those requests follow - which all seek the adjournment of the House to debate the same issue - Hon. Martin Owino is the one to get the first shot.

NOTICE OF MOTION FOR ADJOURNMENT  
UNDER STANDING ORDER No.33

DROUGHT CRISIS IN THE COUNTRY

**Hon. Martin Owino** (Ndhiwa, ODM): Thank you, Hon. Speaker. I rise under Standing Order No. 33 to seek leave of the House to move an adjournment Motion to discuss an urgent matter of national importance – the death and starvation of Kenyans in over 10 counties.

*(Several Hon. Members stood at their places)*

**Hon. Speaker:** You just have to have the numbers. You have the requisite support, Hon. Owino.

**Hon. Martin Owino** (Ndhiwa, ODM): Thank you, Hon. Members.

**Hon. Speaker:** Hon. Members, owing to the interest that has been shown, I, therefore, allocate the time from 5.30 p.m. until the House rises, that is, 7.00 p.m. for the House to debate that Motion. Hon. Martin Owino, you will be required to be in the House at exactly the hour of 5.30 p.m.

Hon. Members, before we proceed to the next Order, allow me to recognise students and pupils from the following institutions, who are seated in the Speaker's Gallery: Students from Gatanga Girls' High School from Gatanga Constituency, Murang'a County; St. Peters Primary School Sang'alo Central from Mosop Constituency, Nandi County and Parkroad Primary School from Starehe Constituency, Nairobi County.

Those in the Public Gallery are from Thomeandu Boys' Secondary School, Kaiti Constituency, Makueni County; Mwiki Primary School, Kasarani, Constituency, Nairobi County; Chebunyo Boys' High School, Chepalungu Constituency, Bomet County.

They are all welcome to observe the proceedings in the House this afternoon.

Next Order!

### ORDINARY QUESTIONS

**Hon. Speaker:** Hon. Members, the first Question is by the Member for North Imenti, Hon. Abdul Rahim Dawood.

#### *Question No. 120/2019*

#### MEASURES TO ENSURE OLDER CITIZENS ARE ENROLLED IN THE OLDER PERSONS CASH TRANSFER PROGRAMME

**Hon. Rahim Dawood** (North Imenti, JP): Hon. Speaker, I rise to ask the Cabinet Secretary (CS) for Labour and Social Protection the following Question:

- a) Is the Cabinet Secretary aware that older citizens in North Imenti Constituency in possession of identification cards with seven digits or less are unable to enrol in the Older Persons Cash Transfer Programme?
- b) What measures is the Ministry putting in place to ensure those older citizens are enrolled and receive their monthly stipend?
- c) When will the older citizens who are already in the programme be paid their arrears and how are the new persons registered and those who have passed on de-registered?

I asked this Question last year.

**Hon. Speaker:** The Question is referred to the Departmental Committee on Labour and Social Welfare to prioritise for the CS to appear. Next Question is by the Member for Mwala Constituency, Hon. Vincent Musyoka.

#### *Question No. 121/2019*

#### NON-PAYMENT OF YOUTH ENGAGED UNDER THE NYS PROGRAMME IN MWALA CONSTITUENCY

**Hon. Vincent Musau** (Mwala, MCCC): Hon. Speaker, I rise to ask the CS for Public Service, Youth and Gender Affairs the following Question:

- a) Is the Cabinet Secretary aware that over 1,000 youth engaged under the National Youth Service Programme in Mwala Constituency in October 2017 are yet to be paid?
- b) When will the said youth be paid for the services they rendered?

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**Hon. Speaker:** The Question is referred to the same Committee to prioritise appearance of the CS. The next Question is by the Member for Vihiga County, who has written to request that the Question be deferred on account that she is out of the country on official business.

*Question No. 122/2019*

MEASURES TO ADDRESS POWER OUTAGES IN VIHIGA COUNTY

*(Question deferred)*

**Hon. Speaker:** We move to the next Question by the Member for Bomachoge Chache

*Question No. 123/2019*

NON-COMPLETION OF ROADS IN BOMACHOGE CHACHE CONSTITUENCY

**Hon. Alfah Ondieki** (Bomachoge Chache, KNC): Hon. Speaker, I rise to ask the CS for Transport, Infrastructure, Housing and Urban Development the following Question:

- a) Is the Cabinet Secretary aware that the construction of the low volume roads in Bomachoge Chache Constituency from Omoring'amu – Kenyeny – Ibencho – Nyamasege – Ogembo – Ikoba – Misesi – Iyabe and, Ogembo – Egetuki – Motonto which were started on March, 2017 have stalled despite being funded?
- b) What measures is the Ministry undertaking to ensure that the construction of the said roads is completed in time?

**Hon. Speaker:** The Question is referred to the Departmental Committee on Transport, Public Works and Housing. Next Question is by the Member for Butula Constituency, Hon. Oyula.

*Question No. 124/2019*

NON-COMPLETION OF SUB-COUNTY COMMISSIONER'S OFFICE

**Hon. Joseph Oyula** (Butula, ODM): Hon. Speaker, I rise to ask the CS for Interior and Coordination of National Government the following Question:

- a) Is the Cabinet Secretary aware that the administration block meant to provide office to the Sub-County Commissioner in Butula Sub-County and whose construction commenced in 2015 has stalled despite being adequately funded?
- b) What measures has the Ministry put in place to ensure that the construction of the said office block is completed without further delay?

**Hon. Speaker:** The Question is referred to the Departmental Committee on Administration and National Security.

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

**Hon. Speaker:** The Member for Kikuyu, what is your intervention?

**Hon. Kimani Ichung'wah** (Kikuyu, JP): Thank you, Hon. Speaker. I rise on a point of order relating to the reply of these Questions. I heard the Member for Mwala Constituency asserting that this is the second time he is asking his Question after having asked it last year. I remember your Communication early this year at the inception of this Session where you communicated that all statements and petitions that had been read out in the Chamber before the lapse of the last Session of Parliament had since lapsed. I was not certain whether Questions had also lapsed until I heard the Member mention that he addressed the same Question.

Instructively, Standing Order No.42 stipulates the timelines within which these Questions should be answered. What concerns me is that Members' Questions are being asked in this House and they go unanswered beyond the time stipulated under Standing Order No.42. Therefore, we find that so many have lapsed.

I had two Questions last year. One was referred to the Departmental Committee on Transport, Public Works and Housing regarding compensation of land owners along Waiyaki Way-Rironi Expansion Programme for the highway. Another one was referred to the Ministry of Interior and Coordination of National Government relating to foreigners who have been given work permits and are doing manual jobs around the city and in various business districts. All those Questions have lapsed.

Looking at the trend, and I say this with a lot of respect to the Chairs of Committees, many of these Questions lapse because Chairs of Committees are not scheduling them to be answered before Committees. I want you to offer guidance, especially to Chairs of Committees, to give priority to Questions that have been asked by Members in the House. This is so that we conform with what is provided for in our Standing Orders. Within 30 days of reading of the Question in the House, the Chair should come back with answers to these Questions. It will not make any sense for Members to rise every other afternoon to read out Questions that are never answered. We are almost nearing the end of another Session and I am certain that there are Questions that will be asked and will not be responded to.

I have no fear in saying that there are some particular Cabinet Secretaries (CSs) who are notorious for not answering Questions. I do not know whether it is an effort to please the Executive or to act more executive than the Executive. But there is a trend. Without naming anyone, there are those who are notorious for not responding to Questions. It is the same thing which you did with your Communication earlier last month when the House Business Committee under your chairmanship ordered the publication of Bills that had overstayed in Committees.

I seek your guidance in helping us to enforce what we have provided for in these Standing Orders. It will be useless for Members to ask Questions that will never be answered.

**Hon. Speaker:** Hon. Members, the Question was directed to me. I need to remind you of the provisions of Standing Order No.42 on Questions. I know that on a number of occasions, requests have been made directly to the Chairs of Committees or Committees by those who are required to respond to them or give answers. Therefore, the plenary has no way of knowing which Questions the Committees have given different dates for the CSs or their representatives to respond to. The Chairpersons of Committees are requested to make sure that when Questions have been read out in the House, they are responded to within the timelines provided in Standing Order No.42. Where there are Questions that overshoot that period, the Chairs are obliged to come and inform the House, and more particularly the Member who asked the Question.

In some instances, the people asking Questions are, through no fault of their own, out of the country or engaged elsewhere. It is a fairly delicate issue. Where we know that Members are engaged elsewhere on official duties, we do not want their Questions to be dropped entirely. It will not be helpful. The Chairs of Committees should strike the necessary balance that would ensure that first, the Questions are answered on time or within the timeframes provided and secondly, where necessary, appropriate accommodation is also given to Members who may be absent on account of being away on official duties. However, in cases where Questions have not been responded to for no reason, the Chairs are under obligation to also report to the House those who have failed to appear before them to answer Questions so that the House can proceed to take the necessary action as would be appropriate in the circumstances of every case. We cannot give a blanket ruling on that.

There will be those occasions when Members are not present. There will be occasions when, for very good and compelling reasons, there may be nobody to respond to a Question on a particular day. It cannot be the case that any particular CS or their representatives are not available to respond to Questions. Chairs are encouraged not to allow such situations to obtain. Unless a Member has a specific issue which the House can respond to, we cannot also fail to give the Chairs and the Committees the necessary latitude to make decisions as befits every case.

Hon. John Mbadi, you have indicated an intervention.

**Hon. John Mbadi** (Suba South, ODM): Hon. Speaker, positions of authority come with responsibilities. Chairs of Committees need to realise that they occupy those positions and must take responsibility for them. Questions are supposed to be answered by the CSs. The link between the CS and the House is the Committee through its Chair.

Previously, when we had Question Time, Ministers used to sit in the House. When a Question was asked, the Minister would immediately respond and say that he would give an answer in one, two or three weeks. We do not have that advantage this time. We still need to agree on reasonable time for Questions to be answered beyond which there should be a reprimand. I remember at that time if a Minister refused or failed to answer the Question as agreed, sanctions would be applied. That Minister would not contribute to any debate in the House until he or she gave justification for failing to answer the Question. The same also goes for the Chairs of Committees. If they have not received answers from the CSs, they should report to the House.

Going forward, we may agree as a House on the timelines for answering those Questions. We do not have those CSs here to commit to that and the Chairs of Committees cannot commit on their behalf. If we agree that the time allowed is one month, then I will know that if I ask a Question, it must be answered within a month. They should give us another time. If it is out of negligence, then we should sanction these Chairs.

We should not even transact any business in a Committee until they act appropriately. If it is the Cabinet Secretary who has failed to answer a Question, that Committee should not entertain any proposed legislation or even budget from that particular Ministry.

Thank you, Hon. Speaker.

**Hon. Speaker:** What Hon. John Mbadi has just said can be taken as part of what should have gone into the induction workshops. We have many Chairs who do not have the experience which he has alluded to. There are occasions when a CS may appear before the House or send a representative to request to be given some time to answer a Question. That request must be

reasonable so that the Questioner is not kept in abeyance unnecessarily. I agree with you, Hon. John Mbadi. There should be a mechanism of reporting those CSs who are notorious for not responding to Questions, so that the House can express itself on them.

*(Hon. Yusuf Hassan raised his hand)*

There are so many interventions. Are they interventions or Members have made mistakes on where to press? Hon. Yusuf, I can see your hand up. What is your intervention?

**Hon. Yusuf Hassan** (Kamukunji, JP): Thank you, Hon. Speaker. I wanted to add my voice to this issue of Questions. Since I came back to this House in the 12<sup>th</sup> Parliament, not a single Question that I have raised in this House has been answered by the ministries or the CSs whom those Questions have been referred to. The expiry of a Question is at the end of a Session. I have heard what Hon. Mbadi has said. We had a tradition in which the CSs used to take seriously the Questions raised by Parliament. This is just one element in which parliamentarians interrogate the Executive. If we are denied that through abstention or lack of interest, then obviously we will be disadvantaged as the elected representatives of the people.

I would like to know whether we can have an inventory of the Questions that have been asked and which ones have been answered and not answered, so that we can get a clear picture of the crisis that we face. I have a feeling that many of these Questions are ignored and then they either expire or are forgotten. There must be a mechanism within the National Assembly where we can have follow-up on where these Questions have gone. Just like the other two speakers have said, we should have a clear deadline. We can then question either the committee or the CS on why he or she has not responded to the Questions that we have raised in this august House.

Thank you, Hon. Speaker.

**Hon. Speaker:** We do not need to start re-stating the obvious. It is said that you cannot ask a Question about a specific provision of the law because you are the lawmaker. Standing Order No. 42E clearly provides that the CS to whom a Question is referred to has 30 days within which to answer from the date he receives it. It is only the Chairs of Committees who are supposed to enforce that. If the complaint is that a Question is lying before a Committee without being responded to and the Chair of the Committee has not informed the House what could be pending, then we can only lay blame on the Chairs of the Committees. The Chairs of the Committees should make sure that once a Question is received by a CS, they begin counting time. The Question must be responded to within 30 days, so that the matter is over. If it is a Question by Private Notice, Standing Order No. 42E (2) provides that it should be responded to within three days because it is urgent. Those are the rules.

Many of the CSs do not know that, but it is not the responsibility of the Chairs to induct them. They are supposed to look for the Standing Orders, study and understand them because failure to comply has sanctions. The Chairs of Committees should take note. You are also serving your colleagues here. They should not ask Questions in vain. That is the way it should be. Member for Muhoroni, what is your intervention?

**Hon. Onyango Oyoo** (Muhoroni, ODM): So far, there are no issues, Hon. Speaker.

**Hon. Speaker:** Okay. Very well! Member for Kiminini, you also have intervention.

**Hon. (Dr.) Chris Wamalwa** (Kiminini, FORD-K): My intervention is with regard to Question Time. Some of us think that it is a waste of time, unless we have a clear time frame as



the Leader of the Minority Party has indicated. For petitions, 60 days are allocated. Question time can also be reduced to reasonable time, if possible, to one month for purposes of proper follow-up.

**Hon. Speaker:** That is what our Standing Orders say. Questions should be answered 30 days from the time of receipt of the Question. The Chairs of the Committees need to make follow-ups. Immediately the Question is asked here on the Floor of the House and then referred to a Committee, the clerk in charge of that Committee should forthwith ensure that the Question is delivered to the CS, so that time begins to run. The Committee can then report to the House any impediments or complications they may find in the process of getting the answers. Member for Emuhaya, you also have an intervention.

**Hon. Omboko Milemba** (Emuhaya, ANC): Thank you, Hon. Speaker. You dealt with it but I wanted to bring out the idea of having an inventory where the Chairs can bring the performance of the Questions to the plenary of the House. Since I came here, none of the Questions that I have asked have been answered. When you ask Questions, back at home, people take you seriously. You boast that you will ask a Question on a certain matter only to bring it here and then it fizzles away. Asking of the Question becomes the end of the business that you wanted to do. An inventory will be fine. We can name and shame the CSs who are not answering Questions. Some of them are very notorious for that.

Thank you, Hon. Speaker.

**Hon. Speaker:** You might require doing some amendments to the Standing Orders. Every Tuesday at 12.00 noon in my meetings with senior members of staff, I get reports about which Questions have been responded to and which have not and the circumstances which necessitate failure. I expect that Members are at liberty to raise complaints here by way of interventions, if their Questions have remained unanswered in excess of 30 days, so that Chairs of those Committees can give reasons. It looks like the Chairs will never act unless they are forced. Member for Kwanza, you also have an intervention on the same.

**Hon. Ferdinand Wanyonyi** (Kwanza, FORD-K): Hon. Speaker, I want to add my voice to the debate. Some of the Questions asked here are of national importance. Some of them are very good. I am wondering whether we can have an opportunity where the answers of the Questions which are given by the CSs can be brought to this House. Maybe, it needs one day where CSs can come to answer so that we can benefit from the answers. Members do not just ask Questions pertaining to their respective constituencies, but Questions that are of importance to the country. Can we designate a day when the CSs could come to give answers for the benefit of some of the Members?

Thank you, Hon. Speaker.

*(Hon. Speaker consulted the Clerk-at-the-Table)*

**Hon. Speaker:** I was doing some other consultation here. Did you say that we need to amend the Standing Orders?

**Hon. Ferdinand Wanyonyi** (Kwanza, FORD-K): Yes. As you consulted, I said that Members ask very important Questions that cover the whole country. Some of them are very important. I suggest that we could have a day designated in a week when the CSs could sit with

Chairpersons of Committees and give answers for the benefit of Members. Some of the Questions are very important as they touch on other areas.

**Hon. Speaker:** Did you say the Senate or the plenary sits with the CSs? What did you say?

**Hon. Ferdinand Wanyonyi** (Kwanza, FORD-K): I have suggested that CSs come here and answer Questions because some of them are very important and touch on the lives of other people in the House.

**Hon. Speaker:** Are you suggesting they come into the Chamber?

**Hon. Ferdinand Wanyonyi** (Kwanza, FORD-K): Yes. I am just wondering if there is such a possibility.

**Hon. Speaker:** That has some other serious ramifications. In the Congress of the United States of America, they argue that the Chamber is a hallowed place for only people's representatives and should not be contaminated with people who walk in the streets and who may come to feel how the place is.

*(Laughter)*

You may need to consider that Hon. Wanyonyi. Do you want to allow every unelected person who represents nobody to come and mingle with you here? All these things have been considered. You were in the 11<sup>th</sup> Parliament when a report was tabled here which gave various examples from various other jurisdictions where Cabinet Ministers or CSs are not part of Parliament or the House. Perhaps, you may wish to waive the immunity, as you know, in an effort to try and strike some balance. We made provisions for the CS for National Treasury in the middle of June to come and appear in the civil servants' bench and read out his budget highlights. It is because being unelected; it was felt that we did not want to see his feet on the Floor of the House. There is a Christian religious sect called the *Akorino* where you are not allowed to walk in anyhow. You have to know how to walk in. I believe even in a mosque, you have to remove your shoes before you enter. So, there are certain other ceremonies you may need to address yourself to as a House. Remember the rules are yours. The Constitution says that the CSs are not Members of Parliament. The Constitution has already ruled them out. The Chamber is for Members of Parliament, but the civil servants' benches are not considered to be part of the Chamber. You were in the 11<sup>th</sup> Parliament when we struggled with that. This is a matter that can be addressed in a different forum.

It you read the Standing Orders as amended in the 11<sup>th</sup> Parliament you will notice the earlier efforts we made in trying to address that and some of the complications that accompanied it. Indeed, you are also aware that, previously, the Standing Orders that we inherited in the 11<sup>th</sup> Parliament provided that Questions will be asked to Chairpersons of Committees. Chairpersons got written responses from CSs, but when they read them here, many of you said they were unsatisfactory because the Chairs of the Committees cannot represent the Executive. So, it is work in progress. I hear you, Hon. Wanyonyi. But, if you are so minded, obviously, you can make proposals to the Procedure and House Rules Committee for consideration so that it does not become debate at this point.

Hon. Members, I see many other interventions. What is the issue, Member for Baringo South, Hon. Kamuren?

**Hon. Charles Kamuren** (Baringo South, JP): Thank you, Hon. Speaker. Mine is on the same. The Questions we raise do not originate from us; they originate from the people we represent. They are very keen on whatever we say. The moment 30 days elapse as per Standing Order No.42E and there is no answer provided, it is bad.

The Question I asked about security and the situation as it is, needs an answer. There is need of coming up with a proposal of amending the Standing Orders so that we get another opportunity of following up instead of the Question not getting answered in 30 days and it elapses.

**Hon. Speaker:** You should follow up with the Committee. I do not know when you asked your Question. Have 30 days elapsed? If I remember well, it is just the other day. I do not forget because you are always smiling, Hon. Kamuren.

*(Laughter)*

I remember when you asked that Question. It is not 30 days. So, go to the Departmental Committee on Administration and National Security and ask them when they have programmed the CS to appear before them. The Chair and the Vice-Chair are there. Do not fear them. Just approach them. I am sure if you approach them smiling as you ordinarily do, they will listen and give you a date. We do not have to amend the Standing Orders merely because the Chairs have not acted as required. If Chairs do not act, then the House will take a decision on them.

Hon. Members, can we move on to business? What is the issue, Hon. Washiali?

**Hon. Benjamin Washiali** (Mumias East, JP): Thank you, Hon. Speaker. I just wanted to add my voice by supporting the position expressed by Hon. Ichung'wah.

It is unfortunate that the Leader of the Majority Party is not with us today. This issue has come up in the House Business Committee many times. Hon. Duale, the Leader of the Majority Party, has been helping us to coordinate. I request that we request the Office of the Clerk to help us fine-tune how we will be receiving answers. Some of us are not expecting answers because the Question I asked the Directorate of Public Prosecutions (DPP) did not require the CS to come. I am wondering when the written answer will come because I do not have anybody to ask.

I think the concern is realistic. We need to find a way of how these answers should be coming. At some point we, had suggested that the Cabinet Secretaries should be coming to answer in camera in our County Hall either on Tuesday or Thursday mornings, depending on what we will all agree on as a House. Therefore, whichever way, Questions must be answered and those answers are very important for Kenyans.

**Hon. Speaker:** Hon. Washiali, if you ask a Question requiring a written response, you do not need to raise it here. You just need to go to the Office of the Clerk, remind the Clerk that you have a Question on the particular date, get an answer from the Clerk when it was sent to the DPP and wait for the relevant period. I remember your Question was to receive a written answer. Hon. Pukose

**Hon. (Dr.) Robert Pukose** (Endebess, JP): Hon. Speaker, I have been following this debate keenly. Hon. Washiali said he does not even know who is going to respond to his Question. Hon. Washiali is the Chief Whip of the Majority and when he does not know, who should? This is a worrying trend. I think we will have to request that we do an amendment to our Standing Orders to look for ways of how we can accommodate the Cabinet Secretaries so

that they can respond in the House. We could expand the sitting space in the civil servants' benches to ensure that the contaminated do not contaminate the House. I am worried about what Hon. Washiali has said. He does not know how these answers are going to come, yet we are the ones who should be going to seek direction from the leadership concerning our answers. If he does not know, then we are in real problems.

**Hon. Speaker:** I agree. If the Majority Whip does not know, then you are at the sea. The Standing Orders are very clear. Including today, there are Questions which were responded to and it is only one Cabinet Secretary who was not able to attend. I have that information. I am not like Hon. Washiali! I know. Those who were supposed to respond to Questions today were three Cabinet Secretaries. One applied to the Departmental Committee on Energy. The other two were responded to. When Hon. Washiali says that he does not know who answers, then that can only be a problem peculiar to him. Once the Question has been asked and directions have been issued that the Question is referred to a particular Committee, the Table Office dispatches those Questions to the relevant ministries and they are always informed when they are required to respond. Every Thursday, either Hon. Duale or you, Hon. Washiali, in a Statement on behalf of the House Business Committee, indicate the Questions that will be answered by Cabinet Secretaries. I do not think it is right for Hon. Washiali to say that he does not know who answers. It may well be that he wanted to say something different. I am sure Hon. Washiali is a ranking Member of the House and he actually knows. Maybe, he wanted to say something else. Member for Mwingi Central.

**Hon. Gideon Mulyungi** (Mwingi Central, WDM-K): Thank you, Hon. Speaker. I want to give a proposal because...

**Hon. Speaker:** Give a proposal to?

**Hon. Gideon Mulyungi** (Mwingi Central, WDM-K): To the issue being raised.

**Hon. Speaker:** About what? The Standing Orders?

**Hon. Gideon Mulyungi** (Mwingi Central, WDM-K): About the issue of Cabinet Secretaries answering Questions.

**Hon. Speaker:** You know, even if you give a proposal here, it is like you are out there walking in the streets and giving proposals to the air. The way to go about this is to propose appropriate amendments to the Standing Orders. Do not say the way you are going to propose. It will not be anywhere. Look at the Standing Orders, they provide for regular and constant review. That is why we have the Committee on Procedure and House Rules.

**Hon. Gideon Mulyungi** (Mwingi Central, WDM-K): Hon. Speaker, some of the Questions that are being asked here are cross-cutting and some of the Members also want to listen to the answers. Some of them affect others.

**Hon. Speaker:** On that one, we are unlikely to start saying that all Members want to listen. Those who have interest in a particular matter that has been raised by a Member are at liberty to attend that committee meeting on a particular date appointed. They are allowed to field supplementary questions. Those are the rules and the practice. If, for instance, you hear that the Member for Gem has asked a Question about drought and you have interest in drought matters as I suspect you would be, then on the day appointed for a Cabinet Secretary to respond, nothing prevents you from attending and fielding some supplementary questions. I have just picked drought as an example because it is cross-cutting.

The other one is the matter raised by Hon. Mbui the other week about children or pupils who might not have birth certificates and are likely to be denied the opportunity to sit for the exams. It is a cross-cutting matter. If a Question like that has been raised by a Member, obviously, it should be of interest to you to attend at the appointed date before the Departmental Committee on Education and Research to field supplementary questions. But you cannot say that because a question is on education, then the whole House... Remember also, on those days, the other Committees are also sitting. There is no way you can compel everybody to appear. Anyway, if you have some suggestions, you are at liberty to write to that Committee.

**Hon. Gideon Mulyungi** (Mwingi Central, WDM-K): I will do that because necessity is the mother of innovation and we must be innovative. When I was sitting here, I saw a very nice strategic space up there where Cabinet Secretaries can answer Questions from.

**Hon. Speaker:** You are out of order! That cannot be the place. We do not have microphones there. The HANSARD will not record them from the Speaker's Row. We hear you now, if that was the suggestion... Hon. Mulyungi might even suggest diplomatic boxes.

**Hon. Gideon Mulyungi** (Mwingi Central, WDM-K): Where we can see them properly.

**Hon. Speaker:** Remember, Hon. Mulyungi, the Chamber extends up to very close to the door. From where you normally sit, which is where you are standing, you would see them very properly as you suggest. But there are Members who like sitting near the door. They would be disadvantaged, unless we suggest that you find some other space between the Speaker's row and the Public Gallery. Hon. Mulyungi, you are an architect of repute. Just digest those innovative ideas that you have and present them to the Committee and we will hear you.

**Hon. Gideon Mulyungi** (Mwingi Central, WDM-K): Thank you, Hon. Speaker. I am much guided.

*(Hon. Kipsengeret Koros raised his hand)*

**Hon. Speaker:** The Member who is raising his hand, you do not know the intervention box? Why would your hand be up? Hon. Koros, why are you raising your hand and there is an intervention box? The chance was for Hon. Sankok, but I saw you raise your hands. I do not know whether you were waving at Hon. John Mbadi or Hon. Omboko Milemba.

**Hon. David ole Sankok** (Nominated, JP): Hon. Speaker, Hon. Koros and a few other Members might have forgotten their cards. Even though we are complaining about these Questions, the Cabinet Secretaries have tried. I have also, on several occasions, asked a number of Questions. Hon. Koros also asked a Question to the Minister in charge of Labour and Social Welfare. He was duly answered in front of our Labour Committee. I also asked a Question concerning a certain road to the Ministry of Transport and Infrastructure and within one week, it was already answered. The contractor had left the Narok-Maasai Mara Road. Before he even appeared before the Committee, the contractors were already at the site. So, when he was coming to answer my Question, the work was already going on. Let us also give credit where it is due. They have tried.

A few Questions here and there might not have been answered, but 90 per cent of them have. Since they are not Members of this House, and since they also have other duties, for them to avail themselves in person is a bit difficult. They should keep up with the same spirit. We can say we have not achieved 90 per cent, but definitely it is not a fail.

Thank you, Hon. Speaker, they should continue with the same spirit.

**Hon. Speaker:** Hon. Koros, so that you do not wave at Hon. John Mbadi permanently, what is it that you wanted to raise?

**Hon. Kipsengeret Koros** (Sigowet/Soin, Independent): Thank you, Hon. Speaker. I only have two points. First, there is a situation whereby a Question is being directed to a wrong Committee. To direct such a Question to the right Committee entails a lot of procedures which also delay the answers.

*(Loud consultations)*

Hon. Speaker, please protect me. Secondly, there is an issue with the clerks. There are instances where the CS comes to respond to certain Questions... For example, recently, I missed a response from a CS because I did not get an alert. Thank you.

**Hon. Speaker:** Well, the issue you have raised about misdirecting Questions is one that we have seen here on the Floor. It is corrected almost instantaneously when the mistake is discovered. That is a genuine concern. Thank you for that point.

Hon. Members, can Members take their seats so that we can transact this. Hon. Members, I interrupt the Order to convey a Message from the President.

## MESSAGE

### NOMINATION FOR APPOINTMENT AS INSPECTOR-GENERAL OF THE NATIONAL POLICE SERVICE

Hon. Members, pursuant to the provisions of Standing Order No.42 of the National Assembly Standing Orders, I wish to convey the following Message from His Excellency the President regarding nomination of a person for appointment as the Inspector-General of the National Police Service. The Message states that, in the exercise of the powers conferred on him by Article 245(2)(a) of the Constitution and section 12(2) of the National Police Service Act, 2011, His Excellency the President nominates Mr. Hilary Nzioki Mutyambai for appointment as the Inspector-General of the National Police Service.

Hon. Members, Article 245 (2) (a) of the Constitution states and I quote:-

"The Inspector-General is appointed by the President with the approval of Parliament".

Further, section 12(2) of the National Police Service Act, 2011 as amended by Section 11 of the National Police Service (Amendment) Act, 2014 and further as amended by Security Laws (Amendment) Act, 2014 reads, and I quote:

"12(1) pursuant to Article 245(2)(a) of the Constitution, the Inspector-General of the Police shall be appointed by the President with the approval of Parliament.

(2) The President shall, within fourteen days after a vacancy occurs in the Office of the Inspector-General, nominate a person for appointment as an Inspector-General and submit the name of the nominee to Parliament"

Hon. Members, in order for Parliament to effectively conduct the vetting process, the Speaker of the Senate and I have consulted on the most judicious manner of facilitating Parliament to discharge this important task. In the interest of time and resources, the requirements of the Public Appointments (Parliamentary Approval) Act, 2011, the Standing Orders of both Houses and the practices of Parliament, we have agreed as follows:

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- (i) THAT, the vetting of the nominee for appointment as Inspector -General of Police shall be conducted jointly by the Committees of the two Houses mandated to deal with matters of national security. The vetting process will, therefore, be jointly conducted by the Departmental Committee on Administration and National Security of the National Assembly and the Standing Committee on National Security, Defence and Foreign Relations of the Senate;
- (ii) THAT, the Chairpersons of the two respective Committees will co-chair the joint sittings and the secretariat will comprise officers of the two Houses;
- (iii) THAT, the quorum of the joint sittings will be the respective quorums of each of the Committees as stipulated by the respective Standing Orders;
- (iv) THAT, as contemplated under rule 9(6) of the Joint Rules, unless a decision is reached by consensus, any vote to be taken in the joint sitting of the Committees shall be by separate Houses. This will ensure that the numerical difference of the individual Members representing the Houses in the joint sittings has no effect on the decisions of the joint sittings of the Committees; and,
- (v) THAT, the Committees shall, having conducted the vetting hearings, submit a joint report to the respective Houses in the manner contemplated by Paragraph (7) of Joint Rule 9.

Hon. Members, Section 8(1) of the Public Appointments (Parliamentary Approval) Act, 2011 states, and I quote:

"Unless otherwise provided in any law, a Committee shall consider a nomination and table its report in the relevant House for debate and decision within fourteen days from the date on which the notification of the nomination was given in accordance with Section 5".

Further, Section 9 of the said law states that:

"If after the expiry of the period for consideration specified in Section 8, Parliament has neither approved nor rejected a nomination of a candidate, the candidate shall be deemed to have been approved."

Hon. Members, in order to facilitate the commencement of the deliberations, the counting of time with respect to the 14 days will commence when the public is notified in the usual manner, preferably on or before Thursday, 21<sup>st</sup> March 2019. It is also advisable that the concerned Committees expeditiously commence the process of the consideration of approval of the nominee to enable speedy conclusion within the set timelines. The joint committees should, having undertaken the necessary approval hearings, table their report in the Houses by Tuesday, 2<sup>nd</sup> April 2019. Considering that the House is scheduled to proceed on a short recess on Thursday, 28<sup>th</sup> March 2019, the period set by the law for approval hearings will lapse while the House is on recess. I will be asking the House Business Committee to propose a way forward with respect to the Calendar of the House to ensure that the process is concluded within the statutory timelines.

Hon. Members, this Message therefore, together with the resume of the nominee, stands committed to the Departmental Committee on Administration and National Security of the National Assembly sitting jointly with the Standing Committee on National Security, Defence and Foreign Relations of the Senate for consideration.

Thank you, Hon. Members. Next Order!

## MOTIONS

REPORT ON ALLEGED IRREGULAR SPECIALIST RECOGNITION OF  
DR. SONI BY THE KENYA MEDICAL PRACTITIONERS AND DENTISTS BOARD

THAT, this House adopts the Report of the Departmental Committee on Health on alleged irregular specialist recognition of Dr. Samira Soni by the Kenya Medical Practitioners and Dentists Board, laid on the Table of the House on Wednesday, 17<sup>th</sup> October 2018.

*(Hon. (Ms.) Sabina Chege on 12.3.2019)*

*(Debate concluded on 13.3.2019 – Afternoon Session)*

**Hon. Speaker:** Hon. Members, debate on this Motion was concluded and what remained was for the Question to be put, which I hereby do.

*(Question put and agreed to)*

Hon. Members, including the Member shaking hands with the Member for Muhoroni Constituency, for the convenience of the House, I will temporarily rearrange the business on the Order Paper, so that we dispense with Order No. 10. What remained was putting of the Question on proposed amendments to the Motion.

## REPORT ON INQUIRY INTO THE KENYA-SOMALIA BORDER SECURITISATION PROJECT

THAT, this House adopts the Report of the Departmental Committee on Defence and Foreign Relations on the Inquiry into the Kenya-Somalia Border Securitisation Project, laid on the Table of the House on Tuesday, November 20, 2018.

*(Hon. Major (Rtd.) Bashir S. Abdullaih on 12.3.2019)*

*(Resumption of Debate interrupted on 14.3.2019)*

**Hon. Speaker:** Hon. Members, during debate on this Motion, an amendment was moved and proposed and there was some debate. For the benefit of every Member, I will read the proposed amendment.

THAT, the Motion be amended as follows:

- (i) by deleting the word “adopts” and substituting therefor the word “notes”;
- (ii) by deleting the words "Inquiry into" and substituting therefor the words “Status of”; and,
- (iii) by deleting the title to the Report and substituting therefor the following:



“Report on the Status of the Kenya-Somalia Border Securitization Project”

Hon. Members, as I said, debate on these proposed amendments was also concluded. But on account of many Members having proceeded to other businesses, the Question was not put. I will, therefore, proceed to do so.

*(Question of the first part of the amendment,  
that the words to be left out be left out, put and agreed to)*

*(Question of the second part of the amendment,  
that the words to be inserted in place thereof be inserted, put and agreed to)*

*(Question of the Motion as amended proposed)*

Therefore, Hon. Members, debate on that Motion will proceed in that amended form. So, it means that debate on the Motion will continue as amended. I had rearranged the business for purposes of us clearing with that procedural issue because there is always the danger that once the House goes into the Committee of the whole House, small matters like putting of the Question are always adjourned. So, at least now, you can proceed now, including the Mover being called upon to reply, or to proceed as he will find appropriate.

So, we move to the next Order. We will go back to the normal flow of business on the Order Paper.

## COMMITTEE OF THE WHOLE HOUSE

*(Order for Committee read)*

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

### IN THE COMMITTEE

*[The Chairman (Hon. Moses Cheboi) took the Chair]*

THE COUNTY GOVERNMENTS (AMENDMENT) (NO.2) BILL  
(SENATE BILL NO.7 OF 2017)

**Hon. Chairman:** Order Members! We are in the Committee of the whole House. This will take a short while because it is fairly brief. I want Members to be keen.

*Clause 2*

**Hon. Chairman:** Order, Hon. Members! Hon. Chairperson of the Departmental Committee on Administration and National Security, you have an amendment to Clause 2.

**Hon. Paul Koinange** (Kiambaa, JP): Hon. Chairman, I beg to move:

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THAT, clause 2 be amended in the proposed amendments to section 123

(a) by deleting the proposed subsection (8) and substituting therefore the following new subsection—

“(8) Where the Commission does not recommend the suspension of a county government, the President shall, within fourteen days of receipt of the report of the Commission under subsection (7), notify the Speaker of the Senate and the apex intergovernmental body the recommendation of the Commission.”

(b) in the proposed sub-section (9) by deleting the words “whether or not” appearing in paragraph (a) and substituting therefor the word “that”.

(c) by inserting a new subsection immediately after the proposed subsection (9)—

“(9a) Where the President is not satisfied that justifiable grounds exist for suspension of a county government, the President shall, within fourteen days of receipt of the report of the Commission under subsection (7) notify the Speaker of the Senate and the apex intergovernmental body of his dissatisfaction.”

(d) in the proposed subsection (13) by—

i) deleting the word “authorization” immediately after the word “upon” and substituting therefor the word “approval”; and

ii) inserting the words “within fourteen days of receipt of the Senate resolution” immediately after the words “the President shall”.

(e) by deleting “the” in the proposed subsection (14).

Hon. Chairman, the amendment will provide a closure of the process where the commission does not recommend the suspension of a count government.

*(Question of the amendment proposed)*

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

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

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

*(Clause 2 as amended agreed to)*

### Clause 3

**Hon. Chairman:** Hon. Chairperson of the Departmental Committee on Administration and National Security, you also have an amendment to Clause 3.

**Hon. Paul Koinange** (Kiambaa, JP): Thank you, Hon. Chairman. I beg to move:

THAT, clause 3 of the Bill be amended by renumbering the last provision under the proposed New Section 129 as subsection (8).

Hon. Chairman, there is a need to separate the instances where the President is satisfied with a recommendation for a suspension and when the President is dissatisfied, hence the need for the amendment.

Thank you.

*(Question of the amendment proposed)*

**Hon. Chairman:** Is there interest on this? Let us have Hon. (Dr.) Makali Mulu.

**Hon. Makali Mulu** (Kitui Central, WDM–K): Thank you, Hon. Chairman. Even though we are saying that we need to get this matter behind us... My reason for intervening was on Clause 2 which has so many components, but now it is behind us. So, I want to note that possibly, it would have been better if we went clause by clause. I support.

**Hon. Chairman:** You were not clear, Hon. (Dr.) Makali. What is it that you want?

**Hon. Makali Mulu** (Kitui Central, WDM–K): Hon. Chairman, what I wanted to say has been overtaken by events.

**Hon. Chairman:** Fair enough, we have dispensed with it.

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

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

*(Clause 3 as amended agreed to)*

*(Title agreed to)*

*(Clause 1 agreed to)*

**Hon. Paul Koinange**, (Kiambaa, JP): Thank you Hon. Chairman. I beg to move that Clause 3 be amended as per...

**Hon. Chairman:** No! No! No! That is not clear. We have finished. Approach the Table, please. There is some clarification you have to give. Are you okay now?

**Hon. Paul Koinange**, (Kiambaa, JP): I am okay. Hon. Chairman, I beg to move that the Committee doth report to the House its consideration of the County Governments (Amendment) (No.2) Bill (Senate Bill No.7 of 2017) and its approval thereof with amendments.

*(Question proposed)*

*(Question put and agreed to)*

*(The House resumed)*

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

## REPORT AND THIRD READING

THE COUNTY GOVERNMENTS (AMENDMENT)  
(No.2) BILL (SENATE BILL NO.7 OF 2017)

**Hon. Moses Cheboi**, (Kuresoi North, JP): Hon. Speaker, I beg to report that the Committee of the whole House has considered the County Governments (Amendment) (No.2) Bill (Senate Bill No.7 of 2017) and approved the same with amendments.

**The Temporary Deputy Speaker**, (Hon. Patrick Mariru): Mover of the Bill.

**Hon. Paul Koinange**, (Kiambaa, JP): Hon. Speaker, I beg to move that the House doth agree with the Committee in the said Report.

**Hon. William Kisang**, (Marakwet West, JP) seconded.

*(Question proposed)*

**The Temporary Deputy Speaker**, (Hon. Patrick Mariru): Very well. Hon. Members, we will pend putting of the Question on that particular one.

*(Putting of Question deferred)*

## MOTIONS

### INQUIRY INTO THE KENYA-SOMALIA BORDER SECURITISATION PROJECT

THAT, this House adopts the Report of the Departmental Committee on Defence and Foreign Relations on the Inquiry into the Kenya-Somalia Border Securitization Project, laid on the Table of the House on Tuesday, November 20, 2018.

Amendments proposed—

THAT, the Motion be amended as follows –

- (i) by deleting the word “adopts” and substituting therefor the word “notes”;
- (ii) by deleting the words "Inquiry into" and substituting therefor the words “Status of”; and
- (iii) by deleting the title to the Report and substituting therefor the following-  
“Report on the Status of the Kenya-Somalia Border Securitization Project”

*(Question of the Motion as amended resumed)*

**The Temporary Deputy Speaker**, (Hon. Patrick Mariru): Hon. Members, we are going back to Motion No.10 as amended. You remember there was an amendment that was carried. So, the Motion is as amended.

**Hon. Benjamin Washiali**, (Mumias East, JP): On a point of order, Hon. Speaker. Before these amendments came in, Members had debated this Motion adequately. Now that the amendments are already carried and they are part of the Report, I strongly feel from where I stand that this Motion had been adequately debated and I would request that you now call the Mover to reply.

**The Temporary Deputy Speaker**, (Hon. Patrick Mariru): Is that the mood of the House? Allow me to establish the mood of the House.

*(Question, that the Mover be now called upon*

*to reply, put and agreed)*

**Hon. Major (Rtd.) Bashir S. Abdullahi**, (Mandera North, JP): Hon Speaker, this matter has been exhausted so I will be extremely very brief. I am just going to note what Members have debated.

As a recap, this project is called the Kenya-Somalia Border Securitization Project. It consists of a number of integrated or linked phases. It has walls, fences, ditches, airstrips, patrol roads, border-control command centres - there is one in Wajir - and surveillance systems. It is not just a wall. It is unfortunate that when some Members were debating this issue, they only talked about the length of the wall. I want to reiterate that it is not just a wall, it is a border securitization project.

The project was started in 2015 initially under the Ministry of Interior and Co-ordination of National Government. Later on, in 2016, the Ministry of Defence took over the project. The total budget for the entire project upon completion is Kshs8 billion. It is good to note that the Kshs8 billion is what has been budgeted for the completion of the project all the way from Border Post 1 to Border Post 29. So far Kshs1.7 billion has been expended towards the work that has been done. You can see that in the Status Report Page 32. This is a status report which is to apprise Members on the progress of the project. We undertook this matter as a Committee, on our own volition based on our Standing Orders, to go and check what the project entails and how far it has gone. Indeed, Members need to be aware of it. We, therefore, brought a status report to show what has been done and how much money has been spent so far.

The project's aim is to have a controlled and manned entry/exit of the borders. This border is 700 kilometers long. It is also porous. The aim is to ensure that we have manned and controlled movement of persons and goods. As much as it will enhance security, it is not a guarantee *per se* that once the project is complete, we will be 100 per cent safe and secure. However, it is a step in the right direction. Members' contributions were sensational about the money. They said that a lot of money was going to be spent on this project. I happened to have worked for the Ministry of Defence as a military officer. One thing I can vouch for the Kenya

Defence Forces is professionalism. Their budget might look so huge, but that does not mean that there is corruption or something like that.

**Hon. Ferdinand Wanyonyi**, (Kwanza, FORD-K): On a point of Order, Hon. Speaker.

**The Temporary Deputy Speaker**, (Hon. Patrick Mariru): What is out of order, Hon. Wanyonyi?

**Hon. Ferdinand Wanyonyi**, (Kwanza, FORD-K): I think this Motion is rushed. It is erroneous for the Member to say that we talked about the money. There are other issues that we talked about; not only about the money. He is not even mentioning that they did benchmarking in America, Israel and Japan. We wanted you to come clear on the whole thing. How did you conceive this thing? You are not telling us that. You are just telling us that we talked about money. That is wrong. Can you clarify that?

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Hon. Wanyonyi, the Member who is replying has not finished. Possibly, he will prosecute even the other issues raised by Members.

**Hon. Major (Rtd) Bashir S. Abdullaih** (Mandera North, JP): Thank you, Hon. Temporary Deputy Speaker. What Hon. Wanyonyi is saying is quite in order. However, I want him to refer to the Status Report because the issues he has raised are contained there.

We mentioned the counties that the Executive visited to benchmark and they brought a report. So, the Report states the countries the Executive visited to benchmark. For information purposes, this project was started in 2015, during the last Parliament. I am sure the benchmarking report was tabled then, indicating the places they visited and the status report. I want Members to note that this Report was very well debated last week when several issues came up.

So, I just want to reply and give information from a point of knowledge so that Members can know this was not an inquiry, but a status report. Let us avoid being sensational whenever figures are mentioned. Naturally, security equipment is expensive. Whenever people hear about certain amounts of money what comes into their mind is corruption. I want to assure Members...

**Hon. Junet Nuh** (Suna East, ODM): On a point of order, Hon. Temporary Deputy Speaker.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): What is your point of order, Hon. Junet Sheikh, Member for Suna East?

**Hon. Junet Nuh** (Suna East, ODM): On a point of order, Hon. Temporary Deputy Speaker. I have keenly listened to the Member replying to the Motion. My first question is: Is he moving the Motion or replying? Secondly, the Kshs3.4 billion is in the Report and Members have not come up with that figure from nowhere. They found it in the Report presented by his Committee. So, whether Kshs1.7 billion has been used or misused, that is in the Report. So, he should not open a Pandora's Box and start debate again, to justify how much was spent.

Thank you.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Hon. Sheikh, you are replying. I can see the substantive Chair is seated next to you. So, please it is time to reply.

**Hon. Major (Rtd) Bashir S. Abdullaih** (Mandera North, JP): Thank you, Hon. Temporary Deputy Speaker. I have noted the comments from the Members. Just to recap, the Report has been very well debated and everything is in order.

With those few comments, I beg to reply.

Thank you.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Hon. Members, we will suspend putting of the Question on this Motion to a subsequent time due to lack of the requisite numbers.

*(Putting of the Question deferred)*

**Hon. Ferdinand Wanyonyi** (Kwanza, FORD-K): On a point of order, Hon. Temporary Deputy Speaker.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): What is your point of order, Hon. Wanyonyi Kelvin?

**Hon. Ferdinand Wanyonyi** (Kwanza, FORD-K): As a citizen of this country and in the interest of this country, I am asking the leadership of this House to bring this Motion back for further discussion. This is because there are quite a number of issues mentioned therein and, I am not happy because money has been spent on a very useless project.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Order, Hon. Wanyonyi! I am not going to allow us to revisit this. Members had time to engage on this Motion. The Mover has replied and the only other opportunity you have to speak to this Motion is through voting and that will be given at a subsequent time. On the issue of how to revisit the whole issue again, that is a different question and you can refer to your Standing Orders.

Next Order!

## MOTION

### RATIFICATION OF THE REVISED CONSTITUTION OF THE AFRICAN CIVIL AVIATION COMMISSION

THAT, this House adopts the Report of Departmental Committee on Transport, Public Works and Housing on its consideration of the Revised Constitution of the African Civil Aviation Commission (AFCAC) for Ratification, laid on the Table of House on Tuesday, 12<sup>th</sup> March 2019, and pursuant to section 8 of the Treaty Making and Ratification Act, 2012, approves the Ratification of the Revised Constitution of the African Civil Aviation Commission.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): I am informed that the Chairperson, Departmental Committee on Transport, Public Works and Housing has requested we step down this Motion and we shall do so. It is so ordered.

Next Order!

*(Motion deferred)*

### PROMOTION AND POPULARIZATION OF RATIFICATION OF PROTOCOL ON FREE MOVEMENT OF PERSONS

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): The Chairperson, Departmental Committee on Defence and Foreign Relations, Hon. Katoo ole Metito.

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**Hon. Katoo ole Metito** (Kajiado South, JP): Thank you, Hon. Temporary Deputy Speaker. I beg to move the following Motion:

THAT, this House notes the Report of the Departmental Committee on Defence and Foreign Relations on a Meeting with the Member States and Secretaries of the Economic Community of West African States and East African Community to Promote and Popularise the Ratification of the Protocol on the Free Movement of Persons and its Implementation Roadmap, laid on the Table of the House on Wednesday, 21<sup>st</sup> November 2018.

This meeting was held in Dakar, Senegal last year. My Committee received a letter dated 16<sup>th</sup> August 2018 in which the African Union (AU) had written to the Ministry of Foreign Affairs and an invitation was extended to the Departmental Committee on Defence and Foreign Relations. Also the invitation to attend this meeting was extended to the Ministry of Foreign Affairs, Legal Department, the Office of the Attorney-General, the East African Community (EAC), the Economic Community of West African States (ECOWAS) Secretariat, as well as the Member States from the two Regional Economic Communities (RECs). This was to popularize and promote the ratification of the Protocol on Free Movement of Persons in Africa. Its implementation roadmap was adopted by the AU Assembly in January 2018 and Kenya signed that Protocol on 21<sup>st</sup> March 2018.

This was a follow-up to the AU Assembly which was held in January 2018, which came up with this Protocol. As I said earlier, Kenya signed it on 21<sup>st</sup> March 2018, but there was a slow pace in terms of ratification. So, this meeting held in Dakar, Senegal was to see how ratification could be fast-tracked. Of course, this is about free movement of persons. So, when this Protocol was adopted in the AU Assembly, it was said that for it to be effected, about 15 African member states should ratify it. The EAC has six Member states and ECOWAS 15 member states. So, in total, they are 21 countries. Therefore, getting 15 countries out of 21 to ratify this Protocol was enough to bring it into force.

The free movement of persons is central to the integration of the continent and this cannot be separated from other regional integration initiatives such as economic integration and common policies on cooperation and security. We, therefore, want to integrate and talk of economic integration and sharing on security cooperation issues. I think free movement of persons is also very key.

There is what is called African integration agenda, in the areas of trade, goods and services which has since advanced as a result of development of relevant policies in these areas. This has not been the case for the free movement of persons within the continent. Therefore, the purpose of the consultation was to bring together regions that have already established the progressive free movement regime in Africa, in order to sensitise them of the AU free movement regime and find ways to work on accelerating signatures, ratification, domestication and implementation of the Protocol by the end of 2020; which was the timeline or target set by the AU Assembly.

Hon. Temporary Deputy Speaker, the Protocol builds on the effort of the AU member states at bilateral levels and regional integration framework to promote, as I said, economic, social and cultural development as well as the integration of African economies. Even in our country, nowadays we have what we call regional economic blocs in terms of counties. For example, we have the Jumuiya ya Kaunti za Pwani. We have some in western, south rift and



Mount Kenya regional blocs, merging counties to bring the benefit of economies of scale. I think that is what has been extended to outside our borders.

The countries that attended the meeting – I am talking about Kenya and Senegal which was the host – were Benin; Mali; Togo; Burkina Faso; Cote d’Ivoire; Gambia; Ghana; Sierra Leone; Nigeria; Niger; Liberia; Guinea; Uganda and Burundi. There were also representatives from the AU Commission, the East African Community Secretariat, ECOWAS Commission and ECOWAS Parliament. Also present in the meeting was also the International Organisation for Migration (IOM) and civil society organisations. They are actually partnering with the AU on free movement programme as observers.

The Protocol has some elements or clauses on free movement of persons, the right of residents and the right of establishment in Africa. That stems from Article 43(2) of the treaty establishing the African Economic Community, which was adopted in Abuja, Nigeria, a long time ago, on 3<sup>rd</sup> June 1991. Therefore, it is really a long history we are trying to fast track. Of course, that came into force on 12<sup>th</sup> May 1994. Therefore, the member states agreed to conclude a protocol on free movement of persons, the right of residents and the right of establishment.

As I said earlier, the Protocol needs 15 ratifications to come into force. It has attracted 32 signatures, meaning that out of the 54 countries in Africa, 32 have signed, but only one has ratified. Your guess is as good as mine. That country is Rwanda. It is said that Rwanda has really set the pace for the other African countries. It is the only country that has ratified. Kenya signed this Protocol on 21<sup>st</sup> March 2018.

I want to explain some of the salient provisions of the Protocol. One is about progressive realisation of free movement of persons, right of residents and right of establishment. The Protocol provides for the realisation of the aspirations in phases. In the first phase, the member states will be required to implement the provision on the right of entry and abolition of visa requirements. The provision on the right of residents and the right of establishment will be implemented in the second and third phases, respectively. The right of entry under the Protocol is that nationals of member states shall have the right to stay, move very freely and exit the territory of other member states for a maximum period of 90 days, in accordance with the procedures of the host member states. This is to facilitate member states as required. That will actually abolish the requirement of a visa as a precondition for entry into their territories. This means you can go from one member state to another very freely without the requirement of a visa for 90 days. You can remain in that country moving freely, of course, within the laws of the host member state for 90 days. Therefore, if you are from Senegal and you come to Kenya, you will only need your travel documents. You will not need a visa, if the two member states are signatories to this Protocol for a maximum of 90 days.

The member states are also required to mutually recognise and exchange specimen of their valid travel documents. The Protocol further provides for the African passport and requires states to work closely with the AU Commission to facilitate the process towards the issuance of the African passport to their citizens. I am happy to report that in that consultative meeting, the Kenyan passport was being used as an example for both the regional integration and even for the AU passport. You can even see now the new generation passport which is written “East African Community - Kenya”. The specimen of our passport was the one being used as the best specimen for this AU passport or for any regional economic blocs.

Let me just go to the right of residence as well because of time. It provides that the nationals of a member state will have the right of residence in the territory of any member state in accordance with the laws of the host member state and as such a national may be accompanied by his or her spouse and dependants. The member states will be required to gradually implement favourable policies and laws on residents or national of other member states. So, the Protocol is basically saying that just as you have 90 days to roam within the boundaries of the member states without the requirement of visas, you can be accompanied by your spouse and your dependants subject to the laws of the host country.

On the right of establishment, the Protocol envisages that nationals of a member state will have the right of establishment within the territory of another member state still in accordance with the laws of the member state. This right of establishment will include the right to set up a business, trade, profession, vacation or an economic activity as a self-employed person in the territory of the host member state. This will definitely boost business, trade and profession. You can be a legal practitioner and you will be allowed to practise your profession in any of the member states; of course, subject to the laws of the host country.

The fifth one is the mutual recognition of qualifications, which is very important because the member states will be required either individually or through bilateral, multilateral or regional arrangements, to mutually recognise academic, professional and technical qualifications of their nationals so as to promote the movement of persons among the member states. They will also be required to establish a continental qualification framework to encourage and promote free movement of persons. That will actually standardise and streamline the qualification of the different professions whereby your qualification here as a medical practitioner can easily be recognised by any of the member states in this Protocol.

There is also the issue of protection of property acquired in the host member state. The Protocol will require that the property acquired in the host member state in accordance with the laws, policies and procedures of the host member states shall be protected; and such property that is lawfully acquired, so long as it is lawfully acquired, it shall not be nationalised, expropriated, confiscated or acquired by the host member state except in accordance with the law and after fair compensation being paid to the national. Among others, there is the remittance where there will be a streamlined procedure whereby those working in those countries can remit their savings to their nationals in other countries without any problems.

Harmonisation of laws is also explained. Let me just mention it because it is the last one in the clauses. Upon the adoption of the Protocol, member states will be required to harmonise and coordinate their laws, policies, systems and activities of the regional economic communities of which they are members, which relate to the free movement of persons, with the laws, policies, systems and activities of the African Union in accordance with the implementation plan. There will be a seamless border so you will operate like you are just in your own home country.

The Protocol has immense benefits to Kenya. First, Kenya has made commendable efforts to facilitate foreign entry and stay in this country. Such efforts include issuance of visa on arrival, abolition of visa requirements for some nationals of some countries, for instance commonwealth countries, and through bilateral arrangements on exemption of visa requirements. It just emphasises something that Kenya has been talking about and is passionate about namely, the issue of abolition of borders in these countries.

Kenya has also leveraged on technology to facilitate issuance of visas, notably the e-visa. There are already underway continental efforts to promote intra-Africa trade. You remember the tripartite arrangement which was brought by this Committee and which we ratified and adopted as a House. It is an arrangement among the Common Market for Eastern and Southern Africa (COMESA), the East African Community and the Southern African Development Community (SADC). It was an agreement for continental free trade for the whole of Africa. Such facilitation of free movement of Africans within the continent should be encouraged.

It is worth noting that the Protocol is alive to the sovereignty of the member states and recognises that its implementation shall be in accordance with the national laws and procedures relating to entry, residence and movement of free nationals. At times we may look at it like a clause that claws back, which member states may invoke to safeguard their interests. It also has the potential to undermine the implementation of the Protocol as some member states may invoke it to deliberately maintain the *status quo*. There is always the fear of the unknown. Some of the member states may try to resist that change. They may use that clause that always refers to their national laws to safeguard their interests.

Finally, the sensitisation conference recommended the following: First, the AU and the regional economic communities of member states should synergise activities and programmes relating to the African Continental Free Trade Agreement in tandem with the implementation of the AU Protocol on Free Movement. We ratified the Protocol on African Continental Free Trade Agreement shortly before we went for the long recess in the last Session. That is in tandem with what we are discussing today. You cannot say that we have a continental free trade agreement for the whole of Africa when we do not have free movement of persons within Africa. These need to be harmonised.

Secondly, the AU and the member states should utilise the regional consultative processes for the promotion of the Protocol on Free Movement of Persons among AU member states. The regional consultative processes are these regional economic blocs like COMESA, EAC, SADC and Maghreb. If they use those regional consultative processes, they can promote and fast-track the ratification of this Protocol.

Thirdly, the AU member states should also involve their regional and national parliaments, private sector and civil society in the dissemination of information on the AU Protocol on Free Movement of Persons. As much as we have regional economic communities or blocs, we also have regional parliaments. The East African Legislative Assembly (EALA) is one of them. There is also ECOWAS and the Pan-African Parliament. If, as countries, we involve our regional assemblies and parliaments to sensitise the populace about the AU Protocol on Free Movement of Persons, it will help in disseminating information.

The AU, the respective regional economic communities and member states should coordinate the process for exchange of data on mobility of persons in the region. Rwanda has 21 exit and entry points. They have signed and ratified the Protocol. They have an inter-border management system which integrates all the exit and entry points. As I said earlier, Rwanda is a pacesetter for the EAC on exit and entry points. It is possible to combine migration with good border management. With 21 entry and exit points and a very good border management system, we can learn from them and other partner-states in Africa. That is what I talked of in terms of exchange of data on mobility of persons in the region.

It is also good to strengthen our civil registries. It is also good to promote the establishment of joint border patrol among our member states. It is also good to enhance interconnectivity of border information management systems. This is an era of technology and we must take advantage of that. Finally, it is also good to emulate the EAC in offering free movement of persons and the adoption of the African Union prospect.

I have tried my best to enlighten the House and bring Members on board on the meaning of the Protocol on the Free Movement of Persons. Therefore, allow me to end my remarks. I kindly ask Hon. Kivai, the Member for Vihiga, who is not just a Member of my Committee but also attended this conference, to second.

I beg to move.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Very well. Let us have Hon. Kivai Ogesi, Member for Vihiga.

**Hon. Ernest Kivai** (Vihiga, ANC): Thank you, Hon. Temporary Deputy Speaker. I rise to second this Motion. From the outset, the continent of Africa is divided among various regional economic blocs. There is the EAC which covers about seven member states. There is ECOWAS which covers many states in the western part of Africa. There is SADC which covers most of southern and central Africa and the Arab Maghreb Union which covers most of North Africa. Those are the major economic blocs that Africa is divided into. It was not a coincidence that EAC and ECOWAS regional economic blocs were the ones invited to this meeting. The reason is that when it comes to implementing regional togetherness in Africa, EAC has taken a very good lead in implementing the requirements of the AU. Following right behind is ECOWAS. As the Mover stated, we need 15 countries to ratify this particular Protocol for it to be operational. There has been slow progress now. When the Committee invited the two economic blocs, EAC and ECOWAS, it was one way of fast tracking to get the 15 ratification signatures. The Mover has explained the meaning of this Protocol very well. It is a way of making sure that people in Africa can move freely the way we see it in Europe and elsewhere.

I want to go straight to the Protocol. The Mover has given the meaning and objective of this Protocol. He has also explained its scope which is basically the right of entry, residence and establishment. I must say that Kenya is very far ahead in the right of entry. Almost a year ago, His Excellency the President announced that anybody from the African continent can get a visa on arrival in Kenya. That was a major step. So, you can come to Kenya and get a visa on entry. As explained earlier, the right of entry is basically to allow African citizens to come in and stay in a different member state for a maximum period of 90 days, subject to the laws of the country. We know that some citizens are mischievous and criminals. I will talk about that later on when I look at the challenges that we face with this Protocol.

There is also right of residence. This is basically saying that once you have entered that country, you should enjoy the rights of residency. This means that you can come with your spouse, dependant and live like any national of that country. There is also the right of establishment. It means that you can stay in that country and establish yourself in terms of business and professional skills. This is where Kenya comes in very handy. I will talk briefly about the benefits of this Protocol to Kenya.

There are challenges with this Protocol. I remember that this was a hot topic, especially for Kenyans. We share borders which are very porous, especially our border with Somalia. Free entry has posed a lot of challenges to us but they are surmountable. We need to look at the

benefits that will accrue for Kenya. Kenya has done very well in this region of Africa. It is well advanced in technology and skilled manpower. I was in Rwanda the other day and I visited a project site. I was very elated to find that the architect who was supervising that project is a Kenyan. The structural engineer who is handling that project is also a Kenyan. So, we stand to gain a lot by having this free movement of our people to the various countries within the continent.

As the Mover said, the implementation of this Protocol will be both short term and long term. There are certain things we can do which are in the short term and should be done immediately. For example, we need to engage the Office of the Attorney-General to make sure that the steps that are required to implement this Protocol are started immediately. We should encourage them to embark on this because of the benefits that the Protocol will accrue for this country. The implementation of the right of establishment and residence will be long term. The implementation of the short term scope of the Protocol like the right of entry, which we have already started doing, should start immediately.

There is a bit of irony in what the Mover said. I congratulate Rwanda because it is the only country that has both signed and ratified the Protocol in Africa. There are challenges to this. I was a bit disappointed two or three weeks ago when I learnt that Rwanda which was the first one to ratify this Protocol closed its border to one of our neighbours; Uganda. That shows that as we open up this free movement of people, there are very many challenges ahead. We should encourage people to try and sort out whatever problems that arise because they will be there. I feel that the idea of waking up one morning and closing the border negates what we want to achieve with this Protocol. I will encourage most African countries, especially within the EAC, to ensure that they do not resort to these sorts of cases.

The challenges will be many. Before this Motion was moved, we were talking of constructing a border wall with one of our neighbours. It is very strange that the Protocol we are talking about wants to open these borders. As we implement this Protocol, let us recognise the challenges that will be there and have a framework of dealing with them.

With those remarks, I second this Motion. Thank you.

*(Hon. Ayub Angatia consulted loudly)*

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Order, Hon. Savula.

*(Question proposed)*

The first Member to have a stab on this is Hon. Mulyungi Mutemi. That Member has taken leave. Hon. Mbui Robert.

**Hon. Robert Mbui** (Kathiani, WDM – K): Thank you, Hon. Temporary Deputy Speaker. I wish to request for your support and protection from Hon. David Gikaria. He is looking at me very badly.

I rise to support this Report by the Departmental Committee on Defence and Foreign Relations on this meeting that was meant to promote and popularise the ratification of the Protocol on Free Movement of Persons and its Implementation Roadmap. I listened keenly to the Mover and noted that only 15 countries need to ratify this Protocol. I do not think that is a tall

order. It is something we need to do as a country so that we also join the rest of the nations in building this world and taking it to the next level.

There is no country that is an island. Our country operates in a system where there are many other countries. For us to have proper development, we require proper partnerships. That is why the issue of regional integration came about. For us to do business, we need a bigger market. A small market, say, of one country only, the goods and services provided by it cannot fetch much because the trade therein is just internal. Unless a market is as big as China's which has a large population... Here in Kenya, with slightly over 40 million people, it is important that we build this economy by taking advantage of our neighbours. We need to partner with them in order to have a bigger market. So, it is important to note that the size of the market matters. That is why, for us to develop as a nation, we have to embrace regional integration so that we can access a larger market. I know, currently, Kenya is a member of the East African Community market which is a small market. There is need to expand it and integrate with other economies so that we grow.

Regional integration is meant to widen access and tighten and deepen relationships so that we partner with other people to do business in a better way. Africa actually needs to move to the European level. We should create a situation where there is free movement of goods and services and later on, of course, if possible, we can even have a common currency. The minute we will do that, the country will become as big as the continent. So, it is important to support this.

The Protocol is basically on free movement of persons. We are talking about labour which is, obviously, one of the factors of production. It is a great idea that we will be able, after ratifying it, to access other nations in order to do business with them. I have heard the Chair talk about waivers on visas. These are some of the problems we face every time we need to travel for business or otherwise. There are always a lot of bottlenecks that many times block our travel. It is important that we ratify the Protocol so that movement of our citizens to these countries becomes easier so that we can trade confidently and comfortably with other nations.

Any time the country signs or ratifies an international protocol, it forms part of the laws of our country. Of course, that is the part I want to warn our leaders and ask them to be careful. The minute we sign and ratify a protocol and we become part of other people, let us also remember that we have our people or labour moving from our country to other countries. It is, therefore, important that we project a positive image as a country. For us to partner with other people, we must show them our confidence. As elected leaders, we must portray ourselves in the best light possible all the time and ensure we protect our institutions all the time. That way, when we partner and discuss issues out there, people will not have negatives about this country. I am saying this because I know that strong institutions play a very important role in making other countries have confidence in us. But recently, I have heard elected leaders from this nation standing on podiums in funerals or *barazas* or *harambees* and criticising and insulting institutions that are legally constituted. A case in point is leaders attacking the Directorate of Criminal Investigation (DCI) even to the point of saying that the DCI has no capacity to investigate an issue of criminal nature like corruption. Corruption is a crime and theft! So, it does not make sense when leaders stand on podiums and try to criminalise offices that have been set up by law. It sends a bad image to our partners.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Order, Hon. Mbui! The Motion on the Floor is very clear. You are an experienced Member. You are moving on a frolic. Remember the rule of relevance, Hon. Mbui. Please.

**Hon. Robert Mbui** (Kathiani, WDM-K): Thank you. Hon. Temporary Deputy Speaker. I was just pointing out that we are ratifying the Protocol on free movement of labour or persons from this country to other countries. The partnership must show the kind of people we allow to get out there. So, if we criminalise and fight our institutions, it sends a wrong message. That is all I was talking about. Otherwise, I think my point is made. I support. Thank you.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Hon. Gikaria David.

**Hon. David Gikaria** (Nakuru Town East, JP): Thank you Hon. Temporary Deputy Speaker for giving me this opportunity to support the Motion. I thank the Departmental Committee on Defence and Foreign Relations for bringing this Motion. Of course, it was not right for Hon. Mbui, who is in the leadership of the House, to get out of the topic or out of order. However, it shows how democratic this country is: that any person can rise and question anyone. That is a huge step forward for the country. Democracy has really grown.

I do not want to repeat the benefits of the Protocol that the Mover and the Seconder have indicated if, as a Parliament, we ratify it. The advantages are huge particularly on sharing of security-related matters. That is something the member countries are going to benefit a lot from as they address insecurity. We all have been affected by insecurity in this region.

There are advantages emanating from economic integration, for example on trade and recognition of academic qualifications. That is something we need to look into. We have addressed academic issues at the lower level, but we have not done that at the university level. I hope Prof. Magoha, assuming he will be approved by the House, will fix the mess in our universities. Qualifications of our graduates has always been questioned where people are said to buy academic qualifications. He should fix that so that we can have and export quality expertise that will make this country proud. That is very critical. Even if we export qualified academic professionals, they must go out there to be good ambassadors of the country and protect property acquired. That is something to consider in this Protocol.

Kenyans are very industrious. Once Kenyans go to other countries and acquire property there, as Hon. Mbui said, they will want assurances concerning their establishments. People should not be threatened for their hard work and for what they have acquired. I listened carefully to the Mover who said that it should be done as per the laws of that country. We need to look at this and once it is ratified, it becomes part of the Kenyan law. If a member comes to this country, he is bound by the laws of this country. This country is very open. We saw what happened in Tanzania the other day. Our very important business people who went to Tanzania, some of their cows were confiscated and auctioned. The chicks they were going to sell were also burnt by the Tanzanian authority. We need to be assured that as you go out there to do business, you are protected.

The right of entry and abolition of visas is another thing. We went to Rwanda the other day and we were surprised the country has ratified this protocol. We were kept at the airport for more than 45 minutes because we did not have a letter indicating the hotel we were going to. This is the case and yet we were just going to attend a conference. It is one thing to sign and ratify and another to implement what you have ratified. We were kept at the airport because we

never had a letter of invitation and yet we were going to attend a conference. We need to harmonise the members' law. This will be an added advantage.

There is also the issue of mobility of data which we need to understand. As we have said, this world is just a market and we cannot live in isolation. We have to integrate, cooperate and interact with others so that we can trade. Of course, the border control will help greatly.

Before the Motion was moved, we were talking about the Kenya Somali border, where we are locking ourselves. Tomorrow we will have a problem with Uganda, and then we will lock ourselves when we are supposed to be opening up. It is ironical that we are trying to open up and yet we are locking ourselves. One of the reasons is the security of this country which comes first. The challenges are issues which we really need to look into. This is particularly on respecting the protocols and agreements. I think that is critical for us as a country.

As we move towards ratifying this, we must also be assured that the other member states which have ratified or signed this will also respect the agreement in the protocol. It is not fair when we ask Kenyans to leave this country with their families and dependents to go to another country only for them to have issues after working and acquiring property.

Look at what happened in South Africa. The country had issues with foreigners because her people felt that they were going to take up their jobs. This is something we must be assured of as a country. If I leave Kenya and go to any state and acquire property, I should be assured that my hard-earned property will not be taken within a fraction of a second.

On security, you have seen what has happened in this country. Most of the people who will come will use this protocol on free entry and movement to say that they are will stay here for 90 days. We must be very careful with regard to our security.

The other bit is about counterfeit goods. If you go to supermarkets, you will find that 75 per cent of the products come from different countries. We are infringing on the law on counterfeits. They do not meet the standards that are required. We must look at this protocol so that we do not bring so much counterfeit products into this country in the name of economic integration and doing business. I have spoken about the acquisition of property.

On the aspect of refugees, how do we handle refugees with this protocol? Can a refugee walk in and say that since there is a protocol we forget some refugee laws? That gives us an indication on how to handle refugee matters. I am worried that out of the 32 countries which have signed, only one has ratified. It means, therefore, that they just signed for the purpose of showing some unity without necessarily ratifying. We have seen what has happened in Europe. Britain has exited from the European Union (EU).

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Hon Gikaria, your time is over. The next one is Hon. John Bunyasi, the Member for Nambale.

**Hon. Sakwa Bunyasi** (Nambale, ANC): Thank you, Hon. Temporary Deputy Speaker. I rise to support the Motion. Anything that moves us towards greater integration and movement of persons is good. I urge our Government to ratify these treaties fairly quickly. I would only add that the good things that come may have their damn sight risks. First of all, these treaties on movement of people will help expand trade opportunities for this Republic and person to person interaction. That can earn us foreign revenues or help us generate more from our own economies by opening up new markets.

However, there are some agreements that have been signed that have not always worked in favour of everybody. There may be gaining component and sometimes losing components.



For example, we in the border counties had significant cross-border trade in services, customs and clearance, trade facilitation and movement of goods. This benefited many of our people in service provision. However, they lost this in the cross-border trade reforms that were put in place. The jobs opportunities became minimal in Busia and Malaba. This has caused suffering among the local communities.

In any economy, you calculate the benefits and the costs of entering into these trade agreements--- You can talk about the jobs created in Naivasha, Nairobi or Mombasa, but you should also project that there will be job losses in Busia and Malaba cross points. What should they cost? What should the Government do to buttress the efforts of the local people to fill back those openings? When these things are done without consideration but simply because the Government has looked at the overall benefits, it can create a big void in terms of job losses and opportunities, and give rise to crime. As we analyze our benefits and losses, we should look at the risk side. It is only then that it can be a win-win situation for everyone.

The day we shall get free movement even within East African Region or COMESA, where one can use his or her ID or passport without any visas sought will be the day we shall say that we are truly moving our region. We are headed there. These agreements are very useful. A couple of years ago, maybe one or two, Continental Africa Free Trade Agreement (CAFTA) was signed in Kigali. Kenya was one of the first countries to sign. They were part of the prime movers of that. What surprised me in that particular respect, as I discuss about issues of what the costs might be, even though there maybe benefits as well, we being an agricultural economy, we signed off fairly fast. But, the movement of agricultural goods for example is highly regulated all over the world even where there is free movement because the phytosanitary requirements to the agricultural sector. This sector requires significant support all over the world.

When we sign very quickly and then when you look at subsequent policy statements being issued or budget estimates being made, and there is absolutely no mention or concern for the negative impacts on our farms--- This perhaps unwarranted competition that is full of our support services from where it comes from should worry us. If we get free movement of goods that are likely to come from outside the region, but enter this region, the CAFTA or the EAC... Even goods flowing from other countries to this continent whose standards of food hygiene and food quality are different from our own--- It is critical that we get extremely cautious.

I recall when President Uhuru sometimes ago said that people were complaining about entry of fish and recently the entry of eggs. I do not even want to say it but look at those goods carefully. Maybe, there are issues about the quality of food, hygiene and so on. That was a huge statement. People did not think through it carefully. We had significant trade which we still do with countries in Europe. These are agricultural products like French beans. If you talk to individual traders, you will find that there are many times when their whole consignment would be rejected because it did not meet the quality standard. When the importers' cash flow is in question they just condemn your goods as a way to ease pressure on them. There are also competitors who do that to create openings in those markets. So, as we sign our protocols, let us think critically about the categories of movement both of goods and persons. We can use these movements to promote job creation or to export some of our expertise.

We have a very dynamic higher education sector both in universities and technical colleges and so on. These people need to go and offer services within and outside our borders. As they do that, they support other countries and they bring back the good things that they have

learnt. With that kind of protocol, nothing can go wrong because it is extremely good. However, when you do that in terms of movement of people generally - not necessarily within these particular protocols that were signed - looking at the export of goods, it offers service to other countries. We have to be very careful about opening borders easily to countries that are not receptive and that do not welcome foreigners in a way that is either civilised or modern in the 21<sup>st</sup> Century. Our people who move to the Middle East countries are sometimes subjected to the most barbaric treatment. I think we should be a lot more cautious. So, as we enthusiastically open up our borders, we must be guided by what happens on the other side. Kenya must commit herself that where there is a single Kenyan being tortured or mistreated, she should go in and fish him or her out and bring him/her back home. It will be important if we get serious and look at retaliatory measures against countries that mistreat our citizens.

There was a time South African cities, for example, had become jittery. History does not include South Africa, but the principle is still relevant. There were blame games. There were burnt stores belonging to some Kenyan citizens. They profiled them and they thought that they had simply taken away jobs and opportunities in their country without realising that people who would get that far across the borders had skills to offer. This could be in trade or otherwise. They were adding to their GDPs. The point I want to emphasise is that this country has an obligation to worry about her citizens wherever they have moved to.

Two, we must be cautious that citizens who come to our country do not abuse our hospitality. If we get to a point where we want to return them to their countries, it should be swift and fast. We should also make sure that they do not come back through the back door.

With those few remarks, I support the Motion.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Hon. Iringo Kubai, the Floor is yours.

**Hon. Kubai Iringo** (Igembe Central, JP): Thank you, Hon. Temporary Deputy Speaker, for giving me this opportunity to contribute to this Report. At the outset, I support it. I want to thank the Committee Members, led by Hon. Katoo ole Metito, for having brought to us what they discussed and what they went through in Dakar.

It is very important for committees to note that once Members are sent out on a mission they need to bring a report to this House so that we are informed of what is happening. They should bring back the fruits of their labour. There are some committees which when released from Parliament to go to foreign land or to other parts of this country to investigate something or to deliberate on some issues--- At the end of the day nothing is brought to the House until it comes to a level where the Speaker is forced to ask Members to submit their reports. On that note, I commend the Committee for what it has done. It is quite a success to us all.

Hon. Temporary Deputy Speaker, regional and continental integrations are very important for any economic growth in the society. It is also healthy for communities. That is why the EU was formed. The NATO and Trans-Atlantic nations come together so that they can use their resources which are widespread and diverse for the benefit of their people and members.

Here in Africa we should not be left out. We should be into it and all countries should embrace the idea. Africa has divided itself into smaller regions which should come together and form one Trans-Africa community where somebody can move across Africa. For example, one can move from Benin to Nairobi, Cape Town or Egypt with limited hindrance. This one can

make mobility very flexible and people can interact and exchange human labor, expertise and resources.

Coming down to our country, we are members of the East African Community (EAC). We need to clean this House first before we join others. In as much as we would like to join through protocols and also get an insight of what is happening with the Economic Community of West African States (ECOWAS), Economic Community of West African States Monitoring Group (ECOMOG), Southern African Development Community (SADC) of South Africa, Common Market for Eastern and South Africa (COMESA) and the others, we need to strengthen the EAC first, where we currently have six countries. Initially we had three, but we now have six because of South Sudan. We have been getting a lot of bottlenecks and impediments by member states because of issues of leadership, customs, infrastructure, and politics until it became very difficult to penetrate and to widen this corporation.

I belong to the Departmental Committee on Regional Integration. We have been trying to put across several protocols through the Committee so that they can be taken to the East African Legislative Assembly (EALA) for ratification and be brought back to the member countries' parliaments. However, some of our member states have become very difficult. Once we pass the customs protocol, one can cross any border point using their national ID. If you visit some countries, you find it difficult. You will even be barred from entering into those countries.

There was a time we were at the Namanga Border, and they had to call Dar es Salaam for us to be allowed in as Members of Parliament. It proved that our neighbours, Tanzania, are not keen on this arrangement. Kenyans are the beneficiaries of the same because we have more advanced human expertise and resources than them. Our currency is stronger than theirs. We are so much a head of them in very many things. Therefore, they look at us as the "big boy" who might bully them. As such, they step on these issues.

We went to Kampala to check on the contributions of Lake Victoria Basin and the East Africa Commission on Universities. We found that they are not moving as per the protocols that were signed because the member states are not paying their dues. There are some states that have not paid at all. They say they are poor and, therefore, they cannot pay. So, some states are carrying others.

For example, in the EAC, Kenya and Rwanda are carrying the other partner states. South Sudan has never paid a coin but they are still a partner state, but because we want to bring them together, we have to carry them as a burden. However, they are not contributing to the kitty to lighten the burden. Now, we have this problem that we are nursing at the EAC. When we go out, we ought to go there as a bloc and not as individual countries. We should go there as EAC to join the ECOWAS so that we have a bigger stake in the same. If we go there as single nations, we shall be in them and they will bend far away from us. It shall take a lot of time for us to reap its benefits. Some individual may reap its benefits, but we will not be achieving the local targets that we wanted when the EAC was formed.

The original Community broke down in 1977. It took a lot of time for the East African Presidents to agree to open that window again. That is why EALA was started. We now have a Parliament in Arusha, which should be coming up with policies and protocols that need to be hammered to the member states. Despite the fact that we are trying to be together, we should put conditions for survival in this game. We should not say that we do not want a member state to run away from us because we want to be many and visit each other's countries for some of these

things to be happen to us. Therefore, a member state can stay with us despite her shortcoming. We should have clear laws that will be respected and accepted by each member state. This will work effectively if one is allowed to come to Kenya any time he/she wants with proper documents, provided he or she adheres to the laws of this country. They will not encounter any bottlenecks. As the President said the other day, it is happening. However, if you visit other EAC countries, you will find that there are many bottlenecks.

The Customs Services Department under the Kenya Revenue Authority (KRA) recommended that they put up a building next to the member states customs offices and bring their officers to the Kenyan offices so that when you travel, you are cleared and not stopped. That will be effective. However, if you go to Holili in Taveta, the arrangement is being operationalised, but the Tanzanians have refused to come to our side. We are always cleared in Kenya then we go and get clearance from the Tanzanian side. It is like we are rowing the boat forward, but they are rowing it backwards. It needs the Heads of States and Council of Ministers to sit down and chart a way forward so that once they decide that this is the direction we will be moving, we move in that direction without others back-peddalling. We should have penalties for those who will backpedal. They should not get everything on a silver platter. Despite all these shortcomings in our local arrangements, we are still far ahead. For example, the protocol we joined with the West Africans. If we embrace it and move in tandem with them, we are bound to reap a lot in terms of human mobility, goods and services and many other things.

These protocols are necessary. Regional and continental integrations are the way to go for us to move forward. I can see I have no more time. I support this Report.

Thank you.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Very well. Let us have Hon. Oduol Ombaka, the Member for Siaya Constituency.

**Hon. (Dr.) Christine Ombaka** (Siaya CWR, ODM): Thank you, Hon. Temporary Deputy Speaker, for giving me the opportunity. This is a wonderful Motion that we all would love to see implemented. We have travelled to many countries in Africa and it has been difficult to get in some. I had an experience of going to Benin early this year and we did not need any passports or visas. It was easy and wonderful. We loved it. Because we had plenty of time there, we wanted to go to the next country Togo for a weekend. We wanted to go to its Capital City, Lome. It was not easy to go there, we just drove up to the border and we could not get there because we did not have a visa. We felt very disappointed. That shows why we need to move around in Africa. Some countries allow us to travel to their states without visa and others demand that we have them. We need to know these countries while discussing this Motion so that we isolate them and work along with them. This way, the visa issue will be easily handled.

When I was growing up, my father used to work for the East African Railways and Harbours, and it was very easy to move around East Africa. As children, we enjoyed it. We travelled by train. It is not the same today. I do not know what happened to the train and whether it is easy to move around using it. In the past it was easy. We can learn from what used to happen in the past especially the East African Railways and Harbours. The movement was very fast and easy. Many Kenyans worked in Uganda and Tanzania. Suddenly the EAC collapsed and political issues came in and it was difficult. We need to learn from our experiences and other countries as well. We are an experienced country that has had contact with other countries.

The other point is on security. We are still afraid to indulge in free market and movement with other countries in Africa because of insecurity. If you look at what is going on in America, you will find that Africans travel and settle there. However, Africans have now over flooded the states in America. The President of that country is not comfortable with migration issues. Many Africans are being repatriated and the green card is being controlled. There is a challenge of foreigners settling in that country. Are we likely to experience that? As we discuss this Motion, we need to think about being flooded with foreigners from other African countries to the extent that we are not able to look after them.

If you remember, we had refugees in Kenya and it was only last year that Kenya decided to send them back to their countries. The challenges that we are mentioning are numerous. We need to look at the good part of making movement, settling and doing business between one country and another with ease. At the same time, we should know to what extent we can allow that free movement so that anybody coming in does not become a security risk to our country.

If you look at the EU, you will find that there is a lot one admires in what it does. It is the same concept that we are pushing here. In European countries, they get jobs very easily because they belong to one body, the EU. Education is also easier. They do not need visas. Getting Visas is expensive; people pay a lot of money to get them.

Instead of mourning over some of the challenges that we may face, I support this Motion. There is a lot to benefit from this. There is no need to worry a lot because Africa has a lot in common. Politically, we are still young compared to European countries. We can learn from successful African countries on trade and people can settle in other countries or go on holiday. We need to look at how we spend our holidays. Do we have to be in Kenya? We can travel to other countries in Africa and explore. Many Kenyans have not visited West African countries. We tend to go to Europe and forget other African countries, which can offer us better things. They have cultural activities and we can learn from each other.

I think the integration of African countries is highly welcome. We need to carefully look at the successful countries in Europe and see the challenges they are facing, since we are also likely to face them. This will enable us to plan for them, and avoid getting surprised when we face problems in future. We are lucky in the sense that we can learn from the European countries that have experienced free movement and improve our situation with other African countries.

Otherwise, I support this Motion. This Report is well done. There is a lot which can be done in African countries in terms of the many common agenda items we have. For example, we have a common language and to some extent Swahili can become a regional language.

Recently, we have been talking about having common currency. This will be part of the issues we should address. On education, will we need to have a similar education system? There are many issues we want added.

I think I am beginning to see the future looking very bright in terms of doing other things apart from free movement. There should be free associations in various endeavors between interacting communities. Language is important. So, we should push to have a common language and currency to be used by all. As Africans, we have a lot in common because our cultures are not very different from each other.

With these few remarks, I think there is a lot we can learn. I support this Motion. Thank you, Hon. Temporary Deputy Speaker.

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

**Hon. Moses Kirima** (Central Imenti, JP): Thank you, Hon. Temporary Deputy Speaker, for giving me an opportunity to contribute to this important Motion on the ratification of the protocol of the free movement of persons.

Firstly, the Committee has done a great job by bringing this document before us. What is stated therein, by the said Committee about the free movement of people has got pros and cons. First and foremost, I support this Motion because it is important for our country. The free movement of persons will have a lot of economic importance to our country. After ratification markets will open up. In Kenya, we are faced with a number of issues, especially when it comes to the labour market. There are many graduates from various universities with degrees that are very marketable outside the country but cannot be absorbed in our labour market.

Therefore, with free movement, this will mean our people will move to various countries to export their skills, and this will be a great gain to this country. So, by going out there, they will be paid in foreign currency and when it is brought to this country, it will improve our economy and status. The free movement has a lot of gains which are not necessarily economic. However, looking at this country keenly, we are depleting our resources. These are our natural products and other beneficial products to the people.

For example, we recently closed our lumbering industry in the country. However, with free movement, people will engage economically with other countries. For example, Democratic Republic of Congo (DRC) has a natural equatorial forest. So, we can import timber and other minerals. However, without free movement we will not gain economically.

I believe we will gain a lot if African countries ratify this agreement to allow free movement of people from one country to another. Our people will benefit taking into account Kenya trades with Britain in Europe which is a giant economy. However, as I support this Motion, there are some things we should not forget to note. We should note that ratifying free movement of people has some disadvantages which we should address.

For example, looking at our borders and the way we issue visas, we will be disadvantaged because the world has become a village. Not unless we become serious on terrorism, by ratifying free movement, terrorists will be coming into our country without hindrance. We will find them at our door steps. This is one of the disadvantages of the free movement of people.

We should also not forget that Africa is not free of contagious diseases spread from one person to another especially Ebola and others. We must put in place measures, whereby persons should be adequately examined to establish whether they are infected. We may allow people to move freely only to find they are carrying contagious diseases. We know that Kenyans only act when something happens. We do not take preventive measures but concentrate on curing. On the curing idea, there is a Motion which will be coming a few hours from now. We have waited for the rains to come and they have failed. We have not thought of ways of storing rain water and food. However, when we are struck by hunger, we realise that, we were supposed to prevent this eventuality.

I support this Motion but we need to be cautious. We should not forget that we have allowed free movement by giving visas at the point of entry. I wish you can visit a place called Milimani. You will find Chinese hawkers and people selling *mandazi* and *samosa* on the streets

as a result of the free movement. However, this free movement has only been done by our country and not theirs. It is very difficult to get into other countries. However, this free movement is taking away manual work meant for Kenyans. So, without work, what will our people depend on?

I support the Motion. However, we must consider all pros and cons which relate to free movement of people. Our Heads of States should put effort to see that ratification is done by all countries involved. We should also put efforts to ensure that DRC joins EAC bloc because it is part of us. It is not very far from Uganda and Kenya. It is an economic giant which is not exploited. By joining us we will become one and gain economically.

Thank you, Hon. Temporary Deputy Speaker; I stand to support this Motion.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Hon. Members, you will remember that earlier on Hon. Martin Peters Owino had sought to move Motion for Adjournment on a definite matter of urgent national importance. That Motion was slotted for 5.30 p.m. which is now. So, we will give the Member for Ndhwa, Hon. Owino this opportunity to move the Motion.

Just for the record, we have just interrupted debate on the current Motion. So, for those who wanted to contribute to the interrupted Motion, there will be an opportunity for you to contribute to it. For now, let us have Hon. Martin Owino.

### **MOTION FOR ADJOURNMENT UNDER STANDING ORDER NO.33**

#### **DROUGHT CRISIS IN THE COUNTRY**

**Hon. Martin Owino** (Ndhwa, ODM): Thank you, Hon. Temporary Deputy Speaker. I am very grateful for this opportunity. I am also grateful to you for allowing the Adjournment Motion. I thank Hon. Barasa and Hon. Amisi Caleb for showing the same concern. I also thank the Members who agreed that this is really a matter of national importance.

Drought, starvation and death has hit our land and it is very sad to watch the viral pictures around the globe showing dying, emaciated and bony people in this country which is very rich in food production and has a strong economy. Animals that are a source of livelihood for very many communities, more so, the nomadic communities, are dying *en masse*. So, we have a double tragedy where people are losing their animals and their lives. People have turned to wild and poisonous fruits as alternatives to survive. Poisonous fruits eaten on empty stomachs are equally dangerous.

Erratic weather has caused starvation and food shortages not only in Baringo and Turkana counties, but the whole of Kenya. Some people may not be seen, but they are going hungry because of global warming. Allow me to say that there are no crops on the farms to counter the situation. Insecurity has been pointed out as one of the causes of this. You will realise that starvation and crop failure are not new to Kenya.

In 1960, we had severe famine in the country. It was called “bones exposed”. Many cattle died and bones were all over. In 2008, 1.4 million people faced starvation in this country. The same phenomenon happened in 2009, and a bit of 2010. About 10 million people were at risk of

starvation in our country. That trend is not new to us. Despite this being the case, we always employ a risk management style in response. To me, that is a real concern.

In 2001 and 2002, we used Kshs14 billion to distribute relief foods in response. If only a quarter of that money could have been used to put up an integrated approach with policies and systems to make sure that drought does not occur or if it does, it is fully responded to, we would not be in the circumstances we are now. It seems as if we only respond to situations when they occur and forget.

This propensity of the Government addressing relief and not real development solutions is pathetic. We cannot react the same way year in, year out and lose lives. Sometimes it seems to me, which is very sad that some people who are enjoying the wealth of this country are insensitive to what is happening to other Kenyans. In this country, some people drink cold water and take bath with hot water. They eat downstairs and sleep upstairs. They drive or are driven to work, and over the weekend they ride bikes. They do not know what happens to the common man.

I watched with awe when Government officials were responding to the crisis in Turkana and Baringo counties verbally. The apathy shown by the Government verbal response was, to say the least, terrible. I can remember seeing the Chief Executive Officer (CEO) of the National Disaster Management Authority saying authoritatively that there is no link between starvation and death. When you starve, it means you have severe shortage of nutrients which are required to sustain life. When the body realises that there are no enough nutrients, what it does is to shut down the organs so that they can use little fat and vitamin depositories to survive and that leads to death. That is why people are dying.

When somebody in a position of a CEO says that there is no link between starvation, drought and death, it shows that we appoint wrong people to wrong positions. Such people should resign immediately. The worst part of it is that this drought is affecting expectant women and those lactating. From research, it is obvious that if expecting mothers lack nutrients chances of them is very high. Apart from that, they do not eat, they struggle, wander and wake up to look for the poisonous fruits for the kids. So, we are losing them. Malnourished children will also not survive. This is happening across our country under our watch.

Hon. Temporary Deputy Speaker, the mortality rate will be higher than what we see now. This is the case and yet we are being told: "Do not panic". There is no cause for alarm. We are not in a crisis." This is pathetic. Picture the issue of lack of water. If you are hungry, you stay under scorching heat and there is no water and food, even if you survive for a day or two you will die. That is what is going on in the counties of Baringo and Turkana, and it is very sad.

After that we are told that there are about 4,000 dams to be renovated at Kshs2 billion. The luckiest country in Africa and, indeed, in the world is Kenya, which has Lake Victoria. This lake measures almost 27,000 square miles. That is a natural dam. Why do we use so much money in artificial dams and yet we have the largest "dam" in Africa? We need to use that water to grow crops. In fact, if well used, it can serve everybody. Why should the Egyptians use the same water to grow food crops and export them to us? Tanzania is doing the same and yet we are leaning on a treaty which is not even visible. The matter is very absurd. Around Lake Victoria, there are 45,000 potential areas for irrigation that can alleviate the situation. We lack strategic planning to address the matter holistically.



I urge the debate to go on in terms of the following. We need irrigation and silos for the area. We also need infrastructure so that Arid and Semi-Arid Lands (ASAL) can be accessed very easily. More so, we need an integrated approach so that this does not occur again.

Lastly, those in leadership should be sensitive, have mercy and empathy towards the people who are suffering. What we saw in the verbal response is not---

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Very well. Your time is up! Hon. Members, I will be guided by the way Members have registered interest to speak. Hon. Amisi had a similar notification on this matter. Therefore, I will give him a chance as the first person to speak on this. Let us have Hon. Luyai Amisi, the Member for Saboti.

**Hon. Caleb Luyai** (Saboti, ODM): Thank you, Hon. Temporary Deputy Speaker for giving me this opportunity. I was one of the interested members. I proposed a Motion of Adjournment. I want to thank my friend for moving swiftly. He was given the first chance to move the Motion.

At the infancy of our nation, there were three challenges that we grappled with. Those were ignorance, disease and hunger or poverty. It is very shameful that 50 years down the line, we are still grappling with the three challenges after Independence.

The images that have gone viral of emaciated human beings from Baringo and Turkana counties in a nation that is well-endowed with natural resources, agricultural land, good soil and climate is something that this nation needs to worry about. Ironically, I come from a constituency where farmers are spending sleepless nights wondering where to take their produce and harvest or to sell their maize. Most farmers in Trans Nzoia have lost their maize to weevils because of lack of market. This is the case and yet the Government is not able to buy from the nearby county and supply the maize to the people of Turkana who are our neighbours. It is a shame and a pity for our nation. It is a devastating state that we have never witnessed.

We want to bring this discourse to other Members so that we find a lasting solution to this perennial problem that has be-devilled this country for many years. As our countrymen languish in poverty, the question we need to ask, as Members of Parliament, is about the people we appoint to the Executive namely, the Cabinet Secretary (CS) and the State officers in-charge. We cannot have a knee-jerk reaction to problems we face as a country. It is just the other day that the Government decided to allocate Kshs2 billion towards the programme of mitigating the effects of the drought. One wonders why we have a whole Ministry in charge of such programmes.

It is just dishonourable that the CSs who are in charge of various State departments that are supposed to have a clear plan on how to predict, monitor and respond in the quickest time possible were not able to do anything. Our CSs just move around in Government vehicles and fly our national flag. Previously, we had good Ministers who had good plans and had left a legacy in their ministries.

Currently, we have CSs who are idle. They have no clear plans in the respective ministries that they hold. They only come out on knee-jerk reactions. It begs the question on the kind of people we appoint to our offices. We even have an administration hierarchy up to the village which is supposed to give us reports on the looming hunger and drought.

In a neighbouring country in Africa, a minister resigned just because a train caused an accident. He was not the driver, the conductor or the owner of the train. In Kenya, ministers would rather die---

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Hon. Amisi, you cannot get more than that. If I give you one minute, every other Member will need a minute. It is good for Members to refer to Standing Order No.33. On this particular Motion, you have a maximum of five minutes except the Mover. You need to re-organise your thoughts to fit into that space.

Before I consider those on my left, let us have Hon. Chachu Ganya.

**Hon. Chachu Ganya** (North Horr, FAP): Thank you, Hon. Temporary Deputy Speaker for the opportunity to support this very important Motion. I commend my friends and colleagues who saw it fit to call for this very critical Motion.

Drought is affecting over 13 counties in our country. Nine other counties are on high alert and over 3.4 million Kenyans are directly or indirectly affected. Over half a million children are not in school today or are not able to go to school due to lack of food, water and other reasons that affect the livelihood of their families. It is time we call for decent emergency intervention. Resources need to be mobilised.

We heard yesterday that Kshs28 billion is being mobilised. That amount is being set aside for effective intervention. Drought is all about effective intervention. It is about life and death. If we do not intervene in record time, we will spend our entire time going through bureaucratic procurement processes. You are not moving food from the green belt of this country to those counties that are highly-deserving. Kenyans will be affected. Many more will starve and others will be in a dire situation.

Key interventions are required urgently. Strategic boreholes and other water facilities need to be maintained and rehabilitated very fast, and food aid needs to be availed to the affected communities. We need health outreach programmes and enhancement of medical supply to the affected areas in all these counties. In addition, the peace building initiative to manage likely conflict that will occur from resource-related conflict must be managed. This is why we need serious interventions and support from our security agents and other leaders in those counties.

In most ASAL counties, livestock is the main livelihood. That is why animal health services are highly encouraged. They should be implemented very fast to cushion these pastoralists or herders against potential losses of their livestock. If they perish, these people will not have a livelihood anymore. They will be living on handouts and food aids for the rest of their lives. We must avoid this.

Drought is not an emergency or disaster. It is cyclic in nature. It occurs gradually. It is slow on the onset and the indicators are very clear. There is lack of water, pasture and poor livestock conditions. When all these are observed and interventions are made in an effective manner, it can be managed. It is not a disaster or emergency. It only becomes an emergency or disaster when we fail to plan and intervene in a manner that will enable the livelihood of the pastoralists to be sustained. If we know that there is no water and pasture, we should provide them. If we know that people are going without food because they have not grown anything for months and we intervene, it cannot be a disaster but poor planning.

I moved a Bill in this House to set up the National Drought Management Authority. If we intervened and allocated enough resources to that Authority, we would not be experiencing the effects of drought. We even have a Fund that should have been established. If that was done during the budgeting process, we would not be crying about this crisis and looking around for funds now.

The Contingency Fund is an aspect of that law that we passed in this House. Even though the Authority was established, we do not have the Contingency Fund. That is why we are crying for donor aid. We are trying to mobilise Government budgets to intervene. This must stop. The Government must act very fast.

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

**Hon. John Mbadi** (Suba South, ODM): Thank you, Hon. Temporary Deputy Speaker for giving me this opportunity to contribute to the Motion that was moved by Hon. Martin Owino, the Member for Ndhiwa. I must say that it is a shame that we are still talking about many Kenyans dying and suffering because of drought, hunger and famine in the 21<sup>st</sup> Century. It was a shame yesterday when I saw the leadership of this country say that no one has died as a result of drought. That is a big lie. If you see pictures from these counties, it leaves no doubt that Kenyans are dying. There is no need to deny the obvious.

If we have responsible leadership, we need to own up and apologise that we have failed in our responsibility as leaders. We started talking about food security in this country very many years ago. A lot of money has been invested in food security. Remember the case of Galana Kulalu Irrigation project. We have white collar murderers in this country right from the national Government to the county governments. Money is allocated to irrigation projects, but individuals take it and put it in their pockets and develop private property. Individuals also embezzle billions of shillings, which are allocated to construct dams. This leaves Kenyans to suffer and die in numbers. We must condemn this culture of Kenyans seeing any opportunity as an opportunity to make wealth out of the blood of other Kenyans. That is why I call these people “white collar murderers”.

Hon. Temporary Deputy Speaker, take the case of the counties that are affected. They are the same counties which we allocate a lot of money every financial year. Take the example of Turkana County which we allocate Kshs11 billion per year. I saw the Governor of Turkana County last evening on television. He was not even ashamed to appear there and tell us that he is not able to supply his people water. What is this nonsense that we see in the counties? Out of Kshs11 billion, you can take Ksh2 billion to provide water to the people. What is the priority of these governors who come from these dry areas? It should be water. If you are allocated Kshs11 billion, and you take the lowest percentage which is 30 per cent, that gives you close to Kshs4 billion per year for development. What is your priority? If you are a responsible leader and you know why you campaigned to be a governor, your priority should be to provide water to your people, if there is no water in that area.

The water table in those areas is not very low but very high. People use manual means to dig wells. These governors should bring drilling machines and drill boreholes for their people because the water table is very high. They should start by providing water to the people. People are hungry and thirsty and yet we are allocating a lot of money to the counties. It is a shame when you hear the amount of wealth that has been accumulated by these individuals.

The Deputy President, with all due respect, should apologise to Kenyans and tell us what the Government intends to do to provide food in this country. It is not a question of appearing on television and telling us that the Government is in control. What is it in control of? How can you be control when people are dying? You are not in control. You lost control way back. Admit it, apologise and tell us what you intend to do. We must have accountability for leadership.

Thank you, Hon. Temporary Deputy Speaker.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): I wanted to call Hon. Washiali because he was on a point of order. He seems to have dispensed with that. Let us have Hon. Musa, the Member for Samburu North.

**Hon. Alois Lentoimaga** (Samburu North, JP): Thank you, Hon. Temporary Deputy Speaker for giving me this opportunity. I want to support the Motion that was moved by one of our colleagues, the Member for Ndhiwa. Samburu County is one of the counties among the 13 that were mentioned which are affected by drought. This is not something new. Just like my colleagues have said, it is something that was eminent. We normally know that during this period in the year, there is a dry season right from December up to April. So, the Government should have been proactive rather than reactive.

There is a continuous assessment which is done every month by the National Drought Management Authority. They assess every location to see whether there is a problem. Shortage of water and poor livestock health are signs that an eminent drought is on the way. Shortage of food both in the market and in the communities is also a sign.

Hon. Temporary Deputy Speaker, the Government is being reactive in this case. They are only addressing the screaming headlines on the television and in the media. We want the Government to move very fast. The assessment which is conducted by the National Drought Management Authority normally provides a target group of people who are more vulnerable than others. For example, we have more than 100,000 people who are affected by drought in Samburu County. There is shortage of food and water. The herders have moved to far-flung areas to look for pasture and water. The elderly and children are left at home without food.

Diseases are also likely to break out---

**Hon. Junet Nuh** (Suna East, ODM): Hon. Temporary Deputy Speaker---

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Order, Hon. Musa. What is it, Hon. Junet Sheikh?

**Hon. Alois Lentoimaga** (Samburu North, JP): Hon. Temporary Deputy Speaker, he should not take away my few minutes.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): You have a minute, Hon. Musa.

**Hon. Alois Lentoimaga** (Samburu North, JP): Because of drought, people can get affected by diseases due to low immunity. This is because they do not eat good food. I would like to request the Government to ensure that food is moved very fast, and it should not just be maize which they like providing. Where there is drought and there is shortage of food in the village, the Government should provide a balanced diet. Now that they are saying that Kshs2 billion has been allocated for that, the food provided must be balanced. There must be fortified food for the children, the elderly and the rest of the community. They should target ....

*(Hon. Junet Nuh spoke off-the-record)*

Hon. Temporary Deputy Speaker, protect me from Hon. Junet.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Do not listen to anyone. Just continue.

**Hon. Alois Lentoimaga** (Samburu North, JP): They should provide fortified food for the elderly and children. Let us address people who are more vulnerable than others. The problem of food distribution in the country is that it is not done in a standard manner and in a way that can reach people who are affected.

In 2001, food used to be provided and logistics like provision of fuel, and allowances for clerks met. Everything was done systematically. But in this case, they will dump food and fail to meet the cost of transportation and offloading. Sometimes they give the food to chiefs who have no capacity to distribute it properly.

I appeal to the Government to ensure that we save lives. Let it also provide fodder for the livestock that are left at home after many have been moved away.

Thank you, Hon. Temporary Deputy Speaker. I can see my time is over.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): We shall now have Hon. Angatia.

**Hon. Ayub Angatia** (Lugari, ANC): Thank you, Hon. Temporary Deputy Speaker, for allowing me to contribute to this important Motion that touches on matters of life.

At the outset, I would like to remind the Government that it needs to carry out an audit on the system of mitigating issues related to hunger. It must also touch on planning because food is a matter of security in any country.

I am happy that the census exercise will be carried out this year. We want, through the national census, to determine a projection of how many people face starvation from this year, next year and the year after. We are not supposed to blame the national Government or county governments only because matters of food security are related to intergovernmental relations.

Hunger is not a sexy matter; it is a matter that touches on death. Yesterday, the Deputy President of the Republic of Kenya, shallowly and without facts and ignorantly told Kenyans that no death has occurred in that area. He also said that they have managed the crisis. This is the case and yet what we see on national television is total crisis.

**Hon. Benjamin Washiali** (Mumias East, JP): On a point of order, Hon. Temporary Deputy Speaker.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Order, Hon. Angatia. What is out of order, Hon. Washiali?

**Hon. Ayub Angatia** (Lugari, ANC): He is just wasting time! What is out of order?

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Order, Hon. Angatia. Hon. Washiali has the Floor.

**Hon. Benjamin Washiali** (Mumias East, JP): Thank you, Hon. Temporary Deputy Speaker. I heard the Leader of the Minority Party mention the name of the Deputy President. I have also heard the Member on the Floor repeat the same position. Is it in order for Members of the House to consistently keep mentioning names of people who cannot defend themselves on the Floor?

*(Loud consultations)*

Can he defend himself?

**Hon. Ayub Angatia** (Lugari, ANC): Give me the opportunity to continue.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Order Members! Hon. Washiali has a point to the extent that he is referring to the Deputy President who spoke yesterday, but not in a light that they will not get an opportunity. When you raise issues of a person who cannot defend himself here, but to the extent that you are doing it in reference to a government official, it has to be clear.

**Hon. Ayub Angatia** (Lugari, ANC): He is a public figure. The cause of all this, I want to tell my friend, Hon. Washiali, is corruption. We have Kshs160 billion that was spent on dams, but there is no single dam that is complete. Where is Badasa Dam in Marsabit? Where is Kiserian Dam in Kajiado? Where is Thwake Dam? Where is Itare Dam? Where are Arror and Kimwerer dams? Where is Umma Dam? These are issues that touch on corruption. These are dams that could have provided water for irrigation in order to enhance food security in the country.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Order Members! I am not sure that I will entertain as many points of orders as I can see but, what is it Hon. Caleb that seems to be completely out of order?

**Hon. Caleb Kositany** (Soy, JP): Thank you, Hon. Temporary Deputy Speaker. First of all, I want to commend ODM and ANC because I now see they are back in the Opposition on this matter. Members are trivialising a very serious matter. We are discussing Kenyans who face hunger. We are not here to discuss the Deputy President or dams, but issues.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Order, Members. What is out of order, Hon. Caleb?

**Hon. Caleb Kositany** (Soy, JP): They are trivialising debate. You should not allow them to do that.

**An Hon. Member:** They have “eaten” the dams.

*(Hon. John Mbadi and Hon. Junet Nuh spoke off-the-record)*

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Order Hon. Junet and Hon. Mbadi!

**Hon. Ayub Angatia** (Lugari, ANC): Hon. Temporary Deputy Speaker, they are wasting my time!

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): What is out of order, Hon. Caleb?

**Hon. Caleb Kositany** (Soy, JP): Hon. Temporary Deputy Speaker, are the Members in order to trivialise this very serious matter of drought as explained by the Mover of the Motion? We are debating issues so that we can come up with a solution and not malign names of people. Is it in order for a Member who has been charged with a corruption offence to come here and lecturer us about corruption when he is a suspect?

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Order Members! Hon. Caleb, do not raise extraneous issues. The Member on the Floor is rightly here and has an opportunity to speak to it.

*(Loud consultations)*

Hon. Members, can we concentrate and limit ourselves to what is on the Motion? Let us avoid many other issues that are not specific to the Motion. Hon. Angatia, please proceed.

**Hon. Ayub Angatia** (Lugari, ANC): Hon. Temporary Deputy Speaker, just for information, I have been charged under the Penal Code and not under the Anti-Corruption and Economic Crimes Act. The people talking here defending the dams have the money of the dams in their stomachs!

*(Laughter)*

The people talking against food security and food insecurity that is causing hunger are the ones who want the Directorate of Criminal Investigation (DCI) not to investigate the matter. The ones talking here about issues regarding dams are the ones who should tell us why they are hanging around here while people are dying in Turkana, West Pokot and Kajiado counties.

In the backyard of the Deputy President, we have a lot of maize but the National Cereals and Produce Board (NCPB) is not buying it. Farmers demonstrated even in your constituency. Watch this space, if you do not debate this matter---

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

**Hon. Benjamin Washiali** (Mumias East, JP): Thank you, Hon. Temporary Deputy Speaker. I want to thank Hon. Owino for moving the Adjournment Motion, and quickly add that this type of Motion debates emerging issues. They are emerging issues because they are not expected to happen the way they have. This time around, the Meteorological Department was factual in the sense that this drought was expected; it was not only going to be dry but also hot. They predicted it would be much hotter than it has always been.

*(An Hon. Member consulted loudly)*

Hon. Temporary Deputy Speaker, I want you to protect me from this Hon. thief!

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Order Hon. Washiali! What you have just said is unparliamentarily. You must withdraw that!

**Hon. Benjamin Washiali** (Mumias East, JP): Hon. Temporary Deputy Speaker, I withdraw and apologise.

I have been in this House long enough to know when we started thinking about formulating the new Constitution. Some of the thematic areas that we wanted to look at were provision of food. I remember in 2008 when maize was imported from South Africa, we knew who had imported it. We also knew the condition under which it came. We realised that we might not have a solution to the provision of food until we devolved the function.

In the Constitution, the first role of the county government is agriculture. Agriculture is meant to focus on provision of food. It is unfortunate that after the Meteorological Department predicted that we were going to have drought, that we were going to have a hot spell and this period will be longer than it has always been, our brothers and sisters who are in charge of counties did not act the way they should have. The role of the national Government in this is disaster management.

In fact, the Kshs2 billion that is being given by the national Government is on the aspect of disaster. How would the disaster have occurred if our leaders in county governments provided food? We need to be told. I think the ten counties that are affected need to tell us what they have done in terms of provision of food, which is their first function in terms of their existence as a county government. We may beat around the bush and we may use this platform to malign people's names, but the truth will remain the truth. The role and function of provision of food remains the sole responsibility of county governments.

I thank you, Hon. Temporary Deputy Speaker.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): The next speaker is Hon. Mule Mutinda.

**Hon. Stephen Mule** (Matungulu, WDM-K): Thank you very much, Hon. Temporary Deputy Speaker. I want to thank Hon. Owino for bringing this issue to light. It is a total shame for this country at this hour. We have appropriated huge amount of resources in this House to the county governments to deal with hunger at the county level. It is high time this House took its mandate decisively and dealt with this issue once and for all. If you look at the amount of money which has been sent to these counties, you will find that is a lot, that we should not have heard of people dying of hunger. It is a shame to see some of these county governments talking about hunger.

There have been investigations going on showing how the leaderships of those counties have squandered money, which has been sent to alleviate poverty in those areas. It is clearly lack of planning within the county governments and probably the national Government in looking at these issues. The indicators and the projections which had been given by the Metrological Department were very clear that we were going to experience this situation. Now, we are running around like we have not planned. We are talking about Kshs2 billion. Why are we looking at Kshs2 billion when people are dying? There is a lot of maize in Rift Valley which the Government needs to move with speed, buy and distribute to the entire country. What happened on the issue of maize? The fellows who were paid for maize were brokers and yet the farmers have food in this country? It is unacceptable in this day and age for a country like Kenya not to have enough reserves and enough food for its people. We have to speak to the voice of the people, and we must be heard so that this Government and the county governments take full responsibility to account for the money which we have sent to the county governments to deal with the issue of water. I believe if there was enough water, most Kenyans are not lazy; they would have farmed and put food on their table. Look at the project which was supposed to be done at Galana Kulalu.

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

*(The Deputy Speaker  
(Hon. Moses Cheboi) took the Chair]*

When the Departmental Committee on Agriculture and Livestock visited Galana Kulalu, it found that we had just farmed less than 100 acres. The hunger we are facing is because of



corruption. If the money was put in the right use, we would not be talking about this issue. It is high time Kenyans called a spade a spade.

Those who have stolen money from the Government must be dealt with firmly. The issue of corruption will finish this country, and we will all perish if we are not careful. If you look at the children in those counties we are talking about, you will find that they have to wake up in the morning and look for water before going to school.

The county governments need to wake up from slumber and make sure that they allocate resources accordingly and equally to make sure that communities in their counties do not suffer any more. Why did we have county governments if they cannot plan for their people? It is shameful. We will call a spade a spade. They need to be accountable, and they should stop giving Kenyans pay bill numbers to make contributions. We are not going to contribute this time. We must ask county governments what they have done with the resources we have given them in the last five years.

Thank you, Hon. Deputy Speaker. I support this Motion

**Hon. Deputy Speaker:** I will just follow the list. It is not fair, but I will follow it anyway. Hon. Robert Mbui, you are top on the list, but ordinarily, I would not have given you the chance because the Member who has just spoken is from your region.

**Hon. Robert Mbui** (Kathiani, WDM-K): Thank you, Hon. Deputy Speaker. I rise to sympathise with the Kenyans who are languishing for lack of food in our country. I also want to condole with those who have lost their loved ones. From what we are hearing, quite a number of people have lost their lives. It is unfortunate that 56 years after Independence we are still discussing issues of people dying out of hunger. I understand that about 12 counties are affected. It is unfortunate considering that food security is one of the four pillars that we are supposed to be working towards.

After our Constitution was changed in 2010, in 2013, we established county governments. Recently, we had the devolution conference. If you listened to the speakers who attended the Devolution Conference, you will find that there was no discussion about the plight of the people, yet the purpose behind devolution was to give Kenyans an opportunity to be supported in problems that afflict different parts of the country. It is unfortunate that we had a devolution conference, talked about the success of devolution, yet six years after devolution, Kenyans are dying of hunger. It is a shame. I do not want to talk much, but it is a shame that six years after devolution was implemented, the most talked about issue in our counties is corruption. It is also a shame that six years after devolution, the only thing that is happening in the counties is the building of a few millionaires and hundreds of thousands of paupers. When we hold those conferences, the only thing we show off is affluence. It is really unfortunate that we are discussing such issues today.

Hon. Temporary Deputy Speaker, I heard my colleagues talk about the issue of dams. I want to reiterate this point that dams are meant to provide water for irrigation which will help alleviate hunger and poverty. It is unfortunate, that as we talk about this issue, people want to wrap and put it under the carpet. If there are no dams, we will continue having hunger and people will still die because there will be no water. We must, therefore, address the issue of why we have no dams in the country yet we have money that has been appropriated for that purpose. Newspapers, televisions and radios say that money for dams has been taken and is in people's

pockets. It is unfortunate that money for dams has been globetrotting from Kenya to Italy all the way to the USA, United Kingdom (UK) and back to Kenya.

It is also unfortunate that we are talking about hunger and yet a few Kenyans are benefitting while many Kenyans are dying. I am ashamed to stand in front of Kenyans to talk and introduce myself as a leader. The reason people in this country are dying is because we have failed as leaders. Some of us are elected but instead of serving the public, we are interested in serving ourselves. That is where the problem is. I ask those that have been named for stealing public money to return it and resign so that Kenyans can have investigations done and have these issues sorted out. It is also a shame that leaders can stand and criticise institutions formed by law yet they are lawmakers. They say that the DCI has no capacity to investigate. They should investigate the dams because without water Kenyans will die.

Thank you, Hon. Temporary Deputy Speaker.

**Hon. Deputy Speaker:** Hon. Jackson Lekumontare, the Member for Samburu East, the Floor is yours.

**Hon. Jackson Lekumontare** (Samburu East, KANU): Thank you, Hon. Deputy Speaker. I want to take this opportunity to contribute to this Motion.

Drought in our constituencies, counties and the whole of Kenya is real. If our people do not have food and water, then it is a very embarrassing situation. As a man or head of your family, you will be unable to defend them in such circumstances. You will watch your children die since you can do nothing about it. It is only the Government which should come in and save the situation. I do not want to really associate this with the dam scandals and all that but the people of Samburu East whom I represent are suffering from drought. It is real. Children are not able to go to school. Insecurity is rampant because of movement of people. The Government should act very quickly. This is because even if it rains today, it will take some months for people to start growing food to eat.

Education has also been affected because of this. Children are not able to continue with their learning because there is neither security nor food. How will their lives be? It is very important for us to know that a big population of Kenyans is suffering. The Government has a responsibility to remedy this situation. It is not only an issue of county governments. The Government has a responsibility to protect and feed Kenyans. We cannot say no one has died while we watch people die. It is a reality and we want the Government to take food to the people otherwise we may not even have people to represent here because of that drought. People have started to die like cows are doing. This is a serious matter. We want the Government to respond quickly and save lives because our people are suffering.

Thank you, Hon. Deputy Speaker, I support.

**Hon. Deputy Speaker:** Hon. Nakara Lodepe, the Floor is yours.

**Hon. Lodepe Nakara** (Turkana Central, ODM): Thank you, Hon. Deputy Speaker for giving me this opportunity. First of all, I would like to thank Kenyans of all levels for their concerns and responses towards this issue.

The truth is that there is hunger in this country. We cannot deny that. We must speak it out but we must not play with this issue. We should not bring politics into the lives of people. We should discuss this issue soberly so that we can get solutions without blame games. We can get a way forward.

First of all, we have experts in this country who should be advising the Government on disasters of all kinds. However, when our experts fail to advise the Government on such a matter, it is a disease that we need to treat. When we come together as a nation, we must think on how many times the problem has occurred in our country and find a permanent solution to it. We must come up with a way that can stop this from happening again. I agree with the Members who said that we have allocated a lot of money to this issue of food. When we talk about food production, we need water. We have land in Turkana.

I have heard some Members blaming the County Government of Turkana. We have an aquifer in Turkana which needs a lot of money, around Kshs100 billion to Kshs200 billion, to bring that water out. If the national Government can give Turkana County that money and the water is found, we will solve the problem of hunger. We have an aquifer in Nayu that can serve that county. We, therefore, need solutions. Irrigation is the solution. Where we do not have enough rain like in Turkana, we can practice irrigation. We want the county government to allocate money for that category. We can have small businesses there. This issue of depending on cash handouts or food relief every now and then should stop. We need to empower our people to do small businesses, so that they can become self-reliant.

We also want to plant crops that can do well in those areas. Sorghum, for example, can do well in Turkana. We can also have maize in some places. We should not only get food from outside, but rather produce some from within. That way, we can solve our problems. We also need to have some storage facilities within the counties so that when there is such kind of a calamity, we will only need to rush to our storage facility to get food than waiting for three to four days for food to arrive because some people would have died by the time food arrives. We should not say that people are not dying and yet there is no food. There is food in major towns but transportation logistics is another problem. So, we are pleading with the Government to release either the National Youth Service (NYS) vehicles, so they can take food from those centres to the affected areas.

Finally, I want the public to know that Parliament does not have money. We allocate money to the two levels of government; national Government and county governments. We find some people saying MPs have the money. No! Parliament just allocates money but the Executive must be accountable and show us how it is used.

With those few remarks, I support.

**Hon. Deputy Speaker:** Hon. Garane Hire, you have the Floor.

**Hon. Mohamed Hire** (Lagdera, KANU): Thank you, Hon. Deputy Speaker. It is very unfortunate that in this day and age Kenyans are dying of hunger. This is in the midst of abundance. When farmers' produce is rotting in some parts of this country, Kenyans in other parts are dying of hunger. This is a shame.

I just returned from my constituency, Lagdera which is in Garissa County, last night. The situation there is dire. If nothing is done in the next one week or so, a huge population of livestock will start dying. There is severe water scarcity and this has been the trend year in, year out.

Hon. Deputy Speaker, every rainy season, we receive a lot of rain across the country. However, Kenyans are not smart enough to harvest water. This is especially in pastoralists' areas. You hear about impassable roads due to rains and villages and homesteads being swept

away by raging floods. However, two or three months after the rains, we hear about serious water shortage. This is very unfortunate.

Institutions mandated to warn the Government of impending crisis like this one has failed this country. You will only hear them reacting to media reports. Where were these institutions which are mandated to give early warning before people start dying? Where were they before this crisis got to this level? As Parliament, we need to revisit this and see whether these institutions are working properly.

County governments are a disgrace to this country. We see them spend millions and billions of shillings on non-essential services, like cultural events and repair and construction of roads with no vehicles to use. This is the case and yet people are dying of hunger, and livestock is dying due to lack of water. This is shameful and we should think about it seriously.

My constituency is about 7,000 square kilometres. There are only three boreholes and the population is over 400,000 people and tens of thousands of livestock. You can imagine the kind of stress which is there. We have visited Government offices numerous times. However, the response is very minimal. They are now saying they have allocated Kshs2 billion. Before they start spending this amount, we will have lost enough livestock and human life or maybe the rains will start. So, we only come to make noise here when we start losing human beings and livestock. This trend needs to change. As Parliament, we seriously need to have policies and programmes that will target this kind of situation. I support this Adjournment Motion.

**Hon. Deputy Speaker:** Hon. Lesuuda had complained that the ladies have not been considered, but she is number two on the line. I will maintain her in that position and give the Floor to Hon. Wamalwa, who is top on the list.

**Hon. (Dr.) Chris Wamalwa (Kiminini, FORD-K):** Thank you, Hon. Deputy Speaker. It is an embarrassment that this country cannot feed its people. One of the cardinal responsibilities of a Government is to ensure the security of its citizens, more importantly food security.

Allow me to underscore Article 43 of the Constitution, which is very clear. It talks about the right of every Kenyan to clean water and food security. We have heard about the Big Four Agenda, and top on that agenda is food security. We are not yet food secure. Is this public relation by the Government or is it really committed when it comes to matters of food security?

“Madam Speaker”, I come from Trans Nzoia County where there is plenty of food even now. The Government has not even made any attempt to buy that food. A bag of maize is going for Kshs1,500. We know that 2.5 per cent of the budget that goes to the counties is supposed to take care of emergencies. It is very unfortunate that famine has hit Turkana where we have oil and many other good things.

Yesterday, I listened to Governor Nanok and I was very embarrassed. Turkana County is number two when it comes to allocation of county money. It gets about Kshs12 billion every year. More importantly, there is the 2.5 per cent. The CEO of the Disaster Management Authority said that people are dying not as a result of drought, but as a result of diseases. I do not know which school he went to. In situations where there is drought and there is no water, people die from water-borne diseases. The dirty water that people have been drinking in Turkana causes dysentery and cholera. “Madam Speaker”, those diseases are associated with drought. I do not know where that gentleman came from, “Madam Speaker”.

**Hon. Deputy Speaker:** Hon. (Dr.) Wamalwa, you have repeated the words “Madam Speaker” three times.

(Laughter)

I cannot allow you to perpetuate a lie.

**Hon. (Dr.) Chris Wamalwa** (Kimini, FORD-K): Hon. Deputy Speaker, since you came back from abroad, I do not know what you have been eating. I can see your morphology has changed. It is more feminine. You are looking different and I am struggling to see you.

**Hon. Deputy Speaker:** Order! Order! If there is some confusion---

**Hon. (Dr.) Chris Wamalwa** (Kimini, FORD-K): I am sorry, Hon. Deputy Speaker. It is a shame. This is a Government that cannot feed its people. It is a shame on the part of our county governments. The spirit of devolution was to devolve power and at the same time services so that they can get closer to the people. The first line of defence when it comes to matters of food security is the county government. When it comes to disaster management, the first line of defence is the county governments.

We know that 2.5 per cent of the budget goes there, but what is happening in the county governments? We have a lot of corruption going on everywhere. Instead of taking good care of the people who voted for them, leaders are engaged in corrupt activities. County governments should be the first ones to respond to disasters and then the national Government with its Big Four Agenda. Where are we in food security? We just debated the Budget Policy Statement (BPS) and there was no correlation at all between the BPS and the Big Four Agenda.

Subsidised fertiliser plays a critical role in food security. Farmers in Trans Nzoia, Uasin Gishu and North Rift were told that there is no subsidised fertiliser. Right now, farmers have prepared their farms and they are planting only to be told by the Hon. Kiunjuri that he has Kshs2 billion from the Treasury to purchase fertiliser. That is corruption money. If it was in other jurisdictions, the CS for Agriculture would have resigned because of the food insecurity in the country and the fact that people are dying. We are calling upon the Hon. Kiunjuri, to resign so that we can have a CS who knows what is required when it comes to matters food security. We have suffered for too long and this is the time we should stand up to be counted. It is very shameful.

At Independence, we suffered from three things namely, hunger, poverty and disease. Down the line, we still have problems of hunger, disease, poverty, nepotism, tribalism and corruption. Those people who have been implicated in matters of corruption should step aside. I thank the Member for Ndhiwa for coming up with such a wonderful Motion. I wish you could allocate us more time so that we express our displeasure on how the Jubilee Government is sleeping on the job.

**Hon. Deputy Speaker:** Let us have Hon. Lesuuda.

**Hon. (Ms.) Naisula Lesuuda** (Samburu West, KANU): Thank you, Hon. Deputy Speaker, for giving me this opportunity to also add my voice to this very important Adjournment Motion and to thank Hon. Martin for bringing this Motion to the House.

It is embarrassing and shameful. We should be embarrassed as the leadership of this country that in the 21<sup>st</sup> Century, in 2019, we are still talking of Kenyans dying because they are hungry. We already have enough problems as a country namely, the issues that have been mentioned. I can imagine the pain that someone goes through not having eaten or had water. For some of us, if we skip lunch or dinner, we have a crisis. You get a headache. You can imagine a child, a lactating mother, an expectant mother or an elderly person staying hungry for weeks or

days until they die. As a country, the first thing we should have done yesterday was to apologise to Kenyans for failing as leadership.

The other day when we had the Devolution Conference, we saw a rosy picture. There is no single county that came up with the challenges that they are facing. There is no county that told us some of the challenges they are facing in the implementation of the Constitution and devolution. I do not think it has been months since the Devolution Conference. We are now seeing the real issues on the ground. It is an embarrassment. We agree that food security is a devolved function. It is the prime responsibility of the counties. As the national Government, we also have money for water, fertilisers and food. It is no surprise that somehow, we have just gotten Kshs2 billion from somewhere. We have now gotten Kshs2 billion while every day we knocked on those offices asking that dams be built and boreholes be rehabilitated. We were told that the National Treasury had not given them money or that they will be put in the 2019/2020 Budget. Somehow, we now have it when it cannot help us much.

We see the food being taken to our counties, Samburu being one of them. The Cabinet Secretary for Devolution and ASALs will be there tomorrow or the day after. We are giving food, and mostly it is just maize, to hungry people. Where will they even get the water to cook that maize? You are taking maize and you can imagine how difficult it is to cook maize. It takes hours. There is no water to cook those maize and beans. If we are lucky, we get some oil. We should move away from this story of relief food. I am even embarrassed that at this time we are still talking about relief food. It is impoverishing our people. It makes us beggars. It makes the people to always want. We want to be self-reliant. We are capable.

If you come to my constituency, people have already changed their lifestyle whereby in the arable part of my constituency, people are practising farming and growing crops. Water is our biggest challenge. It is time the county government and the national Government put interventions in place to make sure that we have water. If anything, we used to do better when the NG-CDF used to deal with water than now when it is all over. It would have been better. I saw boreholes being built when Members of Parliament dealt with the issue of water using their kitty. We put it in our Constitution when we devolved some of these functions. Therefore, drought is not an emergency. If we continue to fail to plan, we are just planning to fail as a country. It is something that was said by the Majority Chief Whip. He said that the Meteorological Department is very consistent. What they told us is true. We want to construct 31 dams in three weeks. How logical is it?

**An Hon. Member:** Give her two minutes.

**Hon. Deputy Speaker:** Sorry, your time is over. Why do you want us to give her two minutes?

**An Hon. Member:** *(Off-record)*

**Hon. Deputy Speaker:** No, I will not give her. We will give the opportunity to the next Member. She will learn to summarise next time. I will give the opportunity to Hon. Mwalyo Mbithi, the Member for Masinga.

**Hon. Joshua Mwalyo** (Masinga, WDM-K): Thank you, Hon. Deputy Speaker, for giving me this opportunity to add my voice to this Motion which was brought on the Floor of this House by Hon. Martin. I was in my constituency yesterday to give bursaries. Every old woman was begging for money to buy food, and yet Machakos County is not included among the counties that are facing starvation. Is it an oversight by the Government to leave my county out of this

list? There is a lot of drought and no food. Therefore, I would like to urge the Government to include Machakos County in the list.

It is also a shame that the food that was feeding the school-going children was withdrawn because the Government said that we have food. However, we do not have it. There are very many children who are not going to school now because there is no lunch at school, they do not eat breakfast in their houses and there is no supper at home. What are we supposed to do as a country? If we cannot take care of the children who are going to school and the elderly, what are we saying? We need to borrow a leaf from the countries that are deserts like Israel and dig big dams to get water for irrigation.

I wonder where the water goes. It goes to the Indian Ocean, which is not begging for more water. We should tame that water and irrigate our *shambas* so that we can get food to feed our people. It is always a shame that when it rains in the north eastern region, cows and cars are swept by the water and there is drought in the next three months. What are we saying? We are saying that we do not know how to plan. If we are planning, we are only doing it on paper and putting it in drawers to rot there. As a country, we need to wake up and do much more than we are doing.

A sum of Kshs2 billion is being given to the 10 counties to buy food. Is it enough? It is not enough. If you are only given five kilos of flour, it is only for one day, if a family has 10 children and the father and mother. Majority of the people in the North Eastern Region are Muslims. They are big families. So, even that food worth Kshs2 billion is not enough. We need to re-think on what we need to do to be food sufficient.

Therefore, Hon. Temporary Deputy Speaker, if it is the Ministry of Agriculture, Livestock, Fisheries and Irrigation that is in charge of feeding the country, it should wake up and do better. We should not wait for drought and famine to look for money to feed the country. It is a shame. We need to bring a Motion in this Parliament because the only money being seen working in our constituencies is the NG-CDF. We do not see anything from the counties. We need to be given a leeway to get a certain percentage of the NG-CDF money and use it to buy provisions to feed our people so that we do away with this thing.

**Hon. Deputy Speaker:** A Motion will not help. You might have to think of something else.

**Hon. Joshua Mwalyo** (Masinga, WDM-K): It will not help, but my voice has been heard. Therefore, we need to do something about this. Thank you very much.

**Hon. Deputy Speaker:** Thank you. Next will be Hon. Junet Sheikh.

**Hon. Junet Nuh** (Suna East, ODM): Thank you, Hon. Deputy Speaker.

I do not want to repeat what my colleagues have said that it is shameful and embarrassing for a Government that claims to have been elected not to feed its people. The cardinal responsibility of any Government worth its salt is to secure and feed its people. If it cannot do that, it does not need to be in office.

A Government that has failed to plan has planned to fail. It is very clear that the Government planned to fail. Drought is with us year in year out. I have heard my colleagues saying that devolution should have cured this problem. But what the Government has done is devolve the word “agriculture”, but not the functions and resources of agriculture. The functions and resources of agriculture remain in Nairobi and the word “agriculture” is in Turkana County.

This is a Government that said it is going to plant maize on one million acres in Galana Kulalu which took Kshs7 billion of taxpayers' money. The project ended up producing seven bags per acre. The number of bags the country got from Galana Kulalu up to day is only seven bags after spending Kshs7 billion. So, every bag is worth Kshs1 billion. You hear about many things in the country. We have heard of a bag costing Kshs1 billion. It is on record. This shows the kind of---That is a fact.

I invited the Leader of the Minority Party to the Handshake. He now wants to overtake me. Let him hold his horses. It is a fact that---

**Hon. John Mbadi** (Suba South, ODM): Hon. Deputy Speaker, this is a House of records and facts. Hon. Junet has told us that we only got seven bags from Galana Kulalu although--- When you say we have spent Kshs7 billion, and that each bag is Kshs1 billion, it means we only got a total of seven bags from Galana Kulalu.

**Hon. Deputy Speaker:** Obviously, that is not true. I will not give him more time. He has one minute and half.

**Hon. Junet Nuh** (Suna East, ODM): Hon. Deputy Speaker, the statement the Deputy President issued yesterday was that food security is stable and food prices are stable. Is this real? People in Turkana cannot afford to buy that food even if the prices are stable. They do not have money to buy it. Somebody must have misled the Deputy President or it is out of ignorance to claim that food prices in Kenya are stable as though people of Turkana have money to buy that food. It just tells us that he is out of touch. He does not know what is happening in the country.

When you hear that there is Kshs21 billion, you will not remember Turkana. All your mind and energy will be focussed on the dams. It is high time the Government came back to its senses. I know that choices have consequences. We told people not to elect Jubilee because I knew that it was a scam. But now, with points, we are proving that Jubilee is full of scams, including Kamwerer and Arror dams. A dam is allocated Kshs21 billion in one county so that it can give water to 100,000 people. My constituency has a population of 150,000 and it cannot get even Kshs1 billion. It just shows you how Jubilee is misplaced in their priorities. We want an accountable Government that knows how to take care of its people. This Government has failed and it must vacate office immediately if it cannot feed the people of Kenya.

Today, I am speaking as opposition leader and I do not care about the handshake anymore. So long as the people of Kenya are not fed, it does not matter whether there is handshake or not. People of Kenya must be fed. I am speaking as a representative of the people of this country.

**Hon. Deputy Speaker:** Hon. Kositany!

**Hon. Caleb Kositany** (Soy, JP): Thank you, Hon. Deputy Speaker. The issue before us is very serious and it pains me to see how Members from the handshake side are trivialising this issue. Hon. Junet, you might be suspended like Hon. Aisha Jumwa because you have gone against *baba's* policy. That aside, we want to thank the Government because it has taken action.

**Hon. Deputy Speaker:** Hon. Osotsi, what is your point of order?

**Hon. Godfrey Osotsi** (Nominated, ANC): Hon. Deputy Speaker, is it in order for this Hon. Member, Hon. Kositany, to refer to this side as the handshake side when we know that in our Standing Order, we do not have a word called "the handshake"?

**Hon. Deputy Speaker:** Actually, he did not refer to any side. He only referred to a team. Proceed, Hon. Kositany. You have a few minutes.



**Hon. Caleb Kositany** (Soy, JP): Since the year 2000, the Government has been purchasing two billion bags of maize for Strategic Grain Reserve yet our population has since doubled. The Government should be prepared to purchase at least five billion bags for strategic good reserve. Drought is not an issue that just comes in a day. That you wake up the following day and all of a sudden you are facing drought. It is a factor that comes in and you can plan for it. We want our county governments to be able to plan and if they are having procurement issues, they should be allowed to purchase maize. They should give us the challenges they are facing, we legislate in this House and allow the county governments of Turkana, Baringo, Samburu and others with special cases to purchase maize directly from maize growing areas of Uasin Gishu, Trans-Nzoia, Nandi and Trans-Mara.

We also want to say that the issue of water is very key whether we have food or not. We also need water for livestock. If somebody is dying of hunger and has a cow to milk or something to even slaughter and eat... So, we also want to say that county governments should concentrate on having water for their people. This brings us to the key issue of the NG-CDF. As Members of this House, we need to increase funding to the NG-CDF, so that we can zero in and deal with this problem in a closer manner and we do not have to keep shifting the blame.

With those few remarks, I beg to support and ask all agencies to be serious with their work.

**Hon. Deputy Speaker:** Hon. Wachira Kabinga. If you are brief, one more Member will get an opportunity. I understand there are Members who really have issues. In fact, I rule that you just do two minutes, and then I will give two other Members one minute each from both sides.

**Hon. Josphat Kabinga** (Mwea, JP): Thank you, Hon. Deputy Speaker. I want to support this Motion. At the outset, I would like to empathise with our brothers and sisters who are affected by the drought. This is about management of resources. This is about being proactive and not reactive. This is not about apportioning blame. As a Member of Parliament, I feel part of the problem. I am supposed to be monitoring, conducting oversight and giving signals that we have a problem. We should be discussing here what the Government is doing or the plans the Government has. We should not wait until people start dying, we come and debate this issue and start apportioning blame.

Therefore, this is a multi-sectoral issue that we need to look at broadly. We cannot rule out that county governments and the national Government have a role. Over the years, we have seen this problem roll out. What we have not seen is a serious plan to ensure that this problem does not recur. I have people going without water in my constituency. River Thiba has dried up. Why? It is because we have an agency called "Water Resources Management Authority (WARMA)" that is not able to manage resources. People living upstream are using the remaining little water to do irrigation.

**Hon. Deputy Speaker:** Your time is over, please. Let us share the remaining few minutes. Hon. Ongili, the Floor is yours. You have a minute. I will also give another Member one minute.

**Hon. Babu Owino** (Embakasi East, ODM): Thank you very much, Hon. Deputy Speaker. At the moment, in London, people are contributing money for Kenyans because of hunger. Kenyans woke up very early in the morning in good spirit and faith to elect leaders who they knew were going to solve their challenges of hunger and poverty. I have so much pain in

my heart as I speak. We have the county government which comprises MCAs and governors who are supposed to solve this challenge of hunger. Leaders should organise people and not antagonise them. Leaders should lead and not mislead people. It is very painful when we see people dying out of hunger and yet money is being misspent on activities like dams. We know the money is stolen. We call upon the DCI to start by arresting the Deputy President of this nation because he is as guilty as charged.

Thank you.

**Hon. Deputy Speaker:** Hon. Kamuren, the Member for Baringo South, the Floor is yours. You have a minute.

**Hon. Charles Kamuren** (Baringo South, JP): Thank you, Hon. Deputy Speaker. I rise to support this Motion.

I come from Baringo South where this problem is present. People are going without food. There is no water. It is really a serious situation. I want to call upon the Government because it is aware of the situation---

In Makutano Ward, we have 11 primary schools and four secondary schools. People are suffering there. The people of Mochongoi Ward, Marigat Ward and Elchamus Ward are also suffering. The Cabinet Secretary in charge of Devolution went to Tiaty Constituency which neighbours mine. It is not the problem of Baringo South but it was as a result of bandits. I want to call upon the Government to urgently save the situation in Baringo South because it has the capacity. With the Kshs2 billion that was given yesterday or today, we want to see foodstuff there. We want to get the opportunity to plan. We want to have the muscle to talk like anybody else.

### ADJOURNMENT

**Hon. Deputy Speaker:** Hon. Members, the time being 7.02 p.m. this House stands adjourned until tomorrow Wednesday, 20<sup>th</sup> March 2019 at 9.30 a.m.

The House rose at 7.02 p.m.