

PARLIAMENT OF KENYA

THE NATIONAL ASSEMBLY

THE HANSARD

Thursday, 4th March 2021

The House met at 7.00 p.m.

*[The Temporary Deputy Speaker
(Hon. (Ms.) Soipan Tuya) in the Chair]*

PRAYERS

QUORUM

The Temporary Deputy Speaker (Hon. (Ms.) Soipan Tuya): Hon. Members, I order that the Quorum Bell be rung for 10 minutes.

(The Quorum Bell was rung)

Order, Hon. Members. I think we are good to go.

PROCEDURAL MOTION

EXTENSION OF TIME FOR CONSIDERATION OF PUBLIC PETITIONS

Hon. Silas Tiren (Moiben, JP): Thank you, Hon. Temporary Deputy Speaker. I have a Procedural Motion to move.

I beg to give notice of the following Motion:

THAT, notwithstanding the provisions of Standing Order No.227(2) (Committal of Petitions), this House resolves to extend the period for consideration of the public petitions specified hereunder by the Departmental Committee on Agriculture and Livestock by a further period of sixty (60) days with effect from 4th March 2021.

The Temporary Deputy Speaker (Hon. (Ms.) Soipan Tuya): Hon. Tiren, you have to do it again because you need to move the Motion.

Hon. Silas Tiren (Moiben, JP): I beg to move the Motion as it is.

The Temporary Deputy Speaker (Hon. (Ms.) Soipan Tuya): Just start all over again.

Hon. Silas Tiren (Moiben, JP): Madam Speaker, Sir.

An Hon. Member: It is Madam Speaker.

Hon. Silas Tiren (Moiben, JP): Sorry, Hon. Temporary Deputy Speaker.

I beg to give notice of the following Motion:

THAT, notwithstanding the provisions of Standing Order No. 227(2)...

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The Temporary Deputy Speaker (Hon. (Ms.) Soipan Tuya): Hon. Tiren, you need to say that you beg to move the Motion that, notwithstanding...

Hon. Silas Tiren (Moiben, JP): I beg to move the following Procedural Motion:

THAT, notwithstanding the provisions of Standing Order 227(2) (Committal of Petitions), this House resolves to extend the period for consideration of the public petitions specified hereunder by the Departmental Committee on Agriculture and Livestock by a further period of sixty (60) days with effect from 4th March, 2021:

(i) Public Petition regarding restoration and revival of the Kenya Cashew Nuts Factory presented by Hon. Owen Baya, MP, (Kilifi North Constituency); and,

(ii) Public Petition regarding Development and Marketing of *Miraa* by Hon. Paul Mwirigi, MP, (Igembe South Constituency).

I request Hon. Wangwe to second.

The Temporary Deputy Speaker (Hon. (Ms.) Soipan Tuya): Hon. Wangwe.

Hon. Emmanuel Wangwe (Navakholo, JP): Thank you, Hon. Temporary Deputy Speaker. I beg to second.

Thank you.

(Question proposed)

The Temporary Deputy Speaker (Hon. (Ms.) Soipan Tuya): Hon. Members, should I go on and put the Question?

(Loud consultations)

Let me not gag Members who wish to speak. Hon. Baya, I thought what is on the Order Paper is what you want as the Mover of the Motion. I do not want to gag you. Should I go on to put the Question?

Hon. Members: Yes.

The Temporary Deputy Speaker (Hon. (Ms.) Soipan Tuya): Order! The Member who is making a phone call. Order, Member for Isiolo.

(Question put and agreed to)

Next Order!

MOTION

CONSIDERATION OF THE 2021 BUDGET POLICY STATEMENT

THAT, this House adopts the Report of the Budget and Appropriations Committee on the 2021 Budget Policy Statement and Medium-Term Debt Management Strategy, laid on the Table of the House on Thursday, 4th March 2021 and-

(a) approves the 2021 Budget Policy Statement and Medium-Term Debt Management Strategy;

(b) makes the policy resolutions contained in the First Schedule to the Order Paper;

(c) approves the Budget Ceilings for FY 2021/2022 as set out in the Second Schedule to the Order Paper: and,

(d) further, resolves that the Budget Policy Statement so approved forms the basis for the introduction of the Division of Revenue Bill, 2021.

FIRST SCHEDULE

POLICY AND FINANCIAL RESOLUTIONS RELATING TO THE BUDGET POLICY STATEMENT AND THE MEDIUM-TERM DEBT MANAGEMENT STRATEGY FOR THE FINANCIAL YEAR 2021/22

Policy Resolutions

- (i) THAT, the National Treasury develops a policy to enable the reduction of unproductive and non-targeted tax waivers and tax breaks in order to protect revenue. This should be submitted to the National Assembly alongside the 2021/2022 budget estimates by 30th April 2021.
- (ii) THAT, the National Treasury reviews the compendium of government projects and considers deferment of new projects by one financial year while ensuring adequate counterpart funding and provision of funds for stalled projects before finalization of the budget estimates for the FY 2021/2022.
- (iii) THAT, during finalization of the budget estimates for the FY 2021/2022, the National Treasury should take into account the pending bills and ensure that these are adequately provided for within the approved expenditure ceilings.
- (iv) THAT, the National Treasury restructures State-Owned Enterprises (SoEs) especially the highly indebted ones which are unable to meet their operational costs with a view to privatizing them by end of the FY 2021/2022 in order to put them on a sound economic footing.
- (v) THAT, during the finalization of the FY 2021/2022 budget estimates, the resources allocated for all international trade functions under the Ministry of Foreign Affairs be transferred to the State Department of Trade and Enterprise Development in order to be in line with assignment of functions as per the Executive Order No. 1 of 2020.
- (vi) THAT, for the avoidance of doubt and after consultations with the National Treasury, the Committee has approved the debt mix ratio of 57:43 of domestic to external borrowing as provided for in the MTDS. This strategy provides the optimal debt and is also consistent with key provisions of Section 50 of the PFM Act, 2012. Specifically, the law requires that, the National Government shall ensure that its financing needs and payment obligations are met at the lowest possible cost in the market which is consistent with a prudent degree of risk, while ensuring that the overall level of public debt is sustainable.
- (vii) THAT, the National Treasury should stick to its plan to reduce the stock of Treasury bills by Kshs. 200 billion. In the next 30 days following the adoption of this Report, the National Treasury should report to the National Assembly how this has been achieved and also on the progress on average time to maturity on domestic debt.

Further, the National Treasury should ensure the retirement of overdraft facility at the Central Bank of Kenya at the end of any Fiscal Year.

- (viii) THAT, in future, the National Treasury ensures that the borrowing strategies contained in the BPS and the MTDS are aligned in accordance with the provisions of section 33 of the PFM Act, 2012.
- (ix) THAT, the sectoral policy recommendations annexed as annex 1 to the Report, being a compendium of the policy observations and recommendations of the fifteen Departmental Committees, forms part of the recommendations of this House.

Financial resolutions

- (i) THAT, the revenue target for the FY 2021/22 be set at no less than Kshs. 2,034 billion, with ordinary revenue target being set at Kshs. 1,775.6 billion.
- (ii) THAT, the fiscal deficit (including grants) approved by Parliament for the FY 2021/22 is pegged at Kshs. 930.0 billion or 7.5% of GDP, whichever is lower. Any increase of the fiscal deficit beyond what has been approved in the BPS for FY 2021/22 will NOT be approved by Parliament.
- (iii) THAT, consistent with the debt mix that ensures there is low cost and minimizes risk, Net Foreign Financing be limited to Kshs.530 billion, while Net Domestic Financing be set at Kshs.399.9 billion.
- (iv) THAT, the Ministerial Expenditure underpinning the programmes for the FY 2021/22 be limited to no more than Kshs.1,307,435.5 million for recurrent expenditure and Kshs.658,938.3 million for development expenditure.
- (v) THAT, the ceiling for Parliament and the Judiciary be set at Kshs.37,882.7 million and Kshs.17,918.3 million, respectively.
- (vi) THAT, the expenditure ceilings for the FY 2021/2022 budget be approved as set out in Schedule 2 of the Report. For the avoidance of doubt, these ceilings shall be binding and the National Treasury should prepare the budget estimates within these binding constraints.
- (vii) THAT, having considered the unfunded requests from the Departmental Committees amounting to Kshs. 240 billion, the Committee has identified critical expenditure needs that require urgent funding amounting to Kshs. 45.5 billion as set out in Schedule 1 of the Report. More importantly, any revenue-raising measures contained in the Finance Bill, 2021 SHALL be earmarked to fund the aforementioned priority areas.
- (viii) THAT, county governments be allocated Kshs. 409.88 billion for FY 2021/2022 of which, the County Government Equitable share shall amount to Kshs. 370 billion.
- (ix) THAT, the allocation to the Equalization Fund of Kshs. 6.825 billion be approved as provided in the Budget Policy Statement.
- (x) THAT, once approved by the House, these recommendations together with the First and Second Schedule of the Report, forms the basis of the FY 2021/2022 Budget Estimates.

SECOND SCHEDULE

BUDGET CEILINGS FOR FY 2021/2022

VOTE	MDA & PROGRAMME	CEILING FY 2021/22		
		GROSS CURRENT ESTIMATES	GROSS CAPITAL ESTIMATES	GROSS TOTAL ESTIMATES
1011	Executive Office of the President	25,190,400,000	9,616,000,000	34,806,400,000
	0702000 Cabinet Affairs	1,243,600,000	225,100,000	1,468,700,000
	0703000 Government Advisory Services	617,600,000	86,000,000	703,600,000
	0704000 State House Affairs	3,904,300,000	67,300,000	3,971,a600,000
	0734000 Deputy President Services	1,384,800,000	17,600,000	1,402,400,000
	0745000 Nairobi Metropolitan Services	18,040,100,000	9,220,000,000	27,260,100,000
1021	State Department for Interior and Citizen Services	131,137,100,000	6,966,000,000	138,103,100,000
	0601000 Policing Services	99,648,800,000	2,125,000,000	101,773,800,000
	0629000 General Administration & Support Services	21,938,500,000	2,875,000,000	24,813,500,000
	0630000 Policy Coordination Services	878,800,000	50,000,000	928,800,000
	0603000 Government Printing Services	700,300,000	50,000,000	750,300,000
	0605000 Migration & Citizen Services Management	1,978,600,000	740,000,000	2,718,600,000
	0625000 Road Safety	2,287,800,000	100,000,000	2,387,800,000
	06256000 Population Management Services	3,704,300,000	1,026,000,000	4,730,300,000
1023	State Department for Correctional Services	28,748,500,000	980,200,000	29,728,700,000

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	0623000 General Administration, Planning and Support Services	353,100,000	20,000,000	373,100,000
	Prisons Services	26,529,600,000	823,200,000	27,352,800,000
	Probation and After Care Services	1,865,800,000	137,000,000	2,002,800,000
	State Department for Devolution	1,384,200,000	1,263,500,000	2,647,700,000
1032	0712000 Devolution Services	659,700,000	1,263,500,000	1,923,200,000
	0732000 General Administration, Planning and Support Services	685,000,000	-	685,000,000
	0713000 Special Initiatives	39,500,000	-	39,500,000
	State Department for Development of the ASAL	1,029,500,000	9,036,200,000	10,065,700,000
1035	0733000 Accelerated ASAL Development	1,029,500,000	9,036,200,000	10,065,700,000
	Ministry of Defence	114,483,500,000	13,080,000,000	127,563,500,000
	0801000 Defence	112,107,000,000	13,080,000,000	125,187,000,000
1041	0802000 Civil Aid	200,000,000	-	200,000,000
	0803000 General Administration, Planning and Support Services	1,976,500,000	-	1,976,500,000
	0805000000 National Space Management	200,000,000	-	200,000,000
	Ministry of Foreign Affairs	16,668,200,000	1,789,600,000	18,457,800,000
1052	0714000 General Administration Planning and Support Services	1,907,000,000	104,600,000	2,011,600,000
	0715000 Foreign Relation and Diplomacy	14,562,500,000	1,535,000,000	16,097,500,000
	0741000 Economic and Commercial Diplomacy	48,700,000	-	48,700,000

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	0742000 Foreign Policy Research, Capacity Development and Technical Cooperation	150,000,000	150,000,000	300,000,000
	State Department for Vocational and Technical Training	18,827,000,000	4,528,400,000	23,355,400,000
1064	0505000 Technical Vocational Education and Training	18,655,000,000	4,518,400,000	23,173,400,000
	0507000 Youth Training and Development	39,000,000	10,000,000	49,000,000
	0508000 General Administration, Planning and Support Services	133,000,000	-	133,000,000
	State Department for University Education	95,408,000,000	4,571,600,000	99,979,600,000
1065	0504000 University Education	94,288,000,000	4,360,600,000	98,648,600,000
	0506000 Research, Science, Technology and Innovation	894,000,000	211,000,000	1,105,000,000
	0508000 General Administration, Planning and Support Services	226,000,000	-	226,000,000
	State Department for Early Learning & Basic Education	92,149,000,000	11,133,000,000	103,282,000,000
1066	0501000 Primary Education	16,955,000,000	2,809,500,000	19,764,500,000
	0502000 Secondary Education	66,343,000,000	8,103,500,000	74,446,500,000
	0503000 Quality Assurance and Standards	4,145,000,000	150,000,000	4,295,000,000
	0508000 General Administration, Planning and Support Services	4,706,000,000	70,000,000	4,776,000,000
1068	State Department for Post Training and Skills Development	268,000,000	-	268,000,000
	0508000 General Administration, Planning and Support Services	137,000,000	-	137,000,000

	0512000 Work Place Readiness Services	81,000,000	-	81,000,000
	0513000 Post-Training Information Management	50,000,000	-	50,000,000
	The National Treasury	85,925,100,000	97,839,300,000	183,764,400,000
1071	0717000 General Administration Planning and Support Services	78,042,400,000	5,779,600,000	83,822,000,000
	0718000 Public Financial Management	6,252,300,000	34,573,000,000	40,825,300,000
	0719000 Economic and Financial Policy Formulation and Management	1,228,200,000	380,200,000	1,608,400,000
	0720000 Market Competition	346,000,000	30,000,000	376,000,000
	0740000 Government Clearing services	56,200,000	-	56,200,000
	0203000 Rail Transport	-	32,798,500,000	32,798,500,000
	0204000 Marine Transport	-	24,278,000,000	24,278,000,000
		State Department for Planning	3,478,200,000	42,333,900,000
1072	0706000 Economic Policy and National Planning	1,687,600,000	42,020,400,000	43,708,000,000
	0707000 National Statistical Information Services	1,317,600,000	231,200,000	1,548,800,000
	0708000 Monitoring and Evaluation Services	172,000,000	82,300,000	254,300,000
	0709000 General Administration Planning and Support Services	301,000,000	-	301,000,000
		Ministry of Health	65,059,500,000	47,513,200,000
1081	0401000 Preventive, Promotive & RMNCAH	4,149,000,000	14,884,000,000	19,033,000,000

	0402000 National Referral & Specialized Services	35,774,000,000	11,475,000,000	47,249,000,000
	0403000 Health Research and Development	9,684,500,000	588,000,000	10,272,500,000
	0404000 General Administration, Planning & Support Services	7,617,000,000	1,060,000,000	8,677,000,000
	0405000 Health Policy, Standards and Regulations	7,835,000,000	19,506,200,000	27,341,200,000
1091	State Department of Infrastructure	57,169,900,000	134,806,000,000	191,975,900,000
	0202000 Road Transport	57,169,900,000	134,806,000,000	191,975,900,000
1092	State Department of Transport	9,468,000,000	1,706,000,000	11,174,000,000
	0201000 General Administration, Planning and Support Services	281,000,000	70,000,000	351,000,000
	0203000 Rail Transport	-	-	-
	0204000 Marine Transport	801,000,000	687,000,000	1,488,000,000
	0205000 Air Transport	8,376,000,000	603,000,000	8,979,000,000
	0216000 Road Safety	10,000,000	346,000,000	356,000,000
1093	State Department for Shipping and Maritime	2,236,000,000	750,200,000	2,986,200,000
	0220000 Shipping and Maritime Affairs	2,236,000,000	750,200,000	2,986,200,000
1094	State Department for Housing and Urban Development	1,233,000,000	11,955,600,000	13,188,600,000
	0102000 Housing Development and Human Settlement	699,000,000	8,328,000,000	9,027,000,000
	0105000 Urban and Metropolitan Development	274,000,000	3,627,600,000	3,901,600,000
	0106000 General Administration Planning and Support Services	260,000,000	-	260,000,000

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1095	State for Public Works	3,111,000,000	1,127,800,000	4,238,800,000
	0103000 Government Buildings	534,000,000	596,300,000	1,130,300,000
	0104000 Coastline Infrastructure and Pedestrian Access	160,000,000	160,500,000	320,500,000
	0106000 General Administration Planning and Support Services	289,000,000	14,000,000	303,000,000
	0218000 Regulation and Development of the Construction Industry	2,128,000,000	357,000,000	2,485,000,000
1108	Ministry of Environment and Forestry	10,530,000,000	5,547,400,000	16,077,400,000
	1002000 Environment Management and Protection	1,949,000,000	1,491,200,000	3,440,200,000
	1010000 General Administration, Planning and Support Services	421,000,000	-	421,000,000
	1012000 Meteorological Services	1,032,000,000	403,000,000	1,435,000,000
	1018000 Forests and Water Towers Conservation	7,128,000,000	3,653,200,000	10,781,200,000
	1008000 Resource Surveys and Remote Sensing	-	-	-
1109	Ministry of Water, Sanitation and Irrigation	6,394,000,000	69,747,000,000	76,141,000,000
	1001000 General Administration, Planning and Support Services	761,000,000	100,000,000	861,000,000
	1004000 Water Resources Management	1,664,000,000	15,077,000,000	16,741,000,000
	1017000 Water and Sewerage Infrastructure Development	3,227,000,000	35,714,000,000	38,941,000,000
	1014000 Irrigation and Land Reclamation	712,000,000	8,987,000,000	9,699,000,000
	1015000 Water Storage and Flood Control	-	8,259,000,000	8,259,000,000

	1022000 Water Harvesting and Storage for Irrigation	30,000,000	1,610,000,000	1,640,000,000
1112	Ministry of Lands and Physical Planning	2,928,400,000	2,411,700,000	5,340,100,000
	0101000 Land Policy and Planning	2,928,400,000	2,411,700,000	5,340,100,000
1122	State Department for Information Communication and Technology & Innovation	1,653,000,000	22,159,600,000	23,812,600,000
	0207000 General Administration Planning and Support Services	234,000,000	-	234,000,000
	0210000 ICT Infrastructure Development	535,000,000	20,676,600,000	21,211,600,000
	0217000 E-Government Services	884,000,000	1,483,000,000	2,367,000,000
1123	State Department for Broadcasting & Telecommunications	5,916,500,000	450,900,000	6,367,400,000
	0207000 General Administration Planning and Support Services	205,000,000	-	205,000,000
	0208000 Information and Communication Services	4,595,000,000	305,900,000	4,900,900,000
	0209000 Mass Media Skills Development	224,500,000	40,000,000	264,500,000
	0221000 Film Development Services Programme	892,000,000	105,000,000	997,000,000
1132	State Department for Sports Development	1,338,600,000	15,144,600,000	16,483,200,000
	0901000 Sports	1,338,600,000	15,144,600,000	16,483,200,000
1134	State Department for Culture and Heritage	2,749,200,000	54,600,000	2,803,800,000
	0902000 Culture / Heritage	1,699,600,000	43,600,000	1,743,200,000
	0903000 The Arts	142,200,000	-	142,200,000

	0904000 Library Services	773,300,000	11,000,000	784,300,000
	0905000 General Administration, Planning and Support Services	134,100,000	-	134,100,000
	State Department for Energy	6,636,000,000	71,412,000,000	78,048,000,000
	0211000 General Administration Planning and Support Services	404,000,000	130,000,000	534,000,000
1152	0212000 Power Generation	2,268,000,000	11,466,000,000	13,734,000,000
	0213000 Power Transmission and Distribution	3,743,000,000	57,144,000,000	60,887,000,000
	0214000 Alternative Energy Technologies	221,000,000	2,672,000,000	2,893,000,000
	State Department for Livestock	3,297,400,000	4,391,700,000	7,689,100,000
1162	0112000 Livestock Resources Management and Development	3,297,400,000	4,391,700,000	7,689,100,000
	State Department for Fisheries, Aquaculture & the Blue Economy	2,105,400,000	7,956,200,000	10,061,600,000
	0111000 Fisheries Development and Management	1,776,000,000	7,372,200,000	9,148,200,000
1166	0117000 General Administration, Planning and Support Services	135,000,000	-	135,000,000
	0118000 Development and Coordination of the Blue Economy	194,400,000	584,000,000	778,400,000
	State Department for Crop Development & Agricultural Research	13,465,000,000	30,486,000,000	43,951,000,000
1169	0107000 General Administration Planning and Support Services	4,755,000,000	1,213,000,000	5,968,000,000
	0108000 Crop Development and Management	2,926,000,000	26,528,000,000	29,454,000,000

	0109000 Agribusiness and Information Management	149,000,000	1,330,000,000	1,479,000,000
	0120000 Agricultural Research & Development	5,635,000,000	1,415,000,000	7,050,000,000
1173	State Department for Cooperatives	1,193,300,000	374,600,000	1,567,900,000
	0304000 Cooperative Development and Management	1,193,300,000	374,600,000	1,567,900,000
1174	State Department for Trade and Enterprise Development	1,962,000,000	1,207,800,000	3,169,800,000
	0307000 Trade Development and Promotion	1,962,000,000	1,207,800,000	3,169,800,000
1175	State Department for Industrialization	2,945,000,000	3,822,900,000	6,767,900,000
	0301000 General Administration Planning and Support Services	315,000,000	-	315,000,000
	0302000 Industrial Development and Investments	1,358,000,000	1,011,000,000	2,369,000,000
	0303000 Standards and Business Incubation	1,272,000,000	2,811,900,000	4,083,900,000
1184	State Department for Labour	2,750,500,000	2,586,500,000	5,337,000,000
	0910000 General Administration Planning and Support Services	446,500,000	-	446,500,000
	0906000 Promotion of the Best Labour Practice	691,100,000	87,000,000	778,100,000
	0907000 Manpower Development, Employment and Productivity Management	1,612,900,000	2,499,500,000	4,112,400,000
1185	State Department for Social Protection, Pensions & Senior Citizen Affairs	30,236,200,000	3,036,600,000	33,272,800,000
	0908000 Social Development and Children Services	3,586,200,000	217,300,000	3,803,500,000
	0909000 National Social Safety Net	26,444,300,000	2,819,300,000	29,263,600,000

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	0914000 General Administration, Planning and Support Services	205,700,000	-	205,700,000
	State Department for Mining	629,000,000	253,400,000	882,400,000
1192	1007000 General Administration Planning and Support Services	275,000,000	-	275,000,000
	1009000 Mineral Resources Management	293,000,000	126,200,000	419,200,000
	1021000 Geological Surveys and Geoinformation	61,000,000	127,200,000	188,200,000
	State Department for Petroleum	336,000,000	2,649,400,000	2,985,400,000
1193	0215000 Exploration and Distribution of Oil and Gas	336,000,000	2,649,400,000	2,985,400,000
	State Department for Tourism	8,594,000,000	500,000,000	9,094,000,000
1202	0306000 Tourism Development and Promotion	8,594,000,000	500,000,000	9,094,000,000
	State Department for Wildlife	9,103,000,000	633,000,000	9,736,000,000
1203	1019000 Wildlife Conservation and Management	9,103,000,000	633,000,000	9,736,000,000
	State Department for Gender	1,030,300,000	2,324,000,000	3,354,300,000
1212	0911000 Community Development	-	2,130,000,000	2,130,000,000
	0912000 Gender Empowerment	723,100,000	194,000,000	917,100,000
	0913000 General Administration, Planning and Support Services	307,200,000	-	307,200,000
	State Department for Public Service	17,423,000,000	1,155,200,000	18,578,200,000
1213	0710000 Public Service Transformation	7,706,000,000	209,600,000	7,915,600,000
	0709000 General Administration Planning and Support Services	472,700,000	-	472,700,000

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	07477000 National Youth Service	9,244,300,000	945,600,000	10,189,900,000
1214	State Department for Youth Affairs	1,429,300,000	2,928,500,000	4,357,800,000
	0711000 Youth Empowerment	1,429,300,000	2,928,500,000	4,357,800,000
1221	State Department for East African Community	609,000,000	-	609,000,000
	0305000 East African Affairs and Regional Integration	609,000,000	-	609,000,000
1222	State Department for Regional & Northern Corridor Development	2,718,000,000	1,033,000,000	3,751,000,000
	1013000 Integrated Regional Development	2,718,000,000	1,033,000,000	3,751,000,000
1252	State Law Office and Department of Justice	4,977,500,000	123,500,000	5,101,000,000
	0606000 Legal Services	2,455,200,000	-	2,455,200,000
	0607000 Governance, Legal Training and Constitutional Affairs	1,816,200,000	58,500,000	1,874,700,000
	0609000 General Administration, Planning and Support Services	706,100,000	65,000,000	771,100,000
1271	Ethics and Anti-Corruption Commission	3,258,500,000	64,900,000	3,323,400,000
	0611000 Ethics and Anti-Corruption	3,258,500,000	64,900,000	3,323,400,000
1281	National Intelligence Service	42,451,000,000	-	42,451,000,000
	0804000 National Security Intelligence	42,451,000,000	-	42,451,000,000
1291	Office of the Director of Public Prosecutions	3,125,300,000	145,100,000	3,270,400,000

	0612000 Public Prosecution Services	3,125,300,000	145,100,000	3,270,400,000
1311	Office of the Registrar of Political Parties	1,346,500,000	-	1,346,500,000
	0614000 Registration, Regulation and Funding of Political Parties	1,346,500,000	-	1,346,500,000
1321	Witness Protection Agency	487,900,000	-	487,900,000
	0615000 Witness Protection	487,900,000	-	487,900,000
2011	Kenya National Commission on Human Rights	407,900,000	-	407,900,000
	0616000 Protection and Promotion of Human Rights	407,900,000	-	407,900,000
2021	National Land Commission	1,437,200,000	-	1,437,200,000
	0116000 Land Administration and Management	1,437,200,000	-	1,437,200,000
2031	Independent Electoral and Boundaries Commission	14,385,900,000	78,500,000	14,464,400,000
	0617000 Management of Electoral Processes	14,283,900,000	78,500,000	14,362,400,000
	0618000 Delimitation of Electoral Boundaries	102,000,000	-	102,000,000
2061	The Commission on Revenue Allocation	383,600,000	-	383,600,000
	0737000 Inter-Governmental Transfers and Financial Matters	383,600,000	-	383,600,000
2071	Public Service Commission	2,265,100,000	19,300,000	2,284,400,000
	0725000 General Administration, Planning and Support Services	765,800,000	19,300,000	785,100,000
	0726000 Human Resource Management and Development	1,319,100,000	-	1,319,100,000

	0727000 Governance and National Values	145,800,000	-	145,800,000
	0744000 Performance and Productivity Management	34,400,000	-	34,400,000
2081	Salaries and Remuneration Commission	621,400,000	-	621,400,000
	0728000 Salaries and Remuneration Management	621,400,000	-	621,400,000
2091	Teachers Service Commission	281,059,000,000	645,100,000	281,704,100,000
	0509000 Teacher Resource Management	272,630,000,000	600,000,000	273,230,000,000
	0510000 Governance and Standards	1,020,000,000	-	1,020,000,000
	0511000 General Administration, Planning and Support Services	7,409,000,000	45,100,000	7,454,100,000
2101	National Police Service Commission	722,200,000	-	722,200,000
	0620000 National Police Service Human Resource Management	722,200,000	-	722,200,000
2111	Auditor General	5,659,500,000	200,000,000	5,859,500,000
	0729000 Audit Services	5,659,500,000	200,000,000	5,859,500,000
2121	Office of the Controller of Budget	639,300,000	-	639,300,000
	0730000 Control and Management of Public finances	639,300,000	-	639,300,000
2131	Commission on Administrative Justice	527,900,000	-	527,900,000
	0731000 Promotion of Administrative Justice	527,900,000	-	527,900,000

2141	National Gender and Equality Commission	435,800,000	-	435,800,000
	0621000 Promotion of Gender Equality and Freedom from Discrimination	435,800,000	-	435,800,000
2151	Independent Policing Oversight Authority	914,200,000	-	914,200,000
	0622000 Policing Oversight Services	914,200,000	-	914,200,000
Sub-Total: Budget Estimates for the Executive		1,256,051,900,000	654,539,500,000	1,910,591,400,000
1261	The Judiciary	15,003,100,000	2,333,400,000	17,336,500,000
	0610000 Dispensation of Justice	15,003,100,000	2,333,400,000	17,336,500,000
2051	Judicial Service Commission	581,800,000	-	581,800,000
	0619000 General Administration, Planning and Support Services	581,800,000	-	581,800,000
Sub-Total: Budget Estimates for the Judiciary		15,584,900,000	2,333,400,000	17,918,300,000
2041	Parliamentary Service Commission	6,612,314,228	-	6,612,314,228
	0722000 Senate Affairs	6,612,314,228	-	6,612,314,228
2042	National Assembly	23,502,082,199	-	23,502,082,199
	0721000 National Legislation, Representation and Oversight	23,502,082,199	-	23,502,082,199
2043	Parliamentary Joint Services	5,702,753,573	2,065,550,000	7,768,303,573
	0723000 General Administration, Planning and Support Services	5,544,772,323	2,065,550,000	7,610,322,323

0746000 Legislative Training Research & Knowledge Management	157,981,250	-	157,981,250
Sub-Total: Budget Estimates for Parliament	35,817,150,000	2,065,550,000	37,882,700,000
GROSS BUDGET ESTIMATES FOR FY 2021/22	1,307,453,950,000	658,938,450,000	1,966,392,400,000

(Hon. Kanini Kega on 4.3.2021- Afternoon Sitting)

(Debate concluded on 4.3.2021- Afternoon Sitting)

The Temporary Deputy Speaker (Hon. (Ms.) Soipan Tuya): Order! Members who are hand-shaking, order! The Leader of the Minority Party, you should not be shaking hands.

(The Temporary Deputy Speaker consulted the Clerks at the Table)

Hon. Members, before I proceed to put the Question on this Motion on the BPS, I will have the Chairperson first comment on some issues that are on the Order Paper concerning the BPS. Hon. Kanini.

Hon. Kanini Kega (Kieni, JP): Thank you, Hon. Temporary Deputy Speaker. I want to say that this is a typographical error. We had corrected it in the other sitting, but unfortunately it was not captured in the Supplementary Order Paper. It is basically the Financial Resolution No.3 which reads that:

“THAT, consistent with the debt mix that ensures that there is low cost and minimised risk, Net Foreign Financing be limited to Kshs399.9 billion while the Net Domestic Financing be set as Kshs530 billion.”

The two numbers had been interchanged.

Thank you.

The Temporary Deputy Speaker (Hon. (Ms.) Soipan Tuya): I believe the clerks have noted. That needs to be corrected. Order Members!

(Question put and agreed to)

The Temporary Deputy Speaker (Hon. Soipan Tuya): Next Order.

BILLS

Second Reading

THE COUNTY STATUTORY INSTRUMENTS BILL

(Hon. Kassait Kamket on 25.2.2021)

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(Debate concluded on 2.3.2021- Evening Sitting)

(Question put and agreed to)

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

The Temporary Deputy Speaker (Hon. (Ms.) Soipan Tuya): Next Order.

THE NARCOTICS, DRUGS AND PSYCHOTROPIC
SUBSTANCES CONTROL (AMENDMENT) BILL

(Hon. Paul Koinange on 2.3.2021 – Evening Sitting)

(Resumption of Debate interrupted 2.3.2021 – Evening Sitting)

The Temporary Deputy Speaker (Hon. (Ms.) Soipan Tuya): Hon. Members, we are resuming debate on this Bill. It had been moved and seconded. Hon. Rasso Ali had a balance of eight minutes. Do you wish to continue?

Hon. Ali Rasso (Saku, JP): Thank you very much, Hon. Temporary Deputy Speaker. I want to thank the Committee led by Hon. Koinange for this Bill. The major problem that we have today is drug abuse, whether it is *bhang* or other hard drugs. Through this Bill, we will come up with certain remedies. This Bill struck me on two areas. First is the proposed punishment. The punishment is so severe that one can almost ask: Will this Bill be enforceable? Secondly, if everything in this Bill is considered and contextualised, then we must ask ourselves how many are likely to go to jail. Hon. Kaluma and his team on that Committee may be forced to see how prisons can be expanded because many people are likely to land there.

The good thing about this Bill is deterrence. Once there is severe punishment, we are human beings and everybody will fear the punishment. The Committee has recommended a life sentence in jail or a fine of Kshs50 million. Not many people are going to dare wade into those dangerous waters. The other thing is about the law enforcement officer. For a long time, the law has cut one way. The law enforcement officer was able to look for drug traffickers, drug handlers and drugs users and take them to court. Through this Bill, the law is going to also go after the law enforcement officer. Are you going to do the right thing? If you do not, then you will be in trouble. You will go to court and if found guilty, you will go to jail. I think this balancing act will make those who enforce the law to be worried that the law can catch up with them.

Through this Bill, the Committee has come up with something very interesting. For a long time, we have been catching the small fish. This particular Bill covers drug manufacturers, transporters and major handlers. They are the ones who have been facilitating this menace but at the end of the day they get away with it. They are the ones making big money from drug business. For that reason, the Bill is trying to identify the missing link. It is not good to catch a small person on the street with some *bhang* or narcotics and yet you are not going after the fellow who has the drugs load in the high seas or in a warehouse. So, to that extent, the Bill is good.

The other thing that the Committee needs to look at during the Committee of the whole House is the idea of giving the Cabinet Secretary for Interior and Coordination of National

Government some legal backing to come up with regulations. Article 94 of the Constitution is very clear that it is this House that makes laws and nobody else can make enforceable laws. There are good lawyers on that Committee like Hon. Kaluma, and they should look at the Bill from a layman's understanding. Can the person who will be enforcing laws make their own laws? The issue of surveillance is also something that we need to be careful about. Some individuals can go overboard. When they will be allowed a leeway to eavesdrop on people's conversations, they might abuse the power. There is freedom of expression, freedom of thought and freedom of association. This can easily be abused. We need to relook at it as we craft this law.

The other good thing is extradition and close cooperation. When the Akashas appeared in court in New York, a lot of us were surprised at how they landed there. It is as if they were stolen, because there was no law to facilitate their extradition. Through this law, we will get assistance from foreign Governments to deal with their citizens doing drug business in our country and vice-versa, so that our domestic laws can be applied in other countries.

The other issue is collection of information that I have alluded to. We will need to look at it across a clear glass. Anyone collecting information has to be authorised. The Committee has been kind enough to say that sometimes law enforcers must seek authority from the courts. Unless they do that, individuals can abuse their offices to eavesdrop or go after individuals who they do not want.

Finally, let me say something on public participation. Groups and organisations that participated in public participation are only Government agencies. I was asking myself, what about organisations like the National Authority for the Campaign Against Alcohol and Drug Abuse (NACADA)? What about civil institutions that are on the frontline of fighting the drug menace and those who support rehabilitation of drug addicts? The amendments that have been suggested are very good. If the Committee can push them through, this will be a very good law.

Thank you, Hon. Temporary Deputy Speaker.

(Applause)

The Temporary Deputy Speaker (Hon. (Ms.) Soipan[ANI] Tuya): Hon. Mohamed Ali.

Hon. Mohamed Ali (Nyali, Independent): Shukrani sana, Mhe. Naibu Spika wa Muda.

Kwanza, ningependa kuipongeza Kamati ya Utawala na Usalama wa Taifa kwa kazi nzuri waliofanya. Labda, watu hawajui kwamba mimi ndiye mmiliki wa mapendekezo ya hizi sheria kabla hazijawasilishwa katika Kamati ya Utawala na Usalama wa Taifa. Ninawashukuru kwa sababu wamezingatia yale yote tuliyoyasema. Nami ninaunga mkono kabisa.

Tatizo la mihadarati limekuwa donda sugu hususan katika eneo la Pwani. Tulipokuwa tukiangalia sheria za hapo awali na hizi mpya, kulibaini wazi kuwa sheria zilizokuwa zikitumika hapo awali hazikuwa nzito kiwango cha kuwazuia walanguzi kuleta madawa humu nchini.

Ningependa kuzizungumzia hizi sheria ambazo zimekuwa kali zaidi. Ni sheria ambazo tumeweza kuzigawanya kwenye njia tatu. Hapo awali, mlanguzi wa madawa ya kulevywa na mtumizi walikuwa wakihukumiwa kifungo kimoja, hukumu moja. Sasa, imebainishwa kuwa mtumizi, anayeuzua na mlanguzi, kila mmoja wao yuko na hukumu yake.

Jambo muhimu katika sheria hii ni kuhakikisha kuwa wale ambao wametumia nguvu za mapeni kuweza kutawala anga na kuhakikisha watoto wetu wanafariki, wanachukuliwa hatua kali ya kisheria. Hii sheria, hakika, inaweza kuwalinda Wakenya na watoto wetu kwa jumla. Polisi sasa wako na sheria itakayomuadhibu atakaenda kinyume na sheria. Walanguzi wa madawa ya kulevywa na watumizi wako na sheria yao kila mmoja. Labda, kulikuwa na mtafaruku hapo awali wa kusema

kuwa zile faini zilizowekwa hususan kwa watumizi wa bangi na *cocaine*, ni kana kwamba wamefinyiliwa sana. Lakini, imepunguzwa kutoka ile pesa ya shilingi milioni ishirini na kifungo cha miaka mitano na kuletwa chini kabisa. Katika siku za usoni, wanasayansi wanasema kuwa inaweza kutumika kama matibabu ya saratani.

Ninaunga mkono na ninasema kuwa yeyote atakayepinga swala hili ni adui wa nchi. Hii ni kwa sababu watoto wanaumia, wanakufa kila kukicha na Serikali sasa imepewa nguvu maradufu ya kuweza kunakili kuingia katika nyumba na kupata ushahidi wa sauti na video na kuutumia katika mahakama.

Swala la kuwaondoa hapa nchini na kuwapeleka nje ni sawa kabisa. Hii ni kwa sababu lau kama tungeendelea kukaa katika huu uongozi wetu, yale yaliyopata Bwana Akasha hayangelimpata. Angezidi kuendelea kufanya yale aliyoyafanya humu nchini. Kwa hivyo, hii sheria ya kuweza kubadilishana kimawazo, kama kuna Mkenya anauza madawa ya kulevya hapa nchini Kenya na amepotelea Tanzania ama taifa lingine, Serikali ina haki ya kuzungumza na Serikali ya huko na kuhakikisha kuwa ameletwa humu nchini ili aweze kupata adhabu ya kuangamiza watoto wetu.

Ninafurahia vile Kamati hii ilivyofanya kazi yake. Namuona ndugu yangu, Mhe. Kaluma hapa. Wamefanya kazi nzuri, na natumai hii sheria itatumika kuhakikisha kwamba matatizo ya dawa za kulevya, ambayo yamekuwa donda sugu tangu jadi, yamefika mwisho.

Ukiangalia matatizo ya dawa za kulevya, zikiwemo *cocaine* na *heroine*, yanashuhudiwa Mombasa na katika eneo zima la Pwani kwa jumla. Huwezi kupata mteja Nairobi, Kisumu, Bonde la Ufa ama kwengineko. Wote wanaangamia kupitia sehemu ya ukanda wa Pwani. Hapo, ndipo hizo dawa zinaingilia. Vile vile, sheria hii itahakikisha kwamba yeyote anayesimamia, kwa mfano, Bandari ya Pwani ama sehemu zote ambazo ni za kuingia katika Jamhuri ya Kenya, yeye binafsi, ndiye atakayechukuliwa hatua za kisheria. Hii ni kwa sababu wananchi na Serikali ya nchi imeweza kumpa nafasi hiyo kuhakikisha kwamba hizi dawa haziwezi kuingia tena. Hizi dawa zikiingia, ni sharti, kama ni mkurugenzi wa Halmashauri ya Bandari nchini (KPA), ni lazima aeleze zimepita vipi Pwani na kuingia hadi Nairobi ama sehemu nyingine. Kama ni katika mipaka yetu, kwa mfano Namanga na Malaba, ni lazima pia aeleze ni vipi dawa hizi zimeingia. Vile vile, sheria hizi zimewapa polisi nguvu ya kutosha. Hapo awali polisi walikuwa wakiwashika walanguzi na kuwafikisha mahakamani, lakini ilikuwa zile hadithi za lelemama. Unafika pale, mambo yanapotelea mbali kwa sababu ya nguvu za kazi. Serikali sasa inaweza kushikilia mali ya mlanguzi wa dawa za kulevya hadi pale mahakama itakapomtangaza kuwa ni mtu msafi ndiyo arudishiwe mali yake. Hii itawazuwia walanguzi wa dawa za kulevya kuwekeza pesa katika biashara. Wanawekeza katika mijengo na mataifa ya nje. Hii sheria itaipa Serikali nguvu ya kufuata pesa hizo.

Pia, tumependekeza kuwa hizo pesa zikipatikana zitumike kujenga *rehabilitation centres* ambazo zitakomboa watoto wetu na kuwarudisha katika hali ya kawaida.

Nitamaliza kwa kusema kuwa yeyote atakayepinga hii sheria mpya ni adui wa taifa na watoto wetu na anafaa azuiliwe katika kila njia kuhakikisha watoto wetu wanapumua na dawa za kulevya hazimo.

Tunataka kuona Kenya ikiwa kama mataifa mengine kama vile Malaysia na Singapore. Ukienda kule na upatikane na gramu hata moja ya dawa za kulevya, hukumu ni kifo. Serikali za zile nchi zinawekeza katika watoto wao na kuwalinda pia. Tunataka kuwa na hizi sheria kali ili tuweze kuwekeza katika afya bora na watoto ambao wako na akili na fikira za kuikomboa nchi hii katika siku za usoni. Tusiwekeze kwenye watoto ambao wamegeuzwa na kuwa mazezeta wasiojua mbele wala nyuma. Maisha yao yatakuwa vipi kwa sababu ya dawa za kulevya? Pindi tu hii sheria

itakapopita, pia tunataka kuona asasi zote za usalama nchini Kenya zikichukua hatua. Hapo awali, walikuwa wakisema hii sheria sio kali, hailindi na inafaa kubadilishwa.

Sasa hivi, Bunge hili, kwa heshima ya Kamati ya Utawala na Usalama wa Taifa, limeweza kuleta hii sheria ili iweze kupitishwa. Sasa tunataka kuona maafisa wa kulinda usalama katika asasi zote wameanza kufanya kazi.

Hatutaki hao samaki wadogo watumizi, tunataka walanguzi wa dawa za kulevya. Hapa Kenya hawako wengi. Wakati mmoja miaka ya nyuma, mambo mengi yalizungumzwa katika Bunge hili. Ni sharti Serikali ya hii nchi, kupitia asasi za usalama, kusimama kidete na kutumia sheria hizi mpya ambazo zimeletwa kukinga watoto wetu na kuhakikisha kwamba kwenye ukanda wa Pwani na Kenya nzima, suala la madawa ya kulevya halimo tena.

Ukiangalia maswala hayo ya madawa ya kulevya, yamevuka mpaka sasa. Watoto wanakimbilia dawa zingine za kujichanganyishia kama vile codeine. Watoto pia wanakula *muguka* na wanatumia kila aina ya dawa za kulevya. Ni lazima katika hii nchi tuwe na utaratibu wa kuwakinga watoto wetu. Ni lazima kuwepo na sheria ambazo zitalinda maslahi ya watoto wetu kwa sababu nchi ambayo inazalisha ujinga itatawaliwa na ujinga miaka nenda miaka rudi. Lakini nchi ambayo imeekezwa katika elimu ya watoto wake, na inayowekeza na misingi bora, inakuwa kiafya, kimiundo misingi na nguvu kazi.

Kule Mombasa ama katika sehemu za ukanda wa Pwani, vijana wote hawana kazi. Asilimia kubwa ya vijana wanatumia madawa ya kulevya. Ni kwa sababu tumeshindwa kuwapa nafasi ya kuelekeza fikira zao kwenye elimu, katika miundo misingi na kwa nguvu kazi. Hii sheria ambayo imeletwa ni nzuri sana. Itahakikisha hayo yote tunayozungumzia yataisha.

Nataka kumwona Mhe. mwenzangu, Kaluma, atakapotembea katika sehemu za ukanda wa Pwani, awe anaona kuwa mambo ni shwari na sisi sote tutafurahi pamoja na kulinda heshima ya watoto wetu.

Kwa hayo machache, ninaunga mkono. Asante sana kwa huu uhusika wote. Shukrani Naibu Spika wa Muda.

The Temporary Deputy Speaker (Hon. (Ms.) Soipan Tuya): Natumai, Hon. Mohamed ukisema yeyote atakaye pinga ni adui wa Kenya haitamzuia yeyote kutoa mapendekezo bora zaidi ama kupendekeza mabadiliko ya kuiboresha. Kwa hivyo nafikiri kuna huo uhuru.

Sasa umeniambukiza Kiswahili; twende kwa *Leader of the Majority*.

Hon. Amos Kimunya (Kipipiri, JP): Hon. Temporary Deputy Speaker, thank you for this opportunity for me to support this Bill by the Committee on Administration and National Security and also to commend, at the very outset, the input by the Member of Parliament for Nyali, Hon. Mohamed Ali. Listening to him this afternoon, I could see the passion with which he has prosecuted this matter and I know for most of us who visit Mombasa and who have had a history with there - I went to school in Mombasa in Shimo La Tewa those days for my 'A' Levels - it has always been a problem. Whether you associate it with tourism or infiltration from outside, the issue of drugs has always been a problem at the Coast, but the rest of the country has not been insulated either. It is now spread across the entire country. If you look at what is happening in schools, and if you interact mostly with the National Administration, they always tell you there are new variants of drugs being sold in pharmacies under all manner of guises. Even earlier attempts have not borne fruits in terms of control. So, perhaps it then makes sense obviously, as the Committee has thought, to enhance all these penalties to make it not worth the risk of being found with this, whether it is found in your house, vehicle, on you or as a user or a seller or as a trafficker. Hence, we commend these efforts and I say Hon. Ali, it is good to see you because when I see you over the weekend in other rallies, you do not display the same seriousness of wanting to

help the bigger society. I saw you somewhere in Murang'a and listened to you and I almost said: 'I know this young man'. When I realised that you had made such a contribution to this Bill, which saves humanity, I could not reconcile the two, but now I have a new way of looking at you and continue doing what you have to do to solve this youth problem.

In my understanding, this Bill, apart from just enhancing the offences it also redefines and categorises the differences. For instance, if you are caught with a certain portion, what should it be? If bigger, obviously, you must be a trader and hence you pay more. It also redefines some of the powers of police officers who can arrest and who can do that. It defines the powers for intercepting communication because it has become very sophisticated. It is a high return business and most of these guys would obviously be using the latest gadgets because they want to conceal and even operate from the sea. It is not unlikely that people will not be picking even before it comes to the port. It is not unthinkable that some of the choppers we see could be picking up the stuff off the boats from the sea and taking it to its destination. It is something we have to worry about.

We have a youth bulge. Ideally, a country having a youthful population should be excited that you could get a benefit of it. You could get almost like a youth dividend, but what we have in Kenya is not a dividend. It has turned into a diffident, if you get the distinction between the two, because our youth are so prone and vulnerable to being misled. I know it is not just because they are jobless. When I look at the youth, for example, we used to have many youths in Central Kenya who wake up in the morning, not exactly taking these drugs and psychotropic, but they were illicit liquor. You see those guys sitting there, drunk and they wasted their youth. It started in the late 1980s, early 1990s and throughout the 1990s. A whole generation has been wasted. That is why you find classrooms without pupils. You find homes without the men of the house. The men of the house are not visible and the ladies have even decided to start looking yonder to populate the homes because the guys got wasted. This is only at the alcohol level because obviously the alcohol was being prepared not for the normal enjoyment. Anyone who goes to a bar and restaurant to partake, enjoys, but it was kind of done more from a drug perspective.

The Temporary Deputy Speaker (Hon. (Ms.) Soipan Tuyu): Leader of Majority Party, I am just wondering whether your statements are based on some research or you are just projecting...

Hon. Amos Kimunya (Kipipiri, JP): Yes. This is anecdotal. There is enough anecdotal evidence that those drugs... You know the reason they are called illicit drugs, illicit alcohol, and illicit drinks is because the chemical formulations...

The Temporary Deputy Speaker (Hon. (Ms.) Soipan Tuyu): No, the aspect where you are talking about women going beyond their borders in their families to look for children.

Hon. Amos Kimunya (Kipipiri, JP): Hon. Temporary Deputy Speaker, if you go around the area of Limuru and Kiambu, you will find that the children who are being born in those homes have features that look like those of people like Hon. Kaluma and from Western Kenya. You can tell from the nose. You can tell from some features that they are not local in that area which means that people have imported some of those services.

The Temporary Deputy Speaker (Hon. (Ms.) Soipan Tuyu): I really doubt whether you can substantiate that, but I think you are making a point.

Hon. Amos Kimunya (Kipipiri, JP): Generally, I think the point is that there is a whole generation that has been wasted because of drugs and all that and it is something we have observed. If you go to my own area in Nyandarua, the Aberdare Forest, occasionally the administration will always go back and report and tell me 'we have discovered this plantation of *cannabis*' and all that

and it has to be burned down and it is right in the forest. Obviously, it is not small guys who are getting all the way to the forest to plant those acres of *cannabis*. It is traders. It must have some market somewhere. If you do not kill the market, the production will continue.

What I see in this Bill is that it aims at controlling the consumption. If we can control the consumption and the market, then there will be nobody interested in trafficking. There will be nobody interested in producing and hence that will cure the wider problem. As I said, we have that youth bulge. We have a population of 47 million. In another 10, 20 years, if you project it, we will be talking of 60, 70, or 80 million people. In the next 20 years, given the current population dynamics, perhaps 75 per cent of that bigger population will be young people. If they are to get into this drug problem, we are all going to be at risk and we will have wasted a whole generation of people we have taken to school, but after school, they cannot do anything. So it is important that we start sending these signals that nobody will be tolerated. The deterrent value of this Bill is perhaps what will help in changing the mindset of people who indulge and want to mess up all these youth because they are idle and vulnerable.

However, because they know that if they are caught the fines are stricter, they will stop. When the Bill was initially brought around 1994, we thought it was very draconian. It said if any of those drugs are found on you or in your house, it could be confiscated. People thought it was draconian. However, it has not helped. When the boat was blown up in Mombasa, it sent a clear signal and we must commend His Excellency the President for that brave action that was taken to blow up a boat. A multimillion vessel was blown up in the sea to send a signal that Kenya would not be a place for drugs and other psychotropic substances.

So, I support this Bill and all the measures that will be taken if we have to save the future generations as we try to rehabilitate the ones already off the mark through these other centres. I know a number of counties have even started those rehabilitation centres to try to get back our youth who are lost. I am not sure how we are going to recover that lost generation I talked about within Central Kenya and whether we are going to tell Hon. Kaluma's relatives that we will integrate them now that their services have also been imported.

It is something that shows a wider societal issue that is coming just from people's minds being interfered with because of the substances they consume or having been exposed to and which have been found cheaply and available. I could go on and on, but this is a very straightforward matter. I hope we can speed up on this Bill and finish it, so that we can take it to another level and have it in law when there is still a person who is dedicated to elimination of these drugs to, at least, in the next one year and see some solid actions taking place to set the pace for those who will come in the future.

With those words, I beg to support.

(Applause)

The Temporary Deputy Speaker (Hon. (Ms.) Soipan Tuya): Let us have Hon. Millie Odhiambo.

Hon. (Ms.) Odhiambo-Mabona (Suba North, ODM): Thank you, Hon. Temporary Deputy Speaker. Now that I have social distancing, I think I can remove my mask. I support and congratulate the Committee for bringing this Bill and for their good Report.

I have listened to the Member for Nyali and I agree with the Leader of the Majority Party that sometimes you do not recognise the two, but again that can be said about many of us and especially the Member before he came to Parliament. At least, I am glad that when he comes to

the House, he has not lost the cause for which the public elected him. I urge him to continue with that pace. Sometimes we politic too much outside that we forget the primary reason for which we were elected. So, let us not lose ourselves too much outside there.

I want to thank you for the good remarks you have made. It is not just in Mombasa where this is a problem. It is a national problem. It is a very big problem even in my constituency. There are certain drugs that are planted especially around Hon. Mbadi's constituency. I am sure if he was here he would have protested, but that is a fact. A lot of times when people are arrested, they would be coming from his constituency. In my constituency, of late, you will hear instances where people are growing one or two substances.

I also agree with the Leader of the Majority Party. We have a lost generation and unless as a country we take very urgent action, we are going to have a problem. I remember vividly, there was time I went to my constituency and I was addressing the public, and this young man came holding a Bible and collapsed right in the middle of our group. You could see he was very high on something. He kept screaming and saying "Can somebody help me?" We could not help because we do not have the skills especially when somebody reaches that level.

Many of the young people would want to quit, but they are completely addicted. That is why I am happy with the purpose of this Bill because what the law has done in the past is to punish the user instead of the producer and the supplier. So, what this law seeks to do is to make it more difficult for that category of persons. It enhances penalties related to the offences in position and trafficking in narcotics and psychotropic substances.

If you look at the offences, they are very prohibitive and anybody who even dreams of getting involved would think otherwise. It also defines precursors and chemical substances which might be used in the manufacture of narcotics which was not defined before so that you try and get right at the source. It also defines who the law enforcement officers are in respect of this Act so that they cannot only arrest, but also prevent and control this crime.

It prescribes offences for a law enforcement officer who waits or abets or is an accessory to any offence under this Act. We know that even though we have very many good law enforcement officers, many times we have rogue officers who may know and turn a blind eye when they are persuaded using corrupt means or by those who may be involved. So, because we give offences against law enforcement officers, it makes it difficult. It also provides for the offences arising out of conspiracy especially for people outside Kenya who might want to liaise with people in Kenya and vice-versa. A lot of the nature of these drugs is such that they are sold outside the country and so, a lot of people who supply them have connections out of the country.

It also provides for the power to intercept communication and the admissibility of intercepted communication. This is an excellent provision and it has made me realise... I wish Hon. Kaluma was here because the Chairman is not here. However, as a Member of the Departmental Committee on Justice and Legal Affairs, I just want to bring to your attention that you need to make a similar amendment to the Criminal Procedure Code, Section 118, that is totally misused by officers. If you look at the provisions of this Act, it provides that: "A police officer shall not make an application under subsection (1)... (which is an *ex parte* application) unless he has applied for and obtained the written consent of the Director of Public Prosecutions (DPP)."

Hon. Temporary Deputy Speaker, as you may know, a lot of police officers especially during this time of politics use Section 118 to intimidate Members of Parliament. I have personally been intimidated using that section where somebody just says we want to supply this because we suspect you are stealing. Stealing what? We are the ones who make laws. I thank them that I have

seen where there is a loophole and I am coming to the Floor of this House to bring an amendment to Section 118.

There must be a probable cause when you are accusing people of stealing. You cannot accuse my National Government Constituencies Development Fund (NG-CDF) Manager of stealing money which has not been released. It is in the national office, but you are saying that money has been stolen. You should at the very least get your facts right. We are part of the constituencies that have not received the money for the Financial Year 2019/2020 and for once, I am glad we are late so that you get your facts right.

However, because you have officers that are rogue and trying to misuse their powers, they misuse wrong powers to try and intimidate people. So, I thank the Committee that you do realise that there are rogue officers that misuse their powers. Therefore, when you are doing things like this, you involve the DPP. For *ex parte* orders, there is need for specified communication so that you do not go on a fishing expedition.

One of the things we are being asked is to produce information about a nursery school. Who does not know that the NG-CDF Board cannot authorise you to build a nursery school? Which nursery school are we building? Let them be serious about the things that they want to challenge us about. If you know I am going to defeat you just relax. Go and become a member of the county assembly. They receive a lot of money. Do not come and intimidate us with useless things. I am not the type that gets intimidated by nonsense.

I want to say I am very happy. Not because of narcotics but I have found a very good provision in this law. I will be transporting it to section 118 of the Criminal Procedure Code. There must be probable cause. Do not wake up in your house and because somebody has given you some little money you come here and start flexing irrelevant muscles.

I was hoping the Committee would look at one thing and also declare my ignorance on issues of drugs. This is because I can see they are talking about 1.01 grams. I do not know whether this or 50 grams are large enough for consumption or sale. If they are large enough for consumption then you need to separate the definition of a person in possession and a person who traffics. This is under Clause 4.

This is because you will find yourselves in a similar situation if you define a person in possession and a person who traffics together. You can find a person is in possession not to sell but to consume. I am glad this law tries to punish those who consume but is a little bit gentler. This is because the real culprits are those who sell and traffic. If you look at Clause 6, it talks about a person who smokes, inhales, sniffs or uses drugs. Or a person found in a house or room where people are doing the same.

I hope Hon. Kaluma is listening. I think they should give stiffer penalties to an owner of a house who permits the use of their premises knowingly for the use or supply. Not unless the owner is not a user. This is because when you are an owner, non-user and you willingly allow people to use your house, you need to be punished more severely.

Here is a complex situation which I do not know how they will deal with. There are people who are born addicted. Not through their fault but because their parents took drugs when they were pregnant. So, you are born when you are already addicted. Why would you punish such a person? Or, in a situation where a child has been nurtured from one year by a parent who takes drugs, why would you punish such a person? So, there must be some mitigating circumstances which should be provided, and not discretionary by magistrates but...

The Temporary Deputy Speaker (Hon. (Ms.) Soipan Tuya): Let us have Hon. Pukose Robert.

Hon. (Dr.) Robert Pukose (Endebess, JP): Thank you, Hon. Temporary Deputy Speaker. I rise to support this very important Bill. From the outset, I want to thank the Departmental Committee on Administration and National Security headed by Hon. Koinange.

If you look at this Bill, you will find that they have done good homework. This is because they have looked at areas where it needs to be strengthened. In most cases when you talk about issues of drug trafficking... We have seen instances where drug traffickers in narcotics get lenient punishment. I think this has strengthened this.

I have looked at how they are able to intercept communication. I think this is a good step. The Committee has ensured that this communication is not just for any other purpose but narcotics. This is because more often officers will be tempted to listen to other conversations and tap into messages of individuals. But this has limited it to first obtaining orders from the Director of Public Prosecutions (DPP). This should be somebody at the rank of an Inspector of Police.

You will find that not every police officer will be allowed to do this. They must have orders and be able to listen for the specific purposes for which they are investigating in relation to narcotics. Nothing else is outside this. This also prevents infringement of the freedom and privacy of Members which is a constitutional right. Looking at this law, even the people who use narcotics in this country have been transporting...

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

The Temporary Deputy Speaker (Hon. (Ms.) Soipan Tuya): Order! Order Hon. Millie! Let us hear Hon. Pukose.

Hon. (Dr.) Robert Pukose (Endebess, JP): Narcotics in this country are transported using government vehicles; they use Government of Kenya (GK) vehicles or parastatal vehicles. This way they can be transported without anybody inspecting. If you are found to be doing that as an officer, the law it is punitive to that officer engaging in this kind of activity...

We have also seen police officers or people in position who are part and parcel of the drug trafficking cartel. This law will take care of them. We have also seen there is reduction of the punitive measures in terms of *cannabis sativa*. When you talk about such drugs in other countries, for example, within the East African region, Rwanda has legalised growing of *cannabis sativa* for export purposes. It has also been found to be an important aspect when it comes to disease management especially cancer management in terms of pain relief at advanced stages.

As we continue improving on this as a country, we need to look at how we can promote growth of such a crop for purposes of export to countries using it. You will find even in the United States of America (USA) they use it. If there are countries using it for medicinal purposes then, as a country, we should not be left behind. We should think of how this can be regulated to ensure it can be controlled for export purposes. There might be some amendments which individuals will bring but they should be to improve what the Committee has done. Otherwise, I support this Bill.

Thank you, Hon. Temporary Deputy Speaker.

The Temporary Deputy Speaker (Hon. (Ms.) Soipan Tuya): The Member for Teso North, Hon. Kaunya, you have the Floor.

Hon. Oku Kaunya (Teso North, ANC): Thank you, Hon. Temporary Deputy Speaker, for giving me this chance to support this Bill. I belong to this Committee. The focus in this Bill as the Chairman indicated in his opening remarks is to enhance the sentences or penalties for offences.

Our biggest problem in fighting drug trafficking in Kenya has been on the side of enforcement and the part of dealing with the traffickers. This Bill is addressing those critical areas.

I want to state that the Bill will help enhance enforcement especially in affected areas where drugs pass. My constituency, Teso North, borders Malaba. There is a lot of drug trafficking across as well as other substances. For example, cannabis or marijuana is allowed in Uganda. It is not illegal to grow it. It is also not illegal to consume and a number of people around the border fall victim. The youth get affected by this trafficking across the border because on the other side, it is open and it is not illegal. When it comes to strengthening the enforcement, Clause 17(a) on enforcement officers and public officers who collude with criminals is very important. For example, at the coast, a number of vessels that come in with drugs, come in even when there are enforcement officers around. We have the police officers, the immigration officers and the customs officers at our borders. So, how it comes in and goes out raises questions as to their commitment. Sometimes they either get compromised or they collude. So, this clause provides for punishment for an officer who colludes or conceals an offence in regards to this Act. They will be fined Ksh20 million or imprisonment for not less than 20 years. That heavy punishment itself will be a big deterrent.

There is the issue of the owner, the landlord or an occupier of a house being accountable which comes in Clause 5(a). The owners of houses will be held to account to ensure they keep a register and they exercise due diligence for the tenants they have. Some tenants who convert houses into laboratories to manufacture some of these drugs will be dealt with within this particular clause. You will note that in our country most of the crimes, especially serious crimes like terrorism and drug trafficking, it becomes very difficult to trace and deal with because the landlords do not keep a register of their tenants. That is why this clause making the landlords accountable is also important even in other sections of our law like when we are developing the Nyumba Kumi Act. It will ensure the landlords are aware and they are accountable to the people they keep in their places. When tenants commit crimes, the landlords should report and if they fail to report, there is a fine and imprisonment that is prescribed.

Hon. Temporary Deputy Speaker, I support the Bill and urge Members to really support the Committee to have this Bill fast tracked so that we start dealing with these criminals who have actually messed our youth and the country through drug trafficking and drug sales. Thank you, Hon. Temporary Deputy Speaker. I support.

The Temporary Deputy Speaker (Hon. (Ms.) Soipan Tuya): Next is the Member for Navakholo, Hon. Wangwe.

Hon. Emmanuel Wangwe (Navakholo, JP): Thank you, Hon. Temporary Deputy Speaker. At the outset, allow me to associate myself with this Bill and thank the Departmental Committee on Administration and National Security for the good work it has done, which is very timely. Looking at the way the honourable Member for Nyali has presented his case, especially looking at his other life before coming to the House, being Jicho Pevu, a programme he ran that really made us get to know exactly what happens behind the scenes... The way he has presented the case makes me feel that he has a lot of knowledge on what is happening. He has a lot of exposure behind the scenes, and it makes me feel this Bill is coming at the right time.

The Bill prescribes the various penalties related to the offences in possession and trafficking narcotics and psychotropic substances. The large interpretation of this is that now the police will not go for the small fish. It is obvious that when you walk into my farm, you are going to see marijuana or *cannabis sativa* planted on the farm. However, now what is happening is they are allowing the police to really go deeper to any possession of the substance and the traffickers of the substance who are the big boys in this game. The value chain is not that small boy you see on the road who has sniffed some stuff. The big fish in this game is that person who sits in a bigger home somewhere planning how to bring his *unga*, as they call it, all the way from wherever it is

coming from and distributing it in a chain that he knows. Therefore, this Bill is giving the police the opportunity, the right and the way to attack and approach the whole issue. They will not just tell you that now you are in possession of this. No! I am reading this together with the article of evidence in terms of the way Hon. Millie talked about Penal Code 118. The police will no longer just tell you that you have been found in possession of this. There must now be evidence through this Bill. The way the Committee has worked on this Bill is really good and I am in support. Let us now see the change in how the internal security will have to contain the flow of the narcotics in the country.

The definition of the law enforcement as per this Bill has really been enhanced in terms of whoever is found with this kind of substance both in possession of the drug or anything related to the drug has a way he has to be arraigned in the court of law. Therefore, that being the situation, at least courts have been given the direction on how they have to specifically handle the whole process. In the offences, there is the issue of conspiracy in terms of if you conspire, how you will be dealt with has been provided for. Conspiracy and possession of the drug is well explained in this Bill and with that, it will be very easy. It is not good enough to possess, but even to conspire in itself is an offence in this Bill. Many a times, it has been put that you conspire and there is no evidence of conspiracy but for this specific one, this Committee has brought up the issue and I feel it has done a good work in terms of understanding what is really happening in real life. It is very difficult to put what is happening in the society on paper but this Committee has tried to put what is happening in society to real situation on paper.

Finally, there is the issue of communication and interception of communication and the admissibility of intercepted communication. The Departmental Committee on Administration and National Security has to really look at this issue of communication very keenly together with the misuse of the Cyber Crimes Act. It has to link the two. I have not understood how the Committee has handled it in terms of the interception of communication.

I beg that Hon. Kaluma listens to me on this. You will help us know how you have linked up the issue of interception of communication and the admissibility of intercepted communication if you jointly read it together with the Computer Misuse and Cybercrimes Act so that we do not have a lacuna where this law is going to aid somebody to abet a crime using the Computer Misuse and Cybercrimes Act. So, it is a request to them that they really link it.

Otherwise, when I read it as a layman, I see a crossbreed between the two. We can look at this when we get to the Committee of the whole House stage, so that we understand how we can tie the two together.

With those few remarks, I beg to support the Bill.

Temporary Deputy Speaker (Hon. (Ms.) Soipan Tuya): Let us have the Member for Kilifi North, Hon. Baya

Hon. Owen Baya (Kilifi North, ODM): Thank you Hon. Temporary Deputy Speaker. I want to use this opportunity to support this Bill. It is very timely because of how drugs have ravaged the area that I come from. I come from a constituency at the coast that has the longest shoreline. It has areas of ports in which drugs can come in. My constituency starts from Mayungu, closer to Malindi and goes all the way up to Shariani. This is an open area in which drugs come in. This is information that is known. Takawi, Shariani, Watamu, Mayungu and Mida are known ports of entry for drugs. This information is known.

In the drug trade, there are three important components. One, the consumer, who is the person who creates the demand; then there is the supplier, the person who brings in the drugs. Then there is the law enforcement officer who actually aids the coming in of the drugs. There are police

officers and enforcement officers in the coast that have become billionaires not because of anything but because they protect the drug rings in that area. The result of this is that we have youths whose dreams have been shattered and broken; youths who know nothing; when they wake up in the morning the only thing that can give them energy like oxygen to go for the whole day, is an injection or sniff of something. This enables them stay alive, not that they will do anything useful in the day.

If you go to Kilifi, you will find a place called Kosovo. Kosovo is a place that every law enforcement officer knows is full of drugs. It is an area that drug takers and traffickers use as a haven. The police know this but they will not do anything about it. This is something that is killing the dreams of... We used to think it is only the young people near the shore but it is a sad story if you go to Takau. You see energetic young people who would have had a bright future but their lives have been destroyed because of drugs. If you look at the whole picture, there are people who tell you, "You see that ship anchoring at Takaungu Beach, it is offloading drugs". If the villagers know it, how about the intelligence service? They will tell you that, that small ship is going to offload drugs to the small boat, tag boat or a canoe. They will use the small harbor that is there, they will offload the drugs, put in small rucksacks and distribute in towns. They will even tell you, "you see that motorbike from Mayungu, it is carrying drugs to Malindi town". They know it. The law enforcement officers know it better. They know when the ship will dock, which tag boat or small boat will go, which motorbike will carry and which house the drugs will go to, but the enforcement officers do nothing. I am happy that this law today prescribes some punishment; punitive measures on the law enforcers. If this law is applied and implemented as contemplated and ensures that law enforcement officers are taken into account and are held accountable for this work, I think there will be a reduction of drug dealers in this country. So, I want to commend the Committee for contemplating and thinking that we now need to hold the police officers and law enforcers to account.

Today we have the Coast Guards. I thought the Coast Guards would have led to a reduction of drug trafficking in this country. I want to believe that the Coast Guards have been compromised because this is money business, therefore, the Coast Guards being there are not helping it. More drugs are coming in even now that we have the Coast Guards. I know this Committee has done a commendable job but there is also the committee that is in charge of administration. I would like to ask this Committee to look at how to strengthen the Coast Guards so that we can have provisions to fight the drug rings using the port.

Somebody who understands this business once told me, that the value of drugs increases when they land here in Kenya. They come from Colombia, brought through the sea, into this country, repackaged and then taken to Italy. The value becomes higher when it passes here and goes to the other side. The Tourism Police Unit knows the houses and the hotels which these drugs go to, but they do nothing about it. So, I want to commend the Committee for what it has done to ensure that the law enforcement officers are held into account. I also want to commend it for the huge penalties and fines that are contemplated in this Bill. The person who consumes the drug will not be punished the same way as the person who brings it in. If we cut the supply of drugs in this country, we will have freed millions of young people who have been enslaved. People are killing the dreams of young people for a few coins. If you kill the dreams of young people, you are killing the dream of a nation. This nation can never be the same if we continue to have our children's dreams being killed by people who are just greedy for wealth and quick money.

I would have invited this committee to come to my constituency and see young people who wake up in the morning and there is nothing they can do unless they have an injection.

Unfortunately, like I have said, it is moving from the ocean and the beaches deeper into the interior. You will find somebody in the interior injecting him because he got drugs from these places.

On the law on extradition, you see, these drugs have not been manufactured in this country. Heroin and cocaine is never a produce of Kenya. It is a produce of another country. People in this country have connections with other countries. That is how they are able to bring in drugs into this country. We need to enforce this law. If somebody is a supplier and the United States is looking for them, they should be taken to jail there. I would like to see a situation where we cut the chain of supply, and there will be no demand. People will look for other things to do. I have heard Members talk about bhang. You will still find bhang in this country but what are hurting this country are the hard drugs. This drug business is also funding politics. Countries where this business has been allowed to thrive, has had their political system messed up because hardcore drug criminals will vie for office because they have money, therefore, they will run Government and they will permeate every aspect of Government. Therefore, we are going to ruin a good country if we do not stop this trade.

Before it gets to where big drug dealers are elected into the Chambers of Parliament and big offices...

An Hon. Member: They are already here!

(Laughter)

Hon. Owen Baya (Kilifi North, ODM): I am being told that they are already here. If we do not take this opportunity to stop drug trafficking, this country will be destroyed.

The Temporary Deputy Speaker (Hon. (Ms.) Soipan Tuya): Let us have Hon. Janet Nangabo, the Member for Trans Nzoia.

Hon. (Ms.) Janet Nangabo (Trans Nzoia (CWR), JP): Asante sana, Mhe. Naibu Spika wa Muda kwa kunipatia nafasi hii nchangie Mswada huu kuhusu mihadarati. Ninataka niungane na wenzangu wale wameshukuru Kamati ya Usalama. Wamefanya kazi nzuri sana kuhusu haya mambo ya mihadarati katika nchi yetu ya Kenya.

Vile wanenaji wa kwanza wamesema, ni kweli watoto wetu na watu wa rika zetu wameumia. Iwapo sheria kama hii italetwa katika Bunge letu ama nchi yetu, tutazuia hao wakora ama wahalifu ambao wanakuja kunyanyasa watoto wetu.

Hao watu wanalenga vyyo vikuu katika nchi yetu ya Kenya. Hivi majuzi, mama alitafuta mtoto wake kwa miaka miwili na kumbe alikuwa ameharibikia hapa katika kaunti ya Nairobi. Watoto wetu wamekuwa wateja wao wa kuwaletea hii mihadarati.

Nimefurahi kwa sababu Kamati imeweka faini ya kuhakikisha kwamba walanguzi na wanaotumia dawa za kulevya hawataenda nje ya mkono wa sheria. Watashikwa, kushtakiwa na kutoa faini ya Ksh 20 milioni.

Watu wanaongea kuhusu Pwani. Sio Pwani peke yake ambapo watu wanatumia mihadarati. Ukija upande wa magharibi katika eneo Bunge la Ikolomani ama Kaunti ya Trans Nzoia, utaona kwamba tumepoteza vijana wetu, kwa sababu wanatoka shule na wanatumia mihadarati. Hawamalizi hata masomo yao.

Ninataka pia kukubaliana na wenzangu wale wamesema jinsi ya kupata ujumbe. Hiki ni kitu cha maana mno. Iwapo tutakuwa na mahali pa kupata huu ujumbe kwamba ni fulani ambaye anahusika na jambo fulani ama yule anatoa hii mihadarati na kuuza, itakuwa ni jambo la maana sana.

Pia, ninataka kuungana na wenzangu ambao wamesema kwamba kuna watu wanakodesha nyumba mahali iwe kama ofisi yao ya kuleta hii mihadarati halafu waitoe hapo na wapeleke kwingine. Ninaona ni vyema hata hao ambao wanapeana nyumba zao wachunguze ni biashara gani inaendelea katika mahali hapo.

Waheshimiwa wameongea kuhusu maofisa ambao wanafaa washike doria ama kuchunguza hao watu wa kuleta mihadarati. Wenzangu wamesema kwamba hapo awali kulikuwa na wale wanatengeza biashara. Wakipata hii mihadarati na kuuza, wanapewa kitu kidogo. Kwa sababu tunaweka hii sheria saa hii, hata hao askari wataogopa. Wakipatikana, watapoteza kazi na hata wengine pia watafungwa jela.

Hii sheria italeti manufaa katika nchi yetu ya Kenya. Itafanya sisi, kama viongozi katika Bunge hili, tuhamasishe watu kule nje. Wengine hawatajua kwamba tuko na sheria kama hii na mwishowe watatumia watoto wetu.

Nilishukuru sana Mwenyekiti wa Kamati ya Usalama, Mhe. Koinange leo asubuhi. Alisema kwamba wanaoendesha *boda boda* watakuwa na mafunzo. Wataangalia vile wanaendesha hizi *boda boda*, kwa sababu hao walagunzi wa dawa za kulevya hawatamii magari saa hizi. Wanachukua watu ambao wanaendesha *boda boda*. Huyu anabeba anafikisha mahali fulani na mwingine anapeana kwa mwingine.

Wakati wa Krismasi, vijana kutoka Nairobi walienda nyumbani na pikipiki zao.

The Temporary Deputy Speaker (Hon. (Ms.) Soipan Tuya): Hon. Garane Hire, you have the Floor.

Hon. Mohamed Hire (Lagdera, KANU): Thank you, Hon. Temporary Deputy Speaker, for giving me this opportunity to contribute to this important Bill. First of all, I want to congratulate the Departmental Committee on Administration and National Security for coming up with it.

Drug trafficking in this country is a very serious issue. The use of drugs is directly proportional to the level of crimes generally. In countries where we have the highest prevalence of drug usage, especially in Latin America, this is where you find the highest murders in the world. The use of these banned substances leads people to engage in crimes. In a country where we have high level of unemployment, drug trafficking becomes a menace. Because these youths do not have gainful engagement, they are easily lured to be drug peddlers. Because this Bill has punitive measures and enhanced sentences for drug traffickers, it will lead to a reduction in drugs usage.

My greatest concern is that areas that were traditionally considered as drug trafficking free are nowadays a haven for drug traffickers, especially in Northern Kenya. We have a huge border with our neighbouring countries, especially in Ethiopia, which is hard to man. We have witnessed in the last couple of years serious business of drug trafficking. We have a thriving drug trafficking business. It comes all the way from border areas like Moyale and El Wak. It passes through Mandera and Wajir, and comes all the way to Isiolo and finally into the Capital City of Kenya.

I am sure that many Hon. Members watch news. These drug traffickers have become very clever. They come up with a very smart way of transporting these drugs, especially cannabis. They do not ordinarily transport it in the normal way where a police officer will suspect that drugs are carried in a sack. They drill holes in the tanks of the vehicles. Sometimes, it becomes very hard for them to find out where these drugs are. Our police officers have to be very smart. They have to emphasise on areas of surveillance. That is why communication interception is very critical.

(Applause)

If we concentrate on the preventive aspect of this drug business, then we are likely to deal with the whole problem. Sometime in 2019, I remember a young promising businessman, barely in his 30s, was killed by a speeding Land Cruiser which overran his saloon car. Mr. Deco was a very good friend of mine. These people drive in a killer speed and they have no regard for the law because they are carrying contrabands. They overran this young man who was driving his saloon car and it was a very tragic incident. Many areas have reported such incidents.

We even have police officers who help these drug traffickers. That area is so vast and is very hard to manage. We even had an incident a month ago in Isiolo, where a team of multi-agencies who were on the trail of some drug traffickers were ambushed and about three of them were injured. This Bill proposes some punitive measures. This Committee has done a wonderful job and I greatly support this Bill.

Thank you, “Mr. Speaker”.

The Temporary Deputy Speaker (Hon. (Ms.) Soipan Tuyu): I wonder why Members keep referring to me as “Mr. Speaker”, and especially today. It has been repeated too many times!

(A Member spoke off record)

I do not think so. Let us have the Vice-Chairperson, Hon. Gedi.

Hon. (Ms.) Fatuma Gedi (Wajir (CWR), PDR): Thank you, Hon. Temporary Deputy Speaker. I want to thank my able Chairman and the Committee Members for tirelessly working to make sure this Bill has reached the Floor of the House.

I want to speak as a mother and a sister because this Bill is a blessing to many families and many mothers. It has come at the right time. As my colleagues from Garissa said, as a region, we have been badly affected because we border Ethiopia and Somalia. Wajir and Garissa also border Moyale and these drugs come from those sides. The many rape cases that we have witnessed in the last two years are a result of drug use. With that, today I can say that I am a very proud legislator and a mother because we have a Bill that is going to prescribe severe punishment to suppliers, consumers and even those who help them conceal.

Last year, there was a case in Wajir where an officer was interdicted because he was transporting drugs using a Government vehicle. He was arrested in Garissa coming to Nairobi. We have and have been having situations where officers and chiefs are the ones concealing these acts. Thank God because we have a Bill today. I know this Bill will give hope to many parents because drugs have destroyed many families.

Hon. Temporary Deputy Speaker, this Bill does not concern counties and it is not a money Bill. This Bill gives the Cabinet Secretary (CS) for Interior and Coordination of National Government the powers to come up with the tough regulations. It is not easy because we have many girls who have become mothers at the age of 18 and 17. They are out of school. You can imagine the stigma from the community. They have become community rejects. People say that no one wants to marry such girls. They cannot even go to school due to drugs. This Bill is going to touch many people’s hearts. I know going forward, with the tough enhanced penalties, we will achieve what we want.

Thank you, Hon. Temporary Deputy Speaker for giving me the opportunity.

The Temporary Deputy Speaker (Hon. (Ms.) Soipan Tuyu): Hon. Makali Mulu, you have the Floor.

Hon. Makali Mulu (Kitui Central, WDM-K): Thank you, Hon. Temporary Deputy Speaker. I indulge you because I am occupying this space alone. Let me go without a mask. I do not know whether I have your permission.

The Temporary Deputy Speaker (Hon. (Ms.) Soipan Tuya): Did you come into the Chamber without a mask?

Hon. Makali Mulu (Kitui Central, WDM-K): I have a mask. I am saying that I am in this space alone, more than three metres from the next person.

I want to join my Committee to support this important Bill. I belong to the Committee. The issue of drugs we are discussing in the House today is very serious in the country. Why I am saying that? No region in this country has been spared by this problem. It is all over. To make things worse, our children – our sons and daughters – have become part of this problem. I can say in this Chamber without any fear of contradiction that our universities have become centres of drug distribution.

If you go to university, you will find your daughter and my son, whom we have taken many years to mentor; whom we have taken to Sunday school for many years, and for who we have paid school fees for many years... Immediately they join university, they do well in the first year but come the second year, your son or my daughter says that they are tired of education. When you try to find out why, you cannot get the reason. What has happened? They have been mainstreamed in the drug distribution chain. That is why I say this Bill is very important to this country. That is why I thank my Committee for coming up with this punitive kind of measures to make sure that those who engage in this kind of activity – those who distribute and those who supply – are punished accordingly.

During the public participation session of this Bill, we engaged stakeholders, including the Directorate of Criminal Investigations (DCI), the National Intelligent Service (NIS) and all other serious stakeholders. Part of the drafting of this Bill was actually informed by their input. These are people who understand the inside of the drug world. That is why I am saying even as we discuss this Bill, when it comes to the Third Reading, we must be very careful with the drafting bit of it because the so-called “suppliers” and “distributors” are not sleeping. They are very much awake. It is not a secret that an Hon. Member said here that even their agents could be in this House. So, it means that we could easily find a lot of things coming up in this House and wonder where they are coming from but it is the work of those guys because this is big business. People make a lot of money out of it. That money at times finds its way into our campaigns. We should not be surprised that there could be some of us in this House as a result of the same money. That is why I encourage Kenyans and plead with them that this idea

Today we were watching television on what is happening in Matungu, Kabuchai and all other places where there were by-elections. People were giving out money as if money is the only thing that people can be given to vote, but Kenyans do not ask where this money is coming from. It is a shame because you will get Kshs500, and the same amount you have been given today has come from the sale of drugs which your son or daughter in the university has been used to distribute. As a result of distributing drugs, he or she will say that they do not want education.

So, we are killing the dreams of our young people. If it was my wish, I would say that we hang the suppliers and distributors. For those who take it, put them in jail forever so that with time, this mess is sorted out.

(Applause)

However, we have a Constitution which prohibits hanging of criminals. I am just saying that I will do otherwise if I had my way. To me, they are even worse than murderers because they kill slowly. They kill the dreams of young people and their future families. We have zombies all over the place. There are some people who must use these drugs every morning. Like the Hon. Member from Kilifi was saying, until they get that injection, they cannot even take tea. It is like that is the trigger of their lives. If the injection is not there, these people are dead. They will just be there as if they have lost direction, but once they inject themselves, they become sober and active.

So, I thank the Committee and agree with the penalty regime which has been proposed. I plead with all Members of this House to support these amendments so that we get to the root cause of this problem in this country.

I support. Thank you.

(Applause)

The Temporary Deputy Speaker (Hon. (Ms.) Soipan Tuya): I have two Members on the queue; that is Hon. Kiai and Hon. Shabbir, and we have eight minutes. We will have Hon. Kiai first, and if you are benevolent enough, you can share the time with Hon. Shabbir.

Proceed, Hon. Kiai.

Hon. Anthony Kiai (Mukurweini, JP): Thank you, Hon. Temporary Deputy Speaker. I stand to support the Bill as presented by the sponsor.

The Temporary Deputy Speaker (Hon. (Ms.) Soipan Tuya): Sorry, Hon. Kiai. Let us remember that we will still have a lot of time next week. We will have a balance of about one hour and some minutes. So, there is no rush either way.

Hon. Anthony Kiai (Mukurweini, JP): Thank you, Hon. Temporary Deputy Speaker. I stand to support the Bill as presented by the Chairperson, Hon. Koinange. From the outset, I support the Bill.

Clause 4 of the Bill talks about categorising the rummage and the amount of drug which is also made to correspond with the penalty. In fact, what it basically captures is that it has enhanced the penalties unlike in the previous Act. It also ropes in the manufacturers and transporters. Transporters are the biggest problem because that is how the drug network is created. There is still a drug called bennies in South America that penetrates America and Europe because of this transport network that has tentacles all over the globe. Where there is high drug usage, the level of crime is also very high. So, there is a direct linkage between the levels of crime and the levels of drug usage in any particular place.

The Bill also talks about how we can punish those people who supply drugs from outside Kenya and vice versa. You will appreciate that drug sellers are not necessarily the consumers. In fact, it is a known fact worldwide that those who manufacture drugs rarely use them. The problem of drug usage is not going to be addressed if we are not going to address the issue of those who consume the drugs. Those who consume drugs, by and large, are the *hoi pollois* of this world. The nature of the drugs is, the harder it is the more addictive it is. Therefore, we have a *cul-de-sac* whereby those who consume are unable to get out of it. It is this addiction that makes the drug trade to thrive.

Hon. Temporary Deputy Speaker, the current pressure of modern living coupled with the high levels of unemployment and the young people forms a very dangerous concoction where some of these young people find themselves getting into drug usage. This is happening in our

universities and colleges of higher learning as it has already been pointed out. Some of the reasons these young people are taking drugs is to escape from reality and the harshness of the current life. As they do that, unknowingly, they get addicted. Some of the areas that we need to look at very carefully, maybe at the Third Stage, are this idea of punishing those small consumers. It must be noted that once you get addicted, getting out of it is very hard. I would suggest that, perhaps, part of the fines and penalties that are imposed on the manufacturers and transporters be used to set up rehabilitation centres in all the sub-counties in this country to try and rehabilitate and get those addicted out of the addiction.

(Applause)

In fact, I remember when I came across this Act when it was first introduced in 1994; it happened that the courts were under a lot of pressure to interpret this Act. There was a situation where even those small addicted bhang consumers were being taken in for 10 or 15 years. It had in fact prescribed a minimum sentence for such people. I find it very harsh where an addicted *hoi polloi* out there is fined Kshs10 million yet he cannot raise that. We must balance up between these young people being taken to jail and these young broke consumers being taken to jail. If we do not balance that, we might end in a situation whereby we will fill our prisons with people who cannot get out of addiction and cannot get out of jail because they do not have money to pay the heavy fines. So, we will be looking at that at the Third Stage.

The issue of arrest without warrant is very good because drugs move at lightning speed out here. Before you get the warrant to arrest somebody who is transporting, consuming or manufacturing, the whole set up has changed. Therefore, you end up in a situation where you are not able to keep up with the pace of the drug sellers. So, this one is a plus on the part of this Bill.

Those stiff penalties on users need to be tampered with a need to rehabilitate. Once you get hooked it starts slowly, with cigarettes, *miraa*, *muguka* and the like. What finally happens is that you get addicted. Once you consume those soft drugs, you want a harder drug to satisfy that addiction and need. Therefore, at the end, we have a situation where you start with the legal drugs and you end up consuming illegal drugs. We must strike a balance.

As I finish, let us also look at prescriptive drugs. Some of these drugs that are consumed by young people, they are mostly over-the-counter drugs. Some of them like codeine which is a common cold cure are mixed with other things and they become hard drugs. We must also ensure that we tighten the bolts and the nuts for the medical profession to ensure these drugs that can be addictive are not sold.

I rise to support.

Thank you.

(Applause)

ADJOURNMENT

The Temporary Deputy Speaker (Hon. (Ms.) Soipan Tuya): Our time is up.

(Hon. Shakeel Shabbir spoke off record)

Unfortunately, note Hon. Shabbir that we will continue with the debate. It is a very crucial debate on everyday life challenge. I would encourage Members to pick it up from where we have left today.

Hon. Members, the time being 9.01 p.m., this House stands adjourned until, Tuesday, 9th March 2021, at 2.30 p.m.

The House rose at 9.01 p.m.