



REPUBLIC OF KENYA

THIRTEENTH PARLIAMENT

NATIONAL ASSEMBLY

THE HANSARD

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THE HANSARD

Thursday, 7th March 2024

The House met at 2.30 p.m.

[The Speaker (Hon. Moses Wetang'ula) in the Chair]

PRAYERS

QUORUM

Hon. Speaker: Hon. Members, it seems like we do not have Quorum. Can the Quorum Bell be rung for a few minutes?

(The Quorum Bell was rung)

Hon. Members, we now have Quorum to transact Business.

(Hon. Owen Baya stood along the gangways)

Hon. Speaker: The Deputy Leader of the Majority Party, kindly take your seat. Hon. Members, I have four short pieces of Communication to make.

COMMUNICATIONS FROM THE CHAIR

APPOINTMENT OF MEMBERS TO A MEDIATION COMMITTEE ON THE EMPLOYMENT (AMENDMENT) BILL

Hon. Speaker: Hon. Members, you may also recall that on Tuesday, 5th March 2024, the House rejected a Motion for the Second Reading of the Employment (Amendment) Bill (Senate Bill No.10 of 2022). The National Assembly's rejection of the said Bill essentially remitted the Bill to a Mediation Committee in line with Standing Order 149(1)(b).

Hon. Members, Article 113 of the Constitution contemplates that whenever a Bill is referred to a Mediation Committee, the Speakers of the Houses of Parliament shall appoint an equal number of Members from both Houses to attempt to develop a version of the Bill for consideration by the Houses of Parliament.

In this regard, having consulted with the Leader of the Majority Party and the Leader of the Minority Party, I have appointed the following Members to represent the National Assembly in the Mediation Committee to consider the Bill:

1. Hon. Eric Muchangi, M.P – Co-Chairperson;
2. Hon. Gitonga Murugara, CBS, M.P;
3. Hon. Mary Emaase, M.P;
4. Hon. Lilian Siyoi, M.P;
5. Hon. (Dr.) Wilberforce Oundo, M.P;
6. Hon. Irene Mayaka, M.P; and,
7. Hon. Ruth Odinga, M.P.

For clarity, the Mediation Committee will be fully constituted upon appointment of Senators to the Committee. Once I receive a Message from the Senate to that effect, I will convey the same to the House.

Thereafter, the Mediation Committee will embark on an attempt to develop a mediated version of the Bill in accordance with Article 113 of the Constitution for consideration by the Houses of Parliament.

The House is accordingly guided.

(Several Members walked into the Chamber)

Hon. Members at the back take the nearest seat. Thank you.

WITHDRAWAL OF PROVISIONS IN THE STATUTE LAW
(MISCELLANEOUS AMENDMENTS) (No.2) BILL

Hon. Speaker: Hon. Members, as you are aware, The Statute Law (Miscellaneous Amendments) (No.2) Bill (National Assembly Bill No.68 of 2023) was published *vide* Gazette Notice Supplement No.207 of 30th October 2023 to effect various amendments to 17 Statutes.

Hon. Members, the Bill which is sponsored by the Leader of the Majority Party was read a First Time on 15th November 2023 and thereupon referred to the various Departmental Committees for consideration in accordance with their respective mandates.

The Committees have since laid their respective Reports on the Bill following extensive public participation and stakeholder engagement. The Bill was subsequently considered by the House and passed at Second Reading on Wednesday, 28th February 2024, and thereby committing it to a Committee of the whole House. Indeed, the Bill is scheduled for consideration in the Committee of the whole House today under Order 10.

Hon. Members, before proceeding for consideration of the Bill in the Committee of the whole House, I wish to notify the House that I have since received a request from the Leader of the Majority party dated 5th March 2024 seeking my consent for withdrawal of the proposed amendment relating to Section 56(1)(A) of the Universities Act No.42 of 2012 as contained in the Bill.

The Provision relates to the functions of the Placement Board in placement of Government sponsored students to universities and colleges. In the letter, the Leader of the Majority Party states that various stakeholders have raised concerns regarding the proposed amendment necessitating further consultations and engagement with the sector.

Additionally, Hon. Ichung'wah notes that the Public Investments Committee on Education and Governance is currently considering a related matter on the funding of university education. It would, therefore, be prudent to allow for the conclusion of this processes before determining the appropriate course of action.

Hon. Members, having considered the matter, I have acceded to the request by the Leader of the Majority party to withdraw the provisions relating to Section 56(1)(A) of the Universities Act, 2012 as contained in the Statute Law (Miscellaneous Amendments) (No.2) Bill (National Assembly Bill No.68 of 2023). The Bill will, therefore, proceed without referring to the withdrawn provision, and will be considered as though the withdrawn Section was not part of the Bill *ab initio*.

The House is accordingly guided.

(Several Members walked into the Chamber)

Hon. Members at the back, please, take the nearest seats.

(Hon. Dick Oyugi walked across the Floor)

Hon. Oyugi, what is your idea of the nearest seat?

(Laughter)

(Hon. Fatuma Masito walked into the Chamber)

Take the nearest seat, Hon. Member for Kwale.

MEMBERS' COMMENTS ON LEGISLATIVE PROPOSALS TO AMEND
ARTICLES 88 AND 89 OF THE CONSTITUTION

Hon. Speaker: Hon. Members, you will recall that on 6th December 2023, I allowed the Member for Mandera North, Hon. Maj. (Rtd) Abdullahi Bashir Sheikh, M.P., and the Member for Thika Town, Hon. Alice Ng'ang'a, CBS, M.P. to make statements on their respective legislative proposals seeking to amend the Constitution.

The proposal by the Member for Mandera North seeks to amend Article 88 of the Constitution to provide that, in instances where the Independent Electoral and Boundaries Commission (IEBC) is not fully constituted, the Secretary to the IEBC shall discharge the duties and functions of the Commission with regard to the conduct of by-elections.

On the other hand, the proposal by the Member for Thika Town seeks to amend Article 89 of the Constitution to require IEBC to ensure that the review of constituency boundaries does not result in the loss of a constituency that existed prior to the promulgation of the Constitution.

Hon. Members, when the two Members made their initial Statements, I undertook to nominate a time for the House to make general comments on the two proposals. As such, in order to actualise the provisions of Standing Order 114(7A), I will today, not later than 6.00 p.m., allow Members to make comments on the legislative proposals whose text is appended to in the Order Paper.

Thereafter, I will refer the proposals to the Departmental Committee on Justice and Legal Affairs (JLAC) or issue other directions in view of the comments that would be made by Members during the proceedings. Any Member with similar or related proposals will be at liberty to make submissions to the Committee for consideration in line with Standing Order 114(7A).

Hon. Members, you should note that once a constitutional amendment Bill is acceded to by the Speaker and Tabled on the Floor, you are precluded from amending it at any stage. You pass or reject it as it is.

I thank you.

RECOGNITION OF A MEMBER FROM
THE PARLIAMENT OF GHANA

Hon. Speaker: Hon. Members, I am pleased to introduce to you Hon. Cletus Apul Avoka, a Member of Parliament from the Parliament of Ghana, seated in the Speaker's Row. The Member is accompanied by Ghana's High Commissioner to Kenya, H. E. Amb. Dampsey B. Asane and two staff from the Parliament of Ghana.

Hon. Avoka is in the country on behalf of the Speaker of the Parliament of Ghana, the Rt. Hon. Alban K. S. Bagbin, for a consultative mission to actualise the operationalisation of

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the Conference of Speakers and Heads of African Parliaments (CoSHAP). On my behalf and that of the National Assembly, I extend a warm welcome to them to the Parliament of Kenya and wish them fruitful engagements. As a matter of further clarity, I have had extensive discussions with the Member and his delegation. What they are proposing is good.

Members at the back, take the nearest seats.

(Several Members walked into the Chamber)

Next order.

MESSAGE

APPOINTMENT OF A CO-SPONSOR OF THE AGRICULTURAL AND LIVESTOCK EXTENSION SERVICES BILL

Hon. Speaker: Hon. Members, pursuant to the provisions of Standing Order 143(1) of the National Assembly Standing Orders, I wish to report to the House that I have received a Message from the Senate on the nomination of a co-sponsor of the Agricultural and Livestock Extension Services Bill (Senate Bill No.12 of 2022). The Message conveys that, pursuant to Standing Order 162(2) of the Senate Standing Orders, Sen. Tabitha Mutinda, being the sponsor of the said Bill, has nominated the Member for Tigania West, Hon. (Dr) John Mutunga to co-sponsor the Bill in the National Assembly.

You may recall that on Tuesday, 27th February 2024, I reported to this House a Message from the Senate regarding the passage of seven Senate Bills, among them the Agricultural and Livestock Extension Services Bill (Senate Bill No.12 of 2022). The Bill was read a First Time on Wednesday, 28th February 2024 and referred to the Departmental Committee on Agriculture and Livestock accordingly, pursuant to the provisions of Standing Order 143(1)(b) of the National Assembly Standing Orders,

Hon. (Dr) Mutunga will now assume the role of the co-sponsor of the Bill and shall be responsible for marshalling its consideration in the National Assembly. For clarity, Hon. (Dr) Mutunga's assumption of the role of co-sponsor is deemed to be in his individual capacity as the Member for Tigania West Constituency and not as the Chairperson of the Departmental Committee on Agriculture and Livestock. In the circumstances, and for fairness, I advise the Chairperson, who is now the co-sponsor of the stated Bill, to consider recusing himself from presiding over the consideration of the Bill by the Committee and allow the Vice-Chairperson of the Committee to steer the process.

The House is accordingly guided.

Next order.

PETITION

Hon. Speaker: Hon. Pukose, Member for Endebess.

UNFAIR LABOUR PRACTICES IN THE MEDICAL SECTOR

Hon. (Dr) Robert Pukose (Endebess, UDA): Thank you, Hon. Speaker.

I, the UNDERSIGNED, on behalf of the representatives of the health sector unions, societies and associations draw the attention of the House to the following:

THAT, quality healthcare is the lifeline of a country's prosperity and that the maintenance of an appropriate complement of medical practitioners under suitable terms and conditions is fundamental to quality healthcare;

THAT, Articles 27 and 41 of the Constitution of Kenya, as read together with the Employment Act, 2007, provide for the rights of employees and fair labour practices;

THAT, the African Charter on Human and People's Rights entitles everyone to equal protection of the law, including the right to the respect of the dignity inherent in a human being and the right to receive information and to express and disseminate their opinions within the law;

THAT, despite the elaborate safeguards in international law, the Constitution and statutes, medical practitioners in Kenya have been subjected to unfair labour practices, which have heightened since 2020;

THAT, in April 2020, following the outbreak of COVID-19, the Government recruited a number of health workers on one-year internship contracts to boost efforts on the achievement of Universal Health Coverage as well as to aid in the fight against COVID-19;

THAT, the contracted health workers were released from service after one year, yet they had already been assigned personal numbers in the Ministry of Health. Their exit created a shortage that is yet to be addressed and has also made it hard for them to get any other employment in the public service since they are deemed to be in employment because they have personal numbers;

THAT, the Public Service Commission's Human Resource Policies and Procedures Manual for the Public Service, 2016 recognise public sector internship programmes, which is both a legal requirement and prerequisite for licensure and independent practice in the case of medical practitioners;

THAT, whereas the Ministry of Health has a duty to facilitate the posting of graduate medical practitioners for mandatory internship, it is yet to post medical interns who ought to have been posted in September 2023;

THAT, further, the Ministry, which is obligated to compensate medical interns through a standardised salary/stipend, has been applying different terms. For instance, while all other interns are paid based on a job group in the health sector, diploma clinical officers are only paid a meagre allowance that can hardly cater for their basic needs during the internship period;

THAT, the health staff under the UHC contract have been earning a salary equivalent to half of what their colleagues employed under county governments have been earning despite working in the same environment;

THAT, the delayed internship posting and subsequent licensure deny affected graduates the opportunity to get exposure to uninterrupted skills mastery that would equip them to contribute to health service delivery in the country;

THAT, the plight of intern graduates remains unresolved despite recommendations by the Senate for absorption of UHC and other staff contracted during COVID-19; further, the Kericho Declaration Agreement signed on 18th October 2023 by the medical staff unions, the Ministry of Health and the Council of Governors committed the Ministry of Health and the Council of Governors to facilitate absorption and mainstreaming of national Government contract staff, including the COVID-19/UHC staff into employment;

THAT, the health workers currently under the UHC Programme are about three months to the end of their one-year extension yet both county governments and the

national Government have not shown any plans of transitioning them and converting their terms of service to permanent employment as per the Kericho Declaration;

THAT, further, the health workers under the UHC contract have not received gratuities for their previous three-year terms served and have no communication regarding the reasons for the delay and when to expect the said gratuities;

THAT, while all other unions in other sectors have concluded Collective Bargaining Agreements (CBAs) with their respective employers, the unions in the health sector have been subjected to frustrations and what appears to be a deliberate intent to deny them their right to CBAs;

THAT, the petitioners' efforts to resolve these matters with the Ministry of Health and other relevant bodies have not been fruitful despite their numerous requests for audience and engagements;

THAT, the matter presented in this Petition is not pending before any court of law or any constitutional or legal body.

Therefore, your humble petitioners pray that the National Assembly through the Public Petitions Committee:

1. Investigate the reasons for the failure by the Ministry of Health to facilitate the posting of graduate interns for mandatory internship since September 2023 and recommend immediate posting of the affected interns and institution of measures to ensure internship posting henceforth;
2. Inquire into the circumstances surrounding the failure by the Ministry of Health to transition health workers contracted under the UHC in 2020 to permanent and pensionable terms in accordance with the Kericho Agreement of 18th September 2023;
3. Intervene to cause the Ministry of Health to absorb all the UHC health workers and other contracted health workers into permanent or pensionable service in order to address the acute shortage of staff in the health sector;
4. Recommend to the Ministry to immediately address discriminatory disparities in compensation of medical interns and instead apply fair remuneration as per the Salaries and Remuneration Commission terms pegged on job grades;
5. Recommend that the pending CBAs and Recognition Agreements be concluded expeditiously; and,
6. Make any other recommendations it deems fit in addressing the plight of the petitioners.

And your petitioners will ever pray.

(Several Members consulted loudly)

Hon. Speaker: Order, Hon. DK and your group, it is against the Standing Orders to conduct *kamukunjis* on the Floor of the House.

Thank you, Hon. Pukose. Under Standing Orders, I am enjoined to allow Members to make comments. Those who want to comment on this to press the intervention button. Hon. Robert Mbui, you have two minutes.

Hon. Robert Mbui (Kathiani, WDM): Thank you, Hon. Speaker. I rise to support that Petition. I am happy that this has been brought up by the Chairperson of the Departmental Committee on Health. This is something that he, as the Chair of the Committee, could have handled through the Committee. We must not play around with the health sector and medical practitioners. These are not the 'hustlers' that you take for a ride. These are people with whom

we had made an agreement which must be respected. It is important that, as a country, we stand up to be counted for doing the right thing.

When doctors raised this concern, unfortunately the police brutalised them and shot their leader. The person who was leading the team was shot at and ended up in hospital. During the previous regime, you, Hon. Speaker, and I were brutalised by the police who shot at us. It is high time, through this House, with you at the reign, we made sure police brutality in the country stopped. It is unfortunate that people cannot exercise their rightfully given constitutional right.

I support this Petition, and I hope they get justice.

Hon. Speaker: Hon. Bowen.

Hon. Kangogo Bowen (Marakwet East, UDA): Thank you, Hon. Speaker. I support the Petition by Hon. Pukose, especially on the medical interns. Many of the students, including the ones you see here at the Speaker's and Public galleries, aspire to be doctors in this country. It is very unfortunate that many doctors who have graduated after being in university for six years are put on internship with a mere pay of between Ksh10,000 and Ksh15,000. We are a country that wants to respect its professionals, especially medical practitioners.

This petition has been brought by Hon. Pukose yet he, as the Chairperson of the Departmental Committee on Health, is the one who oversees the Ministry of Health. I ask the Public Petitions Committee to look into this matter very seriously, and make sure that the interns are confirmed permanently. Secondly, we need to re-look the issue of health afresh.

Hon. (Dr) Robert Pukose (Endebess, UDA): On a point of order, Hon. Speaker.

Hon. Speaker: There is a point of order. Hon. Pukose, you could have waited to hear comments on your petition.

Hon. (Dr) Robert Pukose (Endebess, UDA): I do not understand why you are saying that I should not have presented the Petition. The Union members came to Parliament's gate and presented it to me. I have actually said, "on behalf of the representatives of the health sector union societies and associations". Hon. Speaker, I received the Petition on your behalf and that of the House.

Hon. Speaker: Hon. Bowen, finish. You have a few seconds.

Hon. Kangogo Bowen (Marakwet East, UDA): Hon. Speaker, I was only saying that Hon. Pukose, who has brought this Petition, is the Chair of the Departmental Committee on Health that oversees health issues, and that he must follow up with the Public Petitions Committee.

We also need to re-look at the county governments' capacity to manage the devolved function on health. I support the Petition. Our doctors should be respected and confirmed on permanent basis.

Hon. Speaker: Hon. Otiende Amollo, you have two minutes.

Hon. (Dr) Otiende Amollo (Rarieda, ODM): Thank you, Hon. Speaker. I want to support the Petition and thank Dr Pukose for this presentation. Indeed, the interns and this profession has been treated to unfair laboru practices. It is unacceptable excuse to say that they cannot be absorbed or paid when the Government knows that for the medical doctors to qualify, they must be interns.

At a time when we are priding ourselves in sending medical personnel abroad, it is very sad that we cannot even absorb or pay our own. When people die, it becomes a matter of shame. It is particularly shameful that when these very people are expressing their constitutional right, the Secretary General (SG), Dr Davji Atellah, together with other doctors, are assaulted. He suffered a fracture to the skull and internal bleeding. He has 12 stitches on his head. It is a matter of absolute shame.

My only addition to this is that while committing it to the Public Petitions Committee, I beg that you put a rider. Standing Order 227 gives them 90 days, but this Committee is notorious for delays. Give them 14 days.

Hon. Speaker: Hon. Gitonga Murugara.

Hon. George Murugara (Tharaka, UDA): Thank you very much, Hon. Speaker. I also support this Petition. It is not only timely, but also a very necessary Petition considering what is going on in the country regarding medical practitioners. It is good to remind ourselves that to be a medical practitioner is not a walk in the park. These people, to say the least, are extremely well educated. They also have to undergo strenuous training and accommodate some situations that most of us might not handle.

The Petition has been committed to the Public Petitions Committee, but we believe it should have gone to the Departmental Committee on Health so that it is dealt with by experts in the Committee who know the facts as they are going to be presented. We know for sure the Public Petitions Committee may be swamped. It is important that we treat this Petition with the urgency it deserves.

Thank you, Hon. Speaker.

Hon. Speaker: Dr Nyikal.

Hon. (Dr) James Nyikal (Seme, ODM): Thank you, Hon. Speaker. I rise to support this Petition. Firstly, I think it is not understood what internship for the medical practitioners is. Unless the doctors or the health workers do internship, they cannot be registered, and therefore, cannot be employed anywhere. They cannot even go to other countries if you want to export them, or delve into private practice.

Second, when these people are on internship, they are actually working in those facilities. They are sometimes the first on call. They work and just need to be supervised. The idea of not paying the interns is totally unthinkable. They must do internship so that they are registered.

Third, there is absolutely no reason why we should limit internship to public hospitals. There are Level Five hospitals which have the four main disciplines with consultants. We should extend it so that they also train interns. Otherwise, we will be limiting the number of people who will train as doctors because this also affects the university intake. This is a very important thing. I do not see how we can dismiss these doctors yet we are moving to the UHC.

On brutality, I have often said here that it is the police that cause brutality during picketing. This is the best example.

I support this Petition, Hon. Speaker.

Hon. Speaker: Dorothy Ikiara.

Hon. Dorothy Muthoni (Nominated, UDA): Thank you, Hon. Speaker. I wish to support this very important Petition. It is important to note that health workers are very key and important in our community. These health workers go through very strenuous, extensive and vigorous training. The wish of every parent is to see their child employed after finishing the course.

It is disheartening to note that these people were harassed when they were exercising their democratic right given by the Constitution. Article 37 is very clear. It states that every person has the right, peaceably and unarmed, to assemble, to demonstrate, to picket, and to present petitions when they feel aggrieved. We want health workers in this country to be protected. They should not be subjected to unruly and unjust manner that the SG of the doctors was subjected to.

It is a shame to see doctors being mistreated during this time and age when the Constitution is very clear on the right of every worker. I support this Petition, and I wish it is dispensed with as early as today.

Thank you, Hon. Speaker.

Hon. Speaker: Thank you, Hon. Ikiara. Hon. Omboko Milemba.

Hon. Omboko Milemba (Emuhaya, ANC): Thank you, Hon. Speaker. I rise to support the Petition presented by Hon. (Dr) Pukose. The issues raised by the medical doctors who demonstrated need to be addressed. Their internship ended and they need to be absorbed by the Government. I would also like to tell Hon. Pukose that this is coming at a very good time when we are just doing the Budget Policy Statement (BPS). This also goes to the Chairman, Departmental Committee on Education. Internship is becoming a misuse for workers in this country. Instead of lamenting together with the doctors, the two Committees of Parliament should handle this issue as it cuts across all the constituencies. The Chairpersons of the Departmental Committees on Health and Education should input in the BPS a provision that doctors and teachers get a budgetary line for permanent employment.

Thank you, Hon. Speaker.

Hon. Speaker: Hon. Members, we are all in support of the Petition. I will end it here and direct that the Petition be committed to the Public Petitions Committee. I will shorten the time required and direct them to report progress on the Petition on 9th April when we resume from our short recess.

Hon. Kimani Ichung'wah, you know that there are problems with that Committee. Please, ensure they report progress on 9th April.

Hon. Members, allow me to recognise students from the following schools who are seated in the Galleries. In the Speaker's Gallery, we have:

1. Limuru Girls' Secondary School from Limuru, Kiambu.
2. Maranda Secondary School from Bondo, Siaya.
3. Ghanima Girl's from Kajiado Central, Kajiado.
4. Gatero Mixed School, Laikipia West, Laikipia.
5. St. Joseph's Chepterit Girls from Chesumei Constituency, Nandi County; and,
6. Analat Primary School from Njoro, Nakuru.

(Applause)

I have been requested by the Member for Chesumei to allow him welcome the students. I will give you an opportunity to welcome not only the students from the school in your Constituency, but all of them on behalf of your colleagues.

Hon. Paul Biego (Chesumei, UDA): Thank you, Hon. Speaker, for giving me this opportunity to welcome all the students seated in the Gallery.

I take this opportunity to welcome my own girls from Chepterit Girls, a national school in Chesumei Constituency, Nandi County. Welcome to the National Assembly. I would like to tell the girls that we would like them to come to this House in future. You should work hard so that you can become legislators in future. We once again welcome you to the National Assembly.

Thank you.

Hon. Speaker: I will give the following Members a minute each. Hon. Liza Chelule, I do not know the school that you want to welcome, but go ahead.

Hon. Liza Chelule (Nakuru County, UDA): Thank you, Hon. Speaker, for giving me this opportunity to also welcome all the students who are with us here. I want to welcome the school from Njoro on behalf of Members of this House. I believe that your visit to Nairobi will change the destiny of your education. We believe in you. May God bless you.

Hon. Speaker: Thank you. Hon. Otiende Amollo, you have one minute.

Hon. (Dr) Otiende Amollo (Rarieda, ODM): Thank you, Hon. Speaker. I am an alumnus of Maranda National School. I am proud to welcome them here.

Hon. Speaker: I thought you went to Friends Kamusinga.

Hon. (Dr) Otiende Amollo (Rarieda, ODM): I wanted to tell Hon. Ichung'wah that when ranking of schools was abolished, Maranda National School was number one. Since ranking has not been re-introduced, they remain number one to date. As the MP for Rarieda, and the acting MP for Bondo Constituency, I welcome them to the National Assembly.

Thank you very much.

(Laughter)

Hon. Speaker: Order, Hon. Otiende Amollo. That is unfair to your colleague, Member of Parliament for Bondo. The Member for Bondo is called Dr Ochanda. As your Speaker, I have not appointed any acting Member.

(Laughter)

Hon. Atandi, you have one minute.

Hon. Samuel Atandi (Alego Usonga, ODM): Thank you, Hon. Speaker. I join my colleagues in welcoming all the students who have joined us this afternoon, and more particularly the students of Maranda High School. Maranda High School is a leading school. It is a top school in this country. There are various alumni from Maranda who are leaders in this country, including Otiende Amollo and *Baba*.

(Applause)

Other than saying that Maranda is a top school, I want to say that Alego Usonga Constituency through the National Government Constituencies Development Fund (NG-CDF) sponsors a number of students at Maranda High School. The top students from my Constituency go to Maranda High School. Therefore, I want to urge all the students who have joined us to note that this House belongs to them. They should work hard so as to replace us in future.

Thank you.

Hon. Speaker: Thank you, Hon. Atandi. Before we move to the next Order, let us have Hon. Donya, Member for Kisii County. You have one minute.

Hon. Dorice Donya (Kisii County, WDM): Thank you, Hon. Speaker. When we were in high school, Maranda was very popular. It was even my dream to have a husband who is an alumnus of Maranda.

(Laughter)

They have great minds. A love letter from Maranda was a dream. I am not encouraging love letters, but I am just trying to show you how much we adored and appreciated Maranda High. And being the International Women's Day, I know the boys agree that women have done great things and are resilient. We also have Kisii High School in Kisii County. I welcome the boys.

Thank you.

Hon. Speaker: Yes, Hon. Yusuf.

Hon. Yusuf Hassan (Kamukunji, JP): Thank you, Hon. Speaker, for this opportunity. I welcome students from Limuru Girls to this House. My granddaughter is one of them. On her behalf and all the girls, you are most welcome.

Hon. Speaker: Thank you. We end there. Next Order.

PAPERS

Hon. Naomi Waqo (Marsabit County, UDA): Hon. Speaker, I beg to lay the following Papers on the Table:

Reports of the Auditor-General and financial statements for the year ended 30th June 2023 and the certificates therein in respect of:

- (a) State Corporations Appeal Tribunal.
- (b) Policyholders Compensation Fund.
- (c) Retirement Benefits Authority.
- (d) Kenya Trade Network Agency.
- (e) Registration of Certified Public Secretaries Board.
- (f) Kenya Water Towers Agency.
- (g) Tourism Fund.
- (h) Policyholders Compensation Fund - Car and Mortgage Loan Scheme.
- (i) State House Mortgage and Car Loan Scheme.
- (j) Unclaimed Financial Assets Authority.
- (k) Witness Protection Agency - Staff Motor Car Loan Scheme Fund.
- (l) State Department for Youth Affairs.

Thank you.

(Hon. Speaker consulted the Clerks-at-the-Table)

Hon. Speaker: Hon. Naomi, you may have skipped the Paper under (c). Did you read it out? It is about policyholders. Read it out for the record.

Hon. Naomi Waqo (Marsabit County, UDA): Sorry, Hon. Speaker. I do not have (c) in my document.

Hon. Speaker: No problem. I have in fact noticed that what you are reading is at variance with what the Speaker has. You may approach the Clerks-at-the-Table and harmonise what you have with what we have.

Hon. Naomi Waqo (Marsabit County, UDA): This is what I was given. My apologies, Hon. Speaker.

Hon. Speaker: Hon. Members, I will come back to that Order as Hon. Naomi consults with the Clerks-at-the-Table and puts her Papers in order. On the request of the Leader of the Majority Party, I will re-organise the business in a minor form and go to Order No.8 then come back to Order No.5. Clerk, read out Order No.8.

(Several Hon. Members stood in their places)

Order, Hon. Members on their feet. Take the nearest seats. Leader of the Majority Party, go to your seat. Whip of the Majority Party, you should be the first to take cue when I order your boss to take his seat. Thank you.

Hon. Members, I will put the Question at Order No.8 and thereafter go back to Order No.5. I hope the Majority will have harmonised and put their Papers in order, in harmony with what we have.

MOTION

ADOPTION OF REPORT ON THE 2024 BUDGET POLICY STATEMENT

THAT, this House adopts the Report of the Budget and Appropriations Committee on the Budget Policy Statement (BPS) for the Financial Year 2024/2025 and a compendium of Departmental Committee reports on the 2024 BPS, laid on the Table of the House on Tuesday, 5th March 2024, and pursuant to the provisions of Section 25(7) of the Public Finance Management Act, 2012 and Standing Order 232(9) and (10) –

- (a) approves the Budget Policy Statement (BPS) for the Financial Year 2024/2025;
- (b) makes the following Financial Resolutions with respect to the BPS-
 - (i) That, the National Government budget ceiling be approved at Ksh2,564,563,100,000;
Of which:
 - 1) Executive Ksh2,488,650,300,000
Of which: Office of the Auditor-General Ksh8,599,500,000
 - 2) Parliament Ksh43,623,000,000
 - 3) Judiciary Kshs 23,690,300,000
 - (ii) Resolves that, the allocation to County Government Equitable Share be approved at Ksh391,117,000,000;
 - (iii) Resolves that, consistent with the latest audited and approved revenues for Financial Year 2020/21 amounting to Ksh1,570,562,945,014, the allocation to the Equalisation Fund be set at Ksh7,852,814,725;
 - (iv) Approves that, the arrears to the Equalisation Fund be set at Ksh3,547,185,275;
 - (v) Approves that, the allocation for the County Additional Allocations be approved at Ksh48,196,590,924 as per the Third Schedule to the Report, which shall form the basis for the County Government Additional Allocations Bill, 2024;
 - (vi) Resolves that, consistent with the approved borrowing strategy in the Medium-Term Debt Management Strategy, the projected fiscal deficit be set at Ksh703,870,000,000 (3.9% of GDP) being the difference between total revenues and grants and total expenditure and net lending.
- (c) That, the First and Second Schedules to the Report form the basis for the ceilings for the Financial Year 2024/2025 Budget Estimates;
- (d) That, once approved by the House, these recommendations shall form the basis for Financial Year 2024/2025 Budget Estimates;
- (e) Orders that, the First Schedule to the Order Paper forms the basis for the ceilings for the Financial Year 2024/25 Budget Estimates; and
- (f) Makes the Policy Resolutions contained in the Second Schedule to the Order Paper (Non-financial recommendations relating to the Budget Policy Statement for the Financial year 2024/25).

FIRST SCHEDULE

CEILINGS FOR THE FY 2024/25 BUDGET ESTIMATES

FIRST SCHEDULE: BUDGET CEILINGS FOR FY 2024/25				
VOTE CODE	VOTE & PROGRAMME	FINAL BUDGET CEILINGS FOR FY 2024/25 (Approved by National Assembly)		
		CURRENT	CAPITAL	TOTAL
1011	Office of the President	4,578,600,000	852,300,000	5,430,900,000
	0603000 Government Printing Services	694,300,000	500,000,000	1,194,300,000
	0701000 General Administration Planning and Support Services	1,699,200,000	194,300,000	1,893,500,000
	0703000 Government Advisory Services	1,247,600,000	-	1,247,600,000
	Programme: Leadership and Coordination of Government Services	937,500,000	158,000,000	1,095,500,000
1012	Office of the Deputy President	4,219,200,000	250,400,000	4,469,600,000
	0734000 Deputy President Services	4,219,200,000	250,400,000	4,469,600,000
1013	Office of the Prime Cabinet Secretary	1,502,100,000	-	1,502,100,000
	0755000 Government Coordination and Supervision Services	1,502,100,000	-	1,502,100,000
1014	State Department for Parliamentary Affairs	846,100,000	-	846,100,000
	0759000 Parliamentary Liaison and Legislative Affairs	289,700,000	-	289,700,000
	0760000 Policy Coordination and Strategy	260,600,000	-	260,600,000
	0761000 General Administration, Planning and Support Services	295,800,000	-	295,800,000
1015	State Department for Performance and Delivery Management	1,064,500,000	-	1,064,500,000
	0762000 Public Service Performance Management and Delivery Services	297,600,000	-	297,600,000

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FIRST SCHEDULE: BUDGET CEILINGS FOR FY 2024/25				
VOTE CODE	VOTE & PROGRAMME	FINAL BUDGET CEILINGS FOR FY 2024/25 (Approved by National Assembly)		
		CURRENT	CAPITAL	TOTAL
	0764000 General Administration, Planning and Support Services	431,100,000	-	431,100,000
	Programme: Coordination and Supervision of Government Services	36,500,000	-	36,500,000
	Service Delivery Management	299,300,000	-	299,300,000
1016	State Department for Cabinet Affairs	881,800,000	-	881,800,000
	0758000 Cabinet Affairs Services	881,800,000	-	881,800,000
1017	State House	7,675,100,000	1,558,700,000	9,233,800,000
	0704000 State House Affairs	7,675,100,000	1,558,700,000	9,233,800,000
	State Department for Correctional Services	35,964,100,000	1,175,800,000	37,139,900,000
1023	0623000 General Administration, Planning and Support Services	614,000,000	12,000,000	626,000,000
	0627000 Prison Services	32,932,600,000	943,300,000	33,875,900,000
	0628000 Probation & After Care Services	2,417,500,000	220,500,000	2,638,000,000
	State Department for Immigration and Citizen Services	10,289,300,000	5,584,000,000	15,873,300,000
1024	0605000 Migration & Citizen Services Management	4,232,200,000	2,660,000,000	6,892,200,000
	0626000 Population Management Services	5,177,400,000	2,612,000,000	7,789,400,000
	0631000 General Administration and Planning	879,700,000	312,000,000	1,191,700,000
1025	National Police Service	112,162,800,000	2,128,900,000	114,291,700,000

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VOTE CODE	VOTE & PROGRAMME	FINAL BUDGET CEILINGS FOR FY 2024/25 (Approved by National Assembly)		
		CURRENT	CAPITAL	TOTAL
	0601000 Policing Services	112,162,800,000	2,128,900,000	114,291,700,000
1026	State Department for Internal Security & National Administration	27,799,200,000	7,437,300,000	35,236,500,000
	0629000 General Administration and Support Services	8,622,600,000	6,580,500,000	15,203,100,000
	Programme: National Government Field Administration Services	17,734,600,000	741,800,000	18,476,400,000
	0630000 Policy Coordination Services	1,442,000,000	115,000,000	1,557,000,000
1032	State Department for Devolution	1,817,500,000	2,740,000,000	4,557,500,000
	0712000 Devolution Services	1,817,500,000	2,740,000,000	4,557,500,000
1036	State Department for ASALs and Regional Development	9,488,000,000	7,507,700,000	16,995,700,000
	0733000 Accelerated ASAL Development	6,467,400,000	1,750,100,000	8,217,500,000
	0743000 General Administration, Planning and Support Services	402,800,000	-	402,800,000
	1013000 Integrated Regional Development	2,617,800,000	5,757,600,000	8,375,400,000
1041	Ministry of Defence	161,734,600,000	38,836,000,000	200,570,600,000
	0801000 Defence	158,376,700,000	38,836,000,000	197,212,700,000
	0802000 Civil Aid	350,000,000	-	350,000,000
	0803000 General Administration, Planning and Support Services	2,657,900,000	-	2,657,900,000
	0805000 National Space Management	350,000,000	-	350,000,000

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VOTE CODE	VOTE & PROGRAMME	FINAL BUDGET CEILINGS FOR FY 2024/25 (Approved by National Assembly)		
		CURRENT	CAPITAL	TOTAL
1053	State Department for Foreign Affairs	20,260,900,000	2,390,100,000	22,651,000,000
	0714000 General Administration Planning and Support Services	4,376,700,000	426,700,000	4,803,400,000
	0715000 Foreign Relation and Diplomacy	15,717,400,000	1,713,400,000	17,430,800,000
	0741000 Economic and Commercial Diplomacy	51,800,000	-	51,800,000
	0742000 Foreign Policy Research, Capacity Development and Technical Cooperation	115,000,000	250,000,000	365,000,000
1054	State Department for Diaspora Affairs	1,258,100,000	-	1,258,100,000
	0752000 Management of Diaspora and Consular Affairs	1,258,100,000	-	1,258,100,000
1064	State Department for Technical Vocational Education and Training	23,992,000,000	6,474,000,000	30,466,000,000
	0505000 Technical Vocational Education and Training	23,677,000,000	6,474,000,000	30,151,000,000
	0507000 Youth Training and Development	45,000,000	-	45,000,000
	0508000 General Administration, Planning and Support Services	270,000,000	-	270,000,000
1065	State Department for Higher Education and Research	127,642,000,000	3,956,000,000	131,598,000,000
	0504000 University Education	126,640,000,000	3,602,000,000	130,242,000,000
	0506000 Research, Science, Technology and Innovation	678,000,000	354,000,000	1,032,000,000
	0508000 General Administration, Planning and Support Services	324,000,000	-	324,000,000
1066	State Department for Basic Education	126,972,000,000	17,490,000,000	144,462,000,000

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VOTE CODE	VOTE & PROGRAMME	FINAL BUDGET CEILINGS FOR FY 2024/25 (Approved by National Assembly)		
		CURRENT	CAPITAL	TOTAL
	0501000 Primary Education	19,030,000,000	8,712,000,000	27,742,000,000
	0502000 Secondary Education	97,510,000,000	8,375,000,000	105,885,000,000
	0503000 Quality Assurance and Standards	5,076,000,000	303,000,000	5,379,000,000
	0508000 General Administration, Planning and Support Services	5,356,000,000	100,000,000	5,456,000,000
	The National Treasury	79,583,400,000	72,512,200,000	152,095,600,000
1071	0717000 General Administration Planning and Support Services	64,872,900,000	9,624,000,000	74,496,900,000
	0718000 Public Financial Management	12,630,800,000	49,041,200,000	61,672,000,000
	0719000 Economic and Financial Policy Formulation and Management	1,472,100,000	13,820,000,000	15,292,100,000
	0720000 Market Competition	607,600,000	27,000,000	634,600,000
	State Department for Economic Planning	4,174,300,000	65,119,700,000	69,294,000,000
1072	0706000 Economic Policy and National Planning	2,400,900,000	62,604,800,000	65,005,700,000
	0707000 National Statistical Information Services	1,267,300,000	2,479,400,000	3,746,700,000
	0708000 Monitoring and Evaluation Services	150,200,000	35,500,000	185,700,000
	0709000 General Administration Planning and Support Services	355,900,000	-	355,900,000
	State Department for Medical Services	66,833,900,000	59,113,200,000	125,947,100,000
1082	0402000 National Referral & Specialized Services	49,636,900,000	20,591,300,000	70,228,200,000
	0410000 Curative & Reproductive Maternal New Born Child Adolescent Health RMNCAH	1,388,200,000	21,508,700,000	22,896,900,000

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VOTE CODE	VOTE & PROGRAMME	FINAL BUDGET CEILINGS FOR FY 2024/25 (Approved by National Assembly)		
		CURRENT	CAPITAL	TOTAL
	0411000 Health Research and Innovation	3,457,000,000	1,337,000,000	4,794,000,000
	0412000 General Administration	12,351,800,000	15,676,200,000	28,028,000,000
	State Department for Public Health and Professional Standards	20,491,100,000	5,161,500,000	25,652,600,000
1083	0406000 Preventive and Promotive Health Services	1,158,000,000	4,251,000,000	5,409,000,000
	0407000 Health resources development and Innovation	13,481,600,000	785,500,000	14,267,100,000
	0408000 Health Policy, Standards and Regulations	5,080,500,000	75,000,000	5,155,500,000
	0412000 General Administration	771,000,000	50,000,000	821,000,000
1091	State Department for Roads	72,197,000,000	149,757,000,000 0	221,954,000,000
	0202000 Road Transport	72,197,000,000	149,757,000,000 0	221,954,000,000
1092	State Department for Transport	16,540,000,000	44,806,000,000	61,346,000,000
	0201000 General Administration, Planning and Support Services	1,147,000,000	2,402,000,000	3,549,000,000
	0203000 Rail Transport	500,000,000	37,389,000,000	37,889,000,000
	0204000 Marine Transport	601,000,000	3,000,000,000	3,601,000,000
	0205000 Air Transport	11,471,000,000	935,000,000	12,406,000,000
	0216000 Road Safety	2,821,000,000	1,080,000,000	3,901,000,000
1093	State Department for Shipping and Maritime Affairs	2,665,000,000	1,570,000,000	4,235,000,000

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		CURRENT	CAPITAL	TOTAL
	0220000 Shipping and Maritime Affairs	2,665,000,000	1,570,000,000	4,235,000,000
1094	State Department for Housing and Urban Development	1,364,000,000	81,170,000,000	82,534,000,000
	0102000 Housing Development and Human Settlement	855,000,000	71,340,000,000	72,195,000,000
	0105000 Urban and Metropolitan Development	188,000,000	9,830,000,000	10,018,000,000
	0106000 General Administration Planning and Support Services	321,000,000	-	321,000,000
1095	State Department for Public Works	3,394,000,000	1,527,000,000	4,921,000,000
	0103000 Government Buildings	595,000,000	673,000,000	1,268,000,000
	0104000 Coastline Infrastructure and Pedestrian Access	96,000,000	660,000,000	756,000,000
	0106000 General Administration Planning and Support Services	355,000,000	14,000,000	369,000,000
	0218000 Regulation and Development of the Construction Industry	2,348,000,000	180,000,000	2,528,000,000
1104	State Department for Irrigation	1,530,000,000	23,467,000,000	24,997,000,000
	1014000 Irrigation and Land Reclamation	860,000,000	19,555,000,000	20,415,000,000
	015000 Water Storage and Flood Control	484,000,000	2,746,000,000	3,230,000,000
	1022000 Water Harvesting and Storage for Irrigation	36,000,000	1,166,000,000	1,202,000,000
	1023000 General Administration, Planning and Support Services	150,000,000	-	150,000,000
1109	State Department for Water & Sanitation	6,145,000,000	60,903,000,000	67,048,000,000

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		CURRENT	CAPITAL	TOTAL
	1001000 General Administration, Planning and Support Services	692,000,000	269,000,000	961,000,000
	1004000 Water Resources Management	1,954,000,000	18,804,000,000	20,758,000,000
	1017000 Water and Sewerage Infrastructure Development	3,499,000,000	41,830,000,000	45,329,000,000
	State Department for Lands and Physical Planning	4,113,100,000	5,093,500,000	9,206,600,000
1112	0101000 Land Policy and Planning	2,808,000,000	4,227,500,000	7,035,500,000
	0121000 Land Information Management	53,000,000	866,000,000	919,000,000
	0122000 General Administration, Planning and Support Services	1,252,100,000	-	1,252,100,000
	State Department for Information Communication Technology & Digital Economy	3,958,000,000	25,885,000,000	29,843,000,000
1122	0207000 General Administration Planning and Support Services	355,000,000	-	355,000,000
	0210000 ICT Infrastructure Development	848,000,000	22,972,000,000	23,820,000,000
	0217000 E-Government Services	2,755,000,000	2,913,000,000	5,668,000,000
	State Department for Broadcasting & Telecommunications	6,296,000,000	795,000,000	7,091,000,000
1123	0207000 General Administration Planning and Support Services	342,000,000	-	342,000,000
	0208000 Information and Communication Services	5,676,000,000	545,000,000	6,221,000,000
	0209000 Mass Media Skills Development	278,000,000	250,000,000	528,000,000
1132	State Department for Sports	1,295,900,000	16,974,400,000	18,270,300,000

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		CURRENT	CAPITAL	TOTAL
	0901000 Sports	1,295,900,000	16,974,400,000	18,270,300,000
1134	State Department for Culture and Heritage	3,625,300,000	175,500,000	3,800,800,000
	0902000 Culture / Heritage	2,259,500,000	124,300,000	2,383,800,000
	0905000 General Administration, Planning and Support Services	378,700,000	-	378,700,000
	0916000 Public Records Management	86,900,000	17,000,000	103,900,000
	Programme 4: The Arts	380,400,000	-	380,400,000
	0904000 Library Services	519,800,000	34,200,000	554,000,000
1135	State Department for Youth Affairs and the Arts	2,216,500,000	1,354,400,000	3,570,900,000
	0711000 Youth Empowerment Services	282,600,000	680,000,000	962,600,000
	0748000 Youth Development Services	806,500,000	399,000,000	1,205,500,000
	0749000 General Administration, Planning and Support Services	325,700,000	-	325,700,000
	0903000 The Arts	801,700,000	275,400,000	1,077,100,000
1152	State Department for Energy	11,566,000,000	65,316,000,000	76,882,000,000
	0211000 General Administration Planning and Support Services	409,000,000	150,000,000	559,000,000
	0212000 Power Generation	2,615,000,000	13,110,000,000	15,725,000,000
	0213000 Power Transmission and Distribution	8,451,000,000	51,501,000,000	59,952,000,000
	0214000 Alternative Energy Technologies	91,000,000	555,000,000	646,000,000

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		CURRENT	CAPITAL	TOTAL
1162	State Department for Livestock	4,528,500,000	11,037,500,000	15,566,000,000
	0112000 Livestock Resources Management and Development	4,528,500,000	11,037,500,000	15,566,000,000
1166	State Department for the Blue Economy and Fisheries	3,074,300,000	10,502,900,000	13,577,200,000
	0111000 Fisheries Development and Management	2,737,800,000	8,436,900,000	11,174,700,000
	0117000 General Administration, Planning and Support Services	293,900,000	-	293,900,000
	0118000 Development and Coordination of the Blue Economy	42,600,000	2,066,000,000	2,108,600,000
1169	State Department for Crop Development	17,435,900,000	33,707,400,000	51,143,300,000
	0107000 General Administration Planning and Support Services	8,140,300,000	2,546,000,000	10,686,300,000
	0108000 Crop Development and Management	3,705,500,000	30,054,400,000	33,759,900,000
	0109000 Agribusiness and Information Management	156,900,000	780,000,000	936,900,000
	0120000 Agricultural Research & Development	5,433,200,000	327,000,000	5,760,200,000
1173	State Department for Cooperatives	3,856,800,000	503,800,000	4,360,600,000
	0304000 Cooperative Development and Management	3,856,800,000	503,800,000	4,360,600,000
1174	State Department for Trade	3,450,400,000	50,000,000	3,500,400,000
	0309000 Domestic Trade and Enterprise Development	2,004,900,000	50,000,000	2,054,900,000
	0310000 Fair Trade Practices And Compliance of Standards	79,500,000	-	79,500,000

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		CURRENT	CAPITAL	TOTAL
	0311000 International Trade Development and Promotion	900,500,000	-	900,500,000
	0312000 General Administration, Planning and Support Services	465,500,000	-	465,500,000
	State Department for Industry	2,776,900,000	6,904,200,000	9,681,100,000
1175	0301000 General Administration Planning and Support Services	471,000,000	-	471,000,000
	0320000 Industrial Promotion and Development	1,122,900,000	4,919,000,000	6,041,900,000
	0321000 Standards and Quality Infrastructure & Research	1,183,000,000	1,985,200,000	3,168,200,000
	State Department for Micro, Small and Medium Enterprises Development	2,464,900,000	6,196,800,000	8,661,700,000
1176	0316000 Promotion and Development of MSMEs	517,200,000	114,300,000	631,500,000
	0317000 Product and Market Development for MSMEs	731,400,000	882,500,000	1,613,900,000
	0318000 Digitization and Financial Inclusion for MSMEs	703,400,000	5,200,000,000	5,903,400,000
	0319000 General Administration, Planning and Support Services	512,900,000	-	512,900,000
1177	State Department for Investment Promotion	1,357,800,000	4,605,400,000	5,963,200,000
	0322000 Investment Development and Promotion	1,357,800,000	4,605,400,000	5,963,200,000
1184	State Department for Labour and Skills Development	4,344,300,000	1,008,200,000	5,352,500,000
	0910000 General Administration Planning and Support Services	396,400,000	-	396,400,000
	0906000 Labour, Employment and Safety Services	1,280,000,000	431,100,000	1,711,100,000

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		CURRENT	CAPITAL	TOTAL
	0907000 Manpower Development, Industrial Skills & Productivity Management	2,667,900,000	577,100,000	3,245,000,000
1185	State Department for Social Protection and Senior Citizen Affairs	33,348,500,000	2,070,400,000	35,418,900,000
	0908000 Social Development and Children Services	4,416,900,000	142,500,000	4,559,400,000
	0909000 National Social Safety Net	28,405,500,000	1,927,900,000	30,333,400,000
	0914000 General Administration, Planning and Support Services	526,100,000	-	526,100,000
1192	State Department for Mining	1,317,000,000	931,800,000	2,248,800,000
	1007000 General Administration Planning and Support Services	697,000,000	-	697,000,000
	1009000 Mineral Resources Management	269,000,000	292,800,000	561,800,000
	1021000 Geological Survey and Geoinformation Management	351,000,000	639,000,000	990,000,000
1193	State Department for Petroleum	27,326,000,000	4,036,000,000	31,362,000,000
	0215000 Exploration and Distribution of Oil and Gas	27,326,000,000	4,036,000,000	31,362,000,000
1202	State Department for Tourism	10,303,000,000	606,700,000	10,909,700,000
	0313000 Tourism Promotion and Marketing	883,400,000	110,400,000	993,800,000
	0314000 Tourism Product Development and Diversification	9,134,800,000	496,300,000	9,631,100,000
	0315000 General Administration, Planning and Support Services	284,800,000	-	284,800,000

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		CURRENT	CAPITAL	TOTAL
1203	State Department for Wildlife	11,809,000,000	1,433,000,000	13,242,000,000
	1019000 Wildlife Conservation and Management	11,809,000,000	1,433,000,000	13,242,000,000
1212	State Department for Gender and Affirmative Action	2,287,100,000	3,501,400,000	5,788,500,000
	0911000 Community Development	43,400,000	3,000,000,000	3,043,400,000
	0912000 Gender Empowerment	1,857,700,000	501,400,000	2,359,100,000
	0913000 General Administration, Planning and Support Services	386,000,000	-	386,000,000
1213	State Department for Public Service	23,908,200,000	1,383,000,000	25,291,200,000
	0710000 Public Service Transformation	1,234,800,000	443,000,000	1,677,800,000
	0709000 General Administration Planning and Support Services	399,300,000	-	399,300,000
	0747000 National Youth Service Programme: Public Service Human Resource Management and Development	12,990,800,000	84,000,000	13,074,800,000
		9,283,300,000	856,000,000	10,139,300,000
1221	State Department for East African Community	607,600,000	35,400,000	643,000,000
	0305000 East African Affairs and Regional Integration	607,600,000	35,400,000	643,000,000
1252	The State Law Office	6,312,800,000	190,900,000	6,503,700,000
	0606000 Legal Services	3,090,100,000	-	3,090,100,000
	0607000 Governance, Legal Training and Constitutional Affairs	1,964,500,000	68,900,000	2,033,400,000

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FIRST SCHEDULE: BUDGET CEILINGS FOR FY 2024/25				
VOTE CODE	VOTE & PROGRAMME	FINAL BUDGET CEILINGS FOR FY 2024/25 (Approved by National Assembly)		
		CURRENT	CAPITAL	TOTAL
	0609000 General Administration, Planning and Support Services	1,258,200,000	122,000,000	1,380,200,000
1271	Ethics and Anti-Corruption Commission	3,899,900,000	57,900,000	3,957,800,000
	0611000 Ethics and Anti-Corruption	3,899,900,000	57,900,000	3,957,800,000
1281	National Intelligence Service	46,851,000,000	-	46,851,000,000
	0804000 National Security Intelligence	46,851,000,000	-	46,851,000,000
1291	Office of the Director of Public Prosecutions	3,637,000,000	47,500,000	3,684,500,000
	0612000 Public Prosecution Services	3,637,000,000	47,500,000	3,684,500,000
1311	Office of the Registrar of Political Parties	1,999,800,000	-	1,999,800,000
	0614000 Registration, Regulation and Funding of Political Parties	1,999,800,000	-	1,999,800,000
1321	Witness Protection Agency	782,000,000	-	782,000,000
	0615000 Witness Protection	782,000,000	-	782,000,000
1331	State Department for Environment & Climate Change	3,848,000,000	2,550,000,000	6,398,000,000
	1002000 Environment Management and Protection	1,832,000,000	2,065,000,000	3,897,000,000
	1010000 General Administration, Planning and Support Services	530,000,000	-	530,000,000
	1012000 Meteorological Services	1,014,000,000	416,000,000	1,430,000,000
	Programme 4: Water Rehabilitation and Conservation	472,000,000	69,000,000	541,000,000
1332	State Department for Forestry	9,900,000,000	5,131,000,000	15,031,000,000

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FIRST SCHEDULE: BUDGET CEILINGS FOR FY 2024/25				
VOTE CODE	VOTE & PROGRAMME	FINAL BUDGET CEILINGS FOR FY 2024/25 (Approved by National Assembly)		
		CURRENT	CAPITAL	TOTAL
	1018000 Forests and Water Towers Conservation	9,900,000,000	5,131,000,000	15,031,000,000
2011	Kenya National Commission on Human Rights	523,500,000	-	523,500,000
	0616000 Protection and Promotion of Human Rights	523,500,000	-	523,500,000
2021	National Land Commission	1,668,400,000	147,800,000	1,816,200,000
	0119000 Land Administration and Management	1,668,400,000	147,800,000	1,816,200,000
2031	Independent Electoral and Boundaries Commission	4,353,800,000	24,300,000	4,378,100,000
	0617000 Management of Electoral Processes	4,321,000,000	24,300,000	4,345,300,000
	0618000 Delimitation of Electoral Boundaries	32,800,000	-	32,800,000
2061	The Commission on Revenue Allocation	587,400,000	-	587,400,000
	0737000 Inter-Governmental Transfers and Financial Matters	587,400,000	-	587,400,000
2071	Public Service Commission	2,672,300,000	45,300,000	2,717,600,000
	0725000 General Administration, Planning and Support Services	954,600,000	45,300,000	999,900,000
	0726000 Human Resource Management and Development	1,436,800,000	-	1,436,800,000
	0727000 Governance and National Values	173,700,000	-	173,700,000
	0744000 Performance and Productivity Management	51,200,000	-	51,200,000
	075000 Administration of Quasi-Judicial Functions	56,000,000	-	56,000,000
2081	Salaries and Remuneration Commission	559,900,000	-	559,900,000

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FIRST SCHEDULE: BUDGET CEILINGS FOR FY 2024/25				
VOTE CODE	VOTE & PROGRAMME	FINAL BUDGET CEILINGS FOR FY 2024/25 (Approved by National Assembly)		
		CURRENT	CAPITAL	TOTAL
	0728000 Salaries and Remuneration Management	559,900,000	-	559,900,000
2091	Teachers Service Commission	369,438,000,000	505,000,000	369,943,000,000
	0509000 Teacher Resource Management	359,793,000,000	395,000,000	360,188,000,000
	0510000 Governance and Standards	1,313,000,000	-	1,313,000,000
	0511000 General Administration, Planning and Support Services	8,332,000,000	110,000,000	8,442,000,000
2101	National Police Service Commission	1,269,500,000	-	1,269,500,000
	0620000 National Police Service Human Resource Management	1,269,500,000	-	1,269,500,000
2111	Auditor General	8,284,500,000	315,000,000	8,599,500,000
	0729000 Audit Services	8,284,500,000	315,000,000	8,599,500,000
2121	Office of the Controller of Budget	758,400,000	-	758,400,000
	0730000 Control and Management of Public finances	758,400,000	-	758,400,000
2131	Commission on Administrative Justice	772,400,000	-	772,400,000
	0731000 Promotion of Administrative Justice	772,400,000	-	772,400,000
2141	National Gender and Equality Commission	498,000,000	-	498,000,000
	0621000 Promotion of Gender Equality and Freedom from Discrimination	498,000,000	-	498,000,000
2151	Independent Policing Oversight Authority	1,090,900,000	-	1,090,900,000

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FIRST SCHEDULE: BUDGET CEILINGS FOR FY 2024/25				
VOTE CODE	VOTE & PROGRAMME	FINAL BUDGET CEILINGS FOR FY 2024/25 (Approved by National Assembly)		
		CURRENT	CAPITAL	TOTAL
	0622000 Policing Oversight Services	1,090,900,000	-	1,090,900,000
	Sub-Total: Executive	1,612,040,100,000	876,610,200,000	2,488,650,300,000
1261	The Judiciary	21,287,400,000	1,500,000,000	22,787,400,000
	0610000 Dispensation of Justice	21,287,400,000	1,500,000,000	22,787,400,000
2051	Judicial Service Commission	902,900,000	-	902,900,000
	0619000 General Administration, Planning and Support Services	902,900,000	-	902,900,000
	Sub-Total: Judiciary	22,190,300,000	1,500,000,000	23,690,300,000
2041	Parliamentary Service Commission	1,067,000,000	-	1,067,000,000
	0765000 General Administration, Planning and Support Services	1,027,000,000	-	1,027,000,000
	0766000 Human Resource Management and Development	40,000,000	-	40,000,000
2042	National Assembly	26,228,000,000	-	26,228,000,000
	0721000 National Legislation, Representation and Oversight	26,228,000,000	-	26,228,000,000
2043	Parliamentary Joint Services	6,465,000,000	2,065,000,000	8,530,000,000
	0723000 General Administration, Planning and Support Services	6,247,811,050	2,065,000,000	8,312,811,050
	0746000 Legislative Training Research & Knowledge Management	217,188,950	-	217,188,950
2044	Senate	7,798,000,000	-	7,798,000,000

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FIRST SCHEDULE: BUDGET CEILINGS FOR FY 2024/25				
VOTE CODE	VOTE & PROGRAMME	FINAL BUDGET CEILINGS FOR FY 2024/25 (Approved by National Assembly)		
		CURRENT	CAPITAL	TOTAL
	0767000 Senate Legislation and Oversight	3,236,650,000	-	3,236,650,000
	0768000 Senate Representation, Liaison and Intergovernmental Relations	2,108,199,100	-	2,108,199,100
	0769000 General Administration, Planning and Support Services	2,453,150,900	-	2,453,150,900
	Sub-Total: Parliament	41,558,000,000	2,065,000,000	43,623,000,000
	Grand Total	1,675,788,400,000	880,175,200,000	2,555,963,600,000

SECOND SCHEDULE

POLICY RESOLUTIONS RELATING TO THE BUDGET POLICY STATEMENT FOR THE FY 2024/25 AND THE MEDIUM TERM

General Recommendations

- 1) THAT, given the need to link the Bottom-up Economic Transformation Agenda to the Vision 2030, the Cabinet Secretary for National Treasury and Economic Planning submits the Fourth Medium Term Plan of the Vision 2030 to the National Assembly before submission of the Budget Estimates for FY 2024/25.
- 2) THAT, given the huge variance between planned and actual cost of government policies, the Cabinet Secretary for National Treasury and Economic Planning prepares guidelines for proper costing of government policies, programmes and projects to minimise discrepancies between the planned and actual resource requirements before preparation of the 2025 BPS.
- 3) THAT, in view of delayed compensation for land acquired from individuals by the government for various projects, the Cabinet Secretary for National Treasury and Economic Planning prioritises payments for land compensation in the FY 2024/25 estimates before they are submitted to the National Assembly. Going forward, no government project should commence before the owners of such land are compensated.
- 4) THAT, cognisant of the role that affordable housing can play in stimulating demand for local production, the Cabinet Secretary for Housing, Urban Planning and Public Works provides to the National Assembly the guidelines on use of locally made materials in development of affordable houses to spur the economy and create the intended job opportunities before submission of the Budget Estimates for FY 2024/25.

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- 5) THAT, cognisant of the need to improve the ease of doing business, the Cabinet Secretary for Industry, Trade and Investments develops a framework for establishment of one stop shop for all required certifications targeting manufacturers and exporters in the lines of the Huduma Centre model by 30th June 2024.
- 6) THAT, in view of the challenges that smallholder farmers encounter in accessing subsidised farm inputs due to the distance from collection centres, the Cabinet Secretary for Agriculture and Livestock develops a framework for last mile delivery of subsidised fertiliser, seeds and seedlings to farmers across the country in partnership with the county governments before finalisation of the Budget Estimates for FY 2024/25.
- 7) THAT, given the funding challenges facing the Department of Immigration and Citizen Services on issuance of documents such as Passports, Identity Cards, Birth and Death certificates, before finalisation of the Annual Estimates for FY 2024/25, the Cabinet Secretary for National Treasury and Economic Planning enhances the Appropriation-in-Aid for the Department by increasing the current allocation to 20 percent of all the revenues it generates to the Exchequer through issuance of documents (an equivalent of Kshs. 3.980 billion in the FY 2024/25 Revenue estimates).
- 8) THAT, to improve the gender responsiveness of government policies, before finalisation of the 2025 Budget Policy Statement, the Cabinet Secretary for National Treasury and Economic Planning incorporates a section on the gender responsiveness of the various policy proposals in line with international best practices.
- 9) THAT, cognisant of the duplication of functions between the National and County levels of government and the need to identify, cost and transfer such functions, the Intergovernmental Relations Technical Committee (IGRTC) gazettes these functions and submits a report to the National Assembly on the same by 30th April 2024.
- 10) THAT, given that the East Africa Customs Management Act, 2004 allows the Council of Ministers to review the regional customs tariffs, and that these changes have not been subjected to public participation, the Cabinet Secretary for National Treasury and Economic Planning ensures that any such reviews are subjected to public participation and submitted to the National Assembly before they are formally ratified.
- 11) THAT, given the delays in approval of the County Government Additional Allocations Bill and subsequent interruption in implementation of those programmes, the Cabinet Secretary for National Treasury and Economic Planning ensures that there are no requests for mid-year revisions in compliance with the provisions of section 191(1) of the Public Finance Management Act, 2012.

Social Protection, Culture and Recreation Sector

- 12) THAT, by 30th June 2024, the Principal Secretary in the State Department for Sports in conjunction with Sports Kenya, submits to the National Assembly clear resource requirements and funding options for each stadium and training grounds earmarked for upgrading and construction in preparation of African Nations Championships (CHAN) 2024 and Africa Cup of Nations (AFCON) 2027.
- 13) THAT, by 30th June 2024, the Cabinet Secretary for Gender, Culture, the Arts and Heritage develops the framework for coordinating the distribution of sanitary towels between the State Department for Gender and Affirmative Action and offices of the 47 County Women Representatives.
- 14) THAT, by 30th June 2024, the Cabinet Secretary for Youth Affairs, Creative Economy and Sports submits a report to the National Assembly on the roadmap for the *Talanta Hela* Programme, institutions implementing the programme, expected outputs, talent identification, nurturing and marketing from the grassroots.

National Security Sector

- 15) THAT, in the 2025 BPS, the Ministry of Defence considers the leasing of equipment and systems it uses since rapid changes in technology make leasing more affordable than purchasing. That way, the Ministry will avoid the risk of sinking huge budgets into equipment and systems that become obsolete before the end of their useful period.

Public Administration and International Relations Sector

- 16) THAT, by 30th April 2024, the Cabinet Secretary for National Treasury and Economic Planning submits a detailed report on Public-Private Partnership (PPP) projects to the National Assembly. This report should address the shortcomings identified in the 2024 BPS by providing comprehensive information on the nature, scope and status of individual PPP initiatives.
- 17) THAT, before finalisation of the FY 2024/25 budget estimates, the Cabinet Secretary for National Treasury and Economic Planning transfers the resources previously being utilised by the Government Delivery Services from the Office of the Prime Cabinet Secretary, Vote 1013, to the State Department for Performance and Delivery Management where the service is currently domiciled.

General Economic and Commercial Affairs Sector

- 18) THAT, the Cabinet Secretary for Cooperatives and Micro, Small and Medium Enterprises (MSMEs) Development reviews the implementation of the various funds under the Ministry, and submits proposals for better implementation of the funds with an aim of enhancing efficiency and improved outcomes to the National Assembly by 30th June 2024.
- 19) THAT, by 30th December 2024, the Cabinet Secretary for Tourism and Wildlife submits revised Tourism Promotion Fund Regulations that are aimed at ensuring that 80% of the Fund is geared towards funding of core tourism activities and 20% towards tourism promotion and marketing to the National Assembly.
- 20) THAT, by 30th April 2024, the Principal Secretary for the State Department for Wildlife presents to the National Assembly a comprehensive report on the compensation for human-wildlife conflict victims. This report should clearly indicate payments done, pending verified claims and those awaiting verification.
- 21) THAT, before finalisation of the Estimates for FY 2024/25, the Nairobi Rivers Commission submits to the National Assembly an action plan with clear timelines for rehabilitation of the Nairobi River and management plans for the Nairobi rivers ecosystem.

Agriculture, Rural and Urban Development Sector

- 22) THAT, in the 2025 BPS, the Cabinet Secretary for Agriculture and Livestock Development engages the Cabinet Secretary for National Treasury and Economic Planning and the Cabinet at large to ensure that there is progressive addition of resources to the agriculture sector to enhance funding of prioritised value chains as well as achievement of the Malabo Declaration on Accelerated Agricultural Growth and Transformation for Shared Prosperity and Improved Livelihoods.
- 23) THAT, before submission of the Annual Estimates for FY 2024/25, the Principal Secretary for the State Department for Lands and Physical Planning ensures that the areas to be digitised should go hand in hand with the areas the State Department intends to undertake geo-reference to lower cost and ensure the process is seamless.
- 24) THAT, before submission of the 2025 BPS, the Cabinet Secretary for National Treasury and Economic Planning authorises the National Land Commission to be a collector of

revenue for the national government as per section 76(1) of the Public Finance Management Act, 2012 to enhance A-I-A collections in the sector.

Environment Protection Water and Natural Resources Sector

- 25) THAT, by 30th June 2024, the Cabinet Secretary for Environment, Forestry and Mining rolls out the formalisation of the Artisanal and Small-Scale Mining programme that aims to expedite promotion of mineral-based cottage industries in all counties with viable mineral deposits.
- 26) THAT, by 30th December 2024, the Principal Secretary for the State Department for Irrigation reviews the structure of the Irrigation sub-sector so as to address the current overlap in mandates of the National Irrigation Authority (NIA), National Water Harvesting and Storage Authority (NWHSA) and the State Department Headquarters. Currently, there are overlaps in the projects being implemented by the 3 entities, raising concerns on whether government is getting value for money.
- 27) THAT, by 30th June 2024, the Principal Secretary for Irrigation develops a framework to provide technical support to the County Irrigation Development Units and the Irrigation Water User Associations. Currently, they have weak administrative capacity to manage the irrigation projects, leading to sustainability challenges for these projects once they are handed over to county governments and the community.

Energy, Infrastructure and ICT Sector

- 28) THAT, by 30th June 2024, the Cabinet Secretary for ICT and Digital Economy submits to the National Assembly a roadmap on consolidation of the various Youth empowerment programmes including Jitume Programme, Ajira Digital Programme, Presidential Digital Talent Programme, and Village digital hubs/Constituency Innovation Hubs and the Digital Literacy Programme.
- 29) THAT, by 30th June 2024, the Principal Secretary for the State Department for Broadcasting submits to the National Assembly, a draft policy on decentralisation of government advertising services with an aim to addressing the problems associated with the current centralised system, key among them being the accumulation of pending bills due to failure by the Ministries, Departments and Agencies to settle advertisement costs incurred by the Government Advertising Agency.
- 30) THAT, by 30th June, 2024, the Cabinet Secretary for Housing, Urban Development and Public Works provides a roadmap for the construction of Alternative Building and Construction Technology centres in each constituency in the medium term and also establishes a public portal providing information on local engagement in construction, to support the building and construction value chain.
- 31) THAT, by 30th June 2024, the Cabinet Secretary for Energy and Petroleum, in conjunction with Rural Electrification and Renewable Energy Corporation (REREC), submits to the National Assembly a report detailing the scope, works in progress, and pending works including amounts accrued as well as pending bills for last mile connectivity given that the financing agreements will lapse on 30th December 2024.

Governance Justice Law and Order Sector

- 32) THAT, before finalisation of the 2025 BPS, the Principal Secretary for the State Department for Correctional Services develops proposals for public private partnerships in order to modernise the prison industries and improve their outputs including development of the huge tracts of land at its disposal through mechanisation to generate adequate food to complement the exchequer receipts.

- 33) THAT, the Independent Electoral and Boundaries Commission, in close collaboration with the National Treasury, undertakes a thorough scrutiny and audit of all the pending bills, particularly the bills owed to suppliers with a view to settling the eligible pending bills.

Education Sector

- 34) THAT, before finalisation of estimates for FY 2024/25 and in line with the Presidential Working Party Report on Education Reforms, the Cabinet Secretary for National Treasury and Economic Planning transfers the Low-Cost Boarding Schools (LCBS) function and the attendant budgetary provisions to the National Council for Nomadic Education in Kenya (NACONEK), which is best suited to implement the programme. This will ensure that the LCBSs are given adequate attention to address education disparities and oversee interventions that will enhance access, retention, transition and completion rates in ASAL areas.
- 35) THAT, before finalisation of the Annual Estimates for FY 2024-25, the Principal Secretary for the State Department for TVET Education completes and fully operationalises the TVET Education Management Information System (TEMIS) to create a pool of accurate, verifiable and credible data of TVET learners and institutions in order to promote accountability and improve management of disbursements for capitation and scholarships funds.
- 36) THAT, before finalisation of the Annual Estimates for FY 2024/25, the Principal Secretary in the State Department for Basic Education and the NG-CDF Board, through the Inter-Ministerial technical committee established, develops collaborative guidelines to support and guide infrastructure funds disbursements for Junior Secondary Schools.
- 37) THAT, beginning FY 2024/25 and within the existing budgetary allocation, the State Department for Basic Education ensures that all learners in the public Special Needs Education (SNE) schools are covered under the school feeding programme.

Health Sector

- 38) THAT, before finalisation of the budget estimates for FY 2024/25, the Principal Secretary for the State Department for Medical Services transfers the National Cancer Control Programme from the Ministry to the National Cancer Institute to enhance coordination of cancer related services in the country.
- 39) THAT, by 30th April 2024, the Principal Secretary for the State Department for Public Health and Professional Standards provides a progress report to the National Assembly on operationalisation of the 21 completed Kenya Medical Training Colleges (KMTCs).

(Moved by Hon. Ndindi Nyoro on 6.3.2024 – Afternoon Sitting)

(Debate concluded on 6.3.2024 – Afternoon Sitting)

(Question put and agreed to)

Hon. Speaker: Let us go back to Order No.5.

PAPERS

Hon. Naomi Waqo (Marsabit County, UDA): Hon. Speaker, I apologise for that. I will read out (c).

(c) Policy Holders Compensation Fund – Car and Mortgage Loan Scheme.

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Thank you.

Hon. Speaker: Chairperson of the Departmental Committee on Trade, Industry and Cooperatives. Hon. James Gakuya, proceed.

Hon. James Gakuya (Embakasi North, UDA): Hon. Speaker, I beg to lay the following Paper on the Table:

Report of the Departmental Committee on Trade, Industry and Cooperatives on the inquiry into alleged unfair trade practices by foreign investors in Kenya.

Thank you.

Hon. Speaker: Chairperson of the Decentralised Funds Accounts Committee. Go ahead, Hon. Gideon Mulyungi.

Hon. Gideon Mulyungi (Mwingi Central, WDM): Hon. Speaker, I beg to lay the following Paper on the Table:

Third Report of the Decentralised Funds Accounts Committee on its consideration of the reports of the Auditor-General on the financial statements for the National Government Constituencies Development Fund (NG-CDF) for nine constituencies in Bungoma County for the Financial Years 2013/2014, 2014/2015 and 2015/2016.

Thank you.

Hon. Speaker: Next is Order No.6.

NOTICES OF MOTIONS

ADOPTION OF REPORT ON INQUIRY INTO ALLEGED UNFAIR TRADE PRACTICES BY FOREIGN INVESTORS

Hon. James Gakuya (Embakasi North, UDA): Hon. Speaker, I beg to give notice of the following Motion:

That, this House adopts the report of the Departmental Committee on Trade, Industry and Cooperatives on the inquiry into alleged unfair trade practices by foreign investors in Kenya, laid on the Table of the House on Thursday, 7th March 2024.

Thank you, Hon. Speaker.

Hon. Speaker: Chairperson Select Committee on Decentralised Funds Accounts Committee, Hon. Mulyungi.

ADOPTION OF REPORT ON FINANCIAL STATEMENTS FOR NG-CDF FOR CONSTITUENCIES IN BUNGOMA COUNTY

Hon. Gideon Mulyungi (Mwingi Centra, WDM): Hon. Speaker, I beg to give notice of the following Motion:

That, this House adopts the report of the Decentralised Funds Accounts Committee on its consideration of the financial statements for the National Government Constituency Development Fund (NG-CDF) for nine constituencies in Bungoma County for the financial years: 2013/2014, 2014/2015 and 2015/2016, laid on the Table of the House on Thursday, 7th March 2024.

Thank you, Hon. Speaker.

Hon. Speaker: Thank you. Next Order.

QUESTIONS AND STATEMENTS

REQUEST FOR STATEMENT

DELAYED PAYMENT OF PENSION TO PENSIONERS OF THE
DEFUNCT PYRETHRUM BOARD OF KENYA

Hon. Liza Chelule (Nakuru County, UDA): Hon. Speaker, I rise to request for a Statement on delayed payment of pension to pensioners of the defunct Pyrethrum Board of Kenya.

Hon. Speaker, pursuant to Standing Order 44(2)(c), I wish to request for a Statement from the Chairperson of the Departmental Committee on Social Protection, regarding the agonising delay by the Pyrethrum Board of Kenya (PBK) (now known as the Pyrethrum Processing Company of Kenya (PPCK)) to settle pension dues of its pensioners.

Hon. Speaker, in 1991, the PBK established a Staff Superannuation Benefits Scheme from which its employees would enjoy full benefits upon retirement. Consequently, the Board's former employees committed 5 per cent of their salary towards the Scheme as per the regulations. However, from 2012, the scheme ran into financial challenges which resulted in liquidation and subsequent assumption of its functions by the PPCK. Since then, retired employees of the PBK have never received their pension dues.

Hon. Speaker, in an effort to offset the pensioners' dues, in 2022 the PPCK Board sought authorisation from the National Treasury for their payments, but the Cabinet has never considered that request. The inordinate delay in payment of pension dues has visited anguish and financial distress to the affected pensioners, some of whom have passed away and their dependents are equally suffering.

Hon. Speaker, it is against this backdrop that I seek a Statement from the Chairperson of the Departmental Committee on Social Protection on the following –

- (i) What is the status of the request to the Cabinet by the PBK seeking authorisation to offset the pension dues by selling the Board's properties?
- (ii) What measures has the Ministry put in place to ensure that the pension funds to the Pyrethrum Board of Kenya pensioners are disbursed without any further delay?

I thank you, Hon. Speaker.

Hon. Speaker: Thank you, Hon. Liza. The Chairlady of Kenya Women Parliamentary Association (KEWOPA), Kajiado Women Member of Parliament.

STATEMENTS

INTERNATIONAL WOMEN'S DAY 2024

Hon. Leah Sankaire (Kajiado County, UDA): Thank you Hon. Speaker.

Pursuant to Standing Order 43, I wish to make a Statement regarding the 2024 International Women's Day.

Hon. Speaker, today being the eve of International Women's Day 2024, which is normally commemorated on 8th of March every year, our hearts resonate with this year's theme: "Inspire Inclusion" which underscores the profound significance of recognising and valuing women's contributions. When we inspire others to appreciate the diverse tapestry of women's achievements, we weave a better world - one where every voice matters.

Our journey towards achieving gender equality and women's empowerment is deeply rooted in Kenya's constitutional fabric. The 2010 Constitution embodies the collective aspirations of Kenyans for good governance, emphasising that sovereign power belongs to the people. It is a living document: a covenant that binds us to uphold justice, equality and fairness. Within its pages lies the promise of equal participation for all regardless of gender.

KEWOPA has been at the forefront of this transformative journey and our unwavering commitment to the achievement of the Two-Thirds Gender Principle, reflects our conviction that representation matters. This Principle seeks to ensure that, at least, two-thirds of elective and appointive positions are held by either gender. It is not merely a numerical target: it is a critical step toward dismantling barriers and amplifying women's voices in leadership. I stand before you today, not just as the Chairperson of KEWOPA, but as a torchbearer for change. Our mission extends beyond advocacy; it is a call for action. Let us delve into the heart of our commitments.

Hon. Speaker, during the Group of Seven (G7) Strategic Plan launch that happened earlier today, our President reaffirmed his commitment to advancing the Two-Thirds Gender Principle. His words echo through the corridors of power that he is committed to achieving gender parity. This resolve, expressed at the Safari Park Hotel, ignites hope to the women of Kenya. In the famous words of Hellen Reddy, "*I am woman, let me roar.*" it is time for the Two-Thirds Gender Principle to be enacted in Kenya.

I wish to congratulate women Members of this House for the commendable job they are doing in their counties and constituencies, and affirm our support in working closely together to develop our country at large. It is a true statement that, "*kina mama wakipewa nafasi, wanachapa kazi kweli kweli*". I also want to recognise, "He for She champions" led by our very own, the Leader of the Majority Party, Hon. Kimani Ichung'wah, for recognising the exemplary performance of women governors and making a proposal that all governor positions should be reserved for women. For that, we commend him.

(Applause)

Hon. Speaker, in closing, let us remember that our journey is not solitary; it is collective. As we celebrate the progress made to date, let us also acknowledge the road ahead. Together, we shall break barriers, dismantle biases, and create a legacy of inclusion. Let our actions resonate beyond this day, inspiring many generations to come.

Thank you, Hon. Speaker.

Hon. Speaker: Thank you, Hon. Leah Sankaire. Hon. Alice Ng'ang'a, the Statement that was requested for by Hon. Liza Chelule comes to your Committee. Are you the Chairlady of the Departmental Committee on Social Protection?

Hon. Alice Ng'ang'a (Thika Town, UDA): Yes, Hon. Speaker.

Hon. Speaker: Bring a response after two weeks.

Hon. Alice Ng'ang'a (Thika Town, UDA): After two weeks. Thank you, Hon. Speaker.

Hon. Speaker: Next is the Leader of the Majority Party. Make your Thursday Statement.

BUSINESS FOR THE WEEK OF 11TH TO 15TH MARCH 2024

Hon. Kimani Ichung'wah (Kikuyu, UDA): Hon. Speaker, pursuant to the provisions of Standing Order 44(2)(a), I rise to give the following Statement, on behalf of the House Business Committee, which met on Tuesday, 5th March 2024 to prioritise business for consideration during the week.

As Members are aware, this week, the House debated the reports on the 2024 Budget Policy Statement (BPS) and the 2024 Medium-Term Debt Management Strategy. I wish to commend the leadership of the House and Members for the dedication and cooperation exhibited in the consideration of this critical business.

Hon. Speaker, having approved the 2024 BPS this afternoon, as scheduled in today's Order Paper, it will pave the way for the introduction of the Division of Revenue Bill next week.

With regard to business scheduled for Tuesday next week, the House is expected to undertake the First Reading of the Division of Revenue Bill, 2024, if published, and the Second Reading of the following Bills, should they not be concluded today—

- (a) The Natural Resources (Benefit Sharing) Bill (Senate Bill No.6 of 2022).
- (b) The National Disaster Risk Management Bill, 2023.
- (c) The Regional Development Authorities Bill, 2023.
- (d) The National Government Administration Laws (Amendment) Bill, 2023.

Additionally, debate will also be undertaken on the following Motions, some of which are listed in today's Order Paper, should they not be concluded:

- (a) Compliance to Article 54(2) of the Constitution Regarding Employment of Persons with Disabilities in Public Institutions.
- (b) Report of the Auditor-General on Financial Statements of Selected State Corporations.
- (c) Reports of the Auditor-General on the National Government Constituencies Development Fund (NG-CDF) for five constituencies in Vihiga County.

In accordance with the provisions of Standing Order 42A (5) and (6), I wish to convey that the Cabinet Secretary for Public Service, Performance and Delivery Management is scheduled to appear before the House on the afternoon of Wednesday, 13th March 2024, to respond to the following Questions:

- (a) Question 9/2024 by the Member for Machakos County, Hon. Joyce Kamene, regarding reforms the Ministry has instituted to transform the operational standards of public service to boost productivity.
- (b) Question 10/2024 by the Member for Machakos County, Hon. Joyce Kamene, regarding the categories of individuals recruited into the National Youth Service.
- (c) Question 11/2024 by the Member for Kinango, Hon. Gonzi Rai, regarding the eligibility of civil servants to earn hardship allowance in Kinango Constituency.
- (d) Question 12/2024 by the Member for Funyula, Hon. (Dr) Oundo Ojiambo, regarding the transfer of implementation of the public service internship and volunteer programme from Public Service Commission.
- (e) Question 51/2024 by the Member for Narok North, Hon. Agnes Pareyio, regarding the gazetting of Narok North as a hardship area.
- (f) Question 52/2024 by the Member for Mwingi North, Hon. Paul Nzengu, regarding the criteria considered to classify an area as a hardship zone.

In conclusion, the House Business Committee (HBC) will reconvene on Tuesday, 12th March 2024, to schedule business for the rest of that week. I now wish to lay this Statement on the Table of the House.

Allow me to commend Hon. Joyce Kamene. She has been very consistent in asking questions on the Floor of the House.

Thank you, Hon. Speaker.

Hon. Speaker: Thank you. Next Order.

COMMITTEE OF THE WHOLE HOUSE

THE STATUTE LAW (MISCELLANEOUS AMENDMENTS) (NO.2) BILL
(National Assembly Bill No.68 of 2023)

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

Hon. Speaker: What is your point of order, Leader of the Majority Party?

Hon. Kimani Ichung'wah (Kikuyu, UDA): Thank you, Hon. Speaker. Before we go to Order No.9, I request that you indulge me on Order No.10 – Committee of the whole House. We have a number of amendments in the Order Paper, and many others from different Members. We would like to understand and consult on many of them. Therefore, I seek your indulgence to step down Order No.10 to a later time, as the HBC may reschedule.

Hon. Speaker: Even if you did not ask, I approved several amendments 10 minutes to the beginning of this Sitting. I had planned to give time to Members with proposed amendments to liaise with you, so that you agree on how to proceed.

Consequently, and on your request, I will re-arrange the Order Paper for Order No.10 to exit it. It will be dealt with at HBC again next week.

(Committee of the whole House deferred)

BILL

Second Reading

THE NATURAL RESOURCES (BENEFIT SHARING) BILL (Senate Bill No.6 of 2022)

(Moved by Hon. David Gikaria on 5.3.2024)

(Resumption of debate interrupted on 6.3.2024 – Afternoon Sitting)

Hon. Speaker: We are now in Order No.9. Was there any Member on the Floor? Hon. Nyikal, would you like to contribute to this Bill?

Hon. (Dr) James Nyikal (Seme, ODM): Thank you, Hon. Speaker. I rise to seek your guidance regarding this Senate Bill. I have noticed that it does not have memorandum of objects and reasons. I have noted this in many other Bills from the Senate. It is a good guide for understanding what Bills are all about. I seek your guidance whether that is how it should be, or it is an omission.

Thank you, Hon. Speaker.

Hon. Speaker: Thank you, Hon. Nyikal. Ordinarily, the moment a Bill is passed by either House, we do away with the memorandum of objects and reasons. It is not part of the Bill, once it is passed. It only explains what it is all about. When our Bills are taken to the Senate, they do not have them. If any Member wants to make reference, he can go to the Table Office and obtain the memorandum of objects and reasons of any Bill. You can use it to inform your arguments and debate. It is available but it is not part of the Bill, once it is passed by either House.

We had an argument with Hon. TJ Kajwang' on the memorandum of objects and reasons on the Affordable Housing Bill, 2023. I gave direction that it is just a narrative. It is not a clause in the Bill. It does not end up being part of the Bill.

Is Hon. Ruku in the House? He had several minutes left to contribute to this Bill. If he is not in, we will give the chance to another Member.

Before that, allow me to acknowledge the following schools in the Speaker's Gallery: Moi High School, Kabarak, Rongai, Nakuru County and Maranda High School, Bondo, Siaya County. I thought I had acknowledged the presence Maranda High School.

(Applause)

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

I have been informed that there were two batches from there. It had already been acknowledged and welcomed by Hon. Otiende Amollo.

(Hon. Joseph Emathe spoke off the record)

Would you like to welcome Moi High School, Kabarak? Are you an old boy of the school? There is a request by the Member for Turkana Central. He has said that he is not only an old boy of Kabarak High School but also his daughter is part of the delegation. Take one minute to welcome the two schools.

Hon. Joseph Emathe (Turkana Central, UDA): Thank you, Hon. Speaker. I welcome the two schools, in the Speaker's Gallery, to this House. I declare interest that first, I am an alumnus of Moi High School, Kabarak, Admission No.3364. Secondly, I am a parent in the school. My daughter is one of the students who are seated in the Speaker's Gallery. She is in Form Four. I wish you well and success as you sit for your Kenya Certificate of Secondary Education (KCSE).

(Applause)

This is a House of transition, except 'yours truly, Hon. Speaker' who has refused to do so.

(Laughter)

We are preparing this House for you. We are setting ground. Moi High School, Kabarak, is built on the values of commitment, fairness and integrity. I wish that you live by these values and the ones in the school anthem, 'On Earth We Rise'.

Thank you, Hon. Speaker.

Hon. Speaker: Hon. Emathe, I transitioned from where you are seated to where I am.

(Laughter)

You do not consider that as a transition. Yes, Hon. (Dr) Oundo? Give him the microphone.

Hon. (Dr) Ojiambo Oundo (Funyula, ODM): Thank you, Hon. Speaker. I want to follow up on the issue which Hon. (Dr) Nyikal has raised and put it in a different perspective. When we publish Bills there is an assertion as to whether they concern county governments or not. In your ruling in respect to the Affordable Housing Bill, if the subsequent amendments made on the Floor of the House removed any reference to the county governments, would it have remained as a Bill affecting county governments?

Probably, that ruling requires to be given because I know a number of my colleagues have Private Member's Bills and I am one of them. From the outset, we might think it affects county governments but after subsequent public participation and Third Reading, we find that any reference to county governments has been amended. How do we treat this matter going forward? This is so that all my colleagues can know how to handle it especially, the new ones.

This will avoid confusion and apprehension, on the view that many Bills which come here, unless they are Government sponsored or Leader of the Majority Party sponsored,

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normally tend to die a natural death, when they go to the Senate or take inordinately too long to be processed that they lapse. Many of my colleagues are apprehensive of coming up with any Bill that has any relevance to counties to avoid the Senate hijacking and asserting there is a matter affecting county governments. We need a very clear direction. Hon. Speaker, even if you do not give it now, probably in due course. We need to be guided, so we can know how to draft our Bills to avoid the unnecessary stalling in the Senate.

Thank you, Hon. Speaker.

Hon. Speaker: Hon. Oundo, if you read Article 109 of the Constitution and particularly Article 110(3), it indicates that before a Bill is considered in the House, the Hon. Speakers must resolve the issue as to whether it concerns counties. If you read that section carefully, it talks of a question arising. For clarity, not all Bills which start from this House go to the Senate. But all Bills starting in the Senate come to this House. That must be clear.

The second issue is a Member of this House, whether the Leader of the Majority Party or you, can bring a Bill that on the face does not concern counties. But in the course of processing it, amendments may come that may raise the question as to whether what is being included in the Bill concerns counties or not. At that stage, the Hon. Speaker will determine whether that Bill concerns counties and then direct it to go, if it is in the positive to the Senate for further consideration.

There is no lacuna in that law. A question can arise at any time. This is a dynamic clause in the Constitution. When a question arises even at the Committee Stage, and as a House, we agree that now it concerns counties, then we are obligated to send that Bill to the Senate for further consideration. Am I clear?

Hon. (Dr) Ojiambo Oundo (Funyula, ODM): Well guided, Hon. Speaker.

Hon. Speaker: Yes, Hon. (Dr) Otiende.

Hon. (Dr) Otiende Amollo (Rarieda, ODM): Thank you, Hon. Speaker. Indeed, your guidance on that point is correct and I am glad Hon. Oundo has agreed. Mine is a procedural point, following the point of order raised by the Leader of the Majority Party in respect to Order No.13. I thought that the Leader of the Majority Party might... He is not listening to me.

Hon. Speaker: Leader of the Majority Party. This point of order is directed to you.

Hon. (Dr) Otiende Amollo (Rarieda, ODM): I thought that the Leader of the Majority Party might also request you to stand down Order No.13. It relates to a Report from the Departmental Committee on Justice and Legal Affairs. I had already conferred with the Chairperson who indicated that he was likely to stand it down, for the reason that the Report is still incomplete and then it will be reintroduced. Hon. Speaker, if that was to be so then, at least, it will save me from raising a point of order which I was going to subsequently raise. Then, I can attend to a different parliamentary engagement.

Thank you, Hon. Speaker.

Hon. Speaker: Leader of the Majority Party.

Hon. Kimani Ichung'wah (Kikuyu, UDA): Thank you, Hon. Speaker. Indeed, Hon. Murugara mentioned to me and that is why I was beckoning your attention. So, as to seek your indulgence to reorder Orders No.11 and No.13 to come after Orders No.12 and No.14. After the Natural Resources (Benefit Sharing) Bill (Senate Bill No.6 of 22) which is Order No.9, we will move to Order No.12, the Regional Development Authorities Bill (National Assembly Bill No.7 of 2023), and then, Order No.14 before we go back to Order No.11 which is a Private Member's Bill.

This was to allow the Regional Development Authorities Bill (National Assembly Bill No.7 of 2023), which is a Committee Bill, to take precedence over the Bill in Order No.11 which is a Private Member's Bill. Also, for the reason sought by the Chairperson of the Departmental Committee on Justice and Legal Affairs to a further push down of Order No.13.

Thank you, Hon. Speaker.

Hon. Speaker: The Chairperson of the Departmental Committee on Justice and Legal Affairs has made no request to me. Hon. Murugara, do you want to exit Order No.13 for now?

Hon. George Murugara (Tharaka, UDA): Yes. Thank you, Hon. Speaker. The position is that although we tabled a Report on it, there is an addendum which includes a Minority's opinion from Hon. (Dr) Otiende Amollo. Inadvertently, when I signed the Report, I noticed that opinion was not there. It will be an addendum, and I will table it on Tuesday. Kindly step it down, and we will deal with the addendum at that particular time.

Thank you, Hon. Speaker.

Hon. Speaker: Okay, I will step down Order No.13 and direct that it comes for time allotment in the House Business Committee on Tuesday. Order No.11 will now be considered after Order No.12. Is that what you asked? After Order No.14? Clerks-at-the-Table take note of that. Let us go back to Natural Resources (Benefit Sharing) Bill (Senate Bill No. 6 of 22).

(Order No. 13 deferred)

As usual, the screen is full. I told the Clerks-at-the-Table that when we finish one Order, they wipe the screen so we can know who wants to speak to the next Order on the Floor. Hon. (Dr) Lilian Gogo, do you want to speak to this? Go ahead, you are number one on the screen.

Hon. (Dr) Lilian Gogo (Rangwe, ODM): Thank you very much, Hon. Speaker. I hope it is on the Natural Resources (Benefit Sharing) Bill (Senate Bill No. 6 of 22). Is it?

Hon. Speaker: It is the Bill on Natural Resources (Benefit Sharing) Bill (Senate Bill No.6 of 22). Is that what you want to speak to?

Hon. (Dr) Lilian Gogo (Rangwe, ODM): Yes, Hon. Speaker.

Hon. Speaker: Go ahead.

Hon. (Dr) Lilian Gogo (Rangwe, ODM): Thank you very much, Hon. Speaker, for this chance. This matter came up yesterday and debate is continuing, and so I want to add my voice to it. Where natural resources exist, it is important for locals to benefit. If it is extended to benefit others, then there should be a way of sharing. From where I stand, this Bill seeks to come up with a way of having locals benefit through the county and at the same time have national benefit.

Hon. Speaker, it is important to have a component for international sharing of natural resources. Some natural resources will end up benefiting other nationals instead of Kenyans. It is important for this House to carefully look at this because Kenya has ratified many international treaties that deal with natural resources. For the sake of complying with the related international instruments that Kenya has ratified, it is important to enlarge it to avoid running into problems. Where we have any natural resources, the better benefit must go to the locals. This will empower the locals and make them feel that they have ownership, and therefore, protect those natural resources.

In cases where natural resources are shared between county governments and the national Government, I propose that the better part be given to the county government because they are the host. Given the formula we will come up with in the sharing of those natural resources, the national Government should also earn revenue. For the sake of academia, in sharing these resources, much of the benefits of the resources should be left at the local level for purposes of research. We have several needs in research including value addition, improvement of the value chain, and marketing of natural resources. There is also need to mainstream gender in the utilisation of natural resources. When we talk about gender, we are not only looking at sexuality but also gender roles.

[The Speaker (Hon. Moses Wetang'ula) left the Chair]

[The Deputy Speaker (Hon. Gladys Boss) took the Chair]

This Bill has come in good time, and it is important that in sharing, there is fairness, equity, and sensitivity to the voices of the custodians of the resources. It is also important to give the younger generation charge in the administration of natural resources. They are the ones who will look after the resources in the near future.

I, therefore, propose that the greater value that is obtained from natural resources be left with the locals but a given amount be given to the national Government. We should not forget that we have signed international instruments governing natural resources which are part of Kenyan laws.

I support.

Thank you, Hon. Deputy Speaker.

Hon. Deputy Speaker: Thank you. Next is the Member for Turkana County, Hon. Cecilia A. Ngitit.

Hon. Cecilia A. Ngitit (Turkana County, UDA): Thank you, Hon. Deputy Speaker, for this chance to contribute to the Natural Resources (Benefit Sharing) Bill. We have very many types of resources ranging from those Kenya shares with neighbouring countries to those shared between the county governments and the national Government. To be specific, the county I hail from, Turkana County, houses several natural resources. This includes those that have been explored and those that have not been explored. For instance, there is a dam in Turkana that generates power but all our big towns suffer blackouts. We do not benefit from the national grid. We are only connected to generated power that is not reliable. In a way, that has affected our development.

Another resource we had was the highly hyped oil. It did not benefit our county simply because such a Bill was not in place. The exploration of oil generated jobs and business opportunities but our residents did not benefit because there was no Bill to guide how a community is supposed to benefit from such a resource. Some of these resources, especially in my county, are located in areas of conflict. There is a geothermal plant in Silale Hills, that is in Kapedo/Napeitom Ward, but Turkana County has never benefited from it simply because someone has messed with the paperwork and reallocated the resource. It is high time Kenya mapped the location of its resources to help with the negotiation and allocating percentages to benefit communities.

We want to build on this Bill so that a county like Turkana, which has been known for perennial poverty, starts benefiting from its resources. Wind power is available on Lake Turkana. Turkana County should not experience power blackouts. Solar is manufactured in Turkana because we are close to the sun. We want to translate these resources to be beneficial to our people. I want to be part and parcel of this Bill so that we give insights on how our people and the national Government can both benefit from resources in our devolved units.

I support.

Hon. Deputy Speaker: Thank you. Member for Kamukunji, have you pulled out your card? He was next but he seems to have left. Next is the Member for Kitui Central, Hon. (Dr) Makali Mulu.

Hon. (Dr) Makali Mulu (Kitui Central, WDM): Thank you, Hon. Deputy Speaker. I rise to add my voice to the Natural Resources (Benefit Sharing) Bill. It is very important because this country is endowed with a lot of natural resources.

Hon. Deputy Speaker, where I come from, Kitui, we have a lot of natural mineral resources, including coal and cement-producing inputs. It is very rich in terms of natural resources. When we see any attempt to put a legal framework that will guide the exploitation of these resources, we have no choice but to support it. That is why I am in support of this Bill.

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It is as a result of this Bill becoming an Act of Parliament that it will be very clear what benefits will accrue to the national and county governments and the community members. It is very necessary and important that this categorisation is clearly stated. Any time you want to get these natural resources from wherever they are found, at times it leads to the displacement of community members. By doing so, it is important that they know very well what benefits will accrue to them. Where I come from, we have coal and have had a number of challenges in exploiting it. The community has been raising very critical questions relating to where the people to be displaced will be resettled. In a situation where people have buried their loved ones, what will happen to those graves? Others are asking, ‘Can we be told where we will be moved to before we give way for this exploitation?’ Unless that is clear to the community members, then most of them will put hurdles to the exploitation of those resources.

The exploitation of these resources will require some infrastructure such as water and roads. It is very important that the county governments know how much will go to them so that at the end of the day, they have some reserves they can use to develop the area where the resources will be exploited. Natural resources like sand are very common in our areas. As you do exploitation of sand, there is a lot of damage done to the environment because the lorries carrying sand are heavy and require very good roads. Over time, you will realise that the infrastructure that has already been developed by the county government gets damaged. It is on that basis that we need to be very clear on what share of the benefits will be going to the county government as well as the national Government because naturally, natural resources are also a national resource. If they benefit the local people, they should also benefit the rest of Kenyans because the resources also belong to all Kenyans. This Bill which is going to propose clearly who gets what requires our support. I want to relate this Bill very closely to the Mining Bill. Hon. Deputy Speaker, I know that time you were still here. If you can remember when we were doing the Bill which is now an Act of Parliament, we also had to be very clear and made sure that public participation was properly done.

I hope that the Senate and the Audit Committee championing this has done public participation on this Bill so that at the end of the day we will not have some people going to court saying they were not consulted. This is the kind of Bill that requires serious public participation. The percentages which will go to each group should be clearly stated. I see the proposal to share between the National Government and respective county governments in the ratio of 60 per cent to the national Government and 40 per cent to the county governments which to me looks like almost 50-50. These figures, at the end of the day, must be clearly stated so that there is no time when any of the groups to benefit will feel disadvantaged. As I conclude, it is also important for Kenyans to note that since these natural resources should be helping this country, meet our budgets in terms of budget deficit, we must come up with a framework where we can take advantage of these natural resources to develop this country. What do I have in mind? I have heard many Members in this House who come from areas where gold is mined complain that there is no proper structure on how to get the gold to benefit the locals.

We have always been talking about miners. We need a very clear framework so that whatever mineral or other natural resources that we have benefit this country not in a small but a big way and more so in funding our budgets. By doing that, we will be increasing our local revenue and minimising external and local borrowing. So, to some extent, if we get it right through this kind of Bill, we will have no reason but to use our resources other than borrowing. We know the challenges we are facing as a country in terms of funding our budgets through public borrowing. It is leading to serious public debt and pending bills. How I wish we could have many of these Bills so that we fund our budget.

With those remarks, I support this Bill. Thank you very much for giving me the opportunity.

Hon. Deputy Speaker: Hon. Omboko Milemba, Member for Emuhaya.

Hon. Omboko Milemba (Emuhaya, ANC): Hon. Deputy Speaker, thank you for this opportunity. I wish to indicate that this Bill which deals with sharing and how the counties, communities and the national Government can benefit from the natural resources that we have, on the face of it looks very good. You can be carried away and see that it will be very beneficial of which I will be speaking to that. But in the end, we have to look deep down at the basis from which legal framework emanated from and see what it means. May I briefly touch on that legal basis from which it emanates. Earlier on, you noticed two Members were asking about the memorandum of this Bill. You will notice that it ends up being a Money Bill because it tends to create an authority that will require monies to be put in place both for the employment of the people who will work within that authority and the many other issues there that require money.

Ordinarily, if you look at the parliamentary practice that we use, you will find that money Bills do emanate from this House. This Bill has emanated from the Senate. So, there are certain fundamental issues which will be dealt with. Apart from the good things that I will also be speaking about, there are fundamental things that we shall need to consider. I do not know if the Chairman is listening to this because money bills ordinarily would have to emanate from this House, and not the Senate. However, here we have it and that is the direction it is taking.

Secondly, I would also be happy and flamboyantly support those for whom the face value of this Bill seems to create a situation where there is good sharing of resources by the communities and the county governments in that place. You heard speakers earlier say that in the sharing formula, they would advise that more money goes to the county because that is where the resource is found whether it is coal or the gold in Kakamega, western that is spoken about. For that bit, it is okay because it then gives the local communities a chance to benefit from a resource that originates from their place and possibly helps in the recovery of the exploitation processes that do occur to any mineral. That is whether it is the coal in Ukambani or the gold in Kakamega where there is a lot of digging and excavations being undertaken. Tourism can never be left out because the Maasai for the longest time have wondered why we still keep animals around them and say that we are protecting them as a resource that is good for an income earner while at the same time, they do not see the benefits they are getting from those wild animals around them.

Therefore, I would be precise to indicate that the Chairperson of this Committee will have to be clear in his rebuttal, possibly when he will be speaking to this Bill at the end of the debate. He should make it clear that there are certain things within this Bill which must be removed. For instance, the Bill is being described as a money Bill yet it emanates from the Senate. However, there are also good things in this Bill, which allow the local communities and people from the counties to benefit from the resources in their areas.

However, as you go through the Bill, you will notice that there is a benefits-sharing formula between the county governments, the community and the national Government for most natural resources such as petroleum products. In fact, the one area where benefits-sharing has not been properly done is with regard to water. The Chairperson should look into those areas. There is no proper law on how to share out the water benefits because water sometimes runs across several counties. Water may flow from Ndakaini Dam in Murang'a County and end up in Nairobi County. How can we share the benefits across all the counties that benefit from the water running through them?

Finally, we may isolate the issue of benefit-sharing to just water and any other resource that may have not been legislated on, or a formula has not been put in place.

With those very few remarks, I support the Bill but with reservations that we must straighten it out so as to fit our parliamentary practice.

Hon. Deputy Speaker: Hon. Jayne Kihara was next but she has also pulled out her card. Hon. Christine Ombaka, Member for Siaya County.

Hon. (Dr) Christine Ombaka (Siaya County, ODM): Thank you, Hon. Deputy Speaker, for this opportunity. I would like to add my voice to this debate.

Time has come for us to share natural resources. This is because the various conflicts that we have in this country arise due to resources not being properly shared. One example is Migingo Island in Lake Victoria, which has been a thorn in the flesh of Kenyans for a long time. It has been an ongoing battle between Kenyan and Ugandan fisherfolk. The Lake Victoria conflict has never been resolved because nobody is ready to sort it out. More often than not, you will find that the fishermen are thrown out of Migingo Island, and their fish is taken away. Sometimes the fish that the fishermen have caught on that particular day is taken away, they are arrested, and some of them are even killed. That conflict needs resolution.

I believe that this Bill can go a long way in sorting out local and international challenges because Lake Victoria covers many countries. Kenya and Uganda need to restore peace in that area and allow their citizens to adequately share that resource without violation. That is where the Bill comes in very handy.

I come from Siaya County. It is rumoured that there is a lot of gold in Gem Constituency. That has raised many issues. People have come to see me to help them solve those issues. They claim that strangers from outside the country, who are not Kenyans, have come to dig gold in that area. The threat is that the natives will be evicted and resettled. They have no idea where they will go.

Secondly, they do not know the strangers who have invaded the area. Their complaints are that that natural resource that has been there for years is being taken away, they are being removed from their indigenous homes, and their land and homes will be taken away. What about the schools and hospitals that surround that area? Those are the questions that are being asked, which raise another issue of public participation on this Bill. Was enough public participation conducted? Was enough information given to the community about strangers coming in? Who are these strangers? Who has given them the authority to invade *wananchi* and throw them out of their own land, where they have buried their people and find it difficult to move out?

I have used these examples to demonstrate that a lot needs to be done with regard to natural resources. We have not done enough and problems keep coming up, which nobody is addressing. Therefore, this Bill will go a long way in addressing the challenges that communities face amongst themselves and with strangers who come from other parts of the country, and also outside the country. I support this Bill wholeheartedly.

However, we need to involve the Ministry of Lands, Housing and Urban Development because this Bill touches on land issues. Land is involved when one is digging for gold. Where is the Ministry of Lands, Housing and Urban Development to save *wananchi*? We have to involve the Ministry of Water, Irrigation and Sanitation when dealing with water. Where is the Ministry of Environment and Forestry? Why are they quiet? These are some of the challenges that I am addressing because time has come for natural resources to be protected and shared, and for public participation to be conducted. Those resources should be shared equitably so that nobody cries and says that they are being thrown out of their own land, yet those issues can be resolved and the resources can benefit everybody.

Thank you for giving me this opportunity, Hon. Deputy Speaker. I support the Bill.

[The Deputy Speaker (Hon. Gladys Boss) left the Chair]

[The Temporary Speaker (Hon. Omboko Milemba) took the Chair]

The Temporary Speaker (Hon. Omboko Milemba): Hon. Naomi Waqo.

Hon. Titus Lotee (Kacheliba, KUP): On a point of order, Hon. Temporary Speaker.

Hon. Naomi Waqo (Marsabit County, UDA): Thank you, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Omboko Milemba): I have heard you. What is your point of order, Hon. Member?

Hon. Titus Lotee (Kacheliba, KUP): Hon. Temporary Speaker, pursuant to Standing Order 95, I request you to call upon the Mover of this Bill to reply.

(Several Members spoke off the record)

The Bill has been discussed extensively since yesterday.

The Temporary Speaker (Hon. Omboko Milemba): You have been challenged to indicate the reasons why you want the Mover to be called upon to reply. Can you proceed?

Hon. Titus Lotee (Kacheliba, KUP): This Bill has been discussed since yesterday. It is exigent that it should be replied to by the Mover.

The Temporary Speaker (Hon. Omboko Milemba): Thank you. I will consider that question after Hon. Naomi Waqo has contributed.

Hon. Naomi Waqo (Marsabit County, UDA): Thank you, Hon. Temporary Speaker, for allowing me to give my input on this very important debate on the Natural Resources (Benefits Sharing) Bill (Senate Bill No.6 of 2022).

We know that many counties in our country are blessed with natural resources that ought to benefit the local communities. However, in the past, people at the grassroots level have suffered because when resources are identified, the rich and the well-known take advantage of the locals, get hold of the resources, and benefit from them without considering the locals. That is the reason why I support this Bill.

Part II of the Bill talks about the establishment and management of the Benefits Sharing Authority. From what I have seen, the proposed authority is a body that will help both parties to safeguard the interest of the local community at both county government and national Government levels. This House should support it so that the counties which have already identified natural resources can benefit.

Under item Six (6), the functions of the Authority shall be to coordinate the preparation for the Benefit Sharing Agreement between affected counties and entities. This means that both parties would be well protected and hence, the issue of people having problems and suffering will not be there anymore.

Under number 6(d), it oversees the administration of funds set aside for community projects to be implemented under the Benefit Sharing Agreement. This will help our people to elevate themselves, get out of poverty and also, educate the young people. And through this, the local community would benefit in a way that would help the entire country.

Again, under (e), is to facilitate and monitor the implementation of the Benefit Sharing Agreement entered into between the county government and the affected entity.

Number Eight (8) talks about the people who will be doing different work, and the appointment of Members and the General-Directors who would be holding the office for three years which is renewable once. I would like to stress on this because some people in the past would go back after every three years while others remained in those entities for like 12 years. We need to create space for others. It is renewed once.

When it comes to employment and appointment of Chairpersons under number nine (9), one should hold a degree from a recognised university in Kenya, and (b), with knowledge and at least, seven years of experience. In the past, we had talked about 15 years, 20 years and lately, 10 years. Seven years will make it possible for our young people to hold these offices and bring their knowledge on board so that Kenyans can benefit from their creativity and innovation.

Hon. Temporary Speaker, as that is put into consideration, the counties that have natural resources should be put into consideration so that the local people who qualify for those positions be considered. When it comes to number 28(2)(a), the County Beneficiary Committee shall consist of the County Executive Committee members responsible for finance and all these other things.

Number (d) says that five persons of which, two of them, should be of the opposite gender. I am excited about this simply because it takes into consideration the gender. In the past, gender has not been put into consideration, and that women have been left behind when it comes to such appointments. As we consider women, let us also consider the young girls or ladies who are qualified, and capable to sit in those boards.

Number five (5), the Members of the County Beneficiary Committee shall elect a Chairperson amongst themselves. Some of us come from counties that have already had some conflict. Marsabit County where I come from, is an area where many people are suffering because of gold. They get a lot of interference when they try to mine. There is a lot of interference from outsiders, foreigners and strangers trying to frustrate the local people. Adequate responsibility should be given to the county government and opportunity be given to the local people because it is a must that it benefits them. When it comes to sharing, it should be 50/50 so that even the local people can benefit fully and get recognised.

I support you, Thank you.

The Temporary Speaker (Hon. Omboko Milemba): Thank you.

Hon. Members, it is good to inform the House that you make your decisions on an informed basis. The Report of the Committee on this particular Bill was proposing rejection of the Bill. However, many contributions on the Bill seem to support it overwhelmingly. You therefore, need to convince the Committee otherwise.

A Member rose on his place on Standing Order 95 and proposed that the Mover be called upon to reply.

(Question, that the Mover be called upon to reply, put and agreed to)

Mover.

Hon. David Gikaria (Nakuru Town East, UDA): Thank you, Hon. Temporary Speaker. I thank the Members who have contributed towards this. As you have put it, we support revenue sharing. However, in this proposed Bill from the Senate, Petroleum Act, 2019 has a formula on how revenue is shared; Energy Act also has a formula on how revenue from power like solar, geothermal and the wind is shared; and in the Wildlife Act, matters to do with their resources has a percentage of how its people would benefit.

When the Committee had public participation, it was thorough. Out of the 19 stakeholders who appeared before the Committee, 16 of them did not agree with the proposals. However, three of them agreed. We understood the three because they were community-based organisations and groupings which had come and were told that they needed to read the Petroleum Act, 2019. If you come from Turkana where we have a petroleum product, there is revenue sharing, it is only that the petroleum has never gone to the production phase for them to start benefitting from. If you come to Nakuru County, for example, they benefit from the geothermal through royalties.

In the Mining Act, Kwale for instance, now that the President is very keen on matters mining, last year, it received royalties amounting to Ksh1 billion. It is not that the Committee does not want the counties and communities to benefit. We want each resource to be dealt with by its respective Acts of Parliament. You cannot equate sand to gold. If you say that everybody would get 40 per cent, you will end up giving billions of shillings to some counties. What then

happens to the other counties that do not have these resources? We understand, and greatly appreciate the sentiments of different people. Most importantly, as you had said, Hon. Temporary Speaker on 9th November, we had sought some guidance when this Bill was read for the First Time on the 17th August 2023. On 9th November 2023, we sought the indulgence of the Speaker on the constitutionality of this Bill as we embarked on public participation. As the Speaker has rightfully said, Article 109 (5) of the Constitution talks about the exercise of legislative powers. It says—

A Bill may be introduced by any member or committee of the relevant House of Parliament, but a money Bill may be introduced only in the National Assembly in accordance with Article 114.

We needed to determine if this was a money Bill. Without casting aspersions to the Senate, as Hon. Murugara indicated earlier, the consistency in the drafting of the Bill is wanting. I wish Members were here when the Chairperson of the Justice and Legal Affairs Committee (JLAC), Hon. Murugara, was prosecuting this matter. The Bill proposes a chairperson to be appointed by the President and approved by Parliament – the National Assembly and the Senate. Does it mean that both Houses will vet and approve the chairperson? This is inconsistent with the existing laws and our tradition.

The only resource without revenue sharing is water. It is our responsibility, as Parliament, especially the relevant committee, to look at how water resources can benefit the catchment areas. However, when moving this Motion, I said that the petroleum in Turkana requires water from West Pokot to push it to the surface before drilling. Therefore, the conflict between counties and revenue sharing needs to stop. Geothermal energy might be used for counties away from where it is being drilled. We are looking into all these issues.

Hon. Members, I thank you for your contributions. As a Committee, we recognise that some legislations have robust revenue-sharing policies. This is what we want because all the ministries that appeared before us pleaded with us to retain the current revenue-sharing formulas between the respective ministries and the natural resources in their dockets. This has never been an issue. The only problem is that we never got to the production stage like for the petroleum in Turkana.

I was the Chairperson of the Departmental Committee on Energy when we legislated the Energy Act in 2019. At the time, at only 10 per cent, Turkana County was going to get thrice the normal county allocation, which is over Ksh60 billion. This then begs the question, do they have the capacity to absorb that money? If they have a problem absorbing the Ksh20 billion, how do you then add Ksh60 billion to them when other counties without resources? This House also needs to think about the counties without natural resources.

Thank you, Hon. Temporary Speaker.

Hon. Caroli Omondi (Suba South, ODM): On a point of order.

The Temporary Speaker (Hon. Omboko Milemba): What is your point of order?

Hon. Caroli Omondi (Suba South, ODM): I am not sure whether I should raise it now that he has finished. Is his definition of a money Bill under Article 114 accurate? My understanding of royalties is different from the various aspects such as taxes, investments and charges on public funds included in a money Bill. I am not sure if the Chairperson misinterpreted the definition of a money Bill under Article 114.

The Temporary Speaker (Hon. Omboko Milemba): Very well. We do not have a lacuna. You can refer to the law and the Constitution for the definition of a money Bill.

Hon. Chairperson, do you have a rejoinder?

Hon. David Gikaria (Nakuru Town East, UDA): Hon. Temporary Speaker, I agree with Hon. Caroli. I am not a lawyer but I am a Member of Parliament, and I understand a little bit of law. If he was here earlier enough, I said that we sought the indulgence of the Speaker

on the way forward on this. Had the Speaker given us a way forward, we would not be facing this lacuna. The Speaker needs to look at this.

As I conclude, I request that we defer putting of the Question on this Bill, pursuant to Standing Order No.53.

The Temporary Speaker (Hon. Omboko Milemba): Thank you very much. The Mover has concluded his business. I oblige to his request to defer the putting of the Question until the next Sitting.

(Putting of the Question deferred)

THE REGIONAL DEVELOPMENT AUTHORITIES BILL
(NATIONAL ASSEMBLY BILL NO.7 OF 2023)

The Temporary Speaker (Hon. Omboko Milemba): Hon. Chairperson.

Hon. Peter Lochakapong (Sigor, UDA): Thank you, Hon. Temporary Speaker, for this opportunity.

On behalf of the Departmental Committee on Regional Development, I beg to move that the Regional Development Authorities Bill (National Assembly Bill No. 7 of 2023), be now read a Second Time.

The Temporary Speaker (Hon. Omboko Milemba): Order. Hon. Members. The Order Paper was rearranged. What was read as Order No.10 is Order No.12. We are on Order No.12. You may proceed.

Hon. Peter Lochakapong (Sigor, UDA): Thank you, Hon. Temporary Speaker. This Bill was read a First Time on Tuesday, 6th June 2023 and committed to the Departmental Committee on Regional Development for consideration and reporting pursuant to the provisions of Standing Order 127.

This Bill was proposed in the 12th Parliament through the Departmental Committee on Defence and Foreign Relations. The Bill only reached the second stage as Parliament was adjourned. It is, therefore, important that this Bill is considered by this House to its conclusion for the intended objectives to be achieved.

This Bill seeks to consolidate the laws relating to regional development authorities and provide for the establishment, functions and powers of the six regional development authorities. They include:

1. The Coast Development Authority, which was established under the Coast Development Authority Act, Cap 449.
2. The Ewaso Nyiro North River Basin Development Authority, which was established under the Ewaso Nyiro North River Basin Development Authority Act, Cap 448.
3. The Ewaso Nyiro South River Basin Development Authority, which was established under the Ewaso Nyiro South River Basin Development Authority, Cap 447.
4. The Kerio Valley Development Authority, which was established under the Kerio Valley Development Authority Act, Cap 441.
5. The Lake Basin Development Authority, which was established under the Lake Basin Development Authority Act, Cap 442.
6. Tana and Athi Rivers Development Authority, which was established under the Tana and Athi Rivers Development Authority Act, Cap 443.

Hon. Temporary Speaker, this Bill seeks to bring these six RDAs under one Act by repealing all the other laws and consolidating them into one to standardise the workings and functions of the RDAs. That is the main objective of this Bill. The Bill also seeks to standardise

their functions, subject to the unique areas of operation of each RDA. The functions of these RDAs include:

1. Advising the Cabinet Secretary on matters relating to conservation, management, sustainable development and utilisation of basin-based natural resources.
2. Coordinating, planning and implementing policies and programmes related to integrated development and sustainable utilisation of natural resources.
3. Initiating, undertaking and coordinating studies on conservation and sustainable utilisation of natural resources.
4. Maintaining a database of natural resources and formulating and disseminating a long-range development plan.
5. Monitoring and evaluating basic integrated development programmes and projects.

The institutional framework of the Bill proposes establishment of six RDAs. The composition of each board will consist of a managing director, who will be the CEO, and nine members. The members are to be appointed by the Cabinet Secretary in charge of the East African Community, Arid and Semi-Arid Lands and Regional Development. The standardisation of the institutional framework of the RDAs shall promote integrated basin-based development within their respective regions.

The Bill further standardises membership of the boards of each Authority, in line with best practices in corporate governance. The Bill establishes a board for each Authority with a total of 12 members, but we will be proposing amendments. The Departmental Committee on Regional Development, in its consideration of the Bill, proposes a reduction of board members from 12 to nine, excluding the *ex-officio* who is the managing director, in line with the Mwangozo Code of Governance for State corporations.

The financial implication of the Bill includes remuneration for the boards, financing the RBA, policy implementation and research. The direct benefits of the Bill include better coordination, collaboration and synergy between different RBAs. This is through standardisation of their functions. For example, stalled projects in different regions will be better considered under the new institutional framework.

The Government is keen to implement policies on economic growth, alleviation of poverty and development of infrastructure, industries, social services and amenities. The current legal and policy framework of RDAs includes the National Policy on ASALs, 2012, the Intergovernmental Relations Act of 2012, the Devolution Policy of 2016, Sessional Paper No.1 of 1986, Sessional Paper No.1 of 1994, Sessional Paper No.2 of 1996 and Vision 2030.

If we consider comparative analysis of similar Bills in different countries, in Bangladesh, for example, the Bangladesh Rural Development Board operates under the Ministry of Local Government, Rural Development and Cooperatives. They receive funding from the national Government to implement rural development programmes such as infrastructure projects and poverty reduction initiatives. Its organisational structure consists of a central office located in Dhaka, the Capital City, and several field offices at the district and sub-district levels. The institutional framework of Bangladesh enables the effective implementation of rural development programmes and poverty alleviation initiatives. Its central office provides policy guidance, coordination and resource management while the field offices facilitate grassroots-level engagement and programme implementation, ensuring the needs of rural communities are addressed. Through its multifaceted approach, the Bangladesh model contributes to the sustainable development and improvement of rural livelihoods in the country.

In South Africa, the Department of Cooperative Governance and Traditional Affairs is responsible for regional development, working closely with the provincial and local

governments to ensure accountability. It operates as a national Government department under the Ministry of Cooperatives, Governance and Traditional Affairs. It has a central office located in Pretoria and provincial offices in each of the nine provinces. The institutional framework of South Africa supports the principle of cooperative governance, effective service delivery and recognition of traditional leadership. Providing policy guidance, inter-governmental coordination and promoting traditional affairs, the South African model aims to enhance governance, improve service delivery and foster partnerships between different spheres of government to enhance regional development. It is of great importance that this country emulates the approach taken by other countries for the economic good of its citizens.

As I conclude what I wanted to highlight, I summarise and tell Members for information purposes that what this Bill seeks to achieve is to:

1. Standardise the laws relating to Regional Development Authorities.
2. Standardise their functions.
3. Standardise membership of the boards.
4. Align this Bill to the Constitution of Kenya.

Each of these RDAs was established through an Act of Parliament way back before the new Constitution. That is what this Bill seeks to achieve. Because I do not want to belabour the point, I submit that standardisation of the RDAs is important as it will not only ease the inter-agency cooperation but also simplify compliance and regulatory processes, thereby improving their level and institutional framework.

The RDAs in Kenya have the potential to bring about positive change and promote inclusive growth throughout the country. The six RDAs cover the entire country. One RBA could cover about six counties. For example, the Kerio Valley Development Authority (KVDA) covers Turkana, West Pokot, Baringo, Samburu and Elgeyo Marakwet. The Lake Basin Development Authority (LBDA) covers almost the whole of western Kenya. The Coast Development Authority (CDA) covers the Coast region. Others are the Tana and Athi Rivers Development Authority (TARDA), the Ewaso Ng'iro North Development Authority (ENNDA) and the Ewaso Ng'iro South Development Authority (ENSDA). All these combined cover the whole of this country. Also, one RDA transcends counties and their demarcation is based on river basins.

Hon. Temporary Speaker, at times, there is confusion on the projects undertaken by the Regional Development Authorities, and those done by counties. There are certain projects and programmes that can be undertaken that cut across counties and the best authorities that are suited to do these will be the RDAs. For instance, the Kerio Valley Development Authority can work in a project that cuts across the following counties; namely, West Pokot and Turkana, West Pokot and Elgeyo Marakwet, West Pokot and Samburu, or Tiaty and Samburu. These RDAs are important, and they need to be supported.

The RDAs in Kenya have the potential to bring about positive change and promote inclusive growth throughout the country. By addressing the challenges that they are currently facing, RDAs can become powerful catalysts for achieving balanced regional development and propelling Kenya towards a more prosperous and equitable future. I want to point out here that by empowering RDAs, we are likely to achieve equitable development. They are also a bit versatile. Their mandate is very broad and they can undertake many activities, projects and programmes. By utilising them, we are able to achieve development quickly, urgently, and equitably. I think I have demonstrated that when moving this Bill.

With those few remarks, I want to request Hon. Major Dekow, the Member for Garissa Township, to second this Bill.

The Temporary Speaker (Hon. Omboko Milemba): Yes Major.

Hon. Dekow Mohamed (Garissa Township, UDA): Thank you, Hon. Temporary Speaker. I rise to second the Regional Development Authorities Bill (National Assembly Bill No.7 of 2023).

As mentioned by the Chair of our Committee, whom I want to congratulate on behalf of other Members for taking us through the process of addressing this Bill well. This Bill was first read on 6th June, 2023, and it was committed to our Committee for consideration and reporting back to the House. It intends to consolidate the laws relating to regional development. As it is now, it is important to know that these Authorities were established through different Acts of Parliament.

The Authorities are six and they cover the entire region. Kerio Valley Development Authority covers the North Rift while Ewaso Ng'iro South Development covers the South Rift. The Lake Basin Development Authority covers the Western Region and Ewaso Ng'iro North Development covers the Northern part of the country. Tana and Athi Rivers Development Authority covers the central part and the Coast Development Authority covers the coastal region of this country.

The Bill seeks to standardise the functions of the authorities subject to the uniqueness of the areas. Each authority covers a certain region, and therefore, considering the uniqueness of their operations, this Bill tries to standardise the functions of the authorities' boards.

It is important to note that we considered the fact that the board members must be from the region where the Authorities operate. Pursuant to the provisions of Article 118(1)(b) of the Constitution and Standing Order 127, the Committee put up an advertisement in the daily newspapers on 12th June, 2023, and invited public participation on this Bill. We received memoranda from different stakeholders, including the Ministry of East Africa Community, ASALs and Regional Development, the Intergovernmental Relations Technical Committee, the Kenya Law Reform Commission, the Council of Governors and the National Gender and Equality Commission. We considered all the recommendations and memoranda from these stakeholders. We held several public participation meetings in Kilifi, Kisumu, Isiolo and Elgeyo Marakwet counties from 26th October to 4th November, 2023.

During the public hearings in various counties, members of the public, either individually or representing institutions, and organisations made presentations to the Committee. We took into consideration those memoranda.

With those few remarks, I second the Bill. Thank you.

(Question proposed)

The Temporary Speaker (Hon. Omboko Milemba): Hon. Wilberforce Oundo.

Hon. (Dr) Ojiambo Oundo (Funyula, ODM): Thank you, Hon. Temporary Speaker, for giving me this opportunity to comment on the Bill submitted or sponsored by my good friend, Hon. Peter.

From the classrooms, we were always told regional economic development bodies were the engines of rural development. It has been a long journey from Sessional Paper No.10 of 1965 which stated that development will go to areas that have a competitive advantage. As a result, there was a disproportionate development index in this country that seemed to favour some specific regions and neglected many others. It was on this basis that during the term of the late President Daniel Toroitich arap Moi, the greatest President we have ever had, that devolution, district focus and rural development idea started. It is for this reason that I have very nostalgic memories of President Moi and have no apologies about it.

Over the years, these RDAs have run into headwinds, either financially, management wise, or in their bid to discharge their mandate. Their mandate has been affected by their organisation, structure and funding.

At the advent of devolution, many governors were against these RDAs on the pretext that they were duplicating their duties. It has been an uphill task trying to convince them that these RDAs have a specific role that they need to play. That is why there has been a scramble by various governors and county governments to come together and establish regional development blocs, which are just on paper. I remember some years back in western region, money was collected purporting to form a local bank. It is only God who can tell us where that money went.

Article 6(3) of the Constitution of Kenya is clear that “A national State organ shall ensure reasonable access to its services in all parts of the Republic, so far as it is appropriate to do so having regard to the nature of the service.” The national Government retains a substantive number of functions allocated to it under the Fourth Schedule. It cannot in any way run away from that responsibility. Rather, it must continue to discharge that responsibility.

The regional development bodies or authorities as they exist today, have mandates and functions that cut across various counties. An example is when you look at the Lake Victoria Development Authority now purported to be brought into this from a separate one. The Lake Basin Development Authority covers the Kavirondo Gulf and very many areas. It will practically be impossible for issues of conservation and some kind of development to be left to a single county government. That is why I want to laud my friend, Hon. Peter Masara, for deciding to bring together these Authorities. They were in scattered legislations. It was difficult to know exactly what each was doing.

Bringing them under the purview of one Act, any person interested in regional development will pick this Bill, review it and make informed decisions on how to proceed. More or less, the Bill aligns all management structures of the various development authorities to the Mwongozo Code of Governance for State Corporations, and the current practice that we have in this country to a limited smaller-focused board. I would like to challenge or move amendments in plenary or in the Committee of the whole House.

When you look at the appointments of board members, of course, they are the typical ones. That is the Principal Secretary at the time responsible for regional development, finance, environment and the rest. Now, there are other eight members appointed by the Cabinet Secretary all of whom shall be appointed from areas affected by the operations of the Authority. We are giving the Cabinet Secretary unfettered powers and unchallenged authority to appoint even the most undeserving and their cronies as we have seen. Why can we not be innovative or novel enough at that particular point?

As we set up the Sugar Board, for example, we provided for elections of members who come from those areas to sit in the Board. Why can we not borrow from that structure in such a manner be it in a development authority or whatever? There is an elective process where we get the people’s representatives from the local area. Why can we not style it in such a way that those who are interested can apply? Once they apply, there is a competitive process of nominating them or identifying them instead of leaving them to the whims of the Cabinet Secretary. I have tried to look at Part III. I thought we would have cured that shortcoming. Unfortunately, there is no clearly indicated way on how to appoint these people.

These development agencies belong to the national Government and State organs with any function or activity to undertake there. If I look at this Bill and the National Disaster Risk Management Bill, I do not know how they speak together. Such agencies have no function or activity to undertake there. I would have even asked that some bits in this Bill be migrated to this Bill because these development authorities understand far better the terrain, and the ecological and environmental issues of the areas. Probably, over time, they have established adequate systems of identifying things that require to be done.

For example, my neighbour Budalangi Constituency is perennially affected by floods. Through the Lake Victoria Development Basin, they have developed early warning systems

that enable them to find out whether there are heavy rains in Mt. Elgon. The consequence is that there is going to be flooding there. Therefore, they send out early warnings. That is why we must give these authorities some bit of intervention in disaster management as they pursue the mandates they were given at Independence or during the former President Moi's days. County governments have a lot of money for development. We must also look for ways where they can contribute towards these development bodies to enable them to discharge their duties.

With those few or many remarks, I thank my colleague. I second the Bill. We will make the necessary amendments at the right time.

The Temporary Speaker (Hon. Omboko Milemba): Hon. Adan Haji.

Hon. Yusuf Adan (Mandera West, UDM): Thank you for this opportunity.

I have read this Bill. I do not concur with its originators. During the establishment of these regional authorities, those who were in charge of establishing them must have looked at our country. Different parts of the country have different needs, ecological systems, and environmental status. Hence, each regional organisation was established to suit the needs, aspirations and priorities of that region. Putting them together under one law and making their functions more or less the same will make the regional Authorities the same.

If we take the Lake Basin Development Authority as an example, we look at the blue economy in that area. You look at the fish and all other resources within that area. That is what that regional Authority is supposed to emphasise seriously, compared to the Ewaso Ng'iro North Development Authority which is supposed to be looking at camels and goats. The ecological zones are quite different.

Therefore, my argument is that they should have specific functions for that specific area. Their development should be geared towards the needs of that area and the comparative advantages of the resources there. It is not proper if their functions are made the same. Some areas of this country have oil resources while others do not. If you make their functions similar or the same yet they are supposed to be doing the same thing, it will beat the logic of forming different regional development Authorities. They should be the way they are now. If we have to change anything, we should change them to perform better. We may find ways to fund them better and improve their boards.

Even the laws that say that many bodies should come from an area beat inclusivity and equal opportunity for this country. We need integration in this country. We need someone from Mandera to sit in the Lake Basin Development Authority Board. Someone from Nyanza should sit in the Ewaso Ng'iro North Development Authority. That is inclusion and cohesion in this country. Segregating them and saying that board members should only come from those areas is wrong. We need different minds and experiences for development to happen.

With these few remarks, I object.

The Temporary Speaker (Hon. Omboko Milemba): Hon. Robert Basil, Member of Parliament for Yatta Constituency.

Hon. Robert Ngui (Yatta, WDM): Thank you, Hon. Temporary speaker for giving me the Floor. I also thank my brother, Hon. Peter, for bringing this Bill to the Floor of the House.

At the outset, I support the Bill. I support it because standardisation does not mean the same functions. So, I do not know where my brother has read that they are going to perform the same function. Through standardisation, we are going to ensure proper utilisation of resources and mitigate aspects or elements that result in wastage of resources through embezzlement of public resources.

Through standardisation, we will ensure that we minimise duplication of roles and efforts. That is going to yield efficiency when regional bodies operate under a unified law.

I also want to indicate that through standardised functions, these particular bodies achieve a coordinated approach in monitoring the interventions of different bodies and that would give us the desired results and proper utilisation of public resources.

Another essential point as to why I support this Bill is because it will ensure membership of these bodies are unified or standardised. This will make it possible to give us the desired results by having people who are qualified to deliver or to discharge duties provided for in the different bodies under this law.

Although I support the Bill, I will propose an amendment based on Clause 40(1) whereby, the common seal as given or stipulated under this Bill says that a particular person will be chairperson or the managing director of the regional development authority will be the one authenticated to put a common seal. That could result to unnecessary bureaucracies and contribute to delays when discharging duties of these bodies. So, that is an amendment I will bring later when we will have the Committee of the whole House.

I support the Bill and applaud the team that crafted it. Thank you very much, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Omboko Milemba): Hon. Geoffrey Mwangi.

Hon. Geoffrey Wandeto (Tetu, UDA): Thank you, Hon. Temporary Speaker for allowing me an opportunity to lend my voice to this Bill. I thank the Chairperson of the Committee for the attempt to bring some order into the management of these regional bodies.

However, I have a slightly different view and thought as far as these regional bodies are concerned. You will remember that most of these are Independence-era organizations that were started in the 1960s, 1970s and 1980s. While it is good and prudent to think whether the laws that govern them are aligned or not, it is a much more important activity to take stock of what they have achieved in the 30 or 40 years of their existence.

It is also very important that we check how well these regional development authorities are aligned with the Constitution and especially to devolution. They have cross-cutting functions. Some of them deal with irrigation, others own dams that generate power and others conduct different economic activities. This is a source of confusion because when we start looking backwards and integration of the different ministries, we find that one regional authority deals with matters domiciled in the Ministry of Agriculture; the Ministry of Energy or sometimes the Ministry of Health. They were all formed around the river basins. The initial tenets were issues around water conservation and things like that, most of such functions are now under the ministries or specific national organisations, whether it is the Kenya Wildlife Services, the Kenya Forestry Services and the various organisations that deal with different conservation activities.

There is need to do some soul-searching because a country that desires to develop and progress must constantly review its model. It is time we thought about the model of regional development authorities to see whether it is working for us or not. What have they delivered? At least, we know that the Kerio Valley Development Authority delivered the Kerio Dam of which there has been a push and pull with the Kenya Electricity Generating Company on how to manage that resource. We see different examples of that in various other places.

At the outset of devolution, we also established the regional waterworks companies. We have the Northlands Waterworks Company, Tana River Development Waterworks Company, Athi River Development Water Company and others. We need to see whether this brings about duplication in how we run authorities.

Because of the constraints that we are having currently in the exchequer and the need to utilise our resources more efficiently, the creators of this Bill would have gone further other than just this cosmetic cure, to bring standardisation in terms of the operations and the laws. It is good Hon. Haji said that the functions have been standardised. When we look at the Bill, each organisation has its purpose cut out. What they are trying to do is to align the laws and put them under one standard Bill. More importantly than the standards, we should ask how we can make them more efficient and effective. Which are the areas of duplication together with all these other waterworks companies that have been created? How do they align with

devolution? How do the cross-cutting functions create duplication and confusion across the various ministry departments?

Instead of carrying out a review of integration of the regional authorities, the Committee would have done a much more serious soul-searching and create a totally new framework, one that is aligned with the current realities in the country; one that is aligned to where we want to go as a county to ensure that we have organisations and institutions that serve the purpose. As we speak, these authorities have not delivered much.

I do not support the Bill, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Omboko Milemba): Hon. James Nyikal.

Hon. (Dr) James Nyikal (Seme, ODM): Thank you Hon. Temporary Speaker for giving me this opportunity.

I support the principle of the Bill. I do so because I ask what the purposes of the authorities were. They were to take advantage of peculiar opportunities in different areas so that those potentials could be exploited, promote local development, support the employment of the people in a much wider area with a big multiplier effect, support business and economic activities in those areas. Have we achieved this?

These authorities are known more by their names than what they have achieved. They do not get a lot of support from the Government. Their impact is relatively little. The support given to them is not much. Many of them veer from their mandate. Some invest in real estate and you wonder how that is concerned with local development. Therefore, I support the need to look at them. As my colleague has said, it has not been deep enough. This Bill has given the Regional Development Authorities the same legal structure. It is like taking various Bills, you give them one format and then you put them back together. I do not think that is adequate, although the principle is good. If it is done properly and we look at it at the Committee of the whole House, it may be easier to oversee them. If they have a similar legal framework, the structures we need to oversee them will be easier.

This Bill raises some issues. There are five linked Regional Development Authorities which deal with three structures: the national Government, their structures and the county governments. We need a more detailed approach, so that these three aspects are cleaned out which I have not seen here.

The final danger we have is bureaucracy. If a single oversight is not done properly, we can create a huge bureaucracy covering large areas of the country. To that extent, I support the principle. We will look at it very seriously in the Committee of the whole House and see what amendments we can bring, so that this good principle that was brought out is actually achieved.

Thank you, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Omboko Milemba): Hon. Liza Chelule, do you want to speak on this Bill?

Hon. Liza Chelule (Nakuru County, UDA): No, I am sorry.

The Temporary Speaker (Hon. Omboko Milemba): Hon. Francis Sigei.

Hon. Francis Sigei (Sotik, UDA): Thank you, Hon. Temporary Speaker, for giving me this opportunity to address the issues in the Bill which was brought by my friend, Hon. Peter.

Firstly, I thank him for putting a lot of effort. It is also important to thank the people who created these Regional Development Authorities because they had wisdom in what they did. What the Chair and his Committee have done is quite commendable. They looked at the legal framework of the entire system and tried to address the inefficiencies which have been there over time. We know most of these Regional Development Authorities have not been efficient. They are a source of employment. We are trying to look at them afresh.

I support the legal framework which has been proposed by Hon. Chairman. However, we need to look at these authorities, do some audit and then ask ourselves whether we get value for our money. Have we been giving them enough money to operate? We should also look at

governance and membership of the boards. I once worked with the Kenya Meat Commission (KMC). The issue of many board members should not be there. I support this Bill. I also support the Member for Mandera who said that we still need to have that unique role of these authorities. There are things which the Authority in the northern part of the country is doing which are different from the Lake Basin Development Authority. So, I want us to look at them afresh. We need to see whether there is a loss for the Government. Are we allocating our money there but not doing what we are supposed to do? We must look at the mandate of these authorities which is not economic. They also look for social activities to support the region. We cannot look at the profit aspect. I support this Bill which will assist our people.

We need to align ourselves with the Manifesto of the Kenya Kwanza Government. What do they want? Is this Bill in line with what they want? I really support the legal framework that is proposed in this Bill. However, we need to engage in a lot of discussion on whether these authorities are really giving us the services required.

Thank you, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Omboko Milemba): Hon. Andrew Okuome.

Hon. Adipo Okuome (Karachuonyo, ODM): Thank you, Hon. Temporary Speaker, for giving me the opportunity to contribute. I support the Bill because Regional Development Authorities affect me because I live close to Lake Victoria which is covered by the Lake Basin Development Authority.

I will speak the truth. The Regional Development Authorities were started for a purpose that included development of the areas they cover and beyond. They are useful tools of development. However, they also have their problems which must be taken care of, not only by, for example, the people living close to Lake Victoria, but also people from other regions. If I use Lake Victoria as a base of what I want to say, I realise that it is fed by rivers which come from farther areas than my county and counties around Lake Victoria.

Lake Victoria is being polluted. It is affected environmentally by human activities. These are basically through the rivers and lake itself. The people who live upstream have a lot to do with the water flowing into Lake Victoria. The Basin Development Authority covers a much bigger area than counties surrounding the lake. If they join us, under the Authority, they can control the kind of water that flows into Lake Victoria and what happens there. The regional development Authorities are very useful mainly because they cover many regions. I do not want to talk about air pollution which also affects the lake directly or indirectly. If we use the region, we can control what happens within the lake. I am saying this because I have realised that Lake Victoria has a lot to do with fish which covers the whole country. Therefore, we should come together as a region and ensure that the water and fish from Lake Victoria are fit for human consumption.

Regional development authorities are useful in Kenya and beyond. For example, the East African Community (EAC) is a regional thing. That is why even in *Bunge*, we have the Departmental Committee on Regional Development to cover regional authorities like Lake Basin Development Authority (LBDA) and Kerio Valley Development Authority (KVDA), among others. We should strengthen these regional development authorities by identifying their problems and eliminating them. This will make them useful to people who need development in various areas.

Hon. Temporary Speaker, once again, I support the Bill. I am hopeful that we shall do the needful to ensure we benefit from it. Thank you.

The Temporary Speaker (Hon. Omboko Milemba): Hon. Gitonga Murugara.

Hon. George Murugara (Tharaka, UDA): Thank you very much, Hon. Temporary Speaker. I rise to support the Bill in principle. Although, I think the very idea upon which it is formulated has been overtaken by events.

First and foremost, I support it because we know for sure that we have more than six Acts of Parliament dealing with individual regional development authorities, which we refer to so as to know exactly what each authority does. Unfortunately, it is unclear to us, why we set up these authorities those years of yore. In spite of my good friend, Dr Oundo, heaping praises on our late President Daniel arap Moi, the idea at that time was to try and work on something similar to devolution.

He came up with several strategies on how to move resources from Nairobi to rural areas, including the famous District Focus for Rural Development Strategy, then these regional development authorities, which were modeled along regions of Kenya at independence. Maybe there was also an element of job creation. He was trying to get employment for his friends and cronies at that time so as to create some regional balancing in what was being done.

Are they useful today? That is what we must ask ourselves. Do we need several regional development authorities when we have 47 counties, supposed to be dealing with every aspect not dealt with by the national Government? We must ask ourselves. Are we not spreading the resources of the country too thin by allocating a small amount of money to many regional development authorities in every budget cycle? They are all under a ministry, whether it is the Ministry of Water, Sanitation and Irrigation, Ministry of Energy and Petroleum, or whichever ministry. Do we really need them?

In my estimation, this is a good idea whose time has come to an end. We should now be working towards folding all these authorities and vesting them in county governments. There are regional development authorities in the Eastern region dealing with water and irrigation. The same applies to Central, which has the Tana and Athi Rivers Development Authority (TARDA). Nyanza and Western Kenya have the Lake Basin Development Authority (LBDA), and Ewaso Ng'iro North Development Authority (ENNDA), among others. It is high time we folded them and put all their responsibilities under county governments. Where they are unable to handle it, the ministries will assist since they have fewer responsibilities because counties eased them.

I have gone through the Bill and for all intents and purposes, I agree we should bring them together. This will ensure that if a question is asked on which regime of law applies to regional development authorities, we shall have a Regional Development Authorities Act to refer to, as soon as this Bill is assented to. That way, we do not have to grapple and grope in darkness when looking for which law applies to which authority.

I agree that it is also important to set out the authorities in the law which we have done. We have also tried to state the functions of each authority. As I conclude, we shall set up boards and we need to look into them. One is because their membership is too high. There are 11 board members, and they should not be more than seven, as required by our Constitution. There is no reason whatsoever why we should have more than seven board members. Two, do we really need these boards? As we consider and ponder on folding these organisations, this is an important question.

Towards the end of the Bill, we have indicated how these authorities will be administered and the financial provisions to be made during budgeting. It is also important to note that we have delegated to the Cabinet Secretary in charge of Regional Development the authority to make delegated legislation, that is, subsidiary laws and rules required to actualise this Act of Parliament. I do not have a problem with all this.

As I support, my view is that we must sit down as a country and examine ourselves on whether we require these authorities. As we put them under one statute, we want to see more of their work in the regions. It is not just a question of when I go to Nyeri to see Tana Water... It is also important to note that apart from these authorities, we have other smaller entities that resemble them, like TARDA has another entity known as Tana Water Works Development Agency based in Nyeri. I have no idea what they do differently.

All this is a conglomeration of entities that may not be serving any useful purpose. They are bloating the Government and gobbling up money supposed to go to county governments on an increased level or money that should remain with the national Government to be properly utilised under ministries so that Kenyans can enjoy the fruits of the Government. This is important.

Therefore, Hon. Peter, as we pass this Bill for you, also consider what we should do next regarding these six authorities. Including the other smaller water works or agencies, whatever they are called. Let us do something to ensure that we do not just split, multiply, or mutate this into something else. Then, at the end of the day, Kenyans get nothing out of it.

With those remarks, I support the Bill.

The Temporary Speaker (Hon. Omboko Milemba): Hon. Jackson Lekumontare.

Hon. Jackson Lekumontare (Samburu East, KANU): Thank you, Hon. Temporary Speaker. I support the Bill. What was proposed here is how these authorities will be standardised. When these authorities are standardised, it does not mean that they will do the same functions. Each authority will have its functions. The primary purpose of these authorities when they were created was to look at the needs of a particular place and their requirements in terms of development. Indeed, some parts of Kenya are still behind in terms of development. Despite the fact that we have county governments, there is still no water in some areas. That makes these authorities important.

It is true that although we want things to be equal in this country, we are not there yet. If you look at what the Constitution is trying to do, it created something called an "equalization fund" so that areas that were left behind are brought at par with the other areas. But what has it done if we are all saying these areas are still not equal? These authorities are very important to some of us. If you go to some parts of this country, there are no roads, yet in other places, there are roads all over. Therefore, we are better off going with these authorities and line them with the *Mwongozo* that will also guide all the departments and ministries in Government so that, at least, we have something uniform.

If you look at the appointment of the directors or the Chief Executive Officers (CEOs), the requirements should be the same. It should not be, for example, that in one authority they will need a director who has five years of experience and in another, a director who has ten years of experience, yet all these authorities are, in fact, at the same level. We need to align their requirements in terms of education. We do not expect to see some authorities requiring a director to have a master's degree while others have a first degree. That will make all of them standard so that their requirements are all the same. That will be very important.

I really want to support the Bill. We should have a law that will bring all these authorities together. That is not to say that they do the same function. For example, we have the Northern Water Works Development Agency (NWWDA) – we used to call it the Northern Water Services Boards – that still does the functions it did before. If the Lake Basin Development Authority does something different, it will still... The needs of our places are not the same. This is a good Bill. Let us support it so that we can have a standardised law for all these authorities.

Thank you.

The Temporary Speaker (Hon. Omboko Milemba): Hon. John Mutunga, Member for Tigania West.

Hon. (Dr) John K. Mutunga (Tigania West, UDA): Thank you very much, Hon. Temporary Speaker, for the opportunity to contribute to this Bill. The Bill intends to consolidate laws relating to regional development authorities and provide for the establishment of powers and functions of regional development bodies. In my opening statement, that is already there. So, the question is: Why should we consolidate these laws, and why should we put all of them under one legislation? What shall we be trying to achieve? I want to share my

experience in agriculture. We consolidated eight different state corporations and formed one called the Agriculture and Food Authority (AFA). We did not do what was supposed to have been done to AFA in order to make it functional and improve its efficiency and effectiveness. Today, AFA is blamed for having not been functioning optimally. Therefore, everybody is blaming AFA for their problems. What we need to do is to make these regional bodies work.

Let us revisit the issue of forming regional bodies. First, we are, of course, calling them regional, and they are regional in approach. Second, they respond to specific and peculiar needs of the region. Third, lunch is not necessarily cheaper in this particular respect, and I will tell you why. These bodies will still have the boards. If we are putting them under one management board or board of directors, then we will be solving a problem of the numbers.

I will give eight different issues that make me say they are different. One is the levels of resource endowment in these areas. Kenya is different. No region is like the other in terms of natural resource endowment and human resource endowment; they are different. The scope of coverage of these regional bodies is different. They cover space depending on their functions and what they took in at any one point in time.

The challenges that these bodies address or confront are different. So, putting them under one umbrella does not necessarily make the challenges uniform. The development needs of those areas are different, just as diverse as their beneficiaries. The beneficiaries are different and they have different perceptions and perspectives of development. The levels of support based on, of course, the requisite interpretation of the specific needs for support for the area are different. It depends on the extent to which support is interpreted and communicated effectively.

The other issue that is important for us to look at is the functions, which will basically be guided by the missions of the authorities. Each of these institutions has a mission and a vision. We are talking about institutions like the ENSDA, KVDA, LBDA, TARDA and the Coast Development Authority (CDA). When you speak about these institutions, you are talking about areas that have been identified to be peculiar and areas that need to have specific focus.

One of the objects of the Bill is to standardise functions of the regional development authorities with consideration of unique areas of operation. You have to standardise then bring in the uniqueness of an area. You cannot standardise different issues because they are different. The law-making process in this country is standard. Every law that comes up with an institution adopts the same approach. It will define the terms, give the major title, and look at the functions and the formation of the boards. Everything is the same. What shall we bring in that is new and different? These institutions were established to manage specific regions and specific sectors. Let us leave them to continue doing that. Let us support them.

Let me bring in the factor of county governments. We should not forget the fact that counties are coming together to form regional development bodies. They are forming clusters of counties so that they may define a bigger function that cuts across counties. So, we cannot restrict ourselves to a county when it comes to development because development cuts across a region. Water flows across different counties. Roads link different counties, and production goes across counties. So, even counties are realising the need to have a regional focus.

Having one legal framework to talk about all these regions is not solving any problem. These institutions have responsibilities that include advising, managing resources, and facilitating projects. What we should ask ourselves is whether they are effectively managing resources, effectively advising, and facilitating projects. A specific example is Tana Water Works. I do not know whether it is peculiar to Tana Water Works or it is across the country. The approach that Tana takes is, for instance, if they want to drill a borehole, they will have two different contracts.

There is a contract for abstraction, getting to know that there is water and test pumping for 24 hours. Then they go back to the procurement process and procure another contractor to

come and install and reticulate so that people can take water. Sometimes it takes up to four years to have some of these functions completed. I have three boreholes in my constituency which have taken more than four years to be completed. What we need to ask ourselves is whether the problem is the legal framework or the levels of support that we are giving these institutions. I find it very difficult to support this legislation.

Thank you.

The Temporary Speaker (Hon. Omboko Milemba): Hon. Maina Mathenge, Member for Nyeri Town. He might be the last one to speak on this because, as directed by the substantive Speaker, we shall be moving to the Statements on constitutional amendments, but I will be speaking on that. For now, Hon. Mathenge, you may proceed.

Hon. Duncan Mathenge (Nyeri Town, UDA): Thank you, Hon. Temporary Deputy Speaker. While I like the spirit of this Bill, I am opposed to the letter of it. The thinking is right, but the idea is obsolete within the realities of the Constitution of Kenya 2010. When we look at the regional bodies, today's devolved units, which are a creation of the Constitution, have pointed to a new desire to craft new regions in terms of the regional economic blocs. Therefore, if we want to maintain the regional development bodies, we would be better off aligning ourselves with this new thinking.

The Tana and Athi Rivers originate in the Mount Kenya region, but they flow all the way to the Coast and drain into the Indian Ocean. At what point do the Tana and the Athi River Basins end, and at what point does the Coast Region Development Authority pick up? Based on just that one example, we find that there is a lot of duplication and overlap and, therefore, a tendency to wastage.

One other demonstration is that if you go to the Lake Basin, you will find...

The Temporary Speaker (Hon. Omboko Milemba): Order, Hon. Mathenge. You have a balance of eight minutes to speak on this Bill, which we shall give you during the next session.

COMMENTS ON LEGISLATIVE PROPOSALS TO AMEND ARTICLES 88 AND 89 OF THE CONSTITUTION

The Temporary Speaker (Hon. Omboko Milemba): The time now being 6.00 p.m., pursuant to the earlier directive issued by the substantive Speaker, the House will now commence on Statements of legislative proposals to amend the Constitution under Standing Order 114(7A). For your information, Hon. Members, those statements by Hon. Maj. (Rt) Bashir Sheikh and Hon. Alice Ng'ang'a can be found on our Order Paper on Pages 208, 209, 210, 211 and 212.

Hon. Members, the legislative proposal by the Hon. Member for Mandera North, Hon. Maj. (Rt) Bashir Sheikh, is to amend Article 88 of the Constitution to provide that when the IEBC is not constituted, the Secretary to the Commission can perform the functions of the Commission that are limited to conducting by-elections under Article 101(4)(b).

The legislative proposal by the Member for Thika Town, Hon. Alice Ng'ang'a, is to amend Article 89 of the Constitution to protect the 27 constituencies that were protected for the first delimitation of electoral units in spite of not meeting the population quota required and which constituencies risk being merged with others when the IEBC conduct their second review that is due.

Thank you, Hon. Members.

The first to have a bite on this will be Hon. Millie Odhiambo, who had earlier said I needed to balance.

Hon. Millie Odhiambo-Mabona (Suba North, ODM): Thank you, Hon. Temporary Speaker, for giving me an opportunity. I would like to know the Motion that we shall debate first because I was waiting to speak on the Regional Development Authorities Bill. While you

are at it, it would be good if you balance both sides of the House? I know you are trying to be faithful to what time people came in but it does not do away with the balance of the House. If I am here, I am here. I am also a senior Member. I know I need to keep reminding the House. I am assertive. So, unfortunately, I have to.

Hon. Temporary Speaker, I just wanted clarity. Which one are you talking about?

The Temporary Speaker (Hon. Omboko Milemba): We are dealing with both of them, Hon. Millie. You can speak on any of the two.

Hon. Millie Odhiambo-Mabona (Suba North, ODM): Having said that, I will only speak to one. I happened to have sat in the constitutional review process, first as a delegate representing the civil society and secondly as part of the 27-member select committee. So, I would actually call myself one of the founding mothers and fathers of the Constitution.

I will not speak too much on the issue of protecting the constituencies because of the numbers since that was the spirit of the Constitution. When I hear people discussing the issue of the creation of new constituencies, a lot of us are misled and think, for instance, that by creating a district, you are getting a constituency. Unless we do a constitutional amendment and change the numbers and the formula that gives numbers, population remains a very big factor in getting constituencies. I would want to encourage those who want to get new constituencies within now and the next elections to either fake numbers since we are experts in Kenya in faking numbers or have children before that due date. Otherwise, the Constitution is very clear about the formula to attain those numbers. Having been a member of the review process, it is important to state that there are very clear constituencies that were indicated that they will be protected. It was agreed that they would be protected even though their numbers do not meet that threshold.

Therefore, I support the fact that those constituencies should not lose their status when we have redistricting that will come before the next elections. Those are my few remarks in relation to the two.

Thank you.

The Temporary Speaker (Hon. Omboko Milemba): The Hon. Adan Haji, Mandera West.

Hon. Yusuf Adan (Mandera West, UDM): Thank you, Hon. Temporary Speaker. I support this statement by Hon. Major Bashir.

There is a lacuna within the Constitution. The Constitution never envisaged that one time, there would be no commissioners in the IEBC. It has happened, and this has affected some constituencies and wards, for example, in Banissa Constituency. The late Hon. Kullow passed on 12 months ago. In the last 12 months, the people of Banissa Constituency have no representation in this House. The Constitution has formed 290 constituencies through the formulas, and every constituency must be represented. With the lacuna of the Constitution, it was not foreseen that at one time there would be no commissioners, and yet this has happened.

There are other wards that have also been without representation for more than a year now. For us not to continue leaving those people without representation, which is their right in this country, we need to enhance, support, and actually fast-track this amendment. We have been doing it to some of the Bills that are of importance. Instead of 21 days, we did it in a day. I request that we support this amendment, fast-track it, and make it an Act of Parliament as far as the amendment is concerned. This is so that by-elections can be conducted in Banissa Constituency and the other wards which have become vacant due to the death of their representatives. I, therefore, suggest that we fast-track this amendment in one or two weeks for those people to be represented.

We are now waiting for the National Government Constituencies Fund (NG-CDF). There is no Member of Parliament to oversee. There was a bursary that was released, yet there is no Member of Parliament to do the justice that we do in all other constituencies. You know

very well that sometimes we go out of this House to lobby for some development activities for our constituencies. Banissa Constituency has not had that opportunity for the last 12 months. If we delay in enacting this, then we are doing a lot of injustice to our people who are not represented in Banissa and many other wards.

With those few remarks, I request all my colleagues to support this. Let us fast-track it as fast as possible. Thank you.

The Temporary Speaker (Hon. Omboko Milemba): The Hon. Moses Kirima. Is he in the House? Ordinarily, he would be here. Okay, proceed.

Hon. Moses Kirima (Central Imenti, UDA): Thank you, Hon. Temporary Speaker. Today, I decided to shift from my place to be near the Mover of the Motion before this august House.

I support Hon. Bashir on the Motion before the House. There are a number of issues in the Constitution that require to be attended to. There was a lot of agitation and activism from various bodies which was put into this Constitution. It thus needs a sober mind now to be looked into as it is being moved.

Hon. Temporary Speaker, if you look at the constituencies that are enlisted as protected constituencies, as has been said by my colleague earlier, there is no way one can go back and say that a certain constituency does not exist due to lack of the threshold of the population required for it to exist. When it was being done, the initiators of the same did not consider the future of this country. It has become a norm where each and almost every Member is rushing to create a sub-county, so that it will be created as a constituency at the end of the day. People think that a sub-county these days is equivalent to a constituency, which is not the case. In some cases, the population does not allow.

We need to consider the contradictions in the Constitution as it is. There are a number of contradictions which are there, especially when it involves the characters of the citizens, the existence of the constituencies, the manner in which they were created, and how citizens are supposed to be beneficiaries of this Constitution. The Constitution is not cast in stone, it is supposed to be dynamic to the extent that it should be solving the problems that reflect the needs of the people and not just activism.

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

The Temporary Speaker (Hon. Omboko Milemba): The Hon. Joshua Kimilu.

Hon. Joshua Kimilu (Kaiti, WDM): Thank you, Hon. Temporary Speaker, for giving me this opportunity to contribute to this important issue.

I thank the Member of Parliament who has come up with a memorandum on protecting these constituencies. It is very important now. This is the right time to protect the constituencies that do not meet the threshold from merging with other constituencies since this will inconvenience people from those constituencies. The population is also growing, and as time goes by, these constituencies will be in a position to meet the threshold.

In Makueni, we have Kilome Constituency, which is protected. The Techno City is built there. In a period of two to five years, the population will shoot. That constituency will have more population than those with four or five wards. It is a good idea that this constituency should be protected.

I support, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Omboko Milemba): Very well. Let us get some insights from the Chairman of the Justice and Legal Affairs Committee.

Hon. George Murugara (Tharaka, UDA): Thank you very much, Hon. Temporary Speaker.

These are two legislative proposals brought by individual Members of Parliament to amend the Constitution so as to align it with the immediate problems that we have in the country. I have gone through the two proposals and I must admit, I find them very well thought

out. In fact, we should be moving with speed to enact this into law so that we do not face the circumstances that we are faced with. To begin with, we do not have any IEBC commissioner.

Therefore, even if this House comes crumbling down and we all go to meet our Maker, God forbid, the constituencies will not get Members of Parliament unless the law is amended. We will be told that there are no commissioners of IEBC to conduct the by-elections.

I am curious what IEBC commissioners do when it comes to running by-elections. Administrative matters are handled by the CEO, who is the Secretary to the IEBC. A by-election is a mini-election. It is not even a small general election as it happened in 1966 when Members of the Opposition crossed over into the ruling party. The truth is that a by-election can comfortably be run by the CEO of the IEBC, who is the Secretary.

Therefore, it behooves this House to amend Article 88 of the Constitution and bring in that proposal, which is now on the Table of the House, that where the Commission is not fully constituted, the Secretary to the Commission, who is also the CEO, will perform the functions of the Commission related to the conduct of a by-election under Article 101 of the Constitution.

Currently, Banissa Constituency does not have a Member of Parliament. It is totally unfair, unjust, and unconstitutional for people to remain for more than eight months, or whatever number of months, without representation in this august House. We should favorably consider this proposal.

We never imagined that we would go for more than one year without commissioners of the IEBC after the expiration of the terms of the previous commissioners. It is now almost a year-and-a-half. However, here we are. This is a problem which we must address today. Therefore, Major (Rtd) Bashir, as other constitutional proposals are brought to this House, whether through the National Dialogue Committee (NADCO) or whatever door, please insist that this constitutional amendment also comes to the House. We know the problems that we experience with constitutional amendments. One cannot muster the numbers. There is a possibility that we will muster the numbers with regard to the proposed amendments by the NADCO. Your proposal should also be included so that we muster the numbers, pass it, and cure a recurrent problem in this country. Thank you, Major (Rtd).

Hon. Alice came up with an excellent proposal. You cannot take away the people's vested rights. The people in protected constituencies have vested rights in those constituencies. They have enjoyed constituency rights for the number of years that the constituencies have existed, including the NG-CDF, employment, and representation in the House. Therefore, their rights have accrued.

There is no way that this House can approbate and reprobate at the same time. As we speak for the constituencies, we must also speak for the protected constituencies. My view is that we should remove that protection by saying that we have 290 constituencies. No constituency will be mentioned with or without protection. They are all substantive constituencies. We will look at that provision and see whether we must protect them, extend the protection, or remove it so that no constituency is termed as a protected constituency.

The citizens in those constituencies are waiting out there, whether in Nyeri or Kilome, which has also been mentioned. The citizens in those constituencies would never accept their removal. The constituents are vested in those constituencies and they expect all the rights that appertain to constituencies in terms of representation, like all other constituents.

I know that the matter will come before the Departmental Committee on Justice and Legal Affairs. We will conduct public participation, but I can almost bet that the ideas that we have shared today are the same ones that Kenyans out there have as regards the IEBC, by-elections, and protected constituencies.

The Temporary Speaker (Hon. Omboko Milemba): Hon. Abdul Haro.

Hon. Abdul Haro (Mandera South, UDM): Thank you, Hon. Temporary Speaker, for giving me this opportunity to contribute to this very important debate.

I will start with the protected constituencies. I support the proposed constitutional amendment by Hon. Alice. It is timely and most welcome. Under no circumstances should those protected constituencies be lost. In fact, looking at the way this country's population is growing, we should consider increasing representation through more constituencies so that more Kenyans are represented. We should not lose the already protected constituencies.

With regard to the constitutional amendment by Hon. Major (Rtd) Bashir, I come from Mandera County, and I know the consequences of a constituency staying for one whole year without representation. We have been grappling with what to do with the constituents of Banissa Constituency since we lost Hon. Kullow Hassan in March last year. We are now in March 2024, one year down the road. Every time we distribute bursaries to students in our constituencies, students from that constituency keep coming to ask to be accommodated.

The constituents of Banissa want development. They want classrooms to be constructed and their NG-CDF to be put to use so that they can also enjoy development like other constituencies. However, this has not been possible for the last year because of the lack of a vision carrier, who is usually a Member of Parliament.

The Banissa Constituency seat became vacant effective 29th March 2023, when it was declared so in a Kenya Gazette Notice of 20th April 2023. One year down the road, the people of Banissa are still waiting to elect their Member of Parliament despite the fact that the law states that when such a situation occurs, a by-election should be conducted in 90 days. Those 90 days lapsed in July 2023. The reason why we have not had these elections is because we do not have commissioners, just as everybody here has mentioned. We had not envisioned such a situation as a country.

Article 99 of the Constitution provides for 290 constituencies, where a Member is elected under Article 97(1)(a) of the Constitution. These provisions of the Constitution have undoubtedly been violated for the last year because Banissa Constituency has remained without a representative for that period.

We all know that there is no judicial determination on whether the IEBC Secretariat can conduct a by-election. This is why the constitutional amendment by Hon. Major (Rtd) Bashir is very important so that it can cure this problem. He proposes that when we find ourselves in the situation that we are currently in, the Secretary to the Commission, who is the CEO of the Commission, can conduct a by-election.

This speaks to the arguments that we heard in the Supreme Court during the Presidential Election Petition. One issue that arose is whether the Commission is made up of the commissioners alone or it also includes the staff of the IEBC. This amendment will partly resolve that matter which came up in the Supreme Court during the Presidential Election Petition. One may wonder why the secretariat cannot conduct by-elections in the first place. Every year, we keep providing a budget for IEBC, and we have not stopped because there are no commissioners. They are spending and this means whatever we are budgeting for them has no value for money. This is because they have folded their hands and are saying they cannot conduct a by-election because there are no commissioners.

This amendment by Major Bashir is timely and most welcome. If it goes through and I hope Members will fully support it, the CEO can conduct an election because elections are conducted by Returning Officers. We do not have vacancies in the Returning Officers positions. They are there together with the staff of the Commission. It is only a matter of having a law to allow the CEO or the Secretary to the Commission, gazette those contesting and conduct an election.

In the circumstances where the commissioners are fully in-house, the secretary can revert to his or her original role without having any problems. The question about this amendment should only apply in circumstances, like where we are in today with no commissioners in office for whatever reasons. I hope this will be expedited to alleviate the

suffering of the people of Banissa and all the other wards where by-elections are supposed to be conducted like Kisa East Ward in Kakamega which is also suffering the same fate.

Thank you, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Omboko Milemba): Hon. Lilian Gogo.

Hon. (Dr) Lilian Gogo (Rangwe, ODM): Thank you very much, Hon. Temporary Speaker, for allowing me to add my voice to these legislative proposals. This is a very important matter which is affecting Kenyans. If we have protected constituencies, there is no way we can think of removing them. I rise to support that protected constituencies should remain as such on the very basis of service to our vision of adequate representation, oversight and legislation. This is the main agenda of Parliament.

If these constituencies were created on a given population, time has since passed to the extent that in this period... You know the way Kenyan women are good at giving birth. I know they have done an exceedingly good job of populating these areas. To the extent, that if we review the population at this time, we will get the desired population to maintain them. In any case, we need more constituencies. So, that even if they are above 290, we secure certain constituencies to be set aside for women only so that we end the struggle over the two-thirds gender parity.

Also, based on that when it comes to the electoral system, we want constituencies designated to be represented by young people only and others by people with disabilities. This is the case so that designated parties with strong following in those areas can be invoked to choose those preference groups so as to have proper representation as required.

I support that constituencies that are protected should remain as so, if possible. The time to re-look and rethink new boundaries has already come. If IEBC was properly constituted as it should be, then we should have protected constituencies remain as such. More so, we should have more constituencies created based on population and any other grading.

I have also heard my colleagues speak about Banissa Constituency which has not had a representative for one year; from March to March. This is very unfortunate. Honestly, it is discriminatory, unconstitutional and pathetic. It is important that we stand with fellow Kenyans from this constituency. They must get a representative by going through a process where they can choose a leader to represent them in the National Assembly. This should be expedited.

There should be an alternative, if there is no IEBC to conduct elections or it is not properly constituted. We should have a constitutional provision that allows an alternative body to conduct elections, in specific and unique cases. If for whatever reason IEBC cannot be properly constituted, then we should have a constitutional amendment to allow an alternative body to conduct elections so that we do not discriminate. I want to say this is basic discrimination because we do not want Kenyans put in a position where they do not have a representative. I have been told that bursaries cannot be given, in as much as there is a committee to do so. They just want to have a leader like other Kenyans. I stand to support my colleague on the matter that this constituency should have its representative in the National Assembly.

Thank you, Hon. Temporary Speaker, for giving me time.

The Temporary Speaker (Hon. Omboko Milemba): Very well. Is Hon Bashir Abdullahi in the House? Oh no. He is the Mover. You do not need to speak on this Hon. Alice Ng'ang'a. Let us get Hon. Maina Mathenge.

Hon. Duncan Mathenge (Nyeri Town, UDA): Thank you very much, Hon. Temporary Speaker, for this opportunity. Allow me to speak to this House and our nation on two concepts. One, national cohesion and two, equal opportunity.

It is an injustice to the two constituencies and the several wards that have fallen vacant and cannot have their representatives elected based on a technicality about the gazettelement of returning officers. It is not good for this country to violate the rights of a section of Kenyans in

the exercise of their sovereignty, based on a technicality over who has the power of the pen to Gazette returning officer.

The drafters of the Constitution had the uniqueness of looking at population as a key factor in the delineation of representation. Currently, the face of cohesion in the country is very well demonstrated in the Constitution by creation of two constitutional commissions, the National Cohesion and Integration Commission (NCIC) and National Gender and Equality Commission (NGEC). Both of them look at equality and cohesion. Therefore, the question of preserving the resources that Kenyans enjoyed before the promulgation of the new Constitution is a key consideration.

It is my opinion and I hope that this House upholds it, that no Kenyan should lose for another Kenyan to gain. We can guarantee the status quo post-2010 while allowing constituencies that are over the population quota to be granted their right to representation immediately. That will provide us with a win-win situation.

The resignation of the IEBC commissioners has happened twice in their last two terms of office. Roselyne Akombe and two others resigned from the previous commission. The Cherera Four resigned from the commission whose term has ended. It means that this country had better come to terms with the reality that it is possible to have commissioners resign in the middle of an election. We must create a transition provision for those realities because it has been demonstrated that it can happen even in the middle of an election, throwing the country into a constitutional crisis.

I urge this House to rise to this occasion and fulfil the aspirations of Kenyans who looking up to us. They are wondering why they have given us the powers and the mandate to legislate yet the country is having very many lacuna in the law. Why do we have a technicality in subsidiary legislation that is preventing people from enjoying a constitutional right? Therefore, this House will do a lot of justice to Kenyans if we can, as my colleagues ahead of me have spoken, fast-track the amendment to this Constitution. We do not have to fear the fact that previous attempts by the National Assembly to amend the Constitution have failed. The circumstances are not the same. Now, it is in the mind of every Kenyan that we have seen areas with challenges after 13 years of the new Constitution. There is a need to amend.

I support and congratulate my two colleagues for this timely proposal. Thank you.

The Temporary Speaker (Hon. Omboko Milemba): Very well. Hon. Julius ole Sunkuli, you are a beneficiary of balancing. Proceed.

Hon. Julius Sunkuli (Kilgoris, JP): Thank you very much, Hon. Temporary Speaker. I wish to make a few remarks in support of this Bill.

I join my colleagues in saying that the work of the IEBC should not stop if commissioners have not yet been gazetted. In every organisation, the political wing is not usually as important as the civil service part. That is why governments like those in Italy have always changed so rapidly yet they are still running because there are permanent civil servants employed to run the organisation. We should always say that the IEBC is also in place if officials are in place. The law should say that a certain cadre of IEBC civil servants could become agents of necessity for the organisation. That, I fully support.

My second point regards the review of constituency boundaries. It is indeed true that we should save the constituencies in danger of being scrapped because of their population. I contend that we should stop dishing out things based on population size in this republic. It is not the right thing to do.

In the past we have adopted a policy of population control in Kenya which I have serious issues with. There was a time they were saying that if you have a smaller family, you would be doing very well and the Government would support you for that. Because of that, some of our communities which already had discipline in terms of population kept their population low. While we did that, the same people who were drafting the policy were busy

making babies and increasing in number. Today, they are saying, give us this thing because we are many. I object, Hon. Temporary Speaker. We obeyed the laws of the country at that time and accepted the policy that population must be kept low. But now we and the whole world realise that population control is not necessarily good for economic growth. That is why kindergartens are closing in Japan and that is why the one child policy has been abandoned in China.

My colleagues who already have high demographic returns cannot come back to say because they made more babies when the policy was against it, they should now be rewarded for it. This country must be judged in many other ways. For instance, if you want to create a constituency out of Kilgoris, you have to look, not at the population but at the nature of representation in that area. We have Kipsigis, Maasai and other ethnic groups. It is always good to make constituencies as homogenous as possible in terms of their formation. Because some of these little disputes that people have within their constituency is because of the little tribal suspicions.

If you can be able to group people more homogeneously and not by counting how many they are, it will make a lot of sense. Population can be used as a criterion but it must never be the most important one. Geography cannot be gain said. You cannot imagine that some constituencies like Narok South can be as big as three or four other constituencies in another area, which I do not want to name. But then, ladies and gentlemen from the other area are saying, they require more representation because they have more people. We also require more representation because we have more land and because our territory is vast and difficult. Constituencies must not be created based on the fact that people are many. Indeed, this should extend to many other resources of the country. Every Kenyan citizen should get a share, not based on how many children they were able to produce, but based on the needs of the ones that they have.

Hon. Temporary Speaker, I hope that the next constituency review takes a serious look at these issues.

With those remarks, I support.

The Temporary Speaker (Hon. Omboko Milemba): Hon. John Kaguchia.

Hon. Kaguchia John (Mukurweini, UDA): Thank you, Hon. Temporary Speaker.

I rise to support the amendment of Article 89 of the Constitution of Kenya in as far as ensuring that we retain the 27 protected constituencies, of which Mukurweini is one.

Mukurweini Constituency has existed since 1963 (Since independence). To clarify, we have had various Members of Parliament from 1963. We had Hon. Wareithi in 1963, who served for three terms; Hon. Koigi wa Mwai, Hon. Ngugi Jorori, who sat in this House, Hon. Muhika Mutahi; Hon. Mutahi Kagwe, Hon. Kabando wa Kabado and Hon. Anthoy Kiai Githiaga. I now represent the constituency.

Hon. Temporary Speaker, the people of Mukurweini Constituency have been represented in this august House since Independence. We do not expect the amendment of the Constitution 2010 to remove in any way a benefit from them. I support strongly that we retain and protect all the 27 constituencies that existed before the promulgation of the Constitution, 2010. It says that we cannot lose the benefits that we enjoyed before its promulgation. The 27 constituencies have served constituents for a long time. They enjoy the benefits of having a constituency. They have a legitimate expectation that they will continue enjoying them. Any of these constituencies should not be lost in any way.

For example, Nyeri County has three constituencies which risk being merged with others, when IEBC conducts the second delimitation of electoral units that is due. They are Mukurweini Constituency, Othaya Constituency and Tetu Constituency which is represented by our good friend who is here, Hon. Geoffrey Wandeto. As a county, we do not see a situation where we will lose three constituencies. We need to retain all the 27 constituencies. We should

also get a formula that we can use to add more constituencies. This will take care of the bigger ones that have more people. I support that the people of Mukurweini should retain their constituency as they have had since 1963.

As I conclude, we have stayed for a period of time without IEBC commissioners. This creates a great injustice to the constituents whose Members died or do not represent them anymore. There are also wards that are not being represented. For that reason, I support that the IEBC secretariat, led by the CEO, should be given the leeway to conduct elections in these constituencies and wards. I support that Kenyans need to be given justice by being represented. When we were drafting the Constitution, we did not foresee this. We have to improve the law continuously, so that every person can be represented.

Hon. Temporary Speaker, I would like to yield my time, so that other Members can contribute. I thank you.

The Temporary Speaker (Hon. Omboko Milemba): Very well. Hon. Geoffrey Mwangi.

Hon. Geoffrey Wandeto (Tetu, UDA): Thank you, Hon. Temporary Speaker, for giving me the opportunity to contribute to these two very important Statements.

Allow me to start with the legislative proposal to amend Article 89 of the Constitution on delimitation of electoral units. Boundaries review is a very emotive exercise. On the face of it, it sounds like a straightforward exercise guided by numerical formulae. However, this is not true. The current boundaries have some historical realities which we can only ignore at our peril. If we start tinkering with them without giving it much thought, we can invite a lot of unintended consequences. For Example, Lamu East and Lamu West constituencies have been earmarked for scrapping. Lamu County has two constituencies. If we lose the two constituencies, its viability will be questionable. The administrative structures that exist will be whittled down and downgraded. Half of the NG-CDF which is allocated to Lamu County will disappear because it will have one constituency. This will aggravate marginalisation and poverty in such a place with a lot of challenges.

I want you to think about the constituencies in the Northern Frontier. Many of their boundaries are based on certain ethnic and clan lines, which have worked very well for peace and development over the years. It is not in our interest to start tinkering with them because we may bring in an unfair political playing field, where the smaller sub-clans and tribes may feel that they are now at risk of being “swallowed” by the bigger clans. The outcome will be a resurgence of ethnic tensions and border skirmishes, which we keep seeing from time to time in this country.

As Hon. Kaguchia has said, the people of Tetu have had uninterrupted representation for a long time. It is easy to think that they can forget their four, five or six decades of identity as Mukurweini, Tetu, Kieni or Ijara. You cannot scrap an identity that has been built for a long time and suddenly give them a new name. We are tinkering with something very important, which is social integration. It may take a very long time to again build consensus and make these people feel as one if we put them in the same constituency.

Think about places like the North Rift and parts of northern Kenya, especially North Eastern, which is sparsely populated and faces myriads of problems including poor road networks, low school enrolment and insecurity. While a Member of Parliament from Nairobi can tour his constituency in a number of hours, some of our brothers and sisters in the North Rift and North Eastern take days to move around their constituencies. Merging these constituencies such that these Members have a bigger area to superintend over will make their work harder and they will have to work long hours to achieve the smallest gains.

As I conclude, constituencies have over the years become an important economic, social and cultural identifier of the people. Any changes to the status quo must be the outcome

of thorough public participation and not a map drawn in Nairobi by bureaucrats sitting at the IEBC offices in Anniversary Towers.

I support that we protect these constituencies.

The Temporary Speaker (Hon. Omboko Milemba): Hon. Wilberforce Oundo.

Hon. (Dr) Ojiambo Oundo (Funyula, ODM): Hon. Temporary Speaker, it is always refreshing for Members to propose amendments to Acts, Bills or the Constitution. Because of time, I will be very brief.

Amendments proposed under Article 88 of the Constitution are an interesting reading. They are a study on how we can manipulate a system to get to a certain desired goal. We find ourselves in an extraordinary situation where we do not have a functional Commission, not because there is any lacuna in the law on how to recruit and replace retiring commissioners, but because the politics of the day have made it practically impossible to have a new Commission. Since we have omnipresent presidents or leadership, we take ambiguous positions and hound out those we disagree with, who are the referees, because they have made a call that we disagree with. We are trying to legislate for posterity on a matter that has nothing to do with the future. Who thinks that we will always have such a scenario?

Article 250 of the Constitution is explicitly clear on what constitutes a commission. The IEBC is a constitutional commission. A constitutional commission is not a commission without the commissioners and the secretariat. It would have, therefore, been consequential for this amendment to stand. It amends Article 250 to allow circumstances where a secretary can assume the role of the commissioner. As the substantive Speaker said, you cannot amend a constitutional proposal or a Bill; it either passes or falls as it is. Unfortunately, this has to face the fate as it is. It cannot stand because an election is an election. There is no contemplation in the law or the Constitution on the difference between a by-election and a main election. Elections must be undertaken by a commission composed of the commissioners and the secretary. As much as I want to sympathise with the people of Banissa because Hon. Kulow was my personal friend, unfortunately, the law is the law. There is nothing we can do. Let us practise clean politics and avoid being vindictive or hound people out because we disagree with them.

The amendment by Hon. Alice Ng'ang'a is an interesting read. I agree with retaining what exists. It would be extremely unfair to wake up in the morning and wipe out Lamu East and Lamu West. It will be unfair to wipe out my neighbours, Budalangi. My grandmother would curse me and my mother would be extremely unhappy because she hails from there. She could not find a suitable husband in Budalangi and that is why she came to Funyula Constituency to look for my father. We must always respect the symbiotic relationship that we have.

Some of the reasons these constituencies might not meet the numbers are beyond our control. It would have been good for the Hon. Member to tell us what the population of these constituencies was after the 2019 census report. Members of these constituencies have gone to sleep putting the country in a conundrum they could have easily avoided. The last review was in 2012. It has been 12 years and, in that period, each individual could have multiplied themselves six times. We ask them to go to work so that in the next review, they do not ask for sympathy. All adults here know the only way to overcome marginalisation. In western Kenya, we do not have a problem. Our kindergarten classrooms are full of children. Let them borrow a leaf on how to get the work done.

With those few remarks, I encourage them to pursue but we need to solve this problem once and for all and probably borrow a leaf from what Ambassador Sunkuli has said regarding expansion.

The Constitution also provides safeguards. It talks about geographical features, urban centres, communities of interest, historical, economic, and cultural ties. We do not need to

amend the Constitution. Let us go to work. We need numbers. Population is good for the market and the economy.

Thank you, Hon. Temporary Speaker.

ADJOURNMENT

The Temporary Speaker (Hon. Omboko Milemba): Hon. Members, we may rise. These two constitutional matters will be looked at again when the House Business Committee schedules them again.

The time being 7:00 p.m., the House stands adjourned until Tuesday, 12th March 2024, at 2.30 p.m.

The House rose at 7.00 p.m.

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