

# NATIONAL ASSEMBLY

## OFFICIAL REPORT

Tuesday, 12<sup>th</sup> March 2019

The House met at 2.30 p.m.

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

### PRAYERS

### PETITION

#### AMENDING THE CONSTITUTION TO ALTER THE SYSTEM OF REPRESENTATION OF THE PEOPLE

**Hon. Speaker:** Hon. Members, this is Public Petition No.20 of 2019.

Standing Order No. 225(2)(b) requires the Speaker to report to the House any petition, other than those presented through a Member.

I would like to convey to the House that my office has received a petition submitted by one, Mr. Julius Kipkoech Bores, requesting that Parliament, pursuant to Articles 93, 94 and 95 of the Constitution considers amending the Constitution of Kenya to alter the system of representation of the people.

Hon. Members, the citizen has submitted the public petition in exercise of his “right to petition Parliament to consider any matter within its authority, including enacting, amending or repealing any legislation”.

Petitioner, Mr. Julius Kipkoech Bores proposes that this House considers several amendments to the Constitution affecting the bicameral nature of the legislature, the two-thirds gender principle, among other proposals.

Hon. Members, pursuant to the provisions of Standing Order 227, this Petition therefore stands committed to the Departmental Committee on Justice and Legal Affairs. The Committee is requested to consider the Petition and report its findings to the House and the petitioner in accordance with Standing Order 227(2).

Thank you.

Do Members who are on intervention want to comment on the Petition?

**Hon. Members:** No.

**Hon. Speaker:** The Petition is accordingly committed.

Next Order.

### PAPERS LAID

**Hon. Speaker:** Leader of the Majority Party.

**Hon Aden Duale** (Garissa Township, JP): Hon. Speaker, I beg to lay the following Papers on the Table of the House:

Bilateral Air Service Agreements for Ratification between Kenya and Cambodia; Kenya and Burkina Faso; Kenya and Finland; Kenya and Seychelles; and Kenya and the Hellenic Republic and the Explanatory Memorandum.

The Report on Deployment and Discontinuation of Deployment of Kenya Defence Forces in Support of the Kenya Wildlife Service in Response to Fire Outbreaks at Mt. Kenya National Park.

The Agreement for the Setting Up of a Regional Maritime Information Exchange and Sharing Mechanism in the Western Indian Ocean Region and the Explanatory Memorandum.

The Regional Agreement on Coordination of Operation at the Sea in the Western Indian Ocean and the Explanatory Memorandum.

The Annual Reports and Financial Statements of the Teachers Service Commission for the year ended 30<sup>th</sup> June 2017.

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

- a) The Technical and Vocational Education and Training Curriculum Development Assessment and Certification Council;
- b) Nursing Council of Kenya.
- c) Laikipia University.
- d) Pwani University, and
- e) Kenya Climate Smart Agriculture Project.

Thank you, Hon. Speaker.

**Hon. Speaker:** The Chairman of the Departmental Committee on Transport, Public Works and Housing.

**Hon. David Pkosing** (Pokot South, JP): Hon. Speaker, I beg to lay the following Papers on the Table of the House:

Reports of the Departmental Committee on Transport, Public Works and Housing on its consideration of:

- (i) The revised Constitution of the African Civil Aviation Commission (AFCAC) for Ratification; and
- (ii) Senate Amendments to the Kenya Roads Bill, 2017.

**Hon. Speaker:** Chairperson, National Government Constituencies Development Fund. I am informed that your Report is not ready, but you are required to table it today. So, I will allow you to table it at any time in the course of today's sitting. The timelines are such that you must do it today. Hon. Maoka Maore, you must do it today.

**Hon. Maoka Maore** (Igembe North, JP): It will be done, Hon. Speaker.

**Hon. Speaker:** Make sure that it is brought and I have to see it also.

Next Order.

## NOTICE OF MOTION

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

**Hon. David Pkosing** (Pokot South, JP): Hon. Speaker, I beg to give notice of the following Motion:

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

**Hon. Speaker:** On that, the Chair of the National Government Constituencies Development Fund (NG-CDF) is also exempt. After tabling the report, he will be allowed to give notice of the Motion for adoption of the report or otherwise.

Hon. Members, before we proceed allow me to recognise pupils and students from the following institutions who are seated in the Speaker's Gallery: Mwiki Primary School, Ruiru Constituency, Kiambu County; Lang'ata Barracks Primary School, Lang'ata Constituency, Nairobi County; Kimnai Girls Secondary School, Marakwet West Constituency, Elgeyo Marakwet County; and Gatanga Girls, Gatanga Constituency, Murang'a County. They are all welcome to observe the proceedings in the House this afternoon.

Next Order!

## ORDINARY QUESTIONS

*Question No. 080/2019*

### UPGRADING OF ROADS IN SABOTI CONSTITUENCY

**Hon. Caleb Luyai** (Saboti, ODM): The Question is to the Cabinet Secretary for Transport, Infrastructure, Housing and Urban Development:

(i) Is the Cabinet Secretary aware that Kambimiwa - Lukhome -Kaptama, Kitale - Kinyoro- Baraton - Saboti - Kisawai and Kiminini - Lukhome Roads in Saboti Constituency are in deplorable state and that during rainy seasons, they become impassable?

(ii) Are there plans to upgrade the said roads to bitumen standards?

**Hon. Speaker:** It is referred to the Departmental Committee on Transport, Public Works and Housing. Member for Igembe Central, Hon. Kubai.

*Question No. 093/2019*

### CLASSIFICATION AND MAINTENANCE OF ROADS IN MERU COUNTY

**Hon. Kubai Iringo** (Igembe Central, JP): Hon. Speaker, I would like to ask Question No.093/2019 to the Cabinet Secretary for Transport, Infrastructure, Housing and urban Development:

(i) Is the Cabinet Secretary aware that KeNHA maintains the Meru- Maua Road up to Kangeta Market but has not maintained Kangeta - Maua Town section of the same road for the last six years?

(ii) Is the Cabinet Secretary further aware that Meru - Maua Road is classified as a class B road and funded for maintenance while the section of the same road from Kangeta to Laare, a

distance of 10 kilometres, is classified as a class C road and is currently under construction to bitumen standards by KERRA?

(iii) When will the Cabinet Secretary address the anomaly on classification and maintenance of roads?

**Hon. Speaker:** It is referred to the Departmental Committee on Transport, Public Works and Housing. Next Question is by Member for Chuka/ Igambang'ombe, Hon. Patrick Munene.

*Question No. 095/2019*

NON-ALLOCATION OF SUB-COUNTY CODE AND FAILURE TO APPOINT SUBSTANTIVE DEPUTY  
COUNTY COMMISSIONER IN CHUKA/IGAMBANG'OMBE

**Hon. Patrick Ntwiga** (Chuka/Igambang'ombe, JP): Thank you, Hon. Speaker. I rise to ask Question No.95 of 2019 to the Cabinet Secretary for Interior and Coordination of National Government:

(i) Is the Cabinet Secretary aware that Igambang'ombe sub-county in Chuka/Igambang'ombe Constituency has never been allocated a sub-county code despite being gazetted as a sub county in 2017, and further that the sub-county does not have a substantive Deputy County Commissioner?

(ii) When will Igambang'ombe sub-county be provided with sub county code number and Deputy County Commissioner?

**Hon. Speaker:** It is referred to the Departmental Committee on Administration and National Security. Next Question is by the Member for Nakuru Town East, Hon. Gikaria.

*Question No. 096/2019*

MEASURES TO ENSURE KENYAN SUBCONTRACTORS ARE PAID BY MS AEE POWER HOLDINGS

**Hon. David Gikaria** (Nakuru Town East, JP): Thank you, Hon. Speaker. I beg to ask Question No.96 to the Cabinet Secretary for Energy:

(i) Could the Cabinet Secretary provide details why the Ms. AEE Power Holdings, a Spanish international contractor and power developer which was contracted by Kenya Power and Lighting Company (KPLC), has not paid local Kenyan subcontractors despite the subcontractors having completed their work?

(ii) Could the Cabinet Secretary confirm whether the said AEE Power Holdings has been fully paid by the Ministry; and when is the contract ending?

(iii) What measures has the Ministry put in place to ensure that AEE Power Holdings pays local subcontractors before exiting the country?

**Hon. Speaker:** The Question is referred to your Committee. You are the Chair of the Committee. Perhaps, you may consider your Vice-Chair, Hon. Pukose, to be the one to chair when you will be asking the Question.

**Hon. Kathuri Murungi** (South Imenti, Independent): On a point of order, Hon. Speaker.

**Hon. Speaker:** Hon. Kathuri, there is no conflict. Every Member is allowed to ask Questions. Even if he is the Chair of the Committee, the Vice-Chair or any other Member can chair when he is asking the Question. This is not a debate.

*(Hon. Kathuri Murungi spoke off record)*

I hope it is not the same matter.

The next Question is by the Member for Bomachoge Borabu, Prof. Zadoc.

*Question No. 097/2019*

STATUS OF CONSTRUCTION OF MOGONGA - KENYENYA –  
RIOKINDO – MAGENCHE – EBEREGE ROAD

**Hon. (Prof.) Zadoc Ogutu** (Bomachoge Borabu, Independent): Thank you, Hon. Speaker. I rise to ask Question 97 of 2019 to the Cabinet Secretary Transport, Infrastructure, Housing and Urban Development.

(i) What is the status of the construction of the Mogonga - Kenyenia – Riokindo – Magenche – Eberenge Road, the first bitumen road in Bomachoge Borabu Constituency that was started in 2015?

(ii) Is the Cabinet Secretary aware that the quality of construction of sections of the said road does not meet the required minimum standards?

(iii) What measures is the Ministry putting in place to ensure that the said road is constructed to the required standard and within the stipulated timeframe?

**Hon. Speaker:** Very well. Again, the Question is referred to the Departmental Committee on Transport, Public Works and Housing. The final Question is by the Member for Kiambu Constituency, Hon. Jude Kang'ethe Njomo.

*Question No.098/2019*

DETAILS ON AGE LIMIT FOR IMPORTED SECOND-HAND MOTOR VEHICLES

**Hon. Jude Njomo** (Kiambu, JP): Hon. Speaker, I would like to ask the Cabinet Secretary for Industry, Trade and Co-operatives the following Question:

(i) Could the Cabinet Secretary provide details of his recent public pronouncement on the reduction of the age limit for imported second-hand motor vehicles with engine capacity above 1500cc from eight to five years?

(ii) Could the Cabinet Secretary explain the short and long-term effects the pronouncement above has on the country's economy?

(iii) Could the Cabinet Secretary explain whether the Kenya Bureau of Standards Notice Number KS 1515:2000 of 2018 on Kenya Standard Code of Practice for Inspection of Road Vehicles has complied with the requirements of the Constitution and the Statutory Instruments Act as it relates to public participation and submission to Parliament?

**Hon. Speaker:** Hon. Jude Njomo, your part (iii) of the Question is the kind that is covered by the requirement that, if the information is available and it is a *Gazette Notice*, you can call for its being tabled on the Floor of the House, if it has not. That is so that the House can deal with it, as you know, how best. Nevertheless, I imagine that the CS would come with that *Gazette Notice*. He needs to bring it.

**Hon. Jude Njomo** (Kiambu, JP): Hon. Speaker, I do not know whether you have noticed there is a problem with the sound system today. I did not appreciate your words because I could

not comprehend what you were saying. I believe this House has very competent technicians who can work on the sound system so that we are able to communicate effectively.

Kindly, if you do not mind, I did not hear what you said.

**Hon. Speaker:** It is not for lack of competent technicians; it is the equipment aging and requiring upgrading, which is happening.

*(Hon. Aden Duale spoke off record)*

**Hon. Speaker:** Hon. Jude Njomo, I hope you are not seen as canvassing for a job to do the upgrade.

Nevertheless, all I was raising with you are the requirements of the Statutory Instruments Act which are that any regulation making authority or body is required to, within seven days, table the regulations they make before the House. It is after that that the Committee on Delegated Legislation will look at those regulations and determine whether or not to approve them as they are or recommend their annulment to the House. You are not saying whether they have been tabled.

**Hon. Jude Njomo** (Kiambu, JP): That is the main essence of that Question. People are usurping the powers of Parliament to do regulations and legislations which the Constitution does not allow. That is why I would like the CS to come and explain to the relevant Committee what transpired and who gave him the powers to do legislation.

**Hon. Speaker:** Very well. Of course, that will be in breach of Article 94 of the Constitution. We will deal with it, Hon. Jude Njomo.

Who has a point of order? Member for Kieni.

**Hon. Kanini Kega** (Kieni, JP): Thank you, Hon. Speaker. According to the Order Paper, this Statement is sought from the Cabinet Secretary for Industry, Trade and Co-operatives but it is written here that the reply should be before the Departmental Committee on Finance and National Planning. Since Parliament is a House of records, we would want to know exactly where the answer will be given.

**Hon. Speaker:** Fortunately, I had not referred the Question. It should be referred to the Departmental Committee on Trade, Industry and Cooperatives because it is being asked to the CS for Industry, Trade and Co-operatives. Make the necessary corrections.

*(Hon. Gideon Koske gestured)*

Member for Chepalungu, you should have put your card for intervention. Intervention is different from the main contribution area.

**Hon. Gideon Koske** (Chepalungu, CCM): Thank you, Hon. Speaker, for giving me this one minute to raise my concern.

Ever since we came on board the 12<sup>th</sup> Parliament, the introduction of Questions in this Parliament has, in my own thinking, not worked successfully. It has not progressed the country. It beats logic and makes no sense. We are asking Questions to ourselves as parliamentarians here because the CSs are outside this Parliament. We are fighting with time on contributing on national issues here. It is not okay to introduce Questions to CSs who are not seated with us. We need to remove them until the time we introduce changes and have ministerial positions inside Parliament. We will have people like Duale and the rest here becoming *waziris*. That is the time it will make sense to have Questions.

**Hon. Speaker:** Well, Member for Chepalungu, this is prime time. It is good time for him to make his contribution. Hon. Member for Chepalungu, the system that is there is one in which, rather than the Question being directed to the Chairperson of the relevant Departmental Committee, it is directed to the CS who then appears before that Committee at which the Member will appear and prosecute his or her Question.

There is value because the people of Chepalungu must know whether you ask or raise any issues that concern them or if you deal with very national and international issues. It is important for the people of Chepalungu to know whether you care about the roads, bridges and all those things that concern them. They need to hear you raise it here. Then, where possible, they can then see you prosecuting the matter on their behalf when the CS appears before the Committee. I think it is important.

The previous system which we found when we came to the 11<sup>th</sup> Parliament was directing the Questions to the Chairpersons. The Chairpersons cannot respond to you. For instance, the gentleman seated behind you who is the Chair of the Departmental Committee on Transport, Public Works and Housing will not answer if you ask him about a particular road in Chepalungu. He may not know. He would be given a written reply which he reads here and you will say it is not satisfactory. But, he is not the one who generated the answer. It is for that reason we decided to introduce that. Even as we wait for what you seem to desire and for which I heard some Members applauding you, we needed to get something in-between.

So, it is important that the people you represent here see that, indeed, you have taken the issues they may have raised with you during the weekends or holidays and that you are raising them on the Floor of the House. Subsequently, you will then go and prosecute the matter before the Committee. The Chairman of the Committee and the CS will be there to respond. You can now grill the CS before the Committee, as we await for that which you seem to desire.

Hon. Members, I hope these interventions are not about this. There is nothing to debate. You know, I apply the Standing Orders very strictly. This is not business. It cannot be that is what we are going to discuss. If you want, as I said last week, write your recommendations to the Committee on Procedure and House Rules. That is if you desire any changes. There is no point raising it here because that is not the method of changing the Standing Orders. Again, read the Standing Orders themselves. They provide you a roadmap of how to amend the Standing Orders, from time to time or at the tail end of a Parliament.

I appreciate that it is something that could excite a few of us. But, why would we want to be excited for nothing when we could do serious business? So, let us not go to it. I can see a few of you want to say something. Of course, the Member for Tiaty is always very excited about this one. The nominee 001 would really want to support you now that he is seated next to you. Let us go to business.

Next Order.

## PROCEDURAL MOTION

### REDUCTION OF PUBLICATION PERIOD FOR A SPECIFIED BILL

**Hon. Speaker:** The Chairperson of the Budget and Appropriations Committee.

*(Hon. (Ms.) Sabina Chege consulted with  
Hon. Kimani Ichung'wah and Hon. Aden Duale)*

Who is this in green who is making you not to hear anything? She appears to have hypnotised you. Member for Murang'a, let the Chair of the Budget and Appropriations Committee also do some work for us.

**Hon. Kimani Ichung'wah** (Kikuyu, JP): Hon. Speaker, you may have to forgive me and the Leader of the Majority Party. We were temporarily disrupted when the gracious lady from the County of Murang'a was walking in.

I beg to move the following Procedural Motion:

THAT, notwithstanding the provisions of Standing Order 120, and cognisant of the timelines contemplated under Article 218 of the Constitution and section 42 of the Public Finance Management Act regarding period for passage of a Division of Revenue Bill, this House resolves to reduce the publication period of the Division of Revenue Bill (National Assembly Bill No. 11 of 2019) from 7 to 6 days.

I think Members are all aware that we began this Session quite late into the month of February. In accordance with Section 42 of the Public Finance Management (PFM) Act, we have just 30 days from when this Bill is introduced to the House to be considered by both Houses of Parliament – the National Assembly and the Senate. Considering that we will be going on a short recess towards the end of the month, I think it is only fair we reduce the publication period. It is for us to be able to consider this Bill and have it transmitted to the Senate and be completed before the two Houses proceed on the short recess.

With that, I beg to ask the Leader of the Majority Party to second and ask the House to support this Procedural Motion.

**Hon. Speaker:** The Leader of the Majority Party.

**Hon. Aden Duale** (Garissa Township, JP): I really support the Chair of the Budget and Appropriations Committee. Article 218 of the Constitution says two Bills shall be introduced in Parliament within this time; the Division of Revenue Bill and the County Allocation of Revenue Bill. Section 42 of the PFM Act 2012, says that Parliament shall consider the Division of Revenue Bill and County Allocation of Revenue Bill not later than 30 days after the Bills have been introduced, with a view to approving them with or without amendments. This is very important. Now we know how much, based on the Budget Policy Statement (BPS), the county governments must be allocated.

Therefore, on the basis of the BPS this House has approved then the Chair, the Budget Office and the National Treasury have prepared this Bill. It is important so that before we go on short recess we can refer it to the committee so that they can consult over the next one week. We can then send this Bill to the Senate for consideration within 30 days. This Bill concerns both Houses.

I beg to second.

*(Loud consultations)*

**Hon. Speaker:** Order Members!



*(Question proposed)*

*Question put and agreed to)*

## BILLS

*First Reading*

THE DIVISION OF REVENUE BILL

*(Order for First Reading read - Read the First Time and ordered to be referred to the relevant Departmental Committee)*

*Second Reading*

THE STATUTE LAW (MISCELLANEOUS AMENDMENTS) (No.2)  
BILL (NATIONAL ASSEMBLY BILL NO. 13 OF 2018)

*(Hon. Benjamin Washiali on 8.11.2018)*

*(Resumption of Debate interrupted on 13.11.2018)*

**Hon. Speaker:** Hon. Members, let me just update the House about this Bill. This is resumption of debate. The Bill was moved by the Majority Whip and seconded by the Member for Kinangop. Since then the following Members have contributed: Hon. Didmus Barasa, the Leader of the Majority Party, Hon. Martin Owino, Hon. Robert Pukose, Hon. Omboko Milemba, Hon. Ndindi Nyoro, Hon. Godfrey Osotsi, Hon. Kimani Kuria, Hon. Odhiambo Akoth, Hon. James Nyikal, Hon. Cornelly Serem, Hon. Wanjira Wangari, Hon. Kanini Kega and by the time the House adjourned, Hon. Nduati Ngugi was contributing. I believe this is the Member for Gatanga. He has a balance of four minutes. Is Hon. Nduati Ngugi in the House? If he is, is he desirous of taking his balance of four minutes?

There are some Members who like sitting behind the pillars and I do not know why. It is very difficult to see their faces, and there is a lot of space in the House.

Hon. Nduati is absent. I will give the opportunity to any other Member apart from those whose names I have read out as having contributed. The first one is Oundo Ojiambo, the Member for Funyula.

**Hon. (Dr.) Wilberforce Oundo** (Funyula, ODM): Thank you, Hon. Speaker for this opportunity. As usual, the Statute Law (Miscellaneous Amendments) Bill has always had problems with most of us because it is voluminous and carries so many things and the time given is not enough to make a contribution. Before I make a contribution, I needed your guidance in respect of a particular section that was included in this Bill. These are the amendments to the Cooperative Societies Act and the SACCO Societies Amendment Act. I have received communication elsewhere that the amendments have been dropped so, I wanted your confirmation before I proceed to make my contribution in respect to that matter.

**Hon. Speaker:** Indeed, they were withdrawn and I gave a communication on the Floor of this House on the same

**Hon. (Dr.) Wilberforce Oundo** (Funyula, ODM): Thank you, Hon. Speaker. I will proceed to make my contribution to other aspects of the Bill that are relevant. I want to make a contribution in respect of NHIF where “H” changed from “Hospital” to “Health”. This is a timely change, because when you talk about “hospital”, the only thing that crosses people’s mind is medication and nothing else. But the word “health” seems to incorporate a number of issues. So, those changes are necessary.

When you go to the “Fund”, there are provisions that allow for the fund to be contribution under Section 15 where employer’s contribution matches the employee’s contribution. I do believe with the Universal Healthcare, the fund provided for under the Sports Act and Social Development Fund will also be used in respect of this particular fund.

There are quite a number of amendments that probably – one of the most serious amendments that we might have to relook at is appearing in Section 30(1) where it says that the board may negotiate and enter into contracts with overseas specialised healthcare providers for specialised professional treatment not available in the country. As a country, we should not even be imagining of this kind of arrangement. As a country we must look at systems where we can improve our healthcare to a certain point that we would not need external assistance or external referrals.

As a premier country in Africa and as a country that aspires to be First World, we must continuously invest in healthcare system so that we can start attracting medical tourism as happens in India and elsewhere. The amendments being made to Section 36 are increasing the administration expenses to a whopping 15 per cent which is unprecedented. This is because in many circumstances, management expenses should hover around 3 to 5 per cent. By increasing it to 15 per cent, you are basically creating an extremely big organisation that opens room for misuse and misappropriation of the funds that could be used for purposes of providing healthcare to most deserving Kenyans.

My attention has also been drawn to the Statistics Act, and I want to specifically make a comment in respect to the qualifications of the person to occupy the position of the CEO or Director-General. There is an expression that provides that “delete the expression of “an advanced degree in a relevant field” as specified in Section 3 and substitute therefor the expression “a degree in statistics, economics, demography or mathematics”.

At the most appropriate time, we need to move an amendment to make it necessary that the person being appointed to head the organisation must demonstrate ability and a track record in research, conceiving and conceptualising a research problem, undertaking research, collecting data, analysing the data and presenting research findings.

*(Loud consultations)*

**Hon. Speaker:** Order, Members. Order Members. Leader of the Minority Party and the Member for the other Suba, I can hear your voices from where I am. Please, why do you not lower the decibels so that we can hear what the Member for Funyula is saying?

**Hon. (Dr.) Wilberforce Oundo** (Funyula, ODM): Thank you, Hon. Speaker. The consultations were so loud you would imagine it is not a House of Parliament.

When you go to the same Statistics Act, there is an amendment to introduce Section 8A to provide for the corporation secretary. I think there is a missing statement in that particular section that would require inclusion. The terms of service of the corporation secretary must

obviously make reference to the Salaries and Remuneration Commission (SRC) as is now the practice all over this country for purposes of harmonising the same with the rest of the matters.

I will leave quite a number of other provisions, but generally go straight to the provision relating to the Micro and Small Enterprises (MSEs) Act. The issues being proposed for amendment are timely because small enterprises are mostly domiciled in the counties. Having left out the county governments in the composition and decision-making of the MSEs was a mistake and it is important that at this particular time we make those amendments to incorporate the same.

Generally, I support the amendments. I hope during the Committee of the whole House the issues that I have raised will be considered.

Thank you, Hon. Speaker.

**Hon. Speaker:** Leader of the Majority Party. Sorry, not you. 001.

**Hon. David ole Sankok** (Nominated, JP): Thank you very much, Hon. Speaker. I stand under Standing Order 95.

**Hon. Speaker:** No, this is not an intervention. This is contribution time. I can see Members who want to speak. Of course, some have contributed. I can see the Member for Kathiani.

*(Hon. Robert Mbui spoke off record)*

Not on this one? Hon. Angatia Savula. Or is it different?

**Hon. Ayub Angatia** (Lugari, ANC): Thank you, Hon. Speaker for giving me an opportunity to contribute on the Statute Law (Miscellaneous Amendments) (No.2) Bill of 2018. I would like to contribute first on the issue regarding the amendments to the Dairy Industry Act. In this amendment, they are seeking to insert the words “goat, camel whether in liquid, solid or any other format”. You recognise that the only Act that has been recognising goat and camel milk is the Health Act. The Dairy Industry Act has not been recognising this as packable product. This amendment will now allow goat and camel milk to be officially packaged and marketed to enable improve the country’s economy in terms of money circulation from the gains of these products.

I would also like to contribute on the National Hospital Insurance Fund Act. The amendment creates a new dimension where the county governments have now been recognised on the Board of the NHIF. It recognises that health is a devolved function and all matters concerning health are dealt with at the NHIF. All donor funds are channeled through the NHIF and the Ministry’s budget is channeled through the NHIF. It is important for the Council of Governors to have a representative at NHIF because the governors manage the health facilities at the grassroots level to Level 5 hospitals. This will create an effective linkage between the county governments that manage health and the national government through NHIF. We should also ensure that we retain employers on the board, that is the Federation of Kenya Employers (FKE), and the employees who contribute to that fund, that is the Central Organisation of Trade Unions (COTU), to ensure that the contributions are effectively managed.

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

Thank you, Hon. Speaker.

**Hon. Speaker:** Member for Fafi, Hon. Osman.

**Hon. Mohamed Abdikhaim** (Fafi, KANU): Hon. Speaker, I wanted to contribute to Motion 13.

**Hon. Speaker:** Sorry, Hon. Osman. I thought you had put your card to contribute. Member for Kangundo, you have the Floor.

**Hon. Fabian Muli** (Kangundo, Muungano): Thank you, Hon. Speaker. I rise to support this Bill. It is true it is high time we did an audit to the Constitution, especially on matters of such Acts and policies. Without going to any written provision of this Bill, it has become very hard to interpret the Constitution because we have failed to align all the policies and Acts with it. It is true some words even conflict, like Ministers and Permanent Secretaries. It is very important at this time that we come up with a progressive way to bring these documents to conform to the Constitution. That is why I rise to support this Bill without going through any written provision.

Thank you.

**Hon. Speaker:** Member for Ndhiwa. Not on this. Member for Igembe North, is it about this?

**Hon. Maoka Maore** (Igembe North, JP): Hon. Speaker, I have no intervention.

**Hon. Speaker:** Hon. Member for Nambale?

**Hon. Sakwa Bunyasi** (Nambale, ANC): *(Inaudible)*

**Hon. Speaker:** Not about this also? Let me know when Members have their names shown there. My assumption is that they want to contribute. However, now that every one of you does not want to contribute...

**Hon. (Dr.) Chris Wamalwa** (Kiminini, FORD-K): On a point of order.

**Hon. Speaker:** Hon. Member for Kiminini, what is your point of order?

**Hon. (Dr.) Chris Wamalwa** (Kiminini, FORD-K): Hon. Speaker, the controversial part was that of the SACCO part of which the Hon. Leader of the Majority Party had withdrawn. From the look of things, it seems it is exhaustive. So, will I be in order if you called the Mover to reply so that we move to the next business?

Thank you.

**Hon. Speaker:** The nominated Member 001 has certainly had a look at his Standing Orders and he is telling you authoritatively that you should have risen under Standing Order 95. It is good that the gadgets are helping.

Well, it looks like it is the case and I call upon the Mover, Hon. Duale to reply.

**Hon. Aden Duale** (Garissa Township, JP): Thank you, Hon. Speaker. At the outset, I want to correct Hon. Chris Wamalwa, my good friend. You only do not contribute to controversial things. Every legislation that comes to the House must go through debate. This Statute Law (Miscellaneous Amendments) Bill has been with us here since 2013. It has some very important pieces of legislation. There is the Betting, Lotteries and Gaming Act Cap.131 and the Dairy Industry Act Cap. 336.

The Bill therefore proposes to amend and enlarge the definition of “milk” to include goats and camels. For those of us who rear camels, the most sought after milk in Kenya today is camel milk. So, this amendment is introducing the definition in law to recognise milk from the goats that we rear and the camels that we herd. That is the Dairy Industry Act.

For the Cooperative Societies Act, after receiving communication from the Ministry of Trade and the Principal Secretary, Cooperatives and the Attorney General based on the assessment of their letters, I have withdrawn the amendments. We have the National Hospital Insurance Fund Act No.9 of 1998 in which we want to enable the Fund to receive contributions from both the national Government and the county governments. So, the county governments and their employees have been put under the administration of this Fund. There is the Statistics Act and the Energy Act No. 12 of 2016.

Hon. Speaker, I do not know how this will be because this morning the President has assented to the Energy Bill which was passed by this House. So, we will consider whether this amendment to the Energy Act has already been covered by the law that the President has assented to this morning, both the Energy and the Petroleum Act. I have withdrawn the SACCO Societies Act after getting representation from the relevant Government ministries. The Urban Areas and Cities Act No.13 again is an area we are going to discuss with you and the legal department. This is because this morning the President assented to the Urban Areas and Cities (Amendment) Act that was before both Houses. So, we will see also whether this particular amendment in the Statute Law was covered by the law that the President assented to this morning so that we do not get duplication of laws.

Micro and Small Enterprises (Amendment) Act is key because this is the largest provider of employment in our country. So, all these have been discussed and I thank Hon. Members for their immense contributions to the Fisheries Act and we will now bring an amendment.

**Hon. (Ms.) Odhiambo-Mabona** (Suba North, ODM): On a point of order.

**Hon. Speaker:** What is your point of order Hon. Member for Suba North?

**Hon. (Ms.) Odhiambo-Mabona** (Suba North, ODM): Thank you, Hon. Speaker. I did not wish to interrupt the Hon. Leader of the Majority Party when he is responding, especially given that he has been fairly quiet of late. I am very supportive when he gets the rare opportunity to speak in the House. But be that as it may, he has raised an important issue that he will discuss with the Legal Department and your office about some amendments to see whether they relate to what the President has already assented to.

Hon. Speaker, he is raising some fundamental issues. As I was sitting here I was getting a sense of *déjà vu*. Other than the fact that you let me know that I had spoken to it, which I had forgotten, but then the sense of *déjà vu* is: Have we not dealt with a lot of these things in the recent past? Is there a way that we can deal with these things in a more coordinated manner so that we are not acting in vain that the same piece of legislation comes before this House the same year or issues relating to the same Act come here three times in the same year? We could manage our time better if the Executive could be a bit more organised in the way they are bringing legislation.

Therefore, because the Hon. Leader of the Majority Party has raised it, it confuses. I am already thinking of bringing amendments and in the process I am not too sure whether, as I am bringing amendments, they will be off paper. Hon. Members are fairly busy. I do not want to burn the midnight oil only to be told that it has been withdrawn.

Thank you, Hon. Speaker

**Hon. Speaker:** All he said is that three Bills have been assented to today, one of which relates to an Act that is proposed in this Statute Law to be amended. I think it is not a complicated situation because you just look at the new Act and see whether the proposed amendment sits well with the new Act which has been assented to today; whether the proposed amendments are in tandem with it. If it is not, you will still be at liberty to proceed with your proposed amendments, if it is not in agreement with the new law. Although of course the assent of that Act makes this one irrelevant because in it there is provision that upon its enactment the current Energy Act will be repealed.

Therefore, maybe on the point you are raising Hon. Millie, you can sit with the Hon. Leader of the Majority Party and a few other Hon. Members so that you see how best to address it when it comes to the Committee of the whole House.

**Hon. Aden Duale** (Garissa Township, JP): Thank you, Hon. Speaker. You have said it well. Upon the assent to the Energy Act today, all the previous laws shall be repealed. But you have heard Hon. Millie Odhiambo say that I am quiet but she did not specify. Does she want me to be quiet at night or during the day? This is because at night I talk much and do a lot of work back at home in my house. So, she is my good friend and needs to clarify. Of course, I will consult with her. We just want to avoid any duplication of the same law.

There are amendments to the Crops Act and the Kenya Medical Supplies Authority Act. We will look at them whether what we passed in the Health Laws is also here.

Finally, we have an amendment to the Public Procurement and Asset Disposal Act.

Hon. Speaker, Hon. Members have really contributed. We will now prepare this Bill for the Committee of the whole House.

As I conclude, permit me to observe that this Bill is certainly one of the most important Bills in the country when it comes to the framework regulating various sectors in a manner that will ensure the economic development of our county is achieved.

I beg to reply.

**Hon. Speaker:** Hon. Members, before, I put the Question, can I get confirmation whether the House has quorum? The Member of Suna East is seated at some usual corner, thinking there is quorum. Indeed, the House has quorum.

*(Question put and agreed to)*

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

I know the Member for Homa Bay Town wanted to announce his arrival in the Chamber. Next Order!

## MOTION

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

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

**Hon. Speaker:** This one is by the Chairperson, Departmental Committee on Health, Member for Murang'a, Chege Wanjiru.

**Hon. (Ms.) Sabina Chege** (Murang'a CWR, JP): Hon. Speaker, I rise to move that the House adopts the Report of the Departmental Committee on Health on its investigation on the irregular recognition of Dr. Samira Soni as a specialist ophthalmologist by the Kenya Medical Practitioners and Dentists Board (KMPDB).

Hon. Speaker, This report is an account of the Committee's inquiry into a matter of the KMPDB allegedly awarding specialist recognition to an undeserving doctor. The petitioner alleged that the awardee did not meet the minimum requirements.

The matter was first handled by the Departmental Committee on Health in the 11<sup>th</sup> Parliament. The matter recurred as the original petitioner submitted that the recommendations of the previous report did not resolve the matter at hand.

Due to the gravity of the matter, the Committee re-opened the inquiry on its own volition, and re-looked into evidence initially adduced, and received fresh evidence in order to conclude on the matter with finality and address the overarching shortcomings in the registration of specialists in the field.

The Committee noted that the matter of ophthalmology was serious as Kenyans may be at risk of accessing sub-standard services, posing an obvious danger of loss of eyesight.

Hon. Speaker, the subject of healthcare is a serious matter as it is about life and death. The Committee is committed to helping the Government attain one of its key pillars of Universal Health Coverage (UHC) and this will be through not just accessible and cost effective healthcare but also emphasis on quality.

Just to take the House on the journey of ophthalmology and eye care in general, the importance of one's vision and eyesight is central to one's ability to earn a living and achieve their potential. It is on this basis that the Committee decided to look at this matter.

The KMPDB has time and again come under our microscope for failing to enforce standards in the industry. They have come out softly on offending medics, including unsatisfactory remedies like reprimand, rather than de-licensing and heavily fining negligent professionals. We have seen unregulated clinics manned by quacks offering unchecked services. We call upon the board to step up its game and save unsuspecting and vulnerable Kenyans from risky services.

Hon. Speaker, the Committee has further noted the following as regards eye care in this country:

i) Optometrists have no regulatory authority. Once they complete their studies, they provide unchecked services to the general public, especially in private establishments. This is compounded by the fact that they have no scheme of service and are seldom absorbed by public hospitals - only about 10 out of 500 work in public hospitals.

ii) There exists over 3,500 optical shops countrywide whose only requirement to provide eye care services is a county business permit. Most of the shops lack requisite equipment.

iii) Many Kenyans continue to lose their eyesight to correctable ailments made worse by quacks in these optical shops.

The Committee has demanded for answers from the Ministry of Health and will not relent until we reform this and other sectors in health.

Hon. Speaker, from the evidence adduced in the specific matter of the irregular recognition of the Dr. Soni, the Committee observed that:

1. Dr. Soni graduated with a Master of Medicine in Ophthalmology in 2004 but her first application for specialist recognition was five years later on 5<sup>th</sup> February 2009, which was rejected as she did not meet the minimum qualifications.
2. She reapplied for recognition as a specialist in ophthalmology in November 2013 and it was followed by a written appeal dated 7<sup>th</sup> May 2014. The said application had recommendations from two referees namely Dr. Jyoti Trivedi and Dr. Millicent Kariuki Wanyoike. The application was considered and subsequently approved on 15<sup>th</sup> May 2014, as she was considered as having met the minimum requirements for such an application.

3. The KMPDB justified their approval on the basis of strength of the two referees being specialists themselves, the fact that Dr. Soni did not work directly under them notwithstanding, which is a requirement for specialist recognition. The board further justified their decision on the fact that the field lacks adequate specialists. In fact, the board reported that out of the 106 recognised specialists in the country, only 38 had received direct supervision. Dr. Soni's was therefore not an isolated case. The Committee took this matter seriously because we need to caution Kenyans.
4. The Committee however, observes that one of the letters of referral relied on from Dr. Jyoti Trivedi did not meet requirements because the letter clearly stated that Dr. Trivedi simply knew Dr. Soni as a schoolmate, and not supervisor. In fact, Dr. Trivedi used the letterhead of Lions First Eye Hospital where she had worked, a hospital not recognised then for specialist training. The board did not critically analyse the contents of this letter to see that it vouched for conduct and knowledge rather than competence of practice, and did not acknowledge the fact that Lions First Eye itself was not a recognised facility.
5. Dr. Soni's other listed referee, Dr. Margaret Njuguna, who wrote to the board vide letter dated 13<sup>th</sup> January 2014, had expressly stated that she had little interactions with her professionally. Dr. Soni then had another referee, Dr. Millicent Kariuki Wanyoike who wrote to the board vouching for her credentials. There is no evidence that the new referee was introduced to the board procedurally, neither, did the board recognise that it did not have the Upper Hill Medical Centre among its recognised centres for training.
6. As evidenced by her previous supervisors, peers and in her own admission before the Committee, Dr. Samira Soni was a qualified doctor but her competence as an ophthalmological surgeon was very limited. The KMPDB however reported that it had no documented or reported cases of malpractice by the said doctor.
7. By the Chairman's own admission, the board was shock on some of the allegations levelled against Dr. Soni. The board was reactive and sat back to wait for Dr. Soni's peers and previous supervisors to formally record their experiences with her rather than, proactively seek them out and conduct its own independent assessment.
8. The Committee acknowledges the country faces a shortage of critical health personnel, especially in ophthalmology, but observes that this should not be a pretext to open floodgates for irregular recognition of specialists in Kenya.
9. Dr. Samira Soni applied for registration and licensing of her hospital, Eye and U Clinic as a health centre located along Waiyaki Way on 7<sup>th</sup> May 2014 and the said application was approved on 9<sup>th</sup> May 2014, that is, two days after. On 30<sup>th</sup> June 2014, the registration and licensing of the facility was ratified by the full board during its 108<sup>th</sup> sitting. The KMPDB reported that the registration of the clinic was procedural, and Dr. Soni was the administrator with Indian sub-specialists handling medical procedures. The board's taskforce reviewing the matter found that the clinic was state of the art with a clear schedule of rotation by the doctors from Indian origin.
10. The taskforce appointed by the board to look into the matter did not however look into the process of the specialist recognition of the said doctor but examined operations of the clinic, which was an oversight.
11. The Chairman of the Ophthalmological Society of Kenya (OSK), Dr. Muchai Gachago, stated that having been at the forefront of raising the matter initially, his



concern on the operations of the clinic had been addressed after investigations found that the clinic had acquired requisite approvals and was indeed state of the art. Dr. Gachago had been co-opted to the taskforce to review the matter.

From the foregoing, the Committee makes the following recommendations:

1. The board immediately cancels the specialist recognition of Dr. Samira Soni and follows the laid down procedure to recognise her. These procedures are well known by the board itself and also by the doctor.
2. The board to pro-actively and independently investigate allegations of medical misconduct of the said doctor in her previous engagements, to verify their veracity and/or prove or discount her claims of pure business rivalry and take appropriate action. Towards this end, the board should review the case where Dr. Soni allegedly removed the eyes of a patient. It should summon those who had worked under Dr. Soni to hear their evidence.
3. The board henceforth to strongly enforce its own regulations and provisions of the Act. The Ministry of Health to look into the activities of the board, especially on the specialist recognition.
4. The board to devise safe strategies to address the shortfall of specialist ophthalmologists, and accredited institutions for practice.
5. The board should immediately review practice of foreign doctors in the country, especially hands-on supervision of their operations.
6. The board should closely monitor the operations of the Eye and U Clinic *vis a vis* management of patients because it was not very clear who the supervisor of these foreign doctors was.

Hon. Speaker, I thank you and I call upon Hon. (Dr.) Nyikal to second.

**Hon. Speaker:** Member for... Do I say, "The indomitable Member for Seme?"

**Hon. (Dr.) James Nyikal** (Seme, ODM): Thank you, Hon. Speaker. I rise to support this Report. It underlines a very important function in our country, that is, the function of regulation of professionals and regulations of the premises of professionals. The case in question, of Dr. Soni, is relatively straightforward. Dr. Soni applied for registration as an ophthalmologist, a specialist, which was rejected in the first instance. The second application was also rejected, but then was allowed in the third application. What was interesting is that it brought issues, when the third one was accepted. The last application was closely linked to an application for a facility that she actually owned. There was fear amongst us in the Committee that there was a relationship and so the need to register specifically so that she can run that clinic.

However, the fact of the matter is that for the application that eventually got approved, her referees did not actually approve. One of her referees, Dr. Jyoti Trevedi, actually indicated that she was her classmate and had actually not worked with her as an ophthalmologist. So, obviously, that recommendation did not carry any weight. Moreover, the clinic in which they were working is not recognised for registration of specialists as the law requires.

Her other referee, Dr. Millicent Kariuki, indicated that although they worked together in a clinic which was also not recognised as a training institution, her work mainly was as a general physician and not as an ophthalmologist, and that even during that period, she noticed that she actually was weak in the surgical aspect of ophthalmology. Asked why she actually recommended her, she said she was basically recommended on the basis of the fact that they worked together. So, that raised a lot of questions and then we had to get more information about

where she had worked before. We wanted to see if there is something that she had done that would actually support this registration.

When she worked at Kikuyu Hospital under Dr. Walia, what transpired is that the doctor had instructed her on what not to do. It is because she was new. She was instructed how she was to conduct herself during a procedure under supervision, but immediately she was left with the person who was doing the procedure, she actually undertook the procedure and obviously there was a major problem that occurred that had to be corrected later. We went back to the people who trained her and we found information that during her training under Dr. Ilako, she actually had a similar problem of not adhering to instructions. Actually, at one time, she enucleated two eyes of a patient when it was not clear whether the eyes were to be enucleated or not. She did that without referral to the consultants.

On her own volition, she said she realised that her competence as an ophthalmic surgeon was wanting and, therefore, she tended to keep herself just to general ophthalmology. The Committee, therefore, felt that it would not be fair to expose the Kenyan people to a doctor who, on her own volition said, "I do not feel competent." She even agreed that given a chance, she would do the required two years of training so that she gets the specialist status as required by law.

So, our recommendation that the board cancels her recognition immediately solves that problem, but there are many issues that we realised existed. Why was it that at the first time, the board felt that she should be registered? What appeared to us is that the clinic that she owns and manage seems to be a good clinic. Therefore, as a Committee, we decided to be very clear on the distinction between the institution and the professional. To that extent, we still felt she could not be allowed to practise. As to whether she can run that clinic, we just recommended that the board should go and look at the details of that clinic, but anybody can actually run a medical institution so long as they ensure that there are qualified staff and correct equipment. So, that was not the issue unless the board goes back to look at more details of the clinic.

The other issue that came to our attention is that in this clinic, there are doctors from abroad. It did appear that since they come from abroad, the person who is actually now responsible for them... We felt that it would not be very fair to have doctors who come in for sessions, although that is allowed by law, and then go back. In their absence, when they have gone back to their country, who then takes responsibility? I think that is the matter that the board will then have to look at.

We also know that some patients get referred out of this country. Many referrals are actually not conducted on a doctor to doctor basis. There are many times that patients search around where to go. We have taken up that issue with the ministry and it is looking at a way of streamlining that.

So, all in all, I support this Report and its recommendation that the board should go ahead and cancel the registration. It should then look at all the other issues that are in the remaining four recommendations. Hon. Speaker, I second.

*(Question proposed)*

**Hon. Speaker:** I hope the Members whose cards are there desire to contribute to this matter. The first one on the list is Member for Kathiani.

**Hon. Robert Mbu** (Kathiani, WDM-K): Thank you, Hon. Speaker, for this opportunity. I totally disagree with the sentiments of the Departmental Committee on Health on the issues that they have raised in this Report.

I was a Member of the Departmental Committee on Health in the last Parliament for about two years. Even at the time, this issue of Dr. Soni and her clinics was a thorn in the flesh. My personal observation on this issue is that this is personal vendetta and business rivalry. That is what has been brought to this House so that Members of this House can spend parliamentary time discussing individuals and their businesses at the expense of Kenyans who are suffering and who need our services. I will not disagree on anything that is not in the Report of the Committee. The Committee has given us recommendations. I will also talk about the things that the Committee pointed out as observations during the period they interrogated the Kenya Medical Practitioners and Dentists Board specialists and the Ophthalmological Society of Kenya (OSK).

Let me begin with the first recommendation where the Committee recommends that the board cancels the recognition of this doctor. We must begin by asking ourselves how she was initially recognised so that we propose her cancellation. The first thing I noticed is that there are legal requirements for one to be registered. The rules that were applicable according to the KMPDB were the Kenya Medical Practitioners and Dentists Private Practice Rules of 1979. Rule 25 says that for one to be recognised as a specialist, you must be a holder of a post-graduate qualification equivalent to a master's degree which is recognised by the board, and have not less than five years of formal training and experience under the supervision of a recognised specialist in a recognised institution. Dr. Soni has a Master's Degree in Ophthalmology which she obtained in 2004. She already has the professional qualifications. The point of contention is the issue of formal training and experience under a supervisor, which she already has.

Looking at the Report of the Committee, which they do not deny, according to her CV, she worked under Dr. Millicent Kariuki from 2003 to 2005. That is a period of two years. From 2008 to 2010, she went back to that clinic under the supervision of the same Dr. Millicent Kariuki Wanyoike. Dr. Millicent is a recognised ophthalmologist under the law. As long as Dr. Soni worked under such a doctor, it is okay.

The issue is that of a recognised institution. The KMPD Board is mandated to make decisions on the recognition of doctors. This board clearly stated that when one graduates with a master's degree, you have to work under another expert for a period of two years. They have also pointed out that there is a problem within the system because there are very few specialists. Because of the issue of manpower resources, they cannot afford to send an expert to work under another expert when the total number of experts in the whole country up to date is only 106. They made a decision based on the fact that they needed to ensure that Kenyans get services. You cannot send two major experts into one corner of the country when the whole country requires such specialists. On that basis, they decided that they will overlook some of those provisions because it is their mandate and they have the capacity to do that.

We have to be careful that we do not break the law. Of the 106 recognised experts in the country, only 38 were under direct supervision. Out of those recognised and are not under direct supervision, six of them were recognised without any supervision whatsoever. The rest were recognised in law by virtue of the fact that they had been trained, sent to far-flung corners of the country and there were supervisors who were able to vouch for them just like Dr. Soni. Once this happens, you ask whether we are adhering to Article 27 of the Constitution which talks about equality and freedom from discrimination. We are attempting to discriminate against one professional and yet, there are so many others who have been allowed to operate in the country.

If we are to pass this Report, it means that anyone in this country can raise the same concerns on other experts and all of them may end up in court. We may pass this Report as a House, it ends up in court and the court of law will give her back her recognition. We should not act in futility.

Recommendation No.2 states that the KMPDB should investigate allegations of medical misconduct by Dr. Soni. From the beginning, the board said there is no one who has ever brought a complaint against the doctor. Why is the Committee fishing information, cases and allegations so that they can discipline a doctor? If the board had a complaint, we would be discussing it. There is no complaint that has been presented to the board. The Report is very clear. You have read it. There is nowhere in this Report where it mentions anyone who has made an official complaint to the board. The Committee is saying that there is a problem, but there is no complainant.

The fourth recommendation is that KMPDB should devise strategies to address the shortfall of specialists, ophthalmologists and accredited institutions. The interesting thing is that we are discussing a Report where we are trying to strike out one from the register of only 106, and then we are telling the board to figure out how to increase the number. Why would we act in that manner if it is not business rivalry as I have pointed out?

Recommendation No.5 states that the board immediately reviews the practice of foreign doctors in the country, especially on hands-on supervision of operations. This country has so many foreign doctors that came from Cuba, and we are not even mentioning them. The minute we have Dr. Soni with her colleagues in her clinic, it suddenly becomes an issue and here we are saying that they should be investigated. If doctors from foreign countries have a problem, then the doctors brought in by the Government would have to be investigated.

The final recommendation is where they say that KMPDB should closely monitor the operations of Eye and U Clinic. That is the bone of contention. The whole issue was geared towards looking for an opportunity to investigate. The Chairman of the OSK, Dr. Muchai Gachago, says that they had raised concerns about the operations of this clinic but when given an opportunity to study the clinic, they realised that it had all the required equipment and had done nothing against the law. They dropped their allegations and complaints. Who is now complaining other than the Departmental Committee on Health?

I oppose the Report.

**Hon. Speaker:** Are you a Member of the Committee?

**Hon. Robert Mbui** (Kathiani, WDM – K): No, Hon. Speaker. But I was a member in the last Parliament. This issue was there then.

**Hon. Speaker:** Hon. Members, I realised one thing. You have forgotten or chosen to forget what a point of order is. If somebody says something with which you do not agree, there is nothing out of order. This is in particular reference to the Chair of the Committee who will have an opportunity to reply and rebut all the issues raised unless you choose not to be here when the Report is being debated. You should just take notes so that you will make a proper reply.

Let us have Hon. Dennitah Ghati.

**Hon. (Ms.) Dennitah Ghati** (Nominated, ODM): Thank you very much, Hon. Speaker. Allow me to support the Report.

**Hon. Speaker:** Hon. Dennitah Ghati, before you do so, allow me to recognise the presence of students and pupils from the following institutions in the Public Gallery: St. Michael Kevote Secondary school, Runyenjes Constituency, Embu County; St. Francis Ngoire Secondary School and Karurumo Primary School all from Runyenjes Constituency, Embu County; and

finally, Mwendandu Secondary School, Kinangop Constituency, Nyandarua County. They are welcome to observe the proceedings of the House this afternoon.

Proceed, Hon. Dennitah Ghati.

**Hon. (Ms.) Dennitah Ghati** (Nominated, ODM): Thank you again, Hon. Speaker. As you can see, the House is full because this is a Report of the Departmental Committee on Health. I am convinced that the Committee Members have listened and done research on this professional matter. Health is guaranteed in our Constitution. Chapter Four of the Constitution guarantees health to every Kenyan by stating that every Kenyan has a right to the highest attainable standards of health in this country. When a serious Departmental Committee that deals with health brings a Report to this House, Members should support it. What I do not understand is how that professional got a licence to practise. That is, probably, where the question should be. This is a doctor who has been practising as an ophthalmologist in this country for quite some time. When a person graduates with a Master's Degree in Ophthalmology, it is a serious achievement. The Report of this Committee shows that the doctor has been accused of committing some irregularities in the profession. If a doctor is found to have plucked an eye or a pupil in his profession, there will be a big question.

If you go to hospitals, you will find that most of the disabilities are as a consequence of actions like the ones that the doctor has been accused of committing. If a doctor plucks your eye and you go blind, you become a disability case. Where should such a people go to complain? It is true, as an hon. Member has said, that that doctor does not have any case raised against her. However, when you appoint a committee to look into such a matter, it becomes an opportunity for the country to look at how many of the so-called "professionals" come from other countries. As a country, we have a tendency of accepting foreigners in our medical profession. When we see someone with a degree and they are light skinned, we think that they are more qualified than our own doctors. It is high time this House put a lot of emphasis on us, as a country, to produce and invest in local doctors and specialists, so that all the time we do not get foreign expertise to take spaces that are lacking professionals because of not investing in the health sector.

The board should tell us why it allowed that doctor to receive certification and to continue practising in this country. The Committee finds her not to be a recognised eye specialist. That is enough reason for me to say that we support the Committee and take time to investigate to find more accusations against that professional.

I support.

**Hon. Speaker:** Hon. Mogaka Kemosi.

**Hon. Vincent Kemosi** (West Mugirango, FORD-K): Thank you, Hon. Speaker. I rise to oppose this Report.

**Hon. (Ms.) Odhiambo-Mabona** (Suba North, ODM): On a point of order, Hon. Speaker.

**Hon. Speaker:** Let us hear the point of order from Hon. Odhiambo Akoth.

**Hon. (Ms.) Odhiambo-Mabona** (Suba North, ODM): Thank you, Hon. Speaker. I have been listening carefully to the Committee hoping to make my contributions on the Report. I am a little bit concerned from a legal perspective. Hon. Kaluma has the same concern. I am raising this, so that you can guide us. Unfortunately, because I did not know we will have this as business this afternoon, I did not look at the health laws. I am wondering if we can be guided. I am equating this to the legal profession. I do not want to go into the merits and demerits of the appointment of that doctor. I do not know her and there is a lot to say from both sides of the argument. Where is the primary law that gives Parliament the mandate to discuss this? Are we discussing it in vain? The body that is supposed to determine whether a person is qualified is the

Medical Practitioners and Dentists Board. If the board has decided one way or the other, there must be a system under the law for appeal. Does the law give us that mandate? It will be a very unique law, which I have not seen. This has been sitting very uncomfortable with me and Hon. Kaluma has raised the same concern with me. Do we have that mandate as Parliament? Also, the other reason why I am concerned is this: What if the board was to qualify 100 doctors wrongly? Would Parliament be sitting as an appeals body for the 100 qualified ophthalmologists? This is not my field. I know it is an ophthalmologist but there is a new one I am hearing of ophthalmic surgeon. I know there are serious issues. For instance, I am wondering if this person was to operate - Hon. Mbuyi has said that nobody has complained – if there will be a health issue, the complaint will be that: “I have no eye or my two eyes have gone.” So, yes, there are substantive issues, but there are also *locus* issues. Therefore, you can guide us on whether Parliament is properly seized of this matter.

Thank you.

**Hon. Speaker:** Unfortunately, on this matter Hon. Millie, the Report seems to have been tabled last year in October. I may not immediately recall the circumstances under which it found its way into this House. Was it through a petition? Was there a petition? Hon. Shakeel Shabbir, Member for Kisumu East, I cannot remember what the petition alleged.

On the issue raised by Hon. Millie, one will need to know whether we are properly seized of this matter. For example, when there is an issue with a lawyer from Britain, that matter will not come to this House, but the advocates’ body that admitted him to be an advocate in Kenya. If the Teachers Service Commission (TSC) was to say that so-and-so is qualified to teach - there are some famous schools, what do they call them these days? I think it is American. I am imagining that what Hon. Millie Odhiambo has raised generally applies in this direction. I want to know more.

Let us hear from Hon. Dahir.

**Hon. Mohamed Duale** (Dadaab, KANU): Thank you, Hon. Speaker. The reason why this Report is on the Floor of this House is because there was a petition that came to Parliament through your office by Hon. Shakeel Shabbir. It was referred to the Departmental Committee on Health. What we are giving, as a Committee, is a Report on that Petition after we met with the consultant, the supervisors of the University of Nairobi, the Ophthalmologists and the Medical Practitioners and Dentists Board. Basically, this is in response to the Petition that was brought to the House through the Office of the Speaker.

**Hon. Speaker:** If it was by way of petition, the Report should have been forwarded to the petitioner. What is the House supposed to make of it? If you look at Standing Order No.227, the Committee that deals with a petition is required to send its report to the petitioner and give a copy to the House. I know committees have been going out of their way, when considering petitions, and purporting to make certain recommendations, but if it is not about the making of a law, we may find the House acting in vain. If this matter came by way of a petition, if you look at Standing Order No. 227(2) (3), it says:

“(2) Whenever a Petition is committed to a Departmental Committee, the Committee shall, in not more than sixty calendar days from the time of reading the prayer, respond to the petitioner by way of a report addressed to the petitioner or petitioners and laid on the Table of the House and no debate on or in relation to the report shall be allowed, but the Speaker may, in exceptional circumstances, allow comments or observations in relation to the Petition for not more than twenty minutes.

(3) The Clerk shall, within fifteen days of the decision of the House, in writing, notify the petitioner of the decision of the House on the petition.”

This seems to be confusing. It is now talking about the decision of the House. But it is only in exceptional circumstances where you may comment for not more than 20 minutes. You have commented for more than 20 minutes. So, it looks like this is not the business for the House.

Let me get some more comments. Hon. Sankok, do you want to wade into this?

**Hon. David ole Sankok** (Nominated, JP): Yes, Hon. Speaker. For sure the House is acting in vain. Definitely, this is business rivalry. If the Departmental Committee on Health can recommend that so-and-so should be deregistered and yet we have a Government institution that taxpayers are funding to regulate the practice of medicine and dentistry in the country, then as a House, we need to think. We need to bring business that adds value and not be caught up in some business rivalry. As a Committee, we ought to have recommended to the regulatory body to investigate this matter and come up with a report, but not a committee of Parliament recommending in its Report that so-and-so should be de-registered. They have even analysed the clinic she worked in and have said it is not registered. There is an investigative arm of Government in the country.

Thank you very much Hon. Speaker.

**Hon. Speaker:** Hon. Vincent Kemosi, I will give you a chance. Hon. Members, maybe, you may not be seized of the actual facts. This was not a petition. Hon. Shakeel and yourselves cannot petition because you will be petitioning yourselves. You can only petition on behalf of others, the people out there. The information coming through is that Hon. Shabbir Shakeel wrote a letter to the Committee complaining about a clinic, according to him, that was operating unhindered, among other things. I did not know that the Committee was moved through a letter.

Hon. Members, we need to be careful. We cannot...

*(Hon. (Dr.) James Nyikal spoke off record)*

**Hon. Speaker:** Just say you want to help the House. Too many Members have been consulting me. Hon. Nyikal, what is it?

**Hon. (Dr.) James Nyikal** (Seme, ODM): Hon. Speaker, there are processes and facts. I do not want to go into the processes. I am not a lawyer and I would not claim expertise knowledge on the process of the House. I am still learning. But, Hon. Speaker, I want to tell you what happened, Hon. Speaker.

It came as a petition through Hon. Shakeel Shabbir in the last Parliament. The Committee looked at it and the issues at the time mentioned the doctor and the clinic. So, the Committee made a report and sent it directly to Hon. Shakeel. He then raised a question through a letter to the Committee saying that his issue was not the clinic that was being run, but the process of registration of the professional. It is from that point that the Committee took up the matter again.

Those are the facts. You can then guide. After that, a lot more information came. We acted on the information and I acted on the safety of the people. People can say anything here but, I acted on the safety of the people and of these Members. I do not want to go into it, but even some Members of this House have suffered. I will not mention names which may not be proper, but there is a problem. I have given you the facts, Hon. Speaker. You can now guide the House.

**Hon. Speaker:** Those of you who want to debate, we need to get the basics. Hon. Nyikal has said that there was a petition in the last Parliament.

*(Hon. Vincent Kemosi spoke off record)*

**Hon. Speaker:** Are you a Member of the Committee?

**Hon. Vincent Kemosi** (West Mugirango, FORD-K): *(Inaudible)* You can get answers from the executive summary. The Report details the matter of specialist recognition of Dr. Samira Soni as raised by Hon. Shakeel Shabbir, MP, initially to the 11<sup>th</sup> Parliament through letters dated 19<sup>th</sup> November 2014 and 17<sup>th</sup> February 2016. That explains that there was no petition. They acted on this letter, according to their Report. I have this from their Report. The Report further says that he wrote the same letter on 14<sup>th</sup> March 2018. So, what we are acting on, Hon. Speaker, are two letters and not a petition.

**Hon. Speaker:** Why would he, as a Member of Parliament, write letters instead of asking Questions which can be responded to by a Cabinet Secretary responsible for the matter? He is the Chairman of African Parliamentarians Network Against Corruption (APNAC). If what Hon. Kemosi has just read out and I imagine it is the correct executive summary, so what are we discussing? There is no business. The Departmental Committee on Health decided to give a Report to the House based on letters.

Hon. Members, Hon. Nyikal could be right on getting concerned about the welfare and safety of citizens. Nevertheless the proper way to go about raising those concerns would be through Questions directed to your Committee so that the board you are complaining about, which I believe you oversee... You should be dealing with the board, if it is the safety of Kenyans that you are concerned with. I have sympathies with the aspect Hon. Nyikal has raised; that he acted on the basis of the safety of Kenyans. The Report says that this House adopts a Report of the Departmental Committee on Health on alleged irregular specialist recognition of the said doctor. So, what has the Committee recommended? Hon. Kemosi, you could read through. Sorry, Hon. Members, there were too many of you consulting.

**Hon. Vincent Kemosi** (West Mugirango, FORD-K): Thank you, Hon. Speaker. The recommendations of the Committee are as follows:

1. The board immediately cancels the specialist recognition for Dr. Samira Soni and follows the laid down procedure to recognise her.
2. The board to pro-actively and independently investigate allegations of medical misconduct of Dr. Soni in her previous engagements, to verify their veracity and/or prove or discount her claims of pure business rivalry and take appropriate action. Towards this end, they should review the specific case of Dr. Soni allegedly removing eyes of a patient, and summon to hear evidence from those who Dr. Soni had worked under.
3. The board henceforth strongly enforces its own regulations and provisions of the Act, and the Ministry of Health to look into the activities of the board.
4. The board to devise safe strategies to address the shortfall of specialist ophthalmologists and accredited institutions for practice.
5. The board immediately reviews practice of foreign doctors in the country, especially on hands-on supervision of their operations.
6. The board closely monitors the operations of the Eye and U Clinic *vis-a-vis* the management of patients.



Thank you, Hon. Speaker.

**Hon. Speaker:** Obviously, Hon. Members, those are far reaching recommendations. Surely, they have come here through letters. They have been arrived at because some complaint was written. I only hope no other Member moves to hold committees this way. We cannot set this kind of precedent. I am not able to know what process has been followed.

Chair, do you want to say something?

**Hon. (Ms.) Sabina Chege** (Murang'a CWR, JP): Thank you, Hon. Speaker. I hope that all of us in this House speak on a clean heart. When we started the operation as a Committee and when we got the letter from the previous petition that Hon. Shakeel Shabbir had raised, we went through the minutes of the Committee and several allegations came up. One of it was that part of the final recommendations that Hon. Shakeel Shabbir had was not what the Committee had agreed. You can see the interest of the Members who were in the previous Committee and even in their contribution on this Floor. We, as a Committee, took the matter the way we would have taken the matter of another complaint about the KMPDB. We engaged with them. The entire board came. We recalled again Dr. Soni and we started afresh. All what we wanted from the bodies is the level at which Dr. Soni was recognised as a specialist. Only that!

Hon. Speaker, from their presentation - which was part of what I presented - the procedure was clear, including what Hon. Mbui has raised about the years that one is supposed to be attached to a public institution under supervision. The board could not explain how they gave her specialist recognition without her having a supervisor. Actually, the people who had given the board the letters and the attachment they gave to us as a Committee were students who were in the same year with Dr. Soni. So, when we asked the body why the matter which was raised in 2014 had taken them so long to relook at, they said they were waiting for the Committee report. That is what we did. At the same time, when we met Dr. Soni, she said she is an ophthalmologist, but she cannot do surgery. It is in the Report.

As we debate on this Floor, let us look at the facts. She said she was willing - and it is on record because this is a House of records. Committees sometimes take a lot of time to investigate matters. I am not a doctor and I would not be interested in the matter. Members of my Committee would not be interested in those business rivalries. What I am hearing from Members is that it must have been business rivalry. When Hon. Shakeel Shabbir appeared before the Committee, we asked him the same question about the allegations of business rivalry and he denied it. He said the Eye and U Hospital is a totally different issue. Some of the issues raised are so heavy because, out of this inquiry, you notice that the board authorises Indian doctors. Somebody has mentioned Cuba. For sure, somebody knows the process the Government went through and how the Cuban doctors were engaged. Some of us Members of Parliament are doing medical camps with foreign doctors who come to attend to our people. There must be a proper procedure.

So, as a Committee, we were concerned. Unfortunately, it had to come through the inquiry of Dr. Soni and so the board had to explain issues. We said we cannot cancel the specialist recognition of Dr. Soni and left it to the board so that they can follow the proper procedure. Some of the hospitals, when I was going through this, were not by then recognised as facilities that specialists would have trained and were supervised under. Dr. Soni was willing to be attached to any hospital any time and she said so. She did not have a problem. This is not just about Dr. Soni but it is about the KMPDB and the health of this nation. As you look at it, you will see we are talking about accessibility and affordability. If there is a gap in the area of ophthalmologists who are not many in this nation, do we allow them to get in through the back

door because they are few? We can offer training through sponsorship or scholarship as a Government so that we can get more ophthalmologists instead of allowing any one to come in without following the proper procedure. You never know, it can be your relative or constituent who could find themselves under such doctors, and you know issues of the eye can be sensitive. We know many people have become blind and so, it is important that this House seizes the matter.

Hon. Speaker, you can advise us on how, but it is important matter to this nation.

Thank you.

**Hon. Speaker:** Hon. Members, I need to check how this matter was raised. It does not appear like it was a petition. If it is a petition, I will not have difficulties. I will just say: "Stand it down because if it came in 2014, 60 days lapsed so long ago." It is not possible for it to move from the 11<sup>th</sup> Parliament without leave of this House to 12<sup>th</sup> Parliament. Maybe, it is the letters which appeared to have purported to ask the Committee to investigate. I will need to check from the Clerk's Office how the matter came up. We will not say that the matter is taken out, but let me just find out so that we do not find ourselves doing things that may not be proper as pointed out by Hon. Millie Odhiambo. We need to be absolutely clear about how we got here. I will order that this business be stood down. Debate on it is adjourned, but I will give Communication on how to proceed with it, maybe, tomorrow or the day after.

*(Debate on the Motion adjourned)*

Next Order.

## **BILL**

### *Second Reading*

#### THE COUNTY GOVERNMENTS (REVENUE RAISING PROCESS) BILL

The Mover is the Leader of the Majority Party. He is not present. We move to the next Order.

*(Bill deferred)*

## **MOTION**

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

**Hon. Speaker:** The Chairperson, Departmental Committee on Defence and Foreign Relations.

*(Hon. Major (Rtd.) Bashir S. Abdullaih rose in his place)*

Has he delegated to you so that you do not assume his absence to mean delegation?

**Hon. Major (Rtd.) Bashir S. Abdullaih** (Mandera North, JP): Thank you, Hon. Speaker. It was our wish that the House be full because this is a very important matter. I am sure the debate will continue in the next Sitting.

Hon. Speaker, I beg to move the following Motion:

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

During its sitting held on 3<sup>rd</sup> July 2018, the Committee on Defence and Foreign Relations on its own Motion pursuant to the provisions of Standing Order 216(5)(e), resolved to undertake an inquiry into the status, viability and efficacy of the implementation of Kenya-Somalia Border Securitisation Project.

The key objectives of the inquiry at that time were to:

- (a) Find out the status of implementation and quality of work done on the Kenya-Somalia Border Securitisation Project.
- (b) Establish the viability of the Kenya-Somalia Border Securitisation Project.
- (c) Establish the institutional framework for the management and operationalisation of the project upon completion; and,
- (d) Report to the House the Committee's observation, findings and recommendations for consideration and adoption.

To achieve the objectives, the Committee undertook a review of relevant materials on the projects at disposal, to acquaint itself with the details of the project. The Committee invited the following Government officials to apprise it on the respective areas within their purview relating to the implementation of the project:

- (i) The Cabinet Secretary in the Ministry of Defence on 5<sup>th</sup> July 2018;
- (ii) The Director-General for the National Intelligence Service on Monday 5<sup>th</sup> July 2018;
- (iii) The Cabinet Secretary for Interior and Coordination of National Government on Tuesday, 18<sup>th</sup> July 2018; and
- (iv) The Cabinet Secretary for Public Service, Youth and Gender Affairs on Tuesday, 18<sup>th</sup> July 2018.

The Committee received both oral and written submissions from the relevant stakeholders and had a privilege of visiting a section of the project in Mandera County, where the Committee held consultation forums with the community living along the border. The visit was undertaken on 15<sup>th</sup> November 2018.

On 30<sup>th</sup> January 2015, the National Security Advisory Committee (NSAC) approved the commencement of the Kenya-Somalia Border Securitisation Project. Upon approval, the Executive conducted benchmarking studies along the America-Mexico Border, Israel-Syria Border and the India-Pakistan Border. The Kenya-Somali Border extends approximately about 700 kilometers of land from Border Point One in Mandera to Border Point Two in Kiunga, Lamu County, and 200 nautical miles of the sea. Other than the official crossing points in Mandera, Elwak, Liboi and Ishakani, there are authorised access points through numerous tracks, cut lines and cross country roads. That uncontrolled access has led to undocumented trade, terrorists/criminal activities, undocumented immigrants and environmental degradation. Infiltration by the *Al Shabaab* operatives and other criminal gangs has led to kidnappings, raids on security posts,

attacks, piracy, banditry, proliferation of small arms and light weapons, youth recruitment and radicalisation.

Following the inquiry into this project, the Committee made the following observations:

(i) The pace of the execution of the Kenya-Somali Border Securitisation Project is very slow. It is imperative for the Government to open the Kenya-Somalia Border. This will lead to improvement in revenue collection when movement of persons and services is in place.

(ii) There is significant improvement in the works currently undertaken by the contractor under KDF.

(iii) The impact of the project is evident since its commencement and inception phase. Mandera Town has enjoyed relative peace with no incidents of terror attacks. This is only within Mandera Town.

(iv) The project has largely been embraced by the local leadership in Mandera County.

(v) The security border wall will enhance security in ensuring that only desirable persons and goods are allowed into the country through gazetted entry points and this needs to be opened.

(vi) There is need for the Government to open the Kenya-Somalia Border. This will lead to improvement in revenue collection when movement of persons, goods and services are regulated.

The National Youth Service (NYS) upon handing over the project to the Ministry of Defence, abandoned a number of equipment relating to the construction works in Mandera Town. The insecurity in Mandera Town has relatively affected economic activities in Mandera County. On the basis of the position made by the Committee, it recommended that the Government should fast-track the completion of the Kenya-Somalia Border Project. The Ministry of Defence should come up with a comprehensive budget plan and a realistic timeline for the completion of the project. The Government should open the border and customs office so as to allow legal trade and enable it to collect taxes. The concept of border security management should be strengthened to adopt a multi-agency approach to bring on board as many relevant agencies as possible for an effective border management and control.

On completion of the project, the Government should establish a border patrol force to enhance rapid response capabilities. The Government should provide adequate security in Mandera County and other areas within northern Kenya to enable residents to carry on with economic activities such as quarrying. The NYS should make arrangements to ensure that all the abandoned equipment that was to be used in the construction of the project in Mandera Town is returned as soon as possible.

The Committee visited Mandera Town on a stretch that construction of the border wall was ongoing. At the time of our Report, we were not able to provide details of the amounts of money so far spent. Initially, that project was undertaken by the Ministry of Interior and Coordination of National Government. It started in 2015 but, unfortunately, the Ministry was unable to continue due to lack of capacity and the project was handed over to the Ministry of Defence.

The border between Kenya and Somalia stretches about 700 kilometers. The border project is segmented in three areas; the northern sector covering Mandera - Elwak 160 kilometers, Central Sector which is Elwak-Libat, 445 kilometers and the southern sector with is Libat-Kiunga, 105 kilometers. As at the time of our visit to Mandera, we were only able to view a small stretch that is within the town. A number of areas were not covered. However, both KDF and the contractors informed the Committee that the pace of the works and the activities that

were being carried out was slow because of attacks on the contractors, their lives and equipment by *Al Shabaab* terrorists. The project will be viable when the entire stretch is covered and the surveillance measures put in place. It might require huge amounts of money. It is not an easy engagement. However, ultimately, if covered well, all the way from Mandera to Kiunga, the residents of Mandera, Wajir and Garissa counties will get some semblance of security. Nevertheless, the wall itself will not be a panacea; it will require efforts both from the local communities, government agencies and everybody involved in that aspect. Remember we also discussed issues of pastoralism where we asked what happens to the animals. It was agreed that the entire thing will not be covered by just walls but issues of surveillance and having access roads and patrols will be taken into consideration. It is not about putting a wall all the way from Mandera to Kiunga, but certain sections should be covered by surveillance, patrol of roads and ensuring that the communities are engaged.

On behalf of the Committee, I wish to move this Motion for consideration and adoption by the House, and ask Hon. Beatrice to second.

**Hon. Speaker:** Member for Tharaka Nithi.

**Hon. (Ms.) Beatrice Nyaga** (Tharaka Nithi CWR, JP): Thank you, Hon. Speaker. I rise to second the Report. As my colleague has said, we went to Mandera to check on what was happening on the ground. We were seven Members, and we found out that the project was in progress, although it was not doing very well. It has some challenges that need to be addressed. As we were assessing the project, we also discussed the same issue with the local leaders of Mandera where the project was going on. We were trying to find out from the residents if they were really supporting the project. We realised that they were embracing the project because it is going to improve the security of that area. There are challenges that we noted. There was vandalism of the same project. There is also massive encroachment by the Somali residents on our side.

I do not know where they take those materials, particularly on the side of Bulahawa. It is like 2 kilometres has been encroached and they have settled. This is a project that is going to improve the security of our border, particularly between Somalia and Mandera County. That is why the residents are asking the Government to deploy more soldiers along the border so that the security of that area and of Kenya at large is improved. As my colleague has said, we need to do a lot. We are not able to go and check the whole project. We went there only for a day. We need to go back and see what the contractor is doing. We need to check the section that we were not able to check.

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

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

The Ministry of Defence is supposed to be serious on this project. It is very slow. Materials are not able to reach the site. When you look at the roads where security patrols are supposed to take place, those roads are not tarmacked. If the road is not tarmacked, then the patrol officers cannot do their job as required. So, the Ministry of Defence has to do something.

I second, Hon. Speaker. Thank you.

*(Question proposed)*

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Hon. Members, I will be guided by the interests registered here. On top of the list is Hon. Mohamed Osman.

**Hon. Mohamed Abdikhaim** (Fafi, KANU): Thank you, Hon. Speaker. I oppose the Motion. As the Member for Fafi in Garissa County, insecurity is on the rise in Garissa. The prevailing security situation in Garissa County has derailed development in the county, particularly Fafi Constituency. People lack basic services like water, which cannot be delivered for fear of being attacked by the *Al Shabaab*.

The Mover of the Motion has just said that the construction of the wall was started in 2015, and he is saying nothing is on the ground so far. The wall is supposed to be from Mandera all the way to Kiunga in Ijara Constituency. So far, Kshs7 billion has been used to construct 6 kilometres of wall. So, this is a white elephant project, just like the NYS saga and other mega corruption cases. We are here to protect Kenyans and taxpayers and we will not allow this to continue.

As His Excellency the President of the Republic of Kenya said, we are going to fight corruption. We need to do so from top to bottom. What I see here is another major corruption project which is going to destroy this country. I will not support it, as the Member of Parliament for Fafi, especially when it comes to Somalia. We have no problem with the Somalia Government at all. We have a problem with *Al Shabaab*. We should not divert or take advantage of insecurity to make millions of shillings or to enrich very few people in this country. So, I oppose. We will not accept this to continue. We will fight corruption within this country.

Thank you very much.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Next is Hon. Lomenen, Member for Turkana South.

**Hon. James Lomenen** (Turkana South, JP): Hon. Temporary Deputy Speaker, I thank you so much for giving me this opportunity. I really oppose the Report because people have taken advantage of embezzling funds for projects that are initiated in border areas, claiming that they are very insecure and that the auditors will not reach there because it is very insecure. People living at the border are suffering and yet they are Kenyans. The reason we initiate those projects is to ensure those Kenyans who live at the border and have been suffering insecurity for so long have their lives and property protected. When the Government initiates a very crucial project like that one of security, it must be given priority, commitment and enough funds. This is where Kenyans have been losing lives.

Who in this world or in this nation does not know the issue at the border of Somalia and Kenya? How many people have lost their lives at that border? How many people have lost property at that border? That is the project that even the whole world approves. We should give it priority. We are really perplexed to hear that it is no longer being done. It has now become a milking cow for some individuals in Kenya. We are telling those at the Ethics and Anti-Corruption Commission (EACC) not to concentrate on fighting corruption in the cities. They must start fighting corruption from the borders of Kenya. That is where intensive corruption is. It is not even at the border of Somalia and Kenya. Even at the border of South Sudan and Kenya, there are projects there that are not complete. There are projects at the border of Uganda and Kenya which are not complete. There are projects at the border of Ethiopia and Kenya that are not complete. This is another one.

We are asking: Why do we initiate projects that are not completed? This is denying Kenyans justice. This is denying Kenyans living at the border and insecure areas their rights and justice. We want to state it categorically that it is the role of any government in the world to

protect the lives and property of its people. If the government fails to protect the lives and property of the people, then we should go back to the state of nature where there is no government. So, as the representatives of the people, we want Kenyans to be protected wherever they are. I think people do not take other parts of this nation seriously.

I want to give you an example of a place I represent. People lose lives almost every day and it is becoming a usual thing and yet, when people in Nairobi are killed, it is all over in the media. You see all the executives going there to say *pole*. In Turkana and West Pokot counties, people lose lives every day. You hear shootouts! Property is gone! People lose lives. So we wonder: Are those dogs or Kenyans?

They need to be protected and so, we are saying that all the projects that are initiated in insecurity-prone areas must be given priority and enough funds. If the people who are supposed to supervise are not ready to do so, we are the representatives of the people in those areas and are ready to supervise those projects. I was even suggesting to His Excellency President Kenyatta that, since he has tried to fight corruption and it seems corruption is still increasing, we can imitate the Chinese so that if we find that somebody is involved in corruption, we shoot him or her in the head. We need to pass such law in this House. That is because even if you take such corrupt person to court, they will use the same funds to manipulate the judicial process and escape justice. He or she might even bribe judicial officials in the court and EACC officials. So, the best we can do is to kill such people. We should shoot them dead to ensure that they do not get involved in any more corruption. We need to pass such a law here so that we mitigate against corruption. Otherwise, corruption is becoming a disease like HIV/AIDS. If we do not take it seriously, we will keep on talking at burials and other ceremonies, including weddings ceremonies, but we will not finish the menace. We need to enact a strict law to assist the Executive and cushion Kenyans from that act of robbery.

Some people are robbing the dead! Imagine people embezzling funds meant for improving the living standards of poor people. Such people pretend to be very important and yet, they are robbing the dead. That is not good. We have to respect the poor. So, I oppose. Those who have caused that project to stall must be brought to book.

Hon. Temporary Deputy Speaker, it is not only that project, we have many projects even in my place. The equalisation funds that we were given were used to initiate projects in the border areas, but those projects are incomplete. When we ask the National Treasury, we are told that all the contractors have been paid and yet, we are not seeing the projects. This is the corruption we are talking about. It is not good to use public funds to benefit a few individuals and yet, the intended purpose is not achieved. It is a shame. If we say we want to construct a bridge to mitigate challenges faced by women in a certain area and then the funds meant for such a project are embezzled, what will the women in that area say? What will the innocent children who are suffering in that area say? This particular project is supposed to be given priority because people have lost lives because of *Al Shabaab*. Any project that is aimed at minimising *Al Shabaab* activities in this nation should be given priority. This one is a paradox. I feel sorry for the people of northern Kenya and Garissa. Let God be your protector.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Hon. Lomenen, do not speak to a Member directly.

**Hon. James Lomenen** (Turkana South, JP): Hon. Temporary Deputy Speaker, we, pastoralists, deal with issues the way they come

(Laughter)

Thank you, Hon. Temporary Deputy Speaker. I oppose the Motion.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Before I give the Floor to Hon. Oyoo Onyango, let me remind the Chair of the NG-CDF Board Committee that the Hon. Speaker had earlier on directed that you table a report today. So, that has to be done today as earlier directed by the Hon. Speaker. Let us have Hon. Onyango

**Hon. Onyango Oyoo** (Muhoroni, ODM): Thank you, Hon. Temporary Deputy Speaker for giving me this chance. I support the Report given that the cardinal duty of any government is to protect the lives and properties of its citizenry.

The Government of Kenya, in its noble intention, wanted to shield Kenyans from the marauding *Al Shabaab* agents who cross into Kenya from Somalia and do a lot of unpleasant things to Kenyans. The Government's intention was very noble. The Government provided a budget and the work started. It is going on and it is a great idea. If my colleagues have information to the effect that corruption is taking place and that money is being embezzled, that is a different issue. Just like His Excellency the President said some time back, may I remind my colleagues that the Directorate of Criminal Investigations (DCI) is somewhere near Karura. So, go and take those reports there so that the people who are stealing the monies that are meant for that project can be arrested. According to somebody who has had an opportunity to look at the ongoing project, the 7 kilometres that have so far been done have cost the Government Kshs7 billion, meaning that each kilometre cost Kshs1 billion. That could be just so much.

However, they are claiming that this is what Kenyans have had to go through. This is a different issue that we need to take up at a different platform. The idea of building the wall was noble; it is still noble. I would urge my colleagues to support it but we should ensure that there are proper checks and balances. There should be proper oversight. As the Chairman prescribed, we still would want to go there. Only a few Members went there. We want the whole Committee to go there and see what is happening. If next time the Committee goes there, it should bring to the House a report on the speculation of theft that is doing rounds.

Otherwise, we should not kill the noble idea of putting a buffer between us and the criminal Somalia *Al Shabaab* because of corruption allegations. The persons making the allegations appear to know the few individuals who are benefiting from the project, but they are afraid of mentioning their names. In this House we do not fear anybody. The President has set the pace in the fight against corruption. We are ready to fight it at every inch.

So, the Committee should arrange to go back, see what is happening and bring a report based on those corruption allegations so that we can deal with it and ensure that this noble idea of putting a buffer between us and the criminal Somali *Al Shabaab* agents does not stall. We have seen the damage that the *Al Shabab* has done in Kenya. Some people want to tell us that we have no problem with Somalia and yet, only the other day, we had a diplomatic spat with that country. People should learn to be patriotic. Even if I am a Luo and a Luo in Uganda makes mistakes and causes damage to our country, I must say: "You Uganda Luos are wrong!"

Otherwise, I support this good Report. The Government's idea of putting a buffer along our border with Somalia is noble and must continue. However, the Committee must make arrangements to go back and do proper checks and balances. They should do a serious oversight and come back with a report telling us what we need to do to curb any corruption aspects that are affecting this noble idea.

With those remarks, I support.



**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Let us have Hon. Duale Dahir, Member for Dadaab.

**Hon. Mohamed Duale** (Dadaab, KANU): Thank you, Hon. Temporary Deputy Speaker, for giving me a chance to contribute to this Report. At the outset, I want to oppose it. As a country, we border several countries including Somalia and we are not at war with them. *Al Shabaab* and terrorism are global issues. I am shocked that our Government is thinking of putting up a physical border between us and Somalia while the issue itself is ideological.

*Al Shabaab* is ideological and cannot be fought through building walls. Somalia is a Member of the African Union (AU) and the Intergovernmental Authority on Development (IGAD), just like our country. We have refugees from Somalia living in Kenya, both in urban places and camps like in my sub-county. We have close to 50,000 Kenyans working in Non-governmental Organisations (NGOs) and the hospitality industry in Somalia. We have air and sea link with Somalia. However, I am surprised because the land bordering Somalia is closed and the Government is thinking of putting up a wall.

I will give you an example of where walls are built globally, like the border between Gaza, other Palestine territories and Israel. The wall is about 680 kilometers long. That border wall costs about US\$2 billion to maintain. This Government does not have resources of that magnitude. I cannot understand in my mind, how our Government decided this when we are facing many other challenges. As I have said, *Al Shabaab* is an ideology and can only be fought through ideological ways. We better invest those resources in building roads and other infrastructure which will address the issue of *Al Shabaab*.

The continued closure of the Kenya-Somalia border has affected this country adversely. I will give you an example. I hail from Garissa County, Dadaab Sub-county, which borders Somalia directly. Just like my colleagues from Ijara, Fafi, Wajir South and other constituencies bordering Somalia along the four counties - that is Garissa, Wajir, Mandera and Lamu - those counties have suffered because the border between Kenya and Somalia is officially closed. Even though Somalia has been lacking a central government for a long time, there are people who live on both sides of the border thriving on trade.

The results of the closure of the border for the last 10 years has been mass migration of the population of those counties to other parts of Kenya. This has happened to the extent that we have a nature upheld vacuum. People from the other side are filling those areas. Even many Kenyans have sometimes complained that the Somalia community is taking over businesses in their areas. So, this is a creation of the State. Basically, we are putting up walls like in Gaza Strip, where people have to look for a way out. The only difference is that we have somewhere to go in this country. The best solution for this issue is to open the border, allow trade, collect revenue and fight *Al Shabaab* ideologically. It will not help by putting up a wall.

So far, I have heard that billions have been spent yet, the person who moved the Report was not very sure whether he agreed with the content of the Report. The same applied to the Secunder. The Report is not very clear. I cannot understand how our security managers in this country cannot advise our Government on what to do.

We have leaders from that area. We have been affected by *Al Shabaab* more than any other community in this country. In Garissa County, 148 Kenyans were massacred. In Lamu County, you can remember what happened at Mpeketoni. In Mandera, you know the bus incident where over 60 people were massacred and also the quarry incident. We have had serious problems with teachers and other civil servants. Our Government has never called for the involvement of the leaders from that area in terms of addressing the issue of *Al Shabaab*, which I

said is an ideology. I am sure many Kenyans know that *Al Shabaab* people have no tribe. Those who attacked us at Dusit were Kenyans from other places. Similarly, it is known everywhere in the world, whether in United States of America (USA) or Europe, that *Al Shabaab* is an ideology.

For us to fight *Al Shabaab*, we need to change our strategy and fight them ideologically. It will not make any sense to do extra judicial killings and disappearances like what has been happening in our areas. We always say that illegality cannot be fought with illegality. You must use the laws of this country to fight those criminal elements. If you kidnap people, they disappear and die, this will only create more militancy among the people.

I believe that Somalia should not be looked at from security lens. We should look at it as a neighbouring African state because we have been gracious enough to host thousands of refugees for close to 30 years. We have invested in that country. We have more than 5,000 men in arms there to help to stabilise Somalia. The direction we need to take is to help them get a stable central government. It is not worth putting up a wall.

Right now, listening to the news about the border between Mexico and USA, the current USA Government desires to put up a wall. However, the position of that country is that many people are not for it. I see this as replica of Israel because they have a problem with Palestine. We do not have such a problem with Somalia. In India, they have a problem with Pakistan, sometimes to the extent of going to war. We do not have such a problem. We are not at war with Somalia. We have many issues of commonality between the two states.

I feel that *Al Shabaab* should be fought ideologically and with the development of infrastructure in those areas. Right now, in the road that connects Dadaab to Liboi in my constituency, in the last two years, more than 50 armed security officers have been killed because of Improvised Explosive Devices (IEDs) placed on that rough road. If the road was tarmacked, *Al Shabaab* would not have placed the IEDs. I think we should fight *Al Shabaab* ideologically and develop that area with infrastructure to improve the quality of life.

With those many remarks, I oppose this Report.

**Hon. Josephat Kabinga** (Mwea, JP): On a point of order, Hon. Temporary Deputy Speaker.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru) Before, I give the next person, Hon. Wachira Kabinga, what is your intervention about?

**Hon. Josphat Kabinga** (Mwea, JP): Hon. Temporary Deputy Speaker. I wanted your guidance. Listening to the Members, I have noticed they are contributing towards whether or not to have a wall. I am wondering whether this was discussed before this House. If that is not the position, then we should restrict ourselves to discussing the Report on evaluating the project. If there was no discussion on the wall, then we need a separate discussion on it.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Hon. Kabinga, I think Members are engaging on that inquiry and there is a Report towards it. You may not want to gag Members on the route to take when speaking to this, as long as it is not against our Standing Orders and there is no anticipation of debate.

So, Members have the latitude to speak to the Report in a manner they find best. What is it Major (Rtd.) Bashir?

**Hon. Major (Rtd.) Bashir S. Abdullahi** (Mandera North, JP): Hon. Temporary Deputy Speaker, I think as Members debate, it is important for them to really go through the status report. What we have presented is a status Report. It is not a Motion that says we want to build a wall. No! This is a status Report. This thing was conceptualised in 2015. So, when Members say

they oppose, what are they opposing? Are they opposing the status report or the construction of the wall? I think it is important to be very clear that what we have presented is a status Report to apprise Members on what has been done so far, what needs to be done and probably how long it will take. Thank you.

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

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Yes, Leader of the Majority Party. What is your point of order? Are you speaking to what the Chair has just spoken to? Let us have the Leader of the Majority Party and then I will give direction.

**Hon. Aden Duale** (Garissa Township, JP): Hon. Temporary Deputy Speaker, this Motion is a property of the House. It is a Report of the House and, at the end of it, the Question will be put. In this Report, there must be those who are opposing and those who are supporting. So, whether it is status or not, the moment it is a Report, it will be debated and a Question will be put. I am just telling the Member to relax.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Hon. Members, I think this is a very straightforward issue. The Committee has tabled a Report. The Members are engaging on that Report and they have the option to support or oppose as they prosecute their cases. Hon. 001, they must not oppose with reasons. What reasons? They have their reasons. They will speak to it. I agree with the Member that it is assumed that Members have read the Report and that is why they are engaging on it. Hon. Maoka Maore, you cannot say they have not. I am sure they have.

Before I give the Floor to Hon. Mbadi, Hon. Maore, the Speaker had earlier directed that you table a Report from the Select Committee on the National Government Constituencies Development Fund. Please do that now.

### PAPER LAID

**Hon. Maoka Maore** (Igembe North, JP): Hon. Temporary Deputy Speaker, I beg to lay the following Paper on the Table of the House:

The Report of the Select Committee on the National Government Constituencies Development Fund on the vetting of nominees for appointment as members of the National Government Constituencies Development Fund Board.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): You also have a Notice of Motion.

**Hon. Maoka Maore** (Igembe North, JP): Yes, Hon. Temporary Deputy Speaker.

### NOTICE OF MOTION

#### ADOPTION OF REPORT ON VETTING OF NOMINEES TO NG-CDF BOARD

**Hon. Maoka Maore** (Igembe North, JP): Hon. Temporary Deputy Speaker, I beg to give notice of the following Motion:

THAT, this House adopts the Report of the Select Committee on the National Government Constituencies Development Fund on the vetting of nominees for appointment as members of the NG-CDF Board, laid on the Table of the House on Tuesday, 12<sup>th</sup> March 2019 and, pursuant to Section 15(1)(e) of

the NG-CDF Act 2015 and Section 8(1) of the Public Appointments (Parliamentary Approval) Act 2011, approves the appointment of the following to the NG-CDF Board:

1. Mr. Robert Nyariki Momanyi Masese.
2. Ms Irene C. Masit.
3. Mr. Abdulaziz Bulle Yarrow.
4. Ms. Isabel Nyambura Waiyaki.
5. Ms. Maria Lekoloto.
6. Hon. Peter Omondi Anyanga.
7. Mr. George Kasatua ole Meshuko.

Thank you.

*(Resumption of debate)*

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Let us go back to the business that we have. Hon. John Mbadi, you have the Floor.

**Hon. John Mbadi** (Suba South, ODM): Hon. Temporary Deputy Speaker, this Committee, actually on its own volition and following the provisions of our Standing Orders, decided to go and evaluate the performance of that project which, I think, was a good thing. On that basis, we will have to evaluate whether this Report meets the threshold of what we would expect from the Committee and then we will adopt or reject it.

I heard the Member of Parliament for Daadab say that we are not at war with Somalia. That is true. We are not at war with Somalia, although we also know that *Al Shabaab* has bases in Somalia, which they are using to launch attacks on the soil of this country. It is important for us to appreciate that we suffer, as a country, in the hands of those criminals. I agree with the MP for Daadab that we have to find a way of dealing with those radical groups and idealists. This is because those are not people who belong to a particular tribe, race, religion or whatever you can think about. They are people who have been radicalised and we must find ways of dealing with those radicalised groups.

We went with the Leader of the Majority Party and the Speaker to Saudi Arabia where they have an institution dealing with how to handle radicalised groups, and it is a serious study. I do not know why, in our country, we are so lazy to think through ways of even adopting systems that work very well elsewhere. Saudi Arabia is surrounded by many radicalised groups, but they are able to manage it because they have taken time to invest in it.

Much as putting up the wall may have looked flashy, I want to ask: Where has this succeeded in the whole world? Even the Gaza Strip that we are talking about has not brought any peace at all. Why is it that, as a country, we are not thinking of intelligent ways of dealing with *Al Shabaab* as opposed to this mechanical and physical ways of putting up a wall which, in my view, is just physical? Recently, we have had cases of *Al Shabaab* attacking us from the Coast in Lamu. They are not using the land. They come through water. If you build this wall, are you going to build it all the way to Tanzania and barricade this country completely? It is not practical. I know this idea of building the wall came up around 2013 or 2014 and some of us opposed it and we still oppose it because it is wastage of public resources.

This is where now I indict the Committee. I think our committees need to do a better job. When funds are allocated to implement projects, we expect to interrogate the implementation of the same projects, come up with a properly researched document based on witnesses who present

evidence before them and give us a report that we can be comfortable with as a House. The Committee has brought a report, which I do not know whether they are giving the go ahead for this project just because it was started or they are giving it a clean bill of health because they have looked at the cost, progress and the viability of the same and they have come to a conclusion that this is a worthwhile project.

If it is true – and I do not know whether it is true – that only six kilometres have been done and we have spent Kshs7 billion, that alone can clearly demonstrate to the Committee that this is not a project that has value to this country. We need to be serious and this has nothing to do with MPs who come from that region. Kenya is Kenya. Just the other day, *Al Shabaab* militants killed people in Nairobi. They kill people in Kisumu and everywhere. They do not only kill people in Mandera or even Garissa. So, this is something that even when we see the MP for Dadaab contributing, we should not look at it that he is talking like that because he comes from that area. As a country, we are one single unit and indivisible country called Kenya. Being one single indivisible country called Kenya we must collectively protect this country and we can do that by involving leaders. That is where I agree totally with those who are saying the leadership of those areas need to be involved and communities in those areas need to buy in and we need to use our intelligence system to fight *Al Shabaab*.

The leadership in those areas needs to be involved. The communities in those areas need to buy in and we need to use our intelligence systems to fight *Al Shabaab*. We need an institution that will continuously research to find new and modern ways of dealing with radical groups. You will not solve this problem by building a wall to block people from the other side from crossing over to this side. It looks mechanical and historical. It looks like the Egyptian pyramids - the old ways of doing things. It looks like *Thimlich Ohinga* where people used to hide when enemies attack. It cannot work in modern Kenya. This is the 21<sup>st</sup> Century. We are thinking like Trump. Our heads are empty. We need to...

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

**Hon. Aden Duale** (Garissa Township, JP): Hon. Temporary Deputy Speaker, it is against our Standing Orders for a Member to refer to another Head of State, President Trump, on the Floor of the House. I wholly support his thinking because I am a Republican. Can he withdraw because that is a president of another country?

**Hon. John Mbadi** (Suba South, ODM): Hon. Temporary Deputy Speaker, I did not say that thinking like Trump is bad. I only said that we are thinking like Trump. Trump feels that he can stop criminals from Mexico from entering the USA by building a wall. We have the same thinking that we could block the *Al Shabaab* from crossing over to Kenya by putting up a wall. We seem to share the thought process. That is wrong.

In conclusion, I would like to politely tell the Committee that the thinking behind the investigation was good but you ended up doing nothing. Please, go back and come up with a proper report to this House on your findings. It should include the viability of the project, how much it has cost, whether we are able to finance it and who the other partners we can bring in are. Security in Kenya is the security of the whole region. We cannot spend on the security of the whole region when many benefit from the same. We can ask the United Nations (UN) to support. We can ask countries like the USA which has caused the threat we face today. Actually, this country would not be under any threat if we were not in some collaboration or understanding with the Americans. We are in this situation because of all that. We need other countries to contribute to this. That can only come about through your report. That report should not be two

pages long. It should be detailed and exhaustively prepared so that we can debate something fundamental. This current Report is big but the summary of the same is very little.

With those many remarks, we cannot support this Report. We reject it and ask the Committee to do better.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Very well. Before I give an opportunity to the Leader of the Majority Party, let us hear from Hon. Noor Sophia.

**Hon. (Ms.) Sophia Noor** (Ijara, PDR): Thank you, Hon. Temporary Deputy Speaker for giving me this chance to contribute to this very important matter to me and many other people.

From the outset, I oppose the Report of the Departmental Committee. I have done my own research and found that this project was started in 2015. The Committee has not told us whether this Report was presented to this House and whether the House approved the building of that wall. To my understanding and the little research that I have done, there is no approval of that project anywhere. Parliament has not approved the building of the wall between Kenya and Somalia. We are discussing an illegal project that has been conducted by the Kenyan Government. Any money that is spent is supposed to be approved by this House. Now that this project has not been approved by this House and the Ministry has gone ahead and started construction of the wall without approval and used money, we want the Committee to first tell us if they are the ones who approved it because they are tabling a report that has not been approved by this House. Let them tell us how they supervised a project that did not have the approval of this House in the first place.

Secondly, when presenting the Report, the Mover and the Seconder did not tell us the amount of money that has been used. The Mover said that they do not even know how much has been used for the project so far. Why do you table a shoddy report about a project that has not been concluded if you do not even know the amount of money that has been used to undertake the project?

Members earlier alluded that as a country, we are the hub of this region. We have boundaries with many countries including Tanzania, Ethiopia, Uganda and Somalia among others. Other Members have said that Somalia is a member-state of the African Union. It is also a member of the Intergovernmental Authority on Development (IGAD). As a country, we do not have any problem with Somalia as a state. We have a great relationship with Somalia. Our army and security personnel are in Somalia supporting the security in Somalia. What value will this wall add and how important is it? *Al Shabaab* is a global phenomenon. It is a problem that is faced globally by everybody in the world.

We have a problem in northern Kenya. We have been the buffer zone for a long time. We have been protecting our country like nobody's business. There are some border areas that have never had police lines or Administration Police (AP) lines but the community has been policing itself. They have been protecting our country. That money should be used to develop that region. There are places which do not have water. There are places where wildlife and human beings fight over the few resources. There are always human-wildlife conflicts because of the few resources. Does using Kshs7 billion, as it was alleged on the Floor of the House, on seven kilometres of the wall add value? It does not completely. If that Kshs7 billion was given to the region to deal with water issues, we could have solved half of the problems being faced by northern Kenya.

We know we have a problem with security. We need to use our intelligence systems. We have the best intelligence systems in this country. We can use that to address our problems. We cannot just use a wall...

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Order, Hon. Noor, What is your point of order, Hon. Jeremiah Kioni?

**Hon. Jeremiah Kioni** (Ndaragwa, JP): Hon. Temporary Deputy Speaker, just a quick one. I have heard the Member say that we have spent Kshs7 billion on seven kilometres of the wall. Can the Member tell us whether it is factual or sensational? We are now very sensitive when talking about money in this country. When we talk of seven kilometres of wall and Kshs7 billion, it is important for the Member to give us the facts so that we can now take that as another scandal. If it is not a scandal, let us not sensationalise the issue for the sake of getting the media to report on issues that are not accurate. We have seen it happen in the last one week.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Yes, Hon. Noor Sophia. Hon. Kioni is raising an important point. This is a House of record. You should say “I allege”. You cannot say “it is alleged”. Are you speaking to facts?

**Hon. (Ms.) Sophia Noor** (Ijara, PDR): Thank you so much, Hon. Temporary Deputy Speaker. Members before me said that. I did not see it in the report and I said “it is alleged”. I withdraw my statement because I already said so. Members before me said that.

I even questioned the Committee. When the Mover was moving the Report, he said he does not know the amount of money used for that particular project. It is confirmed that Kshs3.9 billion has been used for the project.

That is not little money: it is a lot of money. We just want to know the value of money. Is it being used properly? Is it serving the purpose it was meant for? Historically, we know that the wall between Palestine and Israel has never stopped the insecurity between them. Can we strategically address our issues and our problems? The security team, so far in my constituency, has brought special units that are assisting. And since they came to my constituency, there has not been even a single incident of insecurity. So, can we use our intelligence and security personnel properly instead of building a wall whose meaning, at the end of the day, we do not see and which will not add value to our security.

Finally, when we debate as a House, which is a House of records, we need to say that we have insecurity and insecurity is global. Somebody said that *Al Shabaab* has bases in Somalia. It is in Somalia, in Kenya and all over. Remember on the Dusit D2 incident, we were told that one of the terrorists hired a House in Kiambu, the heart of the country. Security matters touch everybody. We have a country that holistically needs our protection and we need this Committee to go back and do serious work. They should tell the House whether this project got approval of the House. It should tell us how much has been used so far. They should tell us the number of kilometres that have been constructed so far. Is it a wire or a wall? We hear that in some places they have fixed a wire; it is not even a wall.

**Hon. (Ms.) Beatrice Nyaga** (Tharaka Nithi CWR, JP): On a point of order, Hon. Temporary Deputy Speaker.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Hon. Nyaga. What is your point of order? The Member has done her part.

**Hon. (Ms.) Beatrice Nyaga** (Tharaka Nithi CWR, JP): Hon. Temporary Deputy Speaker, as I was listening to some Members speak, it seems they have not read the Report. It is not the Committee which started the project. It was started by the Ministry of Interior and Coordination of National Government then taken over by the Ministry of Defence. Let me finish.

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

**Hon. (Ms.) Beatrice Nyaga** (Tharaka Nithi CWR, JP): There is something I want to justify.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Is it information?

**Hon. (Ms.) Beatrice Nyaga** (Tharaka Nithi): Yes.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): To who?

**Hon. (Ms.) Beatrice Nyaga** (Tharaka Nithi CWR, JP): To those Members who are complaining here. I want to inform them because they have not read the Report.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Order, Hon. Nkatha. We have to stick to our rules, unfortunately.

Shall we have the Leader of the Majority Party?

**Hon Aden Duale** (Garissa Township, JP): Hon. Temporary Deputy Speaker, this is a very interesting afternoon. I have watched from outside and I have never opposed a Committee report. First, I want to correct Hon. Sophia Noor that it is this House that appropriated the money. So, the project is legal. It was in the Budgets of 2014/2015 and 2015/2016. It is legal. So, there is nothing out of order in this project. It commenced on 30<sup>th</sup> January 2015 when the National Security Advisory Committee initiated it. It was initiated for the sole reason to protect our national security. We have no problem with that.

I have a problem with the Committee led by my very good friend, Hon. Katoo ole Metito, and I want them to tell this House who initiated this investigation. Why did they go to Mandera? Was there a Question by Private Notice? Was it a Petition to this House? Who took them to Mandera? Did they use funds from the National Assembly or they went by military plane? This is why we are saying that there must not be conflict of interest. If it is the Kenya Defence Forces who took the Committee Members using their aircraft to Mandera... I want to go on record and I want the Chair of the Committee to hear. Who initiated this? Is it from the Ministry of Defence? A Member of Parliament or a Committee has three functions: representation, legislation and oversight. We allocate Kshs33 billion to this House and the Senate so that Parliament becomes independent. So, how did the Committee travel? We must see that in the minutes and about their air ticket. But the information I have is that they went courtesy of the Ministry of Defence. They were not sent by this House.

Secondly, I support the building of the wall because I am a victim of terror: 146 students were butchered in my constituency. If that will make Kenyans safe, so be it. But on the flip side of it, you cannot use insecurity and the threat of *Al Shabaab* to our national security to steal and plunder money appropriated by this House. We will not allow it. We will not allow it because the wall should have passed through Liboi, Fafi, Ijara and part of Lamu. Today, the most dangerous part is Boni Forest. In fact, we should build a wall at Boni Forest.

The National Youth Service was there. Today, the machinery NYS took there is lying idle in a Government plot. The Governor of Mandera and Members of Parliament from Mandera, including the Members who moved this Report... So, the whole concept of the project was to eat money. Just because of insecurity, the EACC cannot go there and the Auditor-General too. In the financial years 2014/2015 and 2015/2016 we appropriated money to the tune of Kshs3.9 billion. We are chasing the mysterious dams. In fact, this Committee, in my opinion, and the Chair must bring a recommendation to the Report saying that there is no value for money and that the EACC, Directorate of Public Prosecutions (DPP) and Directorate of Criminal Investigation (DCI) must move with speed and bring the culprits to book - the people who ate the Kshs3.9 billion and only built 7 kilometres not even of a wall but of a wire mesh. People are talking about a wall here. They built a wire mesh. The Chairman should say that it is a wire mesh. It is not a



wall. There is a difference between a wire mesh and a wall. I am a farmer. I use wiremesh. It costs between Kshs200,000 and Kshs300,000, Member for Ruaraka. So, the question we must discuss is if this Committee went to do a status report on behalf of this House, they must tell us that the Kshs3.9 billion is not equivalent...

**Hon. Josphat Kabinga** (Mwea, JP): On a point of order, Hon. Temporary Deputy Speaker.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Order, Leader of the Majority Party. What is out of order, Hon. Kabinga?

**Hon. Josphat Kabinga** (Mwea, JP): Hon. Temporary Deputy Speaker, is it in order for the contributor, the Leader of the Majority Party, to confirm that the Kshs3.9 billion was used to place a wire mesh –which is supposed to be for chicken and not for human beings– to prevent human beings from migrating?

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Leader of the Majority Party, you seem to have seen the fence.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Hon. Temporary Deputy Speaker, I have seen that fence. It is not a wall, it is a fence. I can even tell somebody to take a photo. I am sure if the Mandera people are watching, they can even send me through *WhatsApp*. It is not a wall, it is chain-link. The one we use in keeping cows.

I support the building of the wall. We must secure our national interests. If there is a place we should add money to, it is the Directorate of National Intelligence Service (NIS). The NIS are the ones who have secured 70 per cent of Kenya through information gathering. But the people who duped the Government of Kenya that they are going to build a wall have not built it. Hon. Katoo, please bring an amendment. We do not want this report to die. Move an amendment saying EACC, Directorate of Criminal Investigation (DCI), Director of Public Prosecutions (DPP) and the Auditor-General should go move fast to audit this and bring culprits to book. We must fight corruption everywhere whether it is in Mandera, Garissa, Marakwet or Trans Nzoia. We must fight corruption. This is Kshs3.9 billion.

Secondly and more important, committees of this House must not take the House for a ride. We are not here to rubberstamp. The President is at the forefront fighting corruption. You cannot justify the Kshs3.9 billion spent here. In fact, there is conflict of interest. This was a parliamentary-paid trip to Mandera. In Mandera, there is a very good type of meat called *Aleso*. Maybe the Members went there and enjoyed it.

Members, please, you have powers to bring an amendment. You can even change the whole observation and recommendations. I saw Members lamenting here. As debate is going on, you need to amend this Report. Can we have some people who will move an amendment? The Auditor-General is facing the same problem even auditing county governments in the North. The Auditor-General cannot go to Marsabit, Mandera, Garissa and Wajir. Why? He is told if he goes there he will not come back alive.

The other day you saw some police officers trying to kill EACC officers. The Inspector-General of Police and DCI must arrest those officers. The EACC gets its powers from this House and it is only answerable to the National Assembly, not even the Senate. The DPP is doing good work. People must go to Mandera.

In this Report, the committee is saying the weather is bad. Which weather? That place is dry eight months of the year. The contractor is saying because of the weather, they could not build the wall. It is too dry. It does not rain like in Trans Nzoia, it is dry there. They are saying one of the other reasons is that the Government should open the border. The Committee was to

inquire about the wall, not whether the border should be opened. If you look at the challenges the contractor has faced, the whole thing is concocted. Even the people of Mandera who are being quoted, their ID numbers must be written. When you tell me Ibrahim Mohammed Farah made the following presentation, who is Ibrahim? It can be a ghost. You write his title. Is he a sheikh? What is he in leadership? His ID card number? This is a House of record.

We will not allow this House to be used as a rubberstamp. Members should go further from this Report and file a Question to the Cabinet Secretary. Hon. Kioni is a ranking Member. He is saying it is a very interesting report. Those of us who come from border areas have committed ourselves even in the pastoralist forum to defend our country from criminals, terrorists and drug dealers. We are at the forefront but we will not allow our region to be used as a conduit to steal public resources appropriated by this House. The Committee of Defence and Foreign Relations must walk the talk. In fact, the Public Investments Committee (PIC) –and there are many Members here – needs to pick up from here.

Finally, Hon. Katoo is a decent politician, a former Minister and one of the longest serving Members of Parliament. He joined Parliament at a very tender age. The most outrageous thing of Hon. Katoo's report is the challenges the contractor is facing. *Ati* lack of skill and skilled labour. Why can you not give it to a local contractor who knows how to work? You have taken people there, *ati* minimal availability of both skill and skilled labour. *Ati* encroachment along the border. As a country, we have a lot of stake in Somalia. We have our men and women who are serving in Somalia in our defence forces. We have over 30,000 Kenyans working in the private sector in the NGO world in Somalia. We have invested a lot to make sure Somalia becomes a stable country. Let us not throw the baby with bathwater. Let us be part and parcel of reconstruction and the creation of peace and stability in Somalia. Uganda, Rwanda and South Sudan do not have a border with Somalia. We have the longest border with Somalia. We have taken care of over 500,000 of their refugees. We should not be short-sighted.

Finally, this is another scandal in the making. This is something Mr. Kinoti of DCI, Mr. Mbarak of EACC and the Auditor-General must pick. If the Auditor-General is scared, he can go with Hon. Bashir, the Member of Parliament for Mandera North, who goes there every day. We want to get the Kshs3.9 billion appropriated by this House. We want to see equivalent of a wall, not a fence built.

I rest my case, and I oppose.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Hon. Chair, you will get an opportunity at some point to respond. To my left is Hon. Member for Butula, Hon. Oyula.

**Hon. Katoo ole Metito** (Kajiado South, JP): On a point of order, Hon. Temporary Deputy Speaker.

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

**Hon. Katoo ole Metito** (Kajiado South, JP): Thank you. Hon. Temporary Deputy Speaker. I wish to put some record straight to guide the House so that Members contribute with the right information because I am not the one who moved it. We are completely distorting information. For instance...

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Order, Hon. Metito! I know you are not the one who moved, it is your Vice-Chair or a Member of the Committee who moved the Report. You will certainly get a chance to speak to it.

**Hon. Makali Mulu** (Kitui Central, WDM-K): On a point of order, Hon. Temporary Deputy Speaker.

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

**Hon. Makali Mulu** (Kitui Central, WDM-K): Thank you, Hon. Temporary Deputy Speaker. You know what the Chair has said is very worrying. He is saying that a Member of his Committee who has moved this Report distorted information. Is he in order? He says we are debating based on distorted information. Who moved this Report?

*(Hon. Katoo ole Metito consulted loudly)*

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Hon. ole Metito I heard you. I heard Hon. ole Metito say that the Mover distorted, but Members have read the Report. Hon. ole Metito, you should not show that the House has not read. They are contributing robustly because Members have read. But you will get a chance. For now it is Hon. Member for Butula.

**Hon. Joseph Oyula** (Butula, ODM): Thank you, Hon. Temporary Deputy Speaker for giving me this opportunity to contribute to this Report. First and foremost this project was misconceived. The people of North Eastern Region needed more water and roads and not walls. The Report as it is, is giving us a story of another cash cow which was to be used at the border to pretend that they are constructing a wall, when they were looking for ways of taking money out of the system. This is a very long border. From Border Point One to Border Point Two, it is about 700 kilometers or more. Having gone to the ground without any plans, we have not been shown or told that somebody carried out a study to find out how much money would be spent, what type of work was going to be done and who were going to do the work. We are told that some young men from National Youth Service were taken to the point. These young men were not even compensated. They stayed there for about six months without any salaries. From all that, you will just see that this was a cash cow and this House must make sure that we expose these misdeeds and ensure that the corruption we have in this country is done away with.

The project as it is should not continue. It should be abandoned. Let us use whatever money we may have to better the lives of the people of North Eastern. It is not a question of *Al Shabaab*. For a long time, North Eastern Region has been crying for water. They have been crying for roads. If we had proper roads, in those regions, even the *Al Shabaab* would not be bombing our vehicles. They bomb our vehicle because of the rough roads. The health situation and education are some of the things that we should be looking at in that region of North Eastern.

The Committee did its work well. We have to agree with the Report but as other Members have contributed, they should give us proper recommendation and tell us how we can get construction of this wall stopped because we do not need it.

Thank you, Hon. Temporary Deputy Speaker.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Let us now have Hon. ole Metito.

**Hon. Katoo ole Metito** (Kajiado South, JP): Thank you, Hon. Temporary Deputy Speaker. I want to appreciate the comments and the contributions of the last speaker. Having been in this House for long since 2003 as the Leader of the Majority Party has said, I understand the persuasions and the contributions of Members. Some could be speaking to their constituents whom they represent. But let me put the record straight. First of all, I will start with what the Leader of the Majority Party said. I did not want to interfere. I wish he was here. It is not good to read the Report selectively. He was reading an observation on page 13 of the Report. That observation starts from page 10 which talks about submission, evidence, in subtitle 3.0.

Subtitle 3.1 says,

“...meeting with the Cabinet Secretary for Defence”.

What the Leader of the Majority Party was reading is what the Cabinet Secretary for Defence told the Committee.

On page 14, the Cabinet Secretary in charge of Defence said,

“The challenges involved with the project are as follows...”.

Those are not the Committee’s findings. When you write a report, you must indicate what the people who appeared before you said. One of the things that the Cabinet Secretary and her team said is that we are facing several challenges which include, slow pace of order re-affirmation. Secondly, security challenges from *Al Shabaab* and its affiliate. It is them who talked of unfavourable weather conditions. We all know that Mandera is a very hot area and so some people find it unfavourable.

*(Several Members stood on points of order)*

Please, I did not interfere when Members were contributing. I know what most of them were saying. Most of them did not have the correct position. That was their contribution though.

They also said that in their locality, there was minimal availability of both skilled and unskilled labour. I am not saying that, that is true. I am saying that those were the submissions from the Ministry. It is them who said there was encroachment along the international boundary which I saw with my eyes when I visited. In some areas, you could not even know the boundary between Kenya and Somalia. Whatever the Leader of the Majority Party was reading was the submission by the Cabinet Secretary in charge of Defence.

Subtitle 3.2 was on a meeting with the Ministry of Public Service, Youth and Gender Affairs. All that is what was said before the Committee. What the Committee picked as observation and recommendation are at the end. So, I really want Members to understand this. This House does not need to tell the DCI and the EACC to do their work. There are dams which are the talk of the day now. The DCI and the EACC are investigating Arror and Kimwarer dams, it is not this House that told the investigating agencies to do that. Those are independent offices. Nothing stops them and the Auditor-General from visiting Mandera and looking at what is happening. They do not need our directives. Surely, we must be very fair when we are making contributions on the Floor of this House.

It is good for this House to know that this project was conceived on 30<sup>th</sup> January 2015. That was at the 11<sup>th</sup> Parliament. It was conceived, not at the directive of this House. This is on the first page, in the introduction.

It says;

“On 30th January 2015, the National Security Advisory Committee which is a constitutional committee approved the commencement of the Kenya-Somalia Border Securitisation Project.”

It is not this House. In the same paragraph, Members were asking whether there were feasibility done. In the second sentence of the same paragraph: It says:

“Upon approval by the NSAC, benchmarking studies were undertaken along the American-Mexico border, Israel-Syria border and India-Pakistan border”.

It was not done by this House but by the Executive.

Then just go to what made this Committee undertake an inquiry. Under our Standing Orders, specifically Standing Order 216(5)(e), on our own motion we decided to do an inquiry

which is one of the functions of Departmental Committees. To exercise our oversight role, we said: There is this project which was started by the Executive; can we see whether there is value for money and what is happening? Then we moved. Again, it is very wrong to say that this Committee was provided with air transport by the military. It is very wrong. You remember the substantive Speaker ruled in the last session that it is not that we cannot meet the agencies that we oversee or even go to a retreat with them. It does not mean that every time we meet them we criticise; at times we learn the kind of work they do. Remember there is no other travel means there other than by the military but they are not the ones who were directing the Committee. They just provided transport because of security reasons. It is we who were making decisions on what we were seeing. We were asking questions and taking notes. It is good to point out that.

Number two, look at page 18 of the Report, number 4. This project was started in 2015 and it was under the Interior Ministry. Those of us who were in the last Parliament remember very well that this project was being overseen by the Departmental Committee on Administration and National Security of this House because it was under the Interior Ministry but it could not move because of the problem of insecurity. If you read page 18, bulletin 4: reason for the transfer of the project from the Ministry of Interior and Coordination of National Government to the Ministry of Defence... Remember those assets that were said to have been left in the bushes by NYS was because of insecurity. The NYS cannot fight *Al Shabaab*. If you read that it says—and this is very important:

“A presidential directive, communicated at the Kenya-Somalia Border Securitisation Management Committee through the Chairman at their 47<sup>th</sup> meeting held on Wednesday, 23<sup>rd</sup> November 2016, stated that the project would be under the Ministry of Defence. This was due to escalation of insurgent attacks on project personnel and equipment, especially in the southern sector of Lamu, resulting in the loss of a number of civilians and uniformed officers.”

*(Loud consultations)*

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): There are quite a number of points of order. Let me pick one.

**Hon. Katoo ole Metito** (Kajiado South, JP): I am ready to take them.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Order, Hon. ole Metito. What is it, Hon. T.J. Kajwang’?

**Hon. T.J. Kajwang’** (Ruaraka, ODM): Hon. Temporary Deputy Speaker, you know the Member on the Floor is a seasoned veteran and I would not want to disturb him when he is on his feet. But he rose to allay our fears from what the Leader of the Majority Party had given, that we were speaking from a point of distortion. I was listening carefully so that I can bring back my mind to what he considers good information. He has been going through the report page by page. Looking at page 37, number 3, these are observations.

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

**Hon. T. J. Kajwang’** (Ruaraka, ODM): I am raising it. I have to develop this point of order. When you look at page 37, in the observation of the Committee, No. 6 says that the border wall will enhance security. But somewhere just before that, I cannot pick it up, refers to a fence.

So, my point of order is this: Would the good gentleman on the Floor tell us... Yes, it is No. 4 of page 37. It says: “The impact of the project is evident since its commencement since construction of the fence.” And this is what the Leader of the Majority Party was illustrating and demonstrating; that according to his information he has just seen a fence, some chicken link

fence. And No. 6 says that it is a wall. So, will the good gentleman on the Floor clarify to us if what is on the ground is a fence or a wall?

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Hon. Chair, please you have a few minutes before your time ends, but it is good to speak to what has been raised and may be raised by other Members within the time that you have. You are not the Mover; you are essentially just contributing. It is only that you are the Chair.

**Hon. Katoo ole Metito** (Kajiado South, JP): Thank you, Hon. Temporary Deputy Speaker. That is a very valid point of order because I requested to contribute to give information. First of all, even before we visited we also heard of a wall. So we were expecting to see a concrete wall. But when we went to the ground, it is not a concrete wall. This is what it contains and that is why they used the term “concrete wall”. They said the wall will have facilities of concrete barriers and fences - which we saw - barriers, dishes and observation posts overlooked by CCTV stations. That is what they refer to as the entire wall. It is not a concrete wall. Remember what is being proposed to be done is 700 kilometres. So, it is not going to be a concrete wall for 700 kilometres. I want to make it very clear: It is not meant to stop wars. The KDF in its own submission said so. This Committee benefits from having two members who were senior KDF officers: Colonel Rasso, Member for Saku; and Major Bashir, Member for Mandera North. We benefit from that knowledge. The KDF said walls are not used to stop wars because they would not do so. Even if you put a concrete wall, people can even come by air. So, the purpose is to have a documented....

*(Loud consultations)*

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): I can hear Members asking for points of order.

**Hon. Katoo ole Metito** (Kajiado South, JP): Hon. Temporary Deputy Speaker, protect me. Let me give the information because that is the bone of contention, the one I want to say. Allow me to put this point across.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Hon. Kamuren, there are all points of order everywhere. It looks like, Chair, the more you speak the more you invite points of order.

**Hon. Katoo ole Metito** (Kajiado South, JP): Yes, because it is the more I say the truth. I know. The purpose of this wall or fence is to have coordinated, controlled and documented access points. You cannot leave 700 kilometres open that anyone who wants to come to Kenya can come through. We want to have coordinated, controlled access points where you will have documentation of registered persons as they enter Kenya. That is the bone of contention. It is not to stop wars.

So, this is just a status report. The project is ongoing. It was started in 2015. This House has been appropriating money every year and it will continue to do so. That is the position.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Very well. Let us have other Members speak on this matter.

*(Loud consultations)*

No, we cannot have crossfires where you are asking Hon. ole Metito questions and he is responding. I must give Hon. Members a chance to speak. They ought to have read the Report. Hon. Kassim, I will come to you but the one on top of my list here is Hon. ole Sankok.

**Hon. David ole Sankok** (Nominated, JP): Thank you, Hon. Temporary Deputy Speaker. Today I have waited for a long time. Thank you for giving me this particular opportunity.

Surely, this project seems not to be viable and what the Committee has is half-baked information. If it is true that Kshs3.9 billion was used to construct 7 kilometers of fence then that is not only very expensive, but it is also corruption of the highest order. If we succeed in passing the laws on shooting corrupt officials then we...

**Hon. Jeremiah Kioni** (Ndaragwa, JP): On a point of order.

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

**Hon. Jeremiah Kioni** (Ndaragwa, JP): Is it in order for this Member to continue misinforming the House when we know he even does not have a copy of the Report? If he had a copy of the Report, he would have read the first paragraph on Page 18 and he would have noted that it is not Kshs7billion for 7 kilometers. The actual detail is contained on Page 18. He is not in order.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Well, I think I had even spoken when Hon. Oduol was speaking to this matter. We spoke about the figure and it is good to speak about the figure that is in the Report. Hon. Sankok, please, proceed.

**Hon. David ole Sankok** (Nominated, JP): Hon. Temporary Deputy Speaker, I think my friend the Hon. Member is ageing because I have just said Kshs3.9 billion for 7 kilometers and that is what is in the Report that I have. Age also comes with a bit of other issues. For sure, having this fence will cut our trade relationships with Somalia and we do not have any problem with Somalia as a state.

We have a problem with *Al Shabaab*. *Al Shabaab* does not belong to a community, a tribe, religion; they are criminals just like the ones who break into our banks and hijack our vehicles. So, we should deal with them as such. As a pastoralist, I know that putting up 700 kilometers of fence means closing our pastures. We need movement of our livestock. At times when there is a lot of drought in Kenya we go to Somali and Tanzania. Our lifestyle cannot be cut simply because of fighting a terror gang. We have seen people from Kiambu, Busia, and Narok who are terrorists. We cannot simply cut the lifestyle of people in the north simply because of our inability to deal with the *Al Shabaab*.

The Leader of the Majority Party requested us to give solutions. The best solution, for me, is to have a buffer zone of around 5 kilometers like it is with the Nyayo Tea Zones.

This is because 5kilometers times 700kilometers will give us 3,500 square kilometers of land which is equivalent to one million acres. Why do we not have these one million acres as a buffer zone and we subdivide into farmlands? We would then give it to Kenyan citizens, give them *jembes*, cereals, cooking oil and AK 47. Once we do that, I can assure you we will have a buffer zone that the *Al Shabaab* will not come through.

Remember there was a time when there was problem in Mpeketoni. After Independence, the people of Mpeketoni asked that they should be given tractors to cultivate their land. I remember the founding father said he would bring them tractors with two wheels. Indeed, tractors with two wheels were delivered and the area even has an MP from that end. They cultivated part of Boni Forest and it has since become safer. So, if we can have a buffer zone of 5kilometers in diameter and 700kilometers length, we will have one million acres. Those

residents will use the money that would have been used in fencing for electricity, piped water, roads and part of it for buying AK47 riffles. That way, they will take care of our borders.

Our Kenyan citizens are brave enough. If we fought for independence and chased away the whites using rusted *pangas* when they had guns and other machinery, we cannot be defeated by *Al Shabaab*. So, instead of this issue of fencing, let us have our own residents cultivating on the buffer zone. What has brought about all these issues was the Sessional Paper No. 10 of 1965, which was about marginalising 80 per cent of Kenyans at the expense of putting more resources in high potential areas. In that Sessional Paper, high potential areas – and that was archaic thinking – meant agricultural and. This was about production of *sukuma wiki* and beans at the expense of pastoralists who occupied 80 per cent of land. Now, in the 80 per cent of landmass occupied by pastoralists, there is oil, tourism, geothermal power, wind power and so many other resources and yet we marginalise such areas. Why? Simply because we were thinking about high potential areas which we can equate to production of *sukuma wiki*. No country in the world has ever become rich because of production of *sukuma wiki*. Countries have become rich because of tourism, oil, and geothermal power. It is high time this House thought of reversing that Sessional Paper 10 of 1965. That way, we will open up the 80 per cent of land mass in the north and the borders, including the border between Kenya and Tanzania so that we can deal with this issue of *Al Shabaab*.

Lastly, when dealing with *Al Shabaab*, let us remember that it is a terrorist gang. They are criminals. They belong to no society or religion. They are criminals and should be dealt with as such. We cannot risk spoiling our good relationship with our neighbours with whom we have been engaging in many good things. We have even assisted them by sending our own sons and daughters to protect their land. All that is because of a terror gang.

Our country is not a failed state so that it cannot deal with an isolated gang of criminals who are bent on attacking our people. We should deal with them that way. We should not build walls. We are in a digital world. We are no longer in a world whereby you build walls as if you are dealing with high school girls that you do not want to sneak out to go and meet some boys. This is a country, a nation and a state that has a government with intelligence and armies. We cannot say that we will build a wall. Even if we did that, people nowadays use aeroplanes. People can even dig thousands of kilometres of tunnels. So, that is retrogressive, ignominious and archaic thinking.

Thank you, Hon. Temporary Deputy Speaker.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Let us have Hon. Amin Kassim, Member for Wajir East.

**Hon. Rashid Kassim** (Wajir East, WDM-K): Thank you, Hon. Temporary Deputy Speaker for giving me a chance to give my input on this matter. Initially, when this project was envisaged in 2015, the country was facing problems particularly, *Al Shabaab* and other international security matters.

This project was not envisaged with a rational mind. It was thought as the best option to develop a wall or fence so as to stop movement and survey the border. Was this the best rational approach to this issue? As far as I am concerned, this was not right. It was a rushed decision by the Government of Kenya to make a huge investment into this border project. Looking at the ecosystem between Kenya and Somalia, where is *Al Shabaab*? *Al Shabaab* is equally affecting Somalia as well as Kenya. Therefore, building a wall between Mandera Border Post One up to Kiunga is that the best rational decision? No!



These are pertinent questions we need to ask as Kenyans. This is because as we invest in this project, the ecosystem of Kenya and Somalia depends on each other. We are pastoralists, we see livelihood from both sides. There is constant movement of people and animals between Kenya and Somalia. Therefore, surveillance through a wall is not the best option for this matter.

Looking at the level of investment done, we can see clearly how this project was rushed. Initially, it was given to the National Youth Service. Later, it was moved to the Ministry of Interior and Coordination of National Government. Eventually, it went to the Ministry of Defence. What was the decision behind this? This was clearly choreographed for pilferage and misuse that money. That movement was already an indication that there was no proper planning of this project.

I seriously looked at page four, it states Kshs3.3 billion was utilised to fence only 10 kilometers and there is no breakdown. This Report is contradictory, and it does not look at issues clearly. They have not even provided answers for the same. Looking at the observations they have made, they did not attach an environmental impact assessment on how this affects the movement of people and animals from Kenya to Somalia and how this will affect their livelihoods.

This Report is not conclusive, the recommendation we expected them to give is that this project is non-viable and will not provide security for the people of Kenya and Somalia. Therefore, it should have been stopped. Looking at page 22 on the breakdown of the project, it shows NYS was given a total expenditure of Kshs3.3 billion shillings for the Financial Year 2014/15; the fiscal year 2015/16 Kshs307 million and 2016/17 Kshs587 million shillings. Out of the money utilised over that period, there is no visible single structure commensurate to the expenditure by the Government of Kenya.

What was the alternative use for this money? Kshs7 billion is the expenditure which finances devolution in Mandera, Garissa and Wajir. It was able to assist us in infrastructural development and the water sector. Kshs2 billion is sufficient enough to provide water for the entire region. So, this amount was not properly utilised. If only we had used this amount to improve our road network or security, it would have been good. We should have invested this money on intelligence services, so as to improve livelihoods

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Order, Hon. Member! You need to speak straight to the microphone, so that you are on record.

**Hon. Rashid Kassim** (Wajir East, WDM-K): Thank you, Hon. Temporary Deputy Speaker. The youth and individuals lured into *Al Shabaab* and other vices would have been given this money, so as to provide intelligence service. This could have been a source of income for many families in the region. We could in turn get intelligence services and information which could have been translated and helped curb the vices in our midst.

If you can control the border, then why did you not control what happened in Moyale and Marsabit? Generally, in terms of livelihoods, I suggest that this money would have been utilised to improve livestock marketing and help women groups to get more income. In turn, we would get information regarding these vices. So, when this Committee went to Mandera they should have critically looked at this entire project.

It was a lost opportunity for this Committee led by Hon. Metito and Hon. Bashir the Vice-Chair who comes from Mandera. He should have given proper advice having worked as an intelligence officer in the military for the last 20 years. He should have provided information relevant to the execution of this project, but he has failed the people of this region.

**Hon. Mohamed Mohamud** (Wajir South, JP): On a point of order, Hon. Temporary Deputy Speaker.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Hon. Sheikh, you seem very agitated, what is out of order.

**Hon. Mohamed Mohamud** (Wajir South, JP): On a point of order, Hon. Temporary Deputy Speaker. First and foremost is the Member, in order to mislead the House. He is quoting page 25 and he is reading different figures. Page 25 shows a total expenditure of Kshs1.7 billion for the Financial Year 2016/17. Two, he is casting aspersions on other Members of the Committee for the Report and this is not true. What he is reading is not what we have. Page 25 shows Kshs1.7 billion was spent in 2014/15 and 2016/17, yet he is saying Kshs7 billion. So, which Report is he reading?

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Hon. Kassim is holding a report. I guess it the one tabled in the House. If the figures you quote are not in the Report, Members will raise this.

**Hon. Rashid Kassim** (Wajir East, WDM-K): Thank you, Hon. Temporary Deputy Speaker. I have the Report and it has a lot of contradiction and misinformation from that Committee. I expected intelligent people like Hon. Rasso, Member for Saku in Marsabit and Hon. Maj. Bashir who has intelligence information, having worked with the Ministry of Defence and comes from the region to have provided critical solutions in this Report. They should have given direction on how this project should be executed.

Therefore, I recommend that amendments be done to this Report and the project as envisaged should be useful to the community. We should invest in intelligence, infrastructure improvement and livelihood support system, so that we can employ our jobless youth who are lured to vices.

Thank you.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Next is Hon. Jeremiah Kioni.

**Hon. Jeremiah Kioni** (Ndaragwa, JP): Thank you, Hon. Temporary Deputy Speaker, for the opportunity to speak to this Report. Every person who has stood is reading his own page. There are those who are reading recommendations, others reading minutes and others half a paragraph. Of course, for the reasons that have been given by the Chairman of the Committee, we are talking to different Members out there in the public. I commend the Committee because they have given us an opportunity to discuss this issue. For those of us who did not know that a wall was being put up along the Kenya-Somali border, now we know. Going forward, we will pay more attention to it and be more careful to scrutinise figures when they come to the Floor.

Even before I contribute, I think it is also important to say somebody has quoted Sessional Paper No.10 of 1965. For the record, it is important for us to know that, that paper no longer guides us and it is normally quoted by people who choose not read or update themselves on how the Government is run. This is a status report that was given to us by the Committee and the Committee did what it is expected of it as part of oversight. They went on their own motion to find out what was being done and they have done a good job to file a report that is helping us look into different issues. As we continue looking at it, it is important that we know the members of the Executive who were contacted when this Report was being done. I see the top leadership of the National Security Council informed part of this Report. So, when we go ballistic on it, it is important to know that perhaps we cannot quite trust those whom we have entrusted with the security of our country.

On page 2 of a document that has been sent, there is one of the reasons that was given by the NSIS as to why it was important to do this wall. They have said clearly that the wall is not to stop immigrants from entering Kenya, but it is for having a controlled entry point to monitor the flow of adversaries. I think, without doubt in our mind, we need to monitor the flow of persons coming from Somalia. It is not a farfetched statement to say that the terrorist attacks that we have had in this country, we have traced some of the terrorist characters to have come from Somalia and it is only fair for us as a country to address those entry points through which terrorists have attacked us.

We have been given very many figures and I think it is important for the Committee to take some time and address itself to those figures because we must also make sure that the House does not speak in vain. We need to make sure that those figures that have been flagged on the Floor... There are those who have alleged that we have spent Kshs7 billion to do 7kilometres. Others have alleged that we have used Kshs3 billion to do 7kilometres or 3kilometres. All those figures do not seem to add up. On page 25 of the Report, it is clearly giving us the overall project expenditure report for the years 2014/2015 and 2016/2017 and we can see the overall budget is Kshs5.9 billion. The amount spent by the time this Report was done is Kshs1.7 billion and out of the Kshs5.9 billion, there is a whole Kshs3.91 billion that is still unspent. However, when you read page 18 of the Report, there is a paragraph that seems to suggest something different. I think what is important is for the Members also, now that they have filed a status report, to also file a proper Report clearly specifying where we are in terms of expenditure and how much wall has been done. As to whether the wall is viable or not, I hold that it is viable. We are not stopping wars but it is important to have controlled entry points in this country so that we know who is coming, who is leaving and what they are carrying or bringing to this side so that we can also be able to account for some of the things that have been done.

We also hear informally that when this wall was being done by the Ministry of Interior and Coordination of National Government, we lost lives. That is the reason of those who do not want the wall constructed. They are many. We have to be very careful when we are speaking on the Floor of the House so that we do not sound like we are in support of those who killed our own people because they also did not want the wall done. Again, we also have to be very careful when we are speaking from the Floor of this House so that we do not sound like we are speaking more in support of another country as opposed to the country that we come from. These are things that seem to have found their way in the kind of reports that we have been doing.

It is important to commend the Committee that they have done a good job to file a status report. It is good that we also encourage the Government that we need this kind of a barrier along the wall so that we have controlled flow of people, but also to ensure that we are also not killing the trade that is in between the two countries. I know we are going to do census in the coming days. We also need to be careful so that we make sure that we count those people who are not in our country in any other way but who are in our country because they are Kenyans and we also do not miss to count those Kenyans who may have moved to other countries because we put up a wall. So, we also need to be very careful about the management of this wall.

The debate on construction of these barriers is all over. If you go to CNN, this is one of the major things that Trump is dealing with now to a point where he had to declare a state of emergency in the USA so that he could get money to put up a wall. There are many reasons that have been adduced there and I can hear the same kind of debate from this Floor. I think when a Committee undertakes this kind of a dangerous exercise of going to the Kenya-Somali border, it is not a cup of tea. To start castigating Members of the Departmental Committee on Defence and

Foreign Relations for having, perhaps, benefited from security from our armed forces when they were going there, I think we are not being honest with ourselves. I have been a member of the Departmental Committee on Defence and Foreign Relations and we went to some of these very risky areas during the 10<sup>th</sup> Parliament. Without the use of the equipment, including the choppers that are owned by the armed forces, you cannot dare. I do not want to use harsh words but it is really unkind to call upon your colleagues to drive to the Kenya-Somali border, unless you were really volunteering them to go and die. You know others have died when they went that way. Why would you want your own colleagues to just go there and die? Being offered a chopper does not mean that their objectivity has been compromised. We cannot curtail ourselves to that point.

I want to go on record as having supported this Report. It is a useful Report to us. It is allowing us as Members of Parliament into this debate. I would not have known that we are doing this kind of wall was it not for this status report. I really commend the Committee for having done this. Of course, the questions that have been raised will need answers. We do not want to sit here while a scandal is brewing out there.

In conclusion, let us not also use the Floor of the House to sensationalise issues. Kenyans out there are very concerned about how we are using resources in this country. So, unless you have the facts, stop throwing figures around. You make Kenyans angry perhaps when they should not be angry. Thank you, Hon. Temporary Deputy Speaker.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Next is Hon. (Dr.) Makali Mulu.

**Hon. Makali Mulu** (Kitui Central, WDM-K): Thank you, Hon. Temporary Deputy Speaker. Let me add my voice to this important debate. Listening to Members debate, I thank Hon. Katoo for setting some records straight, although I think he did it a bit late.

The Leader of the Majority Party raised very pertinent issues about this visit. If I was the Chair of the Committee, I would have come in at that point to set the record straight because this is a House of records, but they say it is better late than never. Now that we have the facts, we can debate a bit.

This Report raises quite some fundamental issues. We need to thank the Committee for the initiative to go and monitor what is happening. Even though we are calling it an inquiry, this is what we are lacking in this House. Committees do not take the initiative to see what happens after appropriating resources. Instead of bashing them, we should encourage other Committees to go in that direction. Every year, we appropriate resources for ministries, departments and agencies (MDAs). It is important to follow up and see what is happening before we start doing the postmortem after things have gone wrong and we are told that this went wrong 10 years ago and we cannot do much. That is a positive point.

There are serious questions coming up. The first one is whether we did have any public participation on this project. Listening to our colleagues from the North Eastern Region, it looks like nobody consulted them in terms of this important wall. It might be important to the nation but it is more important to the locals. When the locals say that they do not see any importance of this wall, the question comes whether we might be getting value for money. That is important. As we do other projects in future, public participation which involves the locals is important.

The other important point is the issue of the mystery which always surrounds projects related to defence in this country. Any time we talk about defence, it is like nobody should talk about issues to do with security. It is said that it is a security matter so we should keep off. I remember when we were amending the Audit Act, we said that in areas where national security

is being compromised, we people who can verify but have been vetted to make sure that they cannot leak information. That may not have been implemented in such a project. It is high time that where we have invested such huge amounts of money like this, we ensure that we have vetted auditors who can be facilitated to go and see what is happening and report to the public that things have either gone right or wrong. At the end of the day, this is public money. We cannot appropriate public funds to such institutions and then we do not know what is happening. Time has come when this mystery around defence issues should start being exposed to the public and in that way, we will save money.

Listening to this debate, there was a bit of bashing. I agree with Hon. Kioni when he says that even as we discuss our colleagues who sit on those Committees, it is important that we realise they are our colleagues. They are not out there. I would not want my friend, Hon. Wanyonyi, to be exposed to a risk where he might end up losing his life doing things which are not his primary duties. When people go to such risky areas, we need to appreciate that we need security. The fact that we are being facilitated by our defence forces to go and see cannot be said to be a wrong thing. They are protecting our lives and at the same time making sure that they are able to report to us in peace.

Listening to the contributions, the Report has gaps which we can correct by making some amendments, corrections and other recommendations to improve it. We cannot say it is just totally rubbish. We can improve it by amending it so that at the end of the day we move forward.

As I conclude because I want to allow one more Member to contribute, this Report brings out the fact that we need a thorough audit of projects like this. We need to come up with a mechanism where such projects can be thoroughly audited and as a result of that audit, we can determine whether they are viable. I have heard some Members questioning the viability of this project. It can only be ascertained by doing a thorough audit or a value-for-money audit so that at the end of the day, we do not just stand on this Floor and say that things are not viable when technicians have said they are.

With those remarks, I support the report.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Next let us have Hon. Obo Mohamed.

**Hon. (Ms.) Ruweida Obo** (Lamu CWR, JP): Asante sana, Naibu Spika wa Muda. Nasimama hapa kuunga mkono Ripoti hii ya Kamati. Ukuta huu utasaidia sana. Tuulizeni sisi watu wa Lamu kwa sababu tuliumwa. Sasa tunajua umuhimu wa ukuta huu lakini tunazungumzia ukuta sio *fence*.

Jana nilikuwa Ishakani na Kiunga. Niliona kontrakta anatengeza miti yani *poles*. Sikuona kama wanatengeneza ukuta. Ni vile wenzangu walivyozungumza kwamba si ukuta ni *fence*. Pia, naomba ikiwa watajenga ukuta, na Mwenyekiti wa Kamati alijitetea kwamba kwingine kutakuwa ni ukuta na kwingine ni waya, kuhakikishwe kwamba jamii ya Wabajun kwenye mpaka ishughulikiwe. Kuna Wabajun wa Somalia na wa Kenya. Waweke zile nafasi ambazo wataweza kupita ili wahamiaji ama wasafiri wasikatazwe ila waweze kuja. Hizi ni jamii ambazo ziligawanywa.

Nataka kuzungumzia zaidi hii *Southern Sector* - Libat-Kiunga ambayo ni kilomita 105. Ni muhimu iwekwe ukuta sawa sawa. Ukuta huo utasaidia sana kwa sababu kule Boni kuna mambo huwa yanatokea. Kulingana na Kamati, ukuta huo ulikuwa uwe tayari. Ni matarajio yetu kwamba utakuwa tayari mwaka huu. Unafaa uwe umemalizika mwaka huu. Unafaa uwe umemalizika kitambo kwa sababu zile shida tunazozipata sisi watu wa Lamu zinatufanya sisi viongozi wakati mwingine hatuwezi kufanya kazi yetu.

Kamati ya *Regional Integration* ya Bunge ilienda ikakatazwa kufika Kiunga. Saa hii, shule tano za Basuba *Ward* zimefungwa. Hakuna shule. Hiyo jamii mpaka sasa hawana hata mtu mmoja ambaye amemaliza chuo kikuu. Ikiwa shule tano zitafungwa basi sisi tutakataa ukuta? Tutofautishe wale wahalifu wa kutumia pesa hiyo vibaya na ukuta. Hiyo ni kesi tofauti. Wale wahalifu wasisababishie mambo mazuri kutofanyika. Kama kuna uhalifu ni jukumu la Bunge hili lihakikishe hao wahalifu wameshikwa lakini ukuta uwekwe.

Nimependa mapendekezo mengine ya Kamati hii. Kamati imesema ule uwanja wa ndege uondolewe Kiunga uwekwe mwingine. Ni matarajio yetu kwamba wataujenga uwanja mzuri lakini Kamati imesema kwamba itahusisha viongozi. Mimi ni kiongozi wa Lamu lakini bado sijahusishwa. Sijui ni viongozi gani wanahusishwa.

Pendekezo lingine ni kwamba barabara ya Hindi-Bodhei-Kiunga iwekwe lami. Ni muhimu ikiwekwa lami kwa sababu asilimia 10 ya uhalifu utapungua. Kabla lami iwekwe angalau wangepyeka pande zote mbili za barabara ili wale wahalifu wakitokezea waonekane. Tumetoa maoni hayo mara nyingi. Lakini sijui kwa nini ukiwaambia wafyeke hawafanyi hivyo bali wanaenda kugusagusa kidogo na hawamalizi kazi hiyo.

Nashangaa anasema kwamba ameenda Mandra. Kamati itueleze zaidi kwa nini hawakuanza na Lamu na wanajua sisi ndio tunapata matatizo zaidi. Mbona wasianze Lamu? Naomba Kamati hii ije Lamu ione. Iende Kiunga na Ishakani. Kamati imependekeza kwamba kontrakta watajwe kwa sababu nimeenda Ishakani na hawana maji ilhali kontrakta ako pale anajenga mambo yake. Si ubinadamu. Huyu kontrakta angesaidia ile jamii angalau na gari moja ya maji kwa wiki. Kontrakta anajenga pale na watu wanaumia na hawezi hata rejsha maji kwa jamii. Kama ni mtu wa pale pale, tumjue na kama ni mwingine, tumjue mkandarasi ni nani ili awasaidie wale wananchi.

Kama nilivyotangulia, ni changamoto kwa sisi viongozi pia. Kuna sehemu Lamu hatuwezi fika kwa sababu ya utovu wa usalama. Mimi nashangaa watu wakisema ukuta usiwekwe. Ukuta uwekwe lakini wahalifu washikwe.

Mhe. Naibu Spika wa Muda, naona niachie hapo. Naunga mkono Kamati na pia naunga mkono kuwa ukuta ujengwe sio fensi ya waya.

## ADJOURNMENT

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Hon. Obo, I was to interrupt your contribution because it is 7.00 p.m. but I see you have concluded.

Hon. Members, I see there is quite a bit of interest on this one. The good news is that the debate is still not closed on this particular item. As soon as it is scheduled again by the House Business Committee, Members will still have an opportunity and space to contribute to it.

Hon. Members, the time being 7.00 p.m., the House stands adjourned until Wednesday, 13<sup>th</sup> March 2019, at 9.30 a.m.

The House rose at 7.00 p.m.