

NATIONAL ASSEMBLY

OFFICIAL REPORT

Tuesday, 6th August 2019

The House met at 2.30 p.m.

[The Deputy Speaker (Hon. Moses Cheboi) in the Chair]

PRAYERS

Hon. Deputy Speaker: Order, Hon. Members! We have the required quorum. Therefore, business will begin.

COMMUNICATION FROM THE CHAIR

Hon. Deputy Speaker: Hon. Members, we will come back to this particular Order. In the meantime, we will proceed with other business.

PAPERS LAID

Hon. Deputy Speaker: On this particular one, we have the Leader of the Majority Party.

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

Legal Notice No.101 of 2019 relating to the Land Registration (Electronic Land Transactions) Regulations and the Explanatory Memorandum from the Ministry of Lands and Physical Planning.

Annual Report and Financial Statements of the Kenya Reinsurance Corporation Limited for the year ended 30th December 2018.

Annual Report of the Independent Electoral and Boundaries Commission for the year ended 2017/2018.

The Reports of the Auditor-General and the Financial Statements in respect of the following institutions for the year ended 30th June 2018, and the certificates therein:

- (i) State Department for Mining.
- (ii) Kisumu National Polytechnic.
- (iii) Kerio Valley Development Authority.
- (iv) Water Resources Authority.
- (v) Kenya Water Institute.
- (vi) Kenya Nuclear Electricity Board.
- (vii) Athi Water Services Board.
- (viii) Rural Electrification Authority.
- (ix) Kenya Roads Board Fund.
- (x) Kenya Roads Board (Operations).
- (xi) Kenya Urban Roads Authority.

- (xii) National Housing Corporation.
 - (xiii) Engineers Board of Kenya.
 - (xiv) Export Promotion Council.
 - (xv) Kenya Industrial Property Institute.
 - (xvi) Kenya Investment Authority.
 - (xvii) Consolidated Fund Services Pensions and Gratuities.
 - (xviii) Public Procurement Regulatory Authority, and
 - (xix) Kenya National Assurance Company 2001 Limited.
- Thank you, Hon. Deputy Speaker.

COMMUNICATION FROM THE CHAIR

VISITING DELEGATION FROM PARLIAMENT OF GHANA

Hon. Deputy Speaker: Hon. Members, we are back to what I had said I would communicate to the House.

Hon. Members, I wish to introduce to you a delegation of Members of Parliament from the Parliament of Ghana, seated in the Speaker's Row. The delegation comprises of the following:

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| (i) Hon. Andrew Egyapa Mercer, MP | - | Vice-Chairperson and Leader of Delegation. |
| (ii) Hon. Henry Yeboah Yiadom-Boachie, MP | - | Member. |
| (iii) Hon. Clement Kofi Humado, MP | - | Member. |
| (iv) Hon. Eric Osei-Owusu, MP | - | Member, and |
| (v) Hon. Umar Alhassan, MP | - | Member. |

The delegation is accompanied by Ms. Akua Osei Somuah, a staff of the Parliament of Ghana.

Hon. Members, the delegation, which is drawn from the membership of the Committee of Privileges in their parliament, is in the country on a one-week benchmarking visit, specifically to share experiences with the National Assembly's Committee on Powers and Privileges. On my own behalf and that of the House, I wish to welcome them to the National Assembly and wish them fruitful engagements during their stay in the country.

Hon. Members, in the Speaker's Gallery, we have a delegation comprising of the following:

- (i) Phoebe Awino, a Kenyan.
- (ii) Gao Scott Ernest from Canada.
- (iii) Lisa P. Maria also from Canada.
- (iv) Schupp Hans Peter from Germany, and
- (v) Schupp Groth Marion from Germany.

The delegation is in the country, courtesy of Hon. Martin Peters Owino, the Member for Ndhiwa Constituency, who has been a long-term friend to them.

Hon. Members, in the same vein, let me recognise, in the Speaker's Gallery, students from Serve Academy from Sabatia Constituency, Vihiga County, and PCEA Kisauni Academy from Kisauni Constituency, Mombasa County.

In the Public Gallery, we have students from St. Anne's Academy Kiminini from Kiminini Constituency, Trans Nzoia County. I see the Member for Kiminini here. We also have

students from Tumaini Primary School from Igembe North Constituency, Meru County, and Testimony School from Kesses Constituency, Uasin Gishu County. They are also on a benchmarking tour in their own right to see what Parliament is doing. They should feel welcome in the National Assembly.

Next Order!

QUESTIONS AND STATEMENTS

ORDINARY QUESTIONS

Hon. Deputy Speaker: On this particular Order, we have Questions and Statements. Let us start with Questions. The Member for Westlands, Hon. Tim Wanyonyi will start us off. I do not know if his microphone is working. It seems not to be working. As we organise what we can do, let me give the next Member who is the Member for Vihiga, Hon. Beatrice Adagala.

Question No.363/2019

REHABILITATION AND CONSTRUCTION OF ROADS IN VIHIGA COUNTY

Hon. (Ms.) Beatrice Adagala (Vihiga CWR, ANC): Thank you, Hon. Deputy Speaker. I wish to ask Question No. 363 of 2019 to the Cabinet Secretary (CS) for Transport, Infrastructure, Housing, Urban Development and Public Works:

(i) Could the CS consider rehabilitating Kima - Stendkisa, Shamakhokho - Serem, Kima - Majengo and Gambogi - Serem roads in Vihiga County which are in a deplorable state and which become impassable during rainy seasons?

(ii) When will construction of the Kisumu - Kakamega Road be completed considering the section from Mbale to Chavakali is currently in a deplorable state?

Thank you, Hon. Deputy Speaker.

Hon. Deputy Speaker: That Question will be replied to before the Departmental Committee on Transport, Public Works and Housing. Let me try and see if Hon. Wanyonyi can ask his Question. Hon. Wanyonyi, are you okay? Proceed.

Question No.338/2019

REGULATION OF PHONE-BASED MONEY-LENDING PLATFORMS

Hon. Tim Wanyonyi (Westlands, ODM): Thank you, Hon. Deputy Speaker. I rise to ask Question No.338 of 2019 to the CS for National Treasury and Planning:

(i) How many institutions or companies that offer mobile phone-based money-lending platforms are operating in the country?

(ii) What is the rate of interest charged by each of the said mobile phone- based money-lending institutions or companies, including the rate charged by the firm operating under the brand name "Branch"?

(iii) What measures are in place to regulate mobile phone-based money- lending platforms and ensure that they operate within the law and that they do not take advantage of innocent Kenyans?

Thank you, Hon. Deputy Speaker.

Hon. Deputy Speaker: That Question will be replied to before the Departmental Committee on Finance and National Planning. The next Question is by the Member for Ruiru, Hon. Simon King'ara.

Question No.364/2019

COMPENSATION TO VICTIMS OF HUMAN-WILDLIFE CONFLICT IN RUIRU

Hon. Simon King'ara (Ruiru, JP): Thank you, Hon. Deputy Speaker. I rise to ask Question No. 364 of 2019 directed to the CS for Tourism and Wildlife:

(i) What action is the Ministry taking to contain hippopotamus and other wild animals along the rivers and streams that are causing deaths and injuries to residents and livestock and destruction of crops in Muchana Estate in Ruiru Constituency?

(ii) What plans has the Ministry put in place to ensure that the victims and affected families of human-wildlife conflict are compensated for the loss of life, crops or livestock in Ruiru Constituency?

Thank you, Hon. Deputy Speaker.

Hon. Deputy Speaker: Very well. That Question will be replied to before the Departmental Committee on Environment and Natural Resources. The last Question is by the Member for Ainamoi, Hon. Sylvanus Maritim.

Question No.365/2019

OPERATIONALISATION OF ADMINISTRATIVE UNITS IN AINAMOI CONSTITUENCY

Hon. Sylvanus Maritim (Ainamoi, JP): Thank you, Hon. Deputy Speaker. I rise to ask Question No. 365 of 2019 directed to the CS for Interior and Coordination of National Government:

(i) When will the administrative units in Ainamoi Constituency which were published vide *Gazette* Notice No. 5853 of 21st June 2017 that include new divisions, locations and sub-locations be operationalised?

(ii) What steps is the Ministry taking to ensure that personnel are substantively appointed and the administrative units staffed?

Hon. Deputy Speaker: Very well. That Question will be replied to before the Departmental Committee on Administration and National Security.

We will go to the Statements. The first shot goes to the Chairperson, Departmental Committee on Labour and Social Welfare, Hon. Wario.

STATEMENTS

STATUS OF LEGISLATION RELATING TO CHILDREN

Hon. Ali Wario (Bura, JP): Thank you, Hon. Deputy Speaker. On Tuesday, 2nd July 2019, during the Afternoon Sitting, Hon. Esther Passaris, Member for Nairobi County, requested for a Statement on the status of legislation relating to children pursuant to the provision of

Standing Order No. 44(2)(c). Consequently, you tasked me to provide a response to the same. Specifically, the Member wanted me to make a clarification on the following three issues:

(i) Whether the Departmental Committee on Labour and Social Welfare is seized of any draft legislation on children from the Ministry of Labour and Social Protection;

(ii) Confirmation whether the Ministry of Labour and Social Protection has received any report or recommendation from the National Steering Committee regarding proposed legislation on children - related welfare matters; and,

(iii) Measures that have been put in place to ensure that delays in reviewing legislation relating to children do not prejudice the rights of children in Kenya.

I want to give the response to the first issue. The Departmental Committee on Labour and Social Welfare is not yet seized of any draft legislation on children. I have reliable information that the Bill is in progress at the Attorney-General's Office. My Committee will liaise with the relevant State Department to fast-track the process.

I want to give response to the second issue. I have confirmed that the Ministry received recommendation on the Children Bill, 2018 from the National Steering Committee and submitted the same to the Attorney-General on 4th June 2018. On 26th November 2018, the Attorney-General wrote to the Ministry seeking for clarification on various issues in the Bill.

The National Steering Committee held a workshop to address the issues in the Children Bill on 12th and 13th December 2018. On 25th January 2018, the Ministry submitted responses to the Attorney-General. The Bill is, therefore, before the Attorney-General. My Committee undertakes to follow up with the Attorney-General's Office given the long period it has taken.

In addition, Hon. Deputy Speaker, the steering committee reviewed the framework for child protection in Kenya, identified gaps in the draft Children Bill, and has made recommendations for consideration. My Committee will liaise with the Ministry in fast-tracking the process.

With regard to the last response, my Committee is aware of various actions taken by the Ministry to safeguard the interest of children in the country as follows:

1. The Children Act, 2001 ensures that children's rights and welfare are safeguarded. The Act is currently undergoing amendments and Parliament will have an input in the process.
2. The development of the National Plan of Action on Children and the National Children Policy to enhance child protection by the Ministry.
3. There are Charitable Children Institutions Regulations, 2004, Adoption Regulations, 2005 and several guidelines to enhance child protection in the country.
4. The Ministry has issued a moratorium on inter-country adoption and registration of new charitable children's institutions to prevent child trafficking and abuse.
5. There is a pilot programme on transition of institutional care of children to family-based care in Kisumu, Nyamira and Kiambu counties. These reforms are geared to strengthen family-based care as opposed to institutional care of children.

Finally, Kenya is a signatory to the following regional and international legal frameworks and instruments: African Charter on Rights and Welfare of the Child and the United Nations Convention on the Rights of the Child that obligate states to take appropriate measures to safeguard the rights of children and submit periodic reports on the same.

Thank you, Hon. Speaker.

Hon. Deputy Speaker: What is it Leader of the Majority Party?

Hon. Aden Duale (Garissa Township, JP): Hon Deputy Speaker, I want to thank the Chair for giving a comprehensive report. But I want to help Hon. Passaris. She does not need to

wait to hear from the Executive to tell us what they are doing about the matter. Article 95(3) says: “The National Assembly enacts legislation in accordance with Part 4 of this Chapter.” Part 4, Article 109(1) says: “Parliament shall exercise its legislative power through Bills passed by Parliament and assented to by the President.”

The Chairman has given us good information. If she feels they have not covered her area, she just needs to prepare a Bill. The Legal Department and the Clerk’s Office will help her. Actually, she will also go down in history as the first Member of Parliament to bring serious legislation in the House. Do not wait for the Executive. It will only bring Bills that are important to them.

Hon. Deputy Speaker: I see Hon. Passaris wants to say something.

Hon. (Ms.) Esther Passaris (Nairobi CWR, ODM): Thank you, Hon. Deputy Speaker. I thank the Committee Chairman for giving a Statement. It is easy for me to say that I will come up with new legislation, but a lot of work has gone into this document already. It has gone back and forth. It will be an injustice to children if we start the process all over again. So, I undertake to work with the steering committee and visit the Attorney-General and try to fast-track it. What is important is to recognise that our children are vulnerable. We cannot enact the Children Act piecemeal. From 2001 to 2019, we have had many issues in society. Children are being trafficked, exploited, raped and they are giving birth. I feel it is important we work together to make sure that this Bill, that has been worked on for many years, is brought before the House as soon as possible.

I look forward to working with the steering committee to ensure we bring this particular Bill and not to start the process all over again.

Thank you, Hon. Deputy Speaker.

Hon. Deputy Speaker: Let me give a chance to Hon. Nassir.

GOVERNMENT DIRECTIVE ON TRANSPORTATION OF CARGO
BY STANDARD GAUGE RAILWAY

Hon. Abdullswamad Nassir (Mvita, ODM): Hon. Deputy Speaker, pursuant to the provisions of Standing Order No.43, I wish to raise a matter regarding the recent Government directive to the general public, including businesses, to have all containerised cargo and local imports destined for Nairobi and the hinterland transported *via* the Standard Gauge Railway (SGR).

Sometime last year, all Government agencies and departments were directed, through a circular from the Head of Public Service, to transport all their cargo from Mombasa using the SGR. There now seems to be a push by the Government to have all cargo received at the Port of Mombasa transported on the SGR. This is of concern as it is currently unclear how much railway levy is being charged per tonne of goods transported. There are fears that the final cost of goods will be affected and road transport companies will suffer.

I, therefore, request the Government to provide the latest statistics on the cost and usage of the SGR and clarify who should use the SGR exclusively. It is important to have a liberal market where private business persons can choose the mode of transporting their goods.

It is, therefore, against this background that I seek your leave to raise this matter in today’s Statement Hour.

Thank you, Hon. Deputy Speaker.

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

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

Hon. Aden Duale (Garissa Township, JP): Hon. Deputy Speaker, the matter Hon. Nassir has raised is very grave. I do not know why he chose to have it during the Zero Hour, which is only 15 minutes. This is a serious matter.

You cannot kill the road transport sector in the country by saying that cargo must be transported through the SGR. You cannot wake up one morning and make such a declaration. An importer may have his own transport arrangements.

Hon. Deputy Speaker, you must direct the Cabinet Secretary, Macharia, whose Ministry the Kenya Ports Authority falls under, to come and explain to the House. This is a serious matter. It must be addressed before we go on recess. There are Kenyans who have invested in the road transport sector. Ours is a liberalised economy. You cannot just wake up and say: “Your container must be carried on the SGR”. What if one wants to carry his container and drop it in Voi? What if one wants to transport their container and drop it somewhere in Mlolongo? Something is wrong. It has reached a stage where business entities are being forced to use the SGR without consultations. There should be an element of public participation.

Hon. Deputy Speaker help us on this matter by directing the Cabinet Secretary to appear before the Departmental Committee on Transport, Public Works and Housing tomorrow or the day after tomorrow.

Hon. Deputy Speaker: Let us hear Hon. Aluoch. Your name must be corrected here because it is indicated as Alago Aluoch. That, obviously, is not the correct position. It is Olago Aluoch.

Hon. Olago Aluoch (Kisumu West, FORD-K): Hon. Deputy Speaker, the “A” in my surname may make somebody think I am a female, but I can assure you that I am male.

(Laughter)

Hon. Deputy Speaker: Are you sure you are not in the third category?

Hon. Olago Aluoch (Kisumu West, FORD-K): Hon. Deputy Speaker, I want to associate myself with the Leader of the Majority Party, but I want to look at it from a legal point of view. The directive was not just monopolistic but also in bad taste. I do not have the privilege to sit in the Committee on Delegated Legislation but I see my colleague, Hon. Shamalla, who is one of the Members in the Committee. This, in my view, is an attempt to circumvent the provisions of the Statutory Instruments Act. I support the Leader of the Majority Party that we deal with this matter as a matter of national interest this afternoon.

Hon. Deputy Speaker: I will want to listen to two more Members because there is a decision I want to make. Let me hear the Member for Kitui South and then I will come to the Leader of the Minority Party.

Hon. (Ms.) Rachael Nyamai (Kitui South, JP): Thank you, Hon. Deputy Speaker. The matter that has been raised is extremely important. There are people who have invested their money in the transport business. Businessmen have parked their trucks and others are being auctioned. So, it is not a matter that will be handled in 15 or 30 minutes at Zero Hour, as the Leader of the Majority Party has said. I would like to associate myself with this matter that has been raised by Hon. Nassir. It needs to be dealt with seriously because it is not a must that when you bring your cargo in Mombasa, it must be transported using SGR. From Mombasa, Kyumvi to Nairobi, towns are dying along the road and businessmen cannot continue. We are not only talking about transporters, we are talking about businesses along the way. We cannot only

concentrate on the SGR and forget that we have roads and small business people along the road who cannot continue doing business. This is must be handled as a substantive matter in the House.

Hon. Deputy Speaker: Leader of the Minority Party.

Hon. John Mbadi (Suba South, ODM): Thank you, Hon. Deputy Speaker. The matter that Hon. Nassir has raised, as my colleagues have said, is weighty. I just want to say the following: One, under Article 95, this House has an obligation to resolve matters that are of concern to the people of Kenya. This matter is of serious concern to the people of Kenya. A precedent has been set in the past. When a matter comes up in this House in terms of a point of order, you have the power and capacity to order that, that matter be investigated by a committee of the House and a report be tabled here for debate. It is not a matter that should just be looked at by the Committee and left that way or reported to the Member who was concerned about it. I ask you, and follow what Hon. Duale was asking, that you order the Departmental Committee on Transport, Public Works and Housing to look into this matter and bring a report. If possible, you can even give a timeline because this is a very straightforward matter.

The Government cannot force the people of Kenya to sanitise a project that probably is not paying for the cost of investment. When SGR was being constructed, there were doubts which were raised, but they were ignored. Now, the Government cannot turn around and force people to use SGR to break even. It is a clear sign of lack of proper planning and feasibility. This is a matter that we are seized of as a House and it is of concern to the people of Kenya. It is a weighty matter. Kindly, direct the Departmental Committee on Transport, Public Works and Housing to investigate this matter and report back to the House within two weeks or such a time that may be ideal or appropriate.

Hon. Deputy Speaker: Hon. Mwashetani.

Hon. Khatib Mwashetani (Lungalunga, JP): Ahsante sana, Mhe. Naibu Spika kwa kunipa fursa hii. Hili ni jambo ambalo ni sugu sana. Kusema kweli, dakika 15 zitakuwa chache sana. Hivi tunavyozungumza, kuja kwa SGR ni maendeleo lakini sasa hivi, kulingana na maelekezo kuwa kasha lolote linalokuja lazima libebwe na SGR mbali na lile kasha ambalo latakikana libakie Mombasa, watu wengi wamefunga maduka. Ukiangalia barabara ya kutoka Nairobi hadi Mombasa, kumekuwa na vitongoji na vijiji kadhaa wa kadhaa ambavyo miaka yote viko na shughuli nyingi. Lakini kutoka shughuli hii ianze, kazi zote zimekufa.

Haya si makosa yetu. Kazi ya SGR ilipofanywa, mategemeo ni kuwa ilikuwa ijilipe yenyewe. Lakini kulingana na mipango ile ipo, imeshindwa kujilipa. Haiwezi kulazimisha wawekezaji waingie katika hasara ya kupoteza pesa. Wengine wamechukua pesa katika mabenki. Naomba hili suala lipewe muda mrefu kama vile wenzangu walizungumza ili tuweze kulichangia kisawasawa.

Ahsante.

Hon. Deputy Speaker: Hon. Wamalwa, and that will be it.

Hon. (Dr.) Chris Wamalwa (Kiminini, FORD-K): Thank you, Hon. Deputy Speaker. From the look of things, it goes without saying that this is a matter of national importance in line with Article 95 of the Constitution. It says that this House can deliberate and resolve any matter of national importance. Will I be in order to request Hon. Sheriff Nassir to make it a Motion for Adjournment so that we can discuss this matter, at least, for an hour from 5.30 p.m. and come up with some resolutions on the way forward pertaining to this matter? You can exercise your authority under Standing Order No. 1 so that you can convert the matter to become a Motion for Adjournment for discussion later in the evening.

I ask you that. Thank you.

Hon. Deputy Speaker: Order, Hon. Members. I can see that Hon. Nassir wants to respond. On this particular one, you have no right of reply. I am satisfied that the application for the statement by Hon. Nassir satisfies the requirements of the particular Standing Orders which he used to get to it. One, he has made an application before 3.00 p.m. I am also satisfied that the matter can properly be discussed by the House and it has been made properly. I will allow it. As I allow that, I do not want to use that Standing Order which Hon. Wamalwa has asked, that I change it to something else. The only thing which I can do to make it a bit more serious is to order that the Cabinet Secretary appears before the Departmental Committee on Transport, Public Works and Housing on Thursday, at 10.00 a.m. I am sure if that is done, we will have achieved two things. One, Hon. Nassir will have succeeded in prosecuting his issue for 30 minutes after 6.30 p.m. It is not 15 minutes as I hear many Members saying. That will be like a precursor to the CS appearing before the Departmental Committee on Transport, Public Works and Housing.

Hon. Abdullswamad Nassir (Mvita, ODM): On a point of order, Hon. Deputy Speaker.

Hon. Deputy Speaker: Hon. Nassir, what is it again that you want? I think you have achieved more than you requested, unless you simply want to agree with it or disagree. If you try to disagree, I will not agree with you because I have made that order already.

Hon. Abdullswamad Nassir (Mvita, ODM): Thank you, Hon. Deputy Speaker. This is about the guidance that you gave. The directive that was not even signed but appeared in a newspaper advert came from both Kenya Ports Authority (KPA) and Kenya Revenue Authority (KRA). My request to you is that both the CS for National Treasury and the Commissioner General for KRA appear before the joint sitting of Departmental Committees of Transport, Public Works and Housing, and that of Finance and National Planning to explain their stand and why they are keen on killing the economy of so many towns.

Hon. Deputy Speaker: Hon. Nassir, you have made a good point but I consider that the Cabinet is governed by collective responsibility. By the Cabinet Secretary for Transport and Infrastructure appearing, that will take care of the fears you have. We can allow the CS to come. If you are not satisfied, we can take the next step.

What is it Leader of the Majority Party?

Hon. Aden Duale (Garissa Township, JP): I am guided by your Communication but it is good that you listen to me. Because the Commissioner General of the KRA does not take instructions from the Cabinet Secretary for Transport and Infrastructure, and he is a co-owner of this directive, it is good that you say that the Commissioner General of the KRA and the Cabinet Secretary or his representative appear before the Departmental Committee on Transport, Public Works and Housing so that they reach a collective decision on that matter.

Hon. Deputy Speaker: I have ruled, Leader of the Majority Party...

Hon. Aden Duale (Garissa Township, JP): Hon. Deputy Speaker, before you say anything, the institution that approves containers and cargo is the KRA. So, KRA is very strong at the Port of Mombasa. The KRA can have a say. So, it is good that they appear. The Cabinet Secretary is only in charge of the Standard Gauge Railway. The person in charge of the cargo at the Port of Mombasa is the Commissioner General.

Hon. Deputy Speaker: Since I have already ruled, I do not want to go back on it. Let it be that the Cabinet Secretary for Transport and Infrastructure appears before the Committee. In that case, I have to also include the Departmental Committee on Finance and National Planning. It will be unnecessarily big. Let us work on the Cabinet Secretary for Transport and

Infrastructure for Thursday. Actually, that is the request that the Leader of the Majority Party had made. I acceded to what you requested. I do not want to expand further than that for now. I am sure we can achieve what we intend to.

Do I really want to give you a chance, Whip of the Majority Party? I am not so sure I want to give you an opportunity this afternoon. I will do so very reluctantly. You know why.

Hon. Benjamin Washiali (Mumias East, JP): Thank you, Hon. Deputy Speaker. Given the interest that this matter has generated, I request that, as you ask the Cabinet Secretary to appear before the Committee on Thursday, you also give a better venue; either County Hall or in these Chambers, so that as many Members as possible can attend without an issue. I have interest.

Hon. Deputy Speaker: Whip of the Majority Party, I do not think I want to get entangled into the two issues. I do not want to get into administrative issues of Parliament. You are a Whip. I am sure you can very comfortably approach the administration of Parliament and make things as comfortable as possible for your Members. I have made an order that he appears. As to where he will appear, it will be determined by the administrators of Parliament. Surely, you do not expect me to rule, for example, that he should come to the Chamber. It could be possible that it would be done, but that is administrative. So, I see your point but you have a better way of approaching this matter. By the way, you appear even in some of the more powerful Committees of the House, including the House Business Committee. Those are areas where you can ventilate some of these things and make it as comfortable as possible for your membership. So, the Cabinet Secretary will appear on Thursday at 10.00 a.m. As to where he will be hosted, it will be up to Parliament to decide. So, we will go to the next Order.

What is it again, Hon. Washiali? You will have your opportunity at 6.30 p.m. You will have 30 minutes, within which you will be able to ventilate as you plan to appear on Thursday at 10.00 a.m.

Next Order!

BILLS

Second Reading

THE STATISTICS (AMENDMENT) BILL

(Hon. Aden Duale on 1.8.2019)

(Resumption of Debate interrupted on 1.8.2019)

Hon. Deputy Speaker: Hon. Kanyuithia had a balance of seven minutes but before I give him the Floor, I want to recognise, in the Public Gallery, pupils from Cherinyit Academy of Bureti Constituency in Kericho County. On the Speaker's Gallery, we have St. Benedict Parochial School from Suna West Constituency, Migori County; Chebilat Boys High School from Sotik Constituency, Bomet County; Utafiti Primary School of Kipkelion East Constituency, Kericho County and Shariff Nassir Girls High School from Mombasa. I believe that is the secondary school which was started by Hon. Shariff Nassir himself. I would not want to consider him the father of the Member for Mvita because you, at a certain age, become a brother to your father. So, they are in the Speaker's Gallery. They are students from Shariff Nassir Girls High

School, Mombasa. They are not from Abdullswamad Nassir High School. It is Shariff Nassir Girls High School.

(Laughter)

We also have pupils from Kipyebo Primary School from Marakwet East Constituency, Elgeyo/Marakwet County. I should believe that their coming here is also a product of the peace now reigning in Kerio Valley.

(Applause)

Let us hear the Member who is to utilise his balance of seven minutes. He seems to be absent. So, we will go to the next Member available to speak. Hon. Members, anybody who had contributed on this should not. So, let us see. Is Hon. Mutua Barasa willing to contribute on this one? Hon. Barasa, Member for Kimilili. Hon. Barasa, do you want to speak to this one?

Hon. Didmus Barasa (Kimilili, JP): No! I want to speak on the next one.

Hon. Deputy Speaker: I am very sure Hon. Wamalwa had spoken to this one. Hon. Sankok, do you want to speak to this one or you had spoken before?

Hon. David ole Sankok (Nominated, JP): Hon. Deputy Speaker, I wanted to contribute on the issue of transport, specifically the SGR because they are killing our transport.

Hon. Deputy Speaker: You will have your time on Thursday. Let me see the Members who want to speak to the business before the House now. Is Hon. Abdullahi Sheikh interested? I am trying to find Members who want to speak to this Bill. Is Mogaka Kemosi interested in speaking to it? Let us hear him.

Hon. Vincent Kemosi (West Mugirango, FORD-K): Thank you Hon. Deputy Speaker for giving me this opportunity to contribute to the Statistics (Amendment) Bill, 2017.

This Bill has come for amendment at a time when we are proceeding to do the census.

(Hon. Amos Kimunya walked on the aisle)

Hon. Deputy Speaker: Order! Order, Members! Let us give Hon. Kemosi his time to contribute in peace.

Hon. Vincent Kemosi (West Mugirango, FORD-K): It has come when we are prepared to carry out the population census. I have seen some quite good amendments to the Bill in the proposed amendments. It is a fact that the National Bureau of Statistics is now going to be a body corporate. Once these amendments are carried, we are hopeful that we will have more employment opportunities. It is because the functions of the bureau have been expanded. Of more importance is the provision that the bureau can also get the services of the Attorney-General in terms of advice on legal matters and representation if there is a court case. The Attorney-General will be able to offer free legal services which will, in my opinion, save public monies as opposed to when the bureau was to seek legal representation from outside.

The Bill has recognised that it is necessary for the bureau to have a corporate secretary who will also serve as the secretary to the board. By so doing, the mandate of the bureau will have been extended. That will be important.

I support the amendment.

Hon. Deputy Speaker: I am trying to look out for Members. Hon. Kolosh, do you want to speak on this one?

Hon. Ahmed Kolosh (Wajir West, ODM): Thank you, Hon. Deputy Speaker. The Statistics (Amendment) Bill has come at a good time when the country is expected to conduct its census that is done once in every 10 years. I want to be on record that, generally, I support the Bill although there are specific areas in the Bill that must be attended to during the Committee of the whole House stage. We will push for that to happen.

The population of Kenya is counted every 10 years with the assumption that the population growth will be at the same rate. Since the dynamics and situations in different areas are different from what we had last time in 2013, the Minister in charge of statistics then, talked of the exponential population growth in certain areas. That was only seen after data was collected from those areas. I want, at this point and time, to urge the Kenya National Bureau of Statistics to be forthright and ensure that they count every citizen and every person who lives in this country, so that the data we have is not only accurate, but is not subject to smoothening and abuse that comes after the actual data has been collected. At this point in time, I say that the Kenya National Bureau of Statistics must do its job so that they have no reason in future to question what they have done.

Thank you.

Hon. Deputy Speaker: The Vice-Chairperson of the Public Investments Committee (PIC), you have the Floor.

Hon. Ibrahim Ahmed (Wajir North, ODM): Hon. Deputy Speaker, I join my colleagues in supporting the Statistics (Amendment) Bill. Contrary to what was happening in the past, we have now gone paperless. The census will be conducted using tablets. That way, we will have verified figures coming from the grassroots levels. Once the census has been conducted, it will not be fair to allow any party, regardless of their position, to interfere with the already collected figures from the ground. Indeed, this is the right time we are deliberating this issue because in the next one month, we will be in our constituencies to be counted and, of course, there are issues related to mobilisation. I support the Bill, but I will not be supporting any entity, regardless of its position – you can call it the board, the Director-General or any other party – to tamper with the census done at the grassroots level.

Thank you.

Hon. Deputy Speaker: Hon. Wetangula, do you want to speak on this one?

Hon. Tim Wanyonyi (Westlands, ODM): Yes, Hon. Temporary Deputy Speaker.

The Statistics (Amendment) Bill is trying to enhance and stamp the authority of law. It is given we will have census this month. Last time after the census, there was some interference with the statistics that had been collected. Census results in some sections of the county were not declared. This Statistics (Amendment) Bill will make anybody who tries to interfere with census results to have committed a criminal offence because he will have gone against the law. Sometimes, we have officials who sit in Government offices and they abuse their office by trying to circumvent the law and create their own things. This Bill is going to bring that to an end. Whoever tries to abuse power or his office will be dealt with in accordance with the law. The amendment to Section 26 is important. It is going to enhance law enforcement and protect the statistics that have been collected. Census is done after 10 years. If somebody interferes with it, it will not give the Government accurate records to be able to plan its programmes. If the Government does not have accurate information, it will not be able to plan appropriately for the

development and discharge of services to various parts of this country. So, it is important that we protect this information and safeguard it from any interference from anybody.

Thank you.

Hon. Deputy Speaker: Hon. Kabinga? Hon. Ogolla Ochanda, do you want to speak?

Hon. Gideon Ochanda (Bondo, ODM): Yes, Hon. Deputy Speaker

Hon. Deputy Speaker: Proceed.

Hon. Gideon Ochanda (Bondo, ODM): Thank you, Hon. Deputy Speaker. I want to alert us that the sources of conflicts and wars are changing. One area that will have more conflict - and already it has - is the area of data, data sources and how that data informs us. We have learnt from the last census to date the amount of havoc or good that has happened because of the data we have from 2009. Resources have been allocated based on that data for the last 10 years. If at all there were things that were not right, then they have not been right for the last 10 years. If at all what we are going to do again in the next census is not right, then it will not be right for the next 10 years. It means, at the end of the day, that some of us are going to get those problems for 20 years running. So, the issue of data is so critical.

I support this Statistics (Amendment) Bill. As we discuss these issues, it is important that the Kenya National Bureau of Statistics looks into things like trust and confidence. These have been lacking for a period of time yet, it is the agency that we rely on. The bureau must look at how Kenyans can trust what it does. How will they handle the census so as to be seen to be viable? What amount of education are they sending out to the public that, at the end of the day, we can have confidence in what they are doing? These are critical things that we must ask as a nation. As we move towards the census exercise in August this year, these issues will be important and the nation must look at them. There are many things that happen in between the census. These are the things that the Kenya National Bureau of Statistics needs to be looking into from time to time, instead of waiting for the census time. For example, there are agencies that are doing a lot on issues of births and deaths. What are these records helping us with in the meantime before census is done? There definitely is data in terms of knowing... Right now, people are giving all manner of estimates. We are talking about our population being over 40 million. People come up with all manner of estimates. They say that the population of people in Kibra slums is four million. People come with all manner of estimates that the number of dairy cows we have in Siaya is 700. You look at the sources of all these data and you get amused at what is really going on. So, the next areas of conflicts are going to be issues of data.

There are community health workers who now work in the county governments. These people are collecting massive amounts of data daily from households. In fact, even if we did not do the head count and somebody isolated the information that is all over the counties in terms of what the community health workers are doing wherever they are, it is massive. How do we look at what they are doing to help us in the meantime, in between the censuses?

There is the Huduma Namba exercise we went through. The other day I was asking the enumerators and they were telling me I could get all manner of data from the information they were collecting from people: the number of cats or cows in a home. This is exactly what the census is going to be doing. I am looking at this in the sense that we may end up saving a lot if the intermediary activities help to inform the census. If that happened, the amount of money we are going to spend this year, for example, in the census could be down.

Thank you, Hon. Speaker. I support the amendments.

Hon. David ole Sankok (Nominated, JP): Hon. Speaker, I rise on Standing Order No.95. Judging from the mood of the House, I request that the Mover be called upon to reply.

Thank you.

Hon. Deputy Speaker: I do not know if you actually needed to do that because there did not even seem to be any more interest. Now that you have moved, I will make the decision, which is to give you an opportunity to decide. I will put the question.

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

Hon. Deputy Speaker: Hon. Members, from where I am, I do not just listen to the decibels; I also look at the sources of those decibels. There are people who can be very loud but they are very few. Looking at the Members who wanted debate to proceed, they were only two, but they were loud enough to almost confuse the Speaker. But the Ayes have it, so the Mover is called upon to reply. The only thing that he will not do is donate any minutes to anybody.

Hon. Aden Duale (Garissa Township, JP): Hon. Deputy Speaker, you know I am a seasoned Member of Parliament. This culture of donating is not in the Standing Orders. Once you are called to reply, you cannot donate your reply. So, I hope that the other members of the Speaker's Panel will stop that culture. I want to reply.

This Statistics (Amendment) Bill is very important and we need to conclude it before the end of this week so that this law can be applied in the coming census. I want to urge Members that on the 24th of this month, we need to go to our respective constituencies and counties. There is the notion that the census will take place only in one night. That is not true, if you read the law. The census will start on 24th, but until 31st of August, if you have not been counted, the process will continue. The problem in our country is that people think the census is only for one night. Yes, the most part of it is that night, but if you have been left out you can be counted on the 25th, 26th, 27th, 28th or 29th.

The other important thing in this Bill is to protect the data that KNBS do collect and is used by other agencies without the KNBS's permission. If you use the data without the permission of KNBS, then you will be committing an offence. It also clarifies the functions of the Director-General of the KNBS. It is also good for both county and national governments.

Hon. Deputy Speaker: Order, Leader of the Majority Party. As he replies, please, Members do not leave the Chamber because we are at 50. If one Member exits, then we become short of the numbers required for putting the Question.

Hon. Aden Duale (Garissa Township, JP): Hon. Deputy Speaker, I direct our Whip to sit at the entrance. You know I am the boss. I will also finish faster so that you can put the Question. My Whip is here, so nobody will leave.

Hon. Deputy Speaker: Leader of the Majority Party, I asked Members not to leave and I see one already leaving. Luckily there is another one who has replaced her.

Hon. Aden Duale (Garissa Township, JP): Hon. Deputy Speaker, the data we are using on poverty index and other areas are used to allocate resources on equity basis. That is why in the 10th and 11th Parliaments, NG-CDF allocation was based on the data collected. Even county governments get different amounts of resources. When Hon. Eseli's Bill comes to the House, I want Members to support it because my constituency, in terms of poverty level, might not be the same as the constituency next door. So, this culture of saying NG-CDF should be divided equally is wrong. When Hon. Eseli brings his Bill—I am not anticipating debate—it will be very good.

This Bill might come before the Committee of the whole House either tomorrow or Thursday afternoon because it is important for the coming census. If my colleagues have amendments, they have time between now and tomorrow afternoon.

I beg to reply, Hon. Deputy Speaker.

Hon. Deputy Speaker: Order Members. Now that I confirm that we have the required numbers, I put the Question.

(Question put and agreed to)

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

Second Reading

THE NATIONAL DROUGHT MANAGEMENT AUTHORITY (AMENDMENT) BILL

Hon. Deputy Speaker: Yes, Leader of the Majority Party.

Hon. Aden Duale (Garissa Township, JP): Hon. Deputy Speaker, I beg to move that the National Drought Management Authority (Amendment) Bill, 2019 be read a Second Time.

The Bill is primarily to amend the National Drought Management Authority (NDMA) Act which was passed by this House in 2016 by making some changes to certain sections, which will provide for the establishment of what we are going to call the National Drought Emergency Fund (NDEF) under the PFM Act, 2012. Every fund must be aligned to the PFM Act of 2012. So, basically, we are establishing the NDEF. The NDMA deals with crises such as drought and floods. It is the equivalent of Kenya Red Cross in Government. Every time there is a crisis, we cannot just ask the CS for the National Treasury to allocate resources. We want to have a fund where donors and the Government will put resources together for use in case of an emergency.

As a background to this proposal, a special Cabinet meeting was held on 29th May 2019 under the chairmanship of His Excellency the President and he directed the Ministry of Devolution and ASALs, the National Treasury and Planning and the Office of the AG, the State Law Office, to take appropriate and deliberate actions towards the operationalisation of the PFM (National Drought Emergency Fund) Regulations, 2019.

Hon. Deputy Speaker, the moment we pass this amendment, the next will be regulations that will guide how that fund should be operated.

Therefore, Hon. Deputy Speaker, this is a very important amendment to those of us Hon. Members who come from Arid and Semi-Arid Lands (ASALs) and regions. As we speak today here, Kenyans are not aware that there are over 14 counties from Kitui to Makueni, Taveta to Garissa all the way to Turkana that are facing serious drought. The lives of our people and their livestock are under threat.

When there are rains in Kericho, Kakamega or Kisumu, people assume it is equally raining in Garissa, Wajir, Tana River and Kajiado. We are under serious climatic threat. So, the operationalisation of these amendments will help. This Bill is to facilitate operationalisation of the National Drought Emergency Fund, Regulations 2019, in order to cure the inconsistency, duplication and gap in law when it comes to the National Drought Management Act and Fund Regulations.

Hon. Deputy Speaker, further to the above statement that I have made, this Bill also intends to align the provisions of the National Drought Management Authority Act of 2016 and the Public Finance Management (PFM) Act of 2012, with specific regard to the establishment of any fund, while maintaining both the letter and the spirit of the NDMA Act of 2016 as well as the desired Government objectives.

So, we have the NDMA Act on one side and within it we are creating a National Drought Emergency Fund. But it must be aligned with the provisions of the PFM Act of 2012. So, that is the whole objective of this amendment.

However, just so that Hon. Members can follow, Clause 1 of the Bill provides for the short title, Clause 2 seeks to amend Section 2 of the Act by deleting the definition of “Fund”. Clause 3 of the Bill seeks to amend Section 7 of the NDMA Act by deleting the words “establish and” appearing in Section 1(a) and further deleting subsection (2) in its entirety.

So, when you want to look at this amendment Bill, at its back, you will find what it wants to amend. So, you either have the principal Act with you or you can follow the back page of this Bill. Clause 4 of the Bill seeks to amend and repeal Section 18 of the Principal NDMA Act in order to delete all the provisions and sections within Clause 4 and Section 18 which is establishing the National Drought Emergency Fund and substituting it with provisions providing for the sources of funds to the authority.

So, this is a small Bill that does not concern counties because this is a national Government function within the reading of the Fourth Schedule of the Constitution. So, it will not go to the Senate. Even the Statistics (Amendment) Bill that we did will not go to the Senate because it is only dealing with the National Bureau of Statistics.

Hon. Deputy Speaker, we must know who owns what within the corridors of Parliament. You cannot just have people going up and down the corridors saying this part of Parliament belongs to them. Parliament and the Constitution say each House will do its functions in accordance with the Constitution. It is not me who said that.

So, that is it and I do not have much to say. It is a small Bill. I will ask the able Chair of the Departmental Committee on Labour and Social Welfare, Hon. Wario, who has done a lot of work in livestock and in the drought stricken areas, to second.

Hon. Deputy Speaker: Let us have Hon. Wario.

Hon. Ali Wario (Bura, JP): Ahsante, Mheshimiwa Naibu Spika kwa kunipa fursa hii niweze kuunga mkono Kiongozi wa Walio Wengi katika Bunge kwa Mswada aliyoleta Bungeni siku ya leo. Mswada wa Halmashauri ya Kuchunguza Hali ya Ukame ulisomwa mara ya kwanza tarehe 2/5/2019. Kwa mujibu wa Kanuni za Bunge, mia mbili kumi na sita (g) wajibu wa kusimamia halmashauri hii uko chini ya Kamati ya Utendakazi na Ustawi. Leo nimepata fursa ya kuweza kuunga mkono Kiongozi wa Walio Wengi katika Bunge. Mswada huu umeletwa kwetu baada ya Karani wa Bunge kutangaza magazetini na Wakenya wengi kuleta maoni yao. Katika maoni hayo, wengi wameunga mkono pendekezo lililoletwa mbele ya Bunge.

Sio hivyo tu, hii Kamati imeweza kutayarisha ripoti ya kujadili kipengele baada ya kingine na kutathmini faida na hasara ya pendekezo la kuibadilisha hii sheria. Lengo kubwa la kubadilisha hii sheria ni nini?

Ilivyo hali kwa sasa, jambo la kuchunguza hali ya ukame liko katika sheria za halmashauri hiyo. Lakini kuna pendekezo la washikadau na wafadhili ambao wanataka rasilimali wanazotoa zisimamiwe na PFM Act. Huu ndio msukumo mkubwa, ili wafadhili wapate hakikisho kwamba usimamizi wa rasilimali zao uko chini ya PFM Act badala ya sheria ya Halmashauri ya Taifa ya Kuchunguza Hali ya Ukame.

Kwa uchache, hili ndilo lengo au maudhui ya pendekezo la leo. Yangu kama mwenyekiti, tumechukua maoni na Wakenya wengi wameunga mkono.

Kabla sijakaa chini, ningependa kusema kwamba ninatoka Tana River na upande wa Tana North, kuna ukame mkubwa. Upande wa Garsen South na Lamu kunanyesha mvua. Wengi wa wafugaji wamelazimika, kwa sababu ya ukame, watoke Tana North, Bura an Galole waelekee upande wa Lamu na Garsen. Idadi ya wafugaji walioteremka huko ni kubwa. Kufuatia jambo hili kukawa na mzozo baina ya wenye mashamba na wenye mifugo. Kwa bahati mbaya, walinda usalama, badala ya kutatua mzozo uliotokea na kuchukua hatua, wanachoma nyumba za wafugaji na kupiga watu kiholela bila kuangalia haki na sheria ya taifa. Nalaani vikali tendo hilo! Taifa na watunzi wa sheria wanastahili kutambua ufugaji. Mifugo ni rasilimali ya taifa.

Kwa hayo machache, naunga mkono Mswada huu na ninakushukuru pia Mheshimiwa Naibu Spika. Ahsante.

Hon. Deputy Speaker: Now, I am not so sure “*kama kuunga*” is the same as to “second.” I am trying to get some good interpretation. Maybe, you should correct yourself. Let us have some self-regulation. Is the word “*kuunga*” the same as “seconding?” I thought the latter means “supporting”. So, you must look for a term that is commensurate to seconding. If you have a major problem you, can say “*kwa pili*”, and then we can argue about it because it will still be seconding.

Hon. Ali Wario (Bura, JP): Mhe. Naibu Spika, Kipengele cha saba cha Katiba ya Kenya na Kanuni za Kudumu 77 zinatambua Kiswahili kama lugha ya taifa. Tunaomba Bunge litafsiri Kanuni za Kudumu kwa Kiswahili maana wanaozungumza Kiswahili wanatatizika kutafsiri kutoka Kiingereza hadi Kiswahili. Hii ni kwa sababu Bunge limetunyima fursa. Naunga mkono mpaka Bunge litakapotupatia kanuni kamili.

Hon. Deputy Speaker: Just to put you in comfort, Parliament is undertaking *tafsiri* of the Standing Orders into Kiswahili. Absolutely with no doubt, Kiswahili is a recognised language in Parliament and even the Constitution has made this very clear. Hon. Wario, I simply asked you if “*kuunga mkono*” is the same as “seconding”. This is because you have to go on record as having been the seconder. You can even use English and say you are seconding. I might allow you this based on Standing Order No.1, because we have to do things the correct way.

(Hon. Ali Wario bowed)

Yes, that is better now.

(Question proposed)

Hon. Nyikal, you usually speak to almost everything perfectly. Do you want to speak to this particular one because you are top on the list?

Hon. (Dr.) James Nyikal (Seme, ODM): Thank you, Hon. Deputy Speaker for giving me this opportunity to speak on this Bill. It is important for us to address the issue of drought. I stand to support this Bill because it aligns the fund created in the Drought Management Act to the Public Finance Management Act. So, all other funds used through the previous Act can be said to have been illegally used.

My only concern is that, as we deal with the issue of the Drought Emergency Fund, we should think of expanding this to include measures to prevent drought and not just apply resources after drought has taken place and people have been affected. I guess we can do this in

the main Act itself. I stand to support this but we need to look at long term aspects, ways and means through which we can prevent drought and its effects ASAL regions where the rainfall we depend on for agriculture is not predictable.

Hon. Deputy Speaker, with that I support.

Hon. Deputy Speaker: Well, the next Member on the list is Hon. Ibrahim Abdisalan.

Hon. Ibrahim Ahmed (Wajir North, ODM): Thank you, Hon. Deputy Speaker. I rise to support this Bill, which I think is long overdue. No single entity on its own can provide interventions to drought victims, be it the Government or other non-state actors. Indeed, the National Drought Management Authority is well placed to carry out the necessary resource mobilisation to save lives and livelihoods of the pastoral population.

As we speak, drought is biting very hard. As mentioned by a Member, more than 14 counties are facing very severe drought. Indeed, in my constituency, livestock has started trekking for long distances and livestock mortality has already started. As we speak today, the neighbouring constituency and mine are holding a sub-county security committee meeting because of conflicts over resources.

Indeed, if this Bill was put in place earlier, no doubt NDMA would have started the necessary resource mobilisation. As we speak now, I know they are already handling coordination at county level through a group called the “county steering group”. However, they do not have the legal capacity to undertake this despite the fact that they were effectively performing this function. By putting this Bill in place, we are only giving the legal support to a function they were already undertaking with regard to coordination and facilitation at county level. There are different non-state actors who are providing interventions at county level. But, looking at the kind of intervention they are providing, there is a lot of duplication and some dockets are not getting support as we speak. For example, if you look at North Eastern Kenya, malnutrition has already started and it is very high. They depend a lot on livestock and livestock products. Now that livestock mortality rates have started, malnutrition level has gone high.

We want an entity that can bring all the non-state actors together to provide the necessary coordination and ensure that distribution is done very well. As we speak now, a Non-Governmental Organisation (NGO) can work in any area it finds fit. So, this Bill brings sanity to these issues by ensuring that NDMA can do proper coordination of all actors with regard to drought intervention and even other rapid emergency responses to disasters which can happen. They will ensure there is fair distribution of resources by different actors, be it the Government or other NGOs.

Hon. Deputy Speaker, as we speak, it is important that Government ministries move with speed to save lives and livelihoods. I am saying this because the pace at which we are moving, I am afraid we will realise many deaths from livestock and humans. Indeed, I expected by now that we should declare drought a national disaster and ask other donors to come on board so that we can start water trucking, provision of aid to livestock and food to pastoralists to ensure that lives are saved. Usually, we have the tendency of denying and firefighting when deaths occur, and then start acting when many lives have been lost.

If a pastoralist loses his animals, that has not only a long lasting impact on him, but also on his extended family and the entire community. The intervention rate should expand to provide psychological support and food to those families who have lost their livestock. So, it is cheaper to spend \$1 now to save \$2. I want to agree that this Bill is really timely because I have no doubt that drought is biting so hard, livestock mortality has already been realised, malnutrition level in pastoral areas has gone very high, conflict of scarce resources has already started and definitely

dropout rates in schools will start. So, there is need for all ministries to come together at county level under the NDMA, so that a timely intervention can be provided to ensure that lives are not lost.

Thank you, Hon. Deputy Speaker. I support.

Hon. Deputy Speaker: Hon. ole Sankok.

Hon. David ole Sankok (Nominated, JP): Thank you, Hon. Deputy Speaker. I am a Member of the Labour and Social Welfare Committee which came up with this Bill. This is an idea whose time has come, where we would be having a national drought management fund. This would be a fund that would attract donations and finances from our Government so that we do not respond to such disasters like drought in some knee-jerk reactions. We have so many funds in this country that have been able to attract a lot of donations. They include: The National Development Fund for Persons with Disabilities, the National Fund for the Disabled of Kenya and many others and apart from the allocation from the Government, they have attracted a lot of funds from well-wishers. Whenever there is a drought, we respond from all corners, from individuals like Akothee and everyone else rushing to Turkana to respond without proper laid down procedures of responding to such disaster.

At the moment, it is Red Cross that attracts a lot of donations from all over the world and from within this country. That is a private entity that we do not audit. We do not know if these funds reach the beneficiaries in time and in equal proportion.

In my community, we say that an empty stomach cannot wait for a cooking pot. If we have a knee-jerk kind of reaction, that we will wait for drought to hit and then after people die, we rush to collect funds or come to this House to allocate funds for such response, we are wrong. If the stomach cannot wait for that pot that was on fire, it cannot wait for money to be allocated from Parliament or Treasury to reach those beneficiaries. Therefore, this fund is important because it will be in place all year round. People will be given opportunity to donate funds so that when we have such disasters, we are already prepared. Weather men can predict to us when we need to use these funds.

Since this fund is a model that will continue to make our people look like supplicants, always seeking a favour from the Government, it will still turn our nation and our people into beggars of the Government, we can go beyond these funds by asking ourselves where the rain started beating us. Where did we go wrong? The whole of ASAL area, which is 80 per cent of the landmass of Kenya, is affected by drought year in, year out. If we go to history, we will go to Sessional Paper 10 of 1965 which marginalises 80 per cent of this country by intentionally placing more resources and taxes from Kenya to what they used to consider high potential areas.

Eighty per cent of the landmass of Kenya is not opened up in terms of infrastructure and the potential of other resources is not being fully realised because of that infamous Sessional Paper No. 10 of 1965. That is where the rain started beating us. If we equally shared the resources of this country from 1965, the 80 per cent of the landmass of this country would have been opened up in terms of infrastructure. We would have been having irrigation; we would be having underground resources contributing to our source of income hence their ability and the purchase power in those regions. If that infamous Sessional Paper No. 10 of 1965 did not alienate our livestock as not high potential, then... Our underground resources including oil through that infamous Sessional Paper were not recognised as high potential. Our tourism was not recognised as high potential. That is why we did not exploit all these resources. The 80 per cent of our landmass has to collect funds and ensure that when there is drought, we donate to them.

We need to know where the rain started beating us and where we went wrong, as far as the Sessional Paper No. 10 of 1965 is concerned. Our livestock is being treated as demons when they approach farms. Our livestock is being shot anyhow because according to Sessional Paper No. 10 of 1965, those livestock are worthless, they are not high potential. That is why they can be auctioned in Tanzania and our country cannot even react because they were not considered high potential. What we consider as high potential is the 20 per cent of the landmass of Kenya that produces *Sukuma Wiki*, cabbages and tea. If we opened up these areas, we would not be having the problem of drought because there are countries that are in more arid areas than Kenya. There are countries which are in deserts such as Libya, but because their underground resources or whatever they have is considered as high potential, they have opened up those countries and are not borrowing money to sustain themselves.

Our people are tired of being supplicants, always seeking favours from the Government. They are tired of always depending on relief food and this House to form a fund to assist them. We have enough resources to cater for our people. So, it is high time this House reversed that Sessional Paper No. 10 of 1965 and instead livestock is considered as high potential in this country. Taxes of this country should be directed to ASAL areas so that we can open them up. It is high time this House recognised oil in Turkana, wind power in Marsabit, tourism in Maasai Mara, Amboseli and Kajiado as high potential and directs 80 per cent of all taxes that we collect in this country to open up those areas. If we do that, we will have opened up 80 per cent of our country and we may be like Libya and other countries in the desert that are self-sufficient and can feed their people.

Thank you, very much, Hon. Temporary Deputy Speaker.

Hon. Deputy Speaker: Hon. Members, let me recognise in the Public Gallery, members of the MCK Kariene Scouts from Central Imenti, Meru County, led by Reverend Teddy Kimathi and pupils from Mobeko Primary School, Belgut Constituency of Kericho County.

I will now give this opportunity to the Member for Meru Central. Hon. Kabinga, I am sure you will not complain. You should have been top on the list, but I am sure you will not complain because you have been a beneficiary of this many times. So, let me give the Floor to the Member for Meru Central.

Hon. Moses Kirima (Central Imenti, JP): Thank you, Hon. Deputy Speaker. I hereby stand to support the Bill before this House. The Bill deals with drought in our country. The previous Act, which was enacted a long time ago, was meant to cover the areas which were mainly hit by drought at various times because of lack of rainfall. By the time the areas were mapped out, the climate in Kenya was so much better in some areas in a way that there used to be plenty now and then, and there was no need for funds to be used in those areas because the population used to have plenty to spend and spare and also to donate to areas which used to be hit by drought.

However, as we speak, things have changed to an extent that even those areas which used to enjoy a lot of rainfall, and which used to be green throughout the year, have also become drought-stricken. In my constituency, we never used to enjoy the privilege of being assisted because of lack of food and other things that are related to drought. Nowadays things have changed so much that almost every part of Kenya which used to enjoy a lot of rainfall, or which used to have plenty to eat and spare, is reeling under the vagaries of weather. That is why it is so much necessary to establish a fund to be used for emergency operations when drought strikes, as it does now.

Meru County never used to be considered for anything to do with hardship. Now it features in hardship and drought areas. Meru used to be ignored totally because it is next to Mount Kenya. It used to be taken that there is adequate rain. You know, with rain, there is plenty of food. All other working environments also used to be conducive. However, if you go to that area now, you will appreciate that it is so much drought-stricken that we are now begging for food the way people in North-Eastern and Turkana regions of this country used to beg. It is very necessary for us to establish a fund for drought mitigation so that when drought strikes, instead of asking the national Government to set aside some money for that purpose, affected communities can be assisted with food and water, together with their livestock, to sustain them until the situation improves. That is how it has been in Maasailand. When there is drought, animals are bought by the national Government. In Hon. ole Sankok's area, they forced the Government to buy dying cows because there was drought. We must have this fund established so that every part of Kenya can benefit when it comes to drought and it is very necessary. Narok and Kajiado are among such places. Meru must also be included in the list of Narok and Kajiado.

The snow in Mount Kenya melted a long time ago. Rivers have dried up. You have heard of the communities living in that area fighting now and then because of drought. I support this Bill because it is necessary that we consider almost every Kenyan, other than those who are blessed enough to live in urban areas, as victims of drought. Due to climate change, leading to rivers drying up as a consequence of snow on mountain caps melting, among other factors, communities in rural areas have experienced a lot of changes in their livelihoods. All of them are now becoming victims of drought. We must find a solution to drought. With persistent drought, children will not be going to schools, especially in Meru County come next term. A solution, in the form of the proposal before the House, must be found.

With those few remarks, I support the Bill.

Hon. Deputy Speaker: Next is the Member who had almost forfeited his chance – the Member for Masinga, Hon. Mwalyo Mbithi.

Hon. Joshua Mwalyo (Masinga, WDM-K): Thank you, Hon. Deputy Speaker, for hearing my voice. I would like to support this very important National Drought Management Authority (Amendment) Bill. It is timely because we have been having a cycle of drought throughout the country. The same counties have been affected by drought all the time. This time round, Machakos County, where I come from, has been left out. I only pray that Machakos will be included as one of the counties that are affected by drought because there is a lot of famine at the moment. People are sleeping on empty stomachs. Children who are supposed to be in school do not go to school because of not having taken supper or lunch. So, I pray that even Machakos County will be included in the list of the drought-stricken counties. I support the move to establish the drought management fund so that when there is drought, money will be readily available in that kitty. Needy cases will be attended to urgently instead of Kenya having to fundraising from donors. We will have a pool from which money can be sourced to buy foodstuffs for people in drought-stricken areas. Therefore, I support this initiative because, as people from areas that always dry up, we need relief food supplies.

Secondly, the Government needs to do more than just feed people because water is always available when there is rain but it is not collected; it goes all the way to the Indian Ocean. Something should be done in drought-prone areas, like the way the Government established Bura Irrigation Scheme, so that land can be put under irrigation for us to be food-sufficient rather than depend on the Government in times of drought. So, I urge that the fund should be enhanced so

that money can be available for irrigation and construction of big dams for purposes of irrigation. That way, we will say bye to drought.

With those few remarks, I support.

Hon. Deputy Speaker: Next is the Member for Mwea, Hon. Wachira Kabinga.

Hon. Josphat Kabinga (Mwea, JP): Thank you, Hon. Deputy Speaker, for giving me a chance to contribute to this Bill. At the outset, I support the Bill. By establishing a drought emergency fund, we are simply saying that as a country, we want to be prepared. We do not want to start running up and down looking for funds when things happen in our country. It is, therefore, an important fund that will enable the country to respond in a timely manner whenever we have emergencies. My only pain is that we are using the word “drought” and not “disaster emergency fund”. There are different types of disasters that affect our country. In most of the counties, especially the 14 counties which are normally affected by drought, we rush and sometimes we do not respond adequately when we have problems. At the same time, we realise that this country has moved from the 1965 arrangement, as my brother mentioned. We are now talking about a new Kenya that is devolved. We want to see governors in those affected counties coming out with very clear budget plans.

Hon. David ole Sankok (Nominated, JP): On a point of order, Hon. Deputy Speaker.

Hon. Josphat Kabinga (Mwea, JP): Hon. Deputy Speaker, can you protect me from my brother here?

Hon. Deputy Speaker: What is it, Hon. Sankok? It had better be a point of order.

Hon. David ole Sankok (Nominated, JP): Hon. Deputy Speaker, I rise on a point of order.

Hon. Deputy Speaker: Which one, Hon. Sankok?

Hon. David ole Sankok (Nominated, JP): The one which you have just referred to.

Hon. Deputy Speaker: Which one? Order, Hon. Sankok.

Hon. David ole Sankok (Nominated, JP): I cannot be referred to as a brother. I am an Hon. Member. Let the Member for Mwea refer to me as an Hon. Member of this House but not as a brother or any other title.

Hon. Deputy Speaker: The issue of him referring to you as an Hon. Member is his choice. He can decide to imagine that you are one and if he thinks you are worth being a brother, then that is how he will refer to you. It is not unparliamentary to call a Member a brother. “Brother” is a parliamentary term. It has no problem. You do not have to be referred to as an Hon. Member. That is up to the Member who is referring to you. He might choose to feel that you are honourable or not. I am not even talking about you not being honourable. When he referred to you as a brother, I thought that was a serious title. First of all, you did not even proceed according to the right Standing Order. You did not specifically point the Standing Order on which you were standing. I would have ruled you as out of order but since I really wanted to hear what you wanted to say, that is why I allowed Hon. Kabinga to proceed.

Proceed, Hon. Kabinga. As long as you do not refer to him as a sister, proceed.

Hon. Josphat Kabinga (Mwea, JP): Thank you, Hon. Deputy Speaker. I think what my brother here intended to do is to interrupt me so that I do not hammer the point but I will do so. I mentioned that Kenya is no longer in 1965. We are now talking about a new Kenya where resources are devolved to our 47 counties. We realise that some of these issues like disaster are important but our governors do not allocate enough resources that can help in times of disaster. I am delighted because we will establish a basket fund. It is a fund that is associated with a framework that enables different players to put in their resources or money so that it can be used

for a common purpose. Therefore, this will enable our international partners, local partners and the governors whom we have in the counties to put in money that can be used when we have disasters in our country.

I want to also take note that even as we talk about disasters and droughts in the historically known areas and counties.... One of the speakers before me mentioned that our country has changes because of climate change. Some of the areas that we thought were food-sufficient are now starting to face problems from time to time. I look forward to the operationalisation of the rules and regulations that will guide this fund so that they can also cover the areas that are not historically known to be disaster prone. In the same way, some of the counties that are known to have enough rainfall and food, we have pockets of areas that suffer a lot from drought but because they are included in the county that is not in the list of the 14 drought-prone counties, those areas continue to suffer. It is a high time the secretary who will be in charge of this fund, once we approve it in this House, opens up and starts looking at some of these pockets of areas where people are suffering. As we talk right now, one of my areas which is a location called South Ngariama is undergoing a drought but because we are not known to have drought in Kirinyaga County, people will not attend to it.

Therefore, as I support this fund, I hope that its management and the subsidiary regulations that will follow the approval of this particular Bill will be careful to not only look at the 14 counties but also look at those areas that are expected to be self-sufficient but because of climate change and other factors are now starting to witness drought.

We should extend this fund to other emergencies. We have this notion that disasters can only be brought by the drought that we see. I want to bring it to the attention of this House that even in areas like where I come from where we grow rice in large scale; we are sometimes confronted by seasons that totally fail our farmers. When this happens, because again we are not known to be a drought-prone area, our farmers suffer without anybody coming to help them during that time. It may be out of a failed season or diseases like the one we call rice blast that affects the entire area and our farmers go without any coin in their pockets for a whole year. That means that they will not have anything to buy their food because they use their farms for growing rice and if it is not there, they have no money. Therefore, they suffer. This is why I am saying that I am very hopeful that as we make the subsidiary regulations for this fund, the secretary who will manage it will have a policy to extend the fund to some of these areas so that they can also benefit and we do not focus only on areas that are known to be drought-prone.

I support this Bill. As I said, I hope that the relevant ministry will look at the areas I have mentioned. I have so many areas that need to be looked at from time to time. We also need to look at areas that grow maize. When there is drought or other calamities in those areas, they should be well covered by such a fund.

With those few remarks, I support this particular Bill. Thank you.

Hon. Deputy Speaker: There are a few Members who went down in the request list when we pressed the button here. Let me first allow the Member for Kimilili to contribute and then I will give an opportunity to three Members whose cards dropped because some had been given an opportunity earlier. Hon. Member for Kimilili, did you place your card here? You must have placed it here.

Hon. Didmus Barasa (Kimilili, JP): Yes, Hon. Deputy Speaker. Thank you for giving me this opportunity to contribute.

Hon. Deputy Speaker: By the way, on hindsight I think it will be good for Members to refer to others as Hon. Members who represent certain constituencies. I am a bit worried if we

now go to the direction of calling one another brother and sister. Even the title “cousin’ will come by and we will have problems. Much as it is not unparliamentary to call the other Members those titles, it will be good for Members to address themselves uniformly because it makes a lot of sense.

Proceed, Member for Kimilili.

Hon. Didmus Barasa (Kimilili, JP): Thank you, Hon. Deputy Speaker, for giving me this opportunity to support this very good Bill. I say so because planning is very important in execution of any activity.

(Hon. Patrick Makau spoke off record)

Hon. Deputy Speaker, you should protect me from this Hon. Member for Mavoko.

Hon. Deputy Speaker: *Ongea.*

Hon. Didmus Barasa (Kimilili, JP): This Bill seeks to set out a co-ordinating committee.

Hon. Deputy Speaker: Order, Member for Kimilili. I do not want to interrupt you but take your seat. I will make sure I compensate you. Some of the pupils who have come to visit Parliament may leave. I do not want them to leave without being recognised. Let me recognise students from Tebesonik Secondary School from Bureti Constituency, Kericho County. I had already recognised Mabeko Primary school from Belgut Constituency, Kericho County. It is good to recognise them before they leave.

Proceed. I will compensate you the 30 seconds I have taken.

Hon. Didmus Barasa (Kimilili, JP): Thank you, Hon. Deputy Speaker. I support the Bill because it seeks to set up a co-ordinating committee. We know very well that in planning coordination is very important. It will assist the National Drought Management Authority to foresee and plan ahead and not to engage in knee-jerk reactions. It will not only enable the provision of food to people affected by drought but also come up with permanent mitigation measures that will enable affected areas to be self-sustaining when they face drought.

I am also happy the amendment Bill seeks to create a fund that will enable the National Drought Management Authority to have money to respond to emergencies that may arise in the country. Even as I celebrate that a fund is provided for, I will be proposing an amendment later on to guide how such monies will be spent. Even if you have money to spend, you need to have a threshold of the kind of emergency that will trigger the funds to be withdrawn. I would like to have scenario where if money is budgeted for in a particular financial year but there is no emergency that warrants expenditure of the money, it should be carried forward to the next financial year because it is not known when an emergency will occur. In war, we say that there is no point of spending a bullet on an enemy when you can use a blow, kick or a bayonet. So, the appropriation of these funds must be guided by certain procedures and a law that will categorise emergencies.

The Bill will bring to end situations where the Government is caught flatfoot, or unaware in cases where people die of hunger without a proper plan in place. The Bill seeks to provide a solution. The National Drought Management Authority will be in a position to foresee using data from the weatherman, for instance, that a particular area will not receive rainfall and, therefore, food production will be affected. That way, proper plans will be made. For us from the western part of the country, a region referred to as the food basket, we will be on standby to provide food for areas that will be affected by drought.

Even as I support the Bill, I would want to see the Government coming up with a permanent solution for the parts of the country that have been experiencing drought since Independence to assist them to grow their food for both livestock and people. It does not sound well that in this era, we have Kenyans and cattle that die of hunger. We must come up with modalities and a formula on how we are going to solve the matter once and for all. Learning from other jurisdictions is good, but it is better to come up with home-grown solutions that are sustainable. At times, we rush to learn from other jurisdictions how they do their agriculture in deserts without understanding the journey they have travelled to reach where they are. By so doing, we end up spending more money on a venture that at the end of the day, we realise it could have been better to spend the same amount of money to buy food for that region. I say this having in mind the Galana Kulalu Irrigation Scheme where the Government spent a colossal sum of money but the harvest it got was nothing to write home about.

This Bill seeks to set up a co-ordinating committee. The role of the committee will go beyond just co-ordinating. It will conduct a root cause analysis to find out how to sort out the problems in future. At times I listen to news or read newspapers that we have people in some parts of the country who do not have food but are not far from the Indian Ocean whose waters we can make use of. We sometimes have floods sweeping away people in some parts of the western part of this country. The water can be harvested and taken to parts of the country without rain. Even the water from the Indian Ocean and Lake Victoria can be used. If we can transport petroleum products in pipelines from Mombasa, we can do the same for waters from the Indian Ocean, Lake Victoria, the Nzoia River to parts of the country so that they use it to grow food all the time.

So, even as we support this Bill, we want to come up with a framework of evaluating whatever system that is in place to solve such emergencies so that we can see the interventions that have not worked. That way, we can change them and with time introduce those that will provide tangible solutions for our people.

Thank you.

Hon. Hassan Hulufu (Isiolo North, KPP): Thank you, Hon. Deputy Speaker for giving me the opportunity to support this Bill. I support the amendment Bill.

Drought is one of the most devastating disasters in terms of the impact it has on the economy. It affects all productive sectors and service sectors. Drought is not restricted to the ASAL areas. We know that the 22 ASAL counties are most vulnerable in terms of the severity and frequency of droughts which we experience in the country. But that does not necessarily mean that other counties, especially those which have small pockets of semi-arid locations, are not affected by drought.

[The Deputy Speaker (Hon. Moses Cheboi) left the Chair]

[The Temporary Deputy Speaker (Hon. Christopher Omulele) took the Chair]

This amendment Bill is very important. Those of us from ASAL counties, especially I who has been a practitioner in disaster and risk management with specialisation in drought management, know that it is important for us to appreciate that our country is the most advanced in the region when it comes to monitoring of drought. We are the first country in the region to set

up a very elaborate and reliable drought monitoring system. Decisions in allocating resources for disaster or drought response are normally guided by an early warning system which is run by the National Drought Management Authority. The principal Act which was passed in 2016 courtesy of one Hon. Chachu is the first one that helped us to create a law to co-ordinate drought monitoring and response.

However, as a country, we have not been able to operationalise the National Drought Management Fund because of the conflict between National Drought Management Act and the Public Finance Management Act. Therefore, the proposed amendment seeks to remove the conflict and to make sure that we are guided by the Public Finance Management Act and the role of managing and administering the fund is given to Ministry of Devolution under which the National Drought Management Authority (NDMA) is domiciled. Therefore, the Cabinet Secretary for Devolution also plays the role of oversight in terms of how the fund is spent.

It is important for us to appreciate that when there is drought, the response will be based on credible information generated by our national drought monitoring system. In terms of what needs to be done, where it should be done and the intervention in various sectors, there are clear guidelines. What we only need the Ministry of Devolution to do is to come up with regulations in terms of how the fund is going to be managed but I would like to assure this House that as a country, we have a very elaborate, reliable and credible system of monitoring drought and using information generated by the system to guide decision-making.

As we speak, all the counties which are classified as ASALs are experiencing drought. Unfortunately, when we experience drought right now, we are forced to do a supplementary budget to respond to needs of the affected population. Once this fund is operationalised, it will help us avoid a situation where we divert monies meant for development to respond to drought. Actually, a good practice in drought management is to have contingency funds set aside with clear guidelines so that as and when the situation requires emergency response in different sectors, those funds are used rather than reallocating monies meant for development. I am happy that finally, if we pass this amendment in this House, we shall be able to enjoy the benefit of having an emergency fund.

With those few remarks, I support the amendment. Thank you.

The Temporary Deputy Speaker (Hon. Christopher Omulele): Hon. Koyoo, Member for Muhoroni.

Hon. Onyango Oyoo (Muhoroni, ODM): Thank you, Hon. Temporary Deputy Speaker, for giving me an opportunity to add my voice to this amendment. I confirm that I am a Member of this Committee on Labour and Social Welfare where this amendment was brought. We looked at it, deliberated and did a lot of public participation. The good amendment should be supported by this House. It is aimed at mitigating the sufferings of the many ASALs and other areas that have been bedevilled by constant drought. The fund should be well managed as it will help Kenya be at par with other countries that have food-sufficiency requirement.

My regret as a person is that unless the implementing agencies are going to be serious, it may be a laughing stock because fabulous papers have been written, ideas and concepts availed but the implementation in this country has been wanting. There is no reason why many countries in Africa that were deemed to be deserts like Egypt should be self-sufficient in food capacity and even export a lot of fruits even to Kenya. We are importing a lot of fruits, cereals and grains from Egypt and other countries when we are almost at a self-sufficiency level. We have found out that a lot of this has got to do with mismanagement and bureaucracies in Government.

We did everything that would go a long way to curtail this kind of misuse. While it deals mainly with mitigating drought, I would wish that the implementers went ahead and made sure that things that disrupt our economy like perennial floods mainly in Budalang'i and my ancestral Kano Village are also done away with in good time. We do not have to wait until people are affected by floods for the Government to bring relief food and invite donor agencies when we have ample time to plan and mitigate drought. I am happy that the perennial floods in Kano are being mitigated. The Government plans to bring into action the envisaged Koru-Soin Dam which will pump enough water and will control floods. Unfortunately, everything that is done in this country is well thought-out but public participation is not done properly and in good time. Not everybody is consulted. You find that even things that should be done in a very straightforward manner generate a lot of controversies and take a lot of time.

I do not want to talk so much about this Bill because we are the manufacturers. We sat and made sure that all the aspects that can make the Bill friendly to the consumers were done. I conclude by saying this is a good Bill. Members should not have any fear. Unfortunately, it is not going to put water at everybody's door, since we will need to sacrifice and make sure that when the fund is set up, we support it and ensure that it is managed properly.

I support. Thank you.

The Temporary Deputy Speaker (Hon. Christopher Omulele): Very well, Hon. Member for Muhoroni. We will have the Hon. Member Sophia Noor, Member for Ijara.

(Hon. Makali Mulu spoke off record)

Hon. Makali, you cannot shout the way you are doing. I have been told about your case but that is not the way to go about it. Hon. Makali, just hold your peace. I am aware about your card. You will have an opportunity. Hon. Member for Ijara, proceed.

Hon. (Ms.) Sophia Noor (Ijara, PDR): Thank you, Hon. Temporary Deputy Speaker, for giving me this opportunity to contribute to this very important amendment to the National Drought Management Authority Bill. I come from a constituency and a region that has been affected badly by weather changes in the country.

As you know, we are experiencing – as a country and globally – changes in the weather. There is global warming. There are times when we are affected by the drought and floods. This has been going on in and out for many years where we are affected by different phenomena. There have always been disasters. Because of that, there was need to have an authority that coordinates all disasters in this country. The NDMA has been loosely coordinating this but because of challenges that are being faced through the Public Finance Management Act, there was need for this amendment so that we could coordinate and agree that we have a legal framework that can give powers to the NDMA. The NDMA has been previously and currently doing a good job particularly in terms of collecting data and giving information on early warning systems.

I must agree with my colleagues who spoke before me NDMA is on top of things in this country and in the whole region. It is on top in terms of early warning system, data collection, giving preparedness to the country, to the people, to the Government and to everybody. There have a lot of problems in terms of the effect and impact of drought. There have been resource-based conflicts all over. Pastoralists have had a lot of problems in looking for pasture and water all over the country. I arrived today from my constituency. My people have migrated. They have crossed the border. Some have moved to Somalia. Some have moved to Lamu, to my sister's place; she is my witness. Some have moved to Tana River. When pastoralists move around, there

have been a lot of problems. You have seen how many Questions have been coming to this House. They are in terms of the needs they require.

For over 50 years, this country has been giving relief food to Kenyans. Honestly, there are many times I spoke on the Floor of this House, saying that we need to be very proactive in our planning. Instead of being reactive when we have emergency, we should be proactive. We have been reactive. I hear that we are planning to use Kshs8 billion for drought. That is just for water trucking, relief food, medicines and fodder. Honestly, if we were planning properly, that Kshs8 billion could have done a lot in terms of putting water systems, fodder and food in place. We would not be talking about what we are talking about today. The whole region and pockets of ASALs would be better. If we could plan properly, and be very proactive in our dealings, we would not be talking about the drought problem in this House today. I agree that building resilience has become a very big challenge to this country. While drought is a natural phenomenon, there is need for planning mitigation measures so that we evade the kind of situation we are always in. We need to look for a proper and permanent solution to the problem of drought in this country.

We have the best brains in this country. If they sit down, they can create and develop for us a long-term plan – a permanent solution to the problem of drought. Provision of relief food is not the solution. Giving relief food and doing water tanks is not a solution. We have a problem. With this problem, we will definitely do the water tanks. We will do relief food. We will do pastures. But, more importantly, this is a platform where people raise resources. They do not want to do development. They do not want to sit down and plan properly. They wait for calamities like drought so that they can get resources to pocket for themselves. It is not good if we do not say the truth on the Floor of this House. It is not good to pocket resources meant for people and livestock who are dying because they do not have water or food. It becomes a problem when we enrich ourselves with those resources.

There are many countries in the world that have changed completely. We know of desert lands that have been transformed into high potential farmlands. They are food baskets today. We know of many such countries. Botswana has livestock as their only income but they are doing very well. Livestock keeping has changed that country in a big way. I know we have more livestock. We are rich as a country but we are not using our resources. These are our resources as a country. We have plenty of livestock.

I totally support this amendment Bill so that this body will be able to have the capacity to do fundraising for themselves. The Government should give them resources. Instead of this body sitting down, they will be able to work. We know they have the best warning system in Africa. If they are given an opportunity, they will give those warnings. They will have resources to avert the situation we are in. Therefore, I support this important Bill and thank the Members who support it, but we need our Government's goodwill more.

In conclusion, I appeal to the Government and to all like-minded people, including our technocrats, and particularly the engineers who properly understand how to do proper planning; so that in future, we have a permanent solution to the problem we are facing today. We are in a disaster. People are moving up and down all over. We have the census that is coming but our communities are not in the country. They are far away. Honestly, how will they be counted? That is a national exercise. They are not there. They have moved around looking for pastures and water. We are asking our Government to make sure that this national exercise does not fail completely. They should look for all possible solutions so that they can bring back the people to be counted in their constituencies.

The Temporary Deputy Speaker (Hon. Christopher Omulele): Hon. Bunyasi.

Hon. Sakwa Bunyasi (Nambale, ANC): Thank you, Hon. Temporary Deputy Speaker. I rise to contribute to this amendment Bill. I, obviously, support what has been agreed upon earlier.

The amendment simplifies provisions in the earlier Act. I have no specific difficulty with the amendment as proposed. I think it is an opportune moment to comment on our overall approach. You have heard us, in this House, singularly talk about drought. We have disasters. Probably, we should take them in the same vein. I address this as if it is going to cover both droughts and other disasters. Drought-prone areas become flood-prone areas when they get water, which is supposed to be a blessing. We have other disasters, including areas which get swamped when significant soil movement occurs following rains.

Drought is not an event. It is a very long process. We know that there are areas we can point out on a map and say that, in respect of their extended lack of rainfall, drought will occur. Those are areas you can identify with a very high probability of accuracy. In fact, it is almost certain. There are also so many other areas where disasters occur with minimal probability. Projections are not perfect. Events may occur and you note them as past events. So, in thinking about a fund of this nature, it should include definitions that are functional. There should be geography-based definitions and definitions of occurrence or lack of occurrence of certain phenomenon. There are areas outside of the ASAL regions where we can have extreme cases occurring.

Whereas it is important to have a fund that will provide relief during times of disasters, I think it is very important that the fund and the interventions be sufficiently broad minded to provide long-term solutions to the problem in all affected areas. It is unfortunate that we have now taken for granted that people must migrate when weather conditions are adverse. Sometimes, when people migrate, they can be put temporarily in a place where they can get water, food, shelter and cooling, if there is extreme heat. We can get water, schools and food moved to where they have migrated to. As a country, we sometimes behave in ways that have been passed by times. If someone was to look at us from Mars, they would say that our Government can sometimes be callous. It expects drought to happen, it waits for it to happen then it comes in with limp hands.

It is not a secret that when there is drought, people use it as an opportunity to make money on the side. If you read the Auditor-General's Report on the activities that happen in these drought-stricken areas, you will find that many people take advantage of this situation to make money. This does not only happen in our county; it happens during war in other countries. That is an unfortunate human tendency. I would want that in drought-stricken areas like the northern part of Kenya we predict, with low probability of being wrong, drought then the Government comes in with long-term solutions.

The disruption in people's lives and individual suffering is immense. The policy makers are in air-conditioned units. They drive in air-conditioned vehicles even if they are Government vehicles. They are out there in other places and where we are now. We are here pontificating and sometimes we appear to show empathy, but that is not enough. These types of funds should be available to provide opportunities for long-term interventions even during years that do not seem to be bad. We should aim to change the human condition in these drought-stricken areas over time. It has been 50 years since Independence. It has been millennia since these problems started occurring. At this rate, it going to other millennia with this problem occurring and we will

continue to pass budgets only for people to become millionaires each time there is such an occurrence. You do not need rocket science to know why that happens.

We have this opportunity to introduce this fund that has been amended, to accept gifts and donations. As a nation, I sometimes worry why we are putting out a basket for gifts and donations instead of saying that, these are critical expenditures and we need to forego other critical expenditures that we had planned for that are not of an emergency nature, and allocate their money to this emergency fund. That will mean we are truly willing to sacrifice resources from where we normally put them to where we shall now be putting them.

When we go out there with a basket, we are asking to be given money. A few donors from out there will come and take care of that problem, but we will continue with our lives in the same way we were doing before the donation. There is no evidence in the last 50 years, except just the last few years, that roads have been constructed and improved. As we know, during emergencies of this nature, good roads are important. They help to facilitate movement of people. Things should not continue to happen the way they used to happen forever and ever. We need evidence that there has been sufficient technical information on how these communities have been coping and how they will cope moving forward. How do children cope with schooling when this happens? We know there is hunger, how does it happen? You can measure the extent to which people have been deprived of food. This year we had the most unfortunate occurrence when there were denials that people had died of drought.

I come from Busia; we get people during hardship times because of hunger. Children go to school without getting square meals. Parents have to reduce the meals to one meal per day. It is worse in most drought-stricken areas and it is hard hitting than it was previously. To find people with brains and power or without them or with one of them arguing vehemently that nobody could have died of hunger... When you see a dead camel, probably a human being died before it because a camel is sturdy. We must be real. We have in this Parliament evidence-based policy making. We should have more of the same. We should listen to the people we work with, live with and are concerned with these issues on a day to day basis. Let us not be defensive. We are too defensive.

In many of these drought-stricken areas, it is churches and other faith-based organisations that provide education, shelter, and food. We put our basket there. While it is there, we can turn our backs and do what we ought to do. Our eyes should focus on the ball. The ball happens to be the human conditions where drought is a problem. These drought-stricken areas are not only the prone areas as it has been traditionally said. As I said, a functional definition of these drought-stricken areas will help. The appropriations to this fund will be easy. It will be now easy for us to reduce many funds that are all over and channel them to drought management. Let us ensure that there is real commitment of the national Government to increase the resources that will improve the human condition in these drought-stricken areas.

With those few comments, I support.

The Temporary Deputy Speaker (Hon. Christopher Omulele): Very well. Hon. Obo Mohammed, Member for Lamu County.

Hon. (Ms.) Ruweida Obo (Lamu CWR, JP): Asante, Mhe. Naibu Spika wa Muda kwa kunipatia nafasi hii ya kuchangia Mswada huu. Naunga mkono Mswada kwa sababu halmashauri hii imekuwa ikijikakamua zaidi na imefanya kazi nzuri.

Naunga mkono yale Mhe. aliyependekeza kwamba kuwe na kamati na pesa zitengwe kwa sababu ya hili janga. Ningependa kuiambia halmashauri hii kwamba Lamu inahesabiwa

kama sehemu ambazo mvua hunyeshia lakini sehemu kama Kiunga hakunyeshi. Watu wa Kiunga si wavivu, ni watu wa kwenda mashambani kulima.

Hata hivyo, hawawezi kwenda kwa mashamba kwa sababu ya utovu wa usalama. Watu kama hawa watafanywa vipi? Sehemu ya Kiunga ni sehemu ya oparesheni. Sehemu za Kiunga na Basuba Ward ambazo ziko Lamu East, na upande wa Hindi Witu, watu wa Lamu wanapata shida. Tumelalamika kwamba mashamba yako na mvua, ipo lakini hatuwezi kwenda kulima. Kuna watu kutoka Basuba Ward ambao wameenda Kiunga. Wamekaa huko na wanawasomesha watoto wao huko. Halmashauri kama hii inafaa iwafikirie watu kama hawa. Witu imekuwa kambi kwa muda kwa sababu watu hawawezi kwenda kulima.

Naomba Lamu izingatiwe kwa sababu haikujumuishwa katika miradi yao. Tunaomba wazingatie watu wa Lamu kwa sababu wanaumia na hawana chakula. Wanataka kufanya kazi lakini kazi hazifanyiki. Wakienda mashambani, maafisa wa Kenya Defence Forces (KDF) wanawapiga. Ni lazima itafutwe njia hata kama ni alama au kitambulisho, wapewe ili wajulikane ni wakaazi tofauti na wahalifu ili waende wakalime. Kama haiwezekani kufanya hivyo, halmashauri hii ihakikishe watu wamepewa chakula cha kutosha kukidhi mahitaji yao ili wasiende mashambani.

Ahsante. Sina mengi. Naunga mkono Mswada.

The Temporary Deputy Speaker (Hon. Christopher Omulele): Very well. Hon. Bady Twalib.

Hon. Bady Twalib (Jomvu, ODM): Ahsante, Mhe. Naibu Spika wa Muda kwa kunipatia hii nafasi ili niweze kuunga mkono Mswada huu ambao haswa ni Mswada No. 26 wa mwaka 2019 na unaosomwa kwa Mara ya Pili. Juu ya jambo kama hili pia mimi naunga mkono viongozi wenzangu, akiwemo Mhe. Ruweida Obo ambaye amezungumza sasa hivi juu ya shida za Lamu. Vile vile, naunga mkono kwa sababu Lamu na Mombasa siyo mbali. Naamini ni kweli kuwa pia wao wawekwe katika hazina hii ili waweze kusaidiwa kama watu wengine ambao wanasaidiwa.

Leo ni jambo la kutamausha sana kuwa kutoka Kenya ipate Uhuru mpaka leo, ni miaka mingi sana ilhali bado tunazungumzia suala la ukame. Lakini juu ya yote nataka kuunga mkono Mswada huu kwa sababu wakati huu wetu ambapo sisi ndio viongozi, tunashukuru kwa maana halmashauri hii ya kupambana na makali ya ukame itaweza kufanya kazi kikamilifu kulingana na yale mapendekezo ambayo wametoa.

Jambo la muhimu sana ambalo nimeweza kuliona katika Mswada huu ni kuletwa kwa zile fedha ambazo itabidi ziweze kuangalia makali ya ukame ambayo yatakuwa yanakumba sehemu mbalimbali katika nchi yetu ya Kenya. Kwa hivyo, hata mimi naungana na wenzangu wengi sana ambao walisema kuwa kaunti zao pia ziweze kuangaliwa na kuwekwa kati ya zile ambazo zaweza kufikiriwa kupata manufaa kupitia hazina hii.

Kwa maana hiyo, nasema Kaunti ya Mombasa, ambapo ninatoka, pia ni muhimu kuangaliwa katika hazina hii ili nasi tufaidike. Namwona Mhe. Obo pale hafurahi kwa sababu watu wengi waliozungumza hapa kutoka Kirinyaga, Turkana, Kitui, Machakos, Makueni na sehemu mbali mbali, wanachukulia kwamba makali haya yatawaathiri wao pekee yao ambao wanafanya ukulima. Lakini mimi na wewe Mhe. Naibu Spika wa Muda, tumekuwa pale Mombasa na tukatembea sehemu mbali mbali za Mombasa hasa kwenye mahoteli makubwa makubwa na majumba ambamo watu wanakula kamba, ambacho ni chakula kizuri sana. Chakula hiki hakiwezi kupatikana baharini bila kuwepo mikondo ya mito kuelekea baharini. Kamba huzaana kwa wingi kwenye hiyo mikondo.

Kwa hivyo, mkondo huu hauwezi kuwepo ikiwa kiwango cha maji kitakuwa chini. Na kiwango cha maji kuwa chini hakiwezi kuletwa hivi hivi isipokuwa kitaletwa na kiangazi. Kwa

hivyo, kitaalamu, nimezungumzia jambo hili ili kujitetea kuwa sisi watu wa Mombasa huenda ukulima wetu sio sana wa kushika jembe lakini ukulima wetu pia ni ile bahari na wale viumbe ambao wanapatikana katika bahari. Kwa hivyo, naona ni muhimu zaidi Serikali kuu inapoangazia mambo haya, kaunti yangu ya Mombasa nayo ifaidike.

Jambo la pili ambalo nataka kulisema ni kuwa viwango vya maji vikiwa chini huwa ni sababu ya ukame. Ni huo ukame unaosababisha watu kukosa maji ya kunywa. Leo hii nikizungumza hapa, kuna shida kubwa ya ukosefu wa maji ya kunywa Mombasa. Hii ni kwa sababu maji ambayo yanatumika katika sehemu za Mombasa yanatoka Mzima Springs na Marere. Ukame unapozidi, viwango vya maji huwa chini na watu hupata shida. Lakini kulingana na hazina hii, kuna utaalumu ambao unaweza kufanyika. Nasema hivi kwa sababu kule Pwani kuna sehemu inayoitwa Mtwapa ambapo kuna Mjerumani anayetengeneza maji mazuri kutokamana na maji ya bahari. Maji yale yanaitwa Dutch Water. Maji yale ndiyo wengi wanatumia katika nyumba zao na kwa njia tofauti tofauti. Kwa hivyo fedha hizi zikitumiwa vizuri...

Ikiwa mwekezaji mmoja ameweza kujiletea faida katika bishara yake, kwa nini pesa hizi zisitumiwe na Serikali ili kuwawezesha wananchi wa Pwani kuishi wakiwa na maji safi katika nyumba zao? Sharti kila mmoja apate haki hii ambayo ni ya kisheria kulingana na Katiba. Tulipopata Uhuru katika nchi yetu tulisema tunataka tuondoe umaskini, baa la njaa, na matatizo ya vitu muhimu kama hivi ambavyo vinastahili kutumika.

Naamini ikiwa fedha hizi zitafanyiwa mipango mizuri basi zitaweza kutumika na hali Mombasa mjini na hata Jomvu ninakoongoza itaimarika. Taaluma hii ikifanyika, wananchi watasaidika. Kule Mikindani kuna mkondo wa bahari. Miritini, kuna mkondo wa bahari katika sehemu inayoitwa Mkupe. Jomvu Kuu, kuna mkondo wa bahari Jomvu Kuu yenyewe na Misheni. Kwa hivyo, taaluma hii itawasaidia wananchi wetu pakubwa.

Amesema hapa Mhe. Sophia kuwa pesa zatumika nyingi sana, karibu KSh8 bilioni ama hata kuzidi. Wakati matatizo yanapotokea ndipo utaona watu wakikimbilia Red Cross, World Vision na mashirika mengine yasiyo ya Serikali. Serikali ambayo ina uhuru kamili na inajali maslahi ya watu wake ni serikali ya kujipanga. Kwa hivyo, hivi sasa tunasema kuwa kuundwa kwa halmashauri hii na kuwekwa pesa za kudhibiti makali ya ukame... Tunatumai mambo haya yatasimamiwa vizuri. Kabla matatizo hayajatokea watu huwa na mipango mizuri. Huwa kuna fedha zakutumika kusaidia waathiriwa. Kwa hivyo, naunga mkono mapendekezo haya.

Vile vile, katika mapendekezo haya, tumeunga mkono kuwa kuwekwa pesa ambazo zitasimamiwa na halmashauri hii. Lakini vile vile nasema, na nataka ninukuliwe katika Bunge hili, kuwa pesa hizi lazima zitumiwe kwa njia ambayo ni ya sawasawa na sio sisi tuidhinishe pesa hapa kumbe tunawawekea watu wengine pesa hizo kula badala ya kusaidia wananchi wa Kenya katika masuala yale.

Kwa hivyo, viongozi ambao watasimamia halmashauri hii lazima wawe waadilifu na watumikie Wakenya. Wajue Wakenya wote wako na haki ya kuishi vizuri.

Kwa hayo, asante kwa kunipa nafasi hii ya kuchangia. Naunga mkono mapendekezo haya. Asante sana na Mungu atubariki.

The Temporary Deputy Speaker (Hon. Christopher Omulele): Very well spoken, Hon. Twalib. Hon Ombaka, Member for Siaya.

Hon. (Dr.) Christine Ombaka (Siaya CWR, ODM): Thank you, Hon. Temporary Deputy Speaker for giving me this opportunity. I want to add my voice to this very important Bill, because it touches on what has been a perennial problem for years. Every year there is drought in this country and the images we see in newspapers and on television have been very

disturbing to the extent that many people think that Africa is a place where people do not eat and they suffer. We see emaciated children, parents and even animals.

So, such images are really disturbing. It is an indication that something has gone wrong and we do not have enough food. That is why when this Bill comes to this Floor, we need to support it because it is a way of trying to improve the situation. Therefore, this would respond to the challenges that we have as far as food is concerned. It is important that when you look at what has happened in the past, the way we have been handling drought, the Government has always been asking for food from abroad. Many times, we have received yellow maize and funds, even musicians many years back sang in America to raise funds for Africa because of drought in Ethiopia, especially the late musician Michael Jackson and a team of all of them. It is because of drought that Africa and Kenya in particular have been going through challenges.

The Bill comes at the right time because we have now learnt that we cannot continue to beg other countries for food. We cannot rely on other people to support us because they will get tired of us. All the time we are begging, getting yellow maize and support from them.

So, the authority that is to be created is a good one and we hope that they will raise funds on their own capacity. The money they will raise or whatever resources they will raise will be utilised effectively so that it is spread across affected areas. We know North Eastern is always suffering, but that does not mean that other counties do not suffer. They may be suffering, but in silence. Therefore, there is need for them to also inject in their authority a research area where they can find out other areas that suffer. Even floods are a cause of all these problems.

When there are floods people do not have enough food because the crops that are planted get swept away, homes get washed away and people go without food. So, it is not only when there is drought. In my view, you need to add floods and other disasters that may affect us. I support this Bill and believe that when an authority of this nature is created or established, then credible people should run it because they know that people suffer. They know the pain of citizens so that whatever resources they have to support suffering people, will be distributed fairly across counties so that there is efficiency and protection of food that we have, there is total control and distribution is fairly done. I am not too sure whether adding an authority ...

That is another side of this argument as to whether we are creating so many authorities when we are trying to minimise them, we are trying to merge some and remove some because of the wage bill. It is quite another area to look at. Can we look at other authorities that may do the same thing and avoid duplication? Those are the sensitive areas when we are talking about the wage bill, trying to minimise the number of authorities or commissions that we have. Are we creating another burden to the people of Kenya? It is something to think about. This is a good move and a way to mitigate drought in this country. We will reduce the level of dependency syndrome that we have on other countries. We need to be self-reliant and support our own people through our own authority.

Otherwise, I support this vehemently because of the perennial suffering of the Kenyan people when it comes to drought.

Thank you for giving me this opportunity.

The Temporary Deputy Speaker (Hon. Christopher Omulele): The Hon. Chepkut.

Hon. William Chepkut (Ainabkoi, Independent): Hon. Temporary Deputy Speaker, this is a serious amendment Bill. I am urging leaders in Garissa County to start planting trees because your forest cover is below 1.7 percent. It was 10 per cent at Independence. We want a sound legal framework to be put in place. Kenya is known by experts that we are number one in the world in drafting policies, but implementation is a big problem.

At Independence, the greatest three problems were diseases, ignorance and poverty. We have gone to school and acquired both education and skills. The great Nelson Mandela once said education is the most powerful weapon which can be used to change the whole world. In other words, it is indeed a socio-economic equaliser between the rich and the poor.

I brought a motion on compulsory planting of trees in all learning institutions and individual households so that we can increase our forest cover. I want us to be serious especially my county of Uasin Gishu. When it comes to maize, we are the bread basket of this country. At the same time maize is a commercial crop. I am urging the Government to come up with incentives and policies to encourage and motivate our farmers so that instead of importing maize, we plant our own. The importance of trees is that they bring rainfall, shade, cover and prevent pollution just to mention a few.

I want all Hon. Members of Parliament to plant more than 1000 trees. The President himself must plant over 10 million and his Deputy President 5 million. His Excellency the ex-Prime Minister another 5 million trees. If we do that, we shall be number one in the world in protection of the environment. We have done that in my constituency. Since I value afforestation, I am in agreement with this amendment Bill. It will be the greatest way of addressing this perennial problem since Independence.

I heard the Hon. Member of Ijara talk about this noble and national function of census saying that in their areas, they are moving searching for pasture, water and food. I am urging every law-abiding citizen of this republic to avail themselves and be in their houses because census is a key exercise. We want to know the real number of Kenyans and law-abiding citizens. Since we are the policy makers, I want us to be practical. Recently, you might have read about Mt. Kenya. At the moment, its forest cover is very low. The same thing is happening to Loitokitok near Mt. Kilimanjaro. I am urging pupils, students in colleges and universities together with their teachers to plant trees. The NG-CDF should allocate some money towards tree planting. This is key in addressing this perennial problem.

Hon. Temporary Deputy Speaker, you are a great man and I want you, together with the leadership of this House, to provide a platform of unparalleled commitment, with utmost dedication in serving this country by not only putting sound policies, but also being practical. I want us to give planning issues priority. This will assist in the implementation of transformational agendas like the Big Four Agenda. Having said that, this august House is great and we will address this issue and pass this Bill, so we can fight from the front to protect our forests.

I fully support.

The Temporary Deputy Speaker (Hon. Christopher Omulele): Very well spoken, Hon. Chepkut. You are a champion for re-afforestation which speaks to Sustainable Development Goals (SDGs) for 2030 and beyond. Hon. (Dr.) Oundo.

Hon. (Dr.) Wilberforce Oundo (Funyula, ODM): Thank you, Hon. Temporary Deputy Speaker for giving me an opportunity to contribute on this Amendment Bill amending the NDMA.

From the outset, I want to support these amendments. They are timely and specifically they tidy up the very long narration in the principal Act. As I support, there are a few fundamental issues that I want to raise in this House, so that the nation and the people involved should listen. Drought ought not to be an emergency with such sophisticated forecasting system of the weather patterns and conditions. Drought anywhere in the world should never be a disaster

or emergency. It is something that all of us should predict with adequate certainty and prepare for it.

It is such a shame that after over 50 years since Independence, we are still seeking external support to provide food for our people. We still have to be presented with pictures of families and households starving and emaciated facing death yet we have a full ministry that should prepare adequately in advance to avoid such embarrassing exposition of our foolishness and unpreparedness.

It is, indeed, sad that in the past few months, Kenyans have died of hunger and a senior official in the Government had the audacity or temerity to stand on the podium and deny that people had died. This kind of hypocrisy makes the work of many institutions difficult to operate and achieve their mandate. We should be courageous enough to call a spade a spade and not try to play cheap politics with the livelihoods of our people.

As I stand here, there are many stories in the world of countries that are literally deserts, but have managed to provide food for their people. They have even produced for export through mitigating the natural deserts. The source of River Nile is Lake Victoria. I feel sad that we border Lake Victoria and cannot utilise its waters and those of River Nile for large-scale irrigation just because our colonial masters signed on our behalf some abiding agreements that do not allow us to exploit the resources of River Nile and Lake Victoria. Charity begins at home. You would rather fight wars after you have sorted out your place. We must gain courage and ask the relevant ministries to escalate the same to the President and the Deputy President, so that we can review the agreements that probably have curtailed or handicapped us from undertaking large-scale irrigation projects along Lake Victoria and River Nile.

Egypt has solved her food problem yet the country is literally a desert. We have Israel the role model, which is literally a desert and has never had a food crisis. We have countries in the Arab world like North Africa who have never imported food or cried like babies looking for food. What is wrong with our country? I do not know what the NDMA is doing. What happened in Turkana or has been reported elsewhere is an indictment of a failed authority.

As much as I support the amendments which have been brought here, probably, it is important that we start interrogating their mandate and what has been their achievement. Have they simply gone there to earn salaries and allowances yet they shamelessly insist, pledge or go around saying they are board members or work at the NDMA? It is important for us as Kenyans, when we are given opportunity to preside over our affairs, we do it diligently with patriotism knowing that we are serving ourselves and our people.

I want to conclude by raising a serious issue which has been raised in this House severally akin to when we were discussing the Equalisation Fund. For bureaucrats to sit in their offices and assume that “X”, “Y” and “Z” are disaster or drought-prone areas, is extremely out of character. Unless you travel to places you do not understand the basic problems, some issues are obvious. Just because parts of Busia receive adequate rainfall as a result of proximity to Mt. Elgon does not mean the entire Busia County is safe from food disaster.

As I speak, rains have failed. Unfortunately, they have also failed in Eastern Uganda. So, my people of Funyula Constituency are going to be food-insufficient. We might have to look for alternative sources of food. Many times, when rains fall on our side, we are assured that our sisters and brothers, who the colonial masters drew imaginary lines and separated us, will provide adequate food. But due to climate change, rains have also failed on the other side.

So, it is obvious that in the next few months, we will have a problem of food supply in my constituency. So, it beats all logic for the mandarins to sit in their posh offices and fail to

look at each area, constituency and sub-location, so that we can provide funds to meet to take care of all the people of Kenya. We feel very disadvantaged that when we talk about ASAL and vulnerable areas, we only talk about North Eastern and Turkana provinces, yet billions have been pumped into Turkana County and we still have gory pictures of people dying of hunger. That is a question we need to ask ourselves. What has devolution done for this country? Some aspects of food security and agriculture are devolved yet every year since devolution began, almost eight years down the line, we have pumped billions of shillings into these counties. It is a shame that such kinds of basic issues do not concern them. The only things that concern them are things that take them to the courts of law. They go out bragging how they have paid huge bail terms and move on.

As we discuss these amendments, and I want to concur with my colleague who has spoken before me, we may have to look for ways and means of devolving the operation of these funds. Domiciling it in Nairobi or the headquarters or devolving them to the county levels will not address the problem of drought. We must devolve it to the lowest level of devolution, namely, the constituency level. The constituencies should do an assessment, probably every beginning of the year, and file reports, so that when the funds are being distributed to combat drought, they are distributed to all the areas that have been reported likely to have food security challenges.

With those very many remarks, I support, but at the opportune time, we will make the necessary amendments to cushion all Kenyans.

The Temporary Deputy Speaker (Hon. Christopher Omulele): Hon. Oundo, I think you are the right person who should have a relook at the 1929 Treaty between Egypt and the British colonial masters, which seems to restrict the use of the great waters of Lake Victoria to the people of Egypt and not the people of East Africa. Very well spoken. Let us have Hon. Ibrahim Sahal.

Hon. (Ms.) Nasri Ibrahim (Nominated, FORD-K): Thank you, Hon. Temporary Deputy Speaker for giving me the opportunity to contribute to this Bill. The ASAL areas suffer a lot because of drought. Once we have drought, our animals die and we suffer from malnutrition. Once we establish this fund, I am sure the people from the ASAL areas will benefit. The Bill proposes to align the fund with the Public Finance Management Act 2012. This is in relation to matters relating to preparation and admission of Budget Estimates, preparation and submission of accounts for audit, raising of revenue, expenditure and management of public funds. I want to support these amendments because I know my people will benefit from the emergency funds.

Thank you.

The Temporary Deputy Speaker (Hon. Christopher Omulele): Very well. Hon. Amin Kassim, Member for Wajir East.

Hon. Rashid Kassim (Wajir East, WDM-K): Thank you, Hon. Temporary Deputy Speaker for giving me an opportunity to give my contributions to this very important amendment on the National Drought Management Act. Drought has been recurrent and it is a problem that we have had in the ASAL districts of this country. Nearly 80 per cent of Kenya is affected. The arid and semi-arid areas are affected mostly by drought. Drought has a recurrence of about three years. Every three years, we are exposed to big disasters in our communities and in our regions. Basically, you will find a huge population is displaced from one place to another. The strategy that used to exist in the past in terms of movement of animals from one place to another has been curtailed. The elasticity of people has been seriously affected by drought. The livelihood of the people has also been affected. This tends to erode the entire livelihood and the basic resources of

the people of northern Kenya and other arid parts of the country. I had opportunity to serve as member of the Drought Management Board for a period of three years and I have been exposed to the predicaments and the serious problems which have bedeviled our communities in northern Kenya. Surely, the establishment of the drought contingency fund will be a great milestone in trying to align ourselves to these problems. The drought contingency fund has not been in place. The National Drought Management Board has always relied on the Exchequer and other donor agencies to service and provide for certain mitigation costs in terms of drought. This has not always been forthcoming. The fact that we are trying to entrench the drought contingency fund in the Drought Management Act is a clear indication that the Government is concerned about the problem of the people of northern Kenya and other ASAL districts in this country.

Currently, drought is handled in an *ad hoc* manner. People are given cash transfers to mitigate drought. There are food provisions from the Government of Kenya, but this has no significance for the purposes of drought contingency fund. The fact that we are going to establish the drought contingency fund, we will be giving ourselves an opportunity to source for funds and to trigger responses when it is needed. This fund will give us an insight on how to plan and mitigate against the consequences of drought. If we understand the patterns of drought, we will know when to apply the fund. Currently, we are at the whims of His Excellency the President of the Republic of Kenya to declare drought a national disaster. It is only when there is a disaster and it has been declared nationally by the Head of State can we ask for funds. When we have a fund domiciled in the National Treasury, all the indicators can be triggered without having to wait for the Head of State or the national Executive to provide for funding. Basically, when we establish this fund, it will make us more independent and reliable in our efforts. It will make us more coordinated in terms of mitigation of drought.

This is going to improve the mitigation and the response plans that we have and various counties will do it. The National Drought Management Authority relies on the Exchequer for maintenance in terms of the Recurrent Expenditure and development. The fact that we will establish the National Drought Emergency Fund we will have funding to facilitate response to such issues. County governments are supposed to use 5 per cent in their budgets for drought and emergencies. If other emergencies arise and county governments use the 5 per cent, and after that there is drought, they cannot mitigate the drought. There should be a window in the drought contingency fund to increase the five per cent to 10 per cent for county governments to mitigate against drought. That would be an additional funding for the drought contingency fund. I suggest, as a way forward, that we increase and establish the drought contingency fund. We should, in every budget cycle, set aside a certain amount of money that will be planned on various constituencies and counties.

County governments should also increase their level of drought mitigation. They should not only allocate 5 per cent for emergencies, but basically, 15 per cent every year, so that they can use it for purposes of providing food and other drought contingency plans like water tankers. As I speak, we are experiencing a very serious drought in northern Kenya. Most of the livestock in my constituency have been moved to Somalia and other places, so that they can cope with the drought. Towards the end of this month, namely, 24th and 25th, we will have the national census exercise. We feel that the movement of livestock and people from the borders of Kenya to Somalia and other parts of the country will make us lose the natural population that we have in the area. We fear that if this is not mitigated, the people will not be counted as Kenyan citizens. This exercise takes place once in every 10 years. So, we are going to have a serious problem even in the census.

Finally, Turkana, Coast and northern Kenya have always been exposed to newspaper headlines which show very malnourished kids, mothers and elderly men who stay in very pathetic conditions. Fifty years after Independence, we are exposed to such kinds of experiences and headlines. If we do not plan to provide for certain contingency funding, like the drought contingency fund, we will continue to die as we face hunger. Basically, money in the drought contingency fund that we are seeking to establish will enable us to plan better and coordinate our initiatives. I am happy that today I am contributing to this important debate on creation of a drought contingency fund, so that we can be served better and have our aspirations met.

With those remarks, I support.

The Temporary Deputy Speaker (Hon. Christopher Omulele): Hon. Angatia, Member for Lugari.

Hon. Ayub Angatia (Lugari, ANC): Thank you, Hon. Temporary Deputy Speaker. I rise to make a few comments in regard to the National Drought Management Authority (Amendment) Bill.

First, I would like to address the issue of food as part of the parametres that are regarded as national security matters. Hon. Oundo has made reference to the effect of the treaty that we signed among African countries on the utility of the waters of Lake Victoria as blocking Kenya and the East African Region from utilising that facility. However, we can do a petition to the United Nations Convention on Food Security to amend the treaty. Alternatively, we can circumvent the treaty by utilising the rivers that feed Lake Victoria. An example is River Nzoia that has its source in Trans Nzoia County. River Nzoia can help us manage the persistent drought crisis in West Pokot, which borders Trans Nzoia County. River Nzoia can help us manage the drought crisis in Turkana County because the county borders Trans Nzoia County. So, we can circumvent the treaty.

I am also glad to address the good objectives and principles guiding the establishment of the proposed fund. First, they will facilitate timely response to drought during difficult states. On the headline of today's *Star*, there is an image of an emaciated baby from Baringo, who is suffering from the effects of drought. However, I am happy that this amendment has been brought by the Leader of the Majority Party to address such shameful developments that are captured on newspapers. Secondly, the Bill provides for a common basket for emergency. We do not want to see the Cabinet Secretary for Devolution running around with some sacks of maize to Turkana or Mandera. We do not want to see him reacting instead of being proactive. So, this Bill will help us to plan and have enough funds to mitigate against crisis caused by drought.

The other principal objective, which I am happy about, is with regard to provision of funds for capacity building. You project how much you are going to spend on drought mitigation and management. This will give us clear indicators when we are doing our budget. Are we focusing on saving lives? How much are we going to put to save lives? Lastly, the Bill seeks to establish the management of the fund for purposes of coordination of its activities. We have had difficulties in counties where governors are allocated money to coordinate drought-related activities only for them to refer the matter to the national Government. If passed, this Amendment Bill will help county governments to work closely with the national Government in ensuring that we have a streamlined approach towards drought mitigating with a long-term objective of saving lives through producing enough to feed our nation.

With those remarks, I support.

The Temporary Deputy Speaker (Hon. Christopher Omulele): Let us now hear Hon. Katana Kahindi, the Member for Kaloleni.

Hon. Paul Katana (Kaloleni, ODM): Asante, Mhe. Naibu Spika wa Muda kwa kunipatia fursa hii. Nimesimama kuunga mkono Mswada huu.

Hakuna nchi ambayo inaweza kuendelea kiuchumi, kisiasa na kijamii kama watu wake wana njaa. Ni jambo la kusikitisha kwamba baada ya zaidi ya miaka 50 ya Uhuru, watu wetu bado wanategemea chakula cha msaada. Ukame unaathiri watu wengi kwa sababu Serikali haijakuwa na mipango maalum ya kupambana na ukame ili usiwaumize watu wetu. Hii ni kwa sababu hatujatumia viwango ambavyo tunapatiwa na wizara inayohusika na mambo ya hali ya hewa. Wakati kuna baridi, watu hujipanga kununua nguo ambazo zinakinga baridi na wakati wa joto, watu wanapanga kununua nguo za joto. Kwa nini hatuwezi kujipanga tujue ni wakati gani kutakuwa na kiangazi na wakati gani kutakuwa na chakula cha kutosha?

Mvua imenyeshwa takriban miezi miwili iliyopita. Kwa nini wakati huu kuna njaa? Hii ni kwa sababu maji yote ambayo yangekingwa na kutumika baadaye yameenda baharini. Katika Eneo Bunge langu la Kaloleni, sehemu za Ndatani na Mwanamwinga, saa hii kuna ukame na watu wanategemea chakula cha msaada. Ukame huu pia umefanya wanyamapori kutoka sehemu za Tsavo na kuingia Mariakani na Ndatani na kuwasumbua wananchi. Hii ni kwa sababu Serikali haina mipango maalum ya kuhakikisha kwamba wananchi hawahangaiki kutokana na mambo ya chakula. Kenya inapata mvua mara mbili kwa mwaka. Lakini angalia nchi ambazo ziko kwa jangwa kama Israel. Wakati tulienda Israel, tulikuta kwamba inatoa chakula kingi kushida Kenya kwa sababu wamejipanga njia gani watatumia ili wananchi wake wasiathirike.

Ninaunga mkono Mswada huu lakini ni lazima kuwe na mipango maalum. Pesa ambazo zitawekwa katika hazina hii zitumike ili tujipange. Tusingoje mpaka watu waumie ama wakufe kwa sababu ya njaa ndio tuanze kutafuta pesa na misaada kutoka nchi za nje. Inatakikana tujipange mapema ili tuweze kuokoa watu wetu. Wakati mwingi watu wanakufa kwa sababu ya njaa halafu Serikali inakataa. Hii ni hali ambayo ipo. Serikali inatakikana ijitokeze, ishirikishe watu wote ambao wanahusika, haswa viongozi kutoka kule chini mashinani, ili tuweze kujua ni njia gani tunaweza kuweka mipango maalum ili tusaidie watu wetu.

Asante sana, Mhe. Naibu Spika wa Muda kwa kunipatia nafasi hii.

The Temporary Deputy Speaker (Hon. Christopher Omulele): Hon. Washiali Jomo, Member for Mumias East.

Hon. Benjamin Washiali (Mumias East, JP): Thank you, Hon. Temporary Deputy Speaker. I rise to support this Bill. The National Drought Management Authority Act is being amended, so that the National Drought Management Authority can work better. I want to join my colleagues who supported this Bill and raised issues of coming up with long-term solutions.

I have heard what Hon. Oundo said clearly and it is true. Indeed, in this African Continent, we have countries that have serious shortfall of rainfall than the region we are trying to have a solution for by funding. The funding that the Government and Parliament is seeking to provide is supposed to be short-term. I have already travelled widely covering these regions and when you are in the air, you see trails of water going to the Indian Ocean. The Government should find a solution by tapping this water, so that it can be used by this region for farming and animal keeping. This is a very fertile region. You tell this from the short rains that fall sometimes in a week or two weeks and the place turns green. That means that if you avail water, you can do a lot of agriculture in this region that will then not subject the Government to come up with this kind of funding.

As a country, we need to look for ways of planting trees like Hon. Chepkut said. Rainfall is reducing in the Western region where there has been adequate rainfall. If you go to the rivers that used to flood, they no longer flood. You are a neighbour of River Yala and the kind of

flooding that we used to see in the 1960s and 1980s is no longer there. The huge streams that used to be there and the rivers that used to overflow when it rained do not do so these days. Therefore, we need to read these signals and look for a way to solve this problem once and for all.

I have listened to what Members have said about people who die from hunger and the Government denies it. As Members of this House, we should not politicise everything that we come across. The only professionals who are competent in determining cause of deaths are doctors who can do post-mortem to dead bodies to establish the cause. You and I come from a region where anybody who dies has been bewitched. That is what we say even to those who die from malaria and pneumonia. That has not helped this region. For you to find a solution to what is causing death, you must get professional advice on what caused it. We had cases of death in Baringo County and the Government said that they may not have been caused by hunger. This came from a point that post-mortem reports were not provided. For example, if someone suffers from malaria, it will reduce your appetite. Therefore, you may not eat. By not eating and later on dying because you do not have nutrients in your body, someone can easily claim that you have died from hunger. For someone to say that you have died from hunger, he needs to establish whether there was an earlier problem before you lacked food. I request Members to support this Bill and not to politicise everything that they come across, even though we are politicians by nature.

If we want to help the people of this region, we need to come out objectively and advise the Government accordingly, so that these people can also feel the support the Government has given them.

Thank you, Hon. Temporary Deputy Speaker.

The Temporary Deputy Speaker (Hon. Christopher Omulele): Hon. Washiali, it is good that you support the Bill. You have spoken about the people from the region that is experiencing drought and said that those who have died in that area need post-mortem results to save this uncertainty that they die from hunger or lack of food. I have a difficulty with that. If these people do not have access to food at all, how will they find doctors to do post-mortem? These are people who are live in very difficult situations. When people are dying from emaciation or lack of food, it is self-evident. It is good if we can have a way to have doctors in those regions that experience this drought, so that they can carry out these post-mortems. Before we can have doctors to carry out all the post- mortems, we should provide food on these people's tables. It is a dicey thing, but it is the problem that we, as Kenyans, must face squarely in the eye and deal with.

Hon. Mogaka Kemosi.

Hon. Vincent Kemosi (West Mugirango, FORD-K): Thank you, Hon. Temporary Deputy Speaker. I also support the Bill. Drought is a big problem in this country. If you got a copy of the *Star Newspaper*, you definitely sympathised with a three-year-old girl from Baringo County who is suffering from malnutrition. It is not only Baringo County that is being affected by drought in Kenya, but also most ASAL areas. This is not new in Kenya. We have drought effects year in, year out. The Government has done little to avert that situation. It is actually donors and NGOs which are felt when it comes to addressing the effects of drought. But I am convinced that through this Bill, the Government will be enabled to address the effects of drought.

Hon. Temporary Deputy Speaker, this is an important Bill because it establishes coordinating committees to manage the National Drought Emergency Fund. The Bill proposes to establish the fund to receive money from various sources. For the first time, the National

Assembly will appropriate money for the fund. The fund will also raise money from levies and fees payable to the NDMA as well as gifts that will accrue to it. Those are some of the sources of its money. I am convinced that the fund will get money to respond, as soon as possible, to emergencies.

The Bill provides for timely mitigation of drought. Mostly, we address effects of drought once the drought has occurred. We have never learnt that we need to prepare for drought well in advance, so that when it occurs, we do not have a problem trying to look for ways to address it.

It will also provide emergency funds to minimise the effects of drought. The fund will provide money for training in drought management. If we had ways and means, before a drought occurs, of protecting or responding, we would definitely contain it.

Finally, the Bill seeks to establish, manage and co-ordinate activities and programmes to further the foregoing purposes or programmes of the fund.

With those few remarks, I support the Bill.

The Temporary Deputy Speaker (Hon. Christopher Omulele): Hon. Maanzo.

Hon. Daniel Maanzo (Makueni, WDM-K): Thank you, Hon. Temporary Deputy Speaker for giving me an opportunity to contribute on the National Drought Management Authority (Amendment) Bill, 2019.

The Bill seeks to amend the original Act and give permission to the National Drought Management Authority to receive donations directly from well-wishers. Many times, when there is a drought emergency, organisations want to donate food, for example, to the school feeding programme, but it is done in a haphazard manner and at times, without accountability. So, the Bill brings accountability in the main Act, so that the National Drought Management Authority can account for whatever it has received from different donors.

The country is experiencing drought. Yesterday I went to a court in Meru to represent Hon. John Paul Mwirigi in some matter there and I was surprised that even Meru, which has been wet over the years, has signs of drought. In fact, in one market which is known for the sale of bananas, traders claimed that there are insufficient bananas because of drought. They are finding it unusually difficult. Therefore, that is a clear indicator that there is drought in the country. We need to manage drought better.

We have been lobbying many organisations and churches abroad and individuals to bring food donations to the country. However, there is a challenge of whether the food donations will be channeled through the Ministry of Education, which is in charge of the school feeding programme, the Ministry of Devolution or the Office of the President, through the county government system. The situation is not clear. This is a national matter that does not involve counties. Sometimes misconceptions may arise because agriculture is a devolved function, but this particular aspect is not listed in Schedule IV of the Constitution. Therefore, one cannot raise that argument. At times donations go through the county commissioners and chiefs. When people are dehydrated and die of hunger, many times there are arguments. As my friend, Hon. Washiali said, there are some chiefs who got into trouble when they claimed that someone died of hunger and there was insistence that the death was caused by something different. Signs of death caused by hunger are clear. A family in such circumstances would have gone for five days without food and water. With dehydration, chances of death are very high and can easily be deduced even without doing a post-mortem. Post-mortems are expensive. They cost up to Kshs30,000. Where there is a dispute, we should look for a volunteer doctor to ascertain the cause of death like in the case of Turkana. We need to have statistics which will help Parliament

and the Government, through the National Drought Management Authority, to make sure that certain areas of the country are supplied with sufficient food when drought hits.

Ordinarily, when there is no drought in the country, even Ukambani looks like Western Kenya, but when there is drought, you cannot find even a green leaf. Droughts are caused by climatic changes and we encourage Kenyans to plant trees. Members of Parliament should lead by example, especially through schools. The authorities concerned with growing seedlings should make sure that we increase forest cover in the country just like in America and many other places in the world.

Hon. Peter Kenneth tried that in Gatanga. If you drive towards Murang'a, when going through Hon. Peter Kenneth's constituency, now represented by Engineer Nduati, you will see an area with trees that looks almost like the American way of planting trees. The trees have changed the area. I believe if we plant many trees, we will reduce the speed of wind and we will get rainfall. Big dams change the ecological scenario of an area. In Makueni, we are doing the Thwake Dam and because it is near the Mbooni Hills, I am sure when moisture is picked there will be an increase in rainfall in that area. As a country, we can do more. We will make the work of the National Drought Management Authority easier and make sure no Kenyan dies of hunger.

In Makueni, I have made it clear that any family that is hungry should feel free to call me. I do not mind intervening as a Member of Parliament. There is no need for me to have a good meal in Parliament when somebody is dying of hunger somewhere in the country. That is why it is advisable not to throw away food. Just eat enough because there is a Kenyan or someone somewhere in the world without food.

In fact, the statistics currently from the World Food Programme (WFP) indicate that in every five minutes, somebody dies of hunger somewhere in the world. So, this law is very important and relevant to our country. We should strengthen this law and make sure that the funds are channeled through an accountable system. We also want to avoid a scenario where people steal and sell food meant for distribution. This makes the work very difficult.

The NDMA should be audited thoroughly so that we can know how much donations were received, from where, from who and where they were given. There must be proper documentation, so that people do not take advantage of the dying people. People are ruthless especially the corrupt systems and ourselves as politicians, chiefs and people in the Government. All of us, as a nation, have to fight against corruption. This is what is likely to make this law that we are passing very difficult to implement.

On behalf of the people of Makueni, we look forward to the changes, so that when food donations are made in the difficult times of drought, which we are not sure when it is going to face us, Kenyans can be served and make sure that no single Kenyan dies of hunger.

Thank you.

The Temporary Deputy Speaker (Hon. Christopher Omulele): Hon. Sitienei, Member for Turbo.

Hon. (Ms.) Janet Sitienei (Turbo, Independent): Thank you, Hon. Temporary Deputy Speaker. I also want to add my voice to the National Drought Management Authority (Amendment) Bill, 2019. Every Kenyan citizen is entitled to food, water and security. The semi-arid areas are mostly affected by severe drought year in, year out. Whenever they are affected by drought, there is shortage of food which leads to malnutrition and conflicts because of scramble for resources. Malnutrition diseases are caused by shortage of food. Therefore, this Amendment Bill, which I support, will go a long way in addressing these challenges.

I want to cite few objects of this Bill, which I think will go a long way in addressing the challenges of drought. One of them is that it is going to facilitate preparedness and timely response. Many times, the biggest challenge is poor response to drought. The amendment of this Bill is going to create effective and efficient management of resources in order to address the challenges caused by drought. Therefore, I support this Bill, so that people in the affected areas can enjoy support during the time of drought.

It will also create a common basket. Therefore, it will be easy to manage the resources whenever there is an emergency during drought, which is always there. There will also be quick release of funds and quick response to the particular challenge. Therefore, as a nation, it is a shame that people are still dying. That we have children dying of malnutrition in dry areas like Turkana, Pokot and Elgeyo Marakwet. We want our Government to address irrigation as a major issue that is going to mitigate drought. We also request the Government to address environmental conservation. Environmental conservation is going to reduce drought and climate change effects that we are experiencing in this nation.

Therefore, as a nation, we need to find ways to conserve the environment. We need to seriously look at irrigation, so that we are not just relying on rain, but we are practising irrigation in areas that are affected by drought.

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

The Temporary Deputy Speaker (Hon. Christopher Omulele): Hon. Member for Turbo, just hold on. Hon. Mohammed Sheikh, what is out of order?

Hon. Mohamed Sheikh (Wajir South, JP): Hon. Temporary Deputy Speaker, I apologise that I have interrupted my colleague on this matter. I stand under Standing Order 95, that assessing the mood of the House, I suggest that the Mover be called upon to reply.

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

Hon. Aden Duale (Garissa Township, JP): Hon. Temporary Deputy Speaker, Members have been debating since 3.00 p.m. This Bill is not about drought, it is about creating an emergency fund by amending the National Drought Management Authority Act. Never again will the Government look for money when there is drought. That account will be there. This Bill seeks to amend the National Drought Management Authority Act of 2016 by amending sections to provide for the establishment of the coordination committee and the National Drought Emergency Fund.

I beg to reply.

The Temporary Deputy Speaker (Hon. Christopher Omulele): Hon. Members, having satisfied myself that we do not have the requisite numbers, I direct that the next necessary steps with regard to this particular business will be undertaken when the matter is set down for consideration.

(Putting of the Question deferred)

The time being three minutes to 6.30 p.m., when Standing Order 43 kicks in, I will direct that we move on to that business that has been set aside for that time, namely, the Zero Hour.

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

The Temporary Deputy Speaker (Hon. Christopher Omulele): Hon. Washiali, do you wish to speak to the matter that is coming up?

Hon. Benjamin Washiali (Mumias East, JP): Yes.

The Temporary Deputy Speaker (Hon. Christopher Omulele): You will have to hold your horses until the owner of the business has moved it. Then you can have an immediate point of order. I know what you want to do. I will give you the first go at it after he finishes. Hon. Abdullswamad, proceed.

ZERO HOUR STATEMENT

GOVERNMENT DIRECTIVE ON TRANSPORTATION OF CARGO BY STANDARD GAUGE RAILWAY

Hon. Abdullswamad Nassir (Mvita, ODM): Thank you, Hon. Temporary Deputy Speaker. I want to first of all thank the House for being able to adjourn to discuss this matter of national interest. I equally want to thank the substantive Speaker for ruling that the Cabinet Secretary in charge of Transport appears before the Departmental Committee on Transport, Public Works and Housing. Some of the issues that have been raised regarding this purported directive that was signed by the Commissioner General of the KRA and the Managing Director of KPA, is that all cargo for delivery to Nairobi and the hinterland must be conveyed by the SGR and cleared at the Inland Container Depot, and that all imported cargo intended for Mombasa only shall be cleared at the Port of Mombasa.

I just want to bring it to the attention of the country that as per the figures from the National Treasury, the Railway Development Levy Fund (RDLF), from the year 2013 to date, has collected Kshs120.4 billion. Over and above the fact that the SGR is running as a commercial entity, we, as Kenyans, are subsidising its operations through the RDLF. I want to give facts and figures. The number of container freight stations (CFSs) that are within the environment in Mombasa are 23. Statistics show that there are 37,000 people who are directly and indirectly employed by these CFSs. Currently, we have more than 10,000 fleet of trucks in this country. It means, on average, from those who work in offices to the truck drivers, about 40,000 people have been employed. We are not even talking about those who deal in spare parts and related services.

We now look at the clearing and forwarding companies. They are now being told to shut down because their clients have their headquarters in Nairobi. All these clearing and forwarding companies will shut down leading to unemployment of thousands of Kenyans who reside within the County of Mombasa and other counties within the Coast region. The economic impact of this development does not tally with the measure of the directive that has been issued by the KPA and KRA. It is important for Kenyans to realise that today we are looking at cargo. If we let this go today, nothing will stop the Government tomorrow from compelling people to travel by the SGR. That means that tomorrow, all the buses that ply these routes will be told to stop operations. It is not an issue of inefficiency. Facts and figures indicate that inefficiency is more when it is used by the SGR than private transport companies. Facts and figures do not lie. The level of logistics available in Mombasa and what is available in terms of handling capacity is much more than what the Inland Container Depot can handle. It is even much more than what

Naivasha and Gilgil can handle. So, saying that you are compulsorily moving all these is a bit wanting.

I am glad the mood of this House earlier on was in support of my Motion of Adjournment. It was in support of the fact that the Speaker had ruled. As a matter of fact, I am even glad that the Whip of the Majority Party, the Leader of the Majority Party, the Leader of the Minority Party and colleagues are all in agreement. This needs to be a wakeup call. Hopefully, when the Cabinet Secretary stands in front of the representatives of the people on Thursday, he will say that they made an error and are backtracking on the decision.

The Temporary Deputy Speaker (Hon. Christopher Omulele): Hon. Washiali.

Hon. Benjamin Washiali (Mumias East, JP): Thank you, Hon. Temporary Deputy Speaker. Given the interest and the time allocated to this Adjournment Motion and, looking at the interest of Members, I request that you reduce the time allocated for each Member to speak to three minutes, so that we can have all of us discussing or debating this matter.

The Temporary Deputy Speaker (Hon. Christopher Omulele): It is already set out in the Standing Orders. Standing Order No.43(3) states that any Member speaking to this will do so for only three minutes. So, let me not take any Member's time. Let us move on quickly. I will just run through the list the way it is.

I give the first opportunity to the Member for Likoni, Hon. Mboko.

Hon. (Ms.) Mishi Mboko (Likoni, ODM): Asante sana Naibu Spika wa Muda. Hata mimi nasimama kuunga mkono Hoja hii ambayo imeletwa na Mbunge mwenzangu kutoka Mvita kuzungumzia mambo ya uchukuzi wa shehena ama makasha katika bandari yetu ya Mombasa. Nazungumzia suala hili kwa sababu agizo hili ambalo limetolewa kwamba kila kasha, shehena ama mizigo ambayo itaingia poti itumie reli ni jambo ambalo litaathiri uchumi, haswa wa sehemu ya Mombasa, Pwani na hata Kenya kwa jumla. Tunajua kwamba wakati wafanyibiashara wanaleta mizigo ama mali kutoka sehemu tofauti tofauti, mali hii huwa si ya Nairobi peke yake. Mali nyingine ni ya Mombasa, nyingine ni ya Voi na sehemu zingine za nchi yetu ya Kenya, kabla kufika Nairobi. Kwa hivyo, iwapo mtu atalazimishwa mizigo ifike Nairobi tena irudi Mombasa, hizo ni gharama mara ya pili.

Jambo la pili, tunazungumzia kujenga ajira. Agizo hili linazungumzia kumaliza ajira zilizoko hivi sasa. Tunajua mambo ya uchukuzi yamejenga ajira kwa vijana wengi sana. Mambo ya CFSs, ya *clearing and forwarding* na mambo mengi ambayo yanafanyika katika bandari yetu yanapeana ajira nyingi sana kwa vijana wetu. Itakuwaje tunazungumzia kujenga ajira na huku tunavunja ajira zilizoko?

Vilevile, tuulize, SGR iliyoko ina uwezo wa kubeba ile mizigo ama yale makasha yote yanayoingia katika bandari ya Mombasa kwa wakati unaofaa? Ni lazima tuangalie wakati katika biashara. Wakati ukipotea, uchumi unapoteza na pia faida nyingi imepotea. Kwa hivyo, iwapo tunataka kutengeneza maamuzi ya kutoa agizo lolote, lazima kwanza tuangalie faida na hasara zake ni gani. Tunajua kuna changamoto katika mambo ya SGR. Iwapo changamoto hii itafanyika au kutatuliwa kwa njia ya kuumiza Wakenya wengi, hili ni jambo ambalo halifai.

Kwa hivyo, agizo hilo si sawa na hatutaliunga mkono. Sisi viongozi tunakemea sana agizo hili. Kwa sababu soko la Kenya ni soko huru, tunataka uamuzi.

The Temporary Deputy Speaker (Hon. Christopher Omulele): It is three minutes, Hon. Members. Hon. Kolosh.

Hon. Ahmed Kolosh (Wajir West, ODM): Thank you, Hon. Temporary Deputy Speaker.

We live in a country that has a liberalised free economy where as long as the businesses you do are legal and you do them within the law, you cannot be forced to do them how certain

people want. What is coming out now is that very soon, Members of Parliament will be asked to use “X” or whatever commuter systems to come to Parliament. They will be told: “Do not go to restaurant A, go to restaurant B” because of businesses, maybe, belonging to influential people. We must say the truth. Kenya over-borrowed to construct the SGR, which cost four times the cost the Ethiopian Government used to construct an electronic railway system which is much faster than what we have. Kenyans were not consulted on what means of transport they want to use from the port. It is unfortunate that today, we are discussing restrictions of movement of our goods by the Government and bureaucrats. This House must rise up and say “no” to some of the things that are happening. Why should the transport I use be their business when I import whatever number of containers and I want to sell the goods in Nairobi or Mombasa or to take them out of the country? Do I not have a choice - as long as I pay taxes - on the means of transport that is cheaper and faster for me? Do I not have a choice to transport my goods as I like?

This Government is testing the waters and the things in store for the people of Kenya are beyond. I want to thank my colleague from Mvita, but this should have come as a substantive Motion, where we censure the Cabinet Secretary and the Kenya Revenue Authority because KRA has the responsibility of collecting taxes and nothing else; not regulating means of transport. We want this House to go a notch higher to ensure that this kind of monkey business that the Government brings through the backdoor, whether it is in the transport system or any other matter, we must be awake, stop the issue of this and that party and the Handshake and stand up for Kenyans and be ready to be counted.

Thank you, Hon. Temporary Deputy Speaker.

The Temporary Deputy Speaker (Hon. Christopher Omulele): Hon. ole Sankok. Hon. Pkosing, kindly take note of the concerns of Members. You are the Chair of the departmental committee dealing with transport issues.

Proceed, Hon. Sankok.

Hon. David ole Sankok (Nominated, JP): Thank you very much, Hon. Temporary Deputy Speaker, for giving me the opportunity to add my voice to such a very important Motion. Let us speak the truth. The circular itself is retrogressive, ignominious, unpalatable, archaic, barbaric and made in total bad faith and against all written and unwritten laws.

(Technical hitch)

We are in a liberalised economy. If the SGR is competitive enough, it should attract more customers, Chinese loans and the Handshake notwithstanding. We should not kill the economy of Kenya that has grown from Independence. We cannot throw away the child with the bath water.

There are people who have been depending on the transport system. There are people with loans that they used to buy lorries because they knew the transport system between Mombasa and other parts of this country is a booming business. Many people are employed by the transport system. We cannot kill this transport system and deny Kenyans an opportunity of employment simply because we want to pay loans that we borrowed without considering where we would get money to repay them. This House must rise up and say no to forceful transportation and any type of forceful business because we are in a liberalised country. We cannot be coerced by anybody to use any means of transport that some of the players have interest in.

I support the Member for Mvita. This House must stand and be counted that we support Kenyans. We will stand with Kenyans no matter what, even if we belong to Jubilee or ODM. When it comes to Kenyans, it is Kenyans first.

Thank you, Hon. Temporary Deputy Speaker.

The Temporary Deputy Speaker (Hon. Christopher Omulele): Hon. Mwamkale Kamoti, Member for Rabai.

Hon. William Mwamkale (Rabai, ODM): Thank you, Hon. Temporary Deputy Speaker. I support Hon. Nassir for this statement. Indeed, as my colleagues have averred, this is a very retrogressive directive. This is a country governed by democracy and liberalisation of the economy is a tenet of democracy. Whoever gave this directive should come out clearly and tell Kenyans why he wants to take this country back to where we were before democracy set in. As a result of such directives, many towns, not only in the Coast region, but along the Mombasa-Nairobi Highway, have come up as a result of the transport business that is flourishing along the road. Many people have invested in buying land along the road. They have put up SFSs and godowns in Mombasa. If all cargo destined for upcountry and hinterland must be transported through the SGR, this means that those godowns are going to close down. Also, transporters will have no business. As a result, many workers will be laid off. We are grappling with the unemployment problem. The transporters have employed, based on the figures given by my colleague, over 7,000 people. If these people are to be laid off, if SFSs are to close down, some regions are going to be economically grounded. This is not only in Mombasa or the Coast region, but these companies are all over. This country is governed by democracy. Our economy should be liberalised and such a directive should be termed as unconstitutional and should have no place in Kenya.

The Temporary Deputy Speaker (Hon. Christopher Omulele): I hear you, Hon. Kamoti. Hon. Mlolwa, Member for Voi.

Hon. Jones Mlolwa (Voi, ODM): Thank you, Hon. Temporary Deputy Speaker. From the outset, I want to support the Motion and denounce the directive which was given by the Government that all goods must be transported through the SGR. In the first place, it appears this railway line was never thought of properly. It was done in a hurry. We do not know what the agreement said, but it was done in a lot of secrecy. It is high time as leaders we demanded to know the contents of the agreement between the governments of China and Kenya.

Two, if we are going to force everybody to use the SGR, it means all the towns all the way from Changamwe to Mlolongo are going to close down. How many Kenyans have been employed by the railway line apart from the Chinese? If we are insisting that all the goods will be transported through the railway line, it means all Kenyans who are employed by the transport companies, including their dependents and everybody who owns a hotel or a shop along the road will close down because of one entity. We shall not allow this. As leaders, it is high time we demanded to see the contents of the agreement between the two governments.

Thank you, Hon. Temporary Deputy Speaker.

The Temporary Deputy Speaker (Hon. Christopher Omulele): Hon. Mohamed Sheikh, Member for Wajir South.

Hon. Mohamed Mohamud (Wajir South, JP): Thank you very much, Hon. Temporary Deputy Speaker. I support the Motion that has been raised by my colleague, the Member for Mvita. I realise that the point that has been raised is quite critical. Transport is one of the major earners of income for many families. Therefore, monopolising transportation is one thing that is

unacceptable. Whoever made that decision and however the decision was made is quite wrong. I stand here to reject the suggestion that only the SGR will be used for transportation.

It is very critical that we understand that there are families who are dependent on the inland transportation. They have invested quite substantially. They have invested billions of shillings in inland transportation. Therefore, it is quite important that we realise that the value they add to this country in terms of tax income is very essential.

Therefore, monopolising transportation in this country is not acceptable. I reject the proposition that has been laid before us that inland transportation will no longer be used except through the SGR, which was established through loans. The SGR loan was exponentially borrowed and it is huge in terms of the interest that it incurs. It is already putting pressure on our income.

I support the Motion that has been raised by my colleague from Mvita and reject the proposition to use the SGR as a monopolised means of transport from the Port of Mombasa to the inland.

Thank you very much, Hon. Temporary Deputy Speaker.

The Temporary Deputy Speaker (Hon. Christopher Omulele): Hon. Bady Twalib.

Hon. Bady Twalib (Jomvu, ODM): Asante sana, Mheshimiwa Naibu Spika wa Muda kwa kunipatia nafasi hii ili niweze kuchangia Hoja hii iliioletwa na ndugu yangu, Mhe. Sherrif Nassir. Nataka kuipinga vikali sana ile amri inayosema kuwa makasha yote yanayotoka katika bandari ya Mombasa yabebwe kupitia SGR hadi Embakasi. Kenya ni nchi huru na kila mfanyibiashara ana haki ya kuamua makasha yake yachukuliwe barabarani ama kwenye reli kupitia SGR. Kitu ambacho ninazungumzia ni muhimu sana. Serikali ya Kenya lazima iweze kusawazisha. Kuja kwa mradi wa SGR kusiwe ndio kifo cha makampuni yetu pale Pwani. Mwendetu moja amezungumza hapa akasema kuwa kuna mkopo kutoka China. Ikiwa Serikali ya Kenya inataka kulipa mkopo huu wa SGR, basi sharti itambue kwamba SGR si ya watu wa Pwani pekee. Ni ya Kenya nzima. Haifai kugandamiza wafanyibiashara wa Mombasa ama Pwani kwa jumla kwa sababu ya kulipa mkopo.

Amri iliyotolewa itafanya makampuni mengi yafungwe. Kule Jomvu kuna makampuni kama vile Roadtainers, Crown Petroluem, Bayussuf na mengineyo. Bayussuf ni moja ya makampuni mashuhuri nchini. Hata Mhe. Kalembe Ndile alifanya kazi katika Kampuni ya Bayussuf. Kama kampuni hiyo ingekuwa imekufa, hatungeweza kumuona Kalembe Ndile kama tunavyomuona leo.

Tukilazimisha makasha yabebwe na SGR pekee, baadaye wale wanaotumia mabasi wataambiwa waanze kutumia SGR na sio mabasi. Hakika wauzaji mafuta, vipuli na wengineo wataharibiwa biashara zao. Matokeo ni kwamba miji mingi ikiwemo Jomvu, Changamwe na Mlolongo yatakufa. Kwa hivyo, nachukua fursa hii kupinga amri hii vikali.

The Temporary Deputy Speaker (Hon. Christopher Omulele): Hon. Mwashetani.

Hon. Khatib Mwashetani (Lungalunga, JP): Thank you, Hon. Temporary Deputy Speaker for giving me this opportunity to add my voice to oppose the directive that has been given by the Executive.

The stage was set before for this directive. Initially, it was verbal, but later the Executive realised there was no reaction from the locals or the transport operators. They realised that there was need to transform from verbal means to writing. That is why they came up with this directive. Practically, it is more expensive to transport a container from Mombasa to Nairobi using the SGR. This has even made it difficult for the users of commodities. Looking at the economic implications, 70 per cent of our goods are imported. If the cost of transportation is

high, then definitely, the end user has to cough more. Looking at this kind of impact, this move is totally retrogressive.

If it is about efficiency or repayment of the loan used to construct the SGR, the Cabinet secretary does not need to use this mechanism. First, we ought to have ascertained the feasibility study carried out on the project showing how it would make returns. As a House, we should ensure that all Government projects undertaken by consultants give proper projections on how adequate returns will be made. I congratulate my colleague, Hon. Sheriff Nassir, for coming up with this Adjournment Motion. It is timely. I want to urge the House to put its foot down and ensure that this is not achieved as per the expectation.

The Temporary Deputy Speaker (Hon. Christopher Omulele): Hon. Jomo Washiali.

Hon. Benjamin Washiali (Mumias East, JP): Thank you, Hon. Temporary Deputy Speaker. I support Hon. Sheriff for bringing this Adjournment Motion. Section 95(5)(b) of the Constitution mandates this House to provide oversight on State organs.

The reason we supported the introduction of the SGR was to improve the economy, provide employment, add value and protect our roads. Protection of our roads involves controlling overweight containers because of the destruction the trucks cause on our tarmac roads. It is important for us to create a means of transport that would safeguard our tarmac roads because the Government spends quite a bit of money putting up these roads.

The question we should quickly be asking the Cabinet Secretary is whether the reasons that made us develop the SGR as a Government have been achieved. As you can see from his move, we are going to destroy a source of employment. As Members, I do not think we should stand and watch this happen. As he comes on Thursday, through your order, I wish he comes with the statistics on how the loan which was used to construct the SGR has been repaid. I want to believe that before the SGR was constructed, a feasibility study was done showing how the repayment would be made.

Therefore, as he comes on Thursday, he should come with evidence on how much has been repaid. Nobody has told us how much has been repaid and where the money has come from. What I hear is that the passenger trains are full every time. If you went to the Inland Container Depot, it is clogged because there are too many containers. If he has given an order that all containers come through the SGR, where will they be handled from?

Hon. Temporary Deputy Speaker, the Cabinet Secretary must show us the value addition of the SGR. He must allow other players in the field to remain and continue with what they were doing.

I thank you, Hon. Temporary Deputy Speaker.

The Temporary Deputy Speaker (Hon. Christopher Omulele): Hon. Pkosing.

Hon. David Pkosing (Pokot South, JP): I thank you, Hon. Temporary Deputy Speaker for giving me this opportunity. I also thank my colleagues. I was away in my constituency and have just landed. I heard this matter was coming to the Floor and is very critical and so, I had to rush from Wilson Airport quickly to attend to Hon. Members because my Committee respects Hon. Members.

Secondly, I will not give my opinion because that will be prejudicial to what the CS is coming to do on Thursday. I want to assure Hon. Members that I have heard their concerns. This is within Article 95 of the Constitution, that this House handles issues that affect the people. So, when issues reach this level, they are within Article 95 of the Constitution. I will assure the House and the people of Kenya particularly those affected that the Government's responsibility

is to listen to the people. So, if something affects the people, then the Government has to listen. It has no option but listen particularly on this one.

Hon. Omar Mwinyi (Changamwe, ODM): On a point of order.

The Temporary Deputy Speaker (Hon. Christopher Omulele): Hon. Member for Changamwe what is out of order?

Hon. Omar Mwinyi (Changamwe, ODM): Hon. Temporary Deputy Speaker, I am perturbed by the Chairman of the Departmental Committee on Transport, Public Works and Housing, who is talking about the Government listening to the people and yet his own Committee never listened to its own Members and the general public. So, what is he talking about?

The Temporary Deputy Speaker (Hon. Christopher Omulele): Hon. Member for Changamwe, you are out of order.

Proceed Chair.

Hon. David Pkosing (Pokot South, JP): Thank you, Hon. Temporary Deputy Speaker for protecting me. I do not think that is a point of order but I respect him and I know why he is saying that.

However, if the CS's aim was to block other businesses, that will not work. I want to assure the House. I urge Hon. Members who are here that on that day, I plead with them and particularly Hon. Abdullswamad to appear before the Committee so that we can prosecute this matter.

I assure the House that this Committee will listen to the people and we will transact the business and protect the interest of Kenyan people.

As I conclude, we should not abuse our own installations. These installations are for this country. We are concerned about the notices and so on but we should protect the interest of this institution. So, Hon. Members and those who raised the questions, you are welcome on Thursday. We will handle it in the best interest of the people of Kenya and not favour individuals or the Government. I thank you.

The Temporary Deputy Speaker (Hon. Christopher Omulele): Very well, Hon. Members, this is a statement that finds a lot of resonance with the Hon. Temporary Deputy Speaker and his sense of fairness and respect for choice. So, I hope as the Chair for Transport says, the CS will have some good answers why he wants to take away Kenyan's choices in this particular matter.

ADJOURNMENT

The Temporary Deputy Speaker (Hon. Christopher Omulele): Hon. Members, the time being 7.04 p.m., this House stands adjourned until Wednesday, 7th August 2019, at 9.30 a.m.

The House rose at 7.04 p.m.