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REPUBLIC OF KENYA



THE NATIONAL ASSEMBLY


TWELFTH PARLIAMENT – FOURTH SESSION

SELECT COMMITTEE ON IMPLEMENTATION

SNA  
30/6/2020

REPORT ON

SUBMISSIONS FROM STAKEHOLDERS REGARDING IMPLEMENTATION  
STATUS OF LEGISLATIONS, PETITIONS AND RESOLUTIONS PASSED BY THE  
HOUSE

	
THE NATIONAL ASSEMBLY PAPERS LAID	
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NAIROBI

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## Table of Contents

Table of Contents.....	1
ABBREVIATIONS & ACRONYMS.....	7
EXECUTIVE SUMMARY .....	8
1.1 Mandate of the Committee.....	10
1.2 Committee Membership.....	11
1.3 Committee Secretariat.....	13
2.0 INTRODUCTION .....	14
IMPLEMENTATION STATUS OF VARIOUS HOUSE RESOLUTIONS .....	16
3.0 MOTIONS .....	16
3.1 Resolution that the National Government formulates and implements a policy on the criteria for recruitment and remuneration of Village Elders .....	16
3.1.1 Implementation status .....	16
3.1.2 Observation .....	16
3.1.3 Challenges .....	16
3.1.4 Recommendation .....	16
3.2 Resolution that all Disciplined Forces should give first priority to National Youth Service (NYS) graduates during recruitment .....	16
3.2.1 Implementation status .....	17
3.2.1 Observation .....	17
3.2.2 Recommendation .....	17
3.3 Resolution on a review of terms and conditions for recruitment, remuneration and deployment of National Police Reservists in arid and semi-arid (ASALs) areas.....	17
3.3.1 Implementation status .....	17
3.3.2 Observations .....	18
3.3.3 Recommendations.....	18
3.4 Resolution that the Government exercises its power to protect Kenya from harassment by external threats and takes adequate measures to ensure that Kenyan territorial integrity is guaranteed and safeguarded including through the establishment of a naval force to man the Lake Victoria Waters.....	18
3.4.1 Implementation status .....	18
3.4.2 Observations .....	19
3.4.2 Recommendation .....	19
3.5 Resolution on the Fast-tracking of the Implementation of National Employment Authority (NEA) Act .....	19
3.5.1 Implementation status.....	19
3.5.2 Observation.....	19
3.6 Resolution on the Establishment and Maintenance of an integrated up-to date data base of persons seeking for employment .....	19
3.6. 1 Implementation status.....	19
3.6.2 Observation .....	19



3.6.3 Recommendation.....	19
4.0 REPORTS.....	20
4.1 The Report on the Ratification of the East African Community Protocol on Cooperation in Meteorological Services.....	20
4.1.1 Committee Recommendations.....	20
4.1.2 Implementation status.....	20
4.1.3 Observations.....	20
4.2 Report on the East African Community Protocol on Information and Communication Technology Networks.....	21
4.2.1 Committee Recommendation.....	21
4.3 Report on the Inspection Visit to the Isebania One Stop Border Post.....	21
4.3.1 Committee Recommendations and Implementation status.....	21
4.3.2 Observations.....	23
4.3.3 Challenges.....	23
4.3.4 Recommendations.....	23
4.4 Report of the Departmental Committee on Environment and Natural Resources on the Inquiry into Forest Resource Management and Logging Activities in Kenya.....	23
4.4.1 Implementation status.....	23
4.4.2 Observations.....	27
4.5 Inquiry into Procurement and Implementation of the Excisable Goods Management (EGMS) System for Printing, Supply and Delivery of Security Revenue Stamps Complete with Track and Trace System, and an Integrated Production Accounting System by the Kenya Revenue Authority.....	28
4.5.2 Implementation status.....	30
4.5.3 Observations.....	31
4.6.2 Observation.....	31
4.6.3 Recommendation.....	31
5.0 PETITIONS.....	32
5.1 Report on Petition on the challenges in the implementation of the Social Assistance Programme in Samburu North Constituency by Hon. Alois M. Lentoimaga, M.P... 32	32
5.1.1 Committee's recommendations and status of implementation.....	32
5.1.2 Observation.....	34
5.2 The Report on a Petition on behalf of residents of Mowlem Ward, Embakasi Irregular allocation of Land LR. 11379/3.....	34
5.2.1 Recommendations of the Departmental Committee on Lands.....	35
5.2.2 Implementation Status.....	35
5.2.3 Observation.....	35
5.2.4 Challenge.....	35
5.2.5 Recommendation.....	35
5.3 The Report on a Petition on Rectification of Records in the Register for Land Parcel Number Igembe/Ndoleli/ Athina/ Ruujine/ 2554.....	35



5.3.1	Recommendation by the Departmental Committee on Lands .....	36
5.3.2	Implementation Status .....	36
5.3.3	Observations .....	36
5.4	The Report of the Departmental Committee on Lands on the Petition on the resettlement of Ntiriti Subuiga Squatters on land parcels Nos. 2806/3 (Subuiga Bosnia) and 2822/3 (Ntiriti Settlement Scheme).....	36
5.4.2	Observation.....	36
5.5	Report on the Public Petition regarding implementation of delocalization policy by the Teachers' Service Commission .....	36
5.5.1	Recommendations of the Departmental Committee on Education and Research 37	
5.5.2	Implementation Status .....	37
5.5.3	Observations .....	38
5.5.4	Recommendation .....	38
5.6	Petition on the proposed demolitions of buildings for purposes of expansion of Likoni Lunga Lunga Road.....	38
5.6.1	Committee Recommendations.....	38
5.6.2	Status of Implementation.....	39
5.6.3	Observation .....	39
5.7	Petition on the construction of speed bumps and the establishment of rumble strips between Madeya and Rangala Trading centers along Kisumu-Busia Highway .....	39
5.7.1	Implementation Status.....	39
5.7.2	Observations.....	39
5.8	Petition for the erection of bumps and construction of a footbridge at Kangoro Bus Stop along Embu-Meru Highway.....	39
5.8.1	Status of Implementation.....	39
5.8.9	Observation.....	40
5.8.9	Recommendation .....	40
5.9	Petition on the upgrading of Old Mombasa Road/ Maasai Road A, B & C in Nairobi County to bitumen standards to ease movement of people, goods and services.....	40
5.9.1	Status of Implementation.....	40
5.9.2	Recommendation .....	40
5.10	Petition on the erection of speed bumps along Kakamega-Mumias Road .....	40
5.10.1	Committee Recommendations .....	41
5.10.2	Status of Implementation.....	41
5.10.3	Status of Implementation.....	41
5.11	Petition on decongestion of Bomas –Ongata; Rongai – Kiserian Road .....	41
5.11.1	Committee Recommendations.....	41
5.11.2	Status of Implementation.....	42
5.11.3	Observation .....	42

5.11.4 Recommendation .....	42
5.12 Petition on the delayed carpeting of a section of the Meru-Maua Road from Farm to Murera gate, Meru National Park .....	42
5.12.1 Committee recommendations .....	43
5.12.2 Status of Implementation .....	43
5.12.2 Observation .....	43
5.13 Petition on delayed reconstruction of Kabani-Kangundo Bridge along Thwake River .....	43
5.13.1 Committee Recommendations .....	43
5.13.2 Status of Implementation .....	44
5.14 Petition on the dilapidated state of the sections of Karatina-Jambo Road Loop Through Ihwagi, Giakaibei and Kagochi to Karatina University and Gitunduti, Gaikuyu to Karatina Hospital .....	44
5.14.1 Committee Recommendations .....	44
5.14.2 Status of Implementation .....	45
5.14.3 Recommendation .....	45
5.15 Petition on tarmacking the Gatiguu/McVast-Matangani-Ithanga-Kirathani-Mayuuya/ Ng'ang'a- Makuyu Road .....	45
5.15.1 Status of Implementation .....	45
5.15.2 Observation .....	45
5.15.3 Recommendation .....	45
5.16 Report on the Petition regarding lifting of the ban on logging and harvesting of the Mangroves in Lamu County .....	45
5.16.1 Recommendations of the Departmental Committee on Environment & Natural Resources .....	46
5.16.2 Implementation status .....	46
5.16.3 Observation .....	47
5.17 Report on a petition on alleged impending demolition on buildings along the Mtandawanda –Kizingitini Road in Pate Island .....	47
5.17.1 Recommendations by the Departmental Committee on Transport, Public Works and Housing:- .....	48
5.17.2 Implementation status .....	48
5.17.3 Observation .....	48
5.18 The Petition on Oil marketers Companies involved in the supply and distribution of Jet A1 Fuel .....	48
5.18.1 Recommendations by the Departmental Committee on Energy .....	49
5.18.2 Implementation status .....	50
5.18.3 Observation .....	51
5.19 Report on the Petition regarding fraudulent Medical Bill issued by MP Shah Hospital on Account of treatment of the Late Matilda Anyango .....	52

5.19.1	Departmental Committee on Health Recommendations.....	52
5.19.2	Implementation Status by Pharmacy and Poisons Board on Recommendation No. (ii).....	52
6.0	COMMITTEE OBSERVATIONS .....	54
7.0	COMMITTEE RECOMMENDATIONS .....	55



**ANNEXURES**

MINUTES

ADOPTION LIST

SUBMISSIONS

## ABBREVIATIONS & ACRONYMS

CBK	Central Bank of Kenya
EIA	Environment Impact Assessment
FY	Financial Year
GoK	Government of Kenya
ICT	Information Communication Technology
KDF	Kenya Defence Forces
Kshs.	Kenya Shillings
KWS	Kenya Wildlife Services
TSC	Teachers Service Commission
PELIS	Plantation Establishment and Livelihood Improvement Scheme
MNOs	Mobile Network Operator
NA	National Assembly
NPS	National Police Service
NPR	National Police Reservists
NYS	National Youth Service
OSBP	One Stop Border Point
REDD +	Reducing Emissions from Deforestation and forest Degradation, plus the sustainable management of forests, and the conservation and enhancement of forest carbon stocks
RRI	Rapid Response Initiative
SAF	Social Assistance Fund
SMART	Specific, Measurable, Achievable, Realistic and Time bound

## **CHAIRPERSON'S FOREWORD**

The Select Committee on Implementation is mandated to scrutinize resolutions of the House (including adopted Committee reports), petitions and the undertakings given by the National Executive and examine whether such decisions and undertakings have been implemented within the sixty (60) days provided for in the Standing Orders and whether such implementation has taken place within the minimum time necessary and satisfactory explanation for the delay in full implementation provided.

The Committee wrote to the various Ministries on 23<sup>rd</sup> July, 2018 and again on 23<sup>rd</sup> July, 2019 requesting for implementation status of resolutions, petitions and adopted Committee reports passed by the House. The status of implementation included in the report contains submissions by various Ministries and Government Agencies received from August, 2018 to November, 2019. The report entails a compilation of the responses received and their status of implementation as at the time of adoption of the report.

The Committee registers its appreciation to the Office of the Speaker and the Clerk of the National Assembly for facilitating it towards the achievement of its mandate and the production of this report.

Pursuant to Standing Order 199 (6), it is, therefore, my pleasant duty and privilege, on behalf of the Select Committee on Implementation, to lay this report on the Table of the House.

**HON. MOITALEL OLE KENTA, MP**



## EXECUTIVE SUMMARY

In line with its mandate, the Select Committee on Implementation wrote to various Ministries seeking the status of implementation of various House resolutions. This is pursuant to Standing Order 209 (2) which provides that the Committee shall scrutinize the resolutions of the House (including adopted Committee reports), petitions and the undertakings given by the National Executive and examine whether or not such decisions and undertakings have been implemented and where implemented, the extent to which they have been implemented; and whether such implementation has taken place within the minimum time necessary and whether or not legislation passed by the House has been operationalised and where operationalised, the extent to which such operationalisation has taken place within the minimum time necessary.

The Committee wrote to the Ministries and Government Agencies on 23<sup>rd</sup> July, 2018 and again on 23<sup>rd</sup> July, 2019 with an attached list of House Resolutions pending before them seeking their status of implementation, including challenges being faced while implementing them. The Committee during its various sittings scrutinized the written submissions received from the stakeholders, it also held meetings with some Ministries to seek clarification and deliberate further on submissions provided. The records of evidence submitted to the Committee form the basis of the Committee's report on the implementation status as outlined in the Report.

In its deliberations, the Committee observed that lack of legal frameworks to guide government policies hampers efficient implementation and operations of policies. Also, inadequate budgetary allocations hinder implementation of House Resolutions. Further, late and incomplete responses by Ministries usually lead to back and forth communication with the Committee thus delaying reporting to the House. Additionally, most of the motions/legislations introduced in the House are not subjected to a thorough scrutiny on the viability of their implementation. This makes the House to pass resolutions that are not in line with the existing Government's Agenda and Mid-term policies. The Committee also observed that the inordinate delay of court cases is hampering the implementation of House resolutions and consequently the Committee is unable to conclusively report on the implementation of affected resolutions, especially under the Ministries of Lands, and Environment & Forestry.

The Committee after deliberations recommends that:-

- 1. Clear legislations should be developed to implement various government policies.**
- 2. The National Assembly should develop an online tracking tool for the implementation of House resolutions as a matter of priority for effective follow up of implementation of House resolutions.**
- 3. The National Assembly should enhance its scrutiny of laws, resolutions and motions to ensure that resolutions passed are implementable.**
- 4. The House and by extension committees should ensure all resolutions passed are Specific, Measurable, Achievable, Realistic and Time bound, to ensure they are implemented and for effective follow up of the same.**

## **1.0 PREFACE**

### **1.1 Mandate of the Committee**

The Select Committee on Implementation is established pursuant to the provisions of Standing Order 209 of the National Assembly Standing Orders. The Committee scrutinizes the resolutions of the House (including adopted Committee reports), petitions and the undertakings given by the National Executive and examine whether or not such decisions and undertakings have been implemented and where implemented, the extent to which they have been implemented; and whether such implementation has taken place within the minimum time necessary; and whether or not legislation passed by the House has been operationalized and where operationalized, the extent to which such operationalization has taken place within the minimum time necessary.

Standing Order 201 further provides that, within sixty days of a resolution of the House or adoption of a report of a select committee, the relevant Cabinet Secretary under whose portfolio the implementation of the resolution falls shall provide a report to the relevant committee of the House in accordance with Article 153(4) (b) of the Constitution.

## 1.2 Committee Membership

The Committee membership comprises -

### **Chairperson**

Hon. Moitalel Ole Kenta, MP

Narok North Constituency

### **Orange Democratic Movement**

### **Vice Chairperson**

Hon. Godfrey Osotsi, MP

Nominated

### **Amani National Congress**

### **Members**

Hon. Maj. (Rtd.) John Waluke Koyi, MP

Sirisia Constituency

### **Jubilee Party**

Hon. Paul Simba Arati, MP

Dagoretti North Constituency

### **Orange Democratic Movement**

Hon. Alois Lentoimaga, MP

Samburu North Constituency

### **Jubilee Party**

Hon. Joseph Wathigo Manje, MP

Kajiado North Constituency

### **Jubilee Party**

Hon. (Dr.) James Murgor, MP

Keiyo North Constituency

### **Jubilee Party**

Hon. Johnson Many Naicca, MP

Mumias West Constituency

### **Orange Democratic Movement**

Hon. Onesmas Kimani Ngunjiri, MP

Bahati Constituency

### **Jubilee Party**

Hon. George Theuri, MP

Embakasi West Constituency

### **Jubilee Party**

Hon. Francis Munyua Waititu, MP

Juja Constituency

### **Jubilee Party**

Hon. Richard Onyonka, MP

Kitutu Chache South Constituency

### **Ford Kenya**

Hon. Paul Odalo Abuor, MP

Rongo Constituency

### **Orange Democratic Movement**

Hon. Owen Yaa Baya, MP

Kilifi North Constituency

### **Orange Democratic Movement**



Hon. Hassan Oda Hulufu, MP  
Isiolo North Constituency

**Kenya Patriots Party**

Hon. Nelson Koech, MP  
Belgut Constituency

**Jubilee Party**

Hon. Joshua Mbithi Mwalyo, MP  
Masinga Constituency

**Wiper Democratic Movement-Kenya**

Hon. (Dr.) Daniel Kamuren Tuitoek, MP  
Mogotio Constituency

**Jubilee Party**

Hon. Silvanus Osoro, MP  
South Mugirango Constituency

**Kenya National Congress**

Hon. Michael Thoya Kingi, MP  
Magarini Constituency

**Orange Democratic Movement**

Hon. Generali Kiprotich Korir, MP  
Langata Constituency

**Jubilee Party**

Hon. Charles Ngusya Nguna, MP  
Mwingi West Constituency

**Wiper Democratic Movement-Kenya**

Hon. Jared Okello, MP  
Nyando Constituency

**Orange Democratic Movement**

### 1.3 Committee Secretariat

The secretariat facilitating the Committee comprise -

Ms. Tracy Chebet Koskei  
*Clerk Assistant I /Team Leader*

Mr. Peter Mwaura  
*Senior Legal Counsel*

Mr. Joseph Okong'o  
*Senior Media Relations Officer*

Mr. Abdirahman Hassan  
*Clerk Assistant II*

Mr. Donald Manyala  
*Research Officer II*

Ms. Jane Serem  
*Audio Officer*

Mr. Moses Kariuki  
*Sergeant-at-Arms*

## **2.0 INTRODUCTION**

1. The Committee commenced to appraise itself on the implementation status of House resolutions pursuant to Standing Order 209 (2) which requires the Committee to scrutinize the resolutions of the House (including adopted Committee reports), petitions and the undertakings given by the National Executive.
2. The Committee wrote to various Ministries on 23<sup>rd</sup> July, 2018 and again on 23<sup>rd</sup> July, 2019 seeking an update on the implementation status of the following resolutions and reports (inquiries and petitions) that are under their purview: -

### **Motions**

- (1) Resolution that the National Government formulates and implements a policy on the criteria for recruitment and remuneration of Village Elders.
- (2) Resolution that all Disciplined Forces should give first priority to National Youth Service (NYS) graduates during recruitment.
- (3) Resolution on a review of terms and conditions for recruitment, remuneration and deployment of National Police Reservists in arid and semi-arid (ASALs) areas.
- (4) Resolution that the Government exercises its power to protect Kenya from harassment by external threats and takes adequate measures to ensure that Kenyan territorial integrity is guaranteed and safeguarded including through the establishment of a naval force to man the Lake Victoria Waters.
- (5) Resolution on the Fast-tracking of the Implementation of National Employment Authority (NEA) Act.
- (6) Resolution on the Establishment and Maintenance of an integrated up-to date database of persons seeking for employment.

### **Reports**

- (7) The Report on the Ratification of the East African Community Protocol on Cooperation in Meteorological Services.
- (8) Report on the East African Community Protocol on Information and Communication Technology Networks.
- (9) Report of the Departmental Committee on Environment and Natural Resources on the Inquiry into Forest Resource Management and Logging Activities in Kenya.
- (10) Inquiry into Procurement and Implementation of the Excisable Goods Management (EGMS) System for Printing, Supply and Delivery of Security Revenue Stamps Complete with Track and Trace System, and an Integrated Production Accounting System by the Kenya Revenue Authority.



## Reports on Petitions

- (11) Report on Petition on the challenges in the implementation of the Social Assistance Programme in Samburu North Constituency by the Hon. Alois M. Lentoimaga, M.P.
- (12) Petition on the proposed demolitions of buildings for purposes of expansion of Likoni Lunga Lunga Road.
- (13) Petition on the construction of speed bumps and the establishment of rumble strips between Madeya and Rangala Trading centers along Kisumu-Busia Highway.
- (14) Petition for the erection of bumps and construction of a footbridge at Kangoro Bus Stop along Embu-Meru Highway.
- (15) Petition on the upgrading of Old Mombasa Road/Maasai Road A, B & C in Nairobi County to bitumen standards to ease movement of people, goods and services.
- (16) Petition on the erection of speed bumps along Kakamega-Mumias Road.
- (17) Petition on decongestion of Bomas–Ongata Rongai–Kiserian Road.
- (18) Petition on the delayed carpeting of a section of the Meru-Maua Road from Farm to Murera gate, Meru National Park.
- (19) Petition on delayed reconstruction of Kabani-Kangundo Bridge along Thwake River.
- (20) Petition on the deplorable state of Karatina-Jambo Road.
- (21) Petition on tarmacking of the Gatiguu/McVast-Matangani-Ithanga-Kirathani-Mayuuya/ Ng'ang'a- Makuyu Road.
- (22) The Report on a Petition on Non-Issuance of Title Deeds to Land Owners of Embakasi West Constituency.
- (23) The Report on a Petition on Rectification of Records in the Register for Land Parcel Number Igembe/Ndoleli/Athina/Ruujine/2554.
- (24) Report on the Public Petition regarding implementation of delocalization policy by the Teachers' Service Commission.
- (25) Report on the Petition regarding lifting of the ban on logging and harvesting of the Mangroves in Lamu County.
- (26) Report on a petition on alleged impending demolition on buildings along the Mtandawanda –Kizingitini Road in Pate Island.
- (27) Report on the Petition on Oil marketers Companies involved in the supply and distribution of Jet A1 Fuel.
- (28) Report on the Petition regarding fraudulent Medical Bill issued by MP Shah Hospital on Account of treatment of the Late Matilda Anyango.

In response, various Ministries submitted the status of implementation to the Committee.

## **IMPLEMENTATION STATUS OF VARIOUS HOUSE RESOLUTIONS**

### **3.0 MOTIONS**

#### **3.1 Resolution that the National Government formulates and implements a policy on the criteria for recruitment and remuneration of Village Elders**

3. The motion was proposed by Hon. George Murugara, M.P. and was passed by the House on 3<sup>rd</sup> April, 2019. The Ministry of Interior and Coordination of National Government submitted the status of implementation of the Resolution on 20<sup>th</sup> August, 2019. Further, the Chief Administrative Secretary in the Ministry, Hon. Patrick Ntutu appeared before the Committee on 5<sup>th</sup> November, 2019.

##### **3.1.1 Implementation status**

4. In an effort to empower citizen participation in management of security and governance in the Country, the Government has been engaging the services of respectable members of the community, commonly referred to as village elders. The elders form a key link between the Government and the members of the public through the Chiefs and Assistant Chiefs.
5. However, no facilitation has been provided for these elders over the years since the Ministry has no budgetary allocation for the payment of village elders. Further, most village elders are outside the employable age bracket approved by the Government; and, there has not been any standardization on the sizes of villages.

##### **3.1.2 Observation**

6. The Resolution has not been implemented.

##### **3.1.3 Challenges**

7. No facilitation has been provided for these elders over the years since the Ministry of Interior and Coordination of National Government has no budgetary allocation for their payment. Further, there is no legislation regarding the recruitment, deployment and remuneration of the village elders and the definition of villages and standardization of the villages across the Country.

##### **3.1.4 Recommendation**

8. There is need to fast track the development of legislation on village elders, this would formalise their existence and regulate their operations and subsequent financial facilitation.

#### **3.2 Resolution that all Disciplined Forces should give first priority to National Youth Service (NYS) graduates during recruitment**

9. The motion was proposed by Hon. Michael Muchira, M.P and was passed by the House on 18<sup>th</sup> April, 2018.
10. The motion stated that giving priority to National Youth Service graduates when disciplined forces are carrying out their recruitment will significantly reduce their recruitment cost, training period and subsequently training cost and in addition create jobs for these skilled youth. Subsequently, Parliament wrote to the Ministries of Interior and Coordination of National Government; the Ministry of Defence; Ministry of Tourism & Wildlife; the Ministry of Environment & Forestry and the Ministry of Public Service, Youth & Gender Affairs. The Ministries submitted written submission



on various dates to the Committee.

### **3.2.1 Implementation status**

11. The Ministries, on various dates responded that priority is given to NYS graduates who present themselves for recruitment, however the recruits must be fit and qualified. Factors such as national outlook, equal representation are also considered.

### **3.2.1 Observation**

12. The resolution is being implemented.

### **3.2.2 Recommendation**

13. There is need to ensure that the NYS graduates recruited into the disciplined forces qualify for the recruitment. Further, the recruitment should be free and fair and within the relevant legal framework.

## **3.3 Resolution on a review of terms and conditions for recruitment, remuneration and deployment of National Police Reservists in arid and semi-arid (ASALs) areas**

14. The motion was proposed by the Hon. Alois Lentoimaga, M.P and was passed by the House on 26<sup>th</sup> September, 2013. The Committee wrote to the Ministry of Interior on 19<sup>th</sup> March, 2019 and a reminder on the same was sent on 23<sup>rd</sup> August, 2019. The Committee received submission from the Ministry of Interior and Coordination of National Government on 20<sup>th</sup> August, 2019. Further, the Chief Administrative Secretary in the Ministry, Hon. Patrick Ntutu appeared before the Committee on Tuesday, 5<sup>th</sup> November, 2019.

### **3.3.1 Implementation status**

15. The Ministry submitted that Reserve officers are recruited, trained and deployed to compliment both Kenya Police Service and Administration Police Service in their mandate. They are kitted with existing National Police Service items of uniform.
16. Reserve Officers are entitled to free medical care from Government Medical facilities in regard to injuries sustained or illness contracted while on duty. A report of injury or death is duly prepared by his/her commander and forwarded to the Inspector General of Police.
17. A Reserve Police officer is required by law to serve for a non-extendable period of five (5) years. Promotion is done in accordance with National Police Service Act.
18. The Reservists are entitled to a stipend allowance of Kshs. 5,000 per month.
19. The Commission is yet to commence the vetting of the existing police reservists because it is still undertaking the vetting of police officers in the National Police Service.
20. Upon conclusion of vetting of the Reservists, the process of fulfilling the resolution on recruitment, remuneration and deployment shall be determined and provided as per the Act.

### 3.3.2 Observation

21. The resolution has been partially implemented, however the Committee noted that the implementation process has been very slow.

### 3.3.3 Recommendations

- (i) The stipend of Kshs. 5,000 is very little and should be enhanced. Further, the police reservists pay should be based on their rank as opposed to a flat rate for all reservists.
- (ii) The Government should expedite the process of disarmament, especially in conflict prone areas such as Suguta Valley.
- (iii) The process of recruitment of the reservists should be fast-tracked given their important role of peace keeping in ASAL areas.

**3.4 Resolution that the Government exercises its power to protect Kenya from harassment by external threats and takes adequate measures to ensure that Kenyan territorial integrity is guaranteed and safeguarded including through the establishment of a naval force to man the Lake Victoria Waters**

22. The motion was tabled by the Hon. John Mbadi, M.P, Leader of Minority and was passed by the House on 25<sup>th</sup> July 2018. The Ministry of Defence provided a written submission on 27<sup>th</sup> August, 2019.

### 3.4.1 Implementation status

- 23. The Kenya Defence Force through the Ministry of Defence is currently implementing the Boni Securitization Programme which is reinforced by deployments of Kenya Defence Forces personnel along the Kenya-Somalia Boundary. It is expected that the Boni Securitization Programme once completed will create a physical barrier to infiltration of armed insurgents into the Republic of Kenya while also providing continuous monitoring of border areas. This will facilitate timeous response to potential breach of national security.
- 24. Currently, the KDF is engaged in Operation Linda Boni multi-agency security initiative with the objective of securing Boni Forest and denying its usage by Al Shabaab. The operation is also intended to protect the citizens within Lamu and Tana River Counties and by extension the Republic of Kenya from attacks by Al Shabaab.
- 25. The Kenya Navy continues to maintain its presence within Kenya's exclusive economic zone in the Indian Ocean in order to protect Kenya's territorial integrity and sovereignty over the extended exclusive economic zone.
- 26. The deployment of the Kenya Defence Forces as part of AMISOM in the Republic of Somalia is intended to degrade and neutralize Al Shabaab inside Somalia thus deny it resources, freedom and capacity to conduct attacks within the Republic of Kenya. AMISOM operations thereof contribute to the national security of Republic of Kenya.
- 27. The Ministry of Defence led the multi-agency initiative to establish the Kenya Coast Guard Service. The Kenya Coast Guard Service Act, No.11 of 2018 had since been enacted by the National Assembly. Under Section 8 as read together with Section 2 of the Act, the Kenya Coast Guard Service is required to provide maritime security and safety in the territorial waters. Territorial waters include inland waters such as Kenya's share of Lake Victoria.
- 28. The Kenya Coast Guard Service will therefore be responsible to provide security in the territorial waters including Lake Victoria thereby protecting territorial integrity of the Republic of Kenya. It will also protect the citizens of Kenya who are undertaking legitimate activities within its territorial waters.



29. The Kenya Coast Guard Service Council is currently operationalizing Service to enable it deliver its mandate within the territorial waters.

#### **3.4.2 Observations**

30. Implementation on-going.

#### **3.4.2 Recommendation**

The Government should fast track resolving the matter of the ownership of Migingo island as it is a matter of sovereign interest.

### **3.5 Resolution on the Fast-tracking of the Implementation of National Employment Authority (NEA) Act**

31. The motion was tabled by Hon. Faith Gitau, MP and passed by the House on 18<sup>th</sup> April, 2018. The Ministry of Labour & Social Protection provided a written submission dated 30<sup>th</sup> August, 2019.

#### **3.5.1 Implementation status**

32. The Ministry of Labour submitted that the National Employment Authority (NEA) was established by NEA Act No. 3 of 2016 which was assented to by H.E the President on 1<sup>st</sup> April, 2016.
33. The Act transformed the National Employment Bureau, one of Departments of the Ministry of Labour and Social Protection into Authority. The NEA Board was constituted in October 2016.
34. Since its establishment, NEA has been able to achieve major milestone; among these are:
- i) Categorization by the State Co-operation as Advisory Committee.
  - ii) Development of the operationalization instruments.
  - iii) Development of the Strategic Plan.
  - iv) Design and implementation of curriculum on Home management.
  - v) Design and implementation of pre-departure training programme for migrant workers.

#### **3.5.2 Observation**

35. The Act has been operationalized.

### **3.6 Resolution on the Establishment and Maintenance of an integrated up-to date data base of persons seeking for employment**

36. The motion was tabled by Hon. Faith Gitau, M.P and passed by the House on 18<sup>th</sup> April, 2018. The Ministry of Labour & Social Protection provided a written submission dated 30<sup>th</sup> August, 2019.

#### **3.6.1 Implementation status**

37. NEA is the Government agency mandated to provide public employment services to jobseekers and employers. Section 20 (1) (2) of the NEA Act requires any person seeking employment to register with NEA. These services are not charged. NEA has developed an online system for registration of jobseekers (NEAIMS). This is a robust system that facilitates registration and placement of jobseekers in employment.

#### **3.6.2 Observation**

38. Resolution has been implemented.

#### **3.6.3 Recommendation**

There is need to need to create more awareness of the existence of the Authority.

## **4.0 REPORTS**

### **4.1 The Report on the Ratification of the East African Community Protocol on Cooperation in Meteorological Services**

39. The Committee on Regional Integration tabled its report on the consideration of the East African Protocol on Cooperation in Meteorological Services, on 22<sup>nd</sup> August, 2018.

#### **4.1.1 Committee Recommendations**

##### **(1) On the Protocol**

40. Having considered the protocol, the Committee recommended that the National Assembly approves the ratification of the Protocol.

##### **(2) On Bills:-**

41. The Committee recommended that the following Bills await re-introduction into the Fourth Assembly of the East African Legislative Assembly:

- (1) The EAC Cross Border Trade in Professional Service Bill, 2017.
- (2) The East African Community Prohibition of Female Genital Mutilation Bill, 2016.
- (3) The EAC Retirement Benefits or Specified Heads of Organs Bill, 2016.
- (4) The EAC Youth Council Bill, 2017.

##### **(3) The Committee further recommended that the Ministry of East African Community should:-**

42. Submit the versions forwarded for assent of the East African Community Counter-Trafficking in Persons Bill, 2016 and the East African Community Prohibition of Female Genital Mutilation Bill, 2016 before the Committee could give its input in respect of the same.

#### **4.1.2 Implementation status**

43. The Ministry of East African Community and Regional Development made a written submission vide a letter dated 3<sup>rd</sup> August, 2019 on the following as the status of implementation:-

- (1) The instrument of ratification of the protocol has since been deposited with the EAC secretariat. Other partner states are at various stages of ratifying the protocol. The protocol will come into force upon ratification by all the partner states.
- (2) The first batch of the bills lapsed with the 3<sup>rd</sup> Assembly. Only the Youth Council Bill has since been reintroduced and partner states public hearings conducted.
- (3) The final versions of the East African Community Counter-Trafficking in Persons Bill, 2016 and the East African Community Prohibition of Female Genital Mutilation Bill, 2016 passed by EALA have not yet been shared with the partner states for assent.

#### **4.1.3 Observations**

44. The Protocol is yet to come into effect because it has not been ratified by other partner states in the region.
45. Bills are at various stages of consideration.



## **4.2 Report on the East African Community Protocol on Information and Communication Technology Networks**

46. The report was tabled by the Committee on Regional Integration.

### **4.2.1 Committee Recommendation**

47. The Committee recommended the ratification of the EAC protocol on Communication Technology networks since it would facilitate successful operation and cross border interconnection of broadband.

### **4.2.2 Implementation Status**

48. Uganda, Rwanda and Kenya have ratified the protocol while Tanzania is yet to. It can only come to force once all partner states have ratified the protocol.

## **4.3 Report on the Inspection Visit to the Isebania One Stop Border Post**

49. The Committee on Regional Integration undertook a visit to inspect the operations at the Isebania Border Post from 22<sup>nd</sup> to 25<sup>th</sup> March, 2018 and upon return prepared a report that was tabled before the House.

50. The Committee received written submissions from the Ministry of East African Community dated 12<sup>th</sup> August, 2019. The Ministry of Interior and Coordination of National Government appeared before the Committee on 5<sup>th</sup> November, 2019 to make submissions on the matter.

### **4.3.1 Committee Recommendations and Implementation status**

51. The following is a status of implementation of the House resolutions:-

**Recommendation 1:** The Partner States should sensitize and encourage their citizens to embrace the EAC spirit of enhancing regional integration and reciprocity treatment in engaging with other Partner States. Kenya Presidential directive on free movement within EAC without requirement of passport is not reciprocated in Tanzania.

#### **Implementation Status**

- (i) The Ministry of East African Community and Regional Development integrated sensitization in the 2018/2019 work plan and conducted sensitization in various Counties;
- (ii) Kenya and Tanzania have mutual understanding of allowing border residents movement up to a distance of 15 kilometres on either side of the border without the need for travel documents. This issue was reiterated by Hon. Ministers from MEAC of Kenya and Tanzania in 2012 and 2013 in Namanga and Isebania/Sirare borders respectively; and
- (iii) The Ministry in liaison with other border agencies has continuously conducted sensitization programmes in Isebania and other borders on the need for border cohesion. The last program was carried out in July, 2018. More programmes are planned for this financial year.

**Recommendation 2:** The Partner States to implement uniform application of procedures at all border posts facilities along the Kenya/Tanzania borders in terms of clearing of goods and people at the entry/exit points. Procedures at Sirare Border Post are not similar with those at Namanga Border Post.

### **Implementation Status**

- i) A coordinated border management policy is being implemented at all border points to enhance uniform approach to border clearance procedures.
- ii) The OSBP construction is near completion, awaiting official launch by the Heads of State in November 2019. This will address asymmetry in clearance of goods and persons and reduce on time taken to undertake border clearance formalities.

**Recommendation 3:** The Partner States to lift the periodical ban on exports of fish and levies and fees imposed on the exports. There are numerous non-tariff barriers being imposed on exports out of Tanzania to Kenya. There is an export ban on Tilapia and un-processed Nile Perch from Tanzania to Kenya. High fees/levies for export permits of agricultural produce from Tanzania. These permits are only available at Dar-es-Salam as there are no local offices at Sirare to offer these services.

**Implementation Status:** The Kenya Government is continuing to engage the two partner states through the EAC structures to consider reviewing the associated levies.

**Recommendation 4:** The Department of Immigration through the Ministry of Foreign Affairs should harmonize the business visa and other related requirements. The business visa rates are higher in Tanzania.

**Implementation Status:** In April 2019, the Kenya government held bilateral meeting with the United Republic of Tanzania and agreed to initiate further talks with a view to abolishing the levies. A follow up meeting is scheduled in September 2019.

**Recommendation 5:** The Partner States to heighten security at the border areas and encourage joint border coordinating committee meetings to ensure structured engagement.

**Implementation Status:** There is an ongoing border engagement between Kenya and the United Republic of Tanzania security agencies. The engagement is under the coordination of the Cross Border Committees constituted at the OSBP. Further, in Migori, the Ministry liaises with the security agencies that hold regular meetings with counter parts from Mara District of Tanzania.

**Recommendation 6:** The additional borders entry/exit points including Muhuhu Bay, Nyamtiro and Kopanga to be gazetted and a law enacted to create mobile border stations and manned by all border agencies. The distance between Isebania border area of control and the next border entry point of Namanga is 297 km. This leaves a vast stretch along the border that is un-manned and no record of activities happening in the various border crossings. This is both a security and revenue risk to the country.

**Implementation Status:** The Ministry of Interior and Coordination of National government, in collaboration with other agencies has identified potential entry points in Migori, Kajiado and Narok, pending appropriate approval.

**Recommendation 7:** That the barrier erected at the entrance of Isebania Border Post facility by the Migori County government be removed.

**Implementation Status:** The matter has already been brought to the attention of Migori County Government and talks are ongoing involving KRA, MEAC&RD and the Migori leadership.

**Recommendation 8:** The OSBP authorities should ensure multi-stakeholder collaboration and partnership among border communities and relevant agencies.



**Implementation Status:** The Ministry has helped the OSBP to establish joint border coordination committee as a platform for coordination. The platform has support of Border management Committees. Various sensitisation forums have been organised by the International Organisation for Migration (IoM) and Border Management Secretariat.

**Recommendation 9:** The Ministry of EAC should fast track efforts to harmonize policies in order to facilitate cross border trade within the region.

**Implementation Status:** The Ministry in collaboration with the office of the Attorney General and the Kenya Law Reform Commission (KLRC) is in the process of developing a policy on harmonization of national laws to facilitate effective harmonization and approximation of laws with the Treaty and other external obligations.

**Recommendation 10:** The Government should enhance the public private dialogue involving government and communities.

**Implementation Status:** The Government holds quarterly stakeholders forum that brings together the public and private sector agencies to discuss on deepening and integration of markets. It also holds annual national dialogue forums that bring together private sector and civil society.

**Recommendation 11:** Partner states should strengthen security along the borders and encourage joint border coordinating Committee meetings to ensure structured engagement.

**Implementation Status:** The Government has adopted a “one government approach” policy geared towards addressing security issues. Further, a multi-agency team in place has boosted security along the border.

#### **4.3. 2 Observations**

52. Implementation is on-going.

#### **4.3. 3 Challenges**

53. The following are some of the challenges hindering implementation of the above House resolutions:-

- i) The United Republic of Tanzania has been slow in effecting agreed resolutions which has restricted activities such as free trade of Kenyan business entities.
- ii) The barrier erected at the entrance of Isebania OSBP by the County government of Migori is yet to be removed.

#### **4.3.4 Recommendations**

All relevant agencies should engage towards removing the barrier erected at the entrance of Isebania OSBP by the County government of Migori.

#### **4.4 Report of the Departmental Committee on Environment and Natural Resources on the Inquiry into Forest Resource Management and Logging Activities in Kenya**

54. The Departmental Committee on Environment and Natural Resources carried out an inquiry into Forest Resource Management and Logging Activities in Kenya and tabled its report on 3<sup>rd</sup> May, 2018.

55. The Ministry of Environment and Forestry made a written submission vide a letter dated 26<sup>th</sup> August, 2019 on the status of implementation of the report.

#### **4.4.1 Implementation status**

56. The following shows the Committee's recommendations and status of implementation:-

**Recommendation 1:** That The KFS withdraws from commercial plantations and gradually converts the 134,000 hectares of commercial plantation into natural forest by restoring the cleared land with indigenous trees. Subsequently, the Executive should create new natural forest boundaries with Nyayo Tea Zones in order to create buffer zones.

**Implementation Status:** The Moratorium on harvesting of Forest Plantations from Public Forest is still in force and Restoration of the un-stocked areas is ongoing.

**Recommendation 2:** The Ministry of Environment and Forestry should provide incentives, enabling policies and other relevant interventions to private commercial forest plantation in order to increase the forest cover and to promote timber Industry.

**Implementation status:** The Ministry advertised for the recruitment of Board of Directors to operationalize the Forest Conservation and Management Trust Fund which will support investments in the Forest Sector in the country.

In addition, the Ministry has developed a Strategy for increasing tree growing and therefore contribute towards the attainment of 10% tree cover. This is planned to commence in the F/Y 2019/2020.

**Recommendation 3:** KEFRI and KFS should be adequately funded and supported to develop high quality indigenous and exotic tree seedlings and nurseries in order to restore government forest land and to promote private commercial plantation.

**Implementation status:** The Ministry has secured funding from the National Treasury to support the Tree Planting Campaign and embarked on preparations for its implementation through KFS and KEFRI among other Government Agencies.

**Recommendation 4:** Punitive penalties should be entrenched in law to curb forest destruction and illegal logging. The Forest Conservation and Management Act (No. 34 of 2016) should be amended to provide for punitive penal provisions.

**Implementation Status:** The Forest Conservation and Management Act (No.34 of 2016) is currently undergoing review to provide for punitive penalties provisions.

**Recommendation 5:** Kenya should take advantage and claim carbon credits to help in her efforts at forest and general ecosystem conservation. The Ministry of Environment and Forestry should create awareness on carbon credit to enable Kenyans to embrace the programme.

**Implementation status:** The Ministry of Environment and Forestry has created Secretariat of Climate Change at its Headquarters to be responsible on matters of climate change and spearhead implementation of the public education and awareness programme.

Further, the Ministry has also launched the REDD+ programme with the support of UNDP under the funding of the Forest Carbon Partnership Facility of the World Bank. This programme will develop a strategy and investment plan to access Carbon Credits to support forest conservation.

**Recommendation 6:** Tree seedlings should be made readily available to citizens especially through empowerment of the youth and women in collaboration with KEFRI and KFS. The youth and women are encouraged to join cooperative movements in order to access cheaper seedlings under economies of scale.

**Implementation status:** Currently KFS, KEFRI and the Kenya Meteorological Department have prepared information on appropriate tree species matching with agro-ecological sites, and location of nurseries where trees and fruit trees can be accessed.



Further, KFS has an existing programme of Farm and Dryland Forestry which deals with seedlings production and tree planting outside gazetted government forests. Through this, KFS has embarked on intensifying production of tree seedlings all over the country by improving the existing tree nurseries and establishing model tree nurseries in some counties as well as encouraging schools, individuals, churches and women groups to produce the tree seedlings to make them available for planting.

**Recommendation 7:** The Ministry of Environment and Forestry should spearhead inter-ministerial collaboration with the Ministries of Petroleum and Mining, Water and Sanitation, Tourism and Wildlife in coming up with an all encompassing strategy on conservation and management of forests, water and other natural resources in the country. Their operation should be coordinated from the Office of the President.

**Implementation status:** The Ministry has prepared a draft strategy for increasing national forest cover and initiated the formation of the Inter-ministerial Committees at National and County Levels to coordinate the efforts. The Strategy is now at the Cabinet for approval.

**Recommendation 8:** The Ministry of Environment and Forestry should develop capacity of KEFRI and KFS on matching of seedlings to specific regions. The Ministry should also develop standards for the development of nurseries across the country.

**Implementation status:** Guidelines for species site matching has been developed and incorporated in the Strategy for tree growing to be enhanced by tree planting towards 10% tree cover project.

**Recommendation 9:** The Ministry of Environment and Forestry is urged to come up with a master plan on environmental conservation spanning at least 25 years in collaboration with all stakeholders.

**Implementation status:** National Forest Programme 2016-2030 has a strategic framework for forest policy, planning and implementation to coordinate the sector development. The framework will enable the ministry to coordinate forest investments in the country. Currently the process of preparing an implementation action plan which shall involve the participation of all stakeholders including the public, private sector, civil society and communities is underway.

**Recommendation 10:** The Ministry of Environment and Forestry should focus on plantations in ASAL areas to grow tree cover in the country in order to increase the supply of forest products since there is no competition in those areas in agriculture and human habitation.

**Implementation status:** The KFS has an existing programme of Farm and Dryland Forestry which deals with promotion of commercial tree growing outside gazetted government forests which include ASAL areas and is being manned by competent forest officers. The Service has posted officers to all the 47 counties to provide forestry advisory services as required.

**Recommendation 11:** The Ministry of Environment should spearhead regular tree planting exercise in collaboration with all government ministries, departments, agencies, disciplined forces, donors and other stakeholders across the country.

**Implementation status:** The Ministry and KFS have intensified partnership with government ministries, departments, agencies, disciplined forces, donors and other stakeholders across the country for enhanced tree planting e.g. KTDA, ADC, Rhino ARK among others.

**Recommendation 12:** The Ministry of Environment and Forestry should carry out an audit of the saw millers and further assessment on how to reduce them in order to ease pressure exerted on the forest.

**Implementation status:** The Ministry has commenced an audit of the saw millers through a letter Referenced DENR/EMC/40 dated 11/6/2019. KFS has developed an e-registration system that will be used for registration of all the applicants for prequalification of saw millers. Also licensing bidding on e-line is in progress.

**Recommendation 13:** KFS should put up systems in which the saw millers will be required to have corporate social responsibility programmes in order to give back to community.

**Implementation status:** KFS is developing a system in which saw millers will be required to have corporate social responsibility in their areas of operation.

**Recommendation 14:** KFS should fully implement the participatory forest management policy to ensure that Community Forest Associations benefit from the forests since they host and protect them.

**Implementation status:** Implementation of participatory management between KFS and Community Forest Associations is ongoing. KFS has done contractual agreement on forest operation role assigned to CFAs in 2019-2020 work plan.

**Recommendation 15:** CFAs should conduct regular elections to curb situations where some CFA officials collude with forest rangers or condone malpractices.

**Implementation status:** Community forest associations will be registered with the Registrar of Societies and conduct their election in accordance with the provision of that society.

**Recommendation 16:** KFS should implement the PELIS program in consultation with the CFAs to avoid conflict with the community.

**Implementation status:** KFS is implementing the PELIS program in consultation with the CFAs. KFS has initiated inter-institutional forums composed of KFS, NACOFA, FSK, COG, and KEFRI to carry out and give way forward with regard to PELIS and how to address the challenges.

**Recommendation 17:** KFS should streamline the operations of the PELIS system to curb the abuse of forest by rangers. Equally, riparian areas should be out of bounds for the PELIS system.

**Implementation status:** The inter-institutional forums composed of KFS, NACOFA, FSK, COG, and KEFRI is expected to streamline the PELIS system and operations.

**Recommendation 18:** Kenya Forest Service should recruit forest rangers to ensure there are adequate numbers to effectively manage and conserve the country's forest resources. The recruitment should prioritize communities living around forest.

**Implementation status:** The KFS Board has already approved the recruitment of 1,500 Forest Rangers to ensure adequate numbers to effectively manage and conserve the country's forest resources. The recruitment will be done immediately funds will be made available.

**Recommendation 19:** KFS should transfer guards who have stayed in one area for more than 2 years. This would curb the habit of rangers abandoning their core business of forest conservation and management and resorting to farming under the PELIS system and other malpractices in collusion with cartels in the sector.



**Implementation status:** KFS identified forest rangers who had stayed in one area for more than 3 years and is in the process of transferring them as per policy.

**Recommendation 20:** KFS should streamline the allocation of forest materials through a bottom-up approach in order to mitigate the alleged corruption associated with the allocations done at the KFS head office.

**Implementation status:** Moratorium on removal of forest material is still on, except for sustainable harvesting of mangrove forest in Lamu County. The Service has however prepared the procedures for allocating plantations to licensees which is aimed at streamlining the process.

**Recommendation 21:** The Ministry of Environment should ensure that KFS is adequately funded to implement its activities.

**Implementation status:** The Ministry has engaged with the MTEF Sector Working Group to request for enhanced funding to support activities of KEFRI and KFS. Once funds are adequately provided, KFS and KEFRI will develop high quality exotic and indigenous seedlings. The National Tree Planting Campaign is already an approved project for the next four years and provides funding for tree seedlings production. The process has secured an allocation of Kshs. 1 billion for increased tree planting in the country and contributes towards 10% tree cover.

**Recommendation 22:** The Ethics and Anti- corruption Commission should investigate the immediate former KFS Board Chairperson for possible conflict of interest and abuse of office contrary to Section 101 of the Penal Code and Public Officers Ethics Act, 2003. If found culpable, he should be barred from holding any public office.

**Implementation status:** The Ministry has invited the Directorate of Criminal Investigations (DCI) and EACC to conduct investigations and prosecute those culpable.

**Recommendation 23:** The Committee finds the suspension of KFS senior managers to have been done illegally and unprocedurally by Chairman of KFS Board. The Committee therefore recommends that the KFS senior managers be immediately reinstated and any fresh action be procedurally done.

**Implementation status:** The process of addressing the un-procedural suspension has been addressed by the current Board and the irregularities has now been dealt with.

**Recommendation 24:** The Cabinet Secretary, Ministry of Environment and Forestry should immediately reconstitute the KFS Board, with utmost attention to integrity and independence of incoming board members, to replace former board whose term expired on 31<sup>st</sup> March, 2018. This will ensure continuity and action on matters requiring the Boards' attention at KFS.

**Implementation status:** A new Board was constituted in June, 2018 and is operational.

**Recommendation 25:** The executive should streamline the functions of KWS, KFS and KWTa in order to mitigate the perceived conflict and enhance their effectiveness.

**Implementation status:** The Ministry is seized of the concern and is addressing it through consultations with the respective institutions.

#### 4.4.2 Observations

57. Implementation on-going.

58. At the time of writing the report, the moratorium banning Forest Logging had been extended for a year (until November 24, 2020).

#### **4.5 Inquiry into Procurement and Implementation of the Excisable Goods Management (EGMS) System for Printing, Supply and Delivery of Security Revenue Stamps Complete with Track and Trace System, and an Integrated Production Accounting System by the Kenya Revenue Authority**

59. The inquiry by the Public Investments Committee (PIC) into the procurement process and Implementation of the Excisable Goods Management System (EGMS) by the Kenya Revenue Authority (KRA) began towards the end of the Eleventh Parliament. This was occasioned by widespread reports on the alleged irregularities in the procurement process. After an initial inquiry into the matter, the PIC of the Eleventh Parliament resolved to request the Auditor General to conduct a Special Audit on the matter to enable the Committee objectively conclude on the matter. By the time of completion of the Special Audit - 30<sup>th</sup> June 2017 - the Eleventh Parliament had adjourned *sine die* and therefore could not consider the matter. The matter was therefore taken up by the successor PIC of the Twelfth Parliament.
60. In the said Special Audit Report, the Auditor General observed that there were irregularities in the procurement process of the EGMS:
- a) Alteration of substance of the Expression of Interest (EOI) contrary to section 59(3) of the Public Procurement and Asset Disposal Act 2005;
  - b) Failure to ensure availability of sufficient funds prior to initiating procurement proceedings contrary to section 26(6) of the Public Procurement and Asset Disposal Act 2005; and
  - c) Failure to submit Legal Notice No. 110 of 2013, Gazette Notice No. 12856 of 2013 to the National Assembly for approval violated the provisions of the Statutory Instrument Act, 2013.

#### **PETITION NO. 532 OF 2017**

61. On 19<sup>th</sup> October 2017, Mr. Okiya Omtatah Okoiti filed a Petition No. 532 of 2017 in the High Court against the Commissioner General of KRA, the Cabinet Secretary for the National Treasury and SICPA Solutions SA ("SICPA"), the Swiss firm that had been awarded a tender by KRA to implement EGMS. In his petition, the petitioner faulted the legality of both Legal Notice No. 110 of 18<sup>th</sup> June 2013 and Gazette Notice No. 12856 of 5<sup>th</sup> September 2013 for want of meeting Constitutional dictates of Public Participation; and irregular procurement process of the impugned EGMS by the KRA. The issues raised for determination in the said Petition were essentially similar to the terms of reference under which the Auditor General prepared the Special Audit. These were detailed in the judgment rendered on 12<sup>th</sup> March 2018 in the said petition thus:

- (i) *Whether there was adequate Public Participation in the enactment of the impugned Gazette notices and in the decision to acquire and implement the EGMS.*
- (ii) *Whether KRA violated the law governing direct procurement in awarding the tender to SICPA.*



- (iii) *Whether the impugned legal instruments were void on grounds that they were enacted in a manner that violated the Constitution and/or the Statutory Instruments Act.*
  - (iv) *Whether the imposition of the tax created an unfair tax burden on the public and the manufacturers and or whether it offended Article 43 (1) (a),(c), & (d) rights.*
  - (v) *Whether the EGMS system duplicated functions of KEBS and the Anti-Counterfeit Agency.*
62. The High Court rendered its judgment and determined, inter alia, that KRA violated the provisions of the Statutory Instruments Act 2013 in procuring the EGMS by not undertaking a meaningful public participation programme; direct procurement of EGMS tender was irregular and offended the provisions of Public Procurement and Disposal Act 2005 and that imposition of excise duty of (Kshs 1.50) was bound to have an impact on the rights to clean water in adequate quantities as provided under Article 43 (1)(d) of the Constitution.
63. From the above findings, the Court in line with the provisions of Article 23(3) of the Constitution declared that:
- (a) *the Repealed Legal Notice 110 of 18<sup>th</sup> June 2013 and Gazette Notice No. 12856 of 5<sup>th</sup> September 2013 were enacted in a manner inconsistent with the provisions of the Constitution and the Statutory Instruments Act, hence they were null and void;*
  - (b) *the Legal Notice Number 53 of 30<sup>th</sup> March 2017 was enacted in a manner inconsistent with the Constitution and the Statutory Instruments Act in that there was no adequate public participation prior to its enactment, hence the same is null and void;*
  - (c) *Legal Notice Number 53 of 30<sup>th</sup> March 2017 on the introduction of an excise duty on bottled Water, Juices, Soda and other Non-Alcoholic Beverages and Cosmetics be quashed;*
  - (d) *KRA crafts and implement a meaningful programme of public participation and stakeholder engagement in the process of the tendering Tender Number KRA/HQS/DP-423/2014-2015 and or to ensure that the direct procurement meets the strict statutory requirements of any of the requirements of Section 103 (2) (a) to (e); and*
  - (e) *award of Tender Number KRA/HQS/DP-423/2014-2015 for the EGMS awarded by the KRA to SICPA.*
64. KRA and SICPA appealed this ruling at the Court of Appeal, faulting the Court for misapplying itself to the applicable law for the award of the tender and wrongly finding that the Legal Notices relating to EGMS amounted to the imposition of new taxes. KRA and SICPA applied for a Stay of the Orders granted by the High Court arguing that their appeal had a high chance of success and that implementation of the Order by the High Court would lead to a colossal loss to the government both in terms of the investment into EGMS and the loss of Excise.

65. On 11<sup>th</sup> May 2018, the Court of Appeal granted a stay of the Orders of the High Court pending the hearing and determination of the Appeal. The Appeal is still pending. Mr. Omtatah thereafter moved to the Supreme Court to Appeal against the grant of the stay orders by the Court of Appeal. The Application is also pending before the Supreme Court.

#### **4.5.1 Recommendations by the Public Investments Committee and Implementation status**

66. The following are the recommendations the Committee made: -

- (1) Whereas Kenya Association of Manufactures and Kenya Revenue Authority confirmed that there was public participation in the roll-out of the Excisable Goods Management System, the Kenya Revenue Authority, the Kenya Bureau of Standards and the Anti-Counter Agency should conduct extensive and all-inclusive public participation prior to implementing systems such as EGMS.
- (2) Parliament should legislate on a law on public participation as provided for in the Constitution.
- (3) The Kenya Revenue Authority should share their current Excisable Goods Management Systems with the Kenya Bureau of Standards and the Anti-Counterfeit Agency at no extra cost to the manufacturers.
- (4) Upon expiry of the existing contract, the Kenya Revenue Authority, Kenya Bureau of Standards and the Anti-Counterfeit Agency should develop a multifunctional stamp for use by the three government's entities, or any other that will need the system, which will ensure efficient monitoring and reduce wastage of public funds utilized in developing different stamps.

#### **4.5.2 Implementation status**

67. Kenya Revenue Authority vide a letter dated 9<sup>th</sup> August, 2019, submitted the following as the status of implementation of the House resolutions:-

- (1) The Authority has incorporated public participation in all its programmes. The authority attached evidence of its engagement with the public in form of advertisement in newspapers. The Public Participation Bill, 2018 is now being considered before Senate.
- (2) The Authority has analyzed the legal and administrative requirements for implementation of these recommendations and has found that it is necessary to amend the following legislation:
  - i) Excise Duty Act 2015, and related subsidiary legislation
  - ii) The Standards Act Cap 496, Laws of Kenya
  - iii) The Anti-Counterfeit Act, 2008
- (3) In addition, the three institutions have to develop a joint administrative arrangement to facilitate compliance with regulatory requirements. Upon the



development of this joint administrative arrangement, the system can be adopted by the other regulatory agencies and thus have a single stamp implemented.

- (4) The Authority will engage other agencies through multiagency framework in order to progress this matter.

#### **4.5.3 Observations**

68. Implementation has been done.

### **4.6 The Report on Sessional Paper No. 1 of 2017 on the National Land Use Policy from the Ministry of Lands and Physical Planning**

#### **4.6.1 Implementation status**

69. The Ministry of Lands and Physical Planning made a written submission on the implementation status of the policy vide a letter dated 7<sup>th</sup> August, 2019.

70. The Ministry submitted that the following milestones have been covered as part of the implementation of the Policy: -

- i. The National Technical Committee has been established and operationalized;
- ii. The Ministry had scheduled to launch the National Council for Land Use Policy in August 2019;
- iii. The Ministry has reviewed the various Policies and Statutes and identified areas of review to bring them to accord with the Policy;
- iv. The Ministry has lined up regional sensitization workshops to engage technical officers in the Counties in preparation for the launch of the County Technical Implementation Committees; and
- v. Implementation of the Policy is a key performance target for the Ministry in the current financial year.

#### **4.6.2 Observation**

71. The National Council for Land Use Policy is yet to be launched.

#### **4.6.3 Recommendation**

72. The Ministry should fast track the launch of the National Council for Land Use Policy.

## 5.0 PETITIONS

### 5.1 Report on Petition on the challenges in the implementation of the Social Assistance Programme in Samburu North Constituency

73. The Petition was tabled by the Hon. Alois Lentoimaga, M.P, the Member for Samburu North on behalf of residents of Samburu North. The Petition was referred to the Departmental Committee on Labour and Social Welfare which tabled the report on 24<sup>th</sup> April, 2018.
74. The Petitioners prayed that the National Assembly through the Departmental Committee of Labour and Social Welfare;
- a) Recommends that the Ministry of Labour and Social Protection put in place measures to address the challenges experienced in disbursement of the social security assistance funds;
  - b) Recommend an increment in social assistance disbursed to the vulnerable members of the society;
  - c) Recommend for continuous engagement between county/sub-county levels and locational levels to identify changes required; and
  - d) Makes any other order or direction that it deems fit in the circumstances of the matter.
75. The Committee on Implementation received written submission from the Ministry of Labour and Social Protection on 30<sup>th</sup> August, 2019.

#### 5.1.1 Committee's recommendations and status of implementation

76. The following is a status of implementation of the House resolutions:-

**Recommendation 1:** The Ministry of Labour and Social Protection should review the Social Assistance Act, 2013 and put in place enabling regulations that guide the management of the Social Protection fund as envisaged in the Kenya National Social Protection Policy, 2011.

**Implementation status:** The Ministry reviewed the Social Assistance Act, 2013 and proposed to establish a Social Assistance Fund. Based on guidance from KLRC, the Ministry has written to the National Treasury requesting for establishment of Social Assistance Fund (SAF) in line with Public Finance Management Act.

**Recommendation 2:** That contracted Payment Service Providers (Banks and their agents) are obligated to implement the 6 km radius policy on pay point location to prevent beneficiaries from walking/traveling long distances hence losing on earnings through theft and unnecessary costs.

**Implementation status:** The current contract with the four banks obligates the banks to implement 6 km radius in zones A and B and 20km for zone C for at least 80% of the beneficiaries. However, this obligation is to be met progressively through increasing Bank Branches and Agents across the country to shorten the distances travelled by beneficiaries to access the money.

**Recommendation 3:** The contracted Payment Service Providers should develop an alternative mechanism of identification of beneficiaries to serve as a backup to the biometric



process; this will enhance the process of identification and provide real-time monitoring of beneficiaries and the caregivers records.

**Implementation status:** Whereas biometric finger prints remains the preferred means of authentication of beneficiaries during payment as per the contract, the programme beneficiaries have an alternative of PIN whenever their biometric fail due to old age or defaced finger prints. However, PIN is issued to beneficiaries with approval of sub county officers.

Nevertheless, under the Account based payment system, beneficiaries can access money within 6 months unlike previous card-based payment system where the payment window was 21 days.

**Recommendation 4:** That to enhance livelihoods and better living standards of the eligible beneficiaries, the committee recommends that going forward there is need for Ministry of Labour and Social Protection to scale up the program through additional funding without increasing the capitation to individual beneficiaries.

**Implementation status:** The Ministry's intention is to enrol all eligible beneficiaries into the programmes so as to enhance their livelihoods. However, this intention is thwarted by inadequate funding. For instance, for the last two financial years the programme has been underfunded by over Kshs. 12 billion for the beneficiaries already in the programme.

**Recommendation 5:** The Ministry of Labour and Social Protection should relook into the criteria of recruitment of beneficiaries for proper identification of deserving beneficiaries.

**Implementation status:** The Ministry has set out clear eligibility criteria for each of programme component. These criteria are set up in the programme operations manual.

**Recommendation 6:** The Ministry of Labour and Social Protection should initiate Monitoring and Evaluation and impact assessment process for proper management of the funds.

**Implementation status:** The Ministry has been conducting regular monitoring of the programme implementation processes by headquarter teams. In addition, several operational monitoring has been carried out by Price Water House Coopers to assess the programme compliance with its objectives.

To enhance this, a monitoring and evaluation strategy is being developed to guide future exercises. However, the Ministry had contracted an external firm to carry out Impact evaluation for Orphans and Vulnerable Children component programme and a final report is expected by end of October 2019.

**Recommendation 7:** The Ministry of Labour and Social Protection should ensure the immediate constitution and operationalization of grass root committees such as Constituency Social Assistance Committee and the Beneficiary Welfare Committee.

**Implementation status:** The Ministry has sent circulars to all counties to reconstitute grass root committees, constituency social Assistance Committees and Beneficiaries Welfare committees in areas where their term has expired and form them in areas where they never existed to assist in programme implementation. Further, the Ministry has developed a Beneficiaries Outreach Strategy which contains beneficiaries' centric messages meant to capacity building of beneficiaries to know their rights and responsibilities.

**Recommendation 8:** The Ministry of Labour and Social Protection should improve the capacity of its field offices both at the County and Sub County levels in order to enhance the effectiveness of service delivery to the beneficiaries.

**Implementation status:** For the last one year, the Ministry has been holding periodic review meetings with County officers from the Department of Social Development, Department of Children's Services and National Council for Persons with Disabilities (NCPWD) to share key programme information in order to create standardization and create more synergy in programme implementation. In addition, the Ministry has procured a number of vehicles and motorcycles to enhance officer's mobility during field work. Besides, more equipment such as computers have been procured and issued to officers to ease communication with headquarter.

**Recommendation 9:** The Ministry of Labour and Social Protection should delegate to the County offices minor amendments to beneficiary details that often cause delays in accessing the funds.

**Implementation status:** The Ministry within this financial year plans to train officers on Case management modules after which some modules of programme Management Information System will be decentralized to county and sub county offices to allow officers make necessary updates to beneficiary's data online. This is anticipated to shorten time taken for case of management.

**Recommendation 10:** The Ministry of Labour and Social Protection should extend the payment window beyond the two weeks period as is currently practiced to at least one (1) month to cater for arid and semi-arid areas with vast terrains.

**Implementation status:** Currently, all cash transfer programme beneficiaries are being paid through the new payment model, which is account based. Under this payment model, beneficiaries are given up to six months to access their money before account become dormant. So, they have longer period to collect their money unlike the previous system.

#### **5.1.2 Observation**

77. Implementation on-going. However concern has been raised that pay points are far in between especially in far flung areas.

#### **5.1.3 Recommendation**

78. The Ministry of Labour and Social Protection should assess the number of pay points to ensure they are easily accessible and where need be consider adding more.

### **5.2 The Report on a Petition on behalf of residents of Mowlem Ward, Embakasi on irregular allocation of Land LR. 11379/3**

79. The Petition was tabled by Hon. George Theuri, M.P, on 13<sup>th</sup> December, 2017 on behalf of residents of Mowlem Ward, Embakasi West Constituency.

80. The Petitioners alleged that they were allocated houses by the then City Council of Nairobi under the Umoja Estate Tenant Purchaser Scheme in 1976. The agreement for the purchase of the said houses stipulated that after full payment of the purchase fees each owner was to be issued with a title deed. However, the beneficiaries of the scheme were not issued with the title deeds even after settling the purchase fees.

81. The Petition was forwarded to the Departmental Committee on Lands for consideration.



### **5.2.1 Recommendations of the Departmental Committee on Lands**

82. In the Report of Parliament dated April 30, 2019, the Departmental Committee on Lands made amongst others the following recommendations: -

- i) The National Government in collaboration with the Nairobi City County Government caters for all the costs of processing fresh applications to be made by allottees for the purpose of processing lease documents in order to facilitate the completion of issuance of title documents within six months of receipt of applications from the allottees.
- ii) The Ministry of Lands and Physical Planning conclude the survey of the remaining 10% of un-surveyed land in Embakasi West Constituency within ninety days of tabling of the report to facilitate the processing of lease documents and subsequent issuance of title deed.

### **5.2.2 Implementation Status**

83. The Committee on Implementation received a written submission from the Ministry of Lands on 7<sup>th</sup> August, 2019 indicating that:-

- i) The Ministry of Lands and Physical Planning waived payment of all statutory fees for processing and issuance of Title Deeds to the beneficiaries under the National Titling Programme.
- ii) The survey has been done by the Nairobi City County Government and is in the process of quality control.
- iii) The Ministry of Lands and Physical Planning will proceed to issue titles once Nairobi City County Government forwards the leases to the Ministry.

### **5.2.3 Observation**

84. Implementation is on-going albeit at a very slow pace.

### **5.2.4 Challenge**

85. The Nairobi City County Government is yet to forward leases to the Ministry of Land and Physical Planning for processing of titles.

### **5.2.5 Recommendation**

86. The Nairobi City County Government should expedite the process of forwarding leases to the Ministry of Land for processing of titles.

## **5.3 The Report on a Petition on Rectification of Records in the Register for Land Parcel Number Igembe/Ndoleli/Athina/Ruujine/2554**

87. The Petition was tabled by Hon. Kubai Iringo, M.P on behalf of Mr. John Bernard Nthuku and his family.

88. The Petitioner alleged that Mr. John Bernard Nthuku of land registration No. 2554/Igembe/Ndoleli/Athiru Ruujine has been in occupation of the land. That the ground measurements of the parcel of land are larger than the scaled area indicated in the Registry Index Map of the Meru North Land Registry.

### **5.3.1 Recommendation by the Departmental Committee on Lands**

89. The Ministry of Lands and Physical Planning conducts a new survey and rectifies the record in the land registry for parcel Igembe/Ndoleli/Athiru Ruujine 2554 within sixty (60) days from the date of tabling the report.

### **5.3.2 Implementation Status**

90. The land parcel has been re-surveyed and the register rectified as directed.

### **5.3.3 Observations**

91. The Matter has been concluded.

## **5.4 The Report of the Departmental Committee on Lands on the Petition on the resettlement of Ntirititi Subuiga Squatters on land parcels Nos. 2806/3 (Subuiga Bosnia) and 2822/3 (Ntirititi Settlement Scheme)**

### **5.4.1 Implementation Status**

98. The Ministry submitted that Ntirititi Subuiga Squatters, from Buuri Constituency, Meru County, petitioned the National Assembly to be settled on parts of LR. No. 2806/3 and LR. No. 2822/3 in 2015. They claimed to have lived on parts of the two parcels since 1991 after allocation by the Government.
99. LR No. 2806/3 was gazetted as a game corridor as Per Gazette Notice No. 3452 of July 30, 1991. It's a wildlife migratory route for elephants to Samburu National Reserve. Due to human wildlife conflict, the squatters were evicted from the area in 1995.
100. On the recommendation that the National Land Commission should look into the status of LR 9762/2 with a view of settling the squatters on the land, it was established that LR 9762/2 is registered to Mariana Limited.
101. A team from the Ministry visited the land on August 2, 2018 and established that LR No. 9762/2 measuring approximately 6192 acres is privately owned by Mariana Limited. Mariana limited has offices and a factory within the farm. The land in question is private land and is therefore not available for settlement.

### **5.4.2 Observation**

102. The matter has been concluded.

## **5.5 Report on the Public Petition regarding implementation of delocalization policy by the Teachers' Service Commission**

103. The public petition regarding implementation of delocalization policy by the Teachers' Service Commission was presented to the National Assembly by Hon. Patrick Mariru, MP on 24<sup>th</sup> February, 2019 on behalf of teachers in Laikipia West Constituency.
104. The Teachers Service Commission provided a written submission dated 12<sup>th</sup> September, 2019 to the Committee.



### 5.5.1 Recommendations of the Departmental Committee on Education and Research

105. The Departmental Committee on Education and Research made the following recommendations:-

**Recommendation 1:** While it is the mandate of the Teachers Service Commission to hire, deploy and transfer teachers, the following factors have to be considered before the exercise is undertaken; teachers approaching retirement, teachers with alternative abilities and family considerations.

**Recommendation 2:** Government should ensure that security and housing for teachers are guaranteed in cases of transfers to regions away from their homes to enable them perform their duties effectively.

**Recommendation 3:** The Teachers Service Commission should evaluate individual transfer cases before they are transferred and vet individual teachers' cases to confirming their employment status and consider all relevant factor before effecting the transfers as opposed en-masses transfers.

**Recommendation 4:** Transfer of teachers should be undertaken through a consultative approach by involving the relevant stakeholders.

### 5.5.2 Implementation Status

106. The following is a status of implementation of the House resolutions:-

- (i) The Commission has made a policy decision and directed that teachers who are aged 55 years and above are exempted from transfer outside their home Counties. Further, teachers living with exceptional disabilities have been exempted from transfers out of their home County to allow them work efficiently. Similarly, a teacher taking care of their spouse or child with exceptional disability or medical condition cases is considered on merits of each case. However, such hardship must be proven so that the waiver is not abused.
- (ii) To ensure safety and security of teachers, the Commission has from broad national policy perspective, collaborated with state and non-state actors with a view to ensuring that teachers work in a safe environment. Further, the Commission has from time and again recommended to both the national and county governments on measures for protection of teachers and learning institutions.
- (iii) In effecting its transfer policy as provided in the Code of Regulation for teachers, the Commission requires every teacher asking for transfer to fill a Transfer Form. The teachers are required to attach documentary evidence in cases of health, disability or exceptional hardship which must tally with the information on record. The requests are considered on individual basis premised on the merits of each case.
- (iv) Accordingly, the transfer of teachers is carried out as a routine duty of the Commission granted by Constitution and the law. The Commission is required to ensure all public learning institutions are well staffed with qualified teachers thus the transfer and that teachers are distributed in a manner to ensure equity and fairness across the Country. The Commission from time to time considers, where appropriate, recommendation made by different stakeholders including Boards of Management, Sponsors, Parents Teachers Associations and community interests.

### **5.5.3 Observations**

107. The resolutions are being implemented.

### **5.5.4 Recommendations**

108. The Committee noted that some teachers over 55 years of age had been transferred far from their home counties before the policy came into effect. The Teachers Service Commission should therefore reverse such transfers to ensure that the Teachers over 55 years of age are transferred back to their home counties.

109. The Commission should also consider teachers sent to hostile areas for their security.

## **5.6 Petition on the proposed demolitions of buildings for purposes of expansion of Likoni Lunga Lunga Road**

110. The Hon. Khatib Mwashetani, the Member for Lunga Lunga Constituency tabled the petition on behalf of Residents of Pongwe, Pate Island, Lunga Lunga Constituency regarding Impending eviction of residents of Pongwe, Pate Island from LR No. 1083, Shimoni, Kwale.

111. The Petitioners prayed that the National Assembly, through the Departmental Committee on Transport, Public Works and Housing:-

- (i) Intervenes to have the expansion of the Likoni-Lungalunga road be effected without demolition of the buildings in Lunga Lunga Constituency;
- (ii) Recommends and ensure that the Kenya National Highways Authority halts the proposed demolitions.

112. The petition was forwarded to the Departmental Committee on Transport, Public Works and Housing for consideration. The Committee tabled its report on 15<sup>th</sup> October, 2015.

### **5.6.1 Committee Recommendations**

113. The Committee made the following recommendations:-

The Ministry of Transport, Infrastructure and Urban Development should:

- (1) Follow due process in dealing with land acquisition and project-affected persons (PAPs) before the commencement of the expansion works.
- (2) Not carry out demolition without fair compensation to the project affected persons (PAPs).
- (3) The Kenya National Highways Authority should expeditiously engage the stakeholders and identified PAPs in consultations prior to implementation of the project.



### **5.6.2 Status of Implementation**

114. The Ministry of Transport, Public Works and Housing submitted a written submission vide a letter dated 16<sup>th</sup> August, 2018.
115. The demolition targeted structures that were encroaching on the road reserve. This exercise was conducted and the road reserve cleared of any encroachment. This is an ongoing exercise being conducted countrywide.

### **5.6.3 Observation**

116. The matter has been concluded.

## **5.7 Petition on the construction of speed bumps and the establishment of rumble strips between Madeya and Rangala Trading centers along Kisumu-Busia Highway**

117. The petition was tabled by the Hon. James Opiyo Wandayi, MP, Ugunja Constituency, on behalf of residents of Ugunja Constituency regarding the Construction of speed bumps and establishment of rumble strips between Madeya and Rangala Trading centres along Kisumu-Busia Highway.

118. The Petition was forwarded to the Departmental Committee on Transport, Public Works and Housing which tabled its report on 14<sup>th</sup> November, 2013.

### **5.7.1 Implementation Status**

119. The Ministry of Transport submitted a written submission vide a letter dated 16<sup>th</sup> August, 2018.
120. Humps and Signage installed at all locations along the Kisumu-Busia Highway where pedestrian safety considerations were observed. However, at Madeya & Rangala pedestrian conflicts were not critical since the temporary encroachments within road reserve were removed after due consultation with the residents and the Area Chief.

### **5.7.2 Observations**

121. The prayers of the Petitioners have been implemented.

## **5.8 Petition for the erection of bumps and construction of a footbridge at Kangoro Bus Stop along Embu-Meru Highway**

122. The Petition was tabled by Hon. Onesmus Muthomi Njuki, MP, the then Member for Chuka Igambang'ombe Constituency, on behalf of residents of Chuka Igambang'ombe Constituency. The Petition was forwarded to the Departmental Committee on Transport, Public Works and Housing which tabled its report on 18<sup>th</sup> June, 2015.

### **5.8.1 Status of Implementation**

123. The Ministry of Transport submitted a written submission vide a letter dated 16<sup>th</sup> August, 2018.
124. Standard Humps and Signs have been installed at the location. The footbridge design/construction has not been considered since the road as a whole is currently characterized with many speed bumps especially at the trading centres. The suggested footbridge is a major investment that requires studies and designs.

125. There are some Engineering aspects that have been employed as part of the 3E's (Engineering, Education and Enforcement) approach to road safety on this road. KeNHA in collaboration with NTSA will come up with strategies to educate the public and enforce observance of the prescribed speed limits along the road.

126. The Ministry further pointed out that the bus stop in question is illegal; nevertheless, the safety of the school kids is of paramount importance to the Ministry. However, the Ministry through KeNHA will make every effort to seek a solution that will be beneficial to all.

#### **5.8.9 Observation**

Humps and speed signs have been installed as per the prayers of the petitioners.

#### **5.8.9 Recommendation**

The Ministry should fast track the construction of a footbridge in the area.

### **5.9 Petition on the upgrading of Old Mombasa Road/ Maasai Road A, B & C in Nairobi County to bitumen standards to ease movement of people, goods and services**

127. The Petition was tabled on Tuesday, 2<sup>nd</sup> December, 2014 by the Hon. Sunjeev Birdi, a then nominated Member of Parliament on behalf of Business owners and residents operating and living around Old Mombasa Road/Maasai Road A, B & C in Nairobi County.

128. The Petition was forwarded to the Departmental Committee on Transport, Public Works and Housing which tabled its report on 18<sup>th</sup> March, 2015.

#### **5.9.1 Status of Implementation**

129. The Ministry of Transport submitted a written submission vide a letter dated 16<sup>th</sup> August, 2018.

130. The contractor, China Wu Yi Co. Ltd to rehabilitate Old Mombasa/Maasai road has been procured under Eastlands Regeneration Programme Lot 3 and is mobilizing to site. The contract period is 12 months commencing on 24<sup>th</sup> August, 2018 and was expected to be completed by August, 2019.

131. Road A – done to completion, Road B- Not constructed but motorable; Road C – Substantially completed.

#### **5.9.2 Recommendation**

132. The Committee has requested the Ministry to provide the status of the road. The status will be provided in the Committee's subsequent report.

### **5.10 Petition on the erection of speed bumps along Kakamega-Mumias Road**

133. The Petition was tabled on Thursday, 21<sup>st</sup> April, 2016 by the Hon. Raphael M. Otaalo, the then Member for Lurambi Constituency on behalf of residents of Lurambi Constituency.



134. The Petition was forwarded to the Departmental Committee on Transport, Public Works and Housing which tabled its report on 3<sup>rd</sup> August, 2016.

#### **5.10.1 Committee Recommendations**

135. The Committee made the following recommendations:-

- (1) The Kenya National Highways Authority (KeNHA) fast tracks the procurement of the erection of standard speed bumps at Lutonyi, Mwitoti and Shibuli.
- (2) Rogue road constructors who have been granted tenders to construct, repair and/or rehabilitate roads in the country but fail to meet the required specifications and/or standard be blacklisted by the Ministry of Transport, Infrastructure, Housing and Urban Development.
- (3) Ministry of Transport, Infrastructure, Housing and Urban Development, through the Kenya National Highways Authority (KeNHA) and the National Transport and Safety Authority increases their surveillance across the country's road network to tame the rogue road users.

#### **5.9102 Status of Implementation**

136. The Ministry of Transport, Public Works and Housing submitted a written submission vide a letter dated 16<sup>th</sup> August, 2018.

137. The Ministry submitted that Humps and warning signs have been erected at locations where need for them was identified with input of residents.

#### **5.10.3 Status of Implementation**

The prayers of the petitioners have been implemented.

#### **5.11 Petition on decongestion of Bomas –Ongata Rongai – Kiserian Road**

138. The Petition was tabled on Thursday, 9<sup>th</sup> June, 2016 by the Hon. Joseph Manje, MP (Kajiado North Constituency) on behalf of residents of Kajiado North Constituency regarding Decongestion of Bomas-Ongata Rongai-Kiserian Road.

139. The Petitioners prayed that the National Assembly, through the Departmental Committee on transport, Public Works and Housing:-

- (1) Intervenes to have the Bomas-Ongata Rongai-Kiserian Road into dual carriage road with service lanes to decongest it.
- (2) Makes any other recommendations that may be deemed fit in addressing the plight of the said residents.

#### **5.11.1 Committee Recommendations**

140. The Petition was forwarded to the Departmental Committee on Transport, Public Works and Housing for consideration. The Committee tabled its report on 17<sup>th</sup> August, 2016 with the following recommendations:-

- (1) Ministry of Transport, Infrastructure, Housing and Urban Development through the Kenya National Highways Authority (KeNHA) should put the Bomas – Ongata Rongai – Kiserian under the Annuity Roads Programme.
- (2) The Bomas–Ongata Rongai–Kiserian Road should be designed as a dual carriage road with service lanes to decongest it.
- (3) Ministry of Transport, Infrastructure, Housing and Urban Development should also put in place temporary measures to ensure other alternative roads near the area are passable so as to decongest the Bomas-Ongata Rongai-Kiserian Road.

#### **5.11.2 Status of Implementation**

141. The Ministry of Transport, Public Works and Housing submitted a written submission vide a letter dated 16<sup>th</sup> August, 2018.
142. The Ministry submitted that KeNHA is currently implementing a Performance Based Contracting maintenance Project on the road while awaiting funding for its expansion under the Annuity Programme.

#### **5.11.3 Observation**

143. Implementation is on-going.

#### **5.11.4 Recommendation**

144. The Government should hasten release of funds for the expansion of the road.

### **5.12 Petition on the delayed carpeting of a section of the Meru-Maua Road from Farm to Murera gate, Meru National Park**

145. The Petition was tabled on Wednesday, 23<sup>rd</sup> March, 2016 by Hon. Cyprian Kubai Iringo, M.P. on behalf of residents of Igembe Central Constituency regarding delayed re-carpeting of a section of the Meru-Maua Road from farm to Murera Gate, Meru National Park.
146. The Petition was forwarded to the Departmental Committee on Transport, Public Works and Housing which tabled its report on 17<sup>th</sup> August, 2016.
147. The Petitioners prayed that the National Assembly through the Departmental Committee on Transport, Public Works and Housing:-
  - (1) Investigates why the Ministry of Transport, Infrastructure, Housing and Urban Development has not disbursed the full amount required to re-carpet the 28-kilometre section of the road from Farm (along Meru- Maua road) to Murera Gate (Meru National Park);
  - (2) Ensures that the Government has set aside the remaining Kshs. 70,000,000 for tarmacking the road in the 2016/2017 Financial Year;
  - (3) Establish when construction work shall commence and the timeline within which construction is set to be concluded; and
  - (4) Makes any other order and/or direction that it seems fit in mitigating the plight of the Petitioners.



### **5.12.1 Committee recommendations**

148. The Committee made the following recommendations:-

- (1) An allocation from the Emergency Fund under the Cabinet Secretary in the Ministry of Transport, Infrastructure, Housing and Urban Development be disbursed to enable the Kenya Rural Roads Authority to enable the Authority undertake construction works on the 28-kilometre section of the road from Farm (along Meru- Maua road) to Murera Gate (Meru National Park);
- (2) The Igembe Central Constituency Roads Committee should allocate funds to cater for periodic maintenance of the road from Farm (along Meru-Maua road) to Murera Gate (Meru National Park).

### **5.12.2 Status of Implementation**

149. The Ministry of Transport, Public Works and Housing submitted a written submission vide a letter dated 16<sup>th</sup> August, 2018.

150. The rehabilitation on this road is currently ongoing and is venture between the Ministry of Tourism (employer) and General Manger, Design & Construction (KeRRA) offering technical services.

151. The road was repackaged to fit the contract sum and was varied from 26km to 11.5 km and the remaining 14 km to be repackaged as a new contract. The Principal Secretary, Ministry of Tourism was informed about this development and has concurred.

### **5.12.2 Observation**

152. Implementation is on-going.

### **5.13 Petition on delayed reconstruction of Kabani-Kangundo Bridge along Thwake River**

153. The Petition was tabled on Wednesday, 22<sup>nd</sup> June 2016 by the Hon. Robert Mbui, the Member for Kathiani Constituency on behalf of residents of Kathiani Constituency on delayed re-construction of Kathiani – Kangundo bridge along Thwake River.

154. The Petitioners prayed that the National Assembly through the Departmental Committee on Transport, Public Works and Housing:-

- (1) Investigates reasons for the inordinate delay by the Kenya Rural Roads Authority (KeRRA) to rebuild the Kathiani –Kangundo bridge, yet emergency funds had been set aside to mitigate El-Nino-related disasters such as destruction of roads and bridges; and
- (2) Recommends immediate re-construction of the bridge with a view of restoring economic activities and interactions between the two regions back to normalcy.

### **5.13.1 Committee Recommendations**

155. The Petition was forwarded to the Departmental Committee on Transport, Public Works and Housing which tabled its report on 3<sup>rd</sup> April, 2017.

156. The Committee recommended that the Bailey bridge be installed as a temporary solution pending investigations that are key to inform the Kenya Rural Roads Authority (KeRRA) on the type of bridge to be constructed in future.

#### **5.13.2 Status of Implementation**

157. The Ministry of Transport, Public Works and Housing submitted a written submission vide a letter dated 16<sup>th</sup> August, 2018.

158. The Ministry submitted that the Kenya Rural Roads Authority (KeRRA) has installed a modular bridge (Bailey Bridge) across the Muumbuni-Kathiani –Kangundo as a short term measure to ensure motorability and accessibility. The bridge was further extended by 6.25m in June, 2017 due to flooding and wash out.

#### **5.14 Petition on the dilapidated state of the sections of Karatina-Jambo Road Loop Through Ihwagi, Giakaibei and Kagochi to Karatina University and Gitunduti, Gaikuyu to Karatina Hospital**

159. The Petition was tabled on Thursday, May 05, 2016 by Hon. Peter Weru, the then Member for Mathira Constituency on behalf of residents of Magutu and Iria-ini, Mathira Constituency.

160. The Petition was forwarded to the Departmental Committee on Transport, Public Works and Housing which tabled its report on 17<sup>th</sup> August, 2016.

161. The Petitioners prayed that the National Assembly through the Departmental Committee on Transport, Public Works and Housing:-

- (1) Investigates the circumstances behind the delay in disbursement of the funds meant for re-carpeting the dilapidated tarmacked section and upgrading the earthen section to bitumen standard;
- (2) Intervenes with a view to ensure that dilapidated tarmacked section of the said road are speedily re-carpeted to avert any further loss and property through accidents; and
- (3) Makes any other order and/or direction that it deems fit in mitigating the plight of the petitioners.

#### **5.14.1 Committee Recommendations**

162. The Committee made the following recommendations:-

That the Ministry of Transport, Housing and Urban Development should:

- (1) Fast track the procurement process for the rehabilitation of the Karatina-Jambo – Kagochi section of the road under the Roads 10,000 km Low Volume Seal (LVS) programme.
- (2) Fast track the procurement process for the upgrading of the section of the road between Kagochi-Karatina University–Gitunduti under the Development Partner AFD funded R 2000 Low Volume Seal (LVS) program and road works to commence within 2016/2017 Financial Year.



- (3) Fast track the procurement process for the upgrade to bitumen standards of the Gitunduti – Gaikuyu–Karatina Hospital section of the road R 10,000 Km program.

#### **5.14.2 Status of Implementation**

163. The Ministry of Transport, Public Works and Housing submitted a written submission vide a letter dated 16<sup>th</sup> August, 2018.
164. The Ministry submitted that the contract for the construction of Jambo (Jn A2) Kagochi-Hombe –Kwa Wambuo –State Lodge-Giagatika and Muranga-Kiriaiani road was terminated following a ruling by the High Court of Kenya on the same (Miscellaneous Civil application No. 100 of 31<sup>st</sup> July, 2017. Consequently, the road construction shall be considered in future subject to availability of funds.

#### **5.14.3 Recommendation**

165. The Government should release funds to enable construction of the road.

#### **5.15 Petition on tarmacking the Gatiguu/McVast-Matangani-Ithanga-Kirathani-Mayuuya/ Ng'ang'a- Makuyu Road**

166. The Petition was tabled on Tuesday, 26<sup>th</sup> November, 2013 by the Hon. Humphrey Kimani Njuguna, the then Member for Gatanga Constituency, on behalf of residents of Gatanga Constituency regarding the Tarmacking of the Gatiiguru-McVast-Matangani-Ithanga, Kiarathani, Miyuu ya Ng'ang'a-Mukuyu Road.
167. The Petition was forwarded to the Departmental Committee on Transport, Public Works and Housing which tabled its report on 18<sup>th</sup> March, 2015.

#### **5.15.1 Status of Implementation**

168. The Ministry of Transport submitted a written submission vide a letter dated 16<sup>th</sup> August, 2018.
169. The contractor for this road, M/s Stecol Corporation is on site and will carry out the works for a period of thirty six (36) months at a contract sum of Kshs. 3.2 Billion. The expected date of completion is 19<sup>th</sup> September, 2020.

#### **5.15.2 Observation**

170. Implementation is on-going

#### **5.15.3 Recommendation**

171. The road project should be supervised to ensure it is completed within schedule.

#### **5.16 Report on the Petition regarding lifting of the ban on logging and harvesting of the Mangroves in Lamu County**

172. The Petition on Lifting of Ban on Logging and Harvesting of Mangrove Trees in Lamu County was presented to Parliament on 3<sup>rd</sup> May, 2018 by the Hon. Capt. Ruweida Obo, Lamu County MP.
173. The petitioners prayed that the Departmental Committee on Environment and Natural Resources: -

- (i) Investigates and inquires into the matter with a view to causing the government to lift the ban on harvesting of mangrove trees.
- (ii) Makes any other further order(s) or direction(s) that is deemed fit in the circumstances of the petitioners.

#### **5.16.1 Recommendations of the Departmental Committee on Environment & Natural Resources**

174. The Committee made the following recommendations: -

- (i) The Cabinet Secretary for Environment and Forestry lifts the ban on the harvesting of the mangrove trees immediately with a view to changing the livelihoods of the residents that had been affected due to a blanket imposition of the moratorium.
- (ii) Upon the lifting of the ban, Kenya Forest Service to open up the area from Ndau to Kiunga on the Somalia border to mangrove harvesting which would assist in the regeneration and conservation of the mangrove forest.
- (iii) The Kenya Forest Service works closely with the Lamu Community to ensure continued sustainable exploitation of the mangrove trees.
- (iv) The Ministry of Environment and Forestry and other relevant national government agencies together with the County Government within six months of tabling of the report engages with the residents and stakeholders in Lamu County to explore other alternative means of livelihood to reduce pressure and total reliance on the mangrove trees.

#### **5.16.2 Implementation status**

175. The Ministry of Environment and Forestry made a written submission vide a letter dated 26<sup>th</sup> August, 2019 on the following as the status of implementation of the report.

- i) The Ministry following the recommendations, held consultations with the local community and leaders and recommended for special exemption on Mangrove harvesting in Lamu County on the basis of safeguards to ensure sustainable harvesting and restoration.
- ii) To this end, the Ministry developed a model on safeguards for special exemption on harvesting of mangroves from the moratorium in Lamu County and was approved by the Cabinet. The model provided guidelines and conditions on which the harvesting of mangroves was to be based on. All eligible applicants were instructed to apply for harvesting licenses.
- iii) Three sensitization meetings involving KFS, KEFRI, Lamu County Government and community were held. In the meeting, the community was sensitized on the model of safeguards and the license application process. After the meeting a total of forty one (41) interested community members collected application forms from the office of the Ecosystem Conservator. Out of these, only twenty nine (29) applicants comprising of four (4) women, five (5) youth, one self-help group and nineteen (19) men managed to return fully filled forms to the office of the Ecosystem Conservator.



- iv) The applications were opened and evaluated by an Ad hoc committee composed of officers from KFS, KWS, NEMA, County Government of Lamu, and Kenya Maritime Authority.
- v) The evaluation criteria were on the basis of citizenship, KRA pin and ID, area of operation, quantity required and previous performance in mangrove harvesting among others. During evaluation, women, youth, the venerable and people living with disabilities were given priority.
- vi) The Evaluation committee recommended the approval of issuance of forest general license for applications and the results forwarded to the Head of Conservancy Coast region. The Forest Conservation Committee Coast region held a special meeting and reviewed the recommendations of the County Committee and upheld the decision of the Ad hoc committee of Lamu County.
- vii) A Procurement Committee appointed by the Chief Conservator of Forest at KFS head quarter recommended to KFS Board to approve issuance of General Forest License to the applicants. On 21<sup>st</sup> March 2019, the Cabinet Secretary Ministry of Interior and Coordination of National Government Dr. Fred Matiangi presided over the handing over of the twenty two (22) successful applicants with timber license for mangrove harvesting by the Chief Conservator of Forest on behalf of KFS Board of Directors.
- viii) On 22<sup>nd</sup> March 2019, a meeting was held by the successful licensees to take them through the special licenses as a way of familiarization on all the obligations, requirement and implementation procedures.
- ix) On 22<sup>nd</sup> to 29<sup>th</sup> March, 2019, the old licensees were removed from the old stock of harvested mangroves.
- x) On 27<sup>th</sup> March 2019, sensitization was done to Senior Agencies Commanders at Operation Fagia Msitu in Manda Naval Base.

### **5.16.3 Observation**

176. The Resolutions have been implemented.

### **5.17 Report on a petition on alleged impending demolition on buildings along the Mtandawanda –Kizingitini Road in Pate Island**

177. The Petition by the residents of Lamu County was presented to the House by the Hon. Capt. Ruweida Mohamed Obo, the Member for Lamu County on 24<sup>th</sup> April, 2018. The petitioners prayed that the National Assembly through the Departmental Committee on Transport, Public Works and Housing: -

- (i) Investigates and inquires into the matter with a view to causing the government to compensate private land owners holding legitimate ownership documents and who are likely to be affected; and
- (ii) Makes any other further order(s) or direction(s) that is deemed fit in the circumstances of the Petitioners.

#### **5.17.1 Recommendations by the Departmental Committee on Transport, Public Works and Housing:-**

178. The Committee made the following recommendations:-

- (i) KeRRA provides the Master Plan for the area to establish if there was road reserve set aside.
- (ii) The Government should only compensate persons whose private property was demolished but not those who were on the road reserve.

#### **5.17.2 Implementation status**

179. The Ministry of Transport, Public Works and Housing submitted a written response vide a letter dated on 7<sup>th</sup> August, 2019.

The Ministry submitted that no demolitions were carried out during implementation of the project for Spot Improvement of Mtandawanda-FAZA-Kizingitini Road (E991). The properties marked for demolition were all within the 20m corridor; however, no demolition was carried out because the project limited itself to the existing road corridor in the interest of humanitarian.

Furthermore, the National Assembly Departmental Committee on Transport, Public Works and Housing and the Office of the Director of Public Prosecutions have separately conducted inquiries into the matter and concluded that no compensation was to be made to individuals with property within the road.

The road was improved under National Government provisions of the Equalization Fund and was substantially completed in August, 2018.

Structures that remain on the road corridor portend a serious risk to road users and therefore recommended that all stakeholders be amenable to finding alternatives that would ultimately allow for the demolition of all demarcated structures.

#### **5.17.3 Observation**

The matter has been concluded.

#### **5.18 The Petition on Oil marketers Companies involved in the supply and distribution of Jet A1 Fuel**

180. The petition was tabled before the House by the Hon. Speaker on behalf of Messrs Pius Omolo and Agoi Vedell, on behalf of oil marketers in Country.

181. The Petitioners wished to draw to the attention of the House on the following, that:

- i) Over the past years, the Oil Companies have been licensed by the Energy Regulatory Commission (ERC).
- ii) Despite the requirement for Oil Marketing Company to obtain licenses prior to engaging in the business of supplying Jet fuel to airlines at Jomo Kenyatta International Airport (JKIA) and Wilson Airport among others, the market has been penetrated by unlicensed and illegal agents who are able to offer lower prices than Open Tender System (OTS) prices therefore distorting prices.
- iii) As a result, Oil Marketing Companies have incurred losses due to the fact that the local oil marketers have invested in infrastructure and the pricing of jet fuels is based on the OTS as required by Law.



- iv) There is need to investigate the influx of illegal marketers in the country and reconsider the manner in which the pricing of jet fuel is undertaken.
- v) Despite efforts of the petitioners raising the matter to ERC and Ministry of Petroleum, the response was unsatisfactory.

182. The Petitioners in their prayers, sought that the National Assembly, investigates and inquires into all the issues raised in the petition and gives direction it deems fit in the circumstances.

#### **5.18.1 Recommendations by the Departmental Committee on Energy**

183. The Committee made the following recommendations:-

- 1) Energy Regulatory Commission (ERC) and Kenya Airports Authority (KAA) must ensure that only licensed and fully compliant Oil Marketing Companies (OMC) are allowed to supply and sale Jet A1 fuel to the airlines operating in the Airports around the country.
- 2) ERC in conjunction with KAA to review and audit the status of all Oil marketing companies operating and supplying jet fuel in the country with a view of ensuring only licensed OMC's are in operation at the airports. The findings of the review and audit be submitted to the Committee within a period of sixty (60) days.
- 3) Kenya Airports Authority should ensure that all the airlines that operate and fuel in the country engages only licensed Oil Marketing Companies for this purpose.
- 4) Energy Regulatory Commission (ERC) before licensing any Oil Marketing Company to supply Jet A1 to Airlines must possess the commensurate internationally accepted insurance as per International Civil Aviation Organization (ICAO) standards.
- 5) The ERC must ensure that all Oil Marketing Companies (OMC) that are issued with licenses must have internationally accepted infrastructure at the airports or proof of a joint venture for use of existing infrastructure facilities within the airports.
- 6) The Kenya Revenue Authority to investigate Ms. Pacific Aviation, Ms. ASM Kenya and all other companies providing hospitality for Oil Marketing Companies in the sale of Jet A1 fuel in the country to ascertain their tax compliance and their status of registration in Kenya.
- 7) The National Treasury considers to exempt Jet A1 fuel from the 8% Value Added Tax as a way of giving incentives to the local aviation investment in the country in order for them to compete in the region.
- 8) The Kenya Revenue Authority (KRA) put in place similar Tax regime on Jet A1 fuel at Wilson Airport similar to the one at Jomo Kenyatta International Airport since several airlines at Wilson Airport are/becoming regional in their operations. An example is Safarilink Aviation which flies to Kilimajaro Airport but are subjected to different Jet A1 tax regime from Jambo Jet flying to Entebbe airport from Jomo Kenyatta International Airport.
- 9) Competition Authority to review and investigate the business practices among the oil marketing companies involved in jet fuel business with a view to ensure a level playing field among the operators.

### 5.18.2 Implementation status

#### 184. Implementation status by KRA

**Recommendation 6:** The Kenya Revenue Authority to investigate Ms. Pacific Aviation, Ms. ASM Kenya and all other companies providing hospitality for Oil Marketing Companies in the sale of Jet A1 fuel in the country to ascertain their tax compliance and their status of registration in Kenya.

#### Implementation status

- (i) KRA has reviewed the tax compliance of the companies providing hospitality for Oil Marketing Companies and the report is provided herein below:

SN:	Company	Tax Status
1.	PACIFIC AVIATION MANAGEMENT AND CONSULTING CO	Filing
2.	ASM	Filing
3.	KENYA PIPELINE CO LTD	Filing
4.	VIVO ENERGY KENYA LTD	Filing
5.	LIBYA OIL KENYA LTD	Filing
6.	TOTAL (K) LTD	Filing
7.	GULF ENERGY LTD	Filing
8.	FLAMEX PETROLEUM LTD	Filing
9.	FINEJET LTD	Filing
10.	TRISTAR TRANSPORT LTD	Filing
11.	KENOLKOBIL LTD	Filing
12.	HELLER PETROLEUM LTD	Filing
13.	AEROGLOBAL AVIATION SERVICES LTD	No itax Pin
14.	DALBIT PETROLEUM LTD	Filing
15.	BAKRI ENERGY LTD	Filing
16.	HARED ENERGY LTD	Filing
17.	MOGAS KENYA LTD	Filing
18.	TEXAS ENERGY LTD	Filing
19.	ZACOSIA TRADING LTD	Filing
20.	LAKE OIL LTD	Filing
21.	WORLD FUELS SERVICES KENYA LTD	Filing
22.	SKYTANKING (K) LTD	Filing



**Recommendation 8:** Kenya Revenue Authority (KRA) put in place similar Tax regime on Jet A1 fuel at Wilson Airport similar to the one at Jomo Kenyatta International Airport since several airlines at Wilson Airport are/becoming regional in their operations. An example is Safarilink Aviation which flies to Kilimajaro Airport but are subjected to different Jet A1 tax regime from Jambo Jet flying to Entebbe Airport from Jomo Kenyatta International Airport.

They noted that Legal Notices No. 47 of 2005 and No. 102 of 2015 allowed for warehouse of Jet A1 at JKIA, Moi International Airport and in Lokichogio in duly licensed depots maintained by petroleum companies. Wilson Airport is yet to be gazetted as one of the places for warehousing of Jet A1 to enable delivery of duty free fuel to aircrafts.

#### 185. Implementation Status by the Competition Authority

The Competition Authority conducted the investigation as recommended by the House and developed the following road map;

- i) Identification of key agencies
- ii) Identification of jet fuel industry including the key logistic in supply and distribution
- iii) Determine the relevant market and market shares of each market player
- iv) Establish existing contractual agreement
- v) If Market share point to a dominant firm in the relevant market
- vi) The Authority to make a determination after analyzing the gathered evidence

#### *Identification of key stakeholders*

The Competition Authority identified key stakeholders who include Energy and Petroleum Authority (ERPA), Kenya Airport Authority (KAA), NEMA, Oil Marketing Companies (OMC) and Petroleum Institute of East Africa (PIEA).

#### *Identification of key Logistic in supply and distribution channels*

The authority has documented the importation and pricing mechanism in the industry including the landing cost and established the existing storage and operation infrastructure vis-a-vis international practices.

#### *Determination of the relevant market and market shares for each player.*

The process of collating data to determine the market share is ongoing.

#### *Existing Contractual Arrangements*

The authority has identified the supply chain arrangement for the relevant product and summoned for the contract between ASM and Kenol-Kobil to interrogate it and determine if it contain provision which infringe any provision of the Competition Act.

### **5.18.3 Observation**

186. The Committee is awaiting submissions on the status of implementation from the National Treasury and the Energy Regulatory Commission. The status of implementation will be included in the Committee's subsequent report.

#### **5.19 Report on the Petition regarding fraudulent Medical Bill issued by MP Shah Hospital on Account of treatment of the Late Matilda Anyango**

187. The Petition was filed by the Consumer Federation of Kenya regarding fraudulent medical bill issued by MP Shah Hospital, Nairobi on account of treatment of the late Matilda Anyango. The Petitioners prayed that:

- (i) The Committee on Health investigates the matter with a view to having the hospital bill charged for the treatment of the late Matilda Anyango reviewed.
- (ii) Consider enacting a legislation to regulate the cost of medical treatment and procedures so as to curb increasing cases of fraud in billing of medical services and insurance covers.

##### **5.19.1 Departmental Committee on Health Recommendations**

188. As per the first prayer: “the Committee on Health investigates the matter with a view to having the hospital bill charged for the treatment of the late Matilda Anyango reviewed”.

The Committee found out that the hospital has since waived the entire bill of Kshs. 865,805 and the prayer has therefore been satisfied.

189. As per the second prayer: “Consider enacting a legislation to regulate the cost of medical treatment and procedures so as to curb increasing cases of fraud in billing of medical services and insurance covers”

190. The Committee recommended that the Cabinet Secretary, Ministry of Health immediately gazettes the Professional Fees Rules and Guidelines of 2006 (2nd Edition) to replace the current prevailing exorbitant Guidelines.

191. The Ministry, KMPDB, and Pharmacy & Poisons Board then reviews within six months, reasonable Professional Fees Rules and Guidelines, Regulations on cost of service of medical devices and drugs and in general, costing of healthcare, with a view of ensuring that all fees are in tandem with the UHC agenda. This should be done with proper consultations and public participation.

##### **5.19.2 Implementation Status by Pharmacy and Poisons Board on Recommendation No. (ii)**

192. The Board, taking cognizance of its mandate of ensuring safety, quality and efficacy of medical products and health technologies, has made significant strides towards implementation of the said recommendations, more specifically relating to cost and therefore affordability of medical devices and drugs. This includes:

- (i) Establishment of a multi-stakeholder ad hoc committee with the primary objective of determining strategies for Pharmaceutical Price and mark-up Management along the distribution chain; and



(ii) Development of a framework for the regulation of parallel importation of medicines with a view to ensuring access to affordable medicines.

193. The Board advised that Pharmacy professionals do not charge any professional fees in meting out their services.

## 6.0 COMMITTEE OBSERVATIONS

194. During its Sitting held on Thursday, 18<sup>th</sup> June, 2020, the Committee made the following observations: -

- (1) Lack of legal frameworks to guide government policies hampers the efficient implementation and operations of the policies.
- (2) Inadequate budgetary allocations hinder implementation of House resolutions.
- (3) Late and incomplete responses by Ministries which usually leads to back and forth communication with the Committee thus delaying reporting by the Committee to the House.
- (4) Most of the motions/legislations introduced in the House are not subjected to a thorough scrutiny on the viability of their implementation. This makes the House to pass resolutions that are not in line with the existing Government's Agenda and Mid-term policies.
- (5) Some resolutions of the House are not SMART (Specific, Measurable, Achievable, Realistic and Time bound); this poses a problem on their implementation.
- (6) There is lack of an online tracking tool for implementation of House resolutions.
- (7) The inordinate delay of court cases is hampering the implementation of House resolutions and consequently the Committee is unable to conclusively report on the implementation of affected resolutions, especially under the Ministries of Lands & Physical Planning and, Environment & Forestry.
- (8) While Kenya has ratified most protocols, other partner states in the East Africa Community are yet to do so therefore hampering the implementation of the protocol.



## 7.0 COMMITTEE RECOMMENDATIONS

195. During its Sitting held on Thursday, 18<sup>th</sup> June, 2020, the Committee made the following recommendations: -

1. Clear legislations should be developed to implement various government policies.
2. The National Assembly should develop an online tracking tool for the implementation of House resolutions as a matter of priority for effective follow up of implementation of House resolutions.
3. The National Assembly should enhance its scrutiny of laws, resolutions and motions to ensure that resolutions passed are implementable.
4. The House and by extension committees should ensure all resolutions passed are Specific, Measurable, Achievable, Realistic and Time bound, to ensure they are implemented and for effective follow up of the same.

Signed  Date 29/06/2020

Hon. Moitalel Ole Kenta, MP

Chairperson, Committee on Implementation





## ANNEXURES





## **ANNEXURE 1**

### **MINUTES**



**MINUTES OF THE 13<sup>TH</sup> SITTING OF THE COMMITTEE ON IMPLEMENTATION HELD ON THURSDAY, 18<sup>TH</sup> JUNE, 2020, IN THE 5TH FLOOR COMMITTEE ROOM, CONTINENTAL HOUSE, PARLIAMENT BUILDINGS, AT 12.00 PM.**

**PRESENT**

1. The Hon. Moitalel Ole Kenta, MP - Chairperson
2. The Hon. Alois Musa Lentoimaga, MP
3. The Hon. George Theuri, MP
4. The Hon. (Dr.) James Kipkosgei Murgor, MP
5. The Hon. Maj. (Rtd.) John Waluke Koyi, MP
6. The Hon. Joseph Wathigo Manje, MP
7. The Hon. Paul Simba Arati, MP
8. The Hon. Charles Ngusya Nguna, MP
9. The Hon. (Dr.) Daniel Kamuren Tuitoek, MP
10. The Hon. Hassan Oda Hulufu, MP
11. The Hon. Joshua Mbithi Mwalyo, MP
12. The Hon. Michael Kingi, MP
13. The Hon. Owen Yaa Baya, MP

**APOLOGIES**

1. The Hon. Godfrey Osotsi, MP - Vice Chairperson
2. The Hon. Richard Onyonka, MP
3. The Hon. Francis Munyua Waititu, MP
4. The Hon. Johnson Many Naicca, MP
5. The Hon. Onesmas Kimani Ngunjiri, MP
6. The Hon. Generali Nixon Kiprotich Korir, MP
7. The Hon. Jared Okello, MP
8. The Hon. Nelson Koech, MP
9. The Hon. Paul Odalo Abuor, MP
10. The Hon. Silvanus Osoro, MP

**IN-ATTENDANCE**

**COMMITTEE SECRETARIAT**

- |                             |   |                        |
|-----------------------------|---|------------------------|
| 1. Mr. Abdirahman G. Hassan | - | Second Clerk Assistant |
| 2. Ms. Jane Serem           | - | Audio Officer I        |
| 3. Ms. Zeinab Wario         | - | Sergeant-at-Arms       |

**MIN. NO.NA/COI/2020/61:**

**PRELIMINARIES**

The Chairperson called the meeting to order at five minutes past twelve o'clock and said the Prayer. The agenda for the meeting was adopted, as proposed and seconded by the Hon. Owen Baya, MP, and the Hon. (Dr.) James Murgor, MP, respectively.



MIN. NO.NA/COI/2020/62:

**CONFIRMATION OF MINUTES**

The agenda item was deferred.

MIN. NO.NA/COI/2020/63:

**CONSIDERATION AND ADOPTION OF THE REPORT ON SUBMISSIONS FROM STAKEHOLDERS**

The Committee, following deliberations, unanimously adopted the report on submissions from stakeholders regarding implementation status of Legislations, Petitions and Resolutions passed by the House, after it was proposed by the Hon. Joshua Mwalyo, MP, and seconded by the Hon. Hassan Hulufu, MP. The Committee made the following observations and recommendations: -

**Committee Observations**

1. Lack of legal frameworks to guide government policies hampers the efficient implementation and operations of the policies.
2. Inadequate budgetary allocations hinder implementation of House Resolutions.
3. Late and incomplete responses by Ministries which usually leads to back and forth communication with the Committee thus delaying reporting by the Committee to the House.
4. Most of the motions/legislations introduced in the House are not subjected to a thorough scrutiny on the viability of their implementation. This makes the House to pass resolutions that are not in line with the existing Government's Agenda and Mid-term policies.
5. Some resolutions of the House are not SMART (*Specific, Measurable, Achievable, Realistic and Time bound*); this poses a problem on their implementation.
6. There is lack of an online tracking tool for implementation of House resolutions.
7. The inordinate delay of court cases is hampering the implementation of House resolutions and consequently the Committee is unable to conclusively report on the implementation of affected resolutions, especially under the Ministries of Lands & Physical Planning and, Environment and Forestry.
8. While Kenya has ratified most protocols, other partner states in the East Africa Community are yet to do so therefore hampering the implementation of the protocol.

### **Committee Recommendations**

In view of the observations made, the Committee made the following recommendations: -

1. Clear legislations should be developed to implement various government policies.
2. The National Assembly should develop an online tracking tool for the implementation of House resolutions as a matter of priority for effective follow up of implementation of House resolutions.
3. The National Assembly should enhance its scrutiny of laws, resolutions and motions to ensure that resolutions passed by the House are implementable.
4. Committees and extension the House should ensure all resolutions passed by the House are SMART, to ensure they are implemented and for effective follow up of the same.

**MIN. NO.NA/COI/2020/64:**

**CONSIDERATION OF THE  
REPORT ON THE PETITION  
BY SHREE SAI INDUSTRIES  
ON RECONSIDERATION OF  
HOUSE RESOLUTION**

The agenda item was deferred.

**MIN. NO.NA/COI/2020/65:**

**CONSIDERATION OF THE  
REPORT ON  
COMPENSATION OF  
FLOOD VICTIMS**

The Committee considered the report by the Departmental Committee on Energy, on public petition by residents of Garsen Constituency on compensation of flood victims by KENGEN and resolved to invite the Managing Directors of Kenya Electricity Generating Company (KENGEN) and Tana & Athi River Development Authority (TARDA) for a meeting on **Thursday 2<sup>nd</sup> July, 2020**, to consider implementation status of the aforementioned report.

**MIN. NO.NA/COI/2020/66:**

**CONSIDERATION OF THE  
STATEMENT ON THE  
PROGRESS OF  
CONSTRUCTION OF  
RONALD NGALA UTALII  
COLLEGE**

The Committee considered the Statement by the Hon. Owen Baya, the Member for Kilifi North Constituency, regarding the progress of construction of Ronald Ngala Utalii College, in view of the status of Implementation of the Special Report by Public Investment Committee (PIC) on the college.

In that regard, the Committee resolved to invite the Cabinet Secretary for Tourism & Wildlife, for a meeting on **Wednesday 1<sup>st</sup> July, 2020**, to apprise the Committee on the implementation status of the Special Report by PIC on the Tourism Fund's Ronald Ngala Utalii College in Kilifi County and the aforementioned Statement.

**MIN. NO.NA/COI/2020/67:**

**CONSIDERATION OF THE  
STATEMENT REGARDING  
THE BANNING OF SECOND-  
HAND CLOTHES**

The Committee considered the Statement by the Hon. Yussuf Hassan Abdi, the Member for Kamukunji Constituency, regarding the banning of importation of second-hand clothes in Kenya, and resolved the following: -

- i. The Committee to seek for a legal opinion on whether utterances made by the Cabinet Secretary for Industrialisation, Trade and Enterprise Development during her vetting process amount to an Executive undertaking; and
- ii. Request for Hansard recordings of the vetting of the Cabinet Secretary which was done by the Committee on Appointments during its Sitting of Thursday, 20<sup>th</sup> February, 2020.

**MIN. NO.NA/COI/2020/68:**

**CONSIDERATION OF THE  
STATEMENT ON FORCED  
RAILING OF CARGO FROM  
MOMBASA TO NAIVASHA  
ICD BY SGR**

The Committee considered the Statement by the Hon. Abdullswamad Sharrif Nassir, the Member for Mvita Constituency, on forced railing of cargo from Mombasa to Naivasha ICD by SGR.

In its consideration of the Statement, the Committee noted that there was no Report or resolution of the House on the aforementioned statement for the Committee to implement.

During the meeting, the Committee was informed that the same Statement was also sent to the Departmental Committee on Transport, Public Works & Housing on 3<sup>rd</sup> June, 2020, long before it was forwarded to the Implementation Committee.

Consequently, the Chairperson of the Departmental Committee on Transport presented before the House a response from the Ministry of Transport, Infrastructure, Public Works, Housing & Urban Development on Tuesday 16<sup>th</sup> June, 2020.

Considering that the Speaker had instructed the Committee on Implementation to follow up on implementation of the Statement and having in mind that there was no

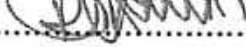


report to implement and the matter was already responded to on the floor on the House, the Committee noted the need to consult further on the matter.

MIN. NO.NA/COI/2020/69:

ADJOURNMENT

There being no other business, the meeting was adjourned at one o'clock.

Sign.......... Date.....29/06/2020.....  
(Chairperson)



## **ANNEXURE 2**

### **ADOPTION LIST**





The National Assembly




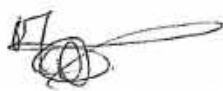

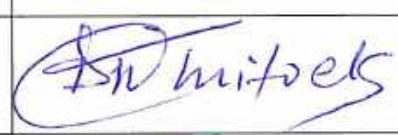


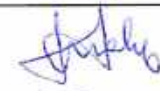


12<sup>th</sup> Parliament-4<sup>th</sup> Session-2020

Committee on Implementation

We, the Members of the Committee on Implementation, have pursuant to Standing Order 199 adopted the Report on Submissions from stakeholders regarding implementation status of Legislations, Petitions and Resolutions passed by the House. We affix our signatures to affirm our approval and confirm its accuracy, validity and authenticity.

Venue: 5<sup>th</sup> Floor, Committee Room, Continental House Date: Thursday, 18<sup>th</sup> June, 2020

S/NO.	NAME	SIGNATURE
1.	The Hon. Moitalel Ole Kenta, MP – Chairperson	
2.	The Hon. Godfrey Osotsi, MP – Vice Chairperson	
3.	The Hon. Richard Onyonka, MP	
4.	The Hon. Alois Musa Lentoimaga, MP	
5.	The Hon. Francis Munyua Waititu, MP	
6.	The Hon. George Theuri, MP	
7.	The Hon. (Dr.) James Kipkosgei Murgor, MP	
8.	The Hon. Maj. (Rtd) John Waluke Koyi, MP	

9.	The Hon. Johnson Manya Naicca, MP	
10.	The Hon. Joseph Wathigo Manje, MP	
11.	The Hon. Onesmas Kimani Ngunjiri, MP	
12.	The Hon. Paul Simba Arati, MP	
13.	The Hon. Charles Ngusya Nguna, MP	
14.	The Hon. (Dr.) Daniel Kamuren Tuitoek, MP	
15.	The Hon. Generali Nixon Korir, MP	
16.	The Hon. Hassan Oda Hulufo, MP	
17.	The Hon. Jared Okello, MP	
18.	The Hon. Joshua Mwalyo Mbithi, MP	
19.	The Hon. Michael Thoya Kingi, MP	
20.	The Hon. Nelson Koech, MP	
21.	The Hon. Owen Yaa Baya, MP	
22.	The Hon. Paul Abuor, MP	
23.	The Hon. Silvanus Osoro, MP	

Committee Clerk

Name Abdirahman Hassan

  
.....  
(Signature)

Date 18/6/2020



## **ANNEXURE 3**

### **SUBMISSION FROM STAKEHOLDERS**



437



MINISTRY OF TRANSPORT, INFRASTRUCTURE, HOUSING, URBAN DEVELOPMENT  
AND PUBLIC WORKS  
STATE DEPARTMENT OF INFRASTRUCTURE

OFFICE OF THE PRINCIPAL SECRETARY

Telephone: (020) 2723232  
Fax: (020) 2719658  
Email: ps@infrastructure.go.ke  
Website: www.transport.go.ke  
When replying please quote:

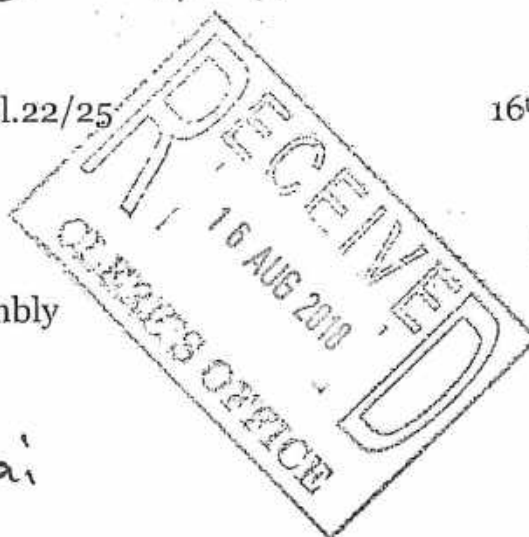
WORKS BUILDING  
NGONG ROAD  
P.O. Box 30260-00100  
NAIROBI-KENYA

① 01 Comm. 14/08  
8 17/08

MOTIH&UD/I/A.24.04.Vol.22/25

16<sup>th</sup> August, 2018

Michael R. Sialai, EBS  
Clerk of the National Assembly  
P.O. Box 41842-00100  
NAIROBI



② ROSE  
pls deep  
for  
20/8/18

Dear Mr. Sialai

**RE: REQUEST FOR INFORMATION ON IMPLEMENTATION  
STATUS OF HOUSE RESOLUTIONS BY SELECT COMMITTEE  
ON IMPLEMENTATION**

Reference is made to your letter Ref.NA/DCS/COI/2018/ (103) dated 24<sup>th</sup> July, 2018 on the above subject matter.

Please find the current status of the mentioned projects as indicated in the attached matrix.

Yours

Sincerely

Julius Korir, CBS

**PRINCIPAL SECRETARY**

Encls





# APPENDIX 1





	RESOLUTION	DATE ADOPTED	CURRENT STATUS
1	A Petition on proposed demolitions of buildings for purposes of expansion of Likoni Lunga Lunga Road	16.7.2016	The Demolitions targeted structures that were encroaching on the road reserve .This exercise was conducted and the road reserve cleared of any encroachment. This is an ongoing exercise being conducted countrywide.
PETITIONS			
1	A Petition on the construction of speed bumps and the establishment of rumble strips between Madeya and Rangala Trading centers along Kisumu-Busia Highway	14.11.2013	Humps and Signage Installed at all locations along the Kisumu-Busia Highway where pedestrian safety considerations were observed. However, at Madeya & Rangala pedestrian conflicts were not critical since the temporary encroachments within road reserve were removed after due consultation with the residents and the Area Chief.
2	A Petition for the erection of bumps and construction of a footbridge at Kangoro bus stop along Embu-Meru Highway	18.6.2015	Standard Humps and Signs have been installed at the Location. The Footbridge Design/construction has not been considered since the road as a whole is currently characterized with many speed bumps especially at the trading centres. The suggested footbridge is a major investment that requires engineering studies and designs. There are some Engineering aspects that have been employed as part of the 3E's(Engineering, Education and Enforcement) approach to road safety on this road. KeNHA in collaboration with NTSA will come up with strategies to educate the public and



			<p>enforce observance of the prescribed speed limits along the road.</p> <p>It should also be pointed out that the bus stop in question is illegal; nevertheless, the safety of the school kids is of paramount importance to the Ministry. However, The Ministry through KeNHA will make every effort to seek a solution that will be beneficial to all.</p>
3	<p>A Petition on the upgrading of Old Mombasa Road/Maasai Road A,B &amp; C in Nairobi County to bitumen standards to ease movement of people ,goods and services</p>	18.3.2015	<p>-The contractor (China Wu Yi Co.Ltd) to rehabilitate Old Mombasa / Maasai Road has been procured under Eastlands Regeneration Programme Lot 3 and is mobilizing to site. The contract period is 12 months commencing on 24<sup>th</sup> August, 2018 and expected to be complete by August, 2019.</p> <p>Road A-done to completion</p> <p>Road B-Not constructed but is motorable.</p> <p>Road C- Substantially completed.</p>
4	<p>Construction of footbridges along Thika Superhighway</p>	3.8.2016	<p>The construction of 4 No. Of footbridges has started and is expected to be completed by December,2019</p>
5	<p>A Petition on the erection of speed bumps along Kakamega-Mumias Road</p>	3.8.2016	<p>Humps and Warning signs have been erected at locations where need for them was identified with input of the residents.</p>
6	<p>A Petition on decongestion of Bomas-Ongata Rongai-Kiserian</p>	17.8.2016	<p>KeNHA is currently Implementing a PBC (Performance Based Contracting) Maintenance</p>





	Road		Project on the Road while awaiting funding for its expansion under Annuity Programme.
7	A Petition on the delayed carpeting of a section of the Meru-Maua Road from Farm to Murera gate Meru National Park	17.8.2016	The rehabilitation of this road is currently ongoing and is a venture between the Ministry of Tourism (Employer) and General Manager Design & Construction (KeRRA) offering technical services. The road was repackaged to fit the contract sum and was varied from 26 Km to 11.5Km and the remaining 14 Km to be repackaged as a new contract. The principal Secretary, Ministry of Tourism was informed about this development and has concurred.
8	A Petition on delayed reconstruction of Kabani-Kangundo bridge along Thwake River	17.8.2016	KeRRA has installed a modular bridge (Bailey Bridge) across the Muumbuni-Kathiani-Kangundo as a short term measure to ensure motorability and accessibility. The bridge was further extended by 6.25 m in June, 2017 due to flooding and wash out.
9	A Petition on the state of Karatina Jambo Road	17.8.2016	The contract for the construction of Jambo(In A2)-Kagochi-Hombe-Kwa Wambui-State Lodge-Giagatika and Muranga-Kiriani road Was terminated following a ruling by the High Court of Kenya on the same(Miscellaneous Civil application No.100 of 31 <sup>st</sup> July,2017. Consequently, the road construction shall be considered in future subject to availability of funds.
10	Report on the Petition on	2017	The Contractor for this road, M/s Stecol Corporation





	tarmacking the Gatiguu-McVast-Matangini-lthanga-Kirathani-Mayuuya/Ng'ang'a-Makuyu Road		is on site and will carry out the works for a period of 36 months at a contract sum of Ksh 3.2 Billion. The expected date of completion is 19 <sup>th</sup> September, 2020.
	ACTS		
11	Engineering Technology Act, No. 23 of 2016		The Board was constituted by the Cabinet Secretary, Ministry of Education hence not domiciled in this Ministry.
12	Engineers Act, 2011	27 <sup>th</sup> January, 2012	The Act was operationalised in 2013 and the Board subsequently instituted. Details in Appendix 1.





## OFFICE OF THE PRESIDENT

Telegraphic Address: "Rais"  
Telephone: Nairobi 2227411  
When replying, please quote

MINISTRY OF INTERIOR  
AND CO-ORDINATION  
OF  
NATIONAL GOVERNMENT

P.O. Box 30510-00100  
Nairobi

Our Ref. **OP.PA. 1/29**  
And date

**20<sup>th</sup> August, 2019**

Clerk of the National Assembly  
**NAIROBI**

**RE: REQUEST BY THE SELECT COMMITTEE ON  
IMPLEMENTATION FOR THE IMPLEMENTATION STATUS  
OF HOUSE RESOLUTION**

---

Reference is made to your letter ref.NA/DCS/COI/2019(60) dated 23<sup>rd</sup> July, 2019.

Forwarded herewith please find submissions on the implementation status of House Resolution.

**MOFFAT M. KANGI, EBS**  
**FOR: PRINCIPAL SECRETARY/INTERIOR**

**Encl.**





The registration of Births and Deaths is governed by the Births and Deaths Registration Act CAP149 enacted in 1928 [GOK, 1928]. The Act provides for compulsory and immediate registration of all Births and Deaths that occur in Kenya, regardless of nationality. It also provides for optional registration of Births and Deaths of Kenya citizens that occur outside the Country.

Enclosed herewith please find a report on the established registration offices in the Country.

**3. RESOLUTION THAT ALL DISCIPLINED FORCES TO GIVE  
FIRST PRIORITY TO NATIONAL YOUTH SERVICE (NYS)  
GRADUATES DURING RECRUITMENT**

In the year 2015, 2016 and 2017, Kenya Prison Service recruited 100, 50 and 50 NYS graduates respectively. The training and recruitment is guided by the following:

**i. Nine months for regular recruit constables and 13 months for cadets**

The training programme is structured to cover both academic and professional units to ensure that the Kenya Prisons Service trainees are in line with the International standards and best practices in handling inmates in a humane manner while ensuring rehabilitation and reformation is achieved. The cumulative contact hours translate to nine months for recruit constables and thirteen months for cadets.

**ii. Common bond**

The Kenya Prisons Service has been recruiting from NYS and the Country at large. All recruits undergo a similar concurrent and cohesive training programme to cultivate a common bond and unity as correctional officers.

## **STATUS OF IMPLEMENTATION OF HOUSE RESOLUTIONS**

---

### **1. POLICY ON THE CRITERIA FOR RECRUITMENT AND REMUNERATION OF VILLAGE ELDERS**

In an effort to empower citizen participation in management of security and governance in the Country, the Government has been engaging the services of respectable members of the community, commonly referred to as village elders. The elders form a key link between the Government and the members of the public through the Chiefs and Assistant Chiefs.

However, no facilitation has been provided for these elders over the years since the Ministry of Interior and Coordination of National Government has no budgetary allocation for their payment. Further, there is no legislation regarding the recruitment, deployment and remuneration of the village elders and the definition of villages and standardization of the villages across the Country.

### **2. ESTABLISHMENT OF CIVIL REGISTRATION CENTRES IN EVERY CONSTITUENCY**

The Constitution of Kenya, 2010, recognizes the civil registration function as a primary basis for establishing Kenyan citizenship (Article 12, 13 & 14) by recording the occurrence of a birth to give a child its conclusive identity, which includes name, parentage, and nationality. Article 53 (1) (a) of the Constitution expressly provides for registration to fulfill the first right of every child born in Kenya.



### iii. National Outlook

Kenya Prisons Service potential recruitment candidates are sourced countrywide in all the 290 constituencies and the NYS to create a national outlook and equal representation.

## 4. THE STATUS OF DOCUMENTATION AND AUTOMATION OF REGISTRATION OF FIREARMS FOR THE NATIONAL POLICE SERVICE IS ON COURSE AND ONGOING.

The following Units/Commands have so far been automated;

S/NO.	FORMATIONS/UNITS/SUB COUNTIES
1.	G.S.U
2.	KPC
3.	LOGISTICS CENTRE
4.	ELDORET AIRPORT
5.	DIPLOMATIC POLICE
6.	A.P.T.U
7.	CID NAIROBI AREA
8.	TPU
9.	RAILWAY NAIROBI
10.	MOMBASA AIRPORT
11.	CENTRAL BANK
12.	CFB
13.	DAADAB
14.	KENYA POLICE STAFF COLLEGE
15.	MARITIME
16.	SOB 4
17.	KERICHO
18.	MATUNGU
19.	SABATIA
20.	RACHUONYO SOUTH
21.	RACHUONYO NORTH
22.	MBITA
23.	MBEERE
24.	MBEERE SOUTH
25.	HAMISI

26.	MAARA
27.	VIHIGA
28.	EMUHAYA
29.	KONON
30.	POKOT CENTRAL
31.	NANDI NORTH
32.	CHEPATAIS
33.	MT ELGON
34.	NYAKACH
35.	MUHORONI
36.	NYANDO
37.	BURETI
38.	MUMIAS
39.	BONDO
40.	KURESOI
41.	MATUNGULU
42.	MOLO
43.	RARIENDA
44.	BUTERE
45.	LANGATA
46.	SOTIK
47.	NANDI CENTRAL
48.	NANDI EAST
49.	NANDI SOUTH
50.	RONGAI
51.	MERU CENTRAL
52.	KHWISERO
53.	DAGORETI
54.	KAREN
55.	LOWER YATTA
56.	ELDORET WEST
57.	KITUI
58.	MATINYANI
59.	LAGDERA
60.	NZAMBANI
61.	ELDORET SOUTH
62.	KITUI WEST
63.	KATULANI
64.	KATHIANI
65.	LAIKIPIA WEST
66.	NYAHURURU
67.	KAJIADO NORTH

68.	LAMU EAST
69.	LAMU WEST
70.	BARINGO EAST
71.	BEGUT
72.	ISINYA
73.	BALAMBALA
74.	BANISA
75.	BUNA
76.	BURA
77.	BUURI
78.	FAFI
79.	GARISSA
80.	HABASWENI
81.	IGEMBE NORTH
82.	ISIOLO
83.	LOIYANGALANI
84.	MARSABIT NORTH
85.	MERTI
86.	NAKURU NORTH
87.	NJORO NORTH
88.	NJORO
89.	SUBUKIA
90.	TARBAJ
91.	WAJIR EAST
92.	WAJIR NORTH
93.	WAJIR SOUTH
94.	WAJIR WEST

**5. POLICY DEVELOPMENT FOR THE IMPROVEMENT OF NPRs WELFARE INCLUDING PAYMENTS, PROVISION IN CASE OF DEATH, DISTINCT UNIFORMS FOR NPRs AND TRAININGS BEFORE DEPLOYMENT AND DURING COURSE WORK.**

Reserve officers are recruited, trained and deployed to compliment both Kenya Police Service and Administration Police Service in their mandate. They are kitted with existing National Police Service items of uniform.

Reserve Officers are entitled to free medical care from Government Medical facilities in regard to injuries sustained or illness contracted while on duty. A report of injury or death is duly prepared by his/her commander and forwarded to the Inspector General of Police

A Reserve Police officer is required by law to serve for a non-extendable period of five (5) years. Promotion is done in accordance with National Police Service Act.

A total of 40 Reserve Police Officers were selected among existing NPRs in Elgeyo Marakwet, Baringo and West Pokot, trained in Magadi GSU camp for one month and are currently camping in Elgeyo Marakwet for quick response (Composition – Elgeyo Marakwet -20, West Pokot-15, Baringo (East Pokot) – 5). A further selection for training is underway in Laikipia West and Turkana Counties (Kapendo area)

The Reservists are entitled for a stipend allowance of Kshs. 5,000 per month. Currently they have been paid up to January, 2019 while 40 NPRs camping in Elgeyo Marakwet have been paid up to March, 2019. Plans are underway to release February payment to the others. Generally, there are concerted efforts to improve their welfare.

## **6. DECLARATION OF CATTLE RUSTLING AS A NATIONAL DISASTER;**

Cattle rustling is an age-long crime which has been in existence amongst pastoral communities and the society in general. The cattle rustling has evolved and changed faces over time. In the past, the cattle rustlers raided in the night, stole a few heads of cattle and their tools of operations were mainly spears, shields, bows and arrows. During such raids, cultural norms were respected where old men, children and women were not purposely killed. However, over time,



# LIVESTOCK RAIDS

REGION	LIVESTOCK RAIDS								
	2016/ 17	2017/ 18	DIF F	%DIF F	2017/ 18	2018/ 19	DIF F	%DIF F	TOTA L
RIFT VALLEY	310	379	69	22	379	225	154	-41	914
NAIROBI	0	0	0	0	0	0	0	0	0
CENTRAL	4	2	-2	-50	2	0	-2	-100	6
NORTH EASTERN	6	4	-2	-33	4	2	-2	-50	12
EASTERN	4	5	1	25	5	7	2	40	16
COAST	0	0	0	0	0	0	0	0	0
NYANZA	6	4	-2	-33	4	2	-2	-50	12
WESTERN	0	0	0	0	0	0	0	0	0
TOTAL	330	394	64	19	394	236	158	-40	960

# PERSONS KILLED

REGION	PERSONS KILLED								
	2016/17	2017/ 18	DIFF	%DIFF	2017/18	201 8/1 9	D I F F	%DI FF	TO TAL
RIFT VALLEY	67	86	19	28	86	59	-27	-31	212
NAIROBI	0	0	0	0	0	0	0	0	0
CENTRAL	0	0	0	0	0	0	0	0	0
NORTH EASTERN	0	0	0	0	0	4	4	0	4
EASTERN	4	3	-1	-25	3	1	-2	-67	8
COAST	0	0	0	0	0	0	0	0	0
NYANZA	0	0	0	0	0	0	0	0	0
WESTERN	0	0	0	0	0	0	0	0	0
TOTAL	71	89	18	25	89	64	-25	-28	224

cattle theft has evolved with the acquisition of guns, raiders now strike at will and they no longer respect cultural norms resulting in killing of old men, children and women.

Areas in North Rift affected by cattle rustling are Turkana, West Pokot, Elgeyo Marakwet, Baringo, Laikipia and Samburu Counties. A larger population of the communities inhabiting this region are pastoralists. Historically, these communities have over the years engaged in cattle rustling.

**Analysis of the problem and reasons why there is no need of a special fund;**

In the three-year period a total of **54,070** livestock were stolen where **25,148** were recovered. A total of **224** people were killed and **237** were injured as illustrated in the table below;

YEAR	2016/17	2017/18	2018/19	TOTAL
LIVESTOCK RAIDS	330	394	236	960
PERSONS KILLED	71	89	64	224
PERSONS INJURED	71	100	66	237
LIVESTOCK STOLEN	16,909	23,169	13,992	54,070
LIVESTOCK RECOVERED	8,185	11,176	5,787	25,148

Cattle rustling related incidences generally increased in the Fiscal year 2017/18 as compared to 2016/17 and dropped in 2018/19. The 2017/18 increase can be attributed to the General elections in the Country. This has been illustrated in the tables below;

REGION	PERSONS INJURED								
	2016/17	2017/18	DIFF	%DIFF	2017/18	2018/19	DIFF	%DIFF	TOTAL
RIFT VALLEY	65	95	30	46	95	60	-35	-37	220
NAIROBI	0	0	0	0	0	0	0	0	0
CENTRAL	0	0	0	0	0	0	0	0	0
NORTH EASTERN	4	4	0	0	4	6	2	50	14
EASTERN	0	0	0	0	0	0	0	0	0
COAST	0	0	0	0	0	0	0	0	0
NYANZA	2	1	-1	-50	1	0	-1	-100	3
WESTERN	0	0	0	0	0	0	0	0	0
TOTAL	71	100	29	41	100	66	-34	-34	237

#### PERSONS INJURED

#### NUMBER OF LIVESTOCK STOLEN

REGION	LIVESTOCK STOLEN								
	2016/17	2017/18	DIFF	%DIFF	2017/18	2018/19	DIFF	%DIFF	TOTAL
RIFT VALLEY	16,017	22,618	6,601	41	22,618	13,760	-8,858	-39	52,395
NAIROBI	0	0	0	0	0	0	0	0	0
CENTRAL	2	1	-1	-50	1	0	-1	-100	3
NORTH EASTERN	366	278	-88	-24	278	216	-62	-22	860
EASTERN	518	266	-252	-49	266	7	-259	-97	791
COAST	0	0	0	0	0	0	0	0	0
NYANZA	6	6	0	0	6	9	3	50	21
WESTERN	0	0	0	0	0	0	0	0	0
TOTAL	16,909	23,169	6,260	37	23,169	13,992	-9,177	-40	54,070

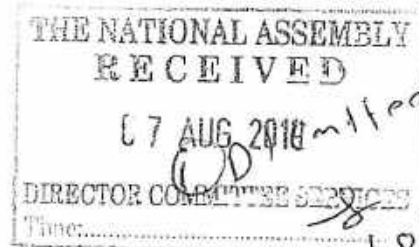
**NUMBER OF LIVESTOCK RECOVERED**

REGION	LIVESTOCK RECOVERED								
	2016/17	2017/18	DIF F	%DI FF	2017/18	2018/19	DIFF	%DI FF	TOTAL
RIFT VALLEY	7,825	10,996	3,171	41	10,996	5,787	5,209	-47	24,608
NAIROBI	0	0	0	0	0	0	0	0	0
CENTRAL	2	1	-1	-50	1	0	-1	-100	3
NORTH EASTERN	70	35	-35	-50	35	0	-35	-100	105
EASTERN	284	142	-142	-50	142	0	-142	-100	426
COAST	0	0	0	0	0	0	0	0	0
NYANZA	4	2	-2	-50	2	0	-2	-100	6
WESTERN	0	0	0	0	0	0	0	0	0
TOTAL	8,185	11,176	2,991	37	11,176	5,787	5,389	-48	25,148

From the above analysis, it is clear, cattle rustling is reducing and under control. Hence the reason there is no need to declare it a national disaster as it affects only a small section of the Country and most people in those areas are abandoning the practice and adopting new methods of economic activities.



② Rosie  
please deal  
FA  
07/8/19



**THE PRESIDENCY**  
**MINISTRY OF PUBLIC SERVICE, YOUTH AND GENDER**  
**STATE DEPARTMENT FOR PUBLIC SERVICE AND YOUTH**  
**Office of the Principal Secretary**

**Ref: MPSY.CS/6/2**

**5 August 2019**

**Mr. Michael Sialai, EBS**  
Clerk of the National Assembly  
Main Parliament Building  
**NAIROBI**

③ Hon Wendo  
please note  
FA  
07/8/19

Dear

*Dear N.A.*

**REQUEST BY THE SELECT COMMITTEE ON IMPLEMENTATION FOR THE  
IMPLEMENTATION STATUS OF HOUSE RESOLUTIONS**

Reference is made to your letter REF: NA/DCS/COI/2019/ (55) dated 23<sup>rd</sup> July, 2019.

In order to submit a comprehensive report for the petition, the Ministry requires input from relevant Departments specifically education, Labour, National Treasury and Interior. We have already written to the Ministries and their submissions have not been received.

The purpose of this letter is to seek your indulgence with the committee to have the submission date reviewed to a later date to allow for a comprehensive report.

Yours

*Sincerely*

**DR. F.O. OWINO, PhD**  
**PRINCIPAL SECRETARY.**

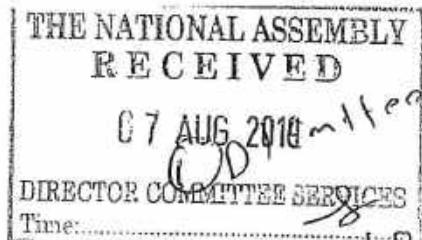


Copy to:

**Prof. Margaret Kobia, PhD, MGH**  
Cabinet Secretary  
Ministry of Public Service, Youth and Gender  
Harambee House  
**NAIROBI**



*Okun*  
*Please deal*  
*FA*  
*07/8/19*



**THE PRESIDENCY**  
**MINISTRY OF PUBLIC SERVICE, YOUTH AND GENDER**  
**STATE DEPARTMENT FOR PUBLIC SERVICE AND YOUTH**  
**Office of the Principal Secretary**

**Ref: MPSY.CS/6/2**

**5 August 2019**

**Mr. Michael Sialai, EBS**  
Clerk of the National Assembly  
Main Parliament Building  
**NAIROBI**

*(3) Hon. Wendo*  
*Please note*  
*FA*  
*07/8/19*

Dear *Don N.A.*

**REQUEST BY THE SELECT COMMITTEE ON IMPLEMENTATION FOR THE  
IMPLEMENTATION STATUS OF HOUSE RESOLUTIONS**

Reference is made to your letter REF: NA/DCS/COI/2019/ (55) dated 23<sup>rd</sup> July, 2019.

In order to submit a comprehensive report for the petition, the Ministry requires input from relevant Departments specifically education, Labour, National Treasury and Interior. We have already written to the Ministries and their submissions have not been received.

The purpose of this letter is to seek your indulgence with the committee to have the submission date reviewed to a later date to allow for a comprehensive report.

Yours

*Sincerely*  
*[Signature]*  
**DR. F.O. OWINO, PhD**  
**PRINCIPAL SECRETARY.**



Copy to:

**Prof. Margaret Kobia, PhD, MGH**  
Cabinet Secretary  
Ministry of Public Service, Youth and Gender  
Harambee House  
**NAIROBI**







Annex I

THE PRESIDENCY  
MINISTRY OF PUBLIC SERVICE, YOUTH AND GENDER  
STATE DEPARTMENT FOR PUBLIC SERVICE AND YOUTH  
Office of the Principal Secretary

Telephone: Nairobi 227411  
Ext 22527/22483  
Email: [ps.psv@psvq.go.ke](mailto:ps.psv@psvq.go.ke)

Harambee House  
P.O. Box 30050-00100  
NAIROBI

Ref. No. MPYG.CS/2/6

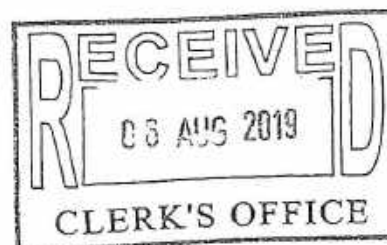
31<sup>st</sup> July, 2019

**Dr. Eng. Karanja Kibicho, CBS**  
Principal Secretary  
State Department of Interior  
Ministry of Interior and Coordination of National Government  
Harambee House  
**NAIROBI**

**Dr. Julius Muia**  
Principal Secretary  
National Treasury  
Ministry of National Treasury and Planning  
Treasury Building  
**NAIROBI**

**Dr. Richard Belio Kipsang, CBS**  
Principal Secretary  
State Department for Early Learning and Basic Education  
Ministry of Education  
Jogoo House  
**NAIROBI**

**Eng. Peter K. Tum**  
Principal Secretary  
State Department for Labour  
Ministry of Labour and Social Protection  
Social Security House  
**NAIROBI**



Dear *Colleagues,*

**REQUEST BY THE SELECT COMMITTEE ON IMPLEMENTATION FOR  
THE IMPLEMENTATION STATUS OF HOUSE RESOLUTIONS**

The Committee on Implementation in the National Assembly is mandated to scrutinize resolutions of the House including adopted Committee reports, petitions and the undertakings given by the executive and to examine whether such decisions and undertakings have been implemented and

I xamA

whether such implementation has taken place within the minimum time necessary.

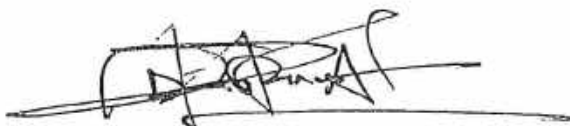
In this regard, the Committee has written to this Ministry requesting to be apprised on the implementation status and challenges faced, if any, in the implementation of the Resolution for the Government to **waive** the payment of fees by job-seeking youth in the country, and to fast-track implementation of National Employment Act which requires the establishment and maintenance of an integrated and up-to-date database of all persons seeking employment.

On Wednesday, 18<sup>th</sup> April, 2018, the House passed a Motion sponsored by the Hon. Faith Wairimu Gitau, MP, which urges the Government through the Ministry of Public Service, Youth and Gender to waive the payment of fees paid by job-seeking youth in the country and a requirement to produce numerous documentations including:

1. Tax Compliance Certificate (KRA)
2. Certificate of good conduct (DCI)
3. Higher education loan clearance certificate (HELB)
4. EACC clearance
5. Credit Reference Certificate (CRB)

This is therefore to request your office to provide a position on the area under your purview on the action taken and challenges faced if any, in the implementation of the waiver.

The Ministry of Public Service, Youth and Gender is expected to respond to the request by the select Committee on Implementation on or before **Tuesday 7<sup>th</sup> August 2019.**



**DR. F. O. OWINO, PhD**  
**PRINCIPAL SECRETARY**

Encl.

**Copy to: Prof. Margaret Kobia, PhD., MGH**  
Cabinet Secretary  
Ministry of Public Service, Youth and Gender  
Harambee House  
**NAIROBI**

**Michael M. Sialai, EBS**  
Clerk of the National Assembly  
Clerk's Chambers  
Parliament Buildings

REPUBLIC OF KENYA



THE NATIONAL ASSEMBLY

TWELFTH PARLIAMENT (SECOND SESSION)

MOTION AS PASSED

Motion Passed on: Wednesday, 18<sup>th</sup> April, 2018

THAT, aware that the average youth population in Kenya is thirty five (35) percent of the total population of the country; further aware that majority of this population is in the job market entry level; noting that Article 55 of the Constitution obligates the State to take measures to ensure that the youth access employment; concerned that this access is hindered by the requirement to produce numerous documentation including a *tax compliance certificate (KRA)*, *certificate of good conduct (DCI)*, *higher education loan clearance certificate (HELB)*, *EACC clearance*, *Credit Reference Certificate (CRB)*; further concerned that these documents cost not less than four thousand five hundred shillings (Ksh.4,500) to acquire; deeply concerned that most of the jobseekers in the youth bracket cannot raise this prohibitive amount for purposes of job application; this House urges the Government through the Ministry of Public Service, Youth and Gender Affairs to waive the payment of these fees by job-seeking youth in the country, and further urges the Ministry to immediately fast-track implementation of the National Employment Authority Act which requires the establishment and maintenance of an integrated and up-to-date database of all persons seeking employment.

Sponsor:

THE HON. FAITH WAIRIMU GITAU, MP  
MEMBER FOR NYANDARUA COUNTY





## RESPONSE TO A REQUEST BY THE SELECT COMMITTEE ON IMPLEMENTATION FOR THE IMPLEMENTATION STATUS OF HOUSE RESOLUTIONS

---

The Committee would like to be apprised on the implementation status and challenges faced, if any, in the implementation of:-

*A resolution that the government considers through all the disciplined forces to give first priority in recruitment of their servicemen and women to all willing NYS graduates which will significantly reduce their recruitment cost, training period and subsequently training cost and in addition create jobs for these skilled youth.*

### Introduction:

#### **Hon. Chairman, I submit as follows;**

The National Youth Service has actively engaged the disciplined forces to ensure that an effective engagement in the recruitment of the NYS Servicemen and women. However, it is important to note that the role of the National Youth Service during the above-mentioned recruitment of servicemen/women exercises by discipline services is to avail interested NYS candidates and provide recruitment venue.

Appended here below are tables showing the number of servicemen and women who were enlisted into the (I) Kenya Defense Forces, (ii) National Police Service and (iii) Kenya Prisons Service in the year 2017 and 2018.

#### **(I) RECRUITMENT OF NYS BY KENYA DEFENCE FORCES JULY, 2017 AND APRIL 2018**

##### **CONSTABULARY RECRUITMENT:**

The Kenya Defense Forces undertook two recruitments in July 2017 and April 2018 during which the force recruited a total of 312 officers. The following is a breakdown of the recruitment by gender and ethnicity:

S.NO.	GENDER BALANCE	2017	2018
1.	MALE	116	148
2.	FEMALE	15	33
	<b>TOTAL</b>	<b>131</b>	<b>181</b>

S.NO.	ETHNIC BALANCE	2017	2018
1.	BORANA	-	2
2.	BURJI	-	1
3.	CHONYI	-	1
4.	EMBU	3	1
5.	GIRIAMA	1	3
6.	KALENJIN	33	41
7.	KAMBA	13	16
8.	KIKUYU	18	44
9.	KISII	6	12
10.	KURIA	3	3
11.	LUHYA	12	22
12.	LUO	15	18
13.	MERU	8	5
14.	MIJIKENDA	7	3
15.	POKOMO	-	1
16.	SABAOT	-	2
17.	TAITA	6	5
18.	TESO	6	1
	<b>TOTAL</b>	<b>131</b>	<b>181</b>

## **(ii) RECRUITMENT OF NYS BY NATIONAL POLICE SERVICE**

### **MAY, 2017 RECRUITMENT:**

The National Police Service undertook one recruitment in May 2017 during which the force recruited a total of 198 officers. The following is a breakdown of the recruitment by gender, ethnicity, and sub county:

SR.NO.	GENDER BALANCE	NUMBER
1.	MALE	151
2.	FEMALE	47
	<b>TOTAL</b>	<b>198</b>
SR.NO.	ETHNIC BALANCE	NUMBER
1.	DIGO	1
2.	DURUMA	2
3.	EMBU	1
4.	GABRA	1
5.	GIRIAMA	1
6.	KALENJIN	23

7.	KAMBA	14
8.	KEIYO	1
9.	KIKUYU	32
10.	KIPSIGIS	5
11.	KISII	20
12.	KURIA	8
13.	LUHYA	29
14.	LUO	18
15.	MBEERE	1
16.	MERU	8
17.	NANDI	2
18.	OGIEK	1
19.	POKOMO	1
20.	POKOT	6
21.	SABAOT	5
22.	SAMBURU	1
23.	SOMALI	1
24.	SUBA	3
25.	TESO	9
26.	TUGEN	1
27.	TURKANA	3
	<b>TOTAL</b>	<b>198</b>

#### **RECRUITMENT BY SUB COUNTY DISTRIBUTION**

<b>SR.NO.</b>	<b>SUB DISTRIBUTION</b>	<b>COUNTY NUMBER</b>
1.	ALDAI	2
2.	ALEGO	1
3.	AMAGORO	2
4.	AMUKURA	1
5.	BARINGO CENTRAL	1
6.	BARINGO NORTH	1
7.	BARINGO SOUTH	1
8.	BOBASI	2
9.	BOGETUTU	1
10.	BOMET CENTRAL	1
11.	BONCHARI	2
12.	BORABU	1
13.	BUMULA	1

14.	BUNGOMA CENTRAL	1
15.	BURETI	1
16.	CHEPALUGU	2
17.	CHERANGANY	5
18.	CHESOEN	1
19.	CHESUMEI	1
20.	ELDORET EAST	1
21.	EMUHAYA	1
22.	ENDEBESS	2
23.	FUNYULA	1
24.	GACHOKA	2
25.	GALOLE	1
26.	GATANGA	1
27.	GICHUGU	1
28.	GILGIL	1
29.	IGEMBE SOUTH	1
30.	IKOLOMANI	1
31.	IMENTI CENTRAL	1
32.	ISIOLO EAST	1
33.	KABICHBICH	1
34.	KAGEMA	1
35.	KAMARINY	1
36.	KANDARA	2
37.	KAPENGURIA	1
38.	KAPSOKWONY	1
39.	KAPTAMA	1
40.	KARACHUONYO	1
41.	KARATI	1
42.	KARIOBANGI NORTH	1
43.	KASIPUL	1
44.	KATHIANI	3
45.	KIENI EAST	2
46.	KIENI WEST	1
47.	KILGORIS	1
48.	KILOME	1
49.	KIMININI	2
50.	KINANGOP	3
51.	KIPIPIRI	1
52.	KIPKELION WEST	1
53.	KISII CENTRAL	1
54.	KISUMU	2



55.	KISUMU EAST	1
56.	KISUMU WEST	1
57.	KITUI WEST	1
58.	KITUTU MASABA	2
59.	KOIYWA	1
60.	KURIA	1
61.	KURIA EAST	4
62.	KURIA WEST	3
63.	KWANZA	4
64.	LAIKIPIA CENTRAL	1
65.	LAIKIPIA EAST	1
66.	LARI	1
67.	LIKUYANI	1
68.	LOKICHAR	1
69.	LUANDA	1
70.	LUGAGA	1
71.	LUGARI	2
72.	MAARA	1
73.	MACHAKOS	1
74.	MAGARINI	1
75.	MAKUENI	2
76.	MANYATTA	1
77.	MARABA	1
78.	MASABA NORTH	2
79.	MATETE	1
80.	MATHIOYA	1
81.	MATHIRA	1
82.	MATHIRA EAST	1
83.	MATUGA	1
84.	MATUNGU	3
85.	MBEERE SOUTH	1
86.	MBEERE NORTH	1
87.	MBITA	1
88.	MBOONI	1
89.	MERU CENTRAL	2
90.	MOIBEN	2
91.	MOSOP	1
92.	MOYALE	1
93.	MT. ELGON	2
94.	MUHORONI	1
95.	MUMIAS WEST	1

96.	MWALA	2
97.	N. MUGIRANGO	1
98.	NAIVASHA	1
99.	NAKURU	1
100.	NANDI HILLS	1
101.	NANDI NORTH	1
102.	NAROK WEST	1
103.	NDARAGUA	1
104.	NDIA	1
105.	NJORO	1
106.	NYAKACH	1
107.	NYANDO	1
108.	NYARIBARI	1
109.	NYARIBARI CHACHE	1
110.	NYARIBARI MASABA	2
111.	NYATIKE	1
112.	NYERI	1
113.	OLKALAU	1
114.	RONGO	1
115.	OTHAYA	1
116.	POKOT SOUTH	1
117.	RAVIN WEST	1
118.	RANGWE	2
119.	RONGAI	1
120.	ROYSAMBU	1
121.	RUIRU	1
122.	RURAL	1
123.	SABAOT	1
124.	SAMBURU	1
125.	SAMBURU CENTRAL	1
126.	SEME	1
127.	SHIANDA	1
128.	SHINYALU	1
129.	SIGOR	3
130.	SIGOWET	1
131.	SIRISIA	1
132.	SOY	2
133.	SOTIK	1
134.	SOUTH KINANGOP	1
135.	STAREHE	1
136.	SUBA	1

137.	SUBUKIA	1
138.	SUNA EAST	1
139.	TARBAJ	1
140.	TESO NORTH	1
141.	TESO SOUTH	3
142.	TIGANIA EAST	2
143.	TONGAREN	1
144.	TRANSMARA EAST	2
145.	UGUNJA	1
146.	USONGA	1
147.	VIHIGA	1
148.	WEST MUGIRANGO	2
149.	WEBUYE	1
150.	WEBUYE EAST	2
	<b>TOTAL</b>	<b>198</b>

### **(iii) RECRUITMENT OF NYS BY KENYA PRISONS SERVICE**

#### **MAY, 2017 RECRUITMENT**

The Kenya Prison Service undertook one recruitment in May 2017 during which the service recruited a total of 100 officers. The following is a breakdown of the recruitment by gender, ethnicity and Sub County:

<b>SRL NO.</b>	<b>GENDER BALANCE</b>	<b>NUMBER</b>
1.	MALE	75
2.	FEMALE	25
	<b>TOTAL</b>	<b>100</b>

<b>S. NO.</b>	<b>ETHNIC BALANCE</b>	<b>NUMBER</b>
1.	BORANA	1
2.	DOROBO	1
3.	BUKUSU	5
4.	BURJI	1
5.	EMBU	1
6.	KAMBA	14
7.	KIKUYU	9
8.	KIPSIGIS	9
9.	KISII	23

10.	KURIA	1
11.	LUHYA	5
12.	LUO	8
13.	MARAKWET	3
14.	MASAAI	1
15.	MERU	2
16.	NANDI	7
17.	SABAOT	4
18.	SAMBURU	1
19.	TAITA	1
20.	TUGEN	2
21.	TURKANA	1
	<b>TOTAL</b>	<b>100</b>

**RECRUITMENT BY SUB COUNTY  
DISTRIBUTION**

<b>S.NO.</b>	<b>SUB COUNTY DISTRIBUTION</b>	<b>NUMBER</b>
1.	BOMET	5
2.	BUNGOMA	7
3.	CHEPTAIS	1
4.	ELGEYO	2
5.	EMBU	1
6.	GUCHA	3
7.	HOMABAY	3
8.	KAJIADO	1
9.	KAKAMEGA	5
10.	KERICHO	3
11.	KIAMBU	2
12.	KISII	15
13.	KISUMU	4
14.	KITUI	5
15.	KOIBATEK	1
16.	LAIKIPIA	1
17.	LONDIANI	1
18.	MACHAKOS	4
19.	MAKUENI	4
20.	MARSABIT	1
21.	MERU	1
22.	MIGORI	1
23.	MOYALE	1
24.	MURANGA	1
25.	NAIROBI	1



26.	NAIVASHA	1
27.	NAKURU	1
28.	NANDI	4
29.	NAROK	1
30.	NYAMIRA	2
31.	NYANDARUA	2
32.	NYERI	5
33.	NZAUI	1
34.	SIAYA	1
35.	SOTIK	1
36.	TAITA	1
37.	THARAKA NITHI	1
38.	TRANSNZOIA	2
39.	UASIN GISHU	3
	<b>TOTAL</b>	<b>100</b>

### **Conclusion**

In conclusion, the National Youth Service is keen to progress service men and women in to other disciplined forces as forward strategy and career progression. In this regard, the Ministry is keen to see that in every recruitment, 30% of the total number of recruits enlisted by the KDF and each disciplined service be allotted to NYS servicemen/women.

The current population of National Youth Servicemen/women is **62,153** who will exit the Service following successful paramilitary training, national service and vocational training.

**DR. F.O. OWINO, PhD**  
**PRINCIPAL SECRETARY**



1550

② TRACY  
CHES? 09/9/19

please def  
FA  
09/9/19



① D2 Committee  
8  
319/19

**MINISTRY OF DEFENCE**  
**OFFICE OF THE PRINCIPAL SECRETARY**

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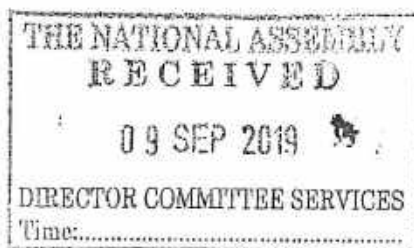
ULINZI HOUSE  
P.O. Box 40568-00100  
NAIROBI  
KENYA

When replying please quote: MOD.17/08

27th August, 2019

③ Emergent  
please note  
FA  
09/9/19

**Mr. Michael Sialai, EBS**  
Clerk of the National Assembly  
Parliament Buildings  
P.O. Box 41842 - 00100  
**NAIROBI**



Spav Michael,

**RE: REQUEST BY THE SELECT COMMITTEE ON IMPLEMENTATION**  
**FOR THE IMPLEMENTATION STATUS OF HOUSE RESOLUTIONS**

We refer to your letter NA/DCS/COI/2019/ (61) dated 23rd July, 2019.

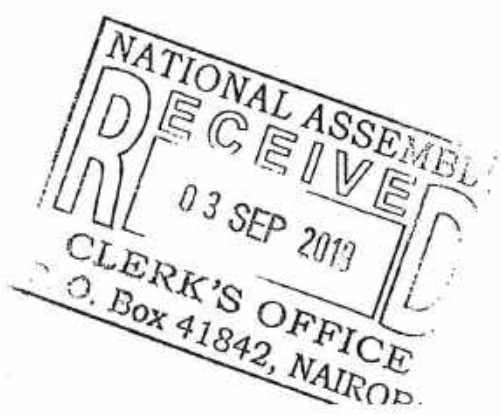
Forwarded herewith please find the status of the implementation of the House Resolutions.

A soft copy has been forwarded to the Committee's Clerk as requested.

Kindly acknowledge receipt.

*(Signature)*  
MAJ. GEN. (RTD) DR. GORDON O. KIHALANGWA, CBS  
**PRINCIPAL SECRETARY**

Attach.









# **MINISTRY OF DEFENCE**

## **IMPLEMENTATION STATUS OF HOUSE RESOLUTIONS**





## **IMPLEMENTATION STATUS OF HOUSE RESOLUTIONS**

### **RESOLUTION NO. 1**

1. A resolution that the Government considers through all the disciplined forces to give first priority in recruitment of their servicemen and women to all willing NYS graduates which will significantly reduce their recruitment cost, training period and subsequently training cost and in addition create jobs for these skilled youth as communicated vide letter Ref. No. KNA/L&P/2018/RES/14/(029) dated 11 July 2018.

#### **Comments**

The Ministry conducts recruitment in the Counties as required by Section 28(3) of the Kenya Defence Forces. The Ministry grants priority to NYS graduates who present themselves for recruitment provided they are eligible and pass medical screening. In December 2018, 420 NYS graduates were recruited into the Kenya Defence Forces as service members and constables. This is a significant increase from the 181 NYS graduates recruited in March 2018.

### **RESOLUTION NO. 2**

2. A resolution that the Government exercises its power to protect Kenyans from harassment by external threats and takes adequate measures to ensure that Kenyan territorial integrity is guaranteed and safeguarded including through the establishment of a naval force to man the Lake Victoria Waters as adopted on 25<sup>th</sup> July 2018.

#### **Comments**

a. The KDF through the Ministry of Defence is currently implementing the Border Securitization Programme which, is reinforced by deployments of Kenya Defence Forces personnel along the Kenya-Somali Boundary. It is expected that the Border Securitization Programme once completed will create a physical barrier to infiltration of armed insurgents into the Republic of Kenya while also providing continuous





monitoring of border areas. This will facilitate timeous response to potential breaches of national security.

b. Currently the Kenya Defence Forces is engaged in Operation Linda Boni, a multi-agency security initiative with the objective of securing Boni Forest and denying its usage by Al Shabaab. The operation is also intended to protect the citizens within Lamu and Tana River Counties and by extension the Republic of Kenya from attacks by Al Shabaab.

c. The Kenya Navy continues to maintain its presence within Kenya's extended exclusive economic zone in the Indian Ocean in order to protect Kenya's territorial integrity and sovereignty over the extended exclusive economic zone.

d. The deployment of the Kenya Defence Forces as part of AMISOM in the Republic of Somali is intended to degrade and neutralize Al Shabaab inside Somalia, thus deny it resources, freedom and capacity to conduct attacks within the Republic of Kenya. AMISOM operations thereof contribute to the national security of the Republic of Kenya.


e. The Ministry of Defence led the multi-agency initiative to establish the Kenya Coast Guard Service. The Kenya Coast Guard Service Act, No.11 of 2018, has since been enacted by the National Assembly. Under Section 8 as read together with Section 2 of the Act, the Kenya Coast Guard Service is required to provide maritime security and safety in the territorial waters. Territorial waters include inland waters such as Kenya's share of Lake Victoria.

f. The Kenya Coast Guard Service will therefore be responsible for providing security in the territorial waters including Lake Victoria thereby protecting the territorial integrity of the Republic of Kenya. It will also protect the citizens of Kenya who are undertaking legitimate activities within its territorial waters.



g. The Kenya Coast Guard Service Council is currently operationalizing the Service to enable it deliver its mandate within the territorial waters.

Dated at Nairobi 27<sup>th</sup> day August 2019

Signed 

**Maj Gen (Rtd) Dr. Gordon O. Kibalangwa, CBS**  
**Principal Secretary**  
**Ministry of Defence**







**MINISTRY OF TRANSPORT, INFRASTRUCTURE, HOUSING,  
URBAN DEVELOPMENT AND PUBLIC WORKS  
STATE DEPARTMENT OF INFRASTRUCTURE**

*Office of the Principal Secretary*

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P.O. Box 30260-00100  
NAIROBI, KENYA

**Ref: MOTIHUD&PW/1/A/24.04 Vol. I/51**

**6<sup>th</sup> August , 2019**

**Mr. Michael Sialai, CBS**  
Clerk of the National Assembly  
Parliament Buildings  
**NAIROBI**

Dear *Mr. Sialai*

**RE: MEETING WITH THE DEPARTMENTAL COMMITTEE ON  
TRANSPORT, PUBLIC WORKS AND HOUSING**

I refer to your letter ref.NA/COI/2019/(79) dated 23<sup>rd</sup> July,2019 on the above subject and I wish to respond as follows:

**1. Fourth Report of the Special Funds Accountst Committee**

The Ministry was not officially involved in the seating and adoption of the Fourth Report of the Special Funds Accounts Committee on the Audited Financial Statements for the Kenya Roads Board Fund and as such, we are not in a position to give a statement on the matter.

**2. Allege Demolition of Building along Mtandawanda-Kizingitini Road**

In response to the letter Ref.NA/DLP/PP/2018(019) dated 16<sup>th</sup> August ,2018 I would like to clarify that no demolitions were carried out during implementation of the project for Spot Improvement of Mtandawanda-Faza-Kizingitini Road(E991).The property marked for demolition were all within the 20m corridor; however, no demolition was carried out because the project

limited itself to the existing road corridor in the interest of humanitarian considerations.

Furthermore, the National Assembly Departmental Committee on Transport, Public Works and Housing and the Office of the Director of Public Prosecutions have separately conducted inquiries into the matter and concluded that no compensation was to be made to individuals with property within the road corridor.

The road was improved under National Government provisions of the Equalization Fund and was substantially completed in August, 2018.

I further wish to reiterate that structures that remain on the road corridor portend a serious risk to road users and therefore would recommend that all stakeholders be amenable to finding alternatives that would ultimately allow for the demolition of all demarcated structures.

Yours *Sincerely*

A handwritten signature in black ink, appearing to read 'Julius Korir', written over a horizontal line.

Julius Korir, CBS  
**PRINCIPAL SECRETARY**

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Fax: +254-20-2240066/341935/344333  
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When replying please quote Ref. No. and date



HARAMBEE AVENUE  
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NAIROBI, KENYA

MINISTRY OF FOREIGN AFFAIRS

Ref. No. **MFA.ADM.1/102A-VOL. XXI (30)**

7 August 2019

Mr. Michael R. Sialai, EBS  
Clerk of the National Assembly  
Parliament Buildings  
NAIROBI

Dear 

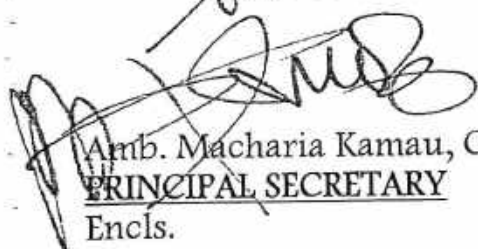
**RE: REQUEST BY THE SELECT COMMITTEE ON IMPLEMENTATION FOR THE  
IMPLEMENTATION STATUS OF HOUSE RESOLUTIONS**

I acknowledge receipt of the letter Ref: NA/DCS/COI/2019/(58) dated 23<sup>rd</sup> July 2019 on the above subject matter. I enclose herein progress reports on the implementation status of the listed reports for your information:

- 1. The Report of the Departmental Committee on Defense and Foreign Relations on the Ratification of the African Continental Free Trade Area (AFCFTA) Agreement; and the Ratification of the COMESA-EAC-SADC Tripartite Free Trade Area (TFTA) Agreement.*
- 2. The Report on inspection visit to the Isebania one-stop boarder post in Migori County.*
- 3. The Report on Inspections visits to Kenya's Diplomatic Missions.*

We are ready to provide additional information if required.

Yours 

  
Amb. Macharia Kamau, CBS  
PRINCIPAL SECRETARY  
Encls.





**THE REPORT THE DEPARTMENTAL COMMITTEE ON DEFENSE AND FOREIGN RELATIONS ON THE RATIFICATION OF THE AFRICAN CONTINENTAL FREE TRADE AREA (AfCFTA) AGREEMENT; AND THE RATIFICATION OF THE COMESA-EAC-SADC TRIPARTITE FREE TRADE AREA (TFTA) AGREEMENT**

The Ministry of Foreign Affairs wishes to report on the Ratification of the African Continental Free Trade Area (AfCFTA) Agreement; and the Ratification of the COMESA-EAC-SADC Tripartite Free Trade Area (TFTA) Agreement as follows:

**A. Ratification of the African Continental Free Trade Area (AfCFTA) Agreement**

1. Kenya participated in the negotiation of the Agreement Establishing the African Continental Free Trade Area (AfCFTA) and the three Protocols (on Trade in Goods, Trade in Services and Rules and Procedures on the Settlement of Disputes) concluded in March 2018 and was among the first country to sign on 21<sup>st</sup> March 2018. During the time, 44 AU Member States signed the Agreement during the Extraordinary Summit that was held in Kigali. To date, 54 AU member states out of 55 that have signed the Agreement. Only Eritrea is yet to sign the Agreement. In addition, Kenya was also among the first countries to ratify and deposit instrument of ratification of the AfCFTA on 10<sup>th</sup> May 2018.
2. The Agreement came into force on 30<sup>th</sup> May 2019 after the 22<sup>nd</sup> State Party deposited instrument of ratification. To date, 27 State Parties have deposited instruments of ratification. The AfCFTA was launched on 7<sup>th</sup> July 2019 in Niamey, Niger.
3. Kenya, together with AU Member States participated in the negotiation of Phase I and II issues. Phase I issues covers the Agreement Establishing the AfCFTA; the Protocols on Trade in Goods; Trade in Services; and Rules and Procedures on the Settlement of Disputes. Phase II to cover the following protocols; Protocol on Intellectual Property Rights, Protocol on Investment and Protocol on Competition Policies.
4. The entry into force of the Agreement signified a favourable milestone in enhancing intra-African trade. However, the entry into force does not mean that the State Parties to the Agreement can begin to trade with each other under the AfCFTA terms. There are still some significant outstanding issues that must be concluded for the Agreement to be implemented. These issues, include; conclusion of Rules of Origin; and submission of schedules of tariff concessions, as well as schedules of commitment for trade in services.
5. In March 2019, the African Union Commission invited AU Member States to express interest in hosting the Secretariat. Consequently, seven Member States – Egypt, Eswatini, Ethiopia, Ghana, Kenya, Madagascar and Senegal, submitted their bids to the Commission. A Technical Evaluation

Team was deployed to the bidding countries to assess their suitability and capabilities. Subsequently, the Team presented a report to the Summit, through relevant AU bodies, for a decision and it followed that the Republic of Ghana won the bid to host the AfCFTA Secretariat.

#### **B. Ratification of the COMESA-EAC-SADC Tripartite Free Trade Area (TFTA) Agreement**

6. The TFTA Agreement has been signed by 22 member countries, namely Angola, Botswana, Burundi, Comoros, Democratic Republic of Congo (DRC), Djibouti, Egypt, **Kenya**, State of Libya, Madagascar, Malawi, Mauritius, Namibia, Rwanda, Seychelles, Sudan, Tanzania, Uganda, South Africa, Swaziland, Zambia and Zimbabwe. To date, five countries have ratified the Agreement: **Kenya**, Egypt, Uganda, South Africa and Rwanda. The Agreement requires 14 ratifications to enter into force. The TFTA was launched on 10 June, 2015 in Sharm El Sheikh, Egypt at the Third Tripartite Summit.
7. After the launch of the TFTA, the Summit provided 12 months from the launch of the TFTA to conclude outstanding negotiations issues on rules of origin, trade remedies and tariff offers. However, due to a number of challenges faced in the process, the deadline of June 2016 was not met, and the commencement of Phase II negotiations – covering trade in services and other trade related matters – has been delayed pending the conclusion of negotiations on Phase I issues.

#### **8. Challenges:**

- i. Negotiation process – negotiating key trading tools like the rules of origin, tariff offers among others fails to meet deadline set.
- ii. Fast tracking the ratification by State Parties
- iii. Poor/inadequate infrastructure across the continent – one of the major barrier to trade and development in the Continent and may cause a challenge during the AfCTA's implementation.
- iv. Competition in local markets as some local companies that are taking advantage of economies of scale may grow faster than others and capture dominant positions in market.
- v. Different institutional and regulatory arrangement of each country may affect implementation of the AfCFTA and the TFTA. Such include technical barriers to trade (standards, technical regulations and Conformity assessment regimes) and SPS requirements
- vi. Different levels on products production amongst State Parties

#### **9. Expectation from State Parties:**

- I. Ensure sustainability of the AfCFTA Agreement by continuously providing the necessary support such as financial, political, technical and including the timely provision of information.

- II. AfCFTA Secretariat, the Commission and RECs to develop a framework of cooperation to further facilitate the development of the intra-Africa trade.
- III. African Ministers of Trade (AMOT) to work towards ensuring that Africa succeeds in getting the position of Director General of the World Trade Organization (WTO) falling vacant on 31st August 2020 and contribute to the strengthening of the multilateral trading system following the established AU relevant processes and procedures;
- IV. Develop implementation modalities for the following Annexes of the TFTA agreement: Annex III on non-tariff barriers to trade; Annex IV on rules of origin; Annex V on customs co-operation and mutual administrative assistance; annex VI on trade facilitation; annex VII on transit trade and transit facilitation; Annex VIII on technical barriers to trade and Annex IX on Sanitary and Phytosanitary (SPS) measures.

**MINISTRY OF FOREIGN AFFAIRS**  
**NAIROBI**  
**AUGUST 2019**





## **THE REPORT ON INSPECTION VISIT TO THE ISEBANIA ONE-STOP BOARDER POST IN MIGORI COUNTY**

Regarding the Report on Inspection visit to the Isebania one-stop boarder post in Migori County, Kenya Revenue Authority informed the Ministry of Foreign Affairs that:

1. The Isebania OSBP is not operational i.e. Kenya and Tanzania agencies at the OSBP operate as separate entities.
2. There is shortage of operational equipment which has delayed the flow process of movement of people and goods. This is a matter that needs to be reviewed by the two partner states. It is recommended that the gate to the Tanzanian side of the OSBP which is currently closed to be opened.

The Ministry of Foreign Affairs further recommends that the Committee may wish to refer to the Kenya Revenue Authority and the Ministry of East Africa Community and Regional Development, being the lead agencies in the implementation of this directive.

**MINISTRY OF FOREIGN AFFAIRS**  
**NAIROBI**

**AUGUST 2019**



## THE REPORT ON INSPECTIONS VISITS TO KENYA'S DIPLOMATIC MISSIONS

The Ministry of Foreign Affairs wishes to report on inspections visits to Kenya's Diplomatic Missions as follows:

### 1. IMPLEMENTATION STATUS ON HUMAN RESOURCE

#### I. STATUS ON MISSIONS THAT HAD HUMAN RESOURCE ISSUES

S/No.	Missions that had Human Resource Issues	Human Resource Issue / Challenge	Implementation Status
1.	Kenya Diplomatic Mission to Tokyo, Japan	a) Inadequate staff b) Heavy workload c) High cost of leaving – review remuneration	2 Officers identified for deployment Review of remuneration has started
2.	Kenya Embassy in Bern – Switzerland	a) To open Mission in Bern	Head of Mission appointed undergoing pre-departure training
3.	Kenya Mission to UN in Geneva	a) Lack of staff	Two staff already posted
4.	Kenya Embassy in Washington, DC	a) Lack of staff due to recalls	3 Staff identified for posting
5.	Kenya Embassies in Seoul – South Korea	a) Shortage of staff b) Need for posting of tourism and trade attachés	Head of mission appointed pending determination for posting Ministries for Tourism and Trade contacted for posting attachés in the current financial year
6.	Kenya Embassy of the Peoples Republic of China	a) Review of remuneration b) Shortage of staff	2 Officers to be deployed identified Review of remuneration has started
7.	Embassy/Permanent Mission of the Republic to Kenya in Vienna, Austria	a) Inadequate staff b) Need for posting of Education attaché c) Develop a Diaspora office	Head of mission and a deputy ambassador appointed undergoing pre-departure training Ministry of education contacted to prepare for attaché
8.	Embassy of the Republic of Kenya in the Russian Federation - Russia	a) No Head of mission b) Need for posting of an education attaché	Head of Public service notified of the need to appoint Head of Mission Ministry of Education contacted to identify attaché

9.	Kenya High Commission in Ottawa, Canada	a) No Pension scheme b) Post more staff and increase capacity	Terminal benefits to be paid to local staff who served on permanent terms this Financial year. Thereafter all staff to be translated to contract as per Public service commission guidelines 2014
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## II. MILESTONES IN IMPLEMENTATION OF THE ABOVE RECOMMENDATIONS

After the departmental committee on defence and foreign relations gave their recommendations in August 2018 and also after a thorough review of the Ministry's mandate, growing demands for Kenya's leadership, challenging regional and global environment, the general moratorium on recruitment in the last ten (10) years, as well as the necessity for growing foot print, it vindicated the Ministry's stated requirements for additional personnel.

At that time in August 2018, the establishment of the Foreign service personnel was stringent and lean thus making it difficult to promote enough and suitable officers to distribute at both headquarters and the missions abroad. It was felt that:

- The ideal staff distribution of the Ministry should conform to best corporate practices of a pyramidal structure, with few officers at the apex and more officers at the bottom.
- However, the Ministry's structure did not conform to this structure and thus did not provide
- (a) Appropriate technical support for optimal performance and  
(b) Effective succession management

In this regard, the Ministry requested the Public Service Commission for Expansion of the Foreign Service Establishment. Subsequently the Commission vide letter Ref: PSC/EMC/3/17 dated 22nd November 2018 approved an expansion of the Foreign Service Establishment from the current 572 to 1094 posts.

This expansion of the establishment has now allowed 215 foreign service officers to be appointed and promoted to higher grades as explained below. Some of the promoted Ambassadors/officers are undertaking pre-departure training in readiness for new assignments abroad. The Accountants and Office administrators have already left to missions to take up new postings this year 2019.



The Ministry with the approval of the Public Service Commission has promoted 103 serving officers to various Job Groups ranging from Job Group M-P between the period November 2018 and June 2019. Forty-two (42) officers in the entry level in Job Group 'J' who were employed in 2017 have all been promoted to Job Group 'K' giving way to 116 vacancies at entry level. These 116 vacancies have been advertised by the Public Service Commission.

The Appointment of High Commissioners, Ambassadors and Consul Generals remains the prerogative of the President as provided for under Article 132 (2) (e) of the Constitution. Under the Ministry's Scheme of Service, progression from JG "S" to "T" is on appointment to the position of High Commissioner/ Ambassador. This is the highest grade in the Civil Service.

In this regard, His Excellency the President on 1 May 2019 promoted and appointed 20 serving Foreign Service officers/Ambassadors Job Group 'T' to serve in various Missions abroad as well as in the Headquarters. The Ministry is in the process of filling the vacant posts at the entry level. This posts have been created by the recent promotions that have seen officers move to one or two Job Groups higher from the entry to the peak. In 2018, the President with the approval of the National Assembly appointed twenty-two Ambassadors. This year, the Ministry has seen career diplomats promoted to the rank of Ambassador/High Commissioners and Deputy Head of Missions w.e.f 1<sup>st</sup> May, 2019. All at Job Group 'T'. This has created a more ideal staff distribution at the Ministry thus conforming to best corporate practices of a pyramidal structure.

It is worth noting that the Ministry of Public Service Youth and Gender Affairs has issued a circular on the 17-tier effectively reducing the current ranks in the civil service from current 21 down to 17. The implementation that begins this month in August 2019 will automatically move officers in grade 'M' to 'N' and those serving in grade 'Q' will move to grade 'R' thus completing the promotion cycle of all officers across the cadres in the ministry.

### **III. CHALLENGES IN IMPLEMENTATION OF HUMAN RESOURCES DECISIONS**

#### **(a) Recruitment**

- **Local staff:** In 2014, the Public Service Commission gave out guidelines on the recruitment of local staff in the mission that: they should be hired on contract terms of not more than 3 years and that recruitment should be through competitive process that includes advertising, recruitment and selection. However, there are still challenges:
  - The diversity of Local Labour laws applicable in various countries that in most cases results into Litigations
  - Lack of staffing norms of local staff in each country
  - Lack of standardized salary structure in each country
  - Lack of regulations for training of local staff

- o Most missions have not been able to translate the terms of service from permanent to local contract. This has been caused by lack of funds due to budgetary constraints.

#### **(b) Deployment**

- (i) Due to the Austerity measures instituted across the larger government MDAs, the Ministry has not been able to adequately and predictably deploy officers to Missions abroad.

#### **(c) Challenges in Capacity Building**

The human resource development capacity in the Ministry is also affected negatively by the out dated scheme of service over a period of time that included:

- Lack of a comprehensive training curriculum for Foreign Service officers within the Foreign Service Academy that resonates the current scheme of service.
- Lack of Diplomatic training for the Administrative function in the Ministry.
- Lack of adequate funds to carry out training.

#### **(d) Personnel Emoluments Allocations in the Last Five (5) Budget Financial Years**

- The table below illustrates the Personnel Emoluments allocation in the last five (5) budget financial years. The increase in allocation has been minimal over the years thus fueling the above challenges. Among the challenges is the expanded diplomatic foot print which has grown over the years. Opening of new missions requires deploying human personnel to articulate the Ministry's mandate. The current budget allocation of Ksh. 7.69 B is not adequate to accommodate the growing compliment of staff in the ministry and also the high cost of living.
- The Ministry has a current liability of **Ksh. 150M** for payment of gratuity to Ambassadors at Headquarters whose contracts have expired and **Ksh. 80M** for payment of gratuity for Ambassadors at the Missions abroad and whose contracts have expired.
- The contract end period is determined once the Ambassadors/ High Commissioners are recalled back by the appointing authority.
- The Ministry has another liability in respect to Local staff. These are employees who are engaged on local agreement terms at the missions abroad. In 2014, the Public Service Commissions directed that all Local staff be engaged on a not more than 3-year local contract terms. This saw the Missions translate the terms of service for formerly engaged permanent employees to local contract terms. This exercise had not been adequately

budgeted for and thus the Ministry still struggles to clear a liability of **Ksh. 200M** in respect of payment of gratuities and dues owed to the locally engaged staff to avoid litigation issues arising.

- In total the Ministry requires **Ksh.430M** on Personnel Emoluments to clear the liability.

S/No	FINANCIAL YEAR	P.E ALLOCATION (Ksh.)
1	2014/15	5,959,630,225.00
2	2015/16	6,772,350,186.00
3	2016/17	6,960,023,571.00
4	2017/18	7,318,800,000.00
5	2018/19	7,660,470,000.00
6	2019/20	7,688,670,000.00

#### IV. RECOMMENDATIONS TO THE ABOVE CHALLENGES

To address the above challenges, the Ministry has embarked on the review of the entire Ministry's career development path, to create Kenya's Foreign Service Cadre as follows: -

- Determine entry criteria to the Foreign Service, and clarify the career path of the Foreign Service Officers
- Reduce the banding years of progression from entry to exit
- Review the organizational structure of Ministry of Foreign Affairs
- propose lateral infusion of skills and competencies
- Review the Foreign Service Institute curriculum - The Current Foreign Service Institute curriculum does not adequately respond to the needs of the Ministry. Similarly, the Scheme of Service for Foreign Service Officers has not expressly identified the requisite skills and competencies to mirror the career path. The courses should be designed to mirror the career path of the Foreign Service Officers to achieve specific learning outcomes in the professional development of the officers at each stage of their career path.
- The Ministry has embarked on a comprehensive programmatic review of the Foreign Service Academy to effectively deliver on its mandate of equipping Foreign service officers with skills and knowledge to ensure effective representation and articulation of Kenya's Foreign Policy.

## **2. IMPLEMENTATION ON THE MINISTRY'S TRANSPORT POLICY AND STANDARDS**

### **1) BACKGROUND**

A retreat of a **Parliamentary Committee on Foreign Relations & Defence** and Ministry officials took place in Naivasha in **February 2019**. Among issues that were raised was **inconsistency on transport guidelines** and in Kenya Missions abroad. It was noted that when the Parliamentary Committee visited some Missions, motor vehicles were purchased without following standard guidelines.

For instance, the following were noted:

- Representational cars for Ambassadors/High Commissioners were not standard
- There was neither a policy in place for servicing vehicles nor for replacement of vehicles
- It was not clear how long a vehicle could be used before the same could be disposed

### **2) DEVELOPMENTS**

Against that background, a taskforce was constituted in March, 2019 with specific terms of reference. **The objectives of the taskforce was to come up with a transport policy to guide in the operations of transport both at the Ministry Headquarters and in Missions abroad.**

The taskforce sought views from stakeholders both at the Ministry and Missions abroad, reference was made to the **National Transport Policy**, and **other Policy documents on transport**. Subsequently, a Draft transport policy domesticated to the Ministry and Missions abroad was developed.

Some of the keys areas that have been addressed in the Draft transport policy document included the following;

- Putting in place a Transport Management Committee
- Rules and regulations in management of Protocol vehicles
- Procedures of acquisition of Motor vehicles
- Hiring & Leasing
- Replacement of vehicles
- Motor vehicle inventory
- Use and control of motor vehicles
- Allocation of motor vehicles
- Motor vehicle maintenance, safety and protection
- Maintenance and repair
- Insurance
- Handling of accidents
- Disposal of motor vehicles



### 3) CURRENT STATUS

The Draft transport policy is under finalization. its anticipated that the final document will be printed by October 2019 for the same to be operational. Once the policy is in place the document will address concerns raised by the parliamentary Committee including other issues outlined above.

### 3. STATE OF PROPERTIES OWNED BY GOVERNMENT OF KENYA IN MISSIONS ABROAD

#### a. General Condition

Most of the government owned properties in missions abroad are old having been acquired in the early years of Kenya's diplomacy, and suffer various defects, while some have become dilapidated over the years due to poor maintenance.

Missions that own government properties and were visited by the Parliamentary team are:

- i) New York – Embassy offices, Ambassador's residence and three staff houses
- ii) Washington DC – Embassy building, Ambassador's residence and three staff houses
- iii) Ottawa – Chancery and Ambassador's residence
- iv) Tokyo – Embassy building
- v) Beijing – Chancery and Ambassador's residence

#### b) Implementation Status of Properties Visited

S/NO	IMPLEMENTATION STATUS	CHALLENGES
1.0	<b>New York</b> <ul style="list-style-type: none"> <li>➤ Ambassador's residence – this property is dilapidated and a proposal to dispose was denied by The National Treasury which advised redevelopment</li> <li>➤ Three staff houses <ul style="list-style-type: none"> <li>• Contracts for comprehensive repairs of the three staff houses have been signed</li> <li>• Work is ongoing</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• Funds have not been allocated for redevelopment</li> </ul> <p><b>NONE</b></p>
2.0	<b>Washington D.C</b> <ul style="list-style-type: none"> <li>➤ Contract has been awarded for comprehensive repairs and renovations of embassy building</li> <li>➤ Ambassador's residence and staff houses - are in fair to good condition and contracts have been awarded for repairs and renovations.</li> </ul>	<ul style="list-style-type: none"> <li>• The Ministry does not have adequate funding to complete the contract within the period of 12 months specified in the Contract</li> <li>• Inadequate budgetary provision leads to</li> </ul>

		contracts stretching over a period of several years and consequent penalties by the contractors
3.0	<b>Ottawa</b> ➤ <i>Chancery and Ambassador's residence</i> - are in very good condition after comprehensive renovations carried out in FY 2012/2014.	• Need for adequate annual maintenance budget
4.0	<b>Tokyo</b> ➤ <i>Embassy building</i> - is in fair condition	• Need for adequate annual maintenance budget
5.0	<b>Beijing</b> <ul style="list-style-type: none"> <li>• Embassy building - is small and inadequate to accommodate the needs of the Mission</li> <li>• Ambassador's residence requires renovation works</li> </ul>	<ul style="list-style-type: none"> <li>• Lack of budgetary provision to extend the properties or purchase an alternate chancery</li> <li>• Inadequate maintenance budget</li> </ul>

## 2.0 State of Leased Properties in Kenya Missions Abroad

- Leased properties in Missions abroad are generally in good condition since the Missions are in charge of the decision of where to live and are able to relocate if the need arises.
- Main challenge is inadequate budgetary provision for internal maintenance works and provision of contractual services.
- However, in a few missions like Moscow and Havana, the foreign government is the provider of housing to diplomatic Missions and this is sometimes constraining with regard to options available.

## 3.0 Challenges associated with acquisition of properties abroad by the Ministry

### i) Inadequate budgetary allocation

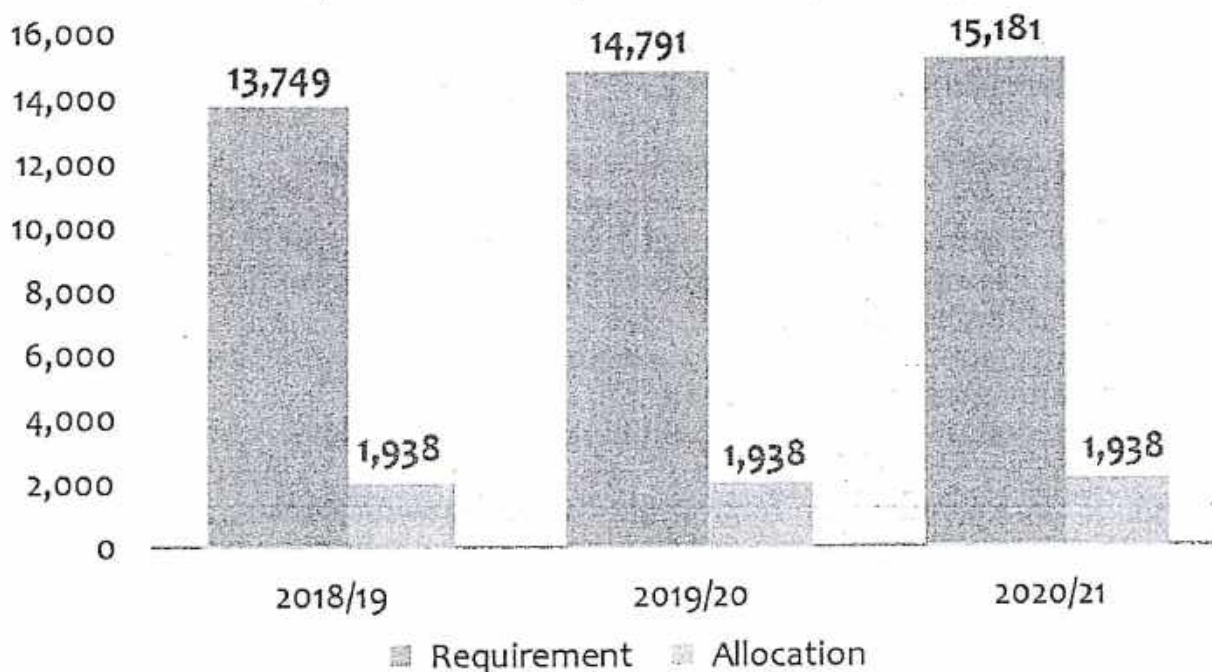
Inadequate and uncertain budgets that are often subjected to budget cuts makes it difficult for the Ministry to execute planned acquisition, replacement and maintenance of properties and other assets in Missions abroad. Between FY 2013/2014 and 2018/2019, development budget allocation has been as indicated in the Table below:

### Development budgetary allocation FY 2013/2014 to 2018/2019

FY	09/10	10/11	11/12	12/13	13/14	14/15	15/16	16/17	17/18	18/19
Amount (Ksh. Mn)	855.0	466.4	770.0	545.0	341.5	1160.0	708.0	2,379	470.0	1,587.7

Given the relatively high cost of properties in foreign countries, the budget has been inadequate to cater for planned acquisitions.

Allocation versus requirements 2017/2018 to 2020/2021 is presented below.



To bridge the gap between the Ministry's requirements and allocations, other interventions are proposed outside of the normal budgetary processes.

#### ii) Budget cuts

Austerity measures normally affect the Ministry's plan for acquisition, implementation of ongoing construction projects, maintenance plans as well as acquisition and replacement of movable assets. For instance, in Pretoria and Mogadishu the construction has taken about 5 years instead of the 18 months original contract period.

iii) **Delays in release of exchequer** - release of funds close to the end of the financial year by which time certificates have accumulated and projects have been shut down often affects implementation of projects.

#### Consequences

- Penalties – interest charges, mobilisation charges, idle time etc,
- Inability to absorb the budgets during the FY – for instance when funds are released on the last days of June and get to the Missions the following day i.e. 1<sup>st</sup> July.
- Delays in completion of projects
- Continued rent payment e.g. in Mogadishu

#### 4.0 Policy on acquisition (Assets Acquisition and Management Plan)

The Ministry has developed an Assets Acquisition and Management Plan which proposes acquisition of at least three properties per year to reduce on the extremely high rental expenditure which currently stands at approximately Ksh.

3.0 billion per year. The Plan also proposes strategies for modernisation of old dilapidated properties, repairs and maintenance schedules. The Ministry's plan of acquisition requires adequate funding to actualise and proposes sources of funds as follows:

**a) Strategic intervention fund by The National Treasury**

- A fund that is ring fenced and separate from the Sector Resource Bidding process. This is a practice in many countries, for instance in South Africa funding for acquisition of diplomatic properties is normally voted directly by the parliament.
- The strategic intervention to be operationalized as a fund to allow for roll over of the funds at the end of the FY.
- Requirement is at least Ksh. 5.0 billion per year for fifteen years

**b) Use of borrowed funds to be repaid using rental allocation**

Rents for leased properties in Missions abroad are usually high and charged at a premium. Currently, the total annual rental payments stand at around Ksh.3.0 billion. The allocation can be utilised to repay borrowed funds.

Funds can be borrowed from the following:

- a) Lenders in host countries where interest are low,
- b) Local sources such as NHIF
- Seed capital will be required to roll out the mortgage programme,
- Government guarantee will be required

**c) Use of capital proceeds from sale of properties that have ceased to be viable**

Some of the existing diplomatic properties have ceased to be viable for a number of reasons including; changing neighbourhoods that become unsuitable for diplomatic use, or heightened insecurity, relocation of government administrative capitals for instance the government of Tanzania has moved its capital from Dar es salaam to Dodoma which will necessitate Kenya government to acquire properties in Dodoma and dispose of the ones in Dar es salaam.

**d) Funding through Public Private Partnership (PPP) arrangement**

- This will entail identifying private partners willing to provide funding, undertake construction and deliver a turnkey project. The partner will be repaid with funds generated from the projects or rental savings,
- Requires approval by The National Treasury and coordination by the PPP unit at the National Treasury.



**e) Appropriation-in-Aid (A.I.A) collections from leased properties**

- The Ministry rents space in Windhoek (Kenya House at Ksh. 100.0 million per year), Dar es salaam (Ksh. 36.0 million per year), Kampala and Harare. Total A.I.A approximates Ksh. 150.0 million per year,

The Ministry should be allowed to use these funds to acquire diplomatic properties

**MINISTRY OF FOREIGN AFFAIRS**

**NAIROBI**

**AUGUST 2019**



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② TRACY  
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① D2 Committee  
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**MINISTRY OF DEFENCE**  
**OFFICE OF THE PRINCIPAL SECRETARY**

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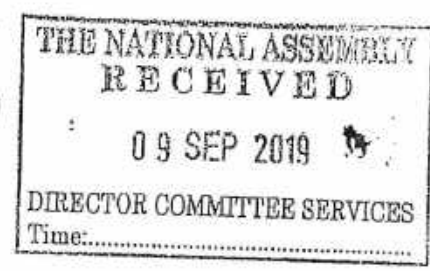
ULINZI HOUSE  
P.O. Box 40668-00100  
NAIROBI  
KENYA

When replying please quote: MOD.17/08

③ Amey  
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FA  
09/9/19

27th August, 2019

**Mr. Michael Sialai, EBS**  
Clerk of the National Assembly  
Parliament Buildings  
P.O. Box 41842 - 00100  
**NAIROBI**



Dear Michael,

**RE: REQUEST BY THE SELECT COMMITTEE ON IMPLEMENTATION  
FOR THE IMPLEMENTATION STATUS OF HOUSE RESOLUTIONS**

We refer to your letter NA/DCS/COI/2019/ (61) dated 23<sup>rd</sup> July, 2019.

Forwarded herewith please find the status of the implementation of the House Resolutions.

A soft copy has been forwarded to the Committee's Clerk as requested.

Kindly acknowledge receipt.

*(Signature)*

MAJ. GEN. (RTD) DR. GORDON O. KIHALANGWA, CBS  
**PRINCIPAL SECRETARY**

Attach.









# **MINISTRY OF DEFENCE**

## **IMPLEMENTATION STATUS OF HOUSE RESOLUTIONS**





## **IMPLEMENTATION STATUS OF HOUSE RESOLUTIONS**

### **RESOLUTION NO. 1**

1. A resolution that the Government considers through all the disciplined forces to give first priority in recruitment of their servicemen and women to all willing NYS graduates which will significantly reduce their recruitment cost, training period and subsequently training cost and in addition create jobs for these skilled youth as communicated vide letter Ref. No. KNA/L&P/2018/RES/14/(029) dated 11 July 2018.

#### **Comments**

The Ministry conducts recruitment in the Counties as required by Section 28(3) of the Kenya Defence Forces. The Ministry grants priority to NYS graduates who present themselves for recruitment provided they are eligible and pass medical screening. In December 2018, 420 NYS graduates were recruited into the Kenya Defence Forces as service members and constables. This is a significant increase from the 181 NYS graduates recruited in March 2018.

### **RESOLUTION NO. 2**

2. A resolution that the Government exercises its power to protect Kenyans from harassment by external threats and takes adequate measures to ensure that Kenyan territorial integrity is guaranteed and safeguarded including through the establishment of a naval force to man the Lake Victoria Waters as adopted on 25<sup>th</sup> July 2018.

#### **Comments**

a. The KDF through the Ministry of Defence is currently implementing the Border Securitization Programme which, is reinforced by deployments of Kenya Defence Forces personnel along the Kenya-Somali Boundary. It is expected that the Border Securitization Programme once completed will create a physical barrier to infiltration of armed insurgents into the Republic of Kenya while also providing continuous

monitoring of border areas. This will facilitate timeous response to potential breaches of national security.

b. Currently the Kenya Defence Forces is engaged in Operation Linda Boni, a multi-agency security initiative with the objective of securing Boni Forest and denying its usage by Al Shabaab. The operation is also intended to protect the citizens within Lamu and Tana River Counties and by extension the Republic of Kenya from attacks by Al Shabaab.

c. The Kenya Navy continues to maintain its presence within Kenya's extended exclusive economic zone in the Indian Ocean in order to protect Kenya's territorial integrity and sovereignty over the extended exclusive economic zone.

d. The deployment of the Kenya Defence Forces as part of AMISOM in the Republic of Somali is intended to degrade and neutralize Al Shabaab inside Somalia, thus deny it resources, freedom and capacity to conduct attacks within the Republic of Kenya. AMISOM operations thereof contribute to the national security of the Republic of Kenya.

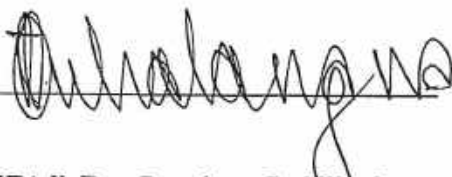
e. The Ministry of Defence led the multi-agency initiative to establish the Kenya Coast Guard Service. The Kenya Coast Guard Service Act, No.11 of 2018, has since been enacted by the National Assembly. Under Section 8 as read together with Section 2 of the Act, the Kenya Coast Guard Service is required to provide maritime security and safety in the territorial waters. Territorial waters include inland waters such as Kenya's share of Lake Victoria.

f. The Kenya Coast Guard Service will therefore be responsible for providing security in the territorial waters including Lake Victoria thereby protecting the territorial integrity of the Republic of Kenya. It will also protect the citizens of Kenya who are undertaking legitimate activities within its territorial waters.



g. The Kenya Coast Guard Service Council is currently operationalizing the Service to enable it deliver its mandate within the territorial waters.

Dated at Nairobi 27<sup>th</sup> day August 2019

Signed 

**Maj Gen (Rtd) Dr. Gordon O. Kibalangwa, CBS**  
**Principal Secretary**  
**Ministry of Defence**





**MINISTRY OF LABOUR & SOCIAL PROTECTION  
OFFICE OF THE CABINET SECRETARY**

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When replying, please quote

Social Security House, Bishops Road  
P.O. Box 40326/16936 - 00100  
Nairobi KENYA

Ref. No: ML & SP/SP.37/5 VOL.II/(30)

Date: 5<sup>th</sup> August, 2019

**Clerk of The National Assembly**  
Parliament Building  
**NAIROBI**

**Attn:** Mr. Adan Gindicha

**REQUEST BY THE SELECT COMMITTEE ON IMPLEMENTATION STATUS OF HOUSE  
RESOLUTIONS**

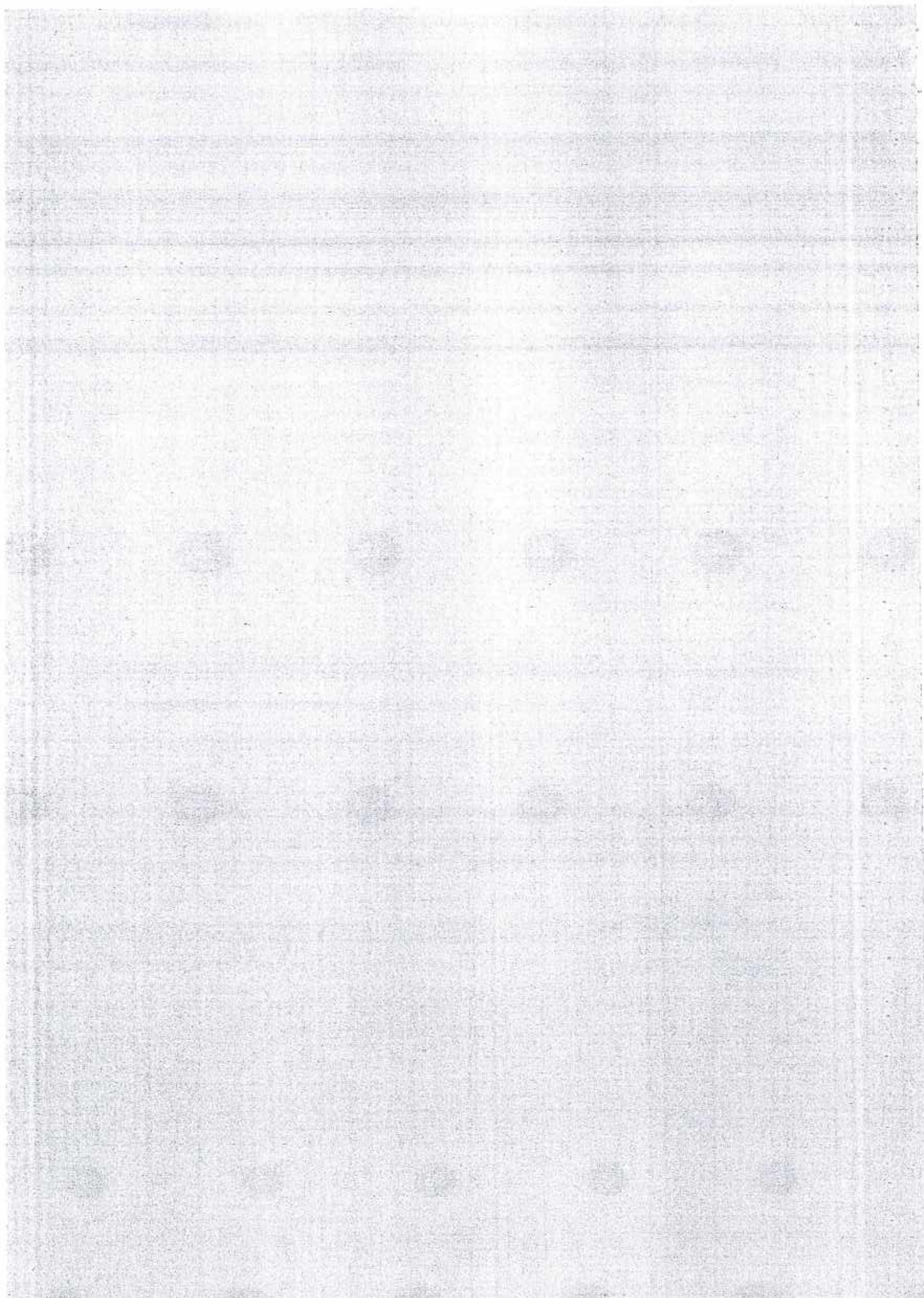
Reference is made to your letter No. **NA/DCS/COI/2019/(54)** of **23<sup>rd</sup> July, 2019** on the above subject.

Forwarded herewith is the report on a petition on the challenges in the implementation of the Social Assistance Programme as communicated vide letter **NA/DLP/PP/2018 /(016)** dated **9<sup>th</sup> August, 2018**.

  
Hon. (Amb.) Ukur Yatani  
**CABINET SECRETARY**

Encls.







REPUBLIC OF KENYA



MINISTRY OF LABOUR AND SOCIAL PROTECTION

RESPONSES TO NATIONAL ASSEMBLY SELECT COMMITTEE ON LABOUR  
AND SOCIAL WELFARE RECOMMENDATIONS

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- a) The Ministry of Labour and Social Protection should review the Social Assistance Act, 2013 and put in place enabling regulations that guide the management of the Social Protection fund as envisaged in the Kenya National Social Protection Policy, 2011

**Response:** The Ministry reviewed the Social Assistance Act, 2013 and proposed to establish a Social Assistance Fund. Based on guidance from KLRC, the ministry has written to the National Treasury requesting for establishment of Social Assistance Fund (SAF) in line with Public Finance Management Act. In June 2019 the National Treasury established a task force to develop regulations for establishing the SAF within six months. This is expected to be completed by December 2019. An Amendment Bill to repeal the Establishment SAF in the Social Assistance Act of 2013 was also done.

- b) That contracted Payment Service Providers (Banks and their agents) are obligated to implement the 6 km radius policy on pay point location to prevent beneficiaries from walking/traveling long distances hence losing on earnings through theft and unnecessary costs

**Response:** It is true the current contract with the four banks obligates the banks to implement 6 km radius in zones A and B and 20km for zone C for at least 80% of the beneficiaries. However, this obligation is to be met progressively through increasing Bank Branches and Agents across the

country to shorten the distances travelled by beneficiaries to access the money.

**c) The contracted Payment Service Providers should develop an alternative mechanism of identification of beneficiaries to serve as a backup to the biometric process; this will enhance the process of identification and provide real-time monitoring of beneficiaries and the caregivers records**

**Response:** Whereas bio metric finger prints remains the preferred means of authentication of beneficiaries during payment as per the contract, the programme beneficiaries have an alternative of PIN whenever their bio fail due to old age or defaced finger prints. However, PIN is issued to beneficiaries with approval of sub county officers.

Nevertheless, under the Account based payment system, beneficiaries can access money within 6 months unlike previous card-based payment system where the payment window was 21 days.

**d) That to enhance livelihoods and better living standards of the eligible beneficiaries the committee recommends that going forward there is need for Ministry of Labour and Social Protection to scale up the program through additional funding without increasing the capitation to individual beneficiaries**

**Response:** The Ministry's intention is to enrol all eligible beneficiaries into the programmes so as to enhance their livelihoods. However, this intention is thwarted by inadequate funding. For instance, for the last two financial years the programme has been underfunded by over Kshs. 4billion for the beneficiaries already in the programme

**e) The Ministry of Labour and Social Protection should relook into the criteria of recruitment of beneficiaries for proper identification of deserving beneficiaries**

**Response:** The Ministry has set out clear eligibility criteria for each of programme component. These criteria are set up in the programme operations manual.

**f) The Ministry of Labour and Social Protection should initiate Monitoring and Evaluation and impact assessment process for proper management of the funds**

**Response:** The Ministry has been conducting regular monitoring of the programme implementation processes by headquarter teams. In addition, several operational monitoring has been carried out by Price Water House Coopers to assess the programme compliance with its objectives.

To enhance this, a monitoring and evaluation strategy is being developed to guide future exercises. However, the Ministry had contracted an external firm to carry out Impact evaluation for Orphans and vulnerable Children component programme and a final report is expected by end of October 2019.

**g) The Ministry of Labour and Social Protection should ensure the immediate constitution and operationalization of grass root committees such as Constituency Social Assistance Committee and the Beneficiary Welfare Committee**

**Response:** The Ministry has sent circulars to all counties to reconstitute grass root committees, Constituency social Assistance Committees and Beneficiaries Welfare committees in areas where their term has expired and form them in areas where they never existed to assist in programme implementation. Further, the Ministry has developed a Beneficiaries Outreach Strategy which contains beneficiaries' centric messages meant to capacity building of beneficiaries to know their rights and responsibilities.

**h) The Ministry of Labour and Social Protection should improve the capacity of its field offices both at the County and Sub County levels in order to enhance the effectiveness of service delivery to the beneficiaries**

**Response:** For the last one year, the ministry has been holding periodic review meetings with County officers from the Department of Social Development, Department of Children's Services and National Council for Persons with Disabilities (NCPWD) to share key programme information in order to create standardization and create more synergy in programme implementation. In

addition, the Ministry has procured a number of vehicles and motor cycles to enhance officer's mobility during field work besides more equipment such as computers and have been procured and issued to officers to ease communication with headquarter.

**i) The Ministry of Labour and Social Protection should delegate to the County offices minor amendments to beneficiary details that often cause delays in accessing the funds**

**Response:** The ministry within this financial year plans to train officers on Case management modules after which some modules of programme Management Information System will be decentralized to county and sub county offices to allow officers make necessary updates to beneficiary's data online. This is anticipated to shorten to time taken for case management.

**j) The Ministry of Labour and Social Protection should extend the payment window beyond the two weeks period as is currently practiced to at least one month to cater for arid and semi-arid areas with vast terrains**

**Response:** Currently, all cash transfer programme beneficiaries are being paid through the new payment model which is account based. Under this payment model beneficiaries are given up to six months to access their money before account become dormant. So, they have longer period to collect their money unlike the previous system.

  
Hon. (Amb.) Ukur Yatani  
CABINET SECRETARY

Date: ... 8<sup>th</sup> August 2019 ...





MINISTRY OF LABOUR AND SOCIAL PROTECTION  
STATE DEPARTMENT FOR LABOUR  
OFFICE OF THE PRINCIPAL SECRETARY

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Social Security House, Bishops Rd  
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Nairobi  
KENYA

ML&SP/NEA/28/VOL1(52)

30<sup>th</sup> August 2019

Michael R. Sialai, EBS  
Clerk to the National Assembly  
P.O. Box 41842-00100  
NAIROBI

① Dicom S  
Please deal  
13/09/19

Dear Michael

RESPONSE TO PARLIAMENTARY MOTION

Please refer to your letter NA/DCS/COI/2019(54) dated 23<sup>rd</sup> July. 2019.

Enclosed please find the response to the motion by Hon. Faith Wairimu Gitau, MP  
Member for Nyandarua County.

Yours

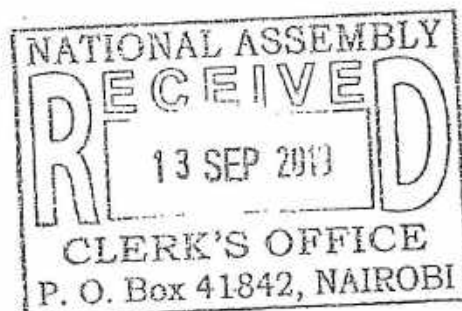
*Sincerely*  
*[Signature]*

Peter K. Tum, OGW  
**PRINCIPAL SECRETARY**

③ EATWEN  
please note

Encl.

② CHEBET  
please deal  
FA  
17/9/19





## **MOTION BY HON. FAITH WAIRIMU GITAU, MP MEMBER FOR NYANDARUA COUNTY**

### **Motion**

- 1. Fast-tracking Implementation of National Employment Authority (NEA) Act.**

### **Response**

National Employment Authority (NEA) was established by NEA Act No. 3 of 2016 which was assented to by H.E the President on 1<sup>st</sup> April 2016. The Act transformed the National Employment Bureau, one of the Departments of the Ministry of Labour and Social Protection into the Authority. The NEA Board was constituted in October 2016. The Authority was officially launched on 17<sup>th</sup> May 2019. The main objective of NEA is: to provide for a comprehensive institutional framework for employment management, to enhance employment promotion interventions; to enhance access to employment for youth, minorities and marginalized groups and for connected purposes.

The main mandate of NEA is:

- a) Employment promotion.
- b) Provision of Employment Services.
- c) Labour Migration management.
- d) National Internship Programme.
- e) Collection, analysis and dissemination of labour market information.
- f) Employment tracking and measurements.
- g) National employment policy management.

Since its establishment, NEA has been able to achieve major milestones. Among these are:

- i) Categorization by the State Co-operation as Advisory Committee.
- ii) Development of the operationalization instruments.
- iii) Development of the Strategic Plan.
- iv) Design and implementation of curriculum on Homecare management.
- v) Design and implementation of pre-departure training programme for migrant workers.
- vi) Negotiated two Bilateral Labour Agreements with the State of Qatar and United Arab Emirates.
- vii) Facilitation of jobseekers to secure employment locally and abroad.



- viii) Development of a draft National Internship Policy and guidelines.
- ix) Development of a framework for monitoring employment creation.
- x) Automaton of NEA Services - Design and launch of an on online system, National Employment Authority Integrated Management System (NEAIMS).

## **Motion**

### **2. Establishment and Maintenance of an integrated up-to-date data base of persons seeking for employment**

## **Response**

NEA is the Government agency mandated to provide public employment services to jobseekers and employers. Section 20 (1) (2) of the NEA Act requires any person seeking employment to register with NEA. These services are not charged. NEA has developed an online system for registration of jobseekers (NEAIMS). This is a robust system that facilitates registration and placement of jobseekers in employment. Through this system;

#### **a) Jobseekers:**

- i) Are able to register their profiles/biodata on line.
- ii) Can obtain information on available job opportunities countrywide.

#### **b) Employers**

Are able to:

- i) Access a pool of qualified job seekers registered in the system.
- ii) Reduce the recruitment costs and process of hiring

#### **c) National Employment Authority**

Is able to:

- i) Obtain an up to date information/data on matters concerning employment/unemployment in the country.
- ii) Get up to date information/data on the skill gaps which help in advising training Institutions on the required skills.
- iii) Register Recruitment Agencies.
- iv) Access the list of Kenyan Migrant Workers who have been cleared through the system.
- v) Obtain up-to-date information on Kenyans cleared through the system and working outside the country.



#### d) Private Employment Agencies

- i) Are able to declare job opportunities in foreign countries, particularly those whom we have signed a memorandum of understanding with.

The Ministry of Labour and Social Protection is supporting NEA in the development of this system as well as creation of awareness. Through this system, NEA has moved its operations from manual to a digital platform.



Hon. (Amb.) Ukur Yatani  
**CABINET SECRETARY**





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CHGBET

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FA 09/9/19



MINISTRY OF ENVIRONMENT AND FORESTRY

① Director  
8/31/19

Telephone: 254-20-2730808/9  
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NHIF BUILDING  
RAGATI ROAD  
P.O. BOX 30126-00100  
NAIROBI

REF: DENR/ADM/16/I/VOL.XI(29)

③ Emergent  
please note  
FA 09/9/19

Date: 27<sup>th</sup> August, 2019

The Clerk of the National Assembly  
Parliamentary Service Commission  
**NAIROBI (Attn: Jeremiah W. Ndombi)**

**REQUEST BY THE SELECT COMMITTEE ON IMPLEMENTATION  
FOR THE IMPLEMENTATION STATUS OF HOUSE RESOLUTIONS**

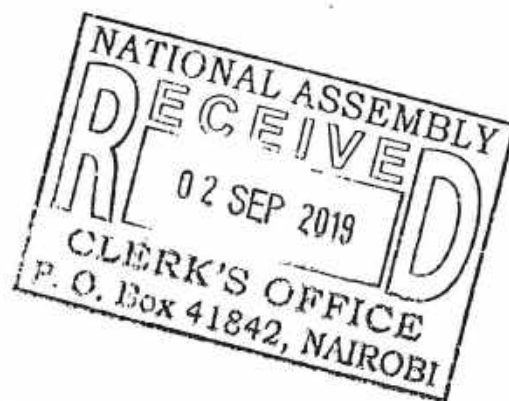
Reference is made to your letter no. NA/DCS/COI/2019(80) dated 23rd July, 2019 on the above subject.

Forwarded herewith please find twenty four (24) copies each of four (4) briefs duly signed by the Principal Secretary for your further action.

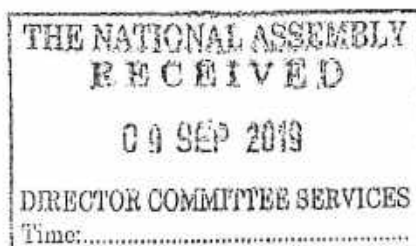
A soft copy of the same has been emailed to email address [clerk@parliament.go.ke](mailto:clerk@parliament.go.ke) as requested.

**Joel M. Kitili, CBS  
PRINCIPAL SECRETARY**

**Copy to:** Dr. Joseph Kinyua, EGH  
Head of Public Service  
Harambee House  
**NAIROBI**



Mr. Keriako Tobiko, CBS, SC  
Cabinet Secretary  
Ministry of Environment and Forestry  
**NAIROBI**









## **MINISTRY OF ENVIRONMENT AND FORESTRY**

### **BRIEF BY THE PRINCIPAL SECRETARY TO THE SELECT COMMITTEE ON IMPLEMENTATION ON THE IMPLEMENTATION STATUS OF HOUSE RESOLUTIONS – RECRUITMENT OF ALL WILLING NYS SERVICEMEN AND WOMEN INTO THE DISCIPLINED FORCES**

The Select Committee on Implementation requested the Principal Secretary to apprise it on the implementation status and challenges faced, if any, in the implementation of a resolution that the Government considers through all the disciplined forces to give first priority in recruitment of their servicemen and women to all willing NYS graduates which will significantly reduce their recruitment cost, training period and subsequent training cost and in addition create jobs for these skilled youth as communicated vide letter Ref No. KNA/L&P/2018/RES.14/ (029) dated 11<sup>th</sup> July 2018.

#### **Response**

**Hon. Chair,** my Ministry through Kenya Forest service has not recruited any Service men or Women from the time the resolution was made and communicated vide the letter Ref. No. KNA/L&P/2018/RES.14/029 dated 11<sup>th</sup> July 2018.

However, the Service has been implementing a policy of similar nature since 2015 following a directive by His Excellency the President which was made prior to the National Assembly Resolution regarding recruitment of NYS graduates.

In this regard, in June, 2015 and January 2016, the Service advertised for nationwide recruitment of 488 Recruit Forest Guards whose core requirement for the position was for candidates to have successfully undergone through Basic National Youth Service Paramilitary Training and graduated. The Service conducted the recruitment at National Youth Service College-Gilgil and successful candidates reported immediately at Kenya Forestry College-Londiani for training before their deployment to the forestry protection and enforcement duties all over the country.

Thank you, Chair.



**Dr. Ibrahim Mohamed, CBS**  
**PRINCIPAL SECRETARY**



## **MINISTRY OF ENVIRONMENT AND FORESTRY**

### **BRIEF BY THE PRINCIPAL SECRETARY TO THE SELECT COMMITTEE ON IMPLEMENTATION ON THE IMPLEMENTATION STATUS OF HOUSE RESOLUTIONS – REPORT OF THE DEPARTMENTAL COMMITTEE ON ENVIRONMENT AND NATURAL RESOURCES ON THE INQUIRY INTO FOREST RESOURCE MANAGEMENT AND LOGGING ACTIVITIES IN KENYA**

The Select Committee on Implementation requested the Principal Secretary to apprise it on the implementation status and challenges faced if any on the Report of the Departmental Committee on Environment and Natural Resources on the Inquiry into Forest Resource Management and Logging Activities in Kenya, as adopted on 7<sup>th</sup> August, 2018.

#### **Response**

#### **Background**

**Hon. Chair**, at the beginning of 2018, the Country experienced a prolonged dry spell that continued to this year. Concerns have been raised and this continue to be so with regard to acute shortage of water supply, degradation of forests on public and community land; mismanagement of plantation forests, the Shamba system, increased incidents of encroachment into water towers and other catchments areas; wanton logging, charcoal burning, and increased livestock grazing in public and

community forests all of which undermine the Country's capacity to sustain important ecological systems.

These concerns informed the decision of the Parliamentary Committee on Lands and Environment Sitting on 1<sup>st</sup> February, 2018 to commence on their motion and enquire into the malpractices. The Committee made twenty five (25) recommendations which the Government was to address. The update on the implementation of these recommendations is presented here below:

#### MATRIX ON STATUS OF IMPLEMENTATION

No	The Committee's Recommendation	Responsible	Status
1	The KFS withdraws from commercial plantations and gradually converts the 134,000 hectares of commercial plantation into natural forest by restoring the cleared land with indigenous trees. Subsequently, the Executive should create new natural forest boundaries with Nyayo Tea Zones in order to create buffer zones.	KFS, MEF	The Moratorium on harvesting of Forest Plantations from Public Forest is still in force and Restoration of the un-stocked areas is ongoing.
2	The Ministry of Environment and Forestry should provide incentives, enabling policies and other relevant interventions to private commercial forest plantation in order to increase the forest cover and to promote timber	MEF	<ul style="list-style-type: none"><li>• The Ministry advertised for the recruitment of Board of Directors to operationalize the Forest Conservation and Management Trust Fund which will support</li></ul>



No	The Committee's Recommendation	Responsible	Status
	industry.		<p>investments in the Forest Sector in the country.</p> <ul style="list-style-type: none"> <li>• In addition, the Ministry has developed a Strategy for increasing tree growing and therefore contribute towards the attainment of 10% tree cover. This is planned to commence in the F/y 2019/2020.</li> </ul>
3	KEFRI and KFS should be adequately funded and supported to develop high quality indigenous and exotic tree seedlings and nurseries in order to restore government forest land and to promote private commercial plantation.	MEF	<ul style="list-style-type: none"> <li>• The Ministry has secured funding from the National Treasury to support the Tree Planting Campaign and embarked on preparations for its implementation through KFS and KEFRI among other Government Agencies.</li> </ul>
4	Punitive penalties should be entrenched in law to curb forest destruction and illegal logging. The Forest Conservation and Management Act (No. 34 of 2016) should be amended to provide for punitive penal provisions.	MEF, KFS	The Forest Conservation and Management Act (No.34 of 2016) is currently undergoing review to provide for punitive penalties provisions.
5	Kenya should take advantage and claim carbon credits to help in her efforts at forest and general ecosystem conservation.	MEF, KFS	<ul style="list-style-type: none"> <li>• The Ministry of Environment and Forestry has created Secretariat of Climate Change at its Head-Quarters to be</li> </ul>

No	The Committee's Recommendation	Responsible	Status
	The Ministry of Environment and Forestry should create awareness on carbon credit to enable Kenyans to embrace the programme.		<p>responsible on matters of climate change and spearhead implementation of the public education and awareness programme.</p> <ul style="list-style-type: none"> <li>• The Ministry has also launched the REDD+ programme with the support of UNDP under the funding of the Forest Carbon Partnership Facility of the World Bank. This programme will develop a strategy and investment plan to access Carbon Credits to support forest conservation activities in the Country.</li> </ul>
6	Tree seedlings should be made readily available to citizens especially through empowerment of the youth and women in collaboration with KEFRI and KFS. The youth and women are encouraged to join cooperative movements in order to access cheaper seedlings under economies of scale.	KFS, KEFRI	<p>Currently KFS, KEFRI and Kenya Meteorological Department have prepared information on appropriate tree species matching with agro-ecological sites, and location of nurseries where trees and fruit trees can be accessed.</p> <p>Further, KFS has an existing programme of Farm and Dryland Forestry which deals with seedlings production and tree planting outside gazetted government forests. Through this, KFS has embarked on intensifying production of tree seedlings all over the country by improving the</p>

No	The Committee's Recommendation	Responsible	Status
			existing tree nurseries and establishing model tree nurseries in some counties as well as encouraging private, schools, individuals, churches and women groups to produce the tree seedlings to make them available for planting.
7	The Ministry of Environment and Forestry should spearhead inter-ministerial collaboration with the ministries of Petroleum and Mining, Water and Sanitation, Tourism and Wildlife in coming up with an all-encompassing strategy on conservation and management of forests, water and other natural resources in the country. Their operation should be coordinated from the Office of the President	MEF	The Ministry has prepared a draft strategy for increasing national forest cover and initiated the formation of the Inter-ministerial Committees at National and County Levels to coordinate the efforts. The Strategy is now at the Cabinet for approval.
8	The Ministry of Environment and Forestry should develop capacity of KEFRI and KFS on matching of seedlings to specific regions. The ministry should also develop standards for the development of nurseries across the country.	MEF, KFS, KEFRI	Guidelines for species site matching has been developed and incorporated in the Strategy for tree growing to be enhanced by Tree Planting towards 10% tree cover project
9	The Ministry of Environment and Forestry is	MEF	The Ministry of Environment and Forestry has developed

No	The Committee's Recommendation	Responsible	Status
	urged to come up with a master plan on environmental conservation spanning at least 25 years in collaboration with all stakeholders.		National Forest Programme 2016-2030 as a strategic framework for forest policy, planning and implementation to coordinate the sector development. The framework will enable the ministry to coordinate forest investments in the country. Currently the process of preparing an implementation action plan which shall involve the participation of all stakeholders including the public, private sector, civil society and communities is underway
10	The Ministry of Environment and Forestry should focus on plantations in ASAL areas to grow tree cover in the country in order to increase the supply of forest products since there is no competition in those areas in agriculture and human habitation.	MEF, KFS	The KFS has an existing programme of Farm and Dryland Forestry which deals with promotion of commercial tree growing outside gazetted government forests which include ASAL areas and is being manned by competent forest officers. The Service has posted officers to all the 47 counties to provide forestry advisory services as required.
11	The Ministry of Environment should spearhead regular tree planting exercise in collaboration with all government ministries, departments, agencies,	MEF, KFS	The Ministry and KFS have intensified partnership with government ministries, departments, agencies, disciplined forces, donors and other stakeholders across the country for enhanced tree



No	The Committee's Recommendation	Responsible	Status
	disciplined forces donors and other stakeholders across the country.		planting e.g. KTDA, ADC, Rhino Ark among others.
12	The Ministry of Environment and Forestry should carry out an audit of the saw millers and further assessment on how to reduce them in order to ease pressure exerted on the forest.	MEF, KFS	Ministry has commenced the process of audit of the saw millers through letter Ref; DENR/EMC/40 dated 11/6/2019. KFS has developed an e-registration system that will be used for registration of the applicants for prequalification of sawmillers. Also licensing bidding on e-line is in progress
13	KFS should put up systems in which the saw millers would be required to have corporate social responsibility programmes in order to give back to the community in which they operate.	KFS	KFS is developing a system in which the saw millers will be required to have corporate social responsibility in their areas of operation.
14	The KFS should fully implement the participatory forest management policy to ensure that Community Forest Associations benefit from the forests since they host and protect them.	KFS	Implementation of participatory forest management between KFS and Community Forest Associations is ongoing. KFS has done contractual agreement on forest operation role assigned to CFAs in 2019-2020 work plan (CFA Policy change)
15	CFAs should conduct regular elections to curb situations where some CFA officials collude with forest	KFS	Community Forest Associations will be registered with the Registrar of societies and conduct their election in accordance with

No	The Committee's Recommendation	Responsible	Status
	rangers or condone malpractices.		the provision of the society act.
16	KFS should implement the PELIS program in consultation with the Community Forest Associations to avoid conflict with the community.	KFS	KFS is implementing the PELIS program in consultation with the CFAs. KFS has initiated inter-institutional forum composed of KFS, NACOFA, FSK, CoG, and KEFRI to carry out audit and give way forward with regard to PELIS and how to address the challenges. This was done through letter Ref. PELIS/KFS/Vol.V/98 of 21/1/2019
17	KFS should streamline the operations of the PELIS system to curb the abuse of forest by rangers. Equally, riparian areas should be out of bounds for the PELIS system.	KFS	The inter-institutional forum composed of KFS, NACOFA, FSK, CoG, and KEFRI is expected to streamline the PELIS system and operations.
18	Kenya Forest Service should recruit forest rangers to ensure there are adequate numbers to effectively manage and conserve the country's forest resources. The recruitment should prioritize communities living around forests.	KFS	The KFS Board has already approved the recruitment of 1,500 forest rangers to ensure adequate numbers to effectively manage and conserve the country's forest resources. The recruitment will be done immediately funds will be made available.
19	KFS should transfer forest guards who have stayed in one area for more than 2 years. This would curb the habit	KFS	KFS identified forest rangers who had stayed in one area for more than 3 years and is in the process of transferring them as per the policy.

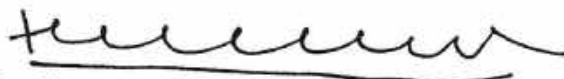
No	The Committee's Recommendation	Responsible	Status
	of the rangers abandoning their core business of forest conservation and management and resorting to farming under the PELIS system and other malpractices in collusion with cartels in the sector.		
20	KFS should streamline the allocation of forest materials through a bottom-up approach in order to mitigate the alleged corruption associated with the allocations done at the KFS head office.	KFS	Moratorium on removal of forest material is still on except for sustainable harvesting of mangrove forest in Lamu County. The Service has however prepared the procedures for allocating plantations to licensees which is aimed at streamlining the process.
21	The Ministry of Environment should ensure that KFS is adequately funded to implement its activities.	MEF	The Ministry has engaged with the MTEF Sector Working Group to request for enhanced funding to support KEFRI and KFS. Once funds are adequately provided KFS and KEFRI will develop high quality exotic and indigenous seedlings. The National Tree Planting Campaign is already an approved project for the next four years and provides funding for tree seedlings production. The process has secured an allocation of <b>KShs 1 billion</b> for increased tree planting in the country and contributes towards 10% tree cover.

No	The Committee's Recommendation	Responsible	Status
22	The Ethics and Anti-Corruption Commission should investigate the immediate former KFS Board Chairperson for possible conflict of interest and abuse of office contrary to section 101 of the Penal Code and Public Officer Ethics Act 2003. If found culpable, he should be barred from holding any public office.	MEF	The Ministry has invited the Directorate of Criminal Investigations (DCI) and EACC to conduct investigations and prosecute those culpable.
23	The Committee finds the suspension of KFS senior managers to have been done illegally and procedurally by the Chairman of KFS Board. The Committee therefore recommends that the KFS senior managers be immediately reinstated and any fresh action be procedurally done.	KFS BOARD	The process of addressing the un-procedural suspension has been addressed by the current Board and the irregularities have now been dealt with.
24	The Cabinet Secretary, Ministry of Environment and Forestry should immediately reconstitute the KFS board, with utmost attention to integrity and independence of incoming board members, to replace the former board whose term expired on 31 <sup>st</sup> March, 2018. This will ensure continuity and action on	MEF	A new Board was constituted in June 2018 and is operational.



No	The Committee's Recommendation	Responsible	Status
	matters requiring the board's attention at KFS.		
25	The executive should streamline the functions of KWS, KFS and KWTa in order to mitigate the perceived conflict and enhance their effectiveness.	MEF	The Ministry is seized of this concern and addressing this through consultations with the respective institutions.

Thank you, Chair.

  
Dr. Ibrahim Mohamed, CBS  
PRINCIPAL SECRETARY

