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THE NATIONAL ASSEMBLY

08 JUN 2022

Hednesday

Hon. Tunde Kiwonyi, MP
Member, DC - Defence & FR

REPUBLIC OF KENYA

Mainah. W. M.M

THE NATIONAL ASSEMBLY

TWELFTH PARLIAMENT – SIXTH SESSION

DEPARTMENTAL COMMITTEE ON DEFENCE AND FOREIGN RELATIONS

REPORT ON THE CONSIDERATION OF THE REGIONAL DEVELOPMENT
AUTHORITIES BILL, 2021 (NATIONAL ASSEMBLY BILL NO. 46 OF 2021)

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CHAIRPERSON'S FOREWORD

This report contains the Committee's proceedings on consideration of the Regional Development Bill (*National Assembly Bill No. 46 of 2021*) 2021 sponsored by Hon. Kato Ole Metito, MP, then the Committee's Chairperson. The Bill was read a First Time on Wednesday, 16th February, 2022 and immediately committed to the Departmental Committee on Defence and Foreign Relations for review and reporting to the House pursuant to the provisions of National Assembly Standing Order 127.

The Bill seeks to consolidate the laws relating to regional development and to provide for the establishment, powers and functions of the six (6) existing regional development bodies. These are Coast Development Authority, Ewaso Ng'iro North River Basin Development Authority, Ewaso Ng'iro South River Basin Development Authority, Kerio Valley Development Authority, Lake Basin Development Authority, Tana and Athi Rivers Development Authority.

The Committee called for memoranda from the public pursuant to Article 118(1)(b) of the Constitution and Standing Order 127(3) and received responses from one stakeholder. The Committee discussed the Bill with the Ministry of East African Community and Regional Development Authorities on 1st March, 2022 and 1st April, 2022. The Committee's recommendations and schedule of amendments are contained Part IV of the Report.

The Committee is grateful to the offices of the Speaker and Clerk of the National Assembly for the logistical and technical support accorded to it during its consideration of the Bill. The Committee further wishes to thank all stakeholders who made submissions on the Bill. Finally, I wish to express my appreciation to the Honourable Members of the Committee and the Committee Secretariat who made useful contributions towards consideration of the Bill and ultimate production of this report.

On behalf of the Departmental Committee on Defence and Foreign Relations and pursuant to provisions of Standing Order 199 (6), it is my pleasant privilege and honour to present to this House the Committee's report of the Committee on the Regional Development Authorities Bill, 2021. It is my pleasure to report that the Committee has considered the Regional Development Authorities Bill, 2021 and has the honour to report back to the National Assembly with the recommendation that the Bill should be approved with amendments.

Hon. Richard Nyagaka Tongi, MP
Chairperson, Departmental Committee on Defence and Foreign Relations

PART I

1.0 PREFACE

1.1 Establishment and Mandate of the Committee

1. The Departmental Committee on Defence and Foreign Relations is established under Standing Order No. 216. Its mandate pursuant to SO 216 (5) with the following terms of reference;
 - i) *investigate, inquire into and report on all matters relating to the mandate, management, activities, administration, operations and estimates of the assigned Ministries and Departments;*
 - ii) *study the programme and policy objectives of the Ministries and Departments and the effectiveness of the implementation;*
 - iii) *study and review all legislation after First Reading subject to the exemptions under Standing Order 101 A (4);*
 - iv) ***study and review all legislation referred to it;***
 - v) *study, assess and analyze the relative success of the Ministries and Departments as measured by the results obtained as compared with its stated objectives;*
 - vi) *investigate and inquire into all matters relating to the assigned Ministries and Departments as they may deem necessary, and as may be referred to them by the House or a Minister; and*
 - vii) *make reports and recommendations to the House as often as possible, including recommendations of proposed legislation.*
2. The Committee is mandated to consider the following subjects:
 - i) Defence
 - ii) intelligence,
 - iii) foreign relations
 - iv) diplomatic and consular services,
 - v) international boundaries,
 - vi) international relations,
 - vii) agreements,
 - viii) treaties and
 - ix) Conventions.
3. In executing its mandate, the Committee oversees the following government Ministries, departments and or agencies, namely:
 - i) Ministry of Defence
 - ii) Ministry of Foreign Affairs
 - iii) Ministry of East African Community and Regional Development
 - iv) The National Intelligence Service

1.2 Committee Membership

4. The Committee Membership is as follows:

The Hon. Richard Tongi, MP (Chairperson)

Nyaribari Chache Constituency

Jubilee Party

The Hon. Memusi Ole Kanchory, MP (Vice Chairperson)

Kajiado Central Constituency

Jubilee Party

The Hon. Yusuf Hassan Abdi, MP

Kamukunji Constituency

Jubilee Party

The Hon. Charles Kilonzo, MP

Yatta Constituency

Independent

The Hon. Stephen Mule, MP

Matungulu Constituency

WDM-K Party

The Hon. Dido Ali Raso, MP

Saku Constituency

Jubilee Party

The Hon. Maoka Maore, MP

Igembe North

Jubilee Party

The Hon. Irene Kasalu, MP

Kitui County

WDM-K Party

The Hon. Gideon Konchella, MP

Kilgoris Constituency

Jubilee Party

The Hon. (Dr.) Adan Keynan

Wehliye, CBS, MP

Eldas Constituency

ODM Party

The Hon. Martha Wangari, MP

Gilgil Constituency

Jubilee Party

The Hon. Major (Rtd.) Bashir Sheikh

Abdullah, MP

Mandera North Constituency

Jubilee Party

The Hon. (Dr.) Lilian Gogo, MP

Rangwe Constituency

ODM Party

The Hon. Zachary Thuku, MP

Kinangop Constituency

Jubilee Party

The Hon. Moses Nguchine Kirima,

MP

Central Imenti Constituency

Jubilee Party

The Hon. Vincent K. Tuwei, MP

Mosop Constituency

Jubilee Party

The Hon. Ernest Ogesi Kivai, MP

Vihiga Constituency

ANC Party

The Hon. Caleb Amisi, MP

Saboti Constituency

ODM Party

The Hon. Asha Hussein Mohamed,

MP

Mombasa County

ODM Party

1.3 Committee Secretariat

5. The Committee is facilitated by the following members of the secretariat.

Mr. Daniel Mutunga
Principal Clerk Assistant I
Lead Clerk

Mr. Abdiaziz Shobay
Clerk Assistant II

Mr. Edison Odhiambo
Fiscal Analyst

Mr. John Ng'ang'a
Audio Officer

Mr. Mohamed Said
Sergeant At-Arm

Mr. Salem Lorot
Legal Counsel

Ms. Deborah Mupusi
Media Relations Officer

Mr. Edwin Machuki
Fiscal Analyst

PART II

2.0 OVERVIEW OF THE REGIONAL DEVELOPMENT AUTHORITIES BILL, 2021

6. The Bill seeks to consolidate the laws relating to regional development and to provide for the establishment, powers and functions of the six (6) existing regional development bodies. These are Coast Development Authority, Ewaso Ng'iro North River Basin Development Authority, Ewaso Ng'iro South River Basin Development Authority, Kerio Valley Development Authority, Lake Basin Development Authority, and Tana and Athi Rivers Development Authority.
7. The Bill standardizes the functions of regional development authorities subject to the unique areas of operation of each regional development authority. It further standardizes the membership of the Boards of each regional development authority to eleven (11) members in line with best practices in corporate governance.
8. The Bill has seven parts. These are preliminary, establishment of regional development authorities, administration of regional development authorities, financial provisions, provisions on delegated powers, miscellaneous provisions, and savings, transitional and repeal.
9. Part I provides for the preliminary provisions.
10. Clause 3 provides for the general principles to guide implementation of the Act.
11. Clause 4 provides for the regional development strategy. It provides that the Cabinet Secretary shall formulate and publish a regional development strategy at least once every ten years, to guide the protection, conservation, development and regulation of the country's basin based natural resources.
12. Part II provides for the establishment of Regional Development Authorities.
13. Under this part, the Bill provides for the establishment of the Coast Development Authority, Ewaso Ng'iro North River Basin Development Authority, Ewaso Ng'iro South River Basin Development Authority, Kerio Valley Development Authority, Lake Basin Development Authority, Tana and Athi Rivers Development Authority.
14. Clause 5 provides for the establishment of the Coast Development Authority. Clause 6 provides for the composition of the Board of the Authority consisting of 11 members. Clause 7 provides for the functions of the Authority. Clause 8 provides for the Managing Director of the Authority.
15. Clause 9 provides for the establishment of the Ewaso Ng'iro North River Basin Development Authority. Clause 10 provides for the composition of the Board of the Authority consisting of

11 members. Clause 11 provides for the functions of the Authority. Clause 12 provides for the Managing Director of the Authority.

16. Clause 13 provides for the establishment of the Ewaso Ng'iro South River Basin Development Authority. Clause 14 provides for the composition of the Board of the Authority consisting of 11 members. Clause 15 provides for the functions of the Authority. Clause 16 provides for the Managing Director of the Authority.
17. Clause 17 provides for the establishment of the Kerio Valley Development Authority. Clause 18 provides for the composition of the Board of the Authority consisting of 11 members. Clause 19 provides for the functions of the Authority. Clause 20 provides for the Managing Director of the Authority.
18. Clause 21 provides for the establishment of the Lake Basin Development Authority. Clause 22 provides for the composition of the Board of the Authority consisting of 11 members. Clause 23 provides for the functions of the Authority. Clause 24 provides for the Managing Director of the Authority.
19. Clause 25 provides for the establishment of the Tana and Athi Rivers Development Authority. Clause 26 provides for the composition of the Board of the Authority consisting of 11 members. Clause 27 provides for the functions of the Authority. Clause 28 provides for the Managing Director of the Authority.
20. Part III of the Bill provides for the administration of regional development authorities.
21. Clause 29 provides that the conduct and regulation of the business and affairs of the Boards of each regional development authority shall be as provided in the Schedule.
22. Part IV of the Bill provides for financial provisions.
23. Part V provides for provisions on delegated powers. Clause 38 provides that the Cabinet Secretary may make regulations to provide for—
 - (a) any matter which is required or permitted by this Act to be prescribed by regulations;
 - (b) the management and sustainable development and utilization of basin based natural resources;
 - (c) forms under this Act;
 - (d) matters of procedure in relation to any application under this Act; and
 - (e) any other matter which is necessary or expedient to prescribe in order to achieve or promote the objects of this Act.
24. Part VI provides for miscellaneous provisions.

25. Part VII provides for savings, transition and repeal. In particular, clause 44 repeals the Kerio Valley Development Authority Act, the Lake Basin Development Authority Act, the Tana and Athi Rivers Development Authority Act, the Ewaso Ng'iro South River Basin Development Authority Act, the Ewaso Ng'iro North River Basin Development Authority Act, and the Coast Development Authority Act.

PART III

4.0 PUBLIC PARTICIPATION/ STAKEHOLDER ENGAGEMENT

26. Following call for memoranda from the public through the placement of advertisements in the print media on 22nd February, 2022 requesting for comments from the public on the Bill.
27. The Committee received memoranda from the Ministry of East African Community and Regional Development. This is provided for below.

LONG TITLE

28. The Ministry of East African Community and Regional Development proposed that the long title should be amended by deleting the word “bodies” and to insert the word “Authorities”.
29. The justification for the proposed amendment was that it will streamline the operations of Regional Development Authorities under a singular Act and align their operations and objectives with the Constitution of Kenya, 2010.

SHORT TITLE

30. The Ministry of East African Community and Regional Development proposed an amendment to the short title to, “This Act may be cited as the Basin Based Development Authorities Bill, 2021”.
31. The justification for the proposed amendment is that the proposed short title aligns with the functions and mandate implemented by the Regional Development Authorities without creating any confusion with other agencies or county governments.

CLAUSE 2

32. The Ministry of East African Community and Regional Development proposed that Clause 2 be amended by amending the definition “Lake Basin” as follows—

“Lake Basin” means Lake Victoria catchment area and drained area and bounded by water sheds of the Nzoia, Yala, Nyando, Sondu, Kuja and their tributaries draining to Lake Victoria.

33. The justification for the proposed amendment is that it is an elaborate definition of Lake Basin.

CLAUSE 6,10,14 & 18

34. The Ministry of East African Community and Regional Development proposed that the clauses should be amended to provide for the composition of the Board to include:
 - (a) Chairperson, appointed by the President;
 - (b) Principal Secretary responsible for regional development authorities;
 - (c) Principal Secretary responsible for finance;

- (d) Principal Secretary responsible for environment;
- (e) Five other persons appointed by the Cabinet Secretary.

35. The justification for the proposed amendments is that the proposals align with Mwongozo Guideline on the composition of numbers which should be between 7-9 members. The Committee Bill has proposed an eleven-member Board which exceeds Mwongozo Guidelines.

CLAUSE 6(3), 10(3), 14(3) AND 17 (3)

36. The Ministry of East African Community and Regional Development proposed that the clauses should be amended to prescribe extensive qualifications for both the chairperson and the non-government Board members which include degree qualification; have at least fifteen years' experience in the management of public affairs or a field that is relevant to the functions of Chapter Six of the Constitution.
37. The justification for the proposed amendments was that they were aimed at equipping the Regional Development Authorities with a professional Board which can spearhead the regional development policy, uphold governance and assist in resource mobilization of the Authority.

CLAUSE 12(4), 16(4), 20(4) AND 24(4)

38. The Ministry of East African Community and Regional Development proposed that the Managing Director should be appointed for a term of three years and re-appointment for one further term.
39. The Ministry, in its justification, stated that the proposal aligns with Mwongozo Guidelines on the term of office of a Managing Director which should be a term of three years and cumulatively not more than six years.

SCHEDULE

40. The Ministry of East African Community and Regional Development proposed that paragraph 2(4) of the Schedule should be amended by replacing the word "Council" with "Board" and to replace the word "number" with "member".

NEW CLAUSE

41. The Ministry of East African Community and Regional Development proposed that a new clause be inserted to provide for the functions of the Cabinet Secretary as follows.

The Cabinet Secretary shall—

- (a) be responsible for policy formulation and directions for purposes of this Act;*
- (b) set national goals and objectives and determine policies and priorities for the sustainable development and use of natural resources in the basin area;*

(c) be responsible for effective implementation of international agreements and relevant international laws in conformity with the Treaty Making and Ratification Act, 2013;

NEW CLAUSE

42. The Ministry of East African Community and Regional Development proposed insertion of a new clause on powers of Regional Development Authorities which will:

- (a) grant the Authority the powers necessary for the execution of its functions;
- (b) grant Authority powers to coordinate basin-based investments, projects and programmes;
- (c) grant Authority powers to be able to do resource mobilization for development;
- (d) grant Authority powers to be able to charge levies for services provided;
- (e) grant Authority powers to work with other stakeholders.

43. The Ministry's justification was that the proposal was a generic clause on most State Corporations Act which is very important in empowering the State Corporation to undertake necessary activities.

NEW CLAUSE

44. The Ministry of East African Community and Regional Development proposed an inclusion of a clause on the Board Committees to allow for proper and efficient undertaking of the Board's functions.

45. The Ministry's justification was that establishing committees or subcommittees, the delegation of responsibilities to persons, members, employees are crucial to get the best professional advice, which is key to decision making. Further, the delegated authority must be exercised in the best interest of the organisation. But decisions emanating from such delegates should be subjected to the full Board for adoption, review and variation, where necessary.

NEW CLAUSE

46. The Ministry of East African Community and Regional Development proposed a new clause to prescribe provisions on termination of non-executive Board members to strengthen Board operations and ensure efficiency.

47. The Ministry's justification was that this will provide for exit or termination of non-executive members under necessary circumstances and provide for efficiency in the management of Boards.

NEW CLAUSE

48. The Ministry of East African Community and Regional Development proposed a new clause to provide for an exit or termination clause for the services of the Managing Director.

49. The Ministry's justification was that this will provide for exit or termination of Managing Director under necessary circumstances and provide for efficiency in the management of Boards.

NEW CLAUSE

50. The Ministry of East African Community and Regional Development proposed a new clause to provide for the establishment of a national basin-based database.
51. The Ministry's justification was that this will enhance the Regional Development Authorities functions in maintaining a comprehensive basin-based database.

NEW CLAUSE

52. The Ministry of East African Community and Regional Development proposed a new clause to provide for a monitoring mechanism to provide for the development of monitoring mechanisms and set indicators to determine—
- (a) sound management of basin-based natural resources in Kenya; and
 - (b) trends affecting conservation and management of basin-based natural resources.

PART IV

5.0 COMMITTEE RECOMMENDATION

53. The Committee having considered the Regional Development Authorities Bill, 2021 recommends that the House approves the Bill with amendments as proposed in the schedule.

6.0 SCHEDULE OF PROPOSED AMENDMENTS

54. The Committee proposes the following amendments to be considered by the House in the Committee stage:

TITLE

THAT, the Title to the Bill be amended by deleting the word “REGIONAL” and substituting therefor the word “BASIN-BASED”

Justification

The Authorities are based on respective water basins.

The word Regional is arbitrary since it is not confined to any specific geographical meaning. It can be construed to mean Central region, eastern region, western region, east African region, African region.

LONG TITLE

THAT, the Long Title to the Bill be amended by deleting the words “regional development bodies” appearing immediately after the words “functions of” and substituting therefor the words “basin-based development bodies”.

Justification

The Authorities are based on respective water basins.

The word Regional is arbitrary since it is not confined to any specific geographical meaning. It can be construed to mean Central region, eastern region, western region, east African region, African region.

CLAUSE 1

THAT, Clause 1 of the Bill be amended by deleting the word “Regional” and substituting therefore the word “Basin-Based”.

Justification

The Authorities are based on respective water basins.

The word Regional is arbitrary since it is not confined to any specific geographical meaning. It can be construed to mean Central region, eastern region, western region, east African region, African region.

CLAUSE 2

THAT, Clause 2 of the Bill be amended—

- (a) in the definition of ‘Cabinet Secretary’ by deleting the word “regional” appearing immediately after the words “relating to” and substituting therefor the word “basin-based”;
- (b) in the definition of “Chairperson” by deleting the word “regional” appearing immediately after the words “appointed as a” and substituting therefor the word “basin-based”;
- (c) in the definition of “Lake Basin by deleting the words “that part of Lake Kyoga catchment area situated within Kenya” and substituting therefor the words “drained area bounded by watersheds of the river Nzoia, Yala, Nyando, Sondu, and Kuja and their tributaries which drain into Lake Victoria”.

Justification

The Authorities are based on respective water basins.

The word Regional is arbitrary since it is not confined to any specific geographical meaning. It can be construed to mean Central region, eastern region, western region, east African region, African region.

CLAUSE 4

THAT, Clause 4 of the Bill be amended—

- (a) in sub clause (1) by deleting the word “regional” appearing immediately after the words “publish a” and substituting therefor the word “basin-based”;
- (b) in sub clause (2) by deleting the word “regional” appearing immediately after the word “The” and substituting therefor the word “basin-based”.

Justification

The Authorities are based on respective water basins.

The word Regional is arbitrary since it is not confined to any specific geographical meaning. It can be construed to mean Central region, eastern region, western region, east African region, African region.

PART II—HEADING

THAT, the Bill be amended in the Heading to Part II by deleting the word “REGIONAL” and substituting therefor the word “BASIN-BASED”.

Justification

The authorities are Basin -based, have similar functions and governance structure; collapsing then avoids repetition.

The proposed amendment makes the Act/Bill lean and also gives room for provision for establishment of additional Authorities

CLAUSE 5

THAT, the Bill be amended by deleting Clause 5 and substituting therefore with the following new Clause—

Establishment and
incorporation of basin-based
development authorities.

5. (1) There is established basin-based development authorities to be known as—

- (a) the Coast Development Authority, with respect to the Coast region;
- (b) the Ewaso Ng’iro North River Basin Development Authority, with respect to the Ewaso Ng’iro North River Basin;
- (c) the Ewaso Ng’iro South River Basin Development Authority, with respect to the Ewaso Ng’iro South River Basin;
- (d) the Kerio Valley Development Authority, with respect to the Kerio River basin;
- (e) the Lake Basin Development Authority, with respect to the Lake Victoria Basin; and
- (f) the Tana and Athi Rivers Development Authority, with respect to the Tana and Athi Rivers basins.

(2) Subject to subsection (3), the President may on the recommendation of the Cabinet Secretary, establish one or more basin-based development authorities and define the geographical area of jurisdiction of each such authority.

(3) The Cabinet Secretary shall, in consultation with relevant stakeholders, develop criteria for the establishment of basin-based development authorities.

CLAUSE 7

THAT, the Bill be amended by deleting Clause 7 and substituting therefor the following new Clause—

Functions of basin-based development authorities.

7. Each basin-based development authority established under this Act shall, with respect its area of jurisdiction —
 - (a) advise the Government and other institutions on all matters pertaining to national policy on basin based natural resources, sustainable management and utilization, integrated socio-economic development programme and projects, and investment opportunities;
 - (b) initiate, plan, co-ordinate and implement, national policies, projects and programmes related to integrated development and sustainable utilization of basin based natural resources;
 - (c) initiate, undertake and co-ordinate national studies on conservation and sustainable utilization of basin based natural resources;
 - (d) maintain a national database of basin based natural resources and formulate and disseminate a long-range national development plan for the basins;
 - (e) initiate, plan, develop and manage integrated multipurpose dams and implement inter and intra-basin water transfer schemes for sustainable integrated development;
 - (f) undertake national programmes and projects for promotion and resolution of basin-based resource use conflicts in collaboration with other relevant authorities and stakeholders;
 - (g) mobilize resources and undertake national investments for sustainable utilization of basin-based resources and self-sustainability;

- (h) co-ordinate the design and implementation of the country's regional and international commitments pertaining to conservation and sustainable utilization of Basin Based natural resources;
- (i) undertake national programmes and projects on climate change adaptation and mitigation to enhance National capacity and resilience through technology transfer and other means;
- (j) plan and liaise with the relevant authorities as necessary in national exploration, utilization and development of extensive fishing and aqua cultural activities in Lake Victoria and its basin and marine activities in Kenya including in the exclusive economic zone.
- (k) implement relevant national government strategic programmes and perform other related functions and activities as may be necessary to promote and sustain socio-economic development;
- (l) approve all natural resources-based projects and programs to be implemented in the Basins; and
- (m) perform any other function which the Cabinet Secretary may assign the Basin Based Development Authority or is incidental or conducive to the exercise by the Basin Based Development Authority of any or all of the functions provided under this Act.

Justification

The authorities are Basin -based, have similar functions and governance structure; collapsing then avoids repetition.

The proposed amendment makes the Act/Bill lean and also gives room for provision for establishment of additional Authorities

CLAUSE 8

THAT, the Bill be amended by deleting Clause 8 and substituting therefor the following new Clause—

Managing Directors of
basin-based development
authorities.

8. (1) There shall be a Managing Director for each basin-based development authority established under this Act who shall be competitively recruited and appointed by the Cabinet Secretary on the recommendation of the respective Board and whose terms and conditions of service shall be specified in the instrument of appointment or otherwise in writing from time to time.

(2) A person shall be qualified for appointment under this section where such person—

- (a) is a holder of a degree from a university recognized in Kenya;
- (b) has at least ten years' experience in a senior management position in a private or public organization; and
- (c) meets the requirements of Chapter Six of the Constitution.

(3) The Managing Director of the Authority shall—

- (a) subject to the directions of the Board, be responsible for the day-to-day management of the affairs of the Authority; and
- (b) be responsible to the Board generally for the implementation of this Act; and
- (c) be Secretary to the Board.

(4) The Managing Director shall be appointed for a term of four years, and shall be eligible for reappointment for one further term of three years upon satisfactory performance.

Justification

The authorities are Basin -based, have similar functions and governance structure; collapsing then avoids repetition.

The proposed amendment makes the Act/Bill lean and also gives room for provision for establishment of additional Authorities

CLAUSE 9

THAT, the Bill be amended by deleting Clause 9.

Justification

The proposed clause is already provided for through the amendments as proposed by the committee. (Clauses 9-28)

CLAUSE 10

THAT, the Bill be amended by deleting Clause 10.

CLAUSE 11

THAT, the Bill be amended by deleting Clause 11.

CLAUSE 12

THAT, the Bill be amended by deleting Clause 12.

CLAUSE 13

THAT, the Bill be amended by deleting Clause 13.

CLAUSE 14

THAT, the Bill be amended by deleting Clause 14.

CLAUSE 15

THAT, the Bill be amended by deleting Clause 15.

CLAUSE 16

THAT, the Bill be amended by deleting Clause 16.

CLAUSE 17

THAT, the Bill be amended by deleting Clause 17.

CLAUSE 18

THAT, the Bill be amended by deleting Clause 18.

CLAUSE 19

THAT, the Bill be amended by deleting Clause 19.

CLAUSE 20

THAT, the Bill be amended by deleting Clause 20.

CLAUSE 21

THAT, the Bill be amended by deleting Clause 21.

CLAUSE 22

THAT, the Bill be amended by deleting Clause 22.

CLAUSE 23

THAT, the Bill be amended by deleting Clause 23.

CLAUSE 24

THAT, the Bill be amended by deleting Clause 24.

CLAUSE 25

THAT, the Bill be amended by deleting Clause 25.

CLAUSE 26

THAT, the Bill be amended by deleting Clause 26.

CLAUSE 27

THAT, the Bill be amended by deleting Clause 27.

CLAUSE 28

THAT, the Bill be amended by deleting Clause 28.

PART III—HEADING

THAT, the Bill be amended in the Heading to Part III by deleting the word “REGIONAL” and substituting therefor the word “BASIN-BASED”.

Justification

The Authorities are based on respective water basins.

The word Regional is arbitrary since it is not confined to any specific geographical meaning. It can be construed to mean Central region, eastern region, western region, east African region, African region.

CLAUSE 29

THAT, Clause 29 of the Bill be amended by deleting the word “regional” wherever it appears and substituting therefor the word “basin-based”.

Justification

The Authorities are based on respective water basins.

The word Regional is arbitrary since it is not confined to any specific geographical meaning. It can be construed to mean Central region, eastern region, western region, east African region, African region.

CLAUSE 30

THAT, Clause 30 of the Bill be amended in the opening statement by deleting the words “sections 6 (1) (e), 10 (1) (e), 14 (1) (e), 18 (1) (e), 22 (1) (e) and 26 (1) (e)” and substituting therefor the words “section 6 (1) (a)& (e)”.

Justification

The Authorities are based on respective water basins.

The word Regional is arbitrary since it is not confined to any specific geographical meaning. It can be construed to mean Central region, eastern region, western region, east African region, African region.

CLAUSE 31

THAT, Clause 31 of the Bill be amended by deleting the word “regional” appearing immediately after the words “of each” and substituting therefor the word “basin-based”.

Justification

The Authorities are based on respective water basins.

The word Regional is arbitrary since it is not confined to any specific geographical meaning. It can be construed to mean Central region, eastern region, western region, east African region, African region.

CLAUSE 32

THAT, Clause 32 of the Bill be amended by deleting the word “regional” appearing immediately after the words “of a” and substituting therefore with the word “basin-based”.

Justification

The Authorities are based on respective water basins.

The word Regional is arbitrary since it is not confined to any specific geographical meaning. It can be construed to mean Central region, eastern region, western region, east African region, African region.

CLAUSE 33

THAT, Clause 33 of the Bill be amended by deleting the word “regional” appearing immediately after the words “Board of a” and substituting therefor the word “basin-based”.

Justification

The Authorities are based on respective water basins.

The word Regional is arbitrary since it is not confined to any specific geographical meaning. It can be construed to mean Central region, eastern region, western region, east African region, African region.

CLAUSE 34

THAT, Clause 34 of the Bill be amended by deleting the word “regional” wherever it appears and substituting therefore with the word “basin-based”.

Justification

The Authorities are based on respective water basins.

The word Regional is arbitrary since it is not confined to any specific geographical meaning. It can be construed to mean Central region, eastern region, western region, east African region, African region.

CLAUSE 35

THAT, Clause 35 of the Bill be amended by deleting the word “regional” appearing immediately after the words “funds of each” and substituting therefor the word “basin-based”.

Justification

The Authorities are based on respective water basins.

The word Regional is arbitrary since it is not confined to any specific geographical meaning. It can be construed to mean Central region, eastern region, western region, east African region, African region.

CLAUSE 36

THAT, Clause 36 of the Bill be amended by deleting the word “regional” wherever it appears and substituting therefor the word “basin-based”.

Justification

The Authorities are based on respective water basins.

The word Regional is arbitrary since it is not confined to any specific geographical meaning. It can be construed to mean Central region, eastern region, western region, east African region, African region.

CLAUSE 37

THAT, Clause 37 of the Bill be amended by deleting the word “regional” wherever it appears and substituting therefor the word “basin-based”.

Justification

The Authorities are based on respective water basins.

The word Regional is arbitrary since it is not confined to any specific geographical meaning. It can be construed to mean Central region, eastern region, western region, east African region, African region.

CLAUSE 39

THAT, Clause 39 of the Bill be amended by deleting the word “regional” wherever it appears and substituting therefor the word “basin-based”.

Justification

The Authorities are based on respective water basins.

The word Regional is arbitrary since it is not confined to any specific geographical meaning. It can be construed to mean Central region, eastern region, western region, east African region, African region.

CLAUSE 40

THAT, Clause 40 of the Bill be amended by deleting the word “regional” wherever it appears and substituting therefor the word “basin-based”.

Justification

The Authorities are based on respective water basins.

The word Regional is arbitrary since it is not confined to any specific geographical meaning. It can be construed to mean Central region, eastern region, western region, east African region, African region.

CLAUSE 41

THAT, Clause 41 of the Bill be amended by deleting the word “regional” appearing immediately after the words “Board of a” and substituting therefor the word “basin-based”.

Justification

The Authorities are based on respective water basins.

The word Regional is arbitrary since it is not confined to any specific geographical meaning. It can be construed to mean Central region, eastern region, western region, east African region, African region.

CLAUSE 42

THAT, Clause 42 of the Bill be amended by deleting the word “regional” wherever it appears and substituting therefor the word “basin-based”.

Justification

The Authorities are based on respective water basins.

The word Regional is arbitrary since it is not confined to any specific geographical meaning. It can be construed to mean Central region, eastern region, western region, east African region, African region.

CLAUSE 43

THAT, Clause 43 of the Bill be amended by deleting the word “regional” wherever it appears and substituting therefor the word “basin-based”.

Justification

The Authorities are based on respective water basins.

The word Regional is arbitrary since it is not confined to any specific geographical meaning. It can be construed to mean Central region, eastern region, western region, east African region, African region.

SCHEDULE


THAT, the Schedule to the Bill be amended—

- (a) in the Heading by deleting the word “REGIONAL” and substituting therefore with the word “BASIN-BASED”.
- (b) In paragraph 2(4) by deleting the word “Council” appearing immediately after the words “members of the” and substituting therefore with the word “Board”.

Justification

The Authorities are based on respective water basins.

The word Regional is arbitrary since it is not confined to any specific geographical meaning. It can be construed to mean Central region, eastern region, western region, east African region, African region. To correct a typographical error.

SIGNED.......... DATE 21/05/2022.....

HON. RICHARD NYAGAKA TONGI, MP
(CHAIRPERSON, DEPARTMENTAL COMMITTEE ON DEFENCE AND FOREIGN RELATIONS)

P. 0	
DATE: 08 JUN 2022	
TABLED BY:	
CLEARED THE TABLE:	

ANNEXTURE 1

Committee's Adoption List

10.	The Hon. Stephen Mutinda Mule, MP	Handwritten signature
11.	The Hon. Major (Rtd.) Bashir Sheikh Abdullah, MP	
12.	The Hon. (Dr.) Lilian Gogo, MP	Virtual
13.	The Hon. (Dr.) Irene Muthoni Kasalu, MP	Handwritten signature
14.	The Hon. Moses Nguchine Kirima, MP	Handwritten signature
15.	The Hon. Vincent Kipkurui Tuwei, MP	
16.	The Hon. Ernest Ogesi Kivai, MP	Handwritten signature
17.	The Hon. Caleb Amisi, MP	
18.	The Hon. Asha Hussein Mohamed, MP	
19.	The Hon. Zachary Kwenya Thuku, MP	Virtual

ANNEXTURE 2

Minutes of the Committee Proceedings

MINUTES OF THE ONE HUNDRED AND SIXTY THIRD (163RD) SITTING OF THE DEPARTMENTAL COMMITTEE ON DEFENCE & FOREIGN RELATIONS HELD AT MASHUA CONFERENCE ROOM, SERENA BEACH HOTEL ON SATURDAY, 21ST MAY, 2022 AT 11.00 AM.

PRESENT

1. The Hon. Richard Tong'i, MP (Chairperson)
2. The Hon. Elijah Memusi Kanchory, MP (Vice-Chairperson)
3. The Hon. Charles Kilonzo, MP
4. The Hon. Col. (Rtd) Dido Ali Raso, MBS, MP
5. The Hon. Martha Wangari Wanjira, MP
6. The Hon. Stephen Mutinda Mule, MP
7. The Hon. (Dr.) Irene Muthoni Kasalu, MP
8. The Hon. Moses Nguchine Kirima, MP
9. The Hon. Ernest Ogesi Kivai, MP
10. The Hon. Caleb Amisi, MP

APOLOGIES

1. The Hon. (Dr.) Adan Keynan Wehliye, CBS, MP
2. The Hon. Col. (Rtd.) Gideon S. Konchela, EGH, OGW, 'psc' (UK), MP
3. The Hon. Yusuf Hassan Abdi, MP
4. The Hon. Richard Maore Maoka, CBS, MP
5. The Hon. Maj. (Rtd.) Bashir Sheikh Abdullah, MP
6. The Hon. (Dr.) Lilian Gogo, MP
7. The Hon. Vincent Kipkurui Tuwei, MP
8. The Hon. Asha Hussein Mohamed, MP
9. The Hon. Zachary Kwenya Thuku, MP

IN ATTENDANCE

NATIONAL ASSEMBLY SECRETARIAT

- | | | |
|------------------------|---|-----------------------------|
| 1. Mr. Daniel Mutunga | - | Principal Clerk Assistant I |
| 2. Mr. Abdiaziz Shobay | - | Clerk Assistant II |
| 3. Mr. Salem Lorot | - | Legal Counsel |
| 4. Mr. Eric Kariuki | - | Research Officer |
| 5. Mr. Edwin Machuki | - | Fiscal Analyst |
| 6. Mr. John Ngang'a | - | Audio Officer |
| 7. Mr. Mohamed Said | - | Serjeant At-Arm |

AGENDA

1. Prayers
2. Adoption of the agenda
3. Confirmation of minutes of previous sittings
4. Substantive agenda: **Consideration and Adoption of the report on Regional Development Authorities Bill, 2021 (National Assembly Bill No. 46 of 2021)**
5. Any Other Business

MIN. NO.NA/DDC.DFR/2022/124:

PRELIMINARIES

The Chairperson called the meeting to order at 2.00 pm and said a prayer. The agenda of the meeting was adopted as hereunder after being proposed by The Hon. Stephen Mutinda Mule, MP and seconded by The Hon. Charles Kilonzo, MP.

MIN. NO.NA/DDC.DFR/2022/125:

**CONSIDERATION AND ADOPTION OF
THE REPORT ON REGIONAL
DEVELOPMENT AUTHORITIES BILL,
2021 (NATIONAL ASSEMBLY BILL NO. 46
OF 2021)**

COMMITTEE RECOMMENDATION

1. The Committee having considered the Regional Development Authorities Bill, 2021 recommends that the House approves the Bill with amendments as proposed in the schedule.

4.0 SCHEDULE OF PROPOSED AMENDMENTS

2. The Committee proposes the following amendments to be considered by the House in the Committee stage:

TITLE

THAT, the Title to the Bill be amended by deleting the word “REGIONAL” and substituting therefor the word “BASIN-BASED”

Justification

The Authorities are based on respective water basins.

The word Regional is arbitrary since it is not confined to any specific geographical meaning. It can be construed to mean Central region, eastern region, western region, east African region, African region.

LONG TITLE

THAT, the Long Title to the Bill be amended by deleting the words “regional development bodies” appearing immediately after the words “functions of” and substituting therefor the words “basin-based development bodies”.

Justification

The Authorities are based on respective water basins.

The word Regional is arbitrary since it is not confined to any specific geographical meaning. It can be construed to mean Central region, eastern region, western region, east African region, African region.

CLAUSE 1

THAT, Clause 1 of the Bill be amended by deleting the word “Regional” and substituting therefore the word “Basin-Based”.

Justification

The Authorities are based on respective water basins.

The word Regional is arbitrary since it is not confined to any specific geographical meaning. It can be construed to mean Central region, eastern region, western region, east African region, African region.

CLAUSE 2

THAT, Clause 2 of the Bill be amended—

- (a) in the definition of ‘Cabinet Secretary’ by deleting the word “regional” appearing immediately after the words “relating to” and substituting therefor the word “basin-based”;
- (b) in the definition of “Chairperson” by deleting the word “regional” appearing immediately after the words “appointed as a” and substituting therefor the word “basin-based”;
- (c) in the definition of “Lake Basin by deleting the words “that part of Lake Kyoga catchment area situated within Kenya” and substituting therefor the words “drained area bounded by watersheds of the river Nzoia, Yala, Nyando, Sondu, and Kuja and their tributaries which drain into Lake Victoria”.

Justification

The Authorities are based on respective water basins.

The word Regional is arbitrary since it is not confined to any specific geographical meaning. It can be construed to mean Central region, eastern region, western region, east African region, African region.

CLAUSE 4

THAT, Clause 4 of the Bill be amended—

- (a) in sub clause (1) by deleting the word “regional” appearing immediately after the words “publish a” and substituting therefor the word “basin-based”;
- (b) in sub clause (2) by deleting the word “regional” appearing immediately after the word “The” and substituting therefor the word “basin-based”.

Justification

The Authorities are based on respective water basins.

The word Regional is arbitrary since it is not confined to any specific geographical meaning. It can be construed to mean Central region, eastern region, western region, east African region, African region.

PART II—HEADING

THAT, the Bill be amended in the Heading to Part II by deleting the word “REGIONAL” and substituting therefor the word “BASIN-BASED”.

Justification

The authorities are Basin -based, have similar functions and governance structure; collapsing then avoids repetition.

The proposed amendment makes the Act/Bill lean and also gives room for provision for establishment of additional Authorities

CLAUSE 5

THAT, the Bill be amended by deleting Clause 5 and substituting therefore with the following new Clause—

Establishment and incorporation of basin-based development authorities. 5. (1) There is established basin-based development authorities to be known as—

- (a) the Coast Development Authority, with respect to the Coast region;
- (b) the Ewaso Ng'iro North River Basin Development Authority, with respect to the Ewaso Ng'iro North River Basin;
- (c) the Ewaso Ng'iro South River Basin Development Authority, with respect to the Ewaso Ng'iro South River Basin;
- (d) the Kerio Valley Development Authority, with respect to the Kerio River basin;
- (e) the Lake Basin Development Authority, with respect to the Lake Victoria Basin; and
- (f) the Tana and Athi Rivers Development Authority, with respect to the Tana and Athi Rivers basins.

(2) Subject to subsection (3), the President may on the recommendation of the Cabinet Secretary, establish one or more basin-based development authorities and define the geographical area of jurisdiction of each such authority.

(3) The Cabinet Secretary shall, in consultation with relevant stakeholders, develop criteria for the establishment of basin-based development authorities.

(4) Each basin-based development authority established under this section shall be a body corporate with perpetual succession and a common seal and shall, in its corporate name, be capable of—

- (a) suing and being sued;
- (b) taking, purchasing or otherwise acquiring, holding, charging and disposing of movable and immovable property;
- (c) borrowing and lending money;

(d) entering into contracts; and

(e) doing or performing all such other things or acts necessary for the proper performance of its functions under this Act which may lawfully be done or performed by a body corporate.

Justification

The authorities are Basin -based, have similar functions and governance structure; collapsing then avoids repetition.

The proposed amendment makes the Act/Bill lean and also gives room for provision for establishment of additional Authorities

CLAUSE 6

THAT, the Bill be amended by deleting Clause 6 and substituting therefor the following new clause—

Management of basin-based development authorities. 6. (1) Each basin-based development authority established under this Act shall be managed by a Board comprising—

- (a) a chairperson appointed by the President;
- (b) the Principal Secretary of the Ministry for the time being responsible for basin-based development or an officer of that Ministry designated by the Principal Secretary in writing;
- (c) the Principal Secretary of the Ministry for the time being responsible for finance or an officer of that Ministry designated by the Principal Secretary-in writing;
- (d) the Principal Secretary of the Ministry for the time being responsible for environment or an officer of that Ministry designated by the Principal Secretary in writing;
- (e) five other members appointed by the Cabinet Secretary as provided in sub-section (2); and
- (f) the Managing Director who shall be the chief executive officer and an *ex-officio* member of the Board

(2) In appointing the Chairperson and members to the Board, the President and the Cabinet Secretary shall observe the principle of gender equity and regional balance.

(3) A person shall be qualified for appointment under subsection (1)(e) if the person—

(a) holds a diploma certificate from an institution recognized in Kenya;

(b) has experience in public affairs, resource mobilization, governance or a field relevant to the functions of a basin-based development authority; and

(b) meets the requirements of Chapter Six of the Constitution.

(4) The chairperson and members of the Board appointed under subsection (1) (a)&(e) shall hold office for a period of three years from the date of appointment, and shall be eligible for re-appointment for one further term of three years.

Justification

The authorities are Basin -based, have similar functions and governance structure; collapsing then avoids repetition.

The proposed amendment makes the Act/Bill lean and also gives room for provision for establishment of additional Authorities

CLAUSE 7

THAT, the Bill be amended by deleting Clause 7 and substituting therefor the following new Clause—

Functions of basin-based development authorities. 7. Each basin-based development authority established under this Act shall, with respect its area of jurisdiction —

(a) advise the Government and other institutions on all matters pertaining to national policy on basin based natural resources, sustainable management and utilization, integrated socio-economic development programme and projects, and investment opportunities;

(b) initiate, plan, co-ordinate and implement, national policies, projects and programmes related to integrated development and sustainable utilization of basin based natural resources;

(c) initiate, undertake and co-ordinate national studies on conservation and sustainable utilization of basin based natural resources;

- (d) maintain a national database of basin based natural resources and formulate and disseminate a long-range national development plan for the basins;
- (e) initiate, plan, develop and manage integrated multipurpose dams and implement inter and intra-basin water transfer schemes for sustainable integrated development;
- (f) undertake national programmes and projects for promotion and resolution of basin-based resource use conflicts in collaboration with other relevant authorities and stakeholders;
- (g) mobilize resources and undertake national investments for sustainable utilization of basin-based resources and self-sustainability;
- (h) co-ordinate the design and implementation of the country's regional and international commitments pertaining to conservation and sustainable utilization of Basin Based natural resources;
- (i) undertake national programmes and projects on climate change adaptation and mitigation to enhance National capacity and resilience through technology transfer and other means;
- (j) plan and liaise with the relevant authorities as necessary in national exploration, utilization and development of extensive fishing and aqua cultural activities in Lake Victoria and its basin and marine activities in Kenya including in the exclusive economic zone.
- (k) implement relevant national government strategic programmes and perform other related functions and activities as may be necessary to promote and sustain socio-economic development;
- (l) approve all natural resources-based projects and programs to be implemented in the Basins; and

- (m) perform any other function which the Cabinet Secretary may assign the Basin Based Development Authority or is incidental or conducive to the exercise by the Basin Based Development Authority of any or all of the functions provided under this Act.

Justification

The authorities are Basin -based, have similar functions and governance structure; collapsing then avoids repetition.

The proposed amendment makes the Act/Bill lean and also gives room for provision for establishment of additional Authorities

CLAUSE 8

THAT, the Bill be amended by deleting Clause 8 and substituting therefor the following new Clause—

Managing
Directors
of basin-based
development
authorities.

8. (1) There shall be a Managing Director for each basin-based development authority established under this Act who shall be competitively recruited and appointed by the Cabinet Secretary on the recommendation of the respective Board and whose terms and conditions of service shall be specified in the instrument of appointment or otherwise in writing from time to time.

(2) A person shall be qualified for appointment under this section where such person—

- (a) is a holder of a degree from a university recognized in Kenya;
- (b) has at least ten years' experience in a senior management position in a private or public organization; and
- (c) meets the requirements of Chapter Six of the Constitution.

(3) The Managing Director of the Authority shall—

- (a) subject to the directions of the Board, be responsible for the day-to-day management of the affairs of the Authority; and
- (b) be responsible to the Board generally for the implementation of this Act; and

(c) be Secretary to the Board.

(4) The Managing Director shall be appointed for a term of four years, and shall be eligible for reappointment for one further term of three years upon satisfactory performance.

Justification

The authorities are Basin -based, have similar functions and governance structure; collapsing then avoids repetition.

The proposed amendment makes the Act/Bill lean and also gives room for provision for establishment of additional Authorities

CLAUSE 9

THAT, the Bill be amended by deleting Clause 9.

Justification

The proposed clause is already provided for through the amendments as proposed by the committee. (Clauses 9-28)

CLAUSE 10

THAT, the Bill be amended by deleting Clause 10.

CLAUSE 11

THAT, the Bill be amended by deleting Clause 11.

CLAUSE 12

THAT, the Bill be amended by deleting Clause 12.

CLAUSE 13

THAT, the Bill be amended by deleting Clause 13.

CLAUSE 14

THAT, the Bill be amended by deleting Clause 14.

CLAUSE 15

THAT, the Bill be amended by deleting Clause 15.

CLAUSE 16

THAT, the Bill be amended by deleting Clause 16.

CLAUSE 17

THAT, the Bill be amended by deleting Clause 17.

CLAUSE 18

THAT, the Bill be amended by deleting Clause 18.

CLAUSE 19

THAT, the Bill be amended by deleting Clause 19.

CLAUSE 20

THAT, the Bill be amended by deleting Clause 20.

CLAUSE 21

THAT, the Bill be amended by deleting Clause 21.

CLAUSE 22

THAT, the Bill be amended by deleting Clause 22.

CLAUSE 23

THAT, the Bill be amended by deleting Clause 23.

CLAUSE 24

THAT, the Bill be amended by deleting Clause 24.

CLAUSE 25

THAT, the Bill be amended by deleting Clause 25.

CLAUSE 26

THAT, the Bill be amended by deleting Clause 26.

CLAUSE 27

THAT, the Bill be amended by deleting Clause 27.

CLAUSE 28

THAT, the Bill be amended by deleting Clause 28.

PART III—HEADING

THAT, the Bill be amended in the Heading to Part III by deleting the word “REGIONAL” and substituting therefor the word “BASIN-BASED”.

Justification

The Authorities are based on respective water basins.

The word Regional is arbitrary since it is not confined to any specific geographical meaning. It can be construed to mean Central region, eastern region, western region, east African region, African region.

CLAUSE 29

THAT, Clause 29 of the Bill be amended by deleting the word “regional” wherever it appears and substituting therefor the word “basin-based”.

Justification

The Authorities are based on respective water basins.

The word Regional is arbitrary since it is not confined to any specific geographical meaning. It can be construed to mean Central region, eastern region, western region, east African region, African region.

CLAUSE 30

THAT, Clause 30 of the Bill be amended in the opening statement by deleting the words “sections 6 (1) (e), 10 (1) (e), 14 (1) (e), 18 (1) (e), 22 (1) (e) and 26 (1) (e)” and substituting therefor the words “section 6 (1) (a)& (e)”.

Justification

The Authorities are based on respective water basins.

The word Regional is arbitrary since it is not confined to any specific geographical meaning. It can be construed to mean Central region, eastern region, western region, east African region, African region.

CLAUSE 31

THAT, Clause 31 of the Bill be amended by deleting the word “regional” appearing immediately after the words “of each” and substituting therefor the word “basin-based”.

Justification

The Authorities are based on respective water basins.

The word Regional is arbitrary since it is not confined to any specific geographical meaning. It can be construed to mean Central region, eastern region, western region, east African region, African region.

CLAUSE 32

THAT, Clause 32 of the Bill be amended by deleting the word “regional” appearing immediately after the words “of a” and substituting therefor with the word “basin-based”.

Justification

The Authorities are based on respective water basins.

The word Regional is arbitrary since it is not confined to any specific geographical meaning. It can be construed to mean Central region, eastern region, western region, east African region, African region.

CLAUSE 33

THAT, Clause 33 of the Bill be amended by deleting the word “regional” appearing immediately after the words “Board of a” and substituting therefor the word “basin-based”.

Justification

The Authorities are based on respective water basins.

The word Regional is arbitrary since it is not confined to any specific geographical meaning. It can be construed to mean Central region, eastern region, western region, east African region, African region.

CLAUSE 34

THAT, Clause 34 of the Bill be amended by deleting the word “regional” wherever it appears and substituting therefore with the word “basin-based”.

Justification

The Authorities are based on respective water basins.

The word Regional is arbitrary since it is not confined to any specific geographical meaning. It can be construed to mean Central region, eastern region, western region, east African region, African region.

CLAUSE 35

THAT, Clause 35 of the Bill be amended by deleting the word “regional” appearing immediately after the words “funds of each” and substituting therefor the word “basin-based”.

Justification

The Authorities are based on respective water basins.

The word Regional is arbitrary since it is not confined to any specific geographical meaning. It can be construed to mean Central region, eastern region, western region, east African region, African region.

CLAUSE 36

THAT, Clause 36 of the Bill be amended by deleting the word “regional” wherever it appears and substituting therefor the word “basin-based”.

Justification

The Authorities are based on respective water basins.

The word Regional is arbitrary since it is not confined to any specific geographical meaning. It can be construed to mean Central region, eastern region, western region, east African region, African region.

CLAUSE 37

THAT, Clause 37 of the Bill be amended by deleting the word “regional” wherever it appears and substituting therefor the word “basin-based”.

Justification

The Authorities are based on respective water basins.

The word Regional is arbitrary since it is not confined to any specific geographical meaning. It can be construed to mean Central region, eastern region, western region, east African region, African region.

CLAUSE 39

THAT, Clause 39 of the Bill be amended by deleting the word “regional” wherever it appears and substituting therefor the word “basin-based”.

Justification

The Authorities are based on respective water basins.

The word Regional is arbitrary since it is not confined to any specific geographical meaning. It can be construed to mean Central region, eastern region, western region, east African region, African region.

CLAUSE 40

THAT, Clause 40 of the Bill be amended by deleting the word “regional” wherever it appears and substituting therefor the word “basin-based”.

Justification

The Authorities are based on respective water basins.

The word Regional is arbitrary since it is not confined to any specific geographical meaning. It can be construed to mean Central region, eastern region, western region, east African region, African region.

CLAUSE 41

THAT, Clause 41 of the Bill be amended by deleting the word “regional” appearing immediately after the words “Board of a” and substituting therefor the word “basin-based”.

Justification

The Authorities are based on respective water basins.

The word Regional is arbitrary since it is not confined to any specific geographical meaning. It can be construed to mean Central region, eastern region, western region, east African region, African region.

CLAUSE 42

THAT, Clause 42 of the Bill be amended by deleting the word “regional” wherever it appears and substituting therefor the word “basin-based”.

Justification

The Authorities are based on respective water basins.

The word Regional is arbitrary since it is not confined to any specific geographical meaning. It can be construed to mean Central region, eastern region, western region, east African region, African region.

CLAUSE 43

THAT, Clause 43 of the Bill be amended by deleting the word “regional” wherever it appears and substituting therefor the word “basin-based”.

Justification

The Authorities are based on respective water basins.

The word Regional is arbitrary since it is not confined to any specific geographical meaning. It can be construed to mean Central region, eastern region, western region, east African region, African region.

SCHEDULE

THAT, the Schedule to the Bill be amended—

- (a) in the Heading by deleting the word “REGIONAL” and substituting therefore with the word “BASIN-BASED”.
- (b) In paragraph 2(4) by deleting the word “Council” appearing immediately after the words “members of the” and substituting therefore with the word “Board”.

Justification

The Authorities are based on respective water basins.

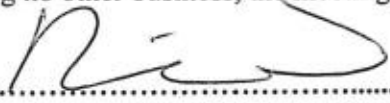
The word Regional is arbitrary since it is not confined to any specific geographical meaning. It can be construed to mean Central region, eastern region, western region, east African region, African region. To correct a typographical error.

MIN. NO.NA/DDC.DFR/2022/126: ANY OTHER BUSSINES (AOB)

No other business arose

MIN. NO.NA/DDC.DFR/2022/127: ADJOURNMENT

There being no other business, the meeting adjourned at 1.25 pm.

Signed..........

**Hon. Richard Tong'i, M.P
(CHAIRPERSON)**

Date.....21/05/2022.....

MINUTES OF THE ONE HUNDRED AND FOURTY NINETH (149TH) SITTING OF THE DEPARTMENTAL COMMITTEE ON DEFENCE & FOREIGN RELATIONS HELD AT COMMITTEE ROOM, 4TH FLOOR, CONTINENTAL HOUSE ON TUESDAY, 1ST MARCH, 2022 AT 10.00 AM.

PRESENT

1. The Hon. Richard Tong'i, MP (Chairperson)
2. The Hon. Elijah Memusi Kanchory, MP (Vice-Chairperson)
3. The Hon. Yusuf Hassan Abdi, MP
4. The Hon. Charles Kilonzo, MP
5. The Hon. Col. (Rtd) Dido Ali Raso, MBS, MP
6. The Hon. (Dr.) Lilian Gogo, MP
7. The Hon. Ernest Ogesi Kivai, MP
8. The Hon. Caleb Amisi, MP
9. The Hon. Asha Hussein Mohamed, MP
10. The Hon. Zachary Kwenya Thuku, MP

APOLOGIES

1. The Hon. (Dr.) Adan Keynan Wehliye, CBS, MP
2. The Hon. Col. (Rtd.) Gideon S. Konchela, EGH, OGW, 'psc' (UK), MP
3. The Hon. Richard Maore Maoka, CBS, MP
4. The Hon. Martha Wangari Wanjira, MP
5. The Hon. Stephen Mutinda Mule, MP
6. The Hon. Maj. (Rtd.) Bashir Sheikh Abdullah, MP
7. The Hon. (Dr.) Irene Muthoni Kasalu, MP
8. The Hon. Moses Nguchine Kirima, MP
9. The Hon. Vincent Kipkurui Tuwei, MP

IN ATTENDANCE

NATIONAL ASSEMBLY SECRETARIAT

1. Mr. Victor Weke - Senior Clerk Assistant
2. Mr. Abdiaziz Shobay - Clerk Assistant, II
3. Mr. Edwin Machuki - Fiscal Analyst
4. Mr. John Ngang'a - Audio Officer

MIN. NO.NA/DDC.DFR/2022/045:

PRELIMINARIES

The Chairperson called the meeting to order at 10.15 am and said a prayer. The agenda of the meeting was adopted as hereunder after being proposed by The Hon. Ernest Ogesi Kivai, MP and seconded by The Hon. Col. (Rtd) Dido Ali Raso, MBS, MP

AGENDA

1. Prayers
2. Adoption of the agenda
3. Confirmation of minutes of previous sittings
4. Substantive agenda: **Meeting with the Ministry of East African Community & Regional Development on the following:-**
 - i) Response to Question No. 013/2022 by Hon. Olago Aluoch, MP
 - ii) The Regional Development Authorities Bill, 2021
5. Any Other Business

MIN. NO.NA/DDC.DFR/2022/046: CONFIRMATION OF MINUTES OF PREVIOUS SITTINGS

148th Sitting

Minutes of the 148th sitting held on 24th February, 2022 were read and confirmed as a true record of proceedings as proposed by Hon. Charles Kilonzo, MP and seconded by Hon. Zachary Kwenya Thuku, MP. There were no matters arising.

MIN. NO.NA/DDC.DFR/2022/047: RESPONSE TO QUESTION No. 013/2022 BY HON. OLAGO ALUOCH, MP

Considering the recent resignation by the Cabinet Secretary for the Ministry of EAC & Regional Development, the meeting was informed that the Ag. Cabinet Secretary, Ms. Betty Maina had requested for more time to acquaint herself with the pending matters in the Ministry in order to respond to the question appropriately. In that regard, the committee resolved to reschedule response to the question in its subsequent sittings.

MIN. NO.NA/DDC.DFR/2022/048: SUBMISSION BY THE PRINCIPAL SECRETARY, STATE DEPARTMENT FOR REGIONAL DEVELOPMENT & NORTHERN CORRIDOR DEVELOPMENT ON THE REGIONAL DEVELOPMENT AUTHORITIES BILL, 2021

The Principal Secretary submitted the following proposal to be incorporated into the Bill;

- i) The word Bodies should be deleted and Authorities inserted. **Justification:** To streamline the operations of Regional Development Authorities under a singular Act and align their operations and objectives with the Constitution of Kenya, 2010;
- ii) Proposal to change on the short title of the Bill to, "This Act may be cited as the Basin Based Development Authorities Bill, 2021; **Justification:** to avoid creating any confusion with other Agencies or County Governments;
- iii) Clause 6, 10, 14 & 18 on composition of the Boards for the RDAs - The Ministry proposal aligns with Mwongozo guideline on the composition numbers which should be between 7-9 members. **Justification:** The Committee Bill has proposed an 11 member Board which exceeds Mwongozo guidelines;
- iv) Clause 6 (3), 10 (3), 14 (3) & 17 (3) The Ministry has proposed to prescribe extensive qualifications for both the Chairperson and the non-government Board members; **Justification:** This is aimed at equipping the RDAs with a professional Board which can spearhead the regional development policy, uphold governance and assist in resource mobilization.
- v) Clause 12 (4), 16 (4), 20 (4) & 24 (4) The Ministry proposes the Managing Director to be appointed for a term of 3 years and re-appointment for one further term. **Justification:** The Ministry proposal aligns with Mwongozo guidelines on the term of office of a Managing Director which should be a term of 3 years and cumulatively not more than 6 years;
- vi) Add termination clause for non-executive members of the Board – The Ministry has proposed to prescribe provisions on termination of non-executive Board members to strengthen Board operations and ensure efficiency; **Justification:** This will provide for exit/termination of non-executive members under necessary circumstances and provide for efficiency in the management of Boards;
- vii) Add termination clause for the Managing Director - The Ministry proposed inclusion of an exit/termination clause for the services of the Managing Director. **Justification:**

This will provide for exit/termination of Managing Director under necessary circumstances and provide for efficiency in the management of Boards;

- viii) Establishment of National Basin Based database - The Ministry has proposed to include a Clause on the establishment of a National Basin Based Database. **Justification:** This will enhance the Regional Development Authorities functions in maintaining a comprehensive basin based database;
- ix) Monitoring mechanisms - The Ministry proposed to include a Clause on Monitoring Mechanism to provide for the development of monitoring mechanisms and set indicators. **Justification:** This will enhance the monitoring function of the Regional Development Authorities on basin based natural resources.

Way forward

The committee noted the submission by the State Department and resolved to undertake a retreat in Mombasa County from 14th to 19th March, 2022, to consider the above proposals by the State Department for Regional Development on the Regional Development Authorities Bill, 2021. During the said retreat the Committee will also consider the Military Veterans Bill, 2022 and the draft Asset Acquisition and Maintenance Policy and the operationalization of the Foreign Service Act, respectively.

MIN. NO.NA/DDC.DFR/2022/049: BRIEF ON KVDA's PROJECTS IN TURKANA COUNTY BY KERIO VALLEY DEVELOPMENT AUTHORITY

The CEO, Mr. Sammy Naporos apprised the committee on projects being implemented by Kerio Valley Development Authority (KVDA) in Turkana County as follows:-

- i) The 150 acres Loyapat scheme located in Turkana south, the scheme was handed over to the local community and currently benefiting 150 households;
- ii) KVDA developed and installed Napuu irrigation scheme, a solar powered 2 centre pivot irrigation system on 150 acres in Turkana central. The farm is currently being used for food production;
- iii) The Authority developed three (3) small dams in Turkana west namely Nakule Akiring, Matakul and Namadi;
- iv) The dams are currently producing water that is benefiting over 3,000 people and over 5,000 livestock;
- v) Development of forty one (41) water pans distributed in the entire county to provide water for human and livestock consumption;
- vi) Fifteen (15) boreholes rehabilitated and handed over to the local communities;
- vii) Five (5) boreholes drilled and equipped in Napuu, the boreholes are used to produce water for human and livestock consumption and for irrigation purposes;
- viii) The Authority procured speed boat which is currently being used for rescue operations at Kalokol, Lake Turkana
- ix) Further, the Authority is planning to undertake the utilization of water from Turkwel dam to irrigate to irrigate 30,000 ha under food production in lower Turkwel;
- x) Development of Kalokol fish processing plant in Turkana Central to support fish production by local fish farmers;
- xi) Development of Todonyang irrigation scheme, Turkana North;
- xii) Drilling and equipping of four (4) solar powered boreholes to benefit over five hundred (500) households in Turkana North, Turkana East, and Turkana west

MIN. NO.NA/DDC.DFR/2022/050: ADJOURNMENT

There being no other business, the meeting adjourned at 12.10 pm.

Signed.....

Hon. Richard Tong'i, M.P
(CHAIRPERSON)

Date.....01-03/2022

MINUTES OF THE ONE HUNDRED AND FOURTY EIGHTH (148TH) SITTING OF THE DEPARTMENTAL COMMITTEE ON DEFENCE & FOREIGN RELATIONS HELD AT COMMITTEE ROOM, 5TH FLOOR, CONTINENTAL HOUSE ON THURSDAY, 24TH FEBRUARY, 2022 AT 11.00 AM.

PRESENT

1. The Hon. Richard Tong'i, MP (Chairperson)
2. The Hon. Elijah Memusi Kanchory, MP (Vice-Chairperson)
3. The Hon. Charles Kilonzo, MP
4. The Hon. Col. (Rtd) Dido Ali Raso, MBS, MP
5. The Hon. Stephen Mutinda Mule, MP
6. The Hon. (Dr.) Irene Muthoni Kasalu, MP
7. The Hon. Maj. (Rtd.) Bashir Sheikh Abdullah, MP
8. The Hon. Ernest Ogesi Kivai, MP
9. The Hon. Caleb Amisi, MP
10. The Hon. Zachary Kwenya Thuku, MP

APOLOGIES

1. The Hon. (Dr.) Adan Keynan Wehliye, CBS, MP
2. The Hon. Col. (Rtd.) Gideon S. Konchela, EGH, OGW, 'psc' (UK), MP
3. The Hon. Yusuf Hassan Abdi, MP
4. The Hon. Richard Maore Maoka, CBS, MP
5. The Hon. Martha Wangari Wanjira, MP
6. The Hon. (Dr.) Lilian Gogo, MP
7. The Hon. Moses Nguchine Kirima, MP
8. The Hon. Vincent Kipkurui Tuwei, MP
9. The Hon. Asha Hussein Mohamed, MP

IN ATTENDANCE

NATIONAL ASSEMBLY SECRETARIAT

- | | | |
|------------------------|---|------------------------|
| 1. Mr. Victor Weke | - | Senior Clerk Assistant |
| 2. Mr. Abdiaziz Shobay | - | Clerk Assistant, II |
| 3. Mr. Edwin Machuki | - | Fiscal Analyst |
| 4. Mr. John Ngang'a | - | Audio Officer |

MIN. NO.NA/DDC.DFR/2022/039:

PRELIMINARIES

The Chairperson called the meeting to order at 11.10 am and said a prayer. The agenda of the meeting was adopted as hereunder after being proposed by The Hon. Charles Kilonzo, MP and seconded by The Hon. Caleb Amisi, MP.

AGENDA

1. Prayers
2. Adoption of the agenda
3. Confirmation of minutes of previous sittings
4. Substantive agenda: **Consideration of the following business before the Committee:-**
 - i) Briefing by the Parliamentary Budget Office (PBO) on the Addendum to the report on Supplementary Estimate 1 for FY 2021/22
 - ii) The Regional Development Authorities Bill, 2021
5. Any Other Business

MIN. NO.NA/DDC.DFR/2022/040: CONFIRMATION OF MINUTES OF PREVIOUS SITTINGS

147th Sitting

Minutes of the 147th sitting held on 17th February, 2022 were read and confirmed as a true record of proceedings as proposed by Hon. Maj. (Rtd.) Bashir Sheikh Abdullah, MP and seconded by Hon. (Dr.) Irene Muthoni Kasalu, MP. There were no matters arising.

MIN. NO.NA/DDC.DFR/2022/041: BRIEFING BY PARLIAMENTARY BUDGET OFFICE (PBO) ON THE ADDENDUM TO THE REPORT ON SUPPLEMENTARY ESTIMATES (I) FOR FY, 2021/22

Mr. Edwin Machuki, fiscal analyst from The Parliamentary Budget Office briefed the Committee as follows:

- i) The National Treasury received requests for additional funding from MDA's after the submission of FY 2021/22 Supplementary Estimates (I);
- ii) Being an election year and with only four months remaining to end of the FY, it may not be feasible for the National Treasury to prepare Supplementary II thus necessitating amendments for additional funding;
- iii) The amendments are only for the Ministry of Defence (MoD) and National Intelligence Service (NIS) that constitute the National Security Sector;
- iv) In the amendment, the MoD proposed additional funding is Kshs. 100.00 million for election preparedness while for NIS is Kshs. 1,250.00 million to cater for security operations for election preparedness;
- v) The proposed addition for MoD is towards the Defence programme while for NIS is for the National Security Intelligence programme.
- vi) The amendments do not have an impact on the committee earlier recommendations to the Budget and Appropriations Committee (BAC) but have resulted to increase of additional resources for MoD from Kshs. 15,126.26 million to Kshs. 15,226.26 million while for NIS from Kshs. 2,200.00 million to Kshs. 3,450.00 million.

Committee Recommendations

The Committee noted the purpose of the enhanced allocation as indicated in the National Treasury Addendum as Security operations and for election preparedness and therefore recommended as follows:-

- i) Additional Allocation of Kshs. 100 Million to the Ministry of Defence
- ii) Additional Allocation of Kshs. 1,250 Million to the National Intelligence Service

MIN. NO.NA/DDC.DFR/2022/042: THE REGIONAL DEVELOPMENT AUTHORITYIES BILL, 2021

The Legal Counsel briefed Members on the contents of the Regional Development Authorities Bill, 2021 which was read for the first time on Wednesday, 16th February, 2022 as follows:-

- i) The Regional Development Authorities Bill, 2021 (National Assembly Bill No. 46 of 2021), sponsored by Chairperson of the Committee, is a Committee-sponsored Bill;
- ii) That it was First Read on 16th February, 2022 and was committed to the Committee;
- iii) The principal object of the Bill is to consolidate the laws relating to regional development and to provide for the establishment, powers and functions of the six (6) existing regional development bodies;

- iv) These are Coast Development Authority, Ewaso Ng'iro North River Basin Development Authority, Ewaso Ng'iro South River Basin Development Authority, Kerio Valley Development Authority, Lake Basin Development Authority, Tana and Athi Rivers Development Authority;
- v) The Bill standardizes the functions of regional development authorities subject to the unique areas of operation of each regional development authority;
- vi) It further standardizes the membership of the Boards of each regional development authority to eleven (11) members in line with best practices in corporate governance;
- vii) In regards to public participation the Committee is required, pursuant to Standing Order 127(3), to facilitate public participation on the Bill through an appropriate mechanism;

Committee Resolution

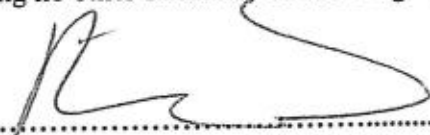
The Committee resolved to retreat during the upcoming short recess to examine the bill clause by clause. Further, the secretariat was tasked to process newspaper advertisements for call for public participation.

MIN. NO.NA/DDC.DFR/2022/043: ANY OTHER BUSSINES (AOB)

1. The Committee noted that there is need to visit the British Army Training Unit-Kenya (BATUK) in Nanyuki to finalize on the Agreement between the Government of the Republic of Kenya and the Government of the Republic of the United Kingdom of Great Britain and Northern Ireland on Defence Cooperation. The Committee resolved to undertake the visit during the second week of March, 2022.
2. The Committee resolved to undertake a retreat with the Ministry of Foreign Affairs from Monday, 7th – Saturday, 12th March, 2022 in Mombasa County, to consider the Asset acquisition and maintenance policy that guides property management in missions abroad.
3. The meeting was informed that the Military Veterans Bill, 2022 sponsored by the Leader of the Majority Party was read for the first time on Tuesday, 22nd February, 2022. The secretariat reported that processing of newspaper advertisements for call for public participation was done and the advert appeared on Thursday, 24th February. The Committee resolved to consider the Bill during recess.
4. The meeting was also informed that the joint subcommittee on resolving selected Ministry of Defence land disputes will meet on Wednesday, 2nd March, 2022 to consider its draft report. The membership of the Committee was urged to attend the said meeting.

MIN. NO.NA/DDC.DFR/2022/044: ADJOURNMENT

There being no other business, the meeting adjourned at 12.20 pm.

Signed.....

Hon. Richard Tong'i, M.P
(CHAIRPERSON)

Date.....07/03/2022.....

MINUTES OF THE ONE HUNDRED AND FORTY THIRD (143RD) SITTING OF THE DEPARTMENTAL COMMITTEE ON DEFENCE & FOREIGN RELATIONS HELD AT 4TH FLOOR CONTINENTAL HOUSE, ON THURSDAY, 27TH JANUARY 2022, AT 12.00 PM

PRESENT

1. The Hon. Richard Tong'i, MP (Vice Chairperson)
2. The Hon. Charles Kilonzo, MP
3. The Hon. Memusi Ole Kanchory, MP
4. The Hon. Col. (Rtd) Dido Ali Raso, MBS, MP
5. The Hon. Asha Hussein Mohamed, MP
6. The Hon. Gideon Sitelu Konchela, MP EGH, OGW, 'psc' (UK), MP (*Virtually*)
7. The Hon. (Dr.) Irene Muthoni Kasalu, MP (*Virtually*)
8. The Hon. Martha Wangari Wanjira, MP (*Virtually*)
9. The Hon. Stephen Mutinda Mule, MP (*Virtually*)
10. The Hon. (Dr.) Lilian Gogo, MP (*Virtually*)
11. The Hon. Caleb Amisi, MP (*Virtually*)
12. The Hon. Zachary Kwenya Thuku, MP (*Virtually*)

APOLOGIES

1. The Hon. Katoo Ole Metito, EGH, MGH, MP (Chairperson)
2. The Hon. Maj. (Rtd.) Bashir Sheikh Abdullah, MP
3. The Hon. Vincent Kipkurui Tuwei, MP
4. The Hon. Richard Maore Maoka, CBS, MP
5. The Hon. Yusuf Hassan Abdi, MP
6. The Hon. Moses Nguchine Kirima, MP
7. The Hon. Ernest Ogesi Kivai, MP

IN ATTENDANCE

NATIONAL ASSEMBLY SECRETARIAT

- | | | |
|------------------------|---|-------------------|
| 1. Mr. Victor Weke | - | Clerk Assistant I |
| 2. Mr. Edison Odhiambo | - | Fiscal Analyst |
| 3. Mr. Eric Kariuki | - | Research Officer |
| 4. Mr. Edwin Machuki | - | Fiscal Analyst |

MIN. NO.NA/DDC.DFR/2022/001:

PRELIMINARIES

The Vice-Chairperson called the meeting to order at 12.08 pm and said a prayer. The agenda of the meeting was adopted as hereunder after being proposed by The Hon. Charles Kilonzo, MP and seconded by The Hon. Stephen Mule, MP.

AGENDA

1. Prayers
2. Adoption of the agenda
3. Confirmation of minutes of previous sittings
4. Matters arising
5. Substantive agenda:
 - i. **Briefing by Parliamentary Budget Office on the Budget Policy Statement 2022**

ii. **Decision on Lake Turkana Development Authority Legislative Proposal**
6. Any Other Business

MIN. NO.NA/DDC.DFR/2022/002: CONFIRMATION OF MINUTES OF PREVIOUS SITTING

142nd Sitting

Minutes of the 142nd sitting held on 2nd December 2021 were read and confirmed as a true record of proceedings as proposed by Hon. Charles Kilonzo, MP and seconded by Hon. Irene Kasalu, MP.

MIN. NO.NA/DDC.DFR/2022/003: MATTERS ARISING

Min. No. NA/DDC.DFR/2021/147

The Committee tasked the secretariat to write to the Inspector General of Police reminding him of the three-month deadline that the Committee had accorded him on the matter of the murder of Ms. Agnes Wanjiru in Nanyuki. Further, the Committee resolved to visit the British Army Training Unit, as well as engage with local leadership, in its consideration of the Defence Cooperation Agreement, on 14th January 2022, subject to availability of funds.

MIN. NO.NA/DDC.DFR/2022/004: BRIEFING BY THE PARLIAMENTARY BUDGET OFFICE ON THE BUDGET POLICY STATEMENT 2022

The fiscal analysts briefed the Committee on the Budget Policy Statement (BPS) for financial year 2022/2022 and the medium term. The following were the key highlights;

1. The 2022 BPS was themed '*Accelerating Economic Recovery for Improved Livelihood*', against a backdrop of anticipated economic recovery, expected to hit 5.8% after a period of economic decline occasioned by the covid pandemic. The calendar of the budget cycle had been adjusted due to the forthcoming General Election;
2. The country's total expenditure basket will increase to Kshs. 3,309.14 billion, with the security sector (defence and national intelligence) being 9.8% of the whole. The sector is facing challenges of terror and other security related risks as the country approaches the General Election;
3. The Ministry of Defence has a proposed ceiling of Kshs. 157.57 billion, an improvement from the outgoing financial year's allocation of Kshs. 119.57. This is attributable to the modernization of equipment, done under the Export Credit Arrangement (ECA). Details of these projects have however not been provided. Noteworthy is that the civil aid component has been reduced by Kshs. 300 million;
4. The National Intelligence Service has a proposed ceiling of Kshs. 45.53 billion, compared to the previous year's Kshs. 42.45 billion. Details of its programmes have also not been availed;
5. The Ministry of Foreign Affairs has a proposed ceiling of Kshs. 19.55 billion, a slight increase from Kshs. 18.82 billion for FY 2020/21 representing a 4% growth. This is however against a sector requirement of Kshs. 47.37 billion, a 59% shortfall that will negatively impact programmes, especially the development component that has a Kshs. 9.26 billion deficit (84%);
6. The State Department for East African Community has a proposed ceiling of Kshs. 0.65 billion, all recurrent, compared to Kshs. 0.61 billion in the outgoing financial year;
7. The State Department for Regional and Northern Corridor Development has a proposed ceiling of Kshs. 4.22 billion, of which Kshs. 0.97 billion is for development.

This is against a development resource requirement of Kshs. 23.16 billion, representing a 96% shortfall. This indicates that projects earmarked under the state department will not be achieved;

8. Other than the budgetary constraints already alluded to above, other key issues include increased debt burden that will be incurred by the Ministry of Defence's ECA projects to the tune of Kshs. 27 billion. The BPS did also not provide a list of pending bills that have always been a thorn in the flesh, invariably eating into ministry allocations as first charge. Moreover, several court awards have not been factored in and there lacks a policy on how they should be offset.

The Committee noted that they Ministries and Agencies under its purview have been scheduled to appear before it on Wednesday 2nd February 2022 to justify their ceilings, and respond to all emergent issues in the BPS as noted above, most importantly itemized lists of all their projects.

MIN. NO.NA/DDC.DFR /2022/005:

DECISION ON LAKE TURKANA
DEVELOPMENT AUTHORITY
LEGISLATIVE PROPOSAL

The Committee noted that further to objections by the State Department of Regional and Northern Corridor Development, and the Attorney General, to the legislative proposal, Treasury had also written to oppose the same.

The Committee resolved to draw parallels between its proposed Regional Development Authorities Bill 2021 that seeks to amalgamate all such Acts of Parliament, and the proposal by Hon. Christopher Nakuleu, in order to accommodate concerns of the Member.

MIN. NO.NA/DDC.DFR /2022/006:

ADJOURNMENT

There being no other business, the meeting adjourned at 1.27 pm.

Signed.....

Hon. Katoo Ole Mejito, M.P (CHAIRPERSON)

Dated.....

ANNEXTURE 3

Memorandums by Stakeholders

1. Ministry of East African Community & Regional Development



REPUBLIC OF KENYA

MINISTRY OF EAST AFRICAN COMMUNITY AND REGIONAL DEVELOPMENT

STATE DEPARTMENT FOR REGIONAL AND NORTHERN CORRIDOR

COMMENTS ON THE REGIONAL DEVELOPMENT AUTHORITIES BILL, 2021

S/NO	CLAUSE UNDER THE BILL	PROVISION UNDER THE BILL	MINISTRY/ BILL PROPOSAL	COMMENTS
1.	Long title	An Act of Parliament to consolidate the laws relating to Regional development, to provide for the establishment powers and functions of Regional Development Bodies, and for connected purposes.	The word Bodies should be deleted and Authorities inserted.	To streamline the operations of Regional Development Authorities under a singular Act and align their operations and objectives with the Constitution of Kenya, 2010.
2.	Short Title	This Act may be cited as the Regional Development Authorities Bill, 2021	The Ministry is proposing a change on the short title of the Bill to, "This Act may be cited as the Basin Based Development Authorities Bill, 2021.	The proposed short title aligns with the functions and mandate implemented by the Regional Development Authorities without creating any confusion with other Agencies or County Governments.
2.	Part I Preliminary	"Lake Basin" means Lake Victoria catchment area and that part of Lake Kyoga catchment area situated within Kenya	"Lake Basin" means Lake Victoria catchment area and drained area and bounded by water sheds of the Nzoia, Yala,	Elaborate definition of Lake Basin.

			<p>Nyando, Sondu, Kuja and their tributaries draining to Lake Victoria.</p>	
3.	<p>Clause 6, 10, 14 & 18 on composition of the Boards for the RDAs</p>	<p>The Committee Bill provides for composition of the Board to include:</p> <ul style="list-style-type: none"> • Chairperson appointed by the President; • Principal Secretary responsible for Regional development authorities; • Principal Secretary responsible for Finance; • Principal Secretary responsible for environment; • Eight other members appointed by the Cabinet Secretary 	<p>The Ministry had proposed the composition of the Board to include:</p> <ul style="list-style-type: none"> • Chairperson, appointed by the President; • Principal Secretary responsible regional development authorities; • Principal Secretary responsible finance; • Principal Secretary responsible environment; • Five other persons appointed by the Cabinet Secretary. 	<ul style="list-style-type: none"> • The Ministry proposal aligns with Mwongozo guideline on the composition numbers which should be between 7-9 members. The Committee Bill has proposed an 11 member Board which exceeds Mwongozo guidelines.
4.	<p>Clause 6 (3), 10 (3), 14 (3) & 17 (3)</p>	<ul style="list-style-type: none"> • The Committee Bill provides for qualifications of the Chairperson and non-government Board members to include: <ul style="list-style-type: none"> a) at least 10 years experience in public affairs, resource mobilization, governance or a related field; and b) meets the requirements 	<ul style="list-style-type: none"> • The Ministry has proposed to prescribe extensive qualifications for both the Chairperson and the non-government Board members which include: <ul style="list-style-type: none"> o Degree qualification; o have at least fifteen years' experience in the management of public affairs or a field that is relevant to the functions 	<ul style="list-style-type: none"> • This is aimed at equipping the RDAs with a professional Board which can spearhead the regional development policy, uphold governance and assist in resource mobilization.

		of Chapter Six of the Constitution.	of the Authority;	
5.	12 (4), 16 (4), 20 (4) & 24 (4)	Managing Director's term of office. The Committee Bill provides for a term of 4 years and eligibility for re-appointment for one further term.	The Ministry proposal is for the Managing Director to be appointed for a term of 3 years and re-appointment for one further term.	The Ministry proposal aligns with Mwongozo guidelines on the term of office of a Managing Director which should be a term of 3 years and cumulatively not more than 6 years.
6.	Schedule 2 Provisions as to the conduct of business and affairs of the Board of Regional Development Authorities	2(4) At a meeting of the Board at which neither the Chairperson or Vice Chairperson is present, the members of council present shall elect of their number to preside, and the person so elected shall all the powers of the chairperson with respect to the meeting and business transacted.	Replace the word Council with Board Replace word number with member	
7.	Functions of the Cabinet Secretary	None	The Cabinet Secretary shall— (a) be responsible for policy formulation and directions for purposes of this Act; (b) set national goals and objectives and determine policies and priorities for the sustainable development and use of natural resources in the basin area; (c) be responsible for effective implementation of international	To anchor the role of the Cabinet Secretary on policy and oversight issues on regional development of the basin areas in the Country.

	Powers of the Regional Development Authorities	None	<p>agreements and relevant international laws in conformity with the Treaty Making and Ratification Act, 2013;</p> <p>The Ministry has proposed to include a Clause on Powers of the RDAS which will:</p> <ul style="list-style-type: none"> • Grant the Authority the powers necessary for the execution of its functions • grant Authority Powers to coordinate basin-based investments, projects and programmes • Grant Authority powers to be able to do resource mobilization for development • Grant Authority powers to be able to charge levies for services provided. • To grant Authority powers to work with other stake holders 	<p>This is a generic clause on most State Corporations Act which is very important in empowering the State Corporation to undertake necessary activities.</p>
8.			<p>The Ministry has proposed an inclusion of a Clause on the Board Committees to allow for proper and efficient undertaking of the Boards functions.</p>	<ul style="list-style-type: none"> • Establishing committees or subcommittees, the delegation of responsibilities to persons, members, employees are crucial to get the best professional advice, which is
9.	Board Committees	None		

					<ul style="list-style-type: none"> key to decision making. The delegated authority must be exercised in the best interest of the organization. But decisions emanating from such delegates should be subjected to the full board for adoption, review and variation, where necessary.
10.	Add termination clause for non-executive members of the Board	None	The Ministry has proposed to prescribe provisions on termination of non-executive Board members to strengthen Board operations and ensure efficiency.	This will provide for exit/termination of non-executive members under necessary circumstances and provide for efficiency in the management of Boards.	
11.	Add termination clause for the Managing Director	None	The Ministry is proposing inclusion of an exit/termination clause for the services of the Managing Director	This will provide for exit/termination of Managing Director under necessary circumstances and provide for efficiency in the management of Boards.	
12.	Establishment of National Basin Based database	None	The Ministry has proposed to include a Clause on the establishment of a National Basin Based Database.	This will enhance the Regional Development Authorities functions in maintaining a comprehensive basin based database.	
13.	Monitoring mechanisms	None	The Ministry has proposed to include a Clause on Monitoring Mechanism to provide for the development of monitoring mechanisms and set indicators to	This will enhance the monitoring function of the Regional Development Authorities on basin based natural resources.	

			<p>determine—</p> <ul style="list-style-type: none">(a) sound management of basin based natural resources in Kenya; and(b) trends affecting conservation and management of basin based natural resources.	
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