



REPUBLIC OF KENYA

THIRTEENTH PARLIAMENT

NATIONAL ASSEMBLY

THE HANSARD

VOL. II NO. 123

THE HANSARD

Thursday, 7th December 2023

The House met at 9.30 a.m.

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

PRAYERS

QUORUM

Hon. Deputy Speaker: I direct that the Quorum Bell be rung for 10 minutes.

(The Quorum Bell was rung)

Hon. Members, please be seated. I order that the Quorum Bell be stopped. Let us proceed. For efficiency of the House, allow me to re-order the Order Paper. We will go straight to Order No.8, then Order No.9 followed by Order No.10. Thereafter, we shall come back to Order No.4 and proceed in the chronological order.

Thank you.

PROCEDURAL MOTION

REDUCTION OF PUBLICATION PERIOD OF SPECIFIED BILLS

Hon. Owen Baya (Kilifi North, UDA): Hon. Deputy Speaker, I beg to move the following Procedural Motion:

THAT, pursuant to the provisions of Standing Order 120, this House resolves to reduce the publication period of the following Bills:

1. The Affordable Housing Bill (National Assembly Bill No.75 of 2023) from 14 days to three days.
2. The Land Laws (Amendment) (No.2) Bill (National Assembly Bill No.76 of 2023) from 14 days to one day.

The reason for seeking this House's approval of reduction of the publication period for these Bills is time constraints. As we are all aware, we are proceeding for recess today. Therefore, we would like to publish these Bills early so that as we proceed for recess, the respective Departmental Committees can conduct public participation on them. This will ensure that when we resume, the Bills will be ready for discussion. That way, the laws will be ready for use as required. I urge this House to look at the importance of these Bills, especially the Land Laws (Amendment) Bill. There are many issues affecting land that have remained unresolved because the laws have not been reviewed. The Affordable Housing Bill is also a very crucial piece of legislation which we must dispose of fast, as directed by the court.

Therefore, I would like us to approve this Procedural Motion. I request my friend, Hon. Wangwe, the former Whip of the Majority Party, to second.

Hon. Deputy Speaker: Proceed, Hon. Wangwe.

Hon. Emmanuel Wangwe (Navakholo, ODM): Thank you, Hon. Deputy Speaker. I rise to second the Procedural Motion. As Hon. Baya has clearly indicated, it is important at times for us, as Parliament, to look at where we are. The situation we are in today calls for us

to reduce the publication period for these Bills from 14 days to three days and from 14 days to one day, respectively. This will give room for flexibility, as indicated by the Deputy Leader of the Majority Party.

I second.

(Question proposed)

Hon. Members: Put the Question!

Hon. Deputy Speaker: I can see that it is the mood of the House that I should put the question.

(Question put and agreed to)

Hon. Ruku GK (Mbeere North, DP): On a point of order, Hon. Deputy Speaker.

Hon. Deputy Speaker: What is your point of order, Hon. Ruku?

Hon. Ruku GK (Mbeere North, DP): Hon. Deputy Speaker, the centrality of the Constitution is public participation. Public participation is extremely important, as provided for in the Constitution. My opinion is that this House is negating this key principle of public participation by approving the reduction of publication period for the Bills.

Thank you, Hon. Deputy Speaker.

Hon. Deputy Speaker: Hon. Ruku, you have jumped the gun. After this, the Bills will be subjected to public participation. The Committees will have about two months to consider the Bills. I think your fears are unwarranted.

(A Member spoke off the record)

I think he is satisfied now. Thank you. Let us move to the next Order.

BILLS

First Readings

THE AFFORDABLE HOUSING BILL
(National Assembly Bill No.75 of 2023)

THE LAND LAWS (AMENDMENT) (NO.2) BILL
(National Assembly Bill No.76 of 2023)

(The Bills were read a First Time and referred to the relevant Committees)

PETITION

Hon. Deputy Speaker: Member for Jomvu, Hon. Bady Bady. Your name reads like that on the screen.

DELAY IN COMPLETION OF JITONI-RABAI ROAD
IN JOMVU SUB-COUNTY

Hon. Bady Twalib (Jomvu, ODM): My name is Hon. Bady Bady Twalib, Hon. Deputy Speaker.

I rise to present a public Petition regarding delay in completion of Jitoni- Rabai Road in Jomvu Kuu Ward, Jomvu Sub-county.

I, the undersigned, on behalf of the residents of Jomvu Constituency, draw the attention of the House to the following:

THAT, the Jitoni-Rabai Road was launched by the then Deputy President, who is now our current President, His Excellency William Samoei Ruto, on 16th March 2018 and was meant to link the interior parts of Jomvu Constituency to Rabai Constituency without having to drive to Mazeras;

THAT, the road was part of the old Mombasa-Nairobi Road and links the interior parts of Jomvu to areas like Mazeras and Rabai, thereby complementing the main Mombasa-Nairobi Highway;

THAT, out of the 12 kilometres, the contractor made substantial progress and completed construction of the first nine kilometres, after which he abandoned the site without completing the remaining three kilometres on Jomvu side, despite residents demolishing their houses and businesses to pave way for the construction of the said road;

THAT, the remaining section of the road is dilapidated exposing residents to extremely dusty conditions when it is dry and impassable due to mud accumulated during rainy weather;

THAT, transport costs incurred by residents have tremendously increased due to high maintenance costs of vehicles and motorcycles passed on to users by service providers;

THAT, access to water has been curtailed through destruction of pipes during construction of the road, which cannot be fixed until conclusion of the road construction. This has forced residents to incur exorbitant charges in accessing this basic commodity through purchase of water from water bowsers;

THAT, efforts by the petitioners to have the matter addressed by the Kenya Urban Roads Authority (KURA) under Director-General, Eng. Kinoti, have been futile; and

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

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

- (i) Compels KURA to complete construction of the road as per the contractual agreement within the next six months; and,
- (ii) Makes any other recommendation or action it deems fit in addressing the plight of the petitioners.

Your humble petitioners will ever pray.

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

[The Temporary Speaker (Hon. Martha Wangari) took the Chair]

The Temporary Speaker (Hon. Martha Wangari): I will give opportunity to a few Members to comment on the Petition.

Let us start with Hon. Rahim.

Hon. Rahim Dawood (North Imenti, Independent): Thank you, Hon. Temporary Speaker. I join my colleague, Hon. Bady, whom I serve with in the Departmental Committee on Transport and Infrastructure. He has raised the issue of this road variously.

By being Members of the Departmental Committee on Transport and Infrastructure, we do not get more favours than others. The Cabinet Secretary said yesterday that roads which have not been completed will be constructed. We always wonder when they will be constructed. We have waited for too long. There is a road which has stalled for a few kilometres in my constituency since 2017. The bypass which was being constructed by KURA has stalled. We need urgent intervention. The roads in Jomvu and in other constituencies should be completed. I join my friend and brother, Hon. Bady. This road should be constructed. Let the Cabinet Secretary do what needs to be done.

Thank you, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Martha Wangari): Thank you. If you are willing to speak to this Petition, press the intervention button. Hon. Dido Raso.

Hon. Ali Raso (Saku, UDA): Thank you very much, Hon. Temporary Speaker. I rise to support this Petition by Hon. Bady Twalib, Member for Jomvu.

If there is an organisation that is very corrupt, inept and confused in constructing roads in Kenya, then it is KURA. I say this without fear of contradiction. If the Chairman of the Departmental Committee on Transport and Infrastructure is in the House, he should take note. There are two roads in my constituency that have been constructed by KURA since 2017. Nobody knows who constructs them and the scale of work. There is no involvement of leadership in the construction of these roads. We know what Kenya National Highways Authority (KeNHA) and Kenya Rural Roads Authority (KeRRA) are doing. From what Hon. Twalib has raised here, we want to know if public funds have already been utilised. If so, the Ethics and Anti-Corruption Commission (EACC) must follow these people and public money should not be lost.

Thank you, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Martha Wangari): Thank you, Hon. Raso. Member for Navakholo.

Hon. Emmanuel Wangwe (Navakholo, ODM): Thank you, Hon. Temporary Speaker. I rise to support the Petition by Hon. Bady Bady Twalib. It is in the same path as what is happening in Navakholo.

We have 45 kilometres of road covering three constituencies. It stretches from Lurambi, Navakholo through to Musikoma in Bungoma. The former President of Kenya, Hon. Uhuru Kenyatta, launched it on 15th December 2015. To date, only 18 kilometres have been constructed. What baffles me is that the money that was paid initially as the mobilisation fee is even more than the number of kilometres that are covered. As the Committee looks into this issue, let them also look into the issue of gushy contractors who are just there to receive advance resources, pocket the money and leave the road to lie in a very bad state. It is important that Hon. Bady has brought the Petition now. We support it. When it will be brought on the Floor of the House, we will support it.

Thank you, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Martha Wangari): Member for Mbeere North, I can see you are seeking attention of the Chairman of the Departmental Committee on Transport and Infrastructure. I will give a chance to the Members to comment and then the last person will be the Chair of the Committee. The next chance will go to the Whip of the Majority Party.

Hon. Silvanus Osoro (South Mugirango, UDA): Thank you very much, Hon. Temporary Speaker. If you go through the Petition by Hon. Bady, it leaves a lot of questions than answers. It is important for the Chairman and the relevant committee to take up this matter.

The issue of contractors abandoning sites at very critical stages of construction should be declared a national challenge, if not a disaster. Just like Hon. Bady, the road that leads to my home is similar to this. It was abandoned two kilometres to my home. I keep on explaining to people that the contractor will resume and take charge of the site. However, there are no signs. I am also an investor in Mombasa. I know this particular road and it stalled three kilometres before completion. Looking at the progress that the contractor had made, one would be tempted to think that he may have been paid the entire sum and still abandoned the site, or somebody somewhere withheld the amounts that were to be paid to the contractor until the project was completed.

All important social amenities within that area have been affected. One cannot connect sewer lines or water pipes. Drainage systems have now been back-filled by natural causes like rains. There is an incomplete stretch of between three to nine kilometres. You can imagine what an expectant mother in labour being rushed to hospital goes through within that section. When contractors leave the site, they stop maintaining the road and so, when it rains, the number of potholes increases and the road becomes impassable.

The Chairperson, Hon. GK, should explain to us what exactly is happening on that road, which is affecting people. There is an outbreak of airborne diseases in that place because of that challenge.

The Temporary Speaker (Hon. Martha Wangari): Hon. Members, each of you will contribute for a maximum of two minutes so that as many of you as possible can speak.

Member for Sigowet/Soin, Hon. Justice Kemei.

Hon. Justice Kemei (Sigowet/Soin, UDA): Thank you, Hon. Temporary Speaker, for allowing me to comment on the Petition by my friend, Hon. Twalib Bady. The state of roads in this country is dire. The Cabinet Secretary for Roads, Transport and Public Works was here yesterday and you saw how we wanted to speak to him. We wanted to ask him questions because unless a strategy is fashioned that sets aside available funds for construction of roads, we are heading nowhere. We are blamed by the people we represent as Members of Parliament because of responsibilities that are not ours. There are repair works being done between Sondu and Kapsoit at the moment. Hon. Nelson Koech and I are blamed constantly yet we are not responsible for the contractor who was given that assignment.

During the *kamukunji* that was called by the substantive Speaker yesterday, I mentioned that we needed something substantive from the Cabinet Secretary for Roads, Transport and Public Works. The country is experiencing heavy rains at the moment and the road network is dilapidated. Unless something is done, people will continue planting bananas on the roads and blaming us for work that is not ours.

I support the Petition.

The Temporary Speaker (Hon. Martha Wangari): Member for Mandera West, Hon. Haji.

Hon. Yusuf Adan (Mandera West, UDM): Thank you, Hon. Temporary Speaker, for allowing me to support Hon. Twalib on this very critical Petition. Mombasa and Jomvu are the gateway to Kenya. They are the face of Kenya. All international entries from the sea come through Mombasa. When such a road is neglected, even somebody who does not visit the rest of Kenya but only stays in Mombasa will judge Kenya on the basis of what he saw in Jomvu. That is unacceptable.

It is not only in Mombasa. Roads all over the country are in a pathetic state. Major roads like the Garissa-Nairobi Road and the Mombasa-Malindi-Tana River-Hola Road were recently swept away by the rains. Even roads that have been completed are very shoddily constructed. Roads are constructed this year and are washed away the following year. That is unacceptable. Roads are supposed to last for at least 10 years.

The level of corruption in this Ministry is terrible. We recently saw resources for road construction being distributed across the country but half the counties got zero allocation while some counties got almost all the available funds. That is unacceptable.

I support Hon. Bady's Petition. Action should be taken and implemented to the letter.

The Temporary Speaker (Hon. Martha Wangari): Member for Kilifi North.

Hon. Owen Baya (Kilifi North, UDA): Thank you very much, Hon. Temporary Speaker. I thank my brother, Hon. Bady Bady, also known as *Kijana Mwepesi De-Mabior*, Member of Parliament for Jomvu, for the work that he is doing.

That road is key to the people of Kilifi. When Mbogolo Bridge collapsed, traffic towards the North Coast stopped. The road from Jomvu to Rabai joining Kaloleni to Mavueni and going to Malindi is a key road in the region. It links Kilifi and Mombasa. If we do not come up with another exit out of Mombasa and continue to use Nyali Bridge, one day when only vehicles can use the ferry, Mombasa will be landlocked. The only way out is to construct that road because it is key.

I have spoken to the contractor and there are issues. The Ministry has not released funds. The contractor was on site, the road was relaunched but the graders were removed. We need to stop the public relations exercise and ensure that the road is properly constructed for the benefit of the people of Kilifi, Mombasa, and Kenya.

I stand with you, my brother, De-Mabior, because you care for the people of Mombasa and Kilifi. The Government should demonstrate the same care.

The Temporary Speaker (Hon. Martha Wangari): Member for Kericho, Hon. Beatrice Kemei.

Hon. Beatrice Kemei (Kericho County, UDA): Thank you, Hon. Temporary Speaker. I thank the Petitioner for his Petition. We have issues with roads. The Cabinet Secretary was here yesterday and many of us did not get an opportunity to air our issues. I join my colleagues who have spoken about roads.

I come from Kericho County. Whenever I scroll through social media, I see people asking what Members of Parliament are doing to ensure that roads are constructed, especially during this rainy season when roads are in bad condition. As Hon. Justice Kemei said, the road from Kapsoit to Sondu has been a problem for the last 10 years. As much as he said that he and Hon. Nelson are questioned, people on the "ground" do not know the difference between us. I am also questioned every day. I am asked about that road and many others across the county whenever I go for functions.

The Government and the Ministry should fast-track issues to do with roads. School-going children, mothers in labour, and the elderly are affected by these roads. People have resorted to using bodaboda instead of vehicles. We should fast-track the construction of roads.

There is a community road in Syokimau whose construction has stalled for five years. I live there and members of the public and my neighbours come to me to ask what I am doing about it as a Member of Parliament. Contractors should work on stalled roads and do a good job.

I support the Petition.

The Temporary Speaker (Hon. Martha Wangari): Hon. Injendi.

Hon. Malulu Injendi (Malava, ANC): Thank you, Hon. Temporary Speaker. I rise to support this Petition.

Hon. Temporary Speaker, from where I sit, sometimes I wonder whether what is happening is intended to paint the Government negatively by specific officers. I recall that in my constituency, there was a road that had been allocated money. When I followed up to find out why work was not going on, I was told that the contractor was the one who was not working. On further inquiry, I found that it was a KeRRA road, and KeRRA had not paid the particular contractor because of some tax payment. What was in the public domain was that the President

had launched the project, but the road was not being constructed. So, the whole blame comes back to the Government, and more so to the President who launched the project when the actual nitty-gritty on the ground is by the respective entities that did not perform their duties as expected. For example, asking this contractor to pay the money to Government taxes as required, so as to be paid the money to continue with construction of the road.

What is also very interesting is that in Kakamega County there is a road that does not require the National Treasury money – it is a World Bank-funded project – but it has kind of stalled. The project has not yet been completed. I also raised the same question to the Cabinet Secretary. No one is talking about that, and also it paints the Government negatively when indeed there is money for it from the World Bank.

I would support *Mheshimiwa* particularly for his complaint because this is affecting most of us for the roads that have not been completed. You find that when they have stalled, the roads normally have huge potholes. Some of them are now acting as rivers on our roads to the point that bodabodas all over the country are demonstrating with banana seedlings and stems; demonstrating against Members of Parliament, President and the Government.

I support. Thank you.

The Temporary Speaker (Hon. Martha Wangari): Hon. Kimani Ichung'wah.

Hon. Kimani Ichung'wah (Kikuyu, UDA): Asante Mhe. Spika wa Muda. Ninataka niijiunge na Wabunge wengine kuchangia hili jambo la Barabara ya kutoka Jitoni kwenda Rabai katika Wadi ya Jomvu Kuu, Eneo Bunge la Jomvu. Hii Barabara naielewa kwa sababu inashikanisha Jomvu na Kilifi. Nilikuwa pamoja na aliyekua Naibu wa Rais, ambaye hivi sasa ndiye Rais wa Kenya, Mheshimiwa Rais William Ruto, alipoenda kuzindua ujenzi wa ile barabara katika mwaka wa 2018. Ni jambo la kushangaza kwamba barabara ambayo ujenzi wake ulianza mwezi wa tatu, mwaka wa 2018 mpaka leo haijakamilika. Ni vizuri watu wa Jomvu na watu wa Kilifi waelewe kwa sababu hii ni moja ya barabara nyingi nchini ambazo ujenzi wao ulisimamishwa makusudi eti kwa sababu zilanzishwa na aliyekua Naibu wa Rais, ambaye sasa ndiye Rais. Serikali iliyopita ilipokuwa ikisimamisha miradi hii ilikuwa ikifikiria kwamba inampunguzia umaarufu aliyekuwa Naibu wa Rais, na hiyo ni siasa duni. Siasa duni ndiyo imewaweka nyuma watu wa Jomvu, Kilifi na Wakenya wengine, wakiwemo watu wangu wa Kilifi – Hapana, siyo Kilifi. Wakiwemo watu wangu katika Eneo Bunge la Kikuyu.

(Kicheko)

The Temporary Speaker (Hon. Martha Wangari): Nimedhani umehama Mheshimiwa

Hon. Kimani Ichung'wah (Kikuyu, UDA): Nasikia Mheshimiwa Nelson Koech akisema labda niko na nyumba nyingine Kilifi. Sina nyumba Kilifi.

(Kicheko)

Hon. Kimani Ichung'wah (Kikuyu, UDA): Nilikuwa ninasema hata kwangu Kikuyu ujenzi wa barabara nyingi ulisimamishwa kwa sababu zilikuwa zimeanzishwa na aliyekuwa Naibu wa Rais wakati huo, na waliokuwa na hatamu ya uongozi walikuwa wanataka eti wazime umaarufu aliokuwa nao Naibu wa Rais kwa kusimamisha miradi ya barabara na miradi mingine ya maendeleo ambayo manufaa yake ni kwa Wakenya wa kawaida. Serikali ya leo, ambayo inaongozwa na Rais Wiliam Ruto, imechukua hii miradi yote ili ihakikishe inaendelea.

Rais juzi alitembea kwote duniani. Alitembelea nchi ya Uchina kuhakikisha kwamba kandarasi nyingi, ambazo zinatekelezwa na wanakandarasi kutoka Uchina, zinapata fedha ili ziendeleo. Kandarasi ambazo pia zinatekelezwa na Wakenya zimejumuishwa kwenye mpango huo. Pia, hivi majuzi Rais alipokuwa nchini Ufaransa, mashirika ya IMF na World Bank

yalitangaza kwamba Kenya itapata msada wa USD12 billion, ambazo zitasaidia kuhakikisha kwamba watu wa Jomvu, Jitoni na Rabai katika Kaunti ya Kilifi wamejengewa hiyo barabara.

Waziri alikua hapa jana. Alituambia kwamba shida imekuwa kuanzishwa kwa barabara mpya. Lakini ujenzi wa barabara kama hii, ambao ulisitishwa makusudi kwa sababu ya siasa duni, ni lazima uendelee. Ninamshukuru kiongozi ambaye anajiita kijana mwepesi. Anajiita mwepesi lakini ni mzito kwa maneno.

(Kicheko)

Ni mzito kwa maneno ya kuwatetea watu wa Jomvu ili waweze kupata maendeleo, na hiyo ndiyo sababu alichaguliwa na watu wa Jomvu. Ninajua alipitia magumu kwa sababu alikuwa anaonekana kuegemea sana upande wa Rais William Ruto. Hatahama alichosimama nacho kuwania ubunge kilikuwa kinaegemea mrengo wa Serikali ya sasa. Ninataka nikuambie, mtu wa Jomvu; endelea kusimama na kumuunga mkono Rais William Ruto, ambaye atatukamilishia miradi ya maendeleo katika eneo Bunge la Jomvu na Kenya nzima. Wacha nikupongeze kijana mwepesi, na uendelee kuwa mzito wa maneno na mzito wa maendeleo. Kuwa mzito uhakikishe kwamba ujenzi wa barabara katika eneo Bunge lako umekamilishwa. Hiyo ndio kazi watu wa Jomvu walikuwa.

Pongezi na kongole kwa kuleta hii *petition*. Hii ndiyo kazi uliyochaguliwa uje ufanye hapa Bungeni. Na usitishwe na mtu yeyote. Jana nilisikia watu fulani wakisema eti tutoe fedha za maendeleo za kukamilisha barabara kama hii tuzipeleke kwenye Hazina ya Vyama vya Kisiasa. Eti wanataka pesa za miradi ya maendeleo zipelekwe kusimamia vyama vya kisiasa kwa sababu huko ndio wanapata kitu cha kula. Uporaji wa pesa za vyama vya kisiasa ni lazima ukome. Tunataka fedha zisiende kwenye vyama vya siasa, bali ziende kwenye miundo msingi na kwenye miradi kama hii iliyokomeshwa kwa sababu ya siasa duni za hizo vyama.

Asante Mhe. Spika wa Muda.

The Temporary Speaker (Hon. Martha Wangari): Asante. Kutufungia hapa ni Mhe. George Kariuki ambaye pia ni Mwenyekiti wa Kamati inayoshughulika na Barabara na mambo ya Usafiri.

Hon. George Kariuki (Ndia, UDA): Asante sana, Mhe. Spika wa Muda. Pia, mimi ninaunga mkono hili Ombi la Mhe. Badi ambaye ni mwanakamati wa Kamatai ya Barabara na Uchukuzi. Ni Mheshimiwa shupavu na anaelewa kazi yake. Mhe. Bady ninataka kukuhakikishia wewe ukiwa Mwanakamati wa Kamati ya Barabara tutaunga mkono hili pendekezo lako na tutahakikisha hizi kilomita tatu zimebaki tumesukuma wenye wanashughulikia, na ninafikiri hii ni KURA ndio wamalize hizo kilomita tatu kwa sababu kama wamefanya kilomita kumi na mbili, tatu tunaweza kusukuma kupitia fedha zenye ziko ndio wamalizie huo mradi. Hili si jambo lenye Eneo Bunge la Mhe Bady pekee yake. Iko kila eneo Bunge la hii nchi. Ata nikikuuliza Bi. Spika wa Muda kama kuna barabara imekwama kwako utaniambia kuna barabara moja, mbili au tatu. Hata kwangu ukiniuliza niko na barabara ilikuwa ijengwe kabla ya kuingia Bunge na sasa niko katika muhula wa pili na imekwama. Inatoka mahali panapoitwa Baricho inaenda Getuya inaenda mahali panapoitwa Kagumo na imekwama. Hili ni janga linatuathiri sisi wote kama Wabunge na tuko kwa hii hali kwa sababu ya upungufu wa pesa. Mara nyingi tunapitisha bajeti hapa lakini inabidi turudi tena kukata hiyo bajeti kama tulivyofanya juzi.

Tulipokuwa tukitengeneza bajeti, tulipunguza Ksh30 bilioni kutoka kwa barabara. Mhe. Spika wa Muda, ninaunga Ardhilhali hii mkono kabisa. *If you allow me to switch to English.*

The Temporary Speaker (Hon. Farah Maalim): Order! The Standing Orders do not allow.

Hon. George Kariuki (Ndia, UDA): Asante, nitang'ang'ana. Jana *Cabinet Secretary* alikuja... Unajua Mhe. Bady akiwa kwa kamati, sisi humwambia azungumze kwa lugha ya Kiswahili kwa sababu Kiswahili chake ni kizuri sana.

[The Temporary Speaker (Hon. Martha Wangari) left the Chair]

[The Temporary Speaker (Hon. Farah Maalim) took the Chair]

The Temporary Speaker (Mhe. Farah Maalim): Order, Chairperson! Sema *Cabinet Secretary* kwa Kiswahili.

Hon. George Kariuki (Ndia, UDA): Waziri. Nilikuwa nikisema Mhe. Bady akiwa kwa kamati, sisi humwambia azungumze kwa lugha ya Kiswahili. Hii ni kwa sababu, Kiswahili chake ni kizuri sana. Jana Waziri alikuja kuzungumzia bajeti na mimi nilirefrain na sikuongea kuhusu hilo swali. Niliona haikufaa kumwalika aongee kuhusu bajeti, kwa sababu hii ni kazi ya Bunge. Kutengeneza bajeti ni kazi ya National Assembly na siyo ya *Executive*.

Tukimwalika Waziri aje hapa kutuambia ni kwa nini bajeti imetengenezwa namna hiyo, ilhali hii ni kazi yetu, tunampatia kazi yetu ambayo tunapaswa kufanya. Mbunge ambaye alikuwa ameuliza swali hilo ni wa kiwango cha juu na anaelewa kazi ya Bunge. Haikufaa tumwalike Waziri azungumze juu ya kazi yetu na kuoversight hili Jumba. Alisema vile tumefanya, tunavyopaswa kufanya na kule tumekosea. *Oversight* ni kazi ya *National Assembly* na siyo ya *Executive*. Kwa hivyo, tukiwaalika Mawaziri wacha waongee kuhusu *implementation* ya bajeti ambayo tumepitisha, lakini siyo mambo ya kutengeneza bajeti, kwa sababu hii ni kazi yetu.

Hon. Kimani Ichung'wah (Kikuyu, UDA): Hoja ya nidhamu, Mhe. Naibu Spika.

The Temporary Speaker (Hon. Farah Maalim): Kiongozi wa Chama cha walio Wengi, hoja yako ya nidhamu ni nini?

Hon. Kimani Ichung'wah (Kikuyu, UDA): Hoja yangu ya nidhamu ni kwamba Mwenyekiti wa Kamati ya Miundo Msingi na Barabara, anadai kwamba Waziri hakuwa na haki ya kusema alivyosema jana. Ilhali anajua kwamba hakujileta hapa. Aliagizwa aje kujibu swali ambalo Mbunge wa Kathiani, Mhe. Robert Mbui alikuwa ameuliza. Tulikuwa tukifuatilia Kanuni za Bunge kwamba Mawaziri wakiitwa Bungeni, kujibu maswali ama kusema mambo yanayohusu Wizara zao ni lazima waje.

Ninajua kuna maswala tata ambayo aligusia, lakini ni haki yake akijibu maswali. Kwa hivyo, ninaona Mhe. George Kariuki, Mwenyekiti wa Kamati ya Miundo Msingi na Barabara, amekosea kidogo, kwa kusema Kanuni za Bunge hazimruhusu Waziri kujibu lile swali. Bunge ndio ilimwalika na tusiweke ilani kuwa kuna Mawaziri wanaofaa ama tuweke vikwazo kuhusu yale ambayo wanafaa kusema wakijibu maswali. Lazima wakuje kujibu maswali.

Hon. Peter Kaluma (Homa Bay Town, ODM): On a point of order, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Farah Maalim): Mhe. Peter Kaluma, Kiongozi wa walio Wengi alikuwa amesimama kwa hoja ya nidhamu. Kwa hivyo, huwezi kusimama kwa hoja ya nidhamu.

Hon. Kimani Ichung'wah (Kikuyu, UDA): Hana nidhamu.

The Temporary Speaker (Hon. Farah Maalim): Endelea Mhe. *What is your point of order?*

Hon. Peter Kaluma (Homa Bay Town, ODM): Thank you, Hon. Temporary Speaker. I stand to raise a concern about the manner in which the Leader of the Majority Party is abusing the idea of points of orders.

The Temporary Speaker (Mhe. Farah Maalim): The idea of?

Mhe. Peter Kaluma (Homa Bay Town, ODM): The idea of standing on a point of order. He stands on a point of order, but he argues and debates instead of telling the House what is out of order and under which legal provisions or Standing Order. Just like what he has done, he is debating and taking the time of other Members. Let him be guided, that he cannot be debating each and every time as other Members are debating, in the pretext of point of order.

Thank you, Hon. Temporary Speaker.

The Temporary Speaker (Mhe. Farah Maalim): Proceed.

Hon. George Kariuki (Ndia, UDA): Asante, Mhe. Spika wa Muda. Ninafikiri Kiongozi wa walio Wengi, badala ya kunikosoa na hoja ya nidhamu angenielezea vizuri. Sikuwa nimesema Mawaziri wasikuje hapa Bungeni. Lakini hatungemwalika kuongea kuhusu kutengeneza bajeti. Tungemwalika aongee kuhusu *implementation*. Ninafikiri hapo ndipo hakuelewa vizuri.

Nikimalizia, ninataka kuongezea kwamba, hata ile pesa Mbunge wa Kathiani aliulizia ya *Roads Maintenance Levy Fund* (RMLF), juzi tulibadilisha sheria kama Bunge. Tulisema lazima *agency* zote za barabara, zilete mipangilio ama *programmes* zao hapa Bungeni ili tukubaliane kwamba, zimeangalia nchi yote na si upande moja.

Tulifanya hivyo kwa sababu kugawa pesa za umma ni kazi ya Bunge. Hii si kazi ya kufanyiwa ndani ya ofisi ya mtu yeyote. Ninataka kumweleza Mhe. Bady kwamba tutamuunga mkono tukiangalia *Fuel Levy* na bajeti, ndio hiyo barabara ikamilike. Kwa sababu ni muhimu sana kwa watu wa Jomvu, Kilifi na Wakenya.

Asante sana, Mhe. Spika wa Muda.

The Temporary Speaker (Mhe. Farah Maalim): Member for Kamukunji Constituency, are you on a point of order? Please give him the microphone.

Hon. Yusuf Hassan (Kamukunji, JP): Asante sana, Mhe. Spika wa Muda. Nimesimama kuunga mkono ndugu yangu Mhe. Bady Twalib, Mbunge wa Jomvu.

The Temporary Speaker (Mhe. Farah Maalim): Hiyo imekamilika. Mwenyekiti akizungumza ndio mwisho. Next Order.

PAPERS

The Temporary Speaker (Mhe. Farah Maalim): Naibu Kiongozi wa walio Wengi, endelea.

Hon. Owen Baya (Kilifi North, UDA): Asante sana, Mhe. Naibu Spika. Nimefurahi na kwa heshima ningependa kuwasilisha haya makaratasi kwa Meza ya Bunge:

Hon. Temporary Speaker, I have to switch to English.

The Temporary Speaker (Mhe. Farah Maalim): Order! The Standing Orders are very clear that when you start your presentation in Swahili, you have to continue in Swahili and the same applies to English.

Hon. Owen Baya (Kilifi North, UDA): Asante sana, Mhe. Naibu Spika. Ningependa kuwasilisha haya makaratasi kwa Meza ya Bunge:

1. Ripoti ya Mhasibu Mkuu na hesabu ya Shirika zifuatazo za Serikali:

(a) Mwanambeyu Girls Secondary School;

(b) Mombasa Secondary School for the Physically Handicapped;

The Temporary Speaker (Mhe. Farah Maalim): La! Shule ya Upili ya Mombasa.

PAPERS

Naibu wa Kiongozi wa walio wengi katika Bunge, endelea.

Hon. Owen Baya (Kilifi North, UDA): Asante Mhe. Spika wa Muda. Ninafurahi na kwa heshima ningependa kuwasilisha makaratasi haya kwa Meza ya Bunge.

Now, I will have to move to English, Hon. Temporary Speaker...

The Temporary Speaker (Hon. Farah Maalim): Order. The rules are very clear that if you start in Kiswahili you will have to speak Kiswahili throughout. If you start in English, you end in the same language.

Hon. Owen Baya (Kilifi North, UDA): Ninawasilisha:

1. Ripoti ya Mhasibu Mkuu na hesabu za shirika zifuatazo ya kiserikali katika mwaka wa kifedha wa tarehe 30 Juni, 2021 hadi 30 Juni, 2022:
 - (a) Shule ya Upili ya Mwanambeyu ya Wasichana;
 - (b) Shule ya Upili ya Wanafunzi Walemavu ya Mombasa;
 - (c) Shule ya Upili ya Barani;
 - (d) Shule ya Upili ya Wasichana wa Dori;
 - (e) Shule ya Upili ya Elijah Mzae;
 - (f) Shule ya Upili ya Wasichana wa Kakoneni;
 - (g) Shule ya Upili ya Wasichana wa Mtongwe;
 - (h) Shule ya Upili ya Mwakitawa;
 - (i) Shule ya Upili ya Chawia;
 - (j) Shule ya Upili ya Jilore;
 - (k) Shule ya Upili ya Kipsangui ya Wavulana;
 - (l) Shule ya Upili ya Mseto ya Masosa;
 - (m) Shule ya Upili ya P.C.E.A Karai;
 - (n) Shule ya Upili ya Ng'ethu;
 - (o) Shule ya Upili ya Jack Mwashimba; na,
 - (p) Shule ya Upili ya Funju.
2. Ripoti ya Mhasibu Mkuu wa Serikali kuhusu Ripoti Maalum ya Uhasibu ya Bajeti ya Nyongeza ya Ziada kuhusu pesa zilizotolewa kupitia Kifungu 223 cha Katiba ya Kenya kulingana na Mwaka wa Fedha wa 2012/2013 mpaka 2022/2023.
3. Ripoti ya Mwaka ya Serikali ya Bajeti ya Utekelezaji wa Bajeti na Ripoti ya Mwaka wa 2022/2023 kutoka kwa Ofisi ya Mkaguzi wa Bajeti.

The Temporary Speaker (Hon. Farah Maalim): Endelea.

Hon. Owen Baya (Kilifi North, UDA): Mhe. Spika wa Muda, hii Ripoti ni ndefu na imeandikwa kwa lugha ya Kiingereza. Ningekuomba, kufikia pale 19 kwa ruhusa yako maalum, niendeleo kwa lugha ya Kiingereza ili tufanye haraka.

The Temporary Speaker (Hon. Farah Maalim): Endelea, nimekuruhusu.

Hon. Owen Baya (Kilifi North, UDA): Asante sana.

4. Annual Report and Financial Statements of Laikipia University for the financial statements for the year ended 30th June, 2022 from the Office of the Vice – Chancellor.
5. Report of the Pest Control Products Board for the Financial Year ended 30th June 2022 from Chief Executive Officer, Pest Control Products Board.
6. Reports of the Auditor-General and Financial Statements for the year ended 30th June, 2023 and the certificates therein in respect of —
 - (a) 220KV and 132KV Transmission Lines and Substations (Exim Bank of India Funded) Projects - Kenya Electricity Transmission Company Limited;
 - (b) Kenya Citizens and Foreign Nationals Management Service;
 - (c) Mwea Irrigation Development Project (Loan Agreement No.KE-P27) – National Irrigation Authority;

- (d) National Action Plan on Artisanal Small – Scale Gold Mining Project (No. AFR/NAP ASGM Project/C/10-2016)– Ministry of Environment and Forestry;
- (e) Nairobi Inclusive Sanitation Improvement Project (Grant No: 5600155005153) - Athi Water Works Development Agency;
- (f) Support to Water and Sanitation Services in Perm-Urban Area (Loan No. BMZ 2013.6543.6) – Athi Water Works Development Agency;
- (g) Nairobi Water Distribution Network Project (Credit BMZ No. 2020.82.527/KV 26833) – Athi Water Works Development Agency;
- (h) Safe Roads/Usalama Barabarani Programme (EU Grant No. KE/FED/037-778) – National Transport and Safety Authority;
- (i) Nairobi Water and Sanitation Project (Credit No. CKE 113501H) Athi Water Works Development Agency;
- (j) Eastern Africa Regional Transport, Trade and Development Facilitation Project (IDA CR-5638) – Information and Communication Technology Authority;
- (k) Mombasa Port Area Road Development Project Loan No. KE – P29 & KE P32- Kenya National Highways Authority;
- (l) Nairobi Western Bypass Project - Kenya National Highways Authority;
- (m) Strengthening Drought Resilience for Small Holder Farmers and Pastoralists in the IGAD Region Project No.03/Dress-EA/07/OSS-KE/20 – Ministry of Environment Climate Change and Forestry;
- (n) Africa Centre of Excellence in Sustainable use of Insects as Food and Feeds Project (IDA Credit No.5798-KE) – Jaramogi Oginga Odinga University of Science and Technology;
- (o) Lake Victoria Water Supply and Sanitation Programme Phase II Project No. P-Z1-EAO -004 (ADF Grant No. 2100155019967) – Lake Victoria South Water Works Development Authority;
- (p) Water Sector Development Programme – Lake Victoria South (Kericho, Kisii, Nyamira and Litein) Loan No. BMZ 2010 65 861 and Grant No. BMZ 2010 70 457 – Lake Victoria South Water Works Development Agency;
- (q) Kisii Water Supply and Sanitation Project – ORIOII/KE/21 – Lake Victoria South Water Works Development Agency;
- (r) Rural Electrification in Five Regions Project (CR. No.11/597KE, No.1407PKE) – Rural Electrification and Renewable Energy Corporation;
- (s) Kenya Cereal Enhancement Programme – Climate Resilient Agricultural Livelihood Window (KCEP-CRAL) (EU Grant No.2000000623, Grant No.2000001522, Grant No.2000003493, Grant No.2000001122 and IFAD Loan No.2000001121) – State Department for Crop Development;
- (t) East Africa Skills for Transformation and Regional Integration Project (EASTRIP) IDA Loan Credit No. 6334-KE – Ministry of Education – State Department for Technical, Vocational Education and Training;
- (u) Increased Enjoyment of Human Rights & Fundamental Freedoms by all in Kenya Project Number: KEN 2062, KEN 19-0011, KNCHR – Kenya National Commission on Human Rights;

- (v) Supporting agricultural input and output marketing policy regulatory reforms to improve the enabling business environment for agriculture in Kenya (AGRA Grant Number 2018 KE 005) - State Department for Crop Development;
- (w) Multinational Lake Victoria Maritime Communications and Transport (MLVMCT) Project – Kenya Maritime Authority;
- (x) Agricultural Sector Development Support Programme II (SIDA Grant No.51110109) – State Department for Crop Development;
- (y) Financial Sector Support Project (IDA Credit No.56270 – KE) – The National Treasury; and,
- (z) Menengai Geothermal Project Agreement No. CKE 1038.01K – Geothermal Development Company Limited.

Thank you very much.

The Temporary Speaker (Hon. Farah Maalim): Before I move to the next order, I want to recognise the presence in the Public Gallery of pupils from Soin Primary School in Moiben. The boys and girls who are here have come to see how the legislative leadership of this country is transacting business. For sure, they are going to be the leaders of tomorrow and it is a good thing that they are here. I am going to give this opportunity to the Member of Parliament for Moiben to say a few words of encouragement to the young boys and girls who are in the Public Gallery. Please, proceed.

Hon. Phylis Bartoo (Moiben, UDA): Thank you, Hon. Temporary Speaker, for allowing me to welcome students from Soin Primary School in my constituency. They are students who just finished their Kenya Certificate of Primary Education (KCPE) examinations and passed exemplarily well. I thought it was important to give them an opportunity to come to Parliament to see where laws are made. It will help them improve their decisions on what careers they want to take in future. Welcome. *Karibuni sana.*

Thank you, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Farah Maalim): Next Order.

QUESTIONS AND STATEMENTS

STATEMENTS

The Temporary Speaker (Hon. Farah Maalim): There are two responses to statements today.

QUORUM

Hon. Samuel Atandi (Alego Usonga, ODM): On a point of order.

The Temporary Speaker (Hon. Farah Maalim): What is your point of order?

Hon. Samuel Atandi (Alego Usonga, ODM): Thank you, Hon. Temporary Speaker. I rise under Standing Order 35 to inform you that the House does not have quorum.

The Temporary Speaker (Hon. Farah Maalim): The House does not have quorum. Indeed, you are right. We cannot transact business without quorum. Serjeant-at-Arms, please, ring the Quorum Bell.

(The Quorum Bell was rung)

(Hon. Samuel Atandi walked out of the chamber)

The Temporary Speaker (Hon. Farah Maalim): Order, Hon. Atandi. Under the rules, if there is no quorum, only the Whips are allowed to go out. No Member of Parliament is allowed to leave the chamber. You have to stay within the chamber.

(Several Members walked out of the chamber)

Order, Hon. Members. It is not allowed for a Member, other than the Whips, to leave the chamber when the Quorum Bell is ringing. Please, Serjeant-at-Arms, can you enforce the rules? Do not allow any Member who is not a Whip to leave.

Do we now have quorum? Serjeant-at-Arms, can you count the Members present? We have quorum to proceed.

Order, Hon. Members.

(Loud consultations)

Order, Hon. Members. We have quorum. Take your seats.

(Hon. Silvanus Osoro stood in his place)

Hon. Osoro, take your seat. The House has the requisite quorum. Order, Hon. Members. We have Statements and we need their responses. The Chairman of the Departmental Committee on Administration and Internal Affairs, Hon. Gabriel Tongoyo. Do you have the response?

Hon. Gabriel Tongoyo (Narok West, UDA): Yes, I do, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Farah Maalim): Can you jog the memory of the Members of Parliament? You also have a Statement.

Hon. Gabriel Tongoyo (Narok West, UDA): Hon. Temporary Speaker, it is a Statement on Tragic Drowning...

The Temporary Speaker (Hon. Farah Maalim): A Statement on Tragic Drowning of Two Residents of Sigowet/Soin.

Hon. Gabriel Tongoyo (Narok West, UDA): Yes.

The Temporary Speaker (Hon. Farah Maalim): Okay. Give us the response.

TRAGIC DROWNING OF TWO RESIDENTS OF SIGOWET/SOIN

Hon. Gabriel Tongoyo (Narok West, UDA): Hon. Temporary Speaker, the Member I was consulting with is the one who requested for the Statement. I am happy to report that one body has already been retrieved. The search for the other one is ongoing. The Ministry has reached out to the county government to help with divers to continue helping the families to retrieve the body of their loved one.

It has been established that 20 lives have been lost at this crossing point in a period of about 15 years. What is important is to look for a lasting solution to prevent further loss of lives. It is a crosscutting issue. It can be confirmed by my colleague here that it has been an on and off issue. Whenever it rains, people attempt to cross the river and drown. The Ministry is collaborating with the Ministry of Roads, Transport and Public Works to see whether it can provide a footbridge to enable people to cross to the other side without drowning.

It is a collaborative issue between our Ministry and the Ministry of Roads, Transport and Public Works.

(Loud consultations)

The Temporary Speaker (Hon. Farah Maalim): Hon. Members, the Chairman of the Departmental Committee on Administration and Internal Affairs will be heard in silence. Order, Hon. Members.

(A Member stood in his place)

Member for Mandera, take your seat. Please, listen to what Hon. Chairman is saying in this Statement.

Hon. Gabriel Tongoyo (Narok West, UDA): Thank you, Hon. Temporary Speaker.

We are glad to report that one body has already been retrieved and the search for the other one is ongoing. The County Commissioner and the office of the National Government Administration Officers (NGAO) are in collaboration with the county government to help look for divers to continue looking for the other body.

An ideal lasting solution is to provide a footbridge to enable the residents to cross the river without the risk of drowning in future. This is an issue that calls for collaboration between the ministries, including the Ministry of Roads, Transport and Public Works which is responsible for the provision of facilities like a bridge or footbridge. We had talked to the concerned Member of Parliament and colleagues from the same county, so that they can see the means that such a facility, a crossing bridge, can be provided to prevent further drowning.

The Temporary Speaker (Hon. Farah Maalim): Hon. Kemei.

Hon. Beatrice Kemei (Kericho County, UDA): Thank you, Hon. Temporary Speaker. I thank Hon. Chairman for that response. I had three concerns but the third concern has not been addressed. What plans are in place to address compensation for the families of the victims? He has mentioned one of the comprehensive measures; to have the footbridge or footbridges because it is not one place. We need them from Sigowet/Soin to Bureti Sub-county crossing over to Nyamira County. We have never had trained divers doing the work. These are just local boys who are trying their best.

I was there on Sunday. The residents and family members are still in agony because the body of Mr Peter Terer has not been retrieved. Mr Julius Tonui's body was retrieved and the funeral was on Tuesday. Members of the community were painfully asking to get a bridge to cross the river. They cross it to go to Bureti and Nyamira every Monday and Thursday. That tells us that if the bridges are not constructed and the members of the community do not cross the river to put up their business on the market days, they have no livelihood.

Children go to school from Sigowet/Soin to Mabasi in Bureti. They also cross the river to Nyamira which has also been a challenge. We cannot tell the children not to cross it. From Independence to date, at least two of our people lose their lives every rainy season. An immediate response should be done, especially comprehensive measures. I ask Hon. Chairman to do more on this.

As Hon. Chairman has said, the county government and the national Government should collaborate and construct a bridge. It is not something that cannot be done or very expensive. The residents of Koisil feel bad because they are landlocked. They need to be supported. Over 10,000 people in the location need to cross the river from Bureti to Sigowet/Soin and then from Nyamira. There are labourers there because of tea plantations. Women cry because they are widowed. Children do not have parents.

The Temporary Speaker (Hon. Farah Maalim): Order, Hon. Member. You are supposed to seek a few clarifications but not go on a serious debate and give a statement on the needs of the residents. I have given you quite a bit of a leeway but conclude, please.

Hon. Beatrice Kemei (Kericho County, UDA): Thank you, Hon. Temporary Speaker. I am guided. I believe this will be done.

The Temporary Speaker (Hon. Farah Maalim): I will give an opportunity to Hon. (Dr) Makali Mulu. He will be followed by Hon. Justice Kemei, Member for Sigowet/Soin.

Hon. (Dr) Makali Mulu (Kitui Central, WDM): Thank you very much, Hon. Temporary Speaker. I have listened to the response of the Statement. We thank God because one body was found. Communities and parents are going through a very hard and traumatising time as a result of what is happening in the country. Too many people have been washed away by floods because most rivers do not have bridges. The proposal to construct these bridges is important. We should look for a short-term solution to this problem because construction of bridges in the entire country will be expensive. When people drowned in River Enziu, some local divers did a lot of work in retrieving the bodies. They were promised to be trained so that they could react to such incidences faster. The problem is that the Government makes a lot of promises when such things happen. In another four months, the incident in Kericho will be a forgotten case. I wish we come up with a comprehensive programme to train local divers from these flood-prone areas. This will be cheaper for the Government and very convenient for the communities who live in these areas.

The Government should address this even as we think of a long-term way of constructing bridges. I submit.

The Temporary Speaker (Hon. Farah Maalim): Hon. Justice Kemei, the Member for Sigowet.

Hon. Justice Kemei (Sigowet/Soin, UDA): Thank you, Hon. Temporary Speaker, for the opportunity. I want to thank my colleague, Hon. Beatrice Kemei, for raising the matter. I also thank the Chairperson for the response to the House. However, as Hon. (Dr) Makali Mulu has said, we require a permanent solution.

At the moment, River Chemosit and River Sondu are swollen. The people in these areas have to cross from Magwagwa in Nyamira to Bureti to earn their livelihoods. Footbridges are a function of county governments. The Chairperson should follow up to ensure that the national Government constructs bridges that can be used by motor vehicles crossing between Bureti-Nyamira from Sigowet so that the situation can be ameliorated.

Hon. Temporary Speaker, I also ask the Chairperson to come up with a way on how these local divers, who played a key role in retrieving the body of one of the victims, are trained and well-equipped for immediate response.

I thank you for the opportunity.

The Temporary Speaker (Hon. Farah Maalim): Hon. Chairperson, do you want to enrich your response a little bit given the concerns and clarifications sought by the Members? Before, you do that, let us hear from Hon. (Dr) James Nyikal.

Hon. (Dr) James Nyikal (Seme, ODM): Hon. Temporary Speaker, this is a national issue. The issues we are raising here are just a fraction of the whole. The responses we are getting are also in small bits. If we leave alone this case in Kericho, the issue of floods and unpassable bridges affects the entire country. For example, people are carried away by floods in River Enziu every single time we have floods. Before the long rains this season, it was known that *El Nino* was coming. Preparations were underway and funds were set aside to respond to *El Nino*. This is the bigger picture. In the past, we had special programmes for disasters like floods and drought.

My view is that this should be looked at seriously. We should have a special programme in the Ministry that will mark out areas prone to floods and drought. Even before Independence, the issue of the Koru-Soin Dam was discussed in 1954 and we are still talking about it today. As we make promises about bridges, we need to have special programmes that will address disaster management more comprehensively.

Thank you.

The Temporary Speaker (Hon. Farah Maalim): Hon. Tongoyo, just take a minute to respond so that we move to the next Statement.

Hon. Gabriel Tongoyo (Narok West, UDA): Thank you, Hon. Temporary Speaker. We all know that this did not happen only in Kericho. There are many more cases, especially as a result of the ongoing *El Nino* rains. The National Emergency Response Team deals with such problems globally. This is an issue that the Government has to speedily take action to see that there will be concerted efforts between both levels of government. The county governments have disaster and emergency response departments which are supposed to provide swimming gear to the divers. We are going to ensure that this is achieved so that Kenyans are rescued on time.

I also take this opportunity to call upon Kenyans to be vigilant and cautious, especially during this flooding period. They should not cross rivers when there are floods.

The Temporary Speaker (Hon. Farah Maalim): We have another response to a Statement from Hon. Nelson Koech.

Hon. David Kiplagat (Soy, UDA): On a point of order.

The Temporary Speaker (Hon. Farah Maalim): What is your point of order, Hon. David Kiplagat?

Hon. David Kiplagat (Soy, UDA): Thank you, Hon. Temporary Speaker. I requested a Statement from the Departmental Committee on Administration and Internal Affairs more than two weeks ago. The Speaker ordered the Chairperson to...

The Temporary Speaker (Hon. Farah Maalim): Unfortunately, that is a different matter.

Hon. David Kiplagat (Soy, UDA): No. It is a pertinent issue because a business lady lost her life. As we speak, robbers also clobbered one of the businessmen in that area and he is currently fighting for his life in hospital. The Chairperson has not responded to the first request yet the same wave of crime is still ongoing in my constituency. This raises pertinent issues as to the management of the security situation in Soy Constituency. The Chairperson and the security authorities should take this seriously.

The Temporary Speaker (Hon. Farah Maalim): Hon. Chairperson, please, make an undertaking because you do not have time to give a response now. In a way, we have dispensed with the strict application of the rules because of the urgency of the matter.

Hon. Gabriel Tongoyo (Narok West, UDA): Thank you, Hon. Temporary Speaker. I am well guided. It is true that indeed we wrote to the Ministry seeking a response. We did a follow-up yesterday and they told us that they were still putting pieces together in collaboration with the responsible security agents and the NGAO.

The Temporary Speaker (Hon. Farah Maalim): When will you have that response so that it is noted and scheduled on the Order Paper?

Hon. Gabriel Tongoyo (Narok West, UDA): We are breaking for recess, but we will follow the laid down procedures to relay it once we get it.

The Temporary Speaker (Hon. Farah Maalim): Okay, I take note of that and I am sure you will do the needful. The next response is by the Chairperson for Defence, Intelligence and Foreign Relations, Hon. Nelson Koech. This is a response to a Statement sought by Hon. Janet Sitienei, the Member for Turbo.

Hon. Nelson Koech (Belgut, UDA): Hon. Temporary Speaker, I seek your indulgence on the same. The Speaker directed that I respond to it before 6th December 2023. Unfortunately, I think there was a misstep in the communication between my committee clerk and the Office of the Speaker. It took my call to find out where the problem was. Fortunately, it was still at the Table Office and was handed over to my committee clerk yesterday, and subsequently sent to the Ministry of Defence for response.

This is an important matter because it involves loss of life of about five people and I did not want a rushed response. I requested the Ministry of Defence to give a substantive response. We had not received any communication yet. Using your wisdom on when you will want the information made available, I am ready and willing to provide the information as soon as possible.

The Temporary Speaker (Hon. Farah Maalim): It appears that it will only be possible after we come back from recess. I direct that it be given at the earliest opportunity and priority.

Hon. Nelson Koech (Belgut, UDA): Well guided, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Farah Maalim): We will skip Order No.11 and go straight to Order No.12. I understand that Order No.12 is time-bound and we have to dispose it of immediately.

MOTIONS

APPROVAL OF THE PROCEEDS OF CRIME AND ANTI-MONEY LAUNDERING (CRIMINAL ASSETS RECOVERY FUND) REGULATIONS, 2023

The Temporary Speaker (Hon. Farah Maalim): Hon. Chairperson, you approached the Chair and wanted to... Can you approach the Chair again?

*(Hon. Samwel Chepkonga consulted the
Temporary Speaker (Hon. Farah Maalim))*

Proceed, Hon. Chepkonga.

Hon. Samwel Chepkonga (Ainabkoi, UDA): Thank you very much, Hon. Temporary Speaker. This Motion was supposed to be moved by my Vice-Chairperson. Unfortunately, there is another ongoing meeting, therefore, I will move it.

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

THAT, the Report of the Committee on Delegated Legislation on its consideration of the House...

The Temporary Speaker (Hon. Farah Maalim): Order. Read it verbatim as per the rules. First, move the Motion as per the terms on the Order Paper

Hon. Samwel Chepkonga (Ainabkoi, UDA): Hon. Temporary Speaker, I beg to move the following Motion:

THAT, this House adopts the Report of the Committee on Delegated Legislation on its consideration of the Proceeds of Crime and Anti-Money Laundering (Criminal Assets Recovery Fund) Regulations, 2023, laid on the Table of the House on Tuesday, 5th December 2023 and pursuant to the provisions of Section 113(2) of the Proceeds of Crime and Anti-Money Laundering Act, 2009, approves the Proceeds of Crime and Anti-Money Laundering (Criminal Assets Recovery Fund) Regulations, 2023 published as Legal Notice No.151 of 2023.

These Regulations have been made pursuant to the Proceeds of Crime and Anti-Money Laundering Act and the Criminal Assets Recovery Fund Act that were passed by this House. The crux of the Regulations is to provide a framework for the administrative operations of the Fund and utilisation of properties and monies standing to the credit of the Fund, as required under Section 113(1) of the Proceeds of Crime and Anti-Money Laundering Act.

The Assets Recovery Agency tasked with the responsibility of recovering assets that are suspected to have been laundered receives money and assets, including houses and vehicles, which it takes into its custody. You may have recently seen the Assets Recovery Agency

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recover money from a very junior officer of the Kenya Rural Roads Authority (KeRRA) amounting to about Ksh95 million. She had invested part of the proceeds that she illegally acquired to purchase 15 apartments. All those assets and money were recovered by the Agency and placed under its custody.

Once those properties are recovered and due process is completed in court, they must be sent to the Consolidated Fund. These Regulations provide the method and procedure for disbursing the money to the Consolidated Fund. The Agency retains 5 per cent of the money for purposes of administration. That is the gist of these Regulations. The rest of the Regulations provide for the management of the Fund.

This is a very important Agency. Without it, people will launder money and steal public funds. This Agency has been instrumental in curbing money laundering. It currently has billions of shillings in its accounts awaiting the conclusion of several cases pending in court.

On the policy background, these Regulations are very important to our country's efforts to combat money laundering, terrorism financing, and proliferation of financing that is largely anchored in the Proceeds of Crime and Anti-Money Laundering Act of 2009. They are also anchored in the attendant regulations, namely the Proceeds of Crime and Anti-Money Laundering Regulations of 2023 and the Prevention of Terrorism Act of 2023.

Further, the Criminal Assets Recovery Fund established pursuant to Section 109 of the Proceeds of Crime and Anti-Money Laundering Act had not been operationalised due to the lack of regulations. These Regulations will ensure that the parent Act will be operationalised.

There was a suit that was filed in 2022 against the Assets Recovery Agency, in which the court ordered that regulations be finalised within six months. These Regulations have been brought to the House in compliance with that order. The Regulations are purely operational for the purpose of ensuring that the Fund operates in a manner that is consistent with the laws of this country. The Regulations comply with the Statutory Instruments Act. They were brought to this House within the period that is allowed by law, that is, within seven days. We also added the explanatory memorandum submitted to the Committee, which considered the justification for making these Regulations, and we were satisfied. We were also satisfied that the Authority undertook the necessary public participation as required under Articles 10 and 118 of the Constitution.

We submit these Regulations for approval by this House to enable the Agency to implement and operationalise the Fund that was created by the parent Act.

I beg to move and request Hon. Murugara, who was the people's Chairperson in the Committee on Delegated Legislation in the 12th Parliament, to second.

Hon. George Murugara (Tharaka, UDA): Thank you very much, Hon. Temporary Speaker. Allow me to second the approval of the Committee's Report on the establishment of the proposed Fund.

I remember my days in the Committee on Delegated Legislation during the 12th Parliament with nostalgia. I remember how we used to go through these statutory instruments and eventually approved or rejected regulations in accordance with the Statutory Instruments Act. I have gone through the Committee's Report and I am satisfied that these Regulations meet the requirements of the Act. These are requirements of the Act and they deserve to be approved by this House. The Proceeds of Crime and Anti Money Laundering Criminal Assets Recovery Fund is supposed to assist the Asset Recovery Unit deal with the funds recovered from proceeds of crime and anti-money laundering. These are regulations which have been formulated by the agency making regulation and it is important to note that all the requirements of the Statutory Instruments Act have been complied with. The requirements include the statutory timelines when they are supposed to be submitted to the House and public participation which is very important. This has been done to the fullest. The regulatory impact

statement confirming what impact these regulations have and what the committee has considered to be any further information required by the House to pass the regulations...

It is important to note that the Asset Recovery Unit or the Asset Recovery Agency is the agency tasked under POCAMLA, 2009, to deal with the asset recovery. There have been murmurs from the Ethics and Anti-Corruption Commission (EACC) that this agency encroaches on their mandate, but we have constantly said that the EACC deals with assets of corruption while the Asset Recovery Agency deals with assets recovered from anti-money laundering and proceeds of other crime. While corruption is one of those crimes, there are other crimes from which assets can be recovered and therefore that does not fall within the mandate of the EACC.

As we stand today, the Asset Recovery Unit wishes to detach itself from the office of the Attorney-General so that it is able to exercise its mandate as an independent unit. That is welcome and the Departmental Committee on Justice and Legal Affairs (JLAC) is assisting them to make that detachment. Otherwise, these are regulations that will assist them a lot in doing their duties under the law, which is POCAMLA, 2009.

With those remarks, I beg to second.

(Question proposed)

The Temporary Speaker (Hon. Farah Maalim): Hon. Member of Parliament for Malava, Moses Injendi.

Hon. Malulu Injendi (Malava, ANC): Hon. Temporary Speaker, I was not intending to speak on this one, but because you have given me a chance to say something, let me speak. I support these Regulations. We are aware of persons in this country who are participating in these proceeds accumulating and acquiring a lot of wealth. They seem to be controlling the economy and the political life of this country. If we can have regulations that ensure that we are taking control of this, then this kind of money will all be in circulation in the country.

We are aware that because of these proceeds of crime, we have some politicians, in the name of governors, senators and Members of Parliament, who are funded by proceeds of this type. If we have a regulation to control them, then we would ensure that when it comes to leadership of this country, we do not have persons coming to the National Assembly or governors who have benefited from these proceeds.

I know of people who have this kind of money, but because there is no regulation to control this, you cannot do anything but stare as it prospers in this country. Due to this, most of our young persons, particularly our children at the age of 18 to 35 years, are not keen when it comes to looking for employment. You will find that most of them are spending their time in casinos doing funny jobs when there are persons who have been recruited to ensure that this kind of business is flourishing in the country. I support this particular Bill that will ensure that this kind of practice is controlled in the country if not banned completely or taken care of.

Thank you, Hon. Temporary Speaker and the Chairman of the Departmental Committee on Justice and Legal Affairs.

The Temporary Speaker (Hon. Farah Maalim): Is the Member of Parliament for Isiolo South, Hon. Bidu, in the House?

Hon. Bidu Mohammed (Isiolo South, JP): Thank you, Hon. Temporary Speaker, for giving me the opportunity. I would like to add my voice to the same. It is very funny that in Kenya, people are celebrated like heroes for anything which is criminal such as theft, corruption or money laundering. One is celebrated for stealing public funds. It is very funny. Any humane person cannot celebrate anyone doing such crimes and, therefore, making these regulations will help this country.

We are faced with the same problems with our National Government Constituencies Development Fund (NG-CDF). Public officers loot from these funds and run away. This is a big problem, but with the Regulations in place and in particular in this case, it will stop this menace.

I support the approval of the Act and the Regulations. Thank you.

The Temporary Speaker (Hon. Farah Maalim): Hon. Members, before I give an opportunity to another Member, I recognise the presence of youth from Kamugongo Compassion Self Help Group from Mwingi North who are in the Public Gallery. I grant an opportunity to the Member of Parliament for Mwingi North, Hon. Paul Nzengu. Is he in the House?

Hon. George Murugara (Tharaka, UDA): He is my neighbour. Can I do it on his behalf?

The Temporary Speaker (Hon. Farah Maalim): You want to do it on his behalf? Proceed.

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

The Temporary Speaker (Hon. Farah Maalim): You are neighbours?

Hon. George Murugara (Tharaka, UDA): Yes, we are neighbours with Mwingi North. I am the Member of Parliament for Tharaka Constituency and the only boundary between us is Tana River. On behalf of Hon. (Eng.) Nzengu, the Member of Parliament for Mwingi North, I welcome the team from Kamugongo. I know Kamugongo very well. It is just after Mwingi Town on your way towards Kyuso and Kase. I welcome them to the House to observe the proceedings of the day. This is the House to which they brought Hon. (Eng.) Nzengu to represent them. He is a very active Member. Possibly, today he is committed to other nation building activities. So, they should feel most welcome to observe and hear what this House does. When they go back, they should greet the people of Kamugongo in Mwingi North Constituency and their neighbours in Tharaka. Thank you very much.

The Temporary Speaker (Hon. Farah Maalim): Okay. We go back to our Motion. I give an opportunity to the Member for Seme, Dr James Nyikal.

Hon. (Dr) James Nyikal (Seme, ODM): Thank you, Hon. Temporary Speaker, for giving me an opportunity to comment on this Committee Report. It is extremely important because it is addressing two things killing this country; that is corruption and tribalism, whether we like it or not. It is important that we move meaningfully and sincerely as we address the fight against corruption.

The recovery of proceeds of corruption is an extremely important factor in the fight against corruption. People make huge money to live extravagantly exposing our youth to what seems like a good life yet they pervert the thinking of our youth and the morals of our society. So, it is extremely important for us to address recovery of proceeds of crime. This is an important Report because of late, we have seen the EACC doing a good job of recovery. The agency dealing with recovery of proceeds from crimes to be strengthened. Once again, we are dealing with an important issue casually. Looking at this Report, its observations are contrary to recommendations.

Looking at the observations on Page 13, the only area the Committee comes out strongly is in regard to public participation. In paragraph 3.2, No.21, it states that public participation was done well. Also, in No.22, there is evidence it was done well and same to No.23. When you come to the regulatory impact statement, the Report acknowledges there is need for an impact assessment, but it was not done. Then, they took refuge in exemptions within the law.

Surely, even if the law gives you an exemption, you should do your job. The Report notes under paragraph 3.3, No.24 that pursuant to the provisions of Section 5A(2) of the Statutory Instruments Act, 2013, an impact assessment has not been prepared for this statutory

instrument as it falls within the exemptions provided under Section 9 of the Statutory Instruments Act. This is good, but they should have done an impact assessment report. When there is an exemption, it does not stop you. I will put my argument...

Hon. Gitonga Murugara (Tharaka, UDA): On a point of order, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Farah Maalim): What is your point of order, Hon. Murugara?

Hon. Gitonga Murugara (Tharaka, UDA): Thank you very much, Hon. Temporary Speaker. When there is an exemption, it means there is no burden placed on you to do that particular act. No reasonable man would have placed a burden on himself to do that which he is exempted from doing. That obligation was taken away. Therefore, why would we belabour and say in spite of the exemption, we should have done a, b, c, d and e. Absolutely, it is not normal to do that. I am informing Hon. Nyikal.

Hon. (Dr) James Nyikal (Seme, ODM): Hon. Temporary Speaker, that is exactly my point. If it were so, the Committee would not have even bothered to raise it, but since they did, it creates some concern. They took refuge under the exemption while dealing with extremely important matters.

If you go to paragraph 3.4, No.25, the Committee took note of an error and observed that Regulation 4 seemed to be amending the parent Act by the use of the words “in addition” which seems to add more sources of funds that is in the parent Act. The Committee undertook to correct this by way of a corrigendum which is not here.

Looking at No.26, under Regulation 5, the Committee observed that sub-regulations (b) and (e) were providing for administrative money to the agency, a fact that the regulation making authority acknowledged and undertook to correct by way of corrigendum.

Hon. Temporary Speaker, I plead with you to give me more time because this is extremely important. Having said all that...

The Temporary Speaker (Hon. Farah Maalim): I have given you two more minutes.

Hon. (Dr) James Nyikal (Seme, ODM): Having said all that, the Committee goes ahead to recommend that we accept the Regulations. The integrity of this House has been put to question when it passed laws which were taken to court and found unconstitutional. This Parliament with all its capacities should know laws that are unconstitutional before they are passed. We must check the speed with which we are doing things in this House.

I do not want the embarrassment of passing something and people go to court. The Committee should have asked for the Regulations to be corrected and brought this Report when everything is in order. Where there are exemptions, they should not mention them because this will raise the suspicion of those of us who are not lawyers.

Hon. Temporary Speaker, with that, I oppose the adoption of this Report.

The Temporary Speaker (Hon. Farah Maalim): I can see there is very limited interest in this. Let us have the County Woman Representative for Nandi, Cynthia Muge. Do you wish to weigh in on this? Okay, you have an opportunity.

Hon. Cynthia Muge (Nandi County, UDA): Thank you, Hon. Temporary Speaker, for giving me an opportunity. I want to add my voice to this Report by the Committee on Delegated Legislation, on the Criminal Asset Recovery Fund. From the onset, I support this Report. Having gone through it, I have a feeling they did a thorough job to an extent they noted inconsistencies and addition of words that altered the parent Act under Regulation 4.

Asset recovery is important especially in this era when the Government is serious about fighting corruption. It is good we are thinking about it as a House, so we can have well-structured Regulations to assist in asset recovery. I happen to be a Member of the Committee on Implementation. Living each day gives you an opportunity to look, see and find things that you would have never thought would be possible. In one of the sittings, we were looking at the

Kenya Railways property. The EACC gave us a long list of assets worth billions of Kenyan Shillings that had been taken away by corrupt people in this country. In that list, there was a lot of money that was being recovered in terms of assets and even hard cash that is supposed to be surrendered to the Government because they are proceeds of corruption.

Financial crimes in this country are increasingly becoming complex. They say survival is for the fittest. They are finding ways of being the fittest while at it. They are becoming so complex and any opportunity that we get in recovering the money that had been swindled or lost through corruption is welcome so that we take it back to the Government.

The illicit activities that end up in producing this money that is proceeds of corruption are also evolving. Many things are happening and there many things that people are doing to obtain money in a manner that is not right. I support this Report on the creation of Criminal Assets Recovery Fund Regulations so that we give power to this body to not only manage, but also put that money that is proceeds of corruption to more useful uses in the country where we have many issues that we are dealing with.

I appreciate the Committee for having seen it fit to come up with these Regulations so that we can give power to this particular body to deal with asset recovery so that anytime you have proceeds of corruption, you do not sit pretty in your house and imagine that the war is over. We do not also want to lose that money when it is recovered because there are different tiers of corruption. There is corruption where someone obtained that money then there is corruption where the person who recovers that money also has an opportunity to be corrupt and take it back. I am sure these Regulations are going to prevent that from happening so that we do not have corruption money being eaten by corrupt people at a higher level.

I support and appreciate the Committee for having gone through it in such a manner.

The Temporary Speaker (Hon. Farah Maalim): Member for Wajir East.

Hon. Aden Mohammed (Wajir East, JP): Thank you, Hon. Temporary Speaker, for giving me this opportunity to add my voice on this Report.

While I applaud the Committee for coming up with the Report, I tend to think we have a confusion as far as asset recovery is concerned. We operate under several Acts of Parliament, two of them being POCAMLA and Anti-Corruption and Economic Crimes Act (ACECA). Both of them have functions of asset recovery. As far as this Report is concerned, it is only the assets that are recovered by the Assets Recovery Agency that will go to this Fund. One wonders what happens to the criminal assets that are recovered under ACECA. Did we, as Parliament, try to harmonise these very many functions of these different Acts?

The second thing is that we just passed a few days ago the Conflict of Interest Bill. I am not sure whether it has been assented to by the President, but if assented to, it becomes another Act of Parliament. That one also has some asset recovery provisions within it. As Parliament, do we just pass regulation just because the Executive has given it to us or do we look at it and try to harmonise with other Acts that also talk about the same subject matter of recovery of assets which are proceeds of crime?

The other thing I am seeing in these Regulations under Section 7, is the Asset Recovery Advisory Board. Advisory boards just advise. If you look at the role of the Advisory Board, (a) talks generally about advise, (b) talks about advise and (c) also talks about advising the agency. Advise means just advice, whether or not it is taken is a different matter.

Section 8 talks about administration of the Fund. It says the function of the administrator of the fund shall be to open and operate a bank account with the approval of the board. If the function of the board is to advise, where is this approval coming from again? It looks like a mismatch of what we are saying. Here we are saying it is an advisory board. Here we are making it an executive board giving approvals. As the Delegated Legislation Committee looks at this myriad of requests for changes in regulations, I urge it to look at it critically and not just pass it because the Executive wants it passed.

I tend to think while Criminal Assets Recovery Fund is a good thing, it should be a Fund for recovery of all criminal assets, not only those under POCAMLA. The bigger agency that recovers assets that are procured through corruption is EACC. Every day we see headlines saying that they have recovered X number of land and a certain amount of money. Where does that money go? Does it go to the Consolidated Fund while the one under Asset Recovery Agency goes to this Fund?

My suggestion is that we should make something that fits the intention of these regulations.

Thank you.

The Temporary Speaker (Hon. Farah Maalim): Member for Jomvu, Hon. Bady.

Hon. Bady Twalib (Jomvu, ODM): Asante sana Mhe. Spika wa Muda kwa kunipatia nafasi hii. Ninaunga mkono Ripoti hii na kumpongeza Mwenyekiti na kamati yake yote kwa kazi nzuri ambayo wameifanya. Itajulikana kama vile wanenaji wenzetu walivyosema juu ya haya mambo ya *asset recovery* ama urudishaji wa mali iliyonyakuliwa ni jambo la muhimu kukiwa kutakuwa kumewekwa sheria.

Mimi nimetoka kwenye mkutano sasa hivi wa kamati yangu ya uchukuzi ambapo leo tulikuwa tumemwita Mkurugenzi wa Almashauri ya Viwanja vya Ndege wa hapa Nairobi. Yale ambayo tumeweza kuyazungumzia, tunaona kuwa kulikuwa na ardhi kubwa sana ya Almashauri ya Viwanja vya Ndege lakini ardhi ile karibu robo tatu imenyakuliwa.

Hii ni kazi ambayo kamati hii na Serikali yafaa sana kuangalia kwa sababu mara ya kwanza walikuwa na sababu ya kusema walikuwa wanataka kustawisha uchumi ama biashara kwa kutengeneza *godowns* kisha baadaye wakabadilisha. Badala ya *godowns* zikakuwa ni mahoteli ambayo yanatengenezwa hapo. Na sio Nairobi peke yake. Mombasa, Kisumu na sehemu nyingi pia hali ni ile ile. Hali hii ilikithiri katika uongozi uliopita. Tunaona leo mali ya Shirika la Reli imeweza kunyakuliwa kila mahali.

Tukiangalia ni sehemu ya mashirika mengi ambayo watu wamechukua na pesa hizo unazona kama wanenaji wenzangu walivyosema, zinarudi sasa. Pesa hizo ambazo si halali zinatumika katika mambo mengine kama uchaguzi na kutafuta uongozi. Kwa hayo machache, ninachukua fursa hii kuunga Ripoti hii mkono. Ninawapatia wanenaji wenzangu nafasi pia waweze kuchangia.

Ahsante, Mhe. Spika wa Muda.

Hon. Mohammed Adow (Wajir South, ODM): On a point of order.

The Temporary Speaker (Hon. Farah Maalim): What is your point of order, Hon. Mohammed Adow, Member for Wajir South?

Hon. Mohammed Adow (Wajir South, ODM): Thank you, Hon. Temporary Speaker. Looking at the number of Members in the Chamber, we do not have a quorum.

Thank you.

The Temporary Speaker (Hon. Farah Maalim): Fair enough. It is, indeed, true that we do not have a quorum.

Serjeant-at-Arms, can you please ring the Quorum Bell?

(The Quorum Bell was rung)

(Loud consultations)

The Temporary Speaker (Hon. Farah Maalim): Order, Hon. Members. We now have quorum. I will call upon Hon. Zamzam Chimba.

(Hon. Samuel Chepkong'a stood in his place)

You cannot reply now and more Members have come in.

Proceed, Hon. Zamzam. Hon. Paul Biego, do you want to contribute?

Hon. Paul Biego (Chesumei, UDA): No.

The Temporary Speaker (Hon. Farah Maalim): I have Members who want to contribute. Proceed.

Hon. Samuel Chepkonga (Ainabkoi, UDA): Thank you very much, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Farah Maalim): Order, Hon. Chepkonga. I was beckoning Hon. Justice. Allow him to contribute. We have a quorum.

Hon. Justice Kemei (Sigowet/Soin, UDA): Hon. Temporary Speaker, thank you for giving me the opportunity to contribute. I rise to support this Motion on the Proceeds of Crime and Anti-Money Laundering (Criminal Assets Recovery Fund) Regulations, 2023.

We must slay corruption in this country. It is only good laws and regulations that can slay it in this country. Once we do that as Parliament, we will leave it to the investigative agencies and Judiciary to kill it.

Thank you, Hon. Temporary Speaker. I support the Motion.

(Hon. Beatrice Elachi raised her hand)

The Temporary Speaker (Hon. Farah Maalim): Hon. Elachi Beatrice, I can see you have raised your hand. Do you want to contribute?

Hon. Beatrice Elachi (Dagoretti North, ODM): Thank you, Hon. Temporary Speaker. I also rise to support the Motion.

The most important thing is that we have passed a few good Bills that can help us curb corruption. Even as we pass this Motion, I hope that we are realigning the country to understand that corruption is a cancer that is killing us, and we need to deal with it.

I support the Motion. I thank the Committee on Delegated Legislation for bringing it to the Floor of the House.

Thank you.

The Temporary Speaker (Hon. Farah Maalim): Hon. Chepkonga, you can now proceed to reply because there is nobody else who wants to contribute.

Hon. Samuel Chepkonga (Ainabkoi, UDA): Thank you very much, Hon. Temporary Speaker. I rise to reply.

Hon. Nyikal, who is my good friend and the Member for Seme, said that the regulatory-making authority ought to have brought the regulatory impact assessment statement. That is expressly excused under the Statutory Instruments Act. When something is excused, you do not need to do it because it is no longer a burden under the law. We consider that as something that was waved and not necessary.

Secondly, with respect to what Hon. Ali had raised on the conflicting statutes, they do not conflict. The Anti-Corruption and Economic Crimes Act is implemented by the Ethics and Anti-Corruption Commission (EACC). Assets Recovery Agency implements the Proceeds of Crime and Anti-money Laundering Act. I want to assure Hon. Ali that there is a committee at the top in which all these agencies meet for the purposes of ensuring that there is a seamless implementation of all laws that touch on recoveries.

With those few remarks, Hon. Temporary Speaker, I beg to reply.

(Question put and agreed to)

Next Order.

ADOPTION OF REPORT ON THE PREVENTION
OF TERRORISM REGULATIONS, 2023)

The Temporary Speaker (Hon. Farah Maalim): Hon. Chairman, Committee on Delegated Legislation.

Hon. Samuel Chepkong'a (Ainabkoi, UDA): Hon. Temporary Speaker, I beg to move the following Motion:

THAT, this House adopts the Report of the Committee on Delegated Legislation on its consideration of the Prevention of Terrorism (Implementation of the United Nations Security Council Resolutions on Suppression of Terrorism) Regulations, 2023, laid on the Table of the House on Tuesday, 5th December 2023 and, pursuant to the provisions of section 36A(2) of the Prevention of Terrorism Act, 2012, approves the Prevention of Terrorism (Implementation of the United Nations Security Council Resolutions on Suppression of Terrorism) Regulations, 2023 published as Legal Notice No. 152 of 2023.

The general import of these regulations is that our country is a member of the United Nations (UN). Under it, we have the United Nations Security Council, which is charged with the responsibility of ensuring that it prevents acts of terrorism that may happen anywhere within the globe. It passed a resolution on how to curtail the activities of terrorists across the globe.

Under Article 2 of the Constitution, any treaty or Convention that is ratified by Kenya shall form part of the law. Kenya ratified this Convention on terrorism. These regulations have been brought to this House to domesticate the resolutions of the UN Security Council. Regulation No.4 requires Kenya's mission to the UN to forward any resolutions of the Security Council to the Ministry of Foreign and Diaspora Affairs without delay. The purpose is to ensure that those decisions of the Security Council, of which Kenya is a member, are domesticated. The general import of these regulations is to ensure that people who are suspected to be assisting terrorists to commit terrorist acts, including financing, are designated and sanctioned by countries. We seek to eliminate people who want to cause mayhem or chaos across the globe.

These regulations establish a committee under the Ministry of Interior and National Administration, which receives information from the UN. Once it receives it, it designates a person to be a suspect, and he goes through the due process. It is then domesticated into our process. Article 47 of the Constitution requires that there must be fair administrative action. Pursuant to that particular Article, as a House, we passed the Fair Administrative Action Act. Notwithstanding that the person has been designated by the UN Security Council, this Committee must ensure that we comply with our domestic laws, including the Constitution.

Once this Committee receives the information, it conducts due process to satisfy that it is true that such a person has been properly designated as someone who has been assisting terrorist activities across the globe. Once the Committee designates such a person, it then identifies the assets. The regulations provide the process of identifying and freezing them. That Committee is also charged with the responsibility of conducting hearings from those persons who are being designated. If you are designated unfairly, you can appear before that Committee and defend yourself. These Regulations provide for the procedure in which you can seek to be removed as a designated person. You can also apply to the United Nations Security Council to seek removal of the same. It has elaborate procedures for conducting fair hearing proceedings to ensure that people are not unnecessarily designated as terrorists without any cause or reason.

There are about 33 Regulations. They establish the Committee. The Committee considered all these Regulations and was satisfied that they were made pursuant to Article 41

of the United Nations (UN) Charter, which is now being domesticated. The Regulations were transmitted to this House within the timelines required by the Statutory Instruments Act.

The Regulatory Impact Statement was not required because it is part of the exemptions under the Statutory Instruments Act. We were satisfied that these Regulations comply with the laws of the nation, the Constitution and the Prevention of Terrorism Act that this House passed. The Regulations have been made pursuant to Section 50 of the Prevention of Terrorism Act.

With those remarks, I beg to move and request the indomitable Chairperson of the Departmental Committee on Justice and Legal Affairs, Hon. Murugara, to second.

Hon. George Murugara (Tharaka, UDA): Thank you very much, Hon. Temporary Speaker. I second the Report of the Select Committee on Delegated Legislation as regards the Prevention of Terrorism Act (Implementation of the United Nations Security Council Resolutions on the Suppression of Terrorism) Regulations, 2023.

Terrorism is a worldwide problem. That is the reason why the United Nations came up with the Convention on Prevention and Suppression of Terrorism, which Kenya is a signatory to. The Convention requires that the domesticating county must also have a domestic law that deals with anti-terrorism. Kenya has the Prevention of Terrorism Act, which is the parent Act of the Prevention of Terrorism Act (POTA) Regulations, as they will popularly be known.

Having gone through the Report of the Select Committee on Delegated Legislation, I am persuaded that the Report conforms to the requirements of the Statutory Instruments Act, which is the parent law when making subsidiary or delegated legislation. As properly enunciated by the Chairperson, the Committee appears to have considered all facets and requirements under that Act, and these Regulations satisfy those requirements.

Most important is public participation, where Kenyans were supposed to give their positions as regards the Regulations. Once that condition is met, the policy background, the statutory timelines, and the need for a Regulatory Impact Statement are checked, then the Committee recommends approval of those Regulations. It is important to note that the Regulatory Impact Statement is an exemption, and once enforced, there is no obligation or requirement for the regulatory-making authority to prepare that statement.

With those remarks, I urge the House to adopt that Report and the Regulations. I beg to second.

[The Temporary Speaker (Hon. Farah Maalim) left the Chair]

[The Temporary Speaker (Hon. Peter Kaluma) took the Chair]

(Question proposed)

The Temporary Speaker (Hon. Peter Kaluma): Hon. Makali Mulu. He has stepped out for other parliamentary business. Hon. Moses Injendi.

Hon. Malulu Injendi (Malava, ANC): Thank you, Hon. Temporary Speaker. I rise to support this Motion. Kenya has ratified almost all UN conventions on terrorism. Therefore, it is important for the country to domesticate the same through the Regulations that the Committee has come up with.

Kenya appears to be a hot spot for terrorism for obvious reasons that most Members are aware of. There was an alert of an imminent attack in Nairobi about four months ago, which made most of us scared to visit popular areas. It is critical that we control terrorism.

Kenya also hosts UN offices, which makes us a target. When it comes to terrorism, the target is always related to the United States of America (USA), the United Kingdom (UK) and other related countries. Because Kenya hosts many American and UK offices, we have become

a hot spot for attack, which causes fear and terror with Kenya as a target. That makes Kenya a weak country that can be easily attacked. These Regulations can help with that problem.

Most terrorists who attack us do not come from foreign countries. They are locals from our schools and villages. If we have proper regulations in place, schools and spiritual places of worship, they can assist us in identifying those culprits so that we can arrest them and prevent terrorist attacks.

I support the Regulations.

The Temporary Speaker (Hon. Peter Kaluma): Hon. Zamzam Chimba, Member for Mombasa County.

Hon. Zamzam Mohammed (Mombasa County, ODM): Ahsante sana, Mheshimiwa Spika wa Muda. Ninajumuika na Waheshimiwa wenzangu katika Hoja hii ya kuzingatia Utekelezaji wa Maazimio ya Baraza la Umoja wa Mataifa kuhusu Kanuni za Kuzuia Ugaidi.

Ugaidi umekuwa donda sugu dunia nzima. Licha ya kuwa ninaunga mkono Hoja hii, ningependa kusema kuwa sheria ni msumeno, hukata mbele na nyuma. Sheria za ugaidi zisitungwe tu ili kudidimiza watu fulani, ilihali wale wanaojihusisha na ugaidi wanaachwa. Tumekuwa na vijana waliopoteza maisha yao kwa kushukiwa kuwa ni magaidi. Juzi, tuliona watu zaidi ya 400 waliokufa kule Shakahola. Inasikitisha kuwa mhusika mkubwa amepewa kifungo cha mwaka mmoja peke yake, ilhali maisha ya watu yamepotea.

Sisi, kama Bunge, tunatakikana tutunge sheria ambazo zitaweza kufuatwa na Serikali. Maisha mengi yalipotea pale Shakahola. Sheikh wetu, Aboud Rogo, alimiminiwa risasi nyingi sana kwa kushukiwa tu, lakini huyu mhusika mkuu wa vifo vya Shakahola ambavyo vimethibitika na kuna makaburi ya halaiki, amepewa kifungo cha mwaka mmoja tu. Mimi, kama mama wa Mombasa County ninashangaa sana!

(Hon. Harrison Kombe spoke off record)

Subiri ndugu yangu, Mheshimiwa wa Magarini.

Inatakikana hizi sheria za mambo ya ugaidi zilizotungwa zianganaliwe zaidi. Nikitumia mfano wa Israeli na Palestina, mataifa haya yote yako katika Umoja wa Mataifa. Hata hivyo, leo Wapalestina wanauawa na Waisraeli, na Umoja wa Mataifa umeshindwa kuwadhhibiti. Tunapozungumza, Jumba hili liweke rekodi. Ikiwa mtu ameua, awe ni Muislamu au wa dini tofauti, lazima sheria ifuatwe. Kwa hivyo, isiwe ni watu fulani ndio wanalengwa katika jamii. Ikiwa mtu ni mbaya, ni mbaya tu. Ninaunga mkono Hoja hii iliyoletwa na Kamati ya kudhibiti mambo ya ugaidi kwa kufuata kanuni za Umoja wa Mataifa.

Mwenzangu ananitoa *timing*. Sipendi kuzungumza mtu akiniingia kwa akili yangu. Mheshimiwa, utapata wakati wako.

Hon. Owen Baya (Kilifi North, UDA): On a point of order, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Peter Kaluma): What is out of order, the Deputy Leader of Majority Party?

Hon. Owen Baya (Kilifi North, UDA): This is part of the debate. This is a debating Chamber. It is not factual that Mackenzie, the perpetrator of the heinous acts in Shakahola, has been jailed for one year. He has been jailed for one year for the offence of publishing films without permission. It is only for that one offence. However, on the main issue of the mass killings, the case is still ongoing in court. Therefore, that is not factual. You know, we are giving people the wrong impression that a person who has killed over 400 people has been jailed for only one year. That is not correct. I want the Member to correct that so that people have the right information. I want that man to go to jail for life. That is what every Kenyan is waiting for.

The Temporary Speaker (Hon. Peter Kaluma): The Deputy Leader of Majority Party, that is not your call to make; that is the call of the Judiciary.

Hon. Zamzam Chimba, is there anything you need to correct?

Hon. Zamzam Mohammed (Mombasa County, ODM): Nimekubali kurekebishwa kwa hilo. Wangeanza na la kuuu watu. Walianza vipi na la mafilamu? Sisi twataka kujua la watu kuuuawa. Mhusika amaliziwe kesi yake. Ingekuwa ni Muislamu, angekuwa ameshapigwa risasi na amemalizwa. Wasiwacheleweshe watu ilihali wana majonzi katika mioyo yao. *I stand guided*, Ahsante Mheshimiwa Owen Baya.

Ninamaliza kwa kusema sheria ni msumeno, hukata mbele na nyuma. Ikiwa sheria inafuatwa, Zamzam akikosa isiangaliwe kuwa ni Zamzam Mohammed apigwe risasi. Yafaa iwe Zamzam akikosa, apigwe risasi na vile vile Owen Baya akikosa, apigwe risasi. Isiwe sisi tunauawa, na wengine wanapewa maziwa na mkate ndani ya *cell*. Mimi ninasikia uchungu. *Let us stop profiling Muslims*. Gaidi ni gaidi hata awe anatoka katika dini fulani. Ninaunga mkono Hoja hii iweze kupita.

Ahsante sana.

The Temporary Speaker (Hon. Peter Kaluma): Hon. Ferdinand Wanyonyi.

Hon. Ferdinand Wanyonyi (Kwanza, FORD-K): Well, let us not talk about religion here; let us talk about the prevention of terrorism.

Hon. Temporary Speaker, thank you for giving me the chance. I also take this opportunity to support the Committee. There is a saying that prevention is better than cure. What the Committee has come up with – and I am not a member of that Committee – has something to do with prevention.

First and foremost, we have suffered very badly in the past. I lost two of my close friends in the Westgate Shopping Mall attack. One of them was a relative of mine. We also have those who suffered in the bombing of the U.S. Embassy. The Committee should go further and identify the people who deal with criminal cases. The unit that deals with criminal cases and prevention of terrorism should work harder, so that we are not ambushed by terrorists and identify the culprits without giving an excuse of whether it is a Christian or not. They should just identify them and see whether they have more information that can help to prevent cases like what we have experienced before as a country.

One time, there were rumours that there was going to be a terrorist attack, and some of us got very scared. We all moved away from the hotspots. Kenya – as a colleague mentioned – is a hotspot because we house a number of offices belonging to international bodies. The United Nations offices are here. Embassies of various countries are here, including the ones of the Middle East countries. We all know that we have the problem in the Middle East. So, let us go a step further and have mechanisms that can prevent terrorism. As I said, prevention is better than cure. We should prevent any action that can lead to human suffering, loss of wealth and loss of lives. We have suffered. The best thing is to adopt the Report that the Committee has tabled. The emphasis here is prevention. We should have prevention mechanisms in the special branch police. They should not sleep on the job. When an attack comes as a surprise, our people should be safe. Those who want to invest in this country can do so knowing that we can detect criminals. Criminals are there; they could be listening to us as we talk.

We should adopt that Report and continue looking for ways and means of creating a mechanism to detect those who have ill motives against our country. I support.

The Temporary Speaker (Hon. Peter Kaluma): The Chair of the Departmental Committee on Security, Hon. Gabriel Tongoyo.

Hon. Gabriel Tongoyo (Narok West, UDA): Thank you, Hon. Temporary Speaker, for giving me the opportunity to add my voice to this Motion. First and foremost, I want to support what the previous Member who has spoken has said. When we discuss issues of terrorism, the issue of religion, tribe and region should not arise in any way. As a country, it is still very fresh in our minds that actually, we are the biggest casualties and victims of terrorism if you are to

take into account the 1998 U.S. Embassy attack, the Westgate attack, the DusitD2 Hotel attack and many other cases. So, we should address this issue with sobriety.

Having said that, it is time that we support the regulations. The main objective of the regulations is to enhance interception and prevention of terrorism and make the issues of swiftly supporting and financing terrorism cease. We all know that the Terrorism Act prohibits any person from assisting or financing terrorism activities in any way. The regulations will go a long way to make it possible to timely intercept the transfer of funds so that the prevention of terrorism can be achieved.

Hon. Speaker, it is regulations and I want to commend the Committee led by Hon. Chepkonga, a high-ranking and experienced Member, for swiftly moving and bringing this to the House so that we can give justice to it.

I call upon this House to support the Regulations and, as a country, we should also move swiftly to put in place the needed support system, especially technology, to ensure that we achieve the intent of the Regulations.

Thank you. I support

The Temporary Speaker (Hon. Peter Kaluma): Member for Jomvu, Hon. Twalib Bady Bady.

Hon. Bady Twalib (Jomvu, ODM): Ahsante sana Mhe. Spika wa Muda kwa kunipatia fursa hii ili niweze kuchangia kama vile wenzangu walivyochangia.

Kwanza, maneno ambayo nitatofautiana na rafiki yangu, Mhe. Tongoyo, ni yale maneno ambayo anasema: Kuwa mambo haya ya ugaidi yasiingizwe kwenye mambo ya kidini. Jambo hilo si jambo ambalo linatakikana kuchukuliwa asilimia mia, kwa sababu kama alivyosema Mwakilishi wa Wanawake wa Kaunti ya Mombasa, Mama Mhe. Zamzam - mama wa kazi – msumeno hukata mbele na nyuma. Tukiangalia, kuna watu kama Aboud Rogo na Abubakar Shariff *alias* Makaburi, ambao waliuawa kwa shauku tuu, kuwa mshukiwa huyu anahusiana na mambo ya ugaidi.

Abubakar Shariff *alias* Makaburi alitabiri kifo chake kulingana na ile hali ambayo alikuwa anafuatwa. Kama vile ilivyosemwa leo, huyo ashukiwa, lakini yuko mtu ambaye makaburi yamepatikana katika shamba lake kabisa. Mpaka leo, anabembelezwa huku, kisha kwa filamu na baadaye kufungwa kwa mwaka mmoja. Na bado kuna kesi nyingine. Hatujui pengine katika huu mwaka mmoja, anawekewa labda kitanda, televisheni na kila kitu hapo ndani. Mbona hawakuwapa nafasi hao akina Aboud Rogo na wengine kama vile ambavyo hawa wamepewa nafasi?

Jambo la pili, tukiangalia hii hali ya mambo ya ugaidi, tunaona kama vile watu wanabandikiwa kuwa wanaweka ndevu kama vile mimi, Mhe. Bady... Siku hizi nimeanza kuweka ndevu na sasa pengine nitakuwa mtuhumiwa pia kulingana na hivi ninavyokaa.

Ninataka kusema kitu kimoja juu ya mambo ya uhalifu na hali ya dhulma za kibinadamu. Leo hii tunaangalia Palestine. Wanaua mpaka watoto katika hospitali, nyumba na kila mahali. Udhalimu mkubwa! Halafu Netanyahu anasema ni vizuri *you kill them before they grow up!* Kabla hawajakuwa, uwabatilize mapema ili wasiwe na matatizo wakati ujao.

Hon. Owen Baya (Kilifi North, UDA): On a point of order Hon. Temporary Speaker.

The Temporary Speaker (Hon. Peter Kaluma): What is out of order Hon. Owen Baya?

Hon. Owen Baya (Kilifi North, UDA): Hon. Temporary Speaker, the Standing Orders of Parliament say that you cannot discuss the conduct of a Head of State of another country. It is important that we stick to that decorum. It is the Standing Orders. Hon. Bady needs to withdraw the remarks against Hon. Netanyahu. You cannot discuss the President of another country.

Hon. Bady Twalib (Jomvu, ODM): Hon. Owen! Ngoja! Nyamaza!

(Hon. Bady Twalib and Hon. Zamzam)

consulted loudly)

The Temporary Speaker (Hon. Peter Kaluma): Order! Order, Hon. Deputy Leader of the Majority Party.

Hon. Owen Baya (Kilifi North, UDA): I want to tell you that you need to learn certain things about...

The Temporary Speaker (Hon. Peter Kaluma): Deputy Leader of the Majority Party, Hon. Owen Baya, I am on my feet.

Hon. Bady, you will continue with your contributions without mentioning the Head of State of a friendly nation or mentioning that State without a substantive Motion.

Thank you.

Hon. Bady Twalib (Jomvu, ODM): Ahsante, Mhe Spika wa Muda. *However, I would like to differentiate between mentioning and discussing.*

(Hon. Owen Baya spoke off record)

Sawa! Kama hutaki Rais Netanyahu atajwe, basi nitataja Palestina na Israeli. Waisraeli wanaua Wapalestina.

The Temporary Speaker (Hon. Peter Kaluma): Hon. Bady, let me guide you. Do you remember the point you have raised about the children of Palestine being killed? As long as you do not mention Israel or President Netanyahu, you can say that. But do not mention a friendly nation adversely. Do not mention the head or any state officer in that nation adversely without a substantive Motion. You can talk about what is happening in the nation without adverse mentions.

Hon. Bady Twalib (Jomvu, ODM): *Hon. Temporary Speaker, I stand guided.* Ninasema kwamba kulingana na hali ilivyo wakati huu, tumepoteza watu wengi. Leo, ukitembea Majengo, King'orani, Mji wa Kale na sehemu zingine katika Kaunti ya Mombasa, wazazi wanalia kwa sababu hawajui watoto wao wako wapi. Wengi wamepotea kwa sababu ya kutumiwa kufanya mambo ya ugaidi. Kama alivyosema Mhe. Tongoyo, mambo haya usiangalie dini wala rangi. Gaidi ni gaidi.

Kwa hivyo, ninaunga mkono Hoja hii kwa sababu ina mambo mazuri. Leo ni siku nzuri sana kwetu kama viongozi, hasa mimi, kwa sababu nimeongea kwa niaba ya watu wangu kama Mbunge wa Jomvu. Kuna kijana kutoka Jomvu aliyepotea katika Msikiti wa Musa, na mpaka wa leo hajaonekana. Familia yake, akina Rehema Karim na wengine, wakitazama taratibu za Bunge, wanajua kweli tumejaribu kuzungumzia jambo hili.

Mhe. Spika nimeshukuru na ninaunga mkono Hoja hii. Na kama alivyosema Mhe. Zamzam, hatuwezi kutofautisha gaidi na watu wengine. Huwezi kumjua mtu anayeweza kukupiga risasi. Mhe. Owen, nitakutetea wakati wowote ili usipigwe risasi.

The Temporary Speaker (Hon. Peter Kaluma): One minute of your time was taken during the point of order. Do you want it or you are done?

(Hon. Bady Twalib spoke off the record)

Give him two minutes to conclude his remarks.

Hon. Bady Twalib (Jomvu, ODM): Ahsante sana, Mhe Spika wa Muda. Ndiyo hata wewe binafsi ulipoenda nchini Uganda, ulisema hutaki mambo ya ushoga. Hii ni kwa sababu wale wanaofanya mambo yale pia ni wahalifu. Rais Museveni alisema akikupata unasajili mashoga, anakuua. Kwa hivyo, ile kuua yake si kwa sababu ya mambo ya ugaidi, ila kutekeleza maneno mazuri yaliyosemwa na Mhe. Kaluma.

Ninamalizia kwa kusema vile Mhe. Zamzam alikuwa amesema hapo awali: Kwamba sisi tutamchungu ndugu yetu, Mhe. Owen Baya. Mtu yeyote yule ambaye atamgusa, ajue amegusa *live wire*. Vile vile, yeyote yule ambaye atamnyooshea kidole, ajue amegusa *live wire*. Mimi hapa, kijana mwepesi Garang de Mabior, mzee fula ngenge, nitakuwa hapo kumwangualia.

Ahsante sana, Mhe. Spika wa Muda. Ninaunga mkono Hoja hii.

The Temporary Speaker (Hon. Peter Kaluma): Hon. Bady, I lost a very good friend from your constituency by the name Shahid Perves Butt. I thought you would mention him, but you forgot. You know the circumstances under which the former proprietor of Modern Coast Express disappeared.

Hon. Rindikiri Mugambi.

Hon. Mugambi Rindikiri (Buuri, UDA): Thank you, Hon. Temporary Speaker. First, I congratulate the Committee led by my friend, Hon. Chepkonga, for bringing this Motion on the Implementation of the United Nations Security Council Resolutions on Suppression of Terrorism.

Hon. Temporary Speaker, terrorism has neither boundaries, colour, religion, age or class. It is the mere fact of terrorism. It is bad in whatever form it is. Kenya has suffered because of it. The unfortunate thing is that terrorism emerged from certain parts of the world. As it continues, terrorism has taken different faces.

This resolution is coming at the right time because Kenya is now required to take some responsibility on how to deal with terrorism without over relying on other countries that are signatories to the convention. This regulation is proposing a committee, which I think is one of the things that has been lacking in matters of dealing with terrorism. The new face of terrorism is that it has institutions. It has persons, networks and cartels. There are even applications of various technologies like cyber terrorism. By domesticating the matters to deal with terrorism, Kenya will basically now be homegrown in terms of its approach to dealing with the menace of terrorism. We should not wait anymore. The more we spend time on matters of dealing with terrorism, the more we are giving freedom to our terrorists to operate in our state.

We need to be proactive all the time. It will call upon physical confrontation of terrorism. It will require a network, putting up many technologies, various research and other activities that are geared towards addressing this menace. I, therefore, would say that this has come at the right time. I urge Members that we need to vote for ratification so that we can domesticate our operations in dealing with terrorism.

If we ratify this resolution, it will mean that we will be able to share a lot of information with other parts of the world. We will be giving what is actually happening in terms of terrorism in our country. It will even be very easy to seek for financial support and expertise from other members. It is very important as Members to pass this requirement through the statutory address which this Committee has brought forth.

With those few remarks, I support the ratification and urge the Members to pass it so that we can be part of this convention.

Thank you, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Peter Kaluma): Member for Mandera West, Hon. Adan Haji.

Hon. Yusuf Adan (Mandera West, UDM): Thank you, Hon. Temporary Speaker.

(Technical hitch)

I also stand to support this regulation. We, Kenyans, are at a very high-risk terrorist area by virtue of where we are situated and some of the activities that our country has undertaken in trying to combat terrorism.

Part of the area where I come from has roads that terrorists have taken over. There are roads that everybody uses but, currently, even the military cannot use them because of terrorists. These Regulations are very important because we shall be joining hands with the rest of the world in combating terrorism.

Terrorists do not have a face, tribe, clan, colour or religion. Some anti-terrorism actions turn into terrorist actions. A good example is when terrorists are reported, and our forces, who are supposed to combat terrorism, sometimes end up becoming terrorists. In other words, they terrorise, kill and maim the people they meet in those areas. The terrorists attack and disappear, but they go to the *manyattas*, killing, arresting and maiming those they find there.

I call such people or institutions licensed bandits or terrorists. Even though they are licensed and are part of the system, they are supposed to fight terrorists. This should not be a license for them to become terrorists. They are supposed to combat terrorists, but they end up becoming terrorists and so they end up supporting them. Innocent people are subjected to a lot of difficulties or killings because terrorists attacked their area and so they become radicalised. That is why we are unable to eradicate terrorism in our midst.

These Regulations are globally acceptable. The term ‘terrorism’ is well defined and so we can know a terrorist and who to classify as one or not. Looking at what is happening in the Middle East today, some international high-level countries are saying it is not terrorism because they are involved. I want to say without fear that some countries, which I do not want to mention because they are world watchdogs, have become terrorists in the name of fighting terrorism. This is unacceptable. Hence, the laws have defined who a terrorist is. This is because any person, nation or community that comes out of the blues, terrorises other human beings and kills them unlawfully, for no apparent reason, should be treated as terrorists.

Hon. Temporary Speaker, with those few remarks, I support. Thank you.

The Temporary Speaker (Hon. Peter Kaluma): Hon. Justice Kemei.

Hon. Justice Kemei (Sigowet/Soin, UDA): Thank you, Hon. Temporary Speaker, for giving me a chance to add my voice to the Regulations on terrorism. This is because terrorism and corruption are the two greatest challenges in this country, and we need to tackle them. Bringing on board the international convention is a good thing, but it is not enough to domesticate international treaties and laws. We must go a step further and ensure that they are implemented. I am saying that because of the Maputo Declaration, which Kenya is a signatory to. We adopted that in every year’s budget, 10 per cent must be dedicated to agriculture. I have been in this House looking at the budgets allocated to agriculture and they are hardly 2 per cent. That Convention recognises that if you invest a shilling in agriculture, you are changing the Gross Domestic Product (GDP) nine times. If the budget allocated to agriculture goes to 10 per cent, then the GDP of this country would rise probably by a huge margin.

As I support, I want to conclude by saying that Kenya is a nation State. Much as Kenya is a nation State, it is also a body of nations in the entire world. It is part of mankind and it must play its role just like other nations are doing.

We have suffered because of terrorism. We want to be supported by other nations in the fight against that crime. We want to be supported by techniques, finances, strategies and the domestication of these Regulations will give Kenya the necessary support it seeks from other nations.

I support.

The Temporary Speaker (Hon. Peter Kaluma): Let us have Hon. Joseph Kahangara.

Hon. Kahangara Mburu (Lari, UDA): Thank you very much, Hon. Temporary Speaker. I also rise to support the adoption of the Report on the Prevention of Terrorism by the Committee on Delegated Legislation. We all know that terrorism is a global problem. That being the case, it means that it needs to be tackled globally by nations coming together under

the United Nations, so that we can have a common solution for suppressing it and, in the long run, eliminate terrorism in the world.

We have seen terrorists worldwide bombing, maiming and killing very innocent people. Kenya is not an exception. We are aware we have had bombings since 1998, and we have Improvised Explosive Devices (IEDs) all over the country, especially in the northern parts of this country, where innocent Kenyans have been killed through acts of terrorism.

In that case, it is my take that, as a country, we need to join other countries under the United Nations so that we can bring this problem to an end. This country has been affected as we are aware, with radicalisation of our youth simply because they are unemployed. They are being recruited into terrorism. In that case, we need to come up with a problem of even dealing with the financiers of terrorists. This is because when they are doing the radicalisation and taking advantage of lack of jobs in the country, it means that our youth are being probably enticed through using some money. So, as we tackle the issue of terrorism, let us also deal with the financiers of the same so that we can bring about peace to this world.

So, I am happy to join other Members and urge that we adopt this Report so that, as a nation, we are able to move together with the rest of the world and curb terrorism which has brought so much suffering to the people of Kenya.

With those few remarks, I support.

The Temporary Speaker (Hon. Peter Kaluma): Let us have Hon. Kahindi Katana.

Hon. Paul Katana (Kaloleni, ODM): Ahsante Mhe. Spika wa Muda kwa kunipatia nafasi hii. Ninaunga mkono ripoti ambayo imetolewa na Kamati hii ya Usalama. Hakuna dini, iwe ya Wakristo au Waislamu inayounga mkono ugaidi. Gaidi hana sura, rangi au kabila. Gaidi ni gaidi.

Kenya imeathirika pakubwa na mambo ya ugaidi. Hivi tunavyozungumza, ndugu zetu wa Lamu wanaendelea kuumia kwa mambo ya ugaidi. Lazima sisi, kama taifa ama viongozi, tutafute chanzo au kiini cha vijana wetu kujiunga na makundi ya kigaidi. Tukipata jibu, basi tukiunda sheria itatumika kudhibiti vijana wetu ndio wasijiingize katika makundi ya kigaidi. Swala nyeti ni kwamba uhaba wa kazi hapa nchini umechangia pakubwa vijana wengi kujiingiza na makundi ya kigaidi. Hii ni kwa sababu wanashawishiwa na pesa.

Tunapoendelea kuunga mkono mataifa mengine ili kupigana na ugaidi, ni lazima pia, sisi kama taifa, kupitia vitengo vyetu vya usalama na ujasusi, tutambue watu wanaofadhili makundi ya kigaidi hapa nchini. Tuko na kitengo cha ujasusi na kwa hivyo, ni lazima kiangalie hao watu wanatoa pesa wapi, na zinaingia hapa nchini kivipi. Bila hivyo, hata tukitunga sheria ama kuunga mkono Hoja ambazo zinakuja hapa, hatutakuwa na suluhu la ugaidi.

Jambo lingine ni kwamba polisi ambao wametwikwa jukumu la kuzuia ugaidi wasigeuke na kuwa magaidi. Ni lazima watumie hekima na wafanye uchunguzi thabiti kabla ya kushika mtu au kumpiga risasi. Haya si mambo ya kudhania, na wao ndio wametwikwa jukumu la uchunguzi ili wajue wahalifu. Ukisema mimi ni mhalifu, na bado hujanichunguza ujue mienendo yangu ya kihalifu ni gani, au nina husiana na akina nani, halafu unishike na kunipeleka kotini... Uchunguzi duni ndio sababu watu wengi wamepelekwa kotini na kupatikana hawana hatia.

Mhe. Spika wa Muda, nikiunga mkono, ni lazima tutafute wanaohusika kwa kuwashawishi vijana wetu wajiingize katika makundi ya kigaidi. Nilitangulia kwa kusema swala nyeti ni kwamba uhaba wa kazi umechangia pakubwa. Kwa hivyo, tutunge sheria za kuthibiti, lakini la muhimu ni lazima tutafute mbinu mbadala za kuhakikisha kwamba vijana wetu wana ajira, na wanajiingiza katika makundi ya kutafuta mapato yao ya kiuchumi na si ya uhalifu.

Ahsante sana, Mhe. Spika wa Muda, kwa kunipatia muda wa kuchangia. Ninaunga mkono Ripoti hii.

The Temporary Speaker (Hon. Peter Kaluma): Hon. Dawood.

Hon. Rahim Dawood (North Imenti, Independent): Thank you, Hon. Temporary Speaker. I will be brief. I support this Motion on the Prevention of Terrorism. We should not antagonise people that because they are Muslims, they are terrorists. A terrorist does not have a religion, colour or creed. We need to put this aside, and people should understand that being a Muslim does not mean one is a terrorist. This is because, as a Muslim, whenever you visit other countries, you are treated differently. In so doing, we encourage radicalisation, as my colleague from Mandera has said.

I want to draw the attention of the Chairperson to the restriction of travel visas. Kenya has waived visas for many countries and so, this will not work. I do not want to say much, but we should not target Muslims in the fight against terrorism.

Thank you, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Peter Kaluma): This Motion will be debated further. I am very grateful for the interest demonstrated. As a country, we have suffered the brunt of terrorism. I have lost very many relatives from those attacks against either the forces or civilians.

I request Members to take time to read the Report so that when we come back to deliberate on it, whether in the afternoon or any other day, we can also talk about the Regulations themselves. That is because it appears to me that we are very passionate about the subject matter.

ADJOURNMENT

The Temporary Speaker (Hon. Peter Kaluma): Hon. Members, the time being 1.00 p.m., this House stands adjourned until this afternoon at 2:30 p.m.

The House rose at 1.00 p.m.

Published by
Clerk of the National Assembly
Parliament Buildings
Nairobi