

PARLIAMENT OF KENYA

THE NATIONAL ASSEMBLY

THE HANSARD

Wednesday, 20th November 2019

The House met at 9.30 a.m.

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

PRAYERS

QUORUM

The Temporary Deputy Speaker (Hon. Christopher Omulele): It is true the Member for Mwea is alone. I direct that the Quorum Bell be rang for 10 minutes.

(The Quorum Bell was rung)

Hon. Members, I direct that the Bell be rung for another five minutes.

(Hon. Caleb Kositany walked into the Chamber)

Member for Soy, you cannot leave while the Bell is still ringing. I know you have pressing matters about that huge piece of land the management of which is a problem, but you can stay with us for a few minutes. Land is a scarce resource where I come from and God has blessed you with so much of it. I hope the same good Lord will find favour in your heart that we share some of it with the people of Luanda.

Ring the Bell for five minutes more.

(The Quorum Bell continued ringing)

We are good to go. Stop the Bell. We now have the requisite numbers. We can start business.

ORDINARY QUESTIONS

Question No.500/2019

MINISTRY'S PLANS FOR AIR TRAVEL IN LAMU

Hon. (Ms.) Ruweida Obo (Lamu CWR, JP): Thank you, Hon. Temporary Deputy Speaker for giving me this opportunity to ask Question No.500 of 2019 to the Cabinet Secretary for Ministry of Transport, Infrastructure, Housing and Urban Development.

(i) What plans has the ministry put in place to develop an airstrip on Pate Island in Lamu County to serve over 20,000 residents and tourists as well as security agencies in the area?

(ii) What measure has the ministry put in place to ensure runway lights are installed at Manda Airport to make it operational at night?

The Temporary Deputy Speaker (Hon. Christopher Omulele): That Question will be responded to before the Departmental Committee on Transport, Public Works and Housing.

The next Question is by Hon. Isaac Waihenya Ndirangu, Member for Roysambu. Hon. Waihenya has indicated that he will not be available this morning. That Question is deferred.

Question No.501/2019

STATUS OF OWNERSHIP OF LAND REF.NO.71/7 BY KAMUTHI
FARMERS CO-OPERATIVE SOCIETY

(Question deferred)

The next Question is by Hon. Mary Wamaua, Member for Maragwa. She has also given an indication that she will not be available this morning. She is out of station on official matters. Therefore, I direct that the Question is deferred.

Question No.502/2019

AUDIT ON ALL FOOD PROCESSING COMPANIES IN THE COUNTRY

(Question deferred)

We will move on to the next Order on the Order Paper.

MOTION

GOVERNMENT FACILITATION TO KENYA NATIONAL
FARMERS' FEDERATION ON DATABASE MANAGEMENT

THAT, aware that farmers in Kenya are least organised into associations, following the collapse of the agricultural cooperatives; further aware that the Crops Act, 2013 provides for registration of farmers so as to establish who they are and what they produce; noting that Government's efforts to establish farmers' organisations have ended up delivering short-lived and unsustainable initiative-based groups which fizzle out soon after their formation; further noting that the best way to organise farmers is through their organisations; appreciating that the best suited organisation to undertake farmers' registration is the Kenya National Farmers' Federation which has both experience and capacity; further noting that through organised farmers, farming will be more beneficial in terms of volumes, lowered cost of production and

improving organised raw material supply to industry; realising that organising farmers into agri-business entities is a costly undertaking which calls for Government support and acknowledging that through organised production systems, the country will achieve the Big Four Agenda faster and also create more and better jobs in the agricultural value chains; this House urges the Government to facilitate and support the Kenya National Farmers' Federation to mobilise and organise the registration of farmers into preferred entities and manage national farmers' database for use in engagements and sustainable management of the various agricultural product value chains.

(Hon. John Mutunga on 30.10.2019)

(Debate concluded on 13.11.2019 - Morning Sitting)

The Temporary Deputy Speaker (Hon. Christopher Omulele): I direct that the Question to be put the next time this Order is set down on the Order Paper. We do not have the requisite numbers.

(Putting of the Question deferred)

The Hon. Waihenya, you have just walked in after we have deferred your Question. You will have to wait for such time that it will be set out on the Order Paper again.

Next Order!

BILL

Second Reading

THE EQUALISATION FUND BILL

(Hon. Kassait Kamket on 13.11.2019 - Morning Sitting)

(Resumption of Debate interrupted on 13.11.2019 – Morning Sitting)

The Temporary Deputy Speaker (Hon. Christopher Omulele): Hon. Members, this matter was already under consideration. Member for Bura was on his feet and he had a balance of nine minutes. He had indicated to me that he is dealing with matters budget in his Departmental Committee on Labour and Social Welfare. Hon. Chris Wamalwa, I know exactly what you want to raise. If it is the issue of the constitutionality or the matter of whether this is a matter that affects counties and needs the concurrence of the other House, it is being dealt with. There will be a Communication to it. Speak, Hon. Chris Wamalwa.

Hon. (Dr.) Chris Wamalwa (Kimini, FORD-K): Thank you, Hon. Temporary Deputy Speaker.

As we await your direction pertaining the constitutionality of this Bill, my humble request is that you consider that many people had spoken on the Equalisation Fund Bill. Will I be in order to request you, because one cannot speak twice, to go through the list of those who had spoken for purposes of that provision? Will I be in order? I had loaded and just realised I had spoken on this Bill and my neighbor here is not aware.

The Temporary Deputy Speaker (Hon. Christopher Omulele): Hon. Chris Wamalwa, you know if you have spoken to it. However, I will ask that the list of the Members who had spoken to it be made available to me, so that I will be able to stop one who wishes to speak twice, on time.

I will make this opportunity available to Hon. Mbui, Member for Kathiani.

Hon. Robert Mbui (Kathiani, WDM-K): Thank you, Hon. Temporary Deputy Speaker for this opportunity. I was surprised when my colleague mentioned that I did not know he had spoken. Then he asked for the list of those who have spoken to be presented. Surely, everyone who has spoken already knows that the Standing Orders prohibit anyone from contributing to the same Motion twice. This is a House of honour and I doubt any Member would attempt to do that.

I rise to support the Equalisation Fund Bill (National Assembly Bill No.43 of 2019) brought to this House by Hon. Kamket. First, I would like to congratulate my colleague, Hon. Kamket, for doing a great job of coming up with a Bill like this. It will help to ensure that the funds that are supposed to be given for the support of marginalised communities are distributed in an orderly manner. We should not forget that he also comes from a marginalised community. Basically, he is doing the work that he was elected to do in this House. I want to congratulate him. The rest of us need to emulate him and ensure that we come up with such Bills.

I support the Bill. It talks about the amount of money which, I think, is 0.5 per cent of all the revenue collected by the national Government each year and any income generated from the proceeds of the Fund and the cumulative amount of the national revenue from previous years that has not been spent. I would like to also mention that maybe he should consider adding: "And any other money." Sometimes, donors want to support marginalised communities. It will be a good idea to have all that money consolidated. So, I will propose that he considers putting in the provision "other money that comes from donors", so that they also come through this structure.

The proposal of the Equalisation Fund Board is good. I have looked at the composition and it is great. However, I have noticed one problem which marginalised areas face which is lack of sufficient food. When you look at the composition of the board, it is proposed to have a chairperson from the marginalised communities and the Principal Secretaries (PSs) for Water and Sanitation, Transport and Infrastructure Development and the National Treasury as members. Every time we look at the marginalised communities, we see starvation and people ravaged by drought. It would have been great to put the Principal Secretary for Agriculture and Irrigation as one of the board members. That is one area where they are hard hit. Before you go to health and water, the people must be fed. Therefore, it is important that he also considers putting PS for Agriculture and Irrigation as one of the board members.

The other thing I agree with is the issue of local communities. It has created structures. We have a structure for the Fund at the national level and at the local level, where we have local equalisation fund committees. This is great. There will be public participation when it comes to public projects funded by public funds. If we create a situation where local organisations and leaders in the affected communities are directly involved in the implementation of projects that are to be funded, that will be great. If you have noticed, when you talk about the National Government Constituencies Development Fund (NG-CDF), it works well because every project has a project management committee at the grassroots. People at the grassroots are the ones who tell the community how much has been funded, what is being done and who is doing it. That makes the people to accept the projects. Whenever you do projects under these circumstances, people buy-in. They believe in them and accept them as their projects. Therefore, they protect them.

I have seen some county governments constructing boreholes without community involvement. There is no project committee on the ground. They construct boreholes, install solar panels for generating power and leave them. Within two to three weeks, all those things are vandalised and stolen because the community does not see the project as belonging to them. So, when you have local community equalisation fund committees, they will help the people to accept and make the projects part of them. It will also make us conform to Article 10 of the Constitution on public participation. That will, therefore, make the projects viable.

I do not want to say much because this is a small Bill. I support it. Again, I congratulate my friend and ask him to continue doing the same for his people.

Thank you.

The Temporary Deputy Chairman (Hon. Christopher Omulele): Very well. Hon. Limo, Member for Kipkelion East.

Hon. Joseph Limo (Kipkelion East, JP): Thank you, Hon. Temporary Deputy Chairman. I rise to contribute to this important Bill. I did not get a chance to contribute the day this Bill was moved. I wish I had given the views of the Committee together with what we got from public participation. It is a timely Bill. It was brought to our Committee having been published on 18th June, 2019 and tabled in the House on Wednesday 3rd July, 2019. Subsequently, the Bill was advertised in the print media on Thursday 18th July, 2019. Pursuant to Article 118 of the Constitution, the public was invited to give their views as required by the Constitution. By the end of the period, we received three memoranda from three stakeholders namely, the National Treasury, the Commission on Revenue Allocation (CRA) and the Office of the Attorney-General and the Department of Justice.

This Equalisation Fund Board is designed to operationalise the Equalisation Fund as established by Article 204 of the Constitution that clearly states that one half of the revenue collected by the national Government each year, shall be calculated on the basis of the most recent audited accounts of the revenue received as approved by the National Assembly. The Fund is meant to provide basic services such as water, roads, health facilities and electricity to the marginalised areas as identified by the CRA as per the marginalisation policy in place at any time. Currently, this Fund is administered through the Public Finance Management (PFM) Act under a framework called the Public Finance Management Equalisation Fund Guidelines 2015.

This Bill is designed to address certain weaknesses which are inherent in the current guidelines. Currently, this Fund is administered by the National Treasury without much involvement of the local communities which are designed to benefit from it. This is seen to be going against what the Constitution requires that there should be clear public participation even in implementing projects under the county governments as well as projects that are funded under NG-CDF. These projects are done by conducting public participation in various communities where the Fund is designed to be used. Currently, you will find the Fund being administered by a committee which is made up of PSs from various ministries. It has been difficult to identify which communities have benefitted directly. Therefore, the Equalisation Fund Bill seeks to operationalise this Fund as per the Constitution and it is proposing to establish a board to administer the Fund which is both at the national level and the local level. It is, in a way, borrowing from the NG-CDF, which is administered both at the board level in Nairobi and at the constituency level.

The Bill proposes a ward as the basis for forming local committees. During public participation, we came up with a proposal which we will be moving at the Third Reading to make constituencies the centres of local committees.

The Temporary Deputy Speaker (Hon. Christopher Omulele): Hon. Limo, just one moment. Allow me to do this because you have 30 minutes as the Chair. Allow me to recognise the presence of Members of the County Assembly of Trans Nzoia together with members of staff of the County Assembly, who are in the Speaker's Gallery observing the proceedings of the National Assembly. They are welcome to observe the proceedings.

Proceed, Hon. Limo.

Hon. Joseph Limo (Kipkelion East, JP): Thank you, Hon. Temporary Deputy Speaker. The Bill proposes the ward to be the lowest level of administration for this particular Fund, but during public participation, we saw that the ward is too low and it will be too expensive to have too many committees operating all over the country where this Fund is designed to operate. So, we will be proposing an amendment to make the constituency the base of operations of the Fund. Therefore, there will be a Constituency Equalisation Fund Committee, which will then be liaising with the National Equalisation Fund Committee.

You know very well that this Fund was created by the Constitution to cure the historical injustices which were meted on certain communities because of their location. Therefore, the purpose is to bring the areas up to speed with the rest of the country in terms of development infrastructure. If this Fund is not well managed, the time lapse will catch up with it and the Fund will not have created any impact on the ground. This Fund is in existence for 20 years as per the Constitution. Therefore, it means by 2020, which is next year, we will have finished 10 years, which is half way. If you go to the communities which the Fund was supposed to benefit, there is nothing much to show. Currently, a lot of funds have been set aside, but nothing is happening. Nothing much has been happening and if any, very little has been happening.

In fact, we had a chance to find out what kinds of projects have been implemented. You will find the National Treasury and the committee, which is made up of PSs, have been using the Fund for projects which ideally should be done by the national Government directly. They are not designed to benefit the local person. If you go to a town like Maralal and implement a sewage system, the pastoralist who is herding cows in the village will not even benefit. They do not understand. In fact, when you talk about sewage system, they will be looking for water for their cattle. They will be looking for roads to ensure they reach the market when going to sell their livestock. Therefore, we are of the opinion that this Fund should be managed in a way that communities are properly involved in identifying their priorities. If you sit in Nairobi and identify a priority which, according to the local people is not a priority, then we lose focus. Public participation was brought for the purpose of assisting local communities to identify what really matters for them. Therefore, if this Bill is enacted, it will help in terms of bringing on board the local communities, so that they are properly represented.

This Bill also proposes penalties for those who will be involved in misappropriation of the Fund. If you are found to have misappropriated the Fund, there will be serious repercussions. We know corruption is the greatest enemy of any development. If funds are allocated and do not reach the intended person, then it is counterproductive. To counter this, the Bill proposes preventive measures to ensure that the people who will be appointed to sit on the boards, both at the national level and at the local level are people of integrity. The Bill sets standards on what should be looked at in choosing the people to sit on the boards.

Comments have been coming from different quarters including from the Attorney-General. I was disturbed by the comments of the Attorney-General. He said that they do not support the Bill, the reason being there are existing structures which ensure that the Fund is operated. He does not go out of his office to find out whether the structures have been effective

in implementing the Fund or in ensuring that the Equalisation Fund is used for the intended purpose. Secondly, the Attorney-General also said that there is no requirement by the Constitution for enactment of this law, but he fails to understand that this is a law-making House. In any situation, we cannot sit back and say that the Constitution did not specify that we require this law. It is an addition. It is going to add value. It is also going to ensure that this is a standalone Fund, which is governed properly so that it avoids misconceptions in terms of how the Fund will be operated.

I want to end by saying that this is a good Bill. It is going to assist in making sure that whatever funding is set aside is properly utilised. It will even lessen the time taken. If I may choose to give an example, people in this country, whether they like it or not, have no option. We have to ensure we have proper structures to implement projects, so that we do not have problems like the ones currently being seen in our devolved governments. I remember in 2013 some of the Members of Parliament, gave their opinions on how devolved government should be set up. We said if you want county government structures to succeed, let us ensure that we devolve funding for the purpose of taking development to the people. Let us not devolve corruption. What happened? The CoG went round the country saying that the Members of Parliament were saying that we should implement a structure similar to the NG-CDF, where at least 75 per cent of what is allocated is taken directly to the wananchi. In fact, the allocation for administration in the NG-CDF is only 6 per cent. Ninety-four per cent goes to wananchi directly. We contributed that, but we were attacked left, right and centre, that we were anti-devolution agents. If you go to the villages now, the only Fund which wananchi are appreciating - they see classrooms from one village to another, chiefs and assistant chiefs offices - is the NG-CDF. The rest we do not know. They have devolved Recurrent Expenditure.

Hon. Temporary Deputy Speaker, there was no need of devolving Recurrent Expenditure and copying the national Government to county governments; from the office of the President to the office of the governor and from the National Treasury to the County Treasury. We devolved Recurrent Expenditure. In fact, currently, 85 per cent of the funds taken to the counties, on average, are Recurrent Expenditure. There is nothing allocated to Development Expenditure. So, if we are not careful, this Equalisation Fund will be used to fund Recurrent Expenditure. There was a time Kshs1.2 billion was used to hire choppers to fly cabinet secretaries from one corner of the country to another because there was no clear structure in place. So, I urge this House to support the Equalisation Fund Bill and ensure there is a proper structure on it to be used. The country should benefit from the Fund which was set up in good faith by the framers of the Constitution.

Time is of essence. We only have ten years to show whether the Equalisation Fund is necessary or not. We should not allow our civil servants to misuse the Fund and then later on we say that it was not necessary to set it up. Money from this Fund will help marginalised communities. There are many communities which do not have classrooms. In fact, the former Commission for Revenue Allocation (CRA) Chairman, Cheserem, was seen crying in Kitui. He had gone there and found children studying under a tree. He cried. The problem is that he came back to Nairobi and forgot to include Kitui under the marginalised counties.

Currently, we appreciate what has been done. At least, some patches of Kitui, Machakos and Makueni are known to be hardship areas. Even in Kericho where I come from, there are hardship areas. So, let us support this Bill. It will ensure the administration of this Fund is clearly indicated. The administration of it will be by law. Anybody who will misuse money from the Fund will see the wrath of the law. Let us use this House to enact laws which will help our

people. Let us not use this House to support people who do not want to see the laws we make here implemented. They want to use memos to manage the Equalisation Fund! Let us stamp our authority by enacting laws. Let us support this Bill and ensure it is enacted and implemented. It will help our brothers and sisters living in marginalised areas and they will be brought up to speed to where God, the creator, wanted all of us to be.

Thank you very much, Hon. Temporary Deputy Speaker. I urge this House to support the Bill as it is very important.

The Temporary Deputy Speaker (Hon. Christopher Omulele): Very well spoken, Hon. Limo. I hope the House has listened carefully to the presentation that has been made by Hon. Limo with regard to this important piece of legislation.

Hon. Members, we are having a technical problem with the screening of this Session. However, I am informed that the Parliamentary Broadcasting Unit (PBU) people are on top of things and normalcy will resume shortly.

We shall now have Hon. Mogaka Kemosi from West Mugirango.

Hon. Vincent Kemosi (West Mugirango, FORD-K): Thank you, Hon. Temporary Deputy Speaker. I also rise to support the Equalisation Fund Bill. This Bill is very important as it provides a structure within which the Fund will operate. It establishes a board which is a body corporate capable of suing and being sued. It also establishes a secretariat which is going to be headed by the CEO who will also be the secretary to the board. This Bill is important because it provides the term within which the board members will serve, namely, one term of six years. The board will definitely manage the Equalisation Fund. It will consider proposals and perform the stipulated functions. The proposals will be submitted to the board based on public participation. Members of the public will be given an opportunity to propose the projects they want to be implemented. The Bill is also important because it establishes local committees to operationalise the Fund.

The Bill has proposed a ward level, which is the lowest unit within which the local committees will be formed. Indeed, a ward is too low a level for such committees to be formed. If we go that way, we will have thousands of ward level committees. The best would be to have a local committee at the constituency level. The challenge will be that under the county leadership, we do not have representation at the constituency level. If we proceed that way, I am sure we may propose that the local committee be formed at the sub county or at the constituency level. I am quite sure that once this Bill goes to the Senate, they will have an issue with this suggestion.

Hon. Temporary Deputy Speaker, as we go forward, I wish to state that at the opportune time, I will propose an amendment to this particular provision stating that the county level is the appropriate level within which we can form the local committees. That way, the committees will discharge functions fast enough. If we decide to have the ward level, I think that is too low a level and we may have so many of them.

This Bill establishes the penalties and the consequences for offenders who misappropriate money allocated from the Fund.

With those few remarks, I support the Bill. I support it with the proposed amendments that will come in due course. I thank you.

The Temporary Deputy Speaker (Hon. Christopher Omulele): Hon. Musa Lentoimaga, Member for Samburu North.

Hon. Alois Lentoimaga (Samburu North, JP): Thank you, Hon. Temporary Deputy Speaker for giving me this opportunity.

I support the Bill. I also thank Hon. Kamket for coming up with it. Indeed, it is a very important Bill. It will assist communities in disbursing money. The Bill is meant to bring to par, in terms of development, counties that were left out or marginalised in colonial time and the first three regimes since Independence. It will address those anomalies, especially issues concerning health, education, electricity and water.

Where I come from, the most critical issue is water. Others are education and health. People travel long distances to look for water. Lack of water and pasture cause conflict among our people. The normal Government allocation over time has never addressed these anomalies. Money has never been sufficient. In other developed areas, such matters have been addressed. Therefore, this Bill is important to us. We need to support it, so that we can address those anomalies.

Our counterparts in other areas have benefitted so much over time, but because of marginalisation and historical injustices, we have been left behind so much to the extent that we are not at par with other areas in this country. The most critical thing is that this law was supposed to be in place in 2010 after the promulgation of the Constitution, but that never happened. Even the money that was disbursed did not have any impact on the ground. Principal Secretaries used helicopters to get to the ground, as my colleagues have already mentioned, to identify the projects, but they did not understand the area due to lack of time. They were in a hurry. They come for only one day and then return to Nairobi to compile the report. After coming back with the proposed projects as given by the local leaders, there was bureaucracy at the top. Disbursement was not done. The identified projects were allocated money, but there was lack of supervision to ensure the money was used well to create the necessary impact in the areas.

For example, in my constituency, for almost seven years now, there are two projects which have not taken off yet the money is still lying in Nairobi. By creating sub-committees at the local level and a new board, the Bill will go a long way in ensuring faster disbursement, supervision and identification of projects. The local committee will identify projects that will have the best impact and results and they will be appreciated by the local people.

This Bill has a bottom-up approach instead of review of projects from the top. It will enable the people at the grassroots to identify projects which will have the best impact. I am happy the membership of the local committee will comprise of the youth, two women and people with disabilities. The board will comprise of a chairperson from the marginalised and underdeveloped areas. This Bill will also address the issue of areas that were not considered during the first 50 years since Independence. Bureaucracy will also be lessened and the issue of principal secretaries flying in helicopters to the various areas will be reduced. The projects will be identified at the grassroots level and forwarded to the board at the national level. Therefore, money will be disbursed faster than before.

The board will also submit quarterly reports to the National Assembly. Therefore, we will audit them every quarter and the board will tell us how far they have gone and what they are doing. My biggest worry is the timeline. Ten years have already lapsed and this Fund is supposed to expire in 20 years' time. We only have 10 years remaining. So, I want to appeal to this House to speedily pass this Bill. We need to put timelines in place, so that we can recover the 10 years which have lapsed.

With those few remarks, I support the Bill. I urge the House to help us to operationalise this Bill.

The Temporary Deputy Speaker (Hon. Christopher Omulele): Hon. Musa Lentoimaga and the Chair of the Departmental Committee on Finance and National Planning, you have spoken about funds from the Equalisation Fund being utilised on a recurrent and fairly whimsical manner to hire choppers for officers of the national Government to fly around.

I think when you look at Article 204 of our Constitution, which establishes this Fund, it is very express as to what the funds from this Fund can be expended on. It is, therefore, upon Members who have this kind of information to take the officers to task through this very plenary, so that they can explain why they are hiring choppers with funds which should go to help the people who have been left behind by history in this country.

The Chair of the Departmental Committee on Finance and National Planning and Hon. Lentoimaga, I think it is your duty to take this up and bring up such officers who spend money in such a manner that is contrary to the Constitution. We shall have contributions from Hon. ole Kenta Moitalel.

Hon. Richard ole Kenta (Narok North, ODM): Thank you, Hon. Temporary Deputy Speaker. I would like to join my colleagues in saying that this Bill will assist the marginalised communities. It is well documented that this Fund should have assisted these communities 10 years ago. Unfortunately, the National Treasury mandarins have been running this as a personal account.

When the framers of the Constitution set-up this Fund, the intention was to ensure the so-called closed districts and other marginalised areas benefited and caught up with other areas which were benefiting from the largess of the Governments that had ruled this country since Independence. The Bill is very helpful. We will have a board which will be accountable to the people and run things professionally. Therefore, this dream will be realised. Another important thing is that it takes care of gender, age and almost everyone in this country.

Any money which remain in the account at the end of the financial year will be retained other than going back to the National Treasury. This will go a long way in ensuring that the finances are never reduced nor reallocated for other purposes. The membership of the board is good because the chairperson will be from a marginalised community. As they say, it is only the wearer of the shoe who knows where it pinches. This chairperson will ensure that the injustices that have persisted for the last 56 years will come to an end.

The other members of this board are the Principal Secretaries in the ministries responsible for water, roads, health and the National Treasury. This is very important because these are the commodities we require like water, infrastructure, health and financial gains.

Hon. Charles Nguna (Mwingi West, WDM-K): On a point of order, Hon. Temporary Deputy Speaker.

The Temporary Deputy Speaker (Hon. Christopher Omulele): Hon. Kenta, just hold on for a minute. There seems to be a point of order by Hon. Nguna Ngusya, Member for Mwingi West

Hon. Charles Nguna (Mwingi West, WDM-K): On a point of order, Hon. Temporary Deputy Speaker. Yesterday, I followed the news and the police were complaining about Simba Arati's absence in the country. Hon. Simba Arati is seated next to me. Why not alert the police that this guy is around?

The Temporary Deputy Speaker (Hon. Christopher Omulele): Hon. Nguna Ngusya, you are urging the police to come to this House to arrest Hon. Simba Arati. Hon. Simba Arati, I was not aware that the police were looking for you. But that is alright. Let us hear from him now that he has been mentioned.

Hon. Simba Arati (Dagoretti North, ODM): Thank you, Hon. Temporary Deputy Speaker. The hatemongers and people with bad hearts always wish evil on a good person like me because I am a peace maker. They are very bitter that yesterday we shook hands with Hon. Barasa. If you ask Hon. Barasa, I did not touch him. We only said hi to each other in Kibra. Therefore, to the likes of Hon. CNN, I am here to face any police officer anywhere. I am ready to face any police officer in this country whereas people like the ones making noise know they have nothing back in their constituencies.

The Temporary Deputy Speaker (Hon. Christopher Omulele): Hon. Simba, it is true you are a peaceful man. The man who is purporting to report you to the police is sitting right next to you. I report to the House that I was witness personally yesterday to the camaraderie between Hon. Simba and Hon. Didmus Barasa. I think there can never be a better friendship between Members than the one that was displayed yesterday between these two Members. I encourage that.

(Hon. Simba Arati spoke off record)

The Temporary Deputy Speaker (Hon. Christopher Omulele): Hon. Simba, just relax. I would encourage that that kind of friendship between Hon. Simba Arati, Hon. Didmus Barasa and Hon. CNN should be encouraged among the Members. Member for Narok North, you are on your feet. We have taken about three or four minutes of your time. Proceed and finish.

Hon. Richard ole Kenta (Narok North, ODM): Thank you, Hon. Temporary Deputy Speaker. The qualifications of the people on the board will assist. In the past, we have had people picked from anywhere without qualifications into some boards. However, the fact that these people should be qualified in the sense that they are conversant with the economic development and planning, finance, law, accounting, social sciences and meet the requirements of Chapter Six of the Constitution makes this an outstanding Bill that should be supported.

The other very important thing about this Bill is that apart from the board members, experts can be co-opted at any one time for purposes of assisting the board to meet its objectives. The other very important thing about the Bill is the fact that there will be local committees. This is very important as far as public participation is concerned. There has been allocation of money to projects that do not even meet the needs of the people. So, if you have the local people and the Chairman of the Departmental Committee on Finance and National Planning has intimated that this will be at the constituency level, that will be very helpful. These are the people who know the needs of their people. They will monitor the activities of the board and the finances. The other very important issue is the fact that we know that our country...

(Loud consultations)

There is a lot of noise, Hon. Temporary Deputy Speaker. I need to finish, but there is too much noise.

The Temporary Deputy Speaker (Hon. Christopher Omulele): Hon. Members, order! Order, Hon. Members! Hon. Kenta has a gentle voice. Hon. Simba, just relax.

Hon. Richard ole Kenta (Narok North, ODM): Hon. Temporary Deputy Speaker, we know that the funds that are supposed to assist our people have been stolen through corruption. It is very important that anybody who dips their dirty hands into these funds should be punished accordingly.

(Hon. Kubai Iringo consulted loudly)

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

Hon. Richard ole Kenta (Narok North, ODM): The minimum imprisonment period of 10 years and the Kshs4 million fine is inadequate. It should be enhanced to ensure that the petty thieves do not get into the Fund, which is supposed to assist the vulnerable communities.

In closing, I would like to urge the House to support the Bill. It is very important. The Attorney-General's advice is misplaced. This is informed by the fact that he has never lacked anything. There are counties that have been given all the things that should have been spread all over the country. Maybe that is why he does not understand. I would like to advise the Attorney-General of this country that there are people who need this Fund and the infrastructure that is there is neither sufficient nor is able to assist in the implementation of the Equalisation Fund.

So, I support. I request my colleagues to support this Bill because it is very crucial for the poor and the marginalised communities of Kenya.

COMMUNICATION FROM THE CHAIR

VISITING DELEGATION FROM EAST AFRICAN REGIONAL CAUCUS OF PAP

The Temporary Deputy Speaker (Hon. Christopher Omulele): Hon. Members, this is a Communication from the Chair regarding the visiting delegation from the East African Regional Caucus of the Pan African Parliament (PAP).

Hon. Members, I wish to introduce to you a delegation of Members of the Pan African Parliament of the East African Regional Caucus, seated in the Speaker's Row. The Caucus, which is chaired by the Member for Kisii County, Hon. Janet Ong'era, Member of Parliament and my senior in the legal profession, which comprises of Members of Parliament from Comoros, Djibouti, Ethiopia, Kenya, Madagascar, Mauritius, Rwanda, Seychelles, Senegal, Somalia, South Sudan, Sudan, Tanzania and Uganda. The delegation is accompanied by staff from the Pan African Parliament.

Hon. Members, the Caucus is in the country to build regional consensus on African Union legal instruments, promote the ratification of the Protocol to the Constitutive Act of the Pan African Parliament and engage with civil society organisations in the promotion of African Union legal instruments. On my own behalf and that of the House, I wish to welcome them to the National Assembly and wish them fruitful engagements.

I thank you.

Hon. Members, we will proceed with business. The next Member on my list is Hon. Nanok Epuyo, Member for Turkana West.

Hon. Daniel Nanok (Turkana West, JP): Thank you, Hon. Temporary Deputy Speaker, for the opportunity. From the outset, I wish to support my colleagues and the Mover of this Bill. I thank Hon. William Kamket for bringing this Bill to the House.

The Constitution in Article 204 establishes the Equalisation Fund with very specific objectives to be achieved and a specific timeline. Because of that, the writers of the Constitution envisaged a country that is equitably developed because this country has a history of regional imbalance in terms of development. So, with this Bill, we will be operationalising that Article of

the Constitution in a more effective and efficient manner. Currently, and as speakers have already observed and stated, the Equalisation Fund has been actualised through the public finance management guidelines prepared by the Cabinet Secretary for the National Treasury, which has domiciled the operations, administration and implementation of the Equalisation Fund in the State Department for the National Treasury. In my observation, the current administration has been very inefficient. The identification and implementation of projects by the administration has been very ineffective. When you look at the Equalisation Fund as it is currently implemented, monies were appropriated by this House. From the beginning of the Fund - which was in 2010/2011 - up to 2018/2019, out of a possible amount of Kshs20 billion that was supposed to have been disbursed, only Kshs12 billion has been disbursed. Of that money that has been disbursed for projects to be implemented in marginalised areas, none of those intended projects have been completed under the Fund. That is the inefficiency that I am talking about. The intention of the Constitution and the Republic of Kenya to uplift the lives and the living standards of the people in those marginalised areas is not moving forward. It is not being achieved as it was intended. I urge and request my colleagues to support this Bill. I can see the trend is that Members are in support of the Bill. The few amendments that were proposed by the Chair of the Departmental Committee on Finance and National Planning will make it possible for the targeted areas to get the services that will be given through the Fund's disbursements.

When you look at the areas that are targeted for the use of those funds such as education, power connectivity, roads and water, this is very basic infrastructure that is required in those areas. As has been observed - and I support - arid and semi-arid (ASAL) areas are lagging very much behind in the area of infrastructure development. If there are any statistical figures and ratios that bring down this country, they are found in the marginalised areas. The effective implementation and utilisation of the Equalisation Fund will raise the standards of this country and of those particular regions so that there is equitable development across the country. The future of this country lies in the uplifting and development of the ASAL areas.

Areas that were developed by the Sessional Paper No.10 of 1965 are running out of space. We need to build hospitals, schools and water structures. The cost of constructing those facilities in already-populated areas is becoming a challenge. The cost of doing any development is becoming expensive. The lands in the ASAL areas in the northern part of Kenya, for instance, are idle and fallow. They are being utilised for pastoralism. It will not be a challenge to have those required facilities being constructed. It will be cheaper. The future of Kenya is in the expansion of the development agenda in the north. The Equalisation Fund is supposed to take us in that direction. It is for this reason that there should be a legal regime that makes the Equalisation Fund effective in achieving the intended development agenda.

Finally, as I wind up my contribution, look at the way the country's population is growing. The northern part of this country is still sparsely populated. If you read any records or statistical data that speaks to the issue of population, you will find that the north is still sparsely populated. Population is an asset to the development agenda of any country. If we develop the northern part of this country, we can spread out our population by making those areas attractive. If we concentrate on the population in the smaller parts of this country which are very densely populated, we will have challenges of conflicts because of land. We want to protect our water towers, but the population pressures cannot allow that. If we developed the ASAL areas in the northern part of the country, we could easily shift population by ensuring that the underdeveloped areas get infrastructure development which will attract populations and, therefore, attract development into the areas of this country that have not been reached.

This Bill will help us. With the timeline of 20 years which is supposed to end in 2030, which is the year when the Vision 2030 is also supposed to have achieved development strides in this country, we could easily talk of a country that will be canvassing within itself in a manner that is more equitable and respectable. I pray that the Bill is passed and that our governors allow for development to proceed. There is no monopoly on development in counties by county governments. The national Government is still there. It should be in a position to undertake and support counties in developing those areas. They can do that directly. The Constitution states that the Equalisation Fund can be directly or indirectly spent by the national Government.

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

The Temporary Deputy Speaker (Hon. Christopher Omulele): Hon. Nanok, I have enjoyed your contribution. There is no monopoly on ideas of development either by the governors or the Members of Parliament (MPs). It is a joint effort. Very well spoken!

Let us have Hon. Amin Kassim, Member for Wajir East.

Hon. Rashid Kassim (Wajir East, WDM-K): Thank you, Hon. Temporary Deputy Speaker, for giving me an opportunity to contribute to this important Bill. At the outset, I would like to thank Hon. Kamket for bringing this Bill so that we can articulate issues of development in ASAL districts of northern Kenya and intended purposes of this Bill.

The Equalisation Fund was meant to correct the anomalies and disparities that existed in terms of development in the past Governments. It also intended to bridge the gap that existed in terms of development disparities between the highly developed parts of this country and those less developed. It was, therefore, meant in real essence to bring this country at par so that those disparities are corrected once and for all. It also came at a time when devolution was postulated in the 2010 Constitution. For that matter, devolution as well as the Equalisation Fund were essentially meant to bring development closer to the people so that they can achieve their basic rights and development services.

I would like to, again, thank Hon. Kamket for bringing this Bill which will anchor the Equalisation Fund so that it can be properly and systematically implemented. If you look at the genesis of the Fund and the years it has been in place, you will realise that it was anchored in the National Treasury. The National Treasury is not an implementing ministry. However, it was going to implement projects in the Ministry of Health, the Ministry of Roads and various other ministries. The chain was so bureaucratic that those projects that have been postulated or identified have not seen the light of the day. They did not meet the merit of a project.

Hon. Temporary Deputy Speaker, this Bill gives a direction on how this Fund will be spent and how those projects will be monitored and identified. It gives a proper roadmap for this Bill. Thank you, Hon. Kamket for bringing this Bill which gives a specific direction on how this Fund will be utilised and how those projects will be implemented. There were projects which were identified in the first year. There was a disbursement for only one year. To date, those projects have not been completed and properly monitored. The impact has not been felt. In my constituency, there are three projects which are critical to us. These are Wajir-Bor Water Supply, which took about Kshs75 million, and two health centres in Konton and Wajir Town. All of them have not been completed to date. There is no proper mechanism of implementing those projects. If this Board is formed today, it will oversee their implementation, completion and handing over to the respective committees that will be in charge.

This Bill also touches on very critical components like roads, health, water, food security and a number of projects which cannot be covered essentially by the National Government Constituencies Development Fund (NG-CDF). If the Equalisation Fund is implemented properly,

it will augment and support the NG-CDF which has made a serious and good impact for the people of this country. This Bill will be amended further to tailor it in the same way as NG-CDF. The NG-CDF and Equalisation Fund will work in tandem, so that we can see a realisable impact in the lives of the people it will serve.

We have seen the short span which has been given for the Equalisation Fund. It is supposed to be for 20 years. So far, we have lost seven years. It is only one physical year that there was disbursement of this money. Moving from one ministry to another to follow up on this money and monitor its utilisation has been very difficult for us. However, once this board is constituted, it will provide the necessary impetus for us to follow and the necessary development will be realised.

With those few remarks, thank you, Hon. Kamket for bringing this important Bill, which will be anchored in the board.

The Temporary Deputy Speaker (Hon. Christopher Omulele): Hon. Members, this particular debate has attracted a lot of attention but we have run out of time. I can see that Hon. Wario Ali was hoping that he would have a bite of the cherry. Even if I wished to allow you to speak, I would not do it within our rules. You had the first chance to contribute, but you were not here when I called out your name. In any event, we have run out of time. It is now time for me to call upon the Mover to reply. If he so desires, he may donate a little bit of his time to the Members who are interested to contribute.

Hon. Kamket, it is now your opportunity to reply.

Hon. Kassait Kamket (Tiaty, KANU): Thank you, Hon. Temporary Deputy Speaker. Before I reply, I would like to donate a few minutes to my colleagues who are really interested in saying a few things. I will give two minutes to Hon. Ali Wario, two minutes to my schoolmate, Hon. Dennitah; one minute to Mhe. Mule and one minute to Mhe. Kwenya.

Thank you.

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

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

The Temporary Deputy Speaker (Hon. Patrick Mariru): Hon. Kamket, please, be clear. Whom have you donated minutes to? You cannot donate minutes to a Member who has contributed to this Bill. Can you be clear so that the Clerks-at-the-Table can take note?

Hon. Kassait Kamket (Tiaty, KANU): I have donated two minutes to Hon. Wario.

The Temporary Deputy Speaker (Hon. Patrick Mariru): Hon. Wario contributed to this Bill.

Hon. Kassait Kamket (Tiaty, KANU): He did not contribute.

The Temporary Deputy Speaker (Hon. Patrick Mariru): Hon. Wario, did you speak to this Bill?

Hon. Ali Wario (Bura, JP): Yes.

The Temporary Deputy Speaker (Hon. Patrick Mariru): Why is Hon. Kamket saying that you did not contribute?

Hon. Ali Wario (Bura, JP): I spoke for one minute.

The Temporary Deputy Speaker (Hon. Patrick Mariru): This is a House of record. I am getting it.

Hon. Kassait Kamket (Tiaty, KANU): Hon. Temporary Deputy Speaker, I will donate two minutes to Mhe. Nakuleu, two minutes to Mhe. Dennitah Ghati, Mhe. Stephen Mule and Mhe. Kwenya.

The Temporary Deputy Speaker (Hon. Patrick Mariru): Okay. We shall start from there.

Hon. Kassait Kamket (Tiaty, KANU): I will also donate one minute to Mhe. Shaban.

The Temporary Deputy Speaker (Hon. Patrick Mariru): Let the Member contribute for two minutes.

Hon. Christopher Nakuleu (Turkana North, JP): Thank you, Hon. Temporary Deputy Speaker. At the outset, I would like to support this Bill which was brought by Hon. Kamket. This Bill intends to cure the loopholes that already exist in the principal Act. If you remember very well, this House has been allocating money to the Equalisation Fund, but the implementation of the projects intended for the money allocated has not been forthcoming.

If you remember, in the last financial year, this House allocated sufficient money for the Fund. However, a part of it, which is Ksh3.8 billion, was slashed by the Executive to fund the Big Four Agenda projects. The re-allocation of that Fund by the Executive is an indication of lack of political goodwill to support the ASAL, which it is supposed to address. Two, none of the projects that were supposed to be done in the first batch of disbursement has been completed and handed over to the beneficiaries to date. This House must come up with a better regulation to guide the expenditure, implementation and utilisation of this Fund to bring ASAL at par with the rest of the Kenyan communities.

Thank you, Hon. Temporary Deputy Speaker.

The Temporary Deputy Speaker (Hon. Patrick Mariru): Hon. Dennitah, contribute for two minutes.

Hon. (Ms.) Dennitah Ghati (Nominated, ODM): Hon. Temporary Deputy Speaker, thank you very much for giving me the opportunity to support the Equalisation Fund Bill which was brought by Hon. Kamket, Member for Tiaty. He and I have a history of going to the school of journalism together. I really want to thank him because he thought about an issue that affects most counties.

I am particularly interested in the formation of the board. This Bill basically seeks to establish a board at both the constituency level and national level, which is a plus. When you talk about marginalised communities and persons, we see a situation where we have persons with disabilities and women in the board. Therefore, they will identify their problems and prioritise them.

I also support this Bill because it will sort out and cure what has been happening to most of our constituencies. About 90 per cent of Members of Parliament here have constituencies that are considered marginalised. I am happy because this is a Fund that will support our operations at the county level.

Because of time, allow me to support the Bill. Thank you.

The Temporary Deputy Speaker (Hon. Patrick Mariru): Hon. Mule, you do not have two minutes but one.

Hon. Stephen Mule (Matungulu, WDM-K): I will use it properly. Thank you, Hon. Kamket for bringing this Bill. I can assure you that we will support it to its full length. We will

bring some amendments to make sure that equalisation happens to every marginalised community in this country, including the one in Matungulu Constituency.

Thank you.

The Temporary Deputy Speaker (Hon. Patrick Mariru): That was good use of one minute. Hon. Kwenya, let us see whether you will take one minute to contribute.

Hon. Zachary Thuku (Kinangop, JP): Thank you, Hon. Temporary Deputy Speaker. I wish to support this Bill with amendments. The drafter of this Bill talks about marginalised communities. The Constitution is so clear in Article 204 about marginalised areas. I can tell you for a fact that areas that are marginalised are not just about aridity, lack of water and health facilities. I come from a constituency whereby we are marginalised because we have a population of 204,000 from the latest census and yet, we get the same allocation of funds with constituencies that have smaller populations. Therefore, this marginalisation business must be defined and dealt with from there.

The issue of nominating a board chairman from a marginalised community is unconstitutional. They should be nominated from marginalised areas. That is the amendment that I am going to propose.

Thank you.

The Temporary Deputy Speaker (Hon. Patrick Mariru): Hon. Kamket, you have the remainder of the time. Had you given Hon. Naomi Shaban a minute?

Hon. Kassait Kamket (Tiaty, KANU): Yes.

The Temporary Deputy Speaker (Hon. Patrick Mariru): Sorry, Hon. Naomi Shaban. You have a minute.

Hon. (Dr.) Naomi Shaban (Taveta, JP): Thank you, Hon. Temporary Deputy Speaker. I also congratulate Hon. Kamket for a well-thought-out Bill because we need to bring some hygiene into how the funds for equalisation are being utilised. I just need to point out that the Commission on Revenue Allocation (CRA) is already making blunders. That money has not made any impact because the intention of the Constitution was to make sure that the areas which were left behind have come up so that they can be at par with others which are well developed.

I beg to support.

The Temporary Deputy Speaker (Hon. Patrick Mariru): Hon. Kamket, you have three minutes. You donated your time. We cannot help it.

Hon. Kassait Kamket (Tiaty, KANU): Thank you, Hon. Temporary Deputy Speaker. I take this opportunity to most sincerely thank my colleagues who have overwhelmingly supported this Bill. Almost 27 Members of Parliament have supported this Bill. There are some fears that have been raised here on the marginalisation policy which is supposed to be set out by the Commission on Revenue Allocation. I am happy that, that policy keeps changing because in the first policy that was done by the former Commission, constituencies like mine were not recognised as marginalised. However, with the development of the new policy, we will benefit from those funds.

The Constitution talks about marginalised areas; it does not talk about marginalised counties as was put in the first policy. That is recognition by the drafters of the Constitution. Even in very developed counties, there could be pockets of marginalisation that can be identified by the CRA as the body that is supposed to come up with the marginalisation policy. I have read the Report and the proposed amendments from the Departmental Committee on Finance and National Planning. We will be supporting those amendments.

I have also consulted widely with stakeholders and I will be proposing amendments. One of the principal objectives of this Bill is to run away from red tape. We will be saying that either Principal Secretary or designated representative to be present in the board in order to avoid... Please, add me one minute.

The Temporary Deputy Speaker (Hon. Patrick Mariru): It cannot be one minute. Maybe one-and-a-half so that you can reply. You donated your time.

Hon. Kassait Kamket (Tiaty, KANU): Thank you, Hon. Temporary Deputy Speaker. On the making of the regulations, we will propose that the board makes regulations and not the Cabinet Secretary.

With those many remarks, I thank hon. Members for their support. I beg to reply.

The Temporary Deputy Speaker (Hon. Patrick Mariru): Hon. Members, we shall pend the putting of the Question on that Bill to a subsequent time.

(Putting of the Question deferred)

Next Order!

BILL

Second Reading

THE KENYA INSTITUTE OF CURRICULUM DEVELOPMENT (AMENDMENT) BILL

Hon. (Ms.) Joyce Emanikor (Turkana CWR, JP): Hon. Temporary Deputy Speaker, I beg to move that the Kenya Institute of Curriculum Development (Amendment) Bill (National Assembly Bill No. 33 of 2019) be now read a Second Time.

The principal object of this Bill is to enhance disaster risk reduction (DRR) in learning institutions. The school curricula do not provide the learners with education on safety, particularly on how to conduct security drills, evacuation, first aid, how to locate explosives, how to sense danger, among other safety-related teachings.

The impact of insecurity, disasters and hazards on education presents weighty challenges that require urgent action. We have had our schools and universities being bombed, shelled and burnt. We have had children, students, teachers and academicians being killed, maimed, abducted or arbitrarily detained. We have had buildings collapsing and killing students. Such occurrences expose students and education personnel to harm, deny a large number of children and students their right to education and so, deprive communities of the foundations on which to build their future. Those incidences destroy not only school infrastructure, but also hopes and ambitions of a whole generation of children. As a result, access to education is undermined and the functioning of education facilities is hampered in some areas. In some cases, attacks on schools and universities have been used to promote intolerance and exclusion.

The Kenya Institute of Curriculum Development (Amendment) Bill, 2019 is informed and premised upon the recent and current wake of terror attacks, active shooting incidents, bombings, sexual assault, kidnappings, radicalisation, natural hazards and other forms of disasters in our institutions of learning, particularly the secondary and tertiary institutions.

Cognisant of the fact that these disasters in schools will no doubt continue to pose a problem, the Bill, therefore, is a response to the need for disaster preparedness and disaster risk reduction.

Security and safety threats in institutions of learning come in various forms from external aggressors in form of terror attacks, active shooter situations or raids. Secondly, by internal aggressors, for instance, the fires by students, sexual assault and bullying and, finally, natural and man-made disasters such as collapsed buildings, floods, landslides, earthquakes, earth tremors, lightning and storms. Either way, there is physical, emotional and psychological injury, loss of life, property as well as loss of dignity.

Just to randomly name but a few of the incidents in Kenya, on 2nd April 2015, gunmen stormed Garissa University College killing 148 people and injuring 100. The 1998 Bombolulu fire tragedy that left 26 girls dead in Kwale County is still vivid in our minds 20 years down the line. In 2001, fire killed at least 59 male teenagers in Kyanguli Secondary School in Machakos and injured scores of them. In 2010, two boys were burnt to death in their dormitory in Enderasha Boys Secondary School in Nyeri County. In August 2012, eight pupils of Asumbi Boarding Primary School, Homa Bay County, died after a fire razed down their dormitory, not to mention the recent episodes that have shocked Kenyans. One occurred on 15th October 2017 when an attacker from South Sudan led four armed men to Lokichoggio Secondary School in Turkana County, shot dead a guard and five students and sprayed bullets on students. That injured over 18 people. The villain was a student in the same school, bringing to the fore the quest to vet foreign students in high schools and tertiary institutions. The security at the school was beefed up after His Excellency the President intervened. This special intervention does not happen all the time hence the need for serious preparedness.

On 22nd September 2019, about a month ago, Kenya woke up to the sad news of Precious Talent Academy in Dagoretti where we lost seven pupils aged between 8 and 15 years. It is when the school building where they were studying collapsed on them. This was a preventable disaster claiming lives of hopeful young souls. We are told that the structure was a product of poor workmanship and engineering. In this age and era, in the Capital City of Kenya, what a shame! It is time the Ministry of Education liaised with the State Department of Public Works and the National Construction Authority (NCA) to assess structures in schools and determine their compliance to the required standards for the safety of our children. They must enforce adherence to Government guidelines on infrastructural development. On this note, I congratulate CS Magoha for the steps he has taken.

In some unfortunate situations, what exacerbates the problem is the inability by both the staff and students to sense danger, to identify problems – dormitories being locked from outside, lack of exits, lack of fire extinguishers, narrow or single doors, inhalation of carbon monoxide and, in some cases, it is lack of rapid response and emergency services from responsible authorities.

It is evident that most schools across the country have no capacity to handle emergencies. They are yet to fully implement the safety standards manual produced by the Ministry of Education 11 years ago, in 2008. Our institutions of learning are ill-equipped to deal with disasters. A survey conducted by the Kenya Parents Association (KPA) in 2012 indicates that 9 out of 10 schools are not prepared to handle disasters. Schools do not respond quickly thus leading to deaths, injuries and destruction of properties. Even the latest guidelines released by the Teachers Service Commission (TSC) in 2017 on protection of children only warn against corporal punishment, sexual abuse and bullying from internal aggressors. We must, as a country,

examine disaster preparedness policies in schools to evaluate disaster awareness in the school environment with a view to establishing measures to enhance disaster preparedness and risk reduction.

Security and safety threats in institutions of learning are a global phenomenon that has resulted in reforms and law amendments in some jurisdictions. In 2014, the Peshawar School Massacre by the Taliban in Pakistan which killed over 141 people resulted in a new law. The 2004 Beslan School Siege in Russia that killed 385 people resulted in a series of Federal Government's reforms. Globally, concepts and ideas on security of children are deliberated on, but action has to be taken locally. With education under attack around the world, a mission to protect children in school was launched in 2015 through the May 2015 Oslo Conference on Safe Schools. I am happy to report that Kenya is among the 80 United Nations Member States that, on 9th August 2018, endorsed a declaration to protect children and teachers from attacks. A majority of the 15 UN's Security Council Member States have signed it. Three of the five permanent member states have also signed it. Although those guidelines are not legally binding, they draw on good practice to reduce the impact of disasters in schools.

To conclude, I cite a young man from Meru called Mwituri Murithi who, out of his concern and fear of increasing safety and security threats, risks and incidents not only in institutions of learning but also in the general environment, has written a book called *Act Before Bang*. He underscores the importance of deterrence. He asks whether we are aware of our surroundings. Can we identify people of potential threat hence deter danger? If you are, then you have an edge over your aggressors.

Questions that need to be answered about our institutions of learning are: Are people in our institutions of learning able to activate various levels of alert in schools in case of a suspicious situation? Are they able to quickly analyse the behaviour of strangers to tell potential threats? Are they able to assess the body language, the kinesics and the interpersonal distance in cases of rape? Can they do a simple intelligence reporting in cases of unusual circumstances – number of suspected criminals, cause of alarm, location, dressing of criminals, exact time, weapons in use *etcetera*? Do they know the principle of "Flee or Fight" or self defence? How many of our schools are able to immediately call the police emergency numbers, including the Sexual and Gender Based Violence (SGBV) hotline? Are all our schools networked and policed in our regions and, how effective are the security emergency numbers? Can teachers, students and parents assess the quality and stability of school infrastructure? Can they tell when buildings are about to collapse? Can our institutions of learning organise simple emergency evacuations?

To finish, I will quote the United Nations Children's Fund (UNICEF) Deputy Executive Director who, in desperation, said: "Places of learning have become places to fear. What has humanity become when children face death while trying to learn?"

Finally, as a nation, we value our children and youth. They are our future and hope. The most sacred thing to us as a nation is our children. Killing hundreds of them at a time, whether through fires, terrorism, shooting sprees and collapsed buildings, is an attempt to defile our nation, to kill our future and hope. We must safeguard our institutions of learning.

I beg to move and request Hon. Hon. Dennitah Ghati to second. Thank you.

The Temporary Deputy Speaker (Hon. Patrick Mariru): Hon. Dennitah.

Hon. (Ms.) Dennitah Ghati (Nominated, ODM): Thank you very much Hon. Temporary Deputy Speaker for giving me the opportunity to second this Bill by Hon. Joyce Emanikor, Member for Turkana. I find it absolutely honourable to second a Bill that is proposed by a

Member of this House who has worked so hard within the UN settings. Therefore, she understands well issues of DRR.

Therefore, she understands well issues of (DRR). This Bill has the best interests of our children and teachers. It seeks to protect our pupils and students who leave the confines and comfort of their homes to go to schools. Therefore, the school environment should be a safe haven for our students. What is still clear in my mind is the painful horror that happened nearly three months ago to our children who go to school at Precious Talent Academy along Ngong Road. These were young children of between ages eight and 15 years. They had left the confines of their homes to go to school to get education. What I and other Members of Parliament saw, was utter negligence by the school to ensure that the school environment was conducive for our children. That was something we could not buy. If you look at Garissa University, it is an institution of higher learning that was attacked by gunmen who killed students. It is not fair that our young ones who go to higher institutions of learning or vocational centers succumb to such attacks. That kills the hopes of their parents who take their children there to get education.

Many of our schools have been bombed; they are no longer safe. How can we ensure that within our education sector and curriculum, our children get this education? The current curriculum does not factor in the issue of DRR. This is an important element that our schools need to offer. If you look at our counties, you will realise that in their setup, they are not well prepared to manage disasters. We have counties that do not own fire engine machines, especially the marginalised counties and their constituencies. If possible, every county and constituency in this country needs to own a fire-fighting engine that is working so that, in the event that fire or disaster strikes in schools, that situation can be well managed.

I come from Migori County. It has also had a fair share of disasters of this nature. For example, Migori Boys, Uiri Boys and schools that were considered to be national schools have been victims. When you talk of national or county schools, you expect their systems to be working. I would suggest that, as we talk about this Bill, we ensure that our young children have this education in their school curriculum. The Ministry of Education must ensure that it mainstreams and puts in place a mechanism that will curtail issues of fire, bombs and other disasters that affect our children in schools. We need to ensure that, in this Bill, our staff are educated. We have teaching staff and subordinate staff who do not know how to handle an emergency in school. In schools that have dormitories, some of them do not have windows and accessible doors. Simple things like first aid need to be inculcated in our children right from early childhood education so that, as they grow up to primary and secondary education, then to institutions of higher learning like universities and colleges, they know what to do in case of a disaster, fire or any other emergency that strikes their schools.

This is a Bill that the Hon. Member of Parliament for Turkana is proposing. I ask the MPs to support it. Kenya, as a country, is a signatory to a declaration that seeks to protect teachers and our students in schools. This declaration must be put into practice because our country has the best interest of our teachers at heart. It invests in education. Education and safety of our children is guaranteed in our Constitution.

The Bill is a response to disasters in schools and proposes DRR interventions that need to be put into schools. So many children have lost their lives and yet, we thought that schools are safe environments in this country. In some cases, parents take their children to school and then they are called to pick bodies of their children who die in schools for burial. That is not the intention of education in this country. Therefore, this is something that we need to take seriously. We need to teach both our teachers and students about safety in our institutions.

I schooled in boarding school as I grew up. Many times, we did not see the interventions that we are talking about. When I went out of the country to do my Master's Degree in Columbia University in the United States of America (USA), I can remember in my first year at the university there was fire in the apartment that I was staying and we could not tell. I was sleeping and when I woke up in the morning, I realised that the whole apartment had caught fire. I had no idea what was the cause of the fire. The immediate response from the New York City Police Department (NYPD) saved me from burning in that apartment. My response was slow because I was not prepared in foreign land. I did not know some of the issues that we are talking about on fire and disaster management at that time. I was not prepared in my country. I did not know where I had seen such. It is by the mercies of God that I survived.

I also want to address the issue of our young children who become disabled. When we have attacks in the universities as you have seen, some students became disabled as a result of those attacks. We have so many students who are nursing injuries that have rendered them disabled. For us to avoid occurrence of such disabilities, it is important that such a Bill is considered and passed. I urge Members to support it.

Thank you.

The Temporary Deputy Speaker (Hon. Patrick Mariru): You second. Do you?

Hon. (Ms.) Dennitah Ghati (Nominated, ODM): Hon. Temporary Deputy Speaker, I, second.

The Temporary Deputy Speaker (Hon. Patrick Mariru): Very well.

(Question proposed)

We shall start with Hon. Oduol Odhiambo.

Hon. (Prof.) Jacqueline Oduol (Nominated, ODM): Thank you, Hon. Temporary Deputy Speaker for giving me the opportunity to contribute to this Bill. At the outset, I support the Bill. Education, as we know, is intended to be a process that helps a particular group of people, students or any other relevant persons to receive or obtain systematic instruction that will help them to move from a point of view where they were ignorant or not adequately equipped and where they do not have skills to one that they do.

This Amendment Bill is clear and I would like to thank the Member for coming up with it. We have a law in place on the Kenya Institute of Curriculum Development (KICD), but this amendment Bill points to the fact that curriculum in this country has not, in terms of its coverage, included disaster risk reduction measures. Education is intended not to just give information but also skills. There are cases in which students or pupils and staff are caught up in unforeseen disasters. A curriculum must be the basis for ensuring that we have an integrated and coherent sense of getting information. A curriculum that does not include disaster reduction and management strategies does not help us reduce disasters and is, therefore, wanting.

The principal object of this Bill speaks directly to what would be required in terms of the framework for acquiring knowledge, skills and drills on security. With that, there would be a very clear indication of how pupils, teachers or staff in schools would respond should there be any form of disaster, whether it is an outbreak of fire or some other form of unexpected attack or occurrences. They would know how to evacuate. Should there be some harm or injury that has been experienced? They should know how to apply first aid. As we have seen before, all kinds of challenges crop up in our schools. They would also be trained to have the ability to sense danger.

I understand the context of this Bill and the needs that we have in our country. There are very specific occurrences that seem to increasingly happen in our learning institutions and which, because of the current curriculum and the content which has not included disaster risk reduction, have affected, to a large extent, schools. I support the Bill because I see that it is going to be a basis for working towards being better prepared, not just from the point of view of the authorities in schools - the staff and the teachers - but most importantly that it will be an opportunity to build capacities particularly of the students. It will enable them to respond. So, it gives me great pleasure.

When we take our children to school, our expectation is that they will move from ECD education programme to university. In our country, we have made effort to expand universities so that they are spread all over the country. However, we have continually heard people complain that our graduates are not prepared for the real world of work and that they are not prepared to solve problems. We have had people almost begin to question whether, indeed, the effort parents provide when they take children to school is paying off. In this regard, I particularly feel that this is a very important addition to our curriculum. If we ensure that we have in place a curriculum that will be contextualised on the needs and that will give those who are in schools an understanding of how they can protect themselves, that will be a very important addition to the outcome of our education programmes.

I support the Bill because it is timely. It will enable our schools impart knowledge in students and staff on the way to reduce the risk of disasters.

Hon. Temporary Deputy Speaker, with this, I support. Thank you.

The Temporary Deputy Speaker (Hon. Patrick Mariru): Next is Hon. Sankok.

Hon. David ole Sankok (Nominated, JP): Thank you very much, Hon. Temporary Deputy Speaker, for giving me an opportunity to support this very important Bill. At the outset, I support this Bill 100 per cent. Let me start by congratulating Hon. Joyce Emanikor. She is an honourable Member of this House whom I have closely worked with during my time as a board member in NGAAF. I travelled all the way to Turkana to oversee some projects that were being undertaken to assist the vulnerable members of our society. I realised the people of Turkana were very lucky to have a progressive mind like Hon. Joyce Emanikor as their woman representative. These are the minds we require in this House, who will think not only of themselves; not only of implementation of government projects, but also think of those in the young generation lot who are facing a lot of problems.

We have talked so much on disasters in schools and we have zeroed in on fire and structures collapsing. However, there are other forms of disasters like sex-based violence, terrorism and disease. There is also the issue of outbreak of water-borne diseases and students do not know how to react or save themselves from such communicable diseases. So, this Bill is very timely. In the past, we have faced disasters that have destroyed the lives of our young ones and maimed so many of them. Our young ones have lost lives. The future of this country has been shattered by disasters like the one we witnessed in Nairobi of a building collapsing on young ones, as young as three or four years. We saw them lose lives and others get maimed at Garissa University. We saw the fire in Kyanguli. We saw the Bombolulu fire and so many other disasters that I cannot mention in this House.

We need this particular amendment to prepare our young ones so that in case of any disaster, we save many lives. We can do all that is humanly possible to make sure that we secure lives from those disasters. Some of those disasters are natural and unavoidable. But even if we cannot avoid them, at least, we can do what is humanly possible to save more lives as opposed to

losing them. When the late Hon. Michuki was alive, he introduced some rules which saved many souls on our roads. We may not have reduced traffic accidents, but we have reduced the loss of lives. That is what Hon. Joyce Emanikor wants. Even though such disasters will be happening, we can prepare our children so that we can save as many of them as possible.

Hon. Temporary Deputy Speaker, we will sit with Hon. Joyce Emanikor so that we bring some amendments because those who are affected most are People Living with Disabilities (PLWDs), the ones I represent in this House. They are a total of 6.5 million in this country and we have more than 200,000 students in various institutions of learning. Whenever there is disaster preparedness training, we forget the PLWDs.

Hon. Temporary Deputy Speaker, you imagine a situation where we are trained that in case of fire there will be an alarm. We have deaf people who will not hear it. We do not take into consideration such situations. Normally, there is lighting in terms of exit, especially when you board an aeroplane. You are told that in case of disaster the light will show you your exit route. We forget that we have blind people who will not see the lighting system. We are told that in case of fire, do not use a lift, use staircases, but we forget that we have others who are lame and cannot use the staircases.

So, I will speak with Hon. Joyce Emanikor so that some of these factors can be brought on board so that we know that we are not only saving those without disabilities, but we are also saving PLWDs so that during this training, we bring on board the issue of PLWDs.

Not once have you seen the Head of State attending international conferences on disaster management without a PLWD in his delegation. They are delegations of people without disabilities who go and discuss about disaster management and other issues without bringing into play the factors that affect persons with disabilities. It is clear that nothing about us is without us. That is why when such laws are made, it is good to include ideas and policies that will assist PLWDs.

This country lacks proper training on disaster management especially for our children. I remember while I was in Ole Sangale Primary School, I became disabled because of a doctor's injection at the age of 12 and nobody had trained me on how to adapt to the disability world after that. I know Hon. Denittah Ghatti became disabled while she was a Member of this House and nobody trained her on how to adapt to her new life.

In primary school, we were attacked by a leopard and I used to be very active before I became disabled. When there were screams all over, I forgot that I was disabled. I rushed and fought with the leopard only to realise that I cannot go without crutches. I could not hold the *rungu* to fight the leopard. However, if I was properly trained, I would have known how to handle the situation. There are a lot of rescue measures that are undertaken outside this country. There was a fire outbreak in New York when I was attending the UN Convention on the Rights of Persons with Disabilities in the hotel we were in. There was a lot of response. When they came in, the first people they saved and evacuated were PLWDs, pregnant women and children. Here, it is everybody for himself and God for us all.

However, I was not evacuated. I was a bit sharp. I have "four legs". I rushed out before they even came for me. The only problem is that I rushed out without clothes and it was during summer. I did not even have my pyjamas on. When the fire was extinguished, I went back. The women that I went with were in clothes...

Hon. (Ms.) Jessica Mbalu (Kibwezi East, WDM-K): On a point of order, Hon. Temporary Deputy Speaker.

The Temporary Deputy Speaker (Hon. Patrick Mariru): What is out of order, Hon. Mbalu?

Hon. (Ms.) Jessica Mbalu (Kibwezi East, WDM-K): Hon. Temporary Deputy Speaker, I know Hon. Sankok has two legs and he is not deformed. I do not understand what he means by “four legs”. I just need clarification.

The Temporary Deputy Speaker (Hon. Patrick Mariru): Well, I do not know why Hon. Mbalu is asking that. What he even said after that is more confounding that he left the hotel without clothes, but what you raised was about the four legs.

Hon. David ole Sankok (Nominated, JP): Hon. Temporary Deputy Speaker, you know I have two crutches and two legs. So, people refer to me as a four-legged beast because I can run. However, when I came back minus clothes and discovered that the other Hon. Members had clothes, I told them to see each other. You know then you are the only one being seen, it is...

(Laughter)

The Temporary Deputy Speaker (Hon. Patrick Mariru): What is “seeing each other”? It is more perplexing, but let us make progress.

Hon. Mbogo Menza.

Hon. Mbogo Ali (Kisauni, WDM-K): Thank you, Hon. Temporary Deputy Speaker for giving me this opportunity to add my voice on this extremely important Bill. I wish to support the Hon. Member from Turkana for bringing this timely amendment. These incidences that we have experienced in this country are not new and they are many. We have had such incidences over the last 20 years but we never learn from them.

If you look at our curriculum today, it does not address the issue of training our students. The emergency preparedness is not there and this has caused a lot of injuries and fatalities which could have been prevented if this curriculum could have addressed the issue of training our students at the lower levels. The other day we had this school along Ngong Road which collapsed and caused deaths to many young students who had a bright future ahead of them. Due to poor workmanship, we ended up with such a serious disaster which caused deaths to many students.

This Bill is important for us Hon. Members because the Ministry of Education carried out an audit of all the schools in this country. They prepared reports and recommendations on what needs to be done in all of our learning institutions, but due to lack of resources, most of these recommendations are still gathering dust in various shelves in our schools. It is now time for the Ministry of Education to allocate funds to various schools to ensure these recommendations are actualised. Today if you visit any of our schools, be they day or boarding schools, they lack basic firefighting facilities. If you find one school with fire extinguishers, you will be surprised that they do not even know how to use them. During a fire outbreak, students should learn how to use fire extinguishers. Even teachers in these schools have not been exposed or trained on how to use fire extinguishers. So, how do you expect a student to use a fire extinguisher if the teachers are not trained?

Today, if you want to put up a factory the first requirement for you to be licensed is to install a firefighting water tank. You have to demonstrate that you can fight a small fire when it breaks out. So, you need the water tank, fire pump and a facilitator who understands how to run these machines when a fire breaks out. When you look at our schools they have teachers from

various teaching colleges like, Shanzu and Kagumo who have not been trained or drilled on how to fight a fire or evacuate in case of an emergency in a school.

When you look at the dormitories in various boarding schools in this country, they are so pathetic. They are designed as a confined space with only one entrance yet, around 200 students sleep there and have no escape routes. When you look at our vehicles and especially the buses, the back window is clearly indicated as an emergency door. So, in case of an accident and because there are only two doors, the rear back window can be used as an escape route. But, in case a class collapses, there is only one escape route which is the door. So, we should set specific standards for all classrooms and dormitories to capture escape routes and emergency exits. As Hon. 001 has said, we also have to address the issues of PLWD because they are also part and parcel of this society.

I support this Amendment Bill because it is extremely important. It is high time we moved as a House because accidents just happen, but they can be prevented. As the saying goes, a stitch in time saves nine.

Thank you, Hon. Temporary Deputy Speaker.

The Temporary Deputy Speaker (Hon. Patrick Mariru): Hon. Wetangula Wanyonyi.

Hon. Tim Wanyonyi (Westlands, ODM): Thank you, Hon. Temporary Deputy Speaker. I also wish to support this Bill. First, I want to thank Dr. Joyce Emanikor for bringing it. This Bill states the principal object is to enhance disaster risk reduction in learning institutions.

The safety of our children is key. When I sometimes visit most school buildings, I find that they have only one entrance which is also the fire exit. When you look at other areas in the building, they are sealed. Which means nobody can go through a window. We need to look at the safety of our children at home or away even as they transit using school transport.

I want to address myself on the issues of children with disabilities. I have noticed in most places including this Parliament the fire exits have narrow doors with staircases. So, children with disabilities may be unable to exist from a disaster when it happens. We have witnessed terrorist's attacks in some of our institutions. The terrorists go around and understand the geography of the area so that when they come, they know the people cannot exit and it is easy for them to be cornered.

This is not just about our learning institutions. We need to educate our children on how to deal with basic first aid, for example, if a child faints or fire breaks out. These are some of the things which are missing in our curriculum. During sports, children are injured or an accident happens and even the teachers are at a loss and have no idea what to do. If involved in an accident sometimes evacuating people from an accident scene is one of the most dangerous things. Sometimes, the people who come as good Samaritans are the ones who aggravate injuries to the victims.

So, by learning the simple basics of first aid we will understand what to do in a situation where something happens which requires our urgent intervention. This Bill addresses very important issues to do with safety in schools.

Recently, we witnessed what happened in Dagoretti when a school collapsed. Children were trapped children and some perished. The quality of structures in our schools is inadequate because of corruption. People cut corners and do things which comprise the safety of our children and also expose them to a lot of danger.

So, the NCA and the Nairobi City County who license construction of buildings must be clear and strict on matters of quality and safety of our children. This is because they certify these buildings as safe for use and habitation then, you find the same building collapsing. So, we need

to look at what happens and what we must do as a society and country to ensure our children are safe both at home and school. As we address the curriculum these things can be taught in school so that people are well prepared in life. So, when they get out of school or are away from home and when something happens, they can easily take care of themselves. So, this is very important.

Once I visited a school in USA and saw corridors are wide enough and open both ways. They just slide back and forth. So, it is easy for children or people to exit from that building compared to having doors that open one way. So, it is just a matter of looking at how we can deal with safety issues. If a corridor is wide enough, it can accommodate many people and when they are exiting it is much easier compared to narrow corridors. Also, we need to look wholesomely at the size of rooms to ensure they are right.

As I support this Bill today, it is the International Children's Day. I want to wish all the children a happy International Children's Day as we deal with these issues. Thank you.

The Temporary Deputy Speaker (Hon. Patrick Mariru): Let us have Hon. Rono Kipkogei.

Hon. Daniel Rono (Keiyo South, JP): Hon. Temporary Deputy Speaker, I also rise to support this Bill by Hon. Joyce. I thank her for bringing it. It goes in tandem with the one that Hon. Kamket has brought, which is talking about marginalisation. A good number of these schools are actually marginalised. In some areas, you find roads are impassable. So, in case of the kind of disaster that Hon. Members have talked about, it will be very difficult to access some of these schools, which include some schools in some areas of my constituency.

Also, we realise that some institutions of higher learning are not fenced. In case of insecurity like the one that took place in Garissa, they will come from all angles. So, there is nowhere you can say that is the gate. There can be something like a gate but not really a gate. We need to be more serious with these institutions of higher learning. The way we are handling them is not the way it should be because disaster can strike any time. As my colleagues have mentioned, disaster includes many aspects. There are some that can be avoided. Those that can be avoided should be avoided. An example is the one that has been mentioned about the school that was in Dagoretti. That disaster could have been avoided because earlier on, it was mentioned that there were cracks in the building but the management did nothing about it until we lost lives. That is when the Government pretended to swing into action. We do not have to wait for disasters to happen so that the Government can swing into action.

Some school buildings are collapsing, just as I mentioned. Inspection should be carried out in schools. The Government has started doing so but it needs to be more serious. This is because we have some structures that are wanting. Some structures were poorly constructed. As my colleague just mentioned, there are some which have very narrow corridors while some have no escape routes or have only one emergency exit. So, in case of fire, there is nowhere to escape. That is why disaster management must be taken seriously.

Also, the Government needs to give guidelines on the kind of structures that should be put up in each institution of higher learning so that there is no shortcut. People have been known to take shortcuts because of the big animal called corruption. Last but not least, we have schools which do not have police line. In case of a disaster or insecurity, there is nobody who has a police line. So, they stare at each other and things that could have been avoided happen.

With those remarks, I support the Bill and thank Hon. Joyce.

The Temporary Deputy Speaker (Hon. Patrick Mariru): Let us hear Hon. Mwale Tindi, Member for Butere.

Hon. Nicholas Mwale (Butere, ANC): Thank you, Hon. Temporary Deputy Speaker. I rise to support this very important Bill as presented by my colleague, Hon. Joyce. My colleagues have already indicated so many factors as to why we need to have this Bill go through. My focus mainly will be on the infrastructure. In most schools or learning institutions in this country, when we talk of development, we just look at the buildings that are being built; we do not really look at how prepared we will be in case we have an emergency in that school.

During my education journey, I went through Musingu High School. In 2003, when I was in Form III, we had two emergency scenarios. Those two emergency scenarios caused three students to lose their lives due to lack of emergency exit. In the first incident, we had a fire outbreak in my dormitory, which was so congested with very small windows without any ceiling. It was built by the colonialists. Many students got trapped inside and we had to step on other students for us to get out. Therefore, we lost one life and many of the students were burned while others broke their arms and legs, among other injuries. In the same year, lightning struck the school, especially the library, and the school did not have a lightning arrester. We had a lot of casualties. A lot of students suffered.

If you look at the infrastructure in government offices and in private sector offices in big towns in this country, you will see that they have not complied with the safety rules. Before one is given approval to convert a structure into an urban office or rental house, one has to abide by the safety guidelines, one of which is ensuring that there are many ways of accessing the building. You must ensure that even handicapped people on wheelchairs can access the building. You put a lift and the normal staircase. You must fit the building with smoke detectors in the ceilings and place fire extinguishers at strategic places. Even basement parking must have safety measures. However, when it comes to learning institutions – where we have many Kenyans who are below the age of 18 years – we never look at ways in which to improve the safety and security of people there. We do not look into ways of minimising the chances of having casualties in case of emergency scenarios unfolding in schools.

Therefore, this Bill is very important. It is only about the learning institutions. When we talk about learning institutions, we should extend to the teachers' quarters, where teachers live and where subordinate staff lives in those schools. This is because we might talk about learning institutions and people concentrate on libraries, classrooms and administration blocks but they leave out the houses where subordinate staff live, or even where livestock that is owned by schools live. Therefore, we need to look at it in totality. When you talk about a learning institution improving the curriculum development, it should be all round.

Therefore, it is imperative that we adhere to this. The Government needs to allocate enough funds and not look at it as if it is something to be given some little attention. The Government needs to allocate a lot of funds. When we get to budgeting, I urge my colleagues in this House to be very sensitive on this matter so that we have our kids living in an environment that is well protected; that provides security and encourages parents to take their kids to those schools. I support my colleague, Hon. Wanyonyi.

Two weeks ago, I went for a leadership exchange programme in Pennsylvania, Bradford County, in the United States of America. I toured medical facilities, educational facilities and government offices. I support him that the schools over there are very well equipped. We even have security guards guarding schools. We had a scenario where the *Al Shabaab* went to Garissa University College and found no one at the gate. They killed so many university students. Therefore, we need to look into ways and means of protecting students in terms of curriculum and terrorism, as well as protection from many other violent acts, including rape.

I support the Bill.

The Temporary Deputy Speaker (Hon. Patrick Mariru): Let us now have Hon. Kibeh Wanjiku.

Hon. (Ms.) Wanjiku Kibeh (Gatundu North, JP): Thank you, Hon. Temporary Deputy Speaker for the opportunity to also add my voice to this very important and critical Kenya Institute of Curriculum Development (Amendment) Bill, 2019.

Disaster risk reduction is not a new concept in this country and our education sector. I would like to remind the House that in 2003, the Ministry of Education came up with a Safety Standards Manual for schools in Kenya which was very clear as to what needs to be done in our schools to ensure the safety of our children. There is no way we can talk about provision of quality education in our country when our schools are not safe.

I would like to just highlight a few issues that have been taken care of by this manual. The guidelines of the manual created the school safety committees that include the management of the schools. There are certain guidelines that have been given. If a school has no wall or fence, there is need to have an indication or a signage that there should be no trespass in it. The guidelines also stated that the school fields or playing grounds should be safe for our children in terms of where they are located and how level they are because that would also pose a danger to our children. Even as we look at the Bill and the amendment that tries to bring in the issue of safety in our curriculum, we need to be a little bit firm on schools' management and the Ministry of Education to ensure that they enforce the set guidelines in the manual that has already taken care of some of this.

Coming back to the Bill and in support of this very great initiative, it is very important to ensure that we also create linkages. I do not think we will create safe havens for our children in schools if we do not have linkages with the society and community. It is very important because parents need to be part of this. Service providers such as those who provide firefighting services need to be part of this. As we try to introduce this into the curriculum, we can use various approaches. We could either infuse or integrate the various subjects of safety into the curriculum or even create stand-alones.

I want to emphasise the need to involve the community in all this. We have what we call the community policy. When we have a situation whereby our pupils face danger either in school or outside school, we need the community to be part of this. I also appreciated the fact that we now have the Competency Based Curriculum (CBC). This is a very good opportunity to ensure that that we entrench the issue of DRR in the curriculum in all our schools. I remember a situation at Lang'ata Road Primary School where children were demonstrating because their school land had been taken away. The reason why the Safety Manual stipulated how and why disputes in terms of ownership of land in a school will be handled is to avert such kind of situations. When you ask children to go out and demonstrate, you are putting them at risk. Therefore, I appeal to the Members in this House because our core duty as MPs - with the funds we receive under the NG-CDF - is to create safe institutions or learning environments for our children. Let us go back to our schools, look at them and see how safe they are to promote a good learning environment for our children.

I support this Bill in recognition that as a country, we are a signatory to various international conventions that commit to ensuring quality and safe environments of learning for our children.

The Temporary Deputy Speaker (Hon. Patrick Mariru): Let us have Hon. Baya Yaa, Member for Kilifi North.

Hon. Owen Baya (Kilifi North, ODM): Thank you, Hon. Temporary Deputy Speaker. I support this amendment Bill. I have a lot of respect for Hon. Emanikor. Now that she has brought this very important amendment Bill, my respect for her has gone up.

One of the things we need to look at is the principal object of this Bill. We have had policies on safety in this country. We have had what we would call guidelines on safety in schools. We even have the hardware. Schools are now built with doors that open and revolve on both ends. There are a lot of things that have been done, but there has been one thing that has been missing. This is what Hon. Emanikor is trying to do. She is trying to bring safety education into the curriculum so that as a child steps into the school, one of the courses that that child will learn is safety measures while in school such as how to react when there is a fire. Fire drills should be taught to a child. They should be taught how to react when there is a gunman in the compound, when there is an accident or when there is an accident or incident in the lab.

Very recently when pupils were doing their Form Four examinations, there was a chemical that reacted and we lost a life. If those kids had been given information and the curriculum had information on how to handle disaster, probably we would not have had the disasters we had during the examination. That is why this Bill talks about DRR. It is important that we equip our children with skills on how to manage disasters in schools so that schools are safe.

In the USA, there have been a lot of shootings in schools where a gunman comes or a pupil draws a gun and kills people. In that melee, you find that there is nothing the children can do because they have not been prepared for such disasters. In the First World, new policies and curriculums are developed to ensure that children are well-equipped to handle gun dramas when people bring guns to school. Schools in Kenya are copying a lot of things from the western World. Our children are learning a lot of things from the internet. We will not be surprised if we also have gun dramas in our schools. How prepared are our children to handle disaster while in schools? I have heard of situations where children have gone out for activities and games and a child breaks his leg. Those kids are at a loss on how to handle that or a person who has fainted, broken his leg or is injured in one way or the other because they are not prepared. This Bill asks the KICD to infuse DRR within the curriculum and teach it in schools. Probably, they will have modules for lower primary, upper primary and secondary schools. That is what I expect the Kenya Institute of Curriculum Development (KICD) to do. It should infuse disaster-risk reduction in the curriculum so that children can handle disasters.

There is something else which the Bill seeks to do. Clause 2 of the Bill says that KICD Act will be amended in Section 4 by inserting paragraph (mb) that says that we shall incorporate psychosocial skills and services to students in curriculum development. The psychosocial skills that are needed here are skills that prepare the child both psychologically and physically to handle disasters. This should be put in the curriculum. While there is a disaster, there is trauma that comes with it. How do the children handle the trauma that comes when they see somebody die at school because a building has collapsed or a brother had injury at school? How does a child handle that trauma? For example, there is the recent incident that we had in the laboratories during the examination. How did that affect the performance of other students? Were they prepared to handle disasters both at the physical and psychological aspect?

KICD has professionals who are well-versed and very knowledgeable. They can build in within the curriculum modules that can help and teach these children how to handle trauma. The first part of the Bill incorporates personal safety skills, self-defence, demonstrations on security drills, first aid, detection and response to weapons and evacuation procedures in the curriculum.

These are things that Hon. Emanikor would like to see in the curriculum. How do we evacuate kids when there is a disaster at school? How has the curriculum prepared the children for an evacuation? When I was in school in far country, there was always this bell that would ring deep in the middle of the night. You were then told that there is a fire disaster. All of us would run and gather at the fire point. There would be guys who would come and count everybody. They would take action on the people who did not come out because that was part of the curriculum of that institution. Fire disaster drills were conducted every month. If anybody hears the fire alarm at the University of Nairobi today, five or six people can come out and the rest would wait to see the fire near their door and then that is when they would know that there is a disaster. This is because it has not been inculcated in the curriculums that we had.

Hon. Temporary Deputy Speaker, this is a very important piece of legislation. I just hope that it will not be in vain but we will see classes for students on disaster management. I want to give you a very painful example. My Constituency has Pwani University. They will have their graduation tomorrow. I congratulate them on their graduation. This university loses 10 students every year through drowning in the Indian Ocean. This is because the fresher's who come to the university come from places where there is no ocean. They get excited about it. During the first week, they go out to the Ocean even when there are signs all over to show that it is dangerous to go there if you do not know how to swim. These students get in the Ocean because of that excitement of joining the university. After two days, you hear that they are looking for a student who disappeared. After one day, they say that a body was discovered in the Ocean. They lose 10 students every year. This is because they have not been equipped on how to handle disaster at the ocean. We lose students. If these students are taught that when they are in the ocean and this happens to you, then this is how you react, then we would save lives. This is something that is practical. It is needed not only at the high school or primary school but also it should be a course at the university to equip students to handle disasters. Every time, we go out there to look for a body of a university student who does not know how to swim but he attempted to do it.

We have swimming pool deaths because the kids do not know how to react there. This is a very important Bill. I urge the Ministry of Education and the able Prof. Magoha to move with speed to save Kenyans' lives by equipping these young people at school with the relevant skills so that we stop losing lives because of things that we can prevent.

Hon. Temporary Deputy Speaker, I support this Bill. It will be passed here and it will become a law. The KICD will then ensure that they develop a curriculum and kids are taught and equipped with the relevant skills to help them safeguard their lives and that of others.

Thank you very much.

The Temporary Deputy Speaker (Hon. Patrick Mariru): We shall now have Hon. Tandaza Sawa, Member for Matuga.

Hon. Kassim Tandaza (Matuga, ANC): Thank you, Hon. Temporary Deputy Speaker for giving me the opportunity to contribute to this very important Bill. First, I would like to congratulate my colleague, Hon. Emanikor- whom we are in the same Committee- for coming up with this very important and timely Bill. I support it.

One, fires in schools have become the norm unlike during our times when it would be an exemption. We find fire everywhere, especially at particular times of the year in secondary schools. That then makes this Bill very important. A curriculum should be developed so that the students, teachers and the public can be taught on disaster management. In a disaster, the affected might not do much because they are already affected. However, the public should also be equipped at one point with some knowledge on how to deal with some disasters in schools. I can

mention quite a number of schools, including the most recent one. A teacher lost his life and all his entire family in Malindi High School because his house caught fire at night. Disaster management is not about the curriculum only. How did he lose his life? It can even happen to one of us here. There is a way we build our house because of security issues. We barricade ourselves. We are in bunkers. Even if the door was to be opened, you will still have some grills and an electric fence. Kenya Wildlife Service (KWS) cannot allow us to have a lion in our homes. Probably, we would have lions to ward off intruders. When a disaster happens, you literally cannot be helped.

Apart from the curriculum and the information that the students and teachers should be taught, there is need to see how we can make our places safe generally not only the schools but also our homes. Our kids are in schools most of the time but when they come home like now during the holidays, they are not safe should a disaster happen. Disaster management is not about information or knowledge. The first point is disaster detection. That is the best weapon to handle disasters. Unfortunately, in most of our schools, even where is looming danger and everybody who passes by knows that should anything happen, it cannot be managed, we still have situations where no remedial action is taken. We talk about schools, doors and congestion. These are things that we know. If a disaster happens, it becomes a problem handling it because the dormitory is poorly built. That is not about knowledge but the resources that are available to put up such facilities. As a House, once this Bill passes and it becomes law, we need to allocate resources so that the Bill can be operationalised. There is no way it will help or be of any use, if no funds are allocated to make sure that this is operationalised.

Recently, in my constituency, we had a disaster at Kwale Girls High School where a whole multipurpose Hall collapsed during lunch hour. Sometimes, we say God loves us. It was lunch hour. Just by God's grace, no kid was in that multipurpose Hall. You cannot even imagine what would have happened if they had congregated inside there. Of course, there was no disaster response, no information and no alarm which should have been set off to warn the girls not to rush to that place. As one person said, Kenyans have peculiar habits. When a disaster happens, instead of people running away from the disaster, they rush to the disaster. That is one of our peculiar habits.

As I stand and support this Bill, I also urge this House that once the Bill becomes law, we allocate resources so that this Bill can be operationalised.

Thank you. I support the amendment.

The Temporary Deputy Speaker (Hon. Patrick Mariru): Hon. Malimo, you will get a chance. I am sure as you walked in, you found Hon. Oundo here.

Hon. Oundo.

Hon. (Dr.) Wilberforce Oundo (Funyula, ODM): Thank you, Hon. Temporary Deputy Speaker, for this opportunity to contribute to the Kenya Institute of Curriculum Development (Amendment) Bill of 2019 sponsored by our colleague, Hon. Joyce Emanikor. It could not have come at a better time than this as we prepare for the large enrolment primary and secondary schools as we prepare to fully roll out the Competency Based Curriculum (CBC) that ensures 100 per cent transition from early childhood all the way to the last level before joining tertiary education. We are cognisant of the fact KICD is the body mandated to develop, review and accredit curricula that are taught in various institutions in this country. It is, therefore, important that their mandate is expanded to delve on matters of disaster preparedness and disaster management because it is becoming an emotive and critical issue in most of our schools in this country.

Let me make a few statements as I support this Motion. One is the issue of safety in schools. We must appreciate schools hold a very large number of kids both boys and girls at various levels. In the event of a disaster or a mess, the consequences and the loss would be immeasurable. It is, therefore, important that school managers place safety measures in schools as top priority. As is always said in the construction industry and elsewhere, safety first is safety first. Therefore, I urge the school managers, principals, the head teachers, their deputies and those responsible for discipline that discipline does not come by initiating a prison-like environment, discipline comes by teaching the children the value of respecting the loss and the importance of common sense.

I went to Starehe Boys Centre. We never had written regulations or rules. The guiding motto was common sense because we believed what is common is common to all of us. Therefore, the focus should not be barricading children in enclosed enclosures and putting grills all over but ensuring there is adequate measures to enable evacuation in the event of a disaster. Most importantly, all schools should invest in disaster detection and preparedness. With proper training, you can always ascertain or determine, to some level of accuracy, when a disaster is going to happen and which part of the building infrastructure poses a disaster – what part of the school compound is a disaster waiting to happen. I believe the safety standards manuals developed by the Ministry of Education, Science and Technology should have a guidance on how the schools should manage safety in their areas.

This brings into mind the design of the schools and the various infrastructure in the schools, be it classrooms, dining halls, libraries, assembly halls and all the infrastructure in the schools that hold children. Many times you have heard cases of pit latrines collapsing with children and other members of public in them. This is a failure in design and construction. Therefore, it is a call upon all those responsible for checking or supervising construction of schools' infrastructure to make sure they comply with the law as set out in various building by laws, the Physical Planning and Land Use Act, the requirements or regulations put in the Commission of University Education and all others. That is to ensure that the structures that hold our children should be those that guarantee them safety and comfort at the same time.

However, the issue of safety, preparedness, self defence, safety skills, life skills and the rest cannot surely be all donated or left to the schools. Education is a holistic process that starts from the date of birth up to the time your heart stops beating and you are declared past tense. Therefore, it is upon us parents and the community at large to make sure that as we educate and teach children, kids or babies at the very early age; the basics of life, we must also teach them life skills, self defence and basic detection of points of danger. It is expecting too much that every single parent in this country always thinks a teacher and the school is the solution to all the life issues affecting our children.

I echo the sentiments of the CS of education, Prof. Magoha, when he said that parents need to spend time with their children during these school holidays. Money is not part of their life but children are part of their life. We should impart these small soft skills to the children. It is important, basically, to tell a child “you run away when you see fire but, when you are running away, run where it is open. You can go there and be evacuated”. We need to tell children “when you hear a voice or noise of cracking or falling, it is important you seek to go to the safest place to avoid a collapse”. These are some of the basic things we parents, young parents and retired ones like ourselves need to tell our children that this is what needs to be done to avoid being caught unawares. The schools cannot teach everything. Teachers cannot teach everything.

Teachers can never replace parents in the lives of children. There are some skills we teach them from school and home. We need to do that.

At school level, probably, some of these extracurricular activities could as well be used as an avenue to teach children on safety and disaster preparedness. I believe quite a number of all Members who are in this House and members of public have gone to school. Many of us who have gone to school know there are Scouts groups, there are Girl Guides, the St. John Ambulance or First Aid groups in schools, there is the President's Award scheme and, there are other clubs like the Wildlife Club, Debating Club and all those kinds of things. They are an avenue to teach the children or students these basic things so that we do not congest the school calendar or time table to teach things that can be imparted to the children indirectly or through practical approaches.

As I conclude, it is important that all schools initiate basic things. At Starehe Boys Centre and School and many other schools, we had fire drills that ensured we were able to manage the situation in the event of, say, a fire. They could simulate situations of stampede to make sure that we know how to evacuate ourselves whenever there are accidents. Therefore, I support. I truly urge that we pass this Bill. I urge the parents and the community as a whole to take their role in preparing their children to manage disasters whenever they occur.

Thank you, Hon. Temporary Deputy Speaker.

The Temporary Deputy Speaker (Hon. Patrick Mariru): Before we get to Hon. Arbelle Malimo, let us have Hon. Mutua Mwikali. Hon. Arbelle Malimo you are next. Hold your horses.

Hon. (Ms.) Florence Mutua (Busia, ODM): Thank you, Hon. Temporary Deputy Speaker. Let me; first, take this opportunity to congratulate our best candidate in Busia in the recently released KCPE results, Flavian Onyango, for emerging the second-best nationally with 439 marks. We are very proud of her and all our candidates.

I want to congratulate my sister, Hon. Joyce Emanikor, for this Bill. It is timely because we have had very bizarre incidents happening in schools, which is very worrying. People often forget shortly thereafter. It is unfortunate that most schools to date do not have plans of emergency preparedness. We have seen schools being unable to fight fires and deal with other disasters when they occur. Our children continue to lose lives. Most worrying are the rooms where they live in boarding schools, where they still have one exit. So, it is difficult to evacuate anyone because they all rush out through that one exit. We hope that the Ministry of Education has handled this boarding issue, because people have talked about it many times. We must have the right policies and safeguards when it comes to construction plans. They need to standardise construction plans in the whole country so that boarding schools can have one plan.

We all remember the recent incident that happened at Precious Talents Academy in Dagoretti, Nairobi. We remember the Garissa University College terrorist attack. To date, we have never known who killed our children. We have no answers. Was there an exit plan for students at Garissa University College? We remember painfully the Kyanguli fire. To date, we have never known what happened and if the parents were compensated, though you can never equate life to money. Those who survived those incidents, have they been supported through counselling services? When we were in school, we used to be taught first aid. I do not know if it is still a basic unit in schools anymore. Also, we used to have fire drills, as one Member has said. These are very key when it comes to emergency. When you see your friend fainting, you will see what to do. When they collapse, you will know what to do, especially if they are children who may be having issues.

It is important to appeal to constituency Members of Parliament that when they construct the classrooms, they need to ensure they are constructed to good standards and the need to factor in toilets. Most toilets sink especially now when it is raining. In January you will find more school toilets have sunk. When the toilets sink, it becomes an emergency. Girls suffer the most and even drop out of school where schools have no toilets. So, we also need that to be a factor. When a Member of Parliament puts up a school, toilets should also be considered. We have seen very many people calling us for harambees to construct toilets, which is not very good. The national government and county governments also need to have an active emergency preparedness teams so that when such unavoidable accidents happen, they can come in and support. This falls under the recent question I had about the Sendai framework and what the Ministry of Health and the Ministry of Interior and Coordination of National Government have done. It was tabled. We must ensure that our students, personnel and everybody who is in the school and all Kenyans are safe wherever they are.

Hon. Temporary Deputy Speaker, I support.

The Temporary Deputy Speaker (Hon. Patrick Mariru): Hon. Arbelle Malimo.

Hon. Marselino Arbelle (Laisamis, JP): Thank you, Hon. Temporary Deputy Speaker, for giving me this opportunity. I really would like to support this particular Bill very sincerely. Sometime back, we had an accident in Mombasa where a vehicle which was loaded into a ferry slipped off and was submerged in the Indian Ocean.

It was very unfortunate that Kenyans watched helplessly while reaching out to the Kenyan Navy to come and rescue the victims. This draws me back to this Bill. I did not have the opportunity to speak on the Floor of the House at that time, but I am very lucky having come across such a Bill which touches on issues of security, first aid, self-defence and safety skills for our children in schools.

Hon. Temporary Deputy Speaker., allow me narrate a story to you of Rwanda. Rwanda went through genocide between Tutsis and Hutus. I came across a story of two school children from the Tutsi family who as they were trying to run away for their safety, came across water. One of the brothers swam across the water. The other brother who did not have swimming skills drowned and perished in the water as he was being pursued by the attackers. So, I wish swimming is also included in the curriculum so that our children learn swimming skills.

Today you will also realise that we have all kinds of crazy people driving on our roads and who have no skills on which lane to keep to while over speeding or when moving slowly. I think the starting point would have been the schools. This is where we need to introduce all these issues.

I also refer to the teaching of our Prophet Amsalem who said teach your children how to swim, throw a spear and ride a horse. All these things need to be in this Bill so that we educate our children in schools so that by the time they leave the school and join the general society, they at least, have some knowledge about what needs to be done in emergency situations.

You can imagine that unfortunate lady sitting in her car and drowning and she could not help herself. The best places where we need to introduce these skills are in schools. Today when you walk out there and see a bus branded in yellow, you conclude it is a school bus. So, I challenge CS Magoha and his staff to wake up and guide our children so that in case of fire in schools, they do not have to put grills as if children are in prison. They should make use of technology. They can use CCTVs everywhere. I wanted to take more time on this, but my colleague also wants to contribute to this Motion. I stand to support. Thank you.

The Temporary Deputy Speaker (Hon. Patrick Mariru): It is 10 minutes to 1.00 p.m. and the mover has the Floor now. Hon. Joyce Emanikor.

Hon. (Ms.) Joyce Emanikor (Turkana (CWR), JP): Thank you, Hon. Temporary Deputy Speaker. I want to be generous and donate two minutes to my colleague because I do not have much to say.

The Temporary Deputy Speaker (Hon. Patrick Mariru): Hon. Marwa.

Hon. Marwa Kitayama (Kitui East, JP): Thank you, Hon. Temporary Deputy Speaker and my colleague Hon. Joyce for giving me this opportunity. I want to add that it would be good even as we incorporate these skills into the new curriculum we map them to suit the different geographical areas we come from.

I come from a constituency neighbouring Tanzania and I know there are many constituencies that neighbour Uganda, Tanzania, Somalia and Ethiopia. It would be nice if we had an element of skills set to address how our students and pupils can behave in an event of aggression or any other danger that can arise at the borders. I want to add this because it will go far in making this Bill more encompassing, conclusive and furthering it to be useful to our people.

I thank you for this opportunity and support.

The Temporary Deputy Speaker (Hon. Patrick Mariru): Hon. Joyce.

Hon. (Ms.) Joyce Emanikor (Turkana (CWR), JP): Thank you, Hon. Temporary Deputy Speaker. Before I reply I wish to appreciate all those who have contributed to this very important Bill. It seeks to reduce disaster risks in institutions of learning by introducing personal safety skills, self-defense, first aid as well as psychosocial services to our children.

I wish to single out Hon. Dennitah Ghata, Hon. Wanyonyi and Hon. Sankok for clearly bringing out the plight of children living with disabilities during disasters. I also want to thank Hon. Arbelle for bringing out the issue of swimming in schools and accidents that happen. The Bill does not limit the Kenya Institute of Curriculum Development (KICD) on what they will put on board.

To conclude, matters on security and safety and the actions we take or do not take may cost or save lives. Security is both personal and collective. We will do our utmost to see the places of learning are safe.

I beg to reply.

The Temporary Deputy Speaker (Hon. Patrick Mariru): Have you replied?

Hon. (Ms.) Joyce Emanikor (Turkana (CWR), JP): Yes, Hon. Temporary Deputy Speaker. I have said, I beg to reply.

The Temporary Deputy Speaker (Hon. Patrick Mariru): Very good. Hon. Members we shall pend putting the Question to this Bill to a later time.

(Putting of the Question deferred)

ADJOURNMENT

The Temporary Deputy Speaker (Hon. Patrick Mariru): Hon. Members, the time being six minutes to 1.00 p.m., this House stands adjourned until this afternoon at 2.30 p.m.

The House rose at 12.54 p.m.