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Thursday, 26th September 2024

The House met at 2.30 p.m.

[The Speaker (Hon. Moses Wetang'ula) in the Chair]

PRAYERS

QUORUM

Hon. Speaker: Serjeant-at-Arms, ring the Quorum Bell.

(The Quorum Bell was rung)

Hon. Members, we now have quorum to transact business. Clerk-at-the-Table.

PAPERS

Hon. Speaker: Deputy Leader of the Majority Party. Where is Hon. Owen Baya? Let us go to the next Member. Chairperson of the Joint Parliamentary Committee on Vetting a Nominee. Chairperson of the Departmental Committee on Finance and National Planning.

Hon. Joseph Makilap (Baringo North, UDA): Hon. Speaker, the Chairman will walk in, in a few minutes with the report. It is done. Give him a few minutes.

Hon. Speaker: Hon. Owen Baya, go ahead.

Hon. Owen Baya (Kilifi North, UDA): Hon. Speaker, I beg to lay the following Papers on the Table:

1. Reports of the Auditor-General and financial statements for the year ended 30th June 2023 and certificates therein in respect of the following institutions:
 - (a) Chama Cha Mashinani.
 - (b) Orange Democratic Movement Party.
 - (c) Devolution Empowerment Party.
 - (d) The Forum for the Restoration of Democracy, Kenya.
2. Review of external public and publicly guaranteed debt and grants portfolio as per 30th June 2024 from the National Treasury.
3. Annual Reports of the Commission on Administration of Justice for Financial Year 2022/2023 from the office of the Ombudsman.

Hon. Speaker, I thank you.

Hon. Speaker: Thank you, Deputy Leader of the Majority Party. Hon. Makilap, you said your Chairman was walking in. Is he here now?

Hon. Joseph Makilap (Baringo North, UDA): Not yet, Hon. Speaker. I have told him to hurry up.

Hon. Speaker: Next Order. Chairperson of the Select Committee on Delegated Legislation, Hon. Chepkonga.

Hon. Samwel Chepkonga (Ainabkoi, UDA): Hon. Speaker, I beg to lay the following Paper on the Table:

Report of the Committee on Delegated Legislation on the inquiry into irregular and illegal grant of tax exemptions to a company under the Special Operating Framework Agreement.

Hon. Speaker: Very good. Thank you. Next Order.

NOTICE OF MOTION

Hon. Speaker: Chairperson of the Joint Parliamentary Committee. Clerk-at-the-Table, let us go back to Order No.5. Hon. Makilap is not ready. Okay, at Order No.6, let us have the Chairperson of the Committee on Delegated Legislation, Hon. Chepkonga. Give your notice of Motion.

ADOPTION OF REPORT ON INQUIRY INTO IRREGULAR AND ILLEGAL GRANT OF TAX EXEMPTIONS UNDER THE SPECIAL OPERATING FRAMEWORK AGREEMENT

Hon. Samwel Chepkonga (Ainabkoi, UDA): Hon. Speaker, I beg to give notice of the following Motion:

THAT, this House adopts the Report of the Committee on Delegated Legislation on the inquiry into the irregular and illegal grant of tax exemptions to a company under the Special Operating Framework Agreement, laid on the Table of the House on Thursday, 26th September 2024.

I thank you, Hon. Speaker.

PAPERS

Hon. Speaker: Thank you. Let us go back to Order No.5. Chairperson of the Joint Parliamentary Committee on Vetting a Nominee.

Hon. Joseph Makilap (Baringo North, UDA): Hon. Speaker, I beg to lay the following Paper on the Table:

Report of the Joint sitting of the National Assembly Departmental Committee on Finance and National Planning and the Senate Standing Committee on Finance and Budget on the approval hearing of Mr David Kibet Kemei, nominee for appointment as the Director-General of the Competition Authority Kenya (CAK).

Hon. Speaker: Thank you. You have another one from the Chairperson of the Departmental Committee on Finance and National Planning.

Hon. Joseph Makilap (Baringo North, UDA): Hon. Speaker, I beg to give notice of the following Motion...

Hon. Speaker: No. You have two other Papers to lay on the Table.

Hon. Joseph Makilap (Baringo North, UDA): Hon. Speaker, I beg to lay the following Papers on the Table:

1. Reports of the Departmental Committee on Finance and National Planning on its consideration of:
 - (a) The Parliamentary Pensions (Amendment) Bill (National Assembly Bill No.48 of 2022); and
 - (b) The Parliamentary Pensions (Amendment) Bill (National Assembly Bill No.5 of 2023).

Thank you, Hon. Speaker.

NOTICE OF MOTION

Hon. Speaker: Thank you. Give your Notice of Motion in Order No.6. We had already called the Order.

APPROVAL OF MR DAVID KIBET KEMEI FOR
APPOINTMENT AS DIRECTOR-GENERAL OF
COMPETITION AUTHORITY OF KENYA

Hon. Joseph Makilap (Baringo North, UDA): Hon. Speaker, I wish to give notice of Motion on the vetting of a nominee for appointment as the Director-General of the Competition Authority of Kenya:

THAT, taking into consideration the findings of the Joint Committee of the National Assembly...

Hon. Speaker: That is not how you give notice of Motion.

Hon. Joseph Makilap (Baringo North, UDA): Hon. Speaker, let me repeat.

Hon. Speaker: Go on.

Hon. Joseph Makilap (Baringo North, UDA): Hon. Speaker, I beg to give notice of the following Motion...

Hon. Speaker: Correct.

Hon. Joseph Makilap (Baringo North, UDA): Hon. Speaker, I beg to give notice of the following Motion:

THAT, taking into consideration the findings of the Joint Committee of the National Assembly Departmental Committee on Finance and National Planning and the Senate Standing Committee on Finance and Budget in its Report on the vetting of a nominee for appointment as the Director-General of the Competition Authority, laid on the Table of the House on Thursday, 26th September 2024, and pursuant to Section 12(1) of the Competition Act, CAP 504 and Sections 3 and 8 of the Public Appointments (Parliamentary Approval) Act, 2011, this House approves the appointment of Mr David Kibet Kemei as the Director-General of the Competition Authority of Kenya.

Thank you, Hon. Speaker.

Hon. Speaker: Next Order.

QUESTIONS AND STATEMENTS

Hon. Speaker: Hon. Members, before we embark on the many Statements on the Order Paper, allow me to acknowledge the following institutions in the House. In the Speaker's Gallery, we have St. Mary's Girls' Secondary School from Narok North Constituency, Narok County. In the Public Gallery, we have Legacy Heritage School, Narok North Constituency, Narok County, Juann Premier School from Embakasi Central Constituency, Nairobi City County, St. Anne's Girls' Secondary School, Makadara Constituency, Nairobi City County, Sakutiek Primary School from Narok North Constituency, Narok County, and St. Andrew Kagwa Boys from Borabu Constituency, Nyamira County.

On behalf of the House and my behalf, I welcome all the schools, the students, and their teachers to the House of Parliament.

Thank you.

REQUESTS FOR STATEMENTS

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Hon. Speaker: Next, we are going to Request for Statements. The first is Hon. Sarah Korere.

LEASING OF AGRICULTURAL
DEVELOPMENT CORPORATION LAND

Hon. Sarah Korere (Laikipia North, JP): Hon. Speaker, pursuant to the provisions of Standing Order 44(2)(c), I wish to request for a Statement from the Chairperson of the Departmental Committee on Agriculture and Livestock Development regarding the leasing of Agricultural Development Corporation (ADC) land to a private investor.

The Agricultural Development Corporation is a Government parastatal that was established to promote execution of agricultural schemes and reconstruction by initiating, assisting or expanding agricultural undertakings and enterprises. In 2015, the ADC leased 15,000 acres of land situated in Mutara Ranch, Rumuruti in Laikipia County, to an unnamed investor for a period of 15 years. Whilst the Public Private Partnership Act, Cap 430 provides that a contracting authority may procure a public-private partnership project through various methods, Section 37 of the Act requires that the contracting authority be guided by the principles of transparency, cost-effectiveness and equal opportunity. Notably, the details of the lease remain undisclosed by the ADC, which is contrary to the provisions of the Act.

It is against this background that I seek to request for a Statement from the Chairperson of the Departmental Committee on Agriculture and Livestock on the following:

1. Details of the private investor that the Agricultural Development Corporation (ADC) leased 15,000 acres of land to in Rumuruti, Laikipia County;
2. A report on the procedure followed by the ADC in leasing of the said property, including a report on public participation conducted, if any; and,
3. Steps to be taken to reverse the lease if determined to have been pre-arranged.

I thank you, Hon. Speaker.

Hon. Speaker: The Departmental Committee on Agriculture and Livestock, Hon. (Dr) Mutunga. Vice Chair? Hon. Owen, tell them to bring the Statement in two weeks.

Hon. Owen Baya (Kilifi North, UDA): Much obliged, Hon. Speaker.

Hon. Speaker: Hon. Joshua Mwalyo, MP Masinga.

IMPLEMENTATION OF THE NATIONAL WATER
HARVESTING AND STORAGE STRATEGY (2020-2025)

Hon. Joshua Mwalyo (Masinga, Independent): Hon. Speaker, pursuant to the provisions of Standing Order 44(2)(c), I wish to request for a Statement from the Chairperson of the Departmental Committee on Blue Economy, Water and Irrigation regarding the status of implementation of the National Water Harvesting and Storage Strategy - NWHSS (2020-2025).

The collection and management of floodwater, storm water and rainwater is essential for re-use during periods and/or episodes of drought. The National Water Harvesting and Storage Authority (NWHSA) which was established through the Water Act, CAP 372, is mandated to undertake the development of national public water works for water resources storage and flood control, on behalf of the national Government. Additionally, the Ministry of Water, Sanitation and Irrigation developed the National Water Harvesting and Storage Strategy - NWHSS (2020-2025), with an aim of reforming the water sector by increasing water harvesting and storage for domestic use and reducing water-related risks for the population and economy, amongst others.

The Tana River region experiences extreme weather cycles throughout the year, with residents experiencing floods and heavy rainfall in upstream areas and extreme drought in the

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region in equal measure, particularly Masinga area. This has in turn adversely affected the residents and their livelihoods that depend on crop and livestock farming.

It is against this background that I request for a Statement from the Chairperson of the Departmental Committee on Blue Economy, Water and Irrigation on the following:

1. Provide a detailed report on the status of implementation of the National Water Harvesting and Storage Strategy - NWHSS (2020-2025), in the country, and specifically in Tana River Basin region;
2. The mechanisms being implemented to build resilience of communities within the Tana River Basin and assist them to mitigate the effects of floods during and after heavy rainfall; and,
3. Steps being taken by the Ministry, through the National Water Harvesting and Storage Authority, to develop disaster management infrastructure, including construction of irrigation tunnels in Masinga Constituency and other identified flood-prone areas.

I thank you, Hon. Speaker.

Hon. Speaker: The Chairperson of the Departmental Committee on Blue Economy and Irrigation. Yes, Hon. Mukunji. Hold on Hon. Bowen.

Hon. Gitonga Mukunji (Manyatta, UDA): Hon. Speaker, I wanted to add my weight to that Statement.

Hon. Speaker: But Hon. Mukunji, you know, ordinarily, we do not allow joyriders on statements, unless they are questions.

Hon. Gitonga Mukunji (Manyatta, UDA): Yes, but Hon. Speaker, it is a shame that this country still reels in poverty and lack of water in many areas when God has blessed it with a lot of water in rivers and rainfall. I propose that the board either be disbanded or they do their work in water collection so that we do not continue importing our food when this country is blessed with water.

Thank you, Hon. Speaker.

Hon. Speaker: Hon. Bowen, two weeks.

Hon. Kangogo Bowen (Marakwet East, UDA): Hon. Speaker, the request for a Statement sought by Hon. Mwalyo is very important and requires a very comprehensive answer. As you have heard from Hon. Mukunji, I request four weeks, and I will bring a very comprehensive answer.

Hon. Speaker: Bring it in three weeks. Hon. John Mwirigi.

STATUS REPORT BY KEMRI ON THE PROBE INTO HIGH PREVALENCE OF CANCER IN MERU COUNTY

Hon. John Paul (Igembe South, UDA): Hon. Speaker, pursuant to the provisions of Standing Order 44(2)(c), I wish to request for a Statement from the Chairperson of the Departmental Committee on Health regarding the status of the report by the Kenya Medical Research Institute on the probe into high prevalence of cancer in Meru County.

The Kenya Medical Research Institute (KEMRI) is a State corporation established under Legal Notice No.35 of 2021. The Institute is responsible for, among other roles, carrying out research on human health in the country. In 2020, KEMRI undertook an investigation into the high prevalence of cancer in Meru County, specifically in Akachu and Kiegoi locations in Igembe South Constituency. The research was prompted by the distressing frequency of cancer-related deaths and ongoing suffering of Meru County residents battling various forms of the disease including throat, breast, tongue, eye, mouth and prostate cancer. The primary objective of the research included advancing the understanding of the underlying causes of the prevalence of cancer in the region and enhancing preventive strategies. However, it is deeply

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concerning that four years since the commencement of the investigation, KEMRI has not released any findings or progress report on the matter.

It is against this background that I request for a Statement from the Chairperson of the Departmental Committee on Health on the following:

1. A comprehensive report on the findings of the 2020 investigation into the high prevalence of cancer in Meru County and specifically, Igembe South Constituency including the identified causes or risk factors contributing to the high cancer rates; and,
2. The immediate and long-term strategies the Government plans to implement to curb the rising cases of cancer in Meru County.

Thank you, Hon. Speaker.

Hon. Speaker: The Chairperson of the Departmental Committee on Health, Hon. (Dr) Pukose, bring a statement in two weeks.

Hon. (Dr) Robert Pukose (Endebess, UDA): Hon. Speaker, the Member for Igembe South has asked for a comprehensive report. I am aware of the research that was carried out which was a data collection from the Maua area. It was a collaboration between KEMRI and the County Government of Meru. We have not been able to fund them adequately, but I will provide the data which they collected in two weeks. However, it will not be very comprehensive because of the limited resources and time for the research.

Hon. Speaker: Two weeks it is. Hon. Dorothy, what is it? I said no joyriders to statements. What is it you want to say?

Hon. Dorothy Muthoni (Nominated, UDA): Hon. Speaker, I beg you to allow me to add to what Hon. Mwirigi has said.

Indeed, cancer is the greatest killer of our people. I raised a statement here one time that the only cancer centre that was supposed to help the Meru people was the Dedan Kimathi Cancer Centre, which stalled many years back. I want the Chairperson to take this with urgency so that our people can be assisted because they are dying in numbers.

Thank you, Hon. Speaker.

Hon. Speaker: Yes Hon. (Dr) Pukose.

Hon. (Dr) Robert Pukose (Endebess, UDA): Hon. Speaker, I would like to inform the Hon. Member that the national Government, in collaboration with the county government, is in the process of setting up a regional cancer institute in Meru. The Dedan Kimathi will be for Nyeri County. For Meru, we will do the regional cancer centre in Meru. If the Members propose, we could put it up in Maua.

Hon. Speaker: Hold on, Hon. Robert Mbui. Let us first hear from Hon. John Paul.

Hon. John Paul Mwirigi (Igembe South, UDA): Thank you, Hon. Speaker. The Chairperson has said that the report he will give in two weeks' time will not be as comprehensive. This is a weighty matter and the Chairperson should tell us what he requires from this House for him to bring a comprehensive report.

Hon. Speaker: Let us wait for the report. We will judge whether it will be comprehensive or not then.

Next is Hon. Robert Mbui, Member for Kathiani.

PAYMENT OF LIFE INSURANCE CLAIM TO PARENTS OF LATE WILLY MUUO

Hon. Robert Mbui (Kathiani, WDM): Thank you, Hon. Speaker. Pursuant to the provisions of Standing Order 44(2) (c), I rise to request for a Statement from the Chairperson of the Departmental Committee on Health regarding the payment of last expense and group life insurance claim to the parents of the late Willy James Muuo, a student of Nthunguni Secondary School.

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It is unfortunate that upon the demise of the minor, Willy James Muuo, on 14th July 2023, his bereaved parents have faced significant challenges in processing claims for the last expense and group life benefits provided under the Edu-Afya Scheme. Despite following all required procedures, the parents were informed by the National Hospital Insurance Fund (NHIF) that the claim could not be processed due to an error in allocation of the Unique Personal Identifier (UPI) number. The NHIF claimed that the UPI number assigned to the deceased child had been erroneously allocated to another student. The parents were then referred to the Ministry of Education to request for rectification of the error and ensure harmonisation of the UPI number on their systems.

The Ministry of Education confirmed to the parents that the UPI, indeed, belonged to their deceased child and was not erroneously assigned to any other student. Despite this confirmation, the parents continue to face obstacles in obtaining their rightful compensation, and efforts to harmonise the UPI numbers within the NHIF system have been in vain.

Hon. Speaker, it is against this background that I request for a Statement from the Chairperson of the Departmental Committee on Health on the following:

1. What steps have been taken by the Ministry of Education to resolve the UPI number discrepancy in the NHIF records?
2. Provide the timelines within which this issue shall be resolved and the parents of the late Willy James compensated.
3. State the measures put in place to ensure that there is collaboration between NHIF and the Ministry of Education to ensure that UPI numbers assigned to students are correctly reflect in their systems.

Going forward, I will follow-up on the issue of Edu-Afya.

I thank you.

Hon. Speaker: Thank you. Hon. Chairperson.

Hon. (Dr) Robert Pukose (Endebess, UDA): Hon. Speaker, I will give the response in two weeks. I will also respond to issues to do with Edu-Afya. As you are aware, the Cabinet approved that Edu-Afya will continue. Parents out there should not worry about the children in schools. The programme has also been extended to cover even students in lower primary.

Hon. Speaker: Next is Hon. Chiforomodo Mangale.

GAZETTEMENT OF LUNGA LUNGA SUB-COUNTY AS A HARDSHIP AREA

Hon. Chiforomodo Mangale (Lungalunga, UDM): Thank you, Hon. Speaker. Pursuant to the provisions of Standing Order 44(2) (c), I rise to request for a Statement from the Chairperson of the Departmental Committee on Labour regarding the gazettement of Lunga Lunga sub-county as a hardship area.

Hardship allowance was introduced as an incentive to teachers and other public officers working in remote areas to compensate for lack of basic amenities such as hospitals, poor infrastructure, harsh climatic conditions and communication access. Sadly, Lunga Lunga Sub-County is an area where teachers are forced to travel long distances to access medical services, proper housing and other basic amenities. These challenges have resulted in many of the teachers working in Lunga Lunga Sub-County seeking transfers to other areas with better working conditions leading to insufficient numbers of teachers in the area.

A countrywide data collection exercise aimed at reviewing hardship areas was led by an Inter-Agency Committee with representation from different ministries, State agencies and commissions. The Inter-Agency Committee, in its report of 17th September 2021, listed Lunga Lunga among other areas to be gazetted as hardship areas to allow for enhanced allowances for public servants including teachers. Despite the proposal, Lunga Lunga Sub-County is yet to be gazetted as a hardship area.

Hon. Speaker, it is against this background that I request for a Statement from the Chairperson of the Departmental Committee on Labour on the following:

1. The measures in place by the Ministry of Public Service, Performance and Delivery Management to ensure the gazettelement of Lunga Lunga Sub-County as a hardship area and provide details on the timelines to be taken for gazettelement of the area; and,
2. The reasons why there has been delay in implementation of the recommendation of the Inter-Agency Committee that Lunga Lunga Sub-County be gazetted as a hardship area.

I thank you, Hon. Speaker.

Hon. Speaker: Hon. Chiforomodo, are you sure you have directed your question to the right Committee?

Hon. Chiforomodo Mangale (Lungalunga, UDM): Yes, Hon. Speaker. The matter is before the Ministry of Public Service, Performance and Delivery Management which in most cases is handled by the Departmental Committee on Labour.

Hon. Speaker: Okay. Is the Chairperson of the Departmental Committee on Labour here? Deputy Leader of the Majority Party, inform the Committee to bring the response in two weeks.

Hon. Owen Baya (Kilifi North, UDA): Much obliged, Hon. Speaker.

Hon. Speaker: Next is, Hon. Joseph Lekuton.

EROSION OF SIRIMA-LOIYANGALANI ROAD

Hon. Joseph Lekuton (Laisamis, UDM): Thank you, Hon. Speaker. Pursuant to the provisions of Standing Order 44(2) (c), I rise to request for a Statement from the Chairperson of the Departmental Committee on Transport and Infrastructure regarding erosion of the Sirima-Loiyangalani Road.

For generations, Lake Turkana has been a vital resource for the economic and cultural well-being of the residents within its environs, including the El Molo Community - which is considered as the smallest and most indigenous community in the country. Regrettably, the rising water levels in Lake Turkana beyond its banks has eroded critical infrastructure over the years, such as the Sirima-Loiyangalani Road, rendering it impassable. This situation has worsened the supply of goods and services in the area.

It is against this background that I seek to request for a Statement from the Chairperson of the Departmental Committee on Transport and Infrastructure on the following:

1. A detailed report on urgent measures being taken to ensure the Sirima-Loiyangalani Road is rehabilitated;
2. Urgent measures being put in place to ensure all affected residents receive food and basic amenities; and,
3. Steps being taken to ensure that water from Lake Turkana is re-usable for agriculture in the surrounding semi-arid areas.

I thank you, Hon. Speaker.

Hon. Speaker: Thank you. The Chairperson of the Departmental Committee on Transport and Infrastructure.

Hon. George Kariuki (Ndia, UDA): Thank you, Hon. Speaker. I request for three weeks to respond to that request for Statement.

Hon. Speaker: Can you not do it in two weeks?

Hon. George Kariuki (Ndia, UDA): I will appreciate it if you give us three weeks. We have many requests for statements to respond to.

Hon. Speaker: The Member came to the Speaker's chamber very agitated about this issue. Consult with him and bring a response in two weeks.

Hon. George Kariuki (Ndia, UDA): I will do so.

Hon. Speaker: Hon. Members, before I call the next speaker, allow me to acknowledge the following institutions in the Speaker's Gallery: Kapsabet Girls High School from Emgwen Constituency, Nandi County, and Kemeloi Boys High School from Aldai Constituency, Nandi County. On my behalf and that of the House, I welcome the students, teachers and those accompanying them to this House of Parliament.

Next is Hon. David Kiplagat, DK.

EXPANSION OF LESERU-KITALE-KORTUM HIGHWAY

Hon. David Kiplagat (Soi, UDA): Thank you, Hon. Speaker. Pursuant to the provisions of Standing Order 44(2)(c), I wish to request for a Statement from the Chairperson of the Departmental Committee on Transport and Infrastructure regarding the expansion of the Leseru-Kitale-Kortum Highway.

The Leseru-Kitale-Kortum Highway, a critical link of the Kenya-South Sudan road corridor, has been in dire need of rehabilitation and expansion, including providing for climbing lanes. The narrow highway has caused significant challenges to road users and pedestrians. The road is in a serious state of dilapidation and requires rehabilitation. These challenges have severely affected residents by disrupting and hindering the flow of goods and services within the area. Additionally, the narrowness of the road has led to accidents, resulting in the loss of lives.

It is against this background that I request for a Statement from the Chairperson of the Departmental Committee on Transport and Infrastructure on the following:

1. Measures being taken to address the safety concerns of the residents regarding the dilapidated and narrow state of the Leseru-Kitale-Kortum Highway;
2. The relief measures that the Government is putting in place to compensate the families of residents who lost their livelihoods through accidents as a result of the narrow state of the road; and,
3. The long-term plans being implemented to rehabilitate and expand the said critical road, including current plans, if any, to secure external funding for developing the named road.

Hon. Speaker: The Chairperson of the Departmental Committee on Transport and Infrastructure, Hon. GK.

Hon. George Kariuki (Ndia, UDA): I will give a response in two weeks.

Hon. Speaker: Thank you. Hon. Members, in respect to response to Statements, I have been informed by the Chairperson of the Departmental Committee on Administration and Internal Security that Questions by Hon. Adan Keynan, the Member for Eldas; Hon. Danson Mwashako, the Member for Wundanyi; Hon. Farah Sala, the Member for Fafi; and Hon. Ariko Namoit, the Member for Turkana South, were discussed in the Committee in the presence of the Ministry and the Questioners. The Hon. Members were satisfied with the outcome. We will rest those issues there.

I now invite the Chairperson of the Departmental Committee on Health to respond to a Question by Hon. Irene Mayaka, on lack of facilities specialising in treatment of endometriosis. Yes, Hon. Tongoyo. I thought that is what you told me.

Hon. Gabriel Tongoyo (Narok West, UDA): Hon. Speaker, being that these documents belong to the House, I beg to table with the Clerks-at-the-Table.

Hon. Speaker: Members who raised the various Questions can look at them.

(Hon. (Dr) Ojiambo Oundo raised his hand)

Yes, Hon. (Dr) Oundo.

Hon. (Dr) Ojiambo Oundo (Funyula, ODM): Thank you, Hon. Speaker. During the same Session, I represented Hon. David Ochieng', in respect to a Question regarding abduction.

Hon. Speaker, the question was insufficiently answered, and the Cabinet Secretary promised to provide additional information. The Chairperson should be kind enough to inform the House that the question was not adequately answered and that more information is required so that we can bring the matter to closure.

Thank you.

Hon. Speaker: Hon. Tongoyo, when can you bring additional information, either to the House or directly to the Member?

Hon. Gabriel Tongoyo (Narok West, UDA): Hon. Speaker, I think I could follow the same suit because the only bit that was remaining was for the Cabinet Secretary to furnish the updated number of deaths, and that is why I have not included it with what I have submitted to the clerks. He had promised to deliver within 48 hours, and therefore it will be available on Tuesday.

Hon. Speaker: Thank you. Chairperson, Departmental Committee on Health?

Hon. (Dr) Robert Pukose (Endebess, UDA): Hon. Speaker, could I have two minutes? My document is at the reception.

Hon. Speaker: Okay. Go and collect it.

Let us go to the next response by the Chairperson, Departmental Committee on Lands, to a question by Hon. Monicah Marubu, the Member for Lamu County. Is Hon. Monicah Marubu in the House?

(Hon. Ruweida Mohamed spoke off the record)

Pardon? Hon. Ruweida, can you do it for her?

Hon. Ruweida Mohamed (Lamu East, JP): Yes, I can.

Hon. Speaker: Hon. Chairman, are you ready?

Hon. Joash Nyamoko (North Mugirango, UDA): Yes, I am.

Hon. Speaker: Go ahead.

STATEMENTS

IMPLEMENTATION OF HINDI-MAGOGONI PHASE II SETTLEMENT SCHEME IN LAMU

Hon. Joash Nyamoko (North Mugirango, UDA): Hon. Speaker, pursuant to the provisions of Standing Order 44, Hon. Monicah Marubu requested the Chairperson of the Departmental Committee on Lands to provide a response on the implementation of the Hindi-Magogoni Phase II Settlement Scheme. In the request, Hon. Monicah Marubu sought to know the following:

1. Explanation as to why it has taken too long for the team at the Ministry of Lands to conclude the operationalisation of the Hindi-Magogoni Settlement Scheme, considering that the officers were funded to the tune of Ksh18 million by the County Government of Lamu.
2. The timelines within which the title deeds to legitimate beneficiaries of the Hindi Settlement Scheme will be issued.

3. A list of the original beneficiaries of the 19,019 acres of land in Phase I of the Hindi-Magogoni settlement scheme.

The following is my response. The land being referred to measures approximately 16,000 acres. It was reserved on 13th January 1997 for the settlement of squatters at Phase I and Phase II of the Hindi-Magogoni Settlement Scheme. It was to be managed by the Settlement Fund Trustees (SFT), now referred to as the Land Settlement Fund Board of Trustees.

In 2013, the Ministry developed a plan for four-acre farm plots. The County Government of Lamu did not concur with the plan by the Ministry. Instead, it proposed a quarter-to-one acre mixed used plots.

Subsequently, consultations were held between the County Government and the Ministry that led to the harmonisation of the two plans while taking cognizance of the expanded 500-metre-wide Lamu Port South-Sudan Ethiopia Transport (LAPSSSET) set corridor and the land uses. The harmonised plan provided for two-acre plots, which the Ministry approved. In 2019, the Ministry and the County Government of Lamu began profiling the squatters. However, the exercise experienced a number of challenges, including:

1. Several people had fenced off huge chunks of land.
2. Massive invasion by both local and non-locals.
3. Some squatters presented multiple identity cards for absentee landlords.
4. Political interference from some leaders by excluding those perceived to be from outside the area.
5. The county government plans to establish urban centres in order to collect revenue.
6. Rampant insecurity in the area.

Following the August 2022 General Elections, a new county administration came into office. Following this new development, the Ministry undertook to carry out further consultations with various stakeholders with a view to finding a lasting solution. So far, several stakeholder meetings have been conducted to build consensus on the settlement programme. A number of solutions have been agreed upon as follows:

1. The State Department for Livestock is to cede a claim of 2,047 hectares, which is approximately 5,060 acres from the scheme.
2. LAPSSSET teams to sensitise beneficiaries and the public on the different land uses and zoning along the corridors.
3. Beneficiaries of the land are to be identified under the survey.

*(Hon. Silvanus Osoro stood between
Hon. Joash Nyamoko and the Speaker)*

Hon. Speaker: Order! Order, Hon. Osoro. It is against the Standing Orders to stand between the Member on the Floor and the Speaker.

Hon. Joash Nyamoko (North Mugirango, UDA): Thank you, Hon. Speaker.

4. The Boni community is to be considered alongside others in the scheme.
5. Public participation *barazas* to be conducted, and ground committees be elected.
6. The Lamu County Security Team to secure project area to guard against invasion.

The issue at hand is quite emotive and requires extensive consultations between the Ministry, the County Government of Lamu, the Ministry of Interior and National Administration, political leaders and the local leaders in order to build consensus on the way forward. The Ministry will spearhead these consultations in the current financial year 2024/2025. Once consensus is reached, the Ministry will commence the surveying,

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demarcation, and titling process. Therefore, it is not possible to give realistic timelines for the issuance of the titles in the scheme.

I submit.

Hon. Speaker: Hon. Ruweida.

Hon. Ruweida Mohamed (Lamu East, JP): Mhe. Spika, haya mambo yanayoongelewa hapa si ya kweli. Dadangu Mhe. Muthoni amekuja hapa Bungeni kwa sababu hatujahusishwa. Hakuna kiongozi yeyote aliyelitwa, wala hakuna aliyepinga. Asiseme eti *political leaders*. Mimi sijawahi kuitwa, wala Mhe. Muthama au Mhe. Muthoni. Hao viongozi wengine ni akina nani, ilhali Kaunti ya Lamu iko na *Constituency* mbili na *Women Representative* mmoja peke yake? Hatujawahi kuitwa. Huo ni uongo.

Jambo la pili ni kuwa kuna kigezo hapo...

Hon. Speaker: Order, Hon. Ruweida. Neno uongo halikubaliki hapa Bungeni.

Hon. Ruweida Mohamed (Lamu East, JP): Mhe. Spika, sasa niseme nini badala yake? Kwa sababu sio ukweli huo.

Hon. Speaker: Badala yake, sema ukosefu wa ukweli.

(Laughter)

Hon. Ruweida Mohamed (Lamu East, JP): *Well guided, Hon. Speaker.* Jambo jingine linalotumika Lamu ni kwamba ukiuliza kama pengine kuna uzembe mahali, wanasema ni *insecurity*. Hakuna utovu wa usalama Lamu. Tunaishi na kuenda popote tunapotaka. Hapo Hindi, watu ni wengi na miradi pia ni mingi, kama vile LAPSSET. Utovu wa usalama unatokea wapi sasa? Wamekosa kusema ukweli, na badala yake kutumia kigezo cha utovu wa usalama. Ardhi, sijui kama ni hii ya Swahili *Scheme*, kwa sababu imeleta utata. Kila gavana akiingia analeta sheria zake, na mambo yasipoenda, anasonga hapo hapo; lakini sio kwamba ni *Member of Parliament* au *political leaders*.

Ningeomba huyo Waziri aje ajibu au nilitengeze swali hili kivingine. Niambieni ni vipi nitafanya. Kwa sasa ni kama tu kumgombeza Mwenyekiti bure, naye hajui mambo yameenda vipi huko. Yeye amepewa jibu, na ni lazima alisome hivyo.

Ahsante.

Hon. Speaker: Mwenyekiti.

Hon. Joash Nyamoko (North Mugirango, UDA): Thank you, Hon. Speaker. That is a confirmation that there is a problem in Lamu. I promise to give an undertaking that will make arrangements for...

Hon. Speaker: Just inform the authorities. Hon. Ruweida is very fair. She is not saying that you are not doing the right thing, and neither is she saying you are doing the wrong thing; rather, she is saying that you should involve leaders, which is a very fair request.

Hon. Joash Nyamoko (North Mugirango, UDA): I want to give an undertaking as the Chairman of the Committee, that we will make arrangements so that we can have the Cabinet Secretary or the Principal Secretary together with the leadership from Lamu, have a roundtable discussion on the same and find a lasting solution.

Hon. Speaker: Thank you. Next is Hon. Kassim Tandaza. Oh, sorry. We will go back to Hon. Pukose. Is Hon. Mayaka in the House?

Hon. (Dr) Robert Pukose (Endebess, UDA): Yes.

Hon. Speaker: Okay, go ahead.

LACK OF FACILITIES SPECIALISING IN TREATMENT OF
ENDOMETRIOSIS

Hon. (Dr) Robert Pukose (Endebess, UDA): Thank you, Hon. Speaker. Pursuant to the provisions of Standing Order 44 (2) (c), Hon. Irene Mayaka requested a statement from the Chairperson of the Departmental Committee on Health regarding the regulations and lack of facilities specialising in the treatment of endometriosis. The response is as follows:

The first question was to state the number of facilities within the country that specialise in endometriosis treatment, their location and whether such facilities carry out public awareness programmes on the condition. The response is that endometriosis is a disease in which tissue similar to the lining of the uterus grows outside the uterus. It is associated with chronic pelvic pain, especially during periods; that is, menses. This pain could also occur during or after sex, with heavy menstrual bleeding and difficulties in conceiving.

In Kenya, the prevalence of endometriosis is 4.6 per cent. Diagnosis and treatment of endometriosis are mainly undertaken by gynaecologists through laparoscopic visualisation and histological confirmation, which are considered the gold standard for diagnosis of endometriosis. The treatment can either be drugs or, in severe, complicated cases, laparoscopic surgery. Currently, there are two level 6 health facilities - Kenyatta National Hospital (KNH) and Moi Teaching and Referral Hospital (MTRH) that can treat endometriosis.

In terms of awareness of endometriosis, this is a continuous process through periodic continuous medical education forums and health education session talks at health facilities. The Ministry plans to do media campaigns nationally and through local FM radios on endometriosis. So, as to give correct information about the disease, eliminate the stigma around similar conditions of painful menses and demystify the myths. Community health promoters have also been trained to refer women with similar symptoms to higher levels to facilitate early diagnosis and treatment.

The second question was to outline the measures that have been put in place by the Ministry of Health to facilitate public hospitals with specialised training on the treatment of endometriosis to provide better healthcare to women in the country. The response is that endometriosis is one of the disease conditions covered in the pre-service training curriculum for nurses, clinical officers and doctors. The Government has invested in the training of gynaecologists. We currently have about 700 gynaecologists in Kenya working in different parts of the country, both public and private. We have five trained laparoscopic gynaecology surgeons, mainly based at national referral hospitals. Equally, the Government has invested in the availability of laparoscopic equipment for use by the experts.

The third question was, what are the specific actions that the Ministry of Health is taking to tackle the challenges posed by endometriosis and create public awareness of its treatment? On this, the Ministry plans to establish endometriosis specialised centres of excellence to offer care, train more laparoscopic gynaecology surgeons, ensure availability of endometriosis medicines through the Social Health Insurance Fund (SHIF), avail more laparoscopic equipment and continue sensitisation of the general public on endometriosis through community health promoters and media.

This statement was signed by the Cabinet Secretary for Health. Thank you.

Hon. Speaker: Hon. Irene Mayaka, are you satisfied with the answer?

Hon. Irene Mayaka (Nominated, ODM): Thank you, Hon. Speaker. I am not satisfied with the response.

Hon. Speaker, before I give my remarks, kindly allow me... I want to give my condolences on behalf of the African Liberal Network, which is a conglomeration of parties that belongs to the Orange Democratic Movement (ODM) party. As the Vice President of East Africa, I wish to state that we lost Hon. Jolly Mugisha from Uganda. She was the Deputy President of the National Unity Platform (NUP) Party in Uganda, and she is being buried today. I want to pay my tribute to her because she is among the ladies who have supported the growth

of women's leadership in Uganda and East Africa. On my own behalf and that of ODM party, I give my condolences.

Hon. Speaker: What does that have to do with the question? You must be relevant to what is going on in the House.

Hon. Irene Mayaka (Nominated, ODM): Hon. Speaker, I started by requesting you to allow me to do so. She did much work on endometriosis. So, this is very relevant to us.

Hon. Speaker: Ask for a clarification, and if you are satisfied, give way.

Hon. Irene Mayaka (Nominated, ODM): Hon. Speaker, I am not satisfied with the response. I find it underwhelming for three reasons. Firstly, the Chairperson has said that we only have five laparoscopic gynaecological surgeons. Yet, this procedure is extremely expensive. It costs between Ksh350,000 and Ksh1 million. A high number of young women suffer from this disease, and the Ministry of Health can do much more.

Secondly, he told us that the Ministry is working on training and sensitising with no timelines. This could be in two or three years from now. When do they want to begin the sensitisation process? The young women are really suffering from stigmatisation. We need specific information in terms of when sensitisation will begin.

Finally, is the fact that we only have two public facilities that offer treatment for this disease in the whole country. Yet, we have many other private facilities that provide treatment at a very expensive rate. As I said earlier, young girls between the ages of 15 and 24 suffer the most from this disease. The Ministry should do more than what they have stated. Therefore, I feel this is not enough.

Thank you.

Hon. Speaker: Hon. Zamzam.

Hon. Zamzam Mohammed (Mombasa County, ODM): Asante sana, Mhe. Spika, kwa kunipatia fulsa hii nami niweze kuzungumzia mambo ya *endometriosis*. Nimemsikiza Mwenyekiti wa Kamati akitoa majibu yake. Ningependa kumwambia awache mambo ya google. Kwa sababu, tulimpoteza mtoto wa kike aliyeitwa Njoki. Alienda nje ya nchi kutafuta matibabu, kwa sababu hapa Kenya hakuweza kuyapata.

Kwa hivyo, hili ni jambo la dharura ambalo linatesa watoto wetu. Hata mimi wakati nilikuwa msichana mdogo nilisumbuka sana. Wengine wetu tunadharau akina mama wa kitamaduni ambao wanauza dawa za kienyeji. Mama mmoja wa kienyeji ndiye alinitibu. Kule hospitalini kulikuwa hakuna matibabu kabisa.

Ninaomba wale wanaohusika katika Wizara ya Afya wapigilie hili jambo upatu. Sio mambo ya *planning* wakati huu tunataka *action*. Watoto wetu wafa na sisi akina mama tunasikia vibaya sana. Ninajua wanaume hawapati hedhi ni wanawake tu. Tuna *insist* leo katika Bunge hili kuwa waweze kulipigia jambo hili upatu, ili tusipoteze watoto vile tulimpoteza Njoki. Mwenyezi Mungu amulaze na wema peponi. Yule mama aliyepigania mambo haya ya *endometriosis* mama Jolly Mugisha pia mwenyezi Mungu amurehemu anapolala kule Uganda leo.

Asante, Mhe. Spika.

Hon. Speaker: Yes, Hon. Kemei. Give her the microphone. There you are.

Hon. Beatrice Kemei (Kericho County, UDA): Thank you, Hon. Speaker. I want to add my voice to this issue of endometriosis, which affects young women. I heard the Chairperson saying that the Ministry is planning. I do not understand what he means because there are no timelines. We do not know when and how.

I think he needs to go beyond this. He has said that the Ministry is planning to do media campaigns. For how long? They already know about this disease, and many girls do not go to school during their menses. This has seriously affected their lifestyle. Hon. Chairman, you should go beyond this, and not just that the Ministry is planning to do a campaign, or the

Ministry is planning to do this. We need to get serious information from the ministries concerned, especially this one. We cannot be given things that do not add up.

Hon. Speaker: Chairman, Hon. (Dr) Pukose, can you tell the House what you mean by planning? That is what you are being asked.

Hon. (Dr) Robert Pukose (Endebess, UDA): Thank you, Hon. Speaker. Hon. Mayaka has indicated that the number of gynaecologists since we attained independence is 700 in the whole Republic, both in public and private. I am a surgeon, and there are even fewer surgeons. We have 700 gynaecologists, both in private and in public hospitals.

Out of the 700, five have trained in laparoscopic gynaecology. Laparoscopic is where you are able to make minimal incisions because you know you want to save the beauty of the women and all that. You do not want to do big scars. So, you make small incisions and you are able to remove those extra endometrial...

Hon. Gladys Boss (Uasin Gishu County): On a Point of Order.

Hon. Speaker: Yes, Hon. Deputy Speaker. What is your Point of Order?

Hon. Gladys Boss (Uasin Gishu County): The Point of Order is that he is saying that few people can do laparoscopic gynaecology. Yes, I know this for a fact. It is not because of aesthetic results. This is because when you use laparoscopic surgery, the recovery time is shorter. The chances of you ending up in the ICU or having to deal with a complete open surgery, where they make an incision through your entire body, cause more complications. So, correct it because whenever you talk about women's issues, you trivialise it. Because our women want to look beautiful, he is trivialising something life-threatening. Please apologise to the women of Kenya now.

Hon. Speaker: Chairman.

Hon. (Dr) Robert Pukose (Endebess, UDA): I think we are speaking the same thing with the Hon. Deputy Speaker. There is a cosmetic role for surgery when you do... Just listen to me. I am a surgeon... No! No! You cannot teach me surgery. There are cosmetic reasons for any operation.

Hon. Speaker: Chairman, hold on. Yes, Hon. Zamzam.

Hon. Zamzam Mohammed (Mombasa County, ODM): Mhe. Spika, ninataka kumwambia Mhe. Pukose kwamba hii damu ikitoka kwenye uzazi, hua inatambaa inaenda mpaka kwenye mapafu. Sio hiyo ya beauty ambayo unazungumzia, ati ya wanawake kufanya urembo. Haya ni mambo ambayo ni *serious*. Uliza mke wako, atakuambia hiyo ni kitu gani. Hiyo damu hutoka ikaingia mpaka kwenye mbavu, ndio ambayo ilimuua yule msichana. Inaleta maradhi mengine huko. Sisi tukitaka cosmetic, hata mimi ninaenda nipunguze huu mwili, niwe safi. Lakini huu ni ugonjwa ambao tunahitaji madaktari ndani ya hili Taifa waweze kumaliza.

(Applause)

Hon. Speaker: Hon. Pukose.

Hon. (Dr) Robert Pukose (Endebess, UDA): Unfortunately, you know, I would not want to go there. But, for record purposes, everything has... You are not listening. It is not only one reason. One is cosmetic; no woman would want a big scar in her abdomen.

Two, they would not want complications. I had not said that nobody would like to stay in hospital for that length of time. They would like to stay in hospital for a short period, so when you make a small scar...

Hon. Speaker: Yes, Hon. Caroli Omondi. Chairman, hold on.

Hon. Caroli Omondi (Suba South, ODM): Hon. Speaker, is it in order for the Hon. Chairman to say African women do not like scars on their bodies? We know that many times culturally, scars have been portrayed as marks of beauty around waists, faces and breasts.

Hon. Speaker: Yes, Hon. Millie?

Hon. Millie Odhiambo-Mabona (Suba North, ODM): Thank you, Hon. Speaker. Is the Hon. Chair, in order to purport to speak with authority over things he knows nothing about? He may be a surgeon, but he does not go through what we go through. So, he cannot be an authority on our bodies. For those of us who may have gone through problems like that, cosmetic issues are the last of our interests. All women want at that point... This one is theoretical; at that point, all we want is to be well. We are not interested in cosmetics. So, do not start with the cosmetics. *Hapo utakua una...* Sorry, Hon. Speaker.

(Laughter)

Hon. Speaker: Hold on Hon. (Dr) Pukose. Yes, Hon. Owen Baya.

Hon. Owen Baya (Kilifi North, UDA): Hon. Speaker, you know this is very interesting. But I also want to say that Hon. Millie Odhiambo and Hon. Zamzam can speak from the perspective they would like to speak to. But the Hon. (Dr) Pukose is a renowned surgeon, a doctor, and a person who understands women's bodies from a scientific perspective more than the women who are here. He is well versed in explaining a woman's body better than the women in this House. Therefore, allow the Hon. (Dr) Pukose to give you what needs to be done.

We need to balance between politics, populism and real issues that the Hon. (Dr) Pukose is talking about.

Hon. Speaker, protect Hon. (Dr) Pukose; protect him. I beg you.

Hon. Speaker: Order! Hon. Deputy Speaker.

Hon. Gladys Boss (Uasin Gishu County, UDA): Thank you, Hon. Speaker. When I speak, I speak with authority. A member of my own family had that challenge. I spent hours and hours with doctors. Eventually, I got an 80-year-old doctor who could do laparoscopic surgery, and they explained to us the reason why we needed to do it. Hon. (Dr) Pukose, you may be... Let me tell you, the patient is the one who knows better. It is not the doctor. Medicine is proximate science; you decide my diagnosis according to what I tell you, not because of what you feel. So, it is me who knows how my body feels. It is proximate science, so do not come here and lecture us that the doctor knows. The doctor has to rely on the patient. If I tell the doctor my head aches, even though it was my feet, he will treat my head. So, believe me you are not an authority. It is the women who are an authority. And let me quote Oprah Winfrey. She once said, "keep off my uterus".

Hon. Speaker: Order, Hon. Millie. This is not a public rally.

(Laughter)

Hon. Speaker: Hon. Zamzam, let us hear Hon. (Dr) Pukose.

Hon. (Dr) Robert Pukose (Endebess, UDA): Thank you, Hon. Speaker.

Hon. Speaker: Hon. (Dr) Pukose, please wait.

Yes, Hon. Zamzam.

Hon. Zamzam Mohammed (Mombasa County, ODM): Mhe. Spika, huyu ni *surgeon*, na yaeza kua sio *gynaecologist*, na yeye hana *uterus* na hapati hedhi. Mke wake ndio anayepata hedhi, na kuna uwezekano mkubwa kua kwa familia yake hajapata matatizo kama haya. Hii kitu daktari ni *serious*, watoto kuanzia miaka kumi na tatu wanaumwa tumbo. Ilikua mimi nikiumwa ninatambaa. Wewe unaniambia yule mtoto maskini atapata wapi pesa za *cosmetics*? Tafuteni madaktari wasaidie Wakenya hapa. Mambo ya kuchangia watu kwenda inje kutafuta matibabu ni makosa. Na tuko na Waziri wa kike aliyeingia; Waziri ngangari. Nenda ukae naye chini awape mambo ya uhakika mlete Bungeni, sio mambo ya *google*. Hapa tunazungumzia maswala ya maisha ya wanadamu.

Hon. Speaker: Yes, Hon. Millie. Hold, Hon. (Dr) Pukose.

Hon. Millie Odhiambo-Mabona (Suba North, ODM): Thank you, Hon. Speaker. We are not finishing, Hon. (Dr) Pukose. We just want him to be better educated.

I am bringing what is called the Family Reproductive Health Care Bill based on my personal experience with reproductive issues. When I was in the Office of the Attorney-General, I used to be admitted every month when I was on my menses, and every month, I was told I was aborting. Most women go through that. At one point, I went to a renowned hospital, and they gave me a finding from an expert doctor. I was walking around in the office with it because I was a very innocent, naive girl. Then somebody called me and told me, Millie, do you know what you are telling people? That you are having a sexually transmitted infection. I am not even sexually active, but I am walking around with a sexually transmitted infection. Even women who have not gone through this, even if they are surgeons, they are not authorities.

I saw a woman gynaecologist when I was fainting in the office, and I wanted a day off, and she asked me, “just for periods?” You do not know what other women go through when they have their periods. Let women who have experienced periods tell you. You may be an expert, but your knowledge is theoretical. I am the expert because I have gone through it. So, respect my opinion. I am the expert on the practical side.

Hon. Speaker: Give Dr Pukose an opportunity to answer.

Hon (Dr) Robert Pukose (Endebess, UDA): Unfortunately, Hon. Speaker, we have diverted from laparoscopic gynaecology. That is the basis. We were discussing laparoscopic gynaecology, not the issue of whether you have endometriosis or not. That is the point. You are a lawyer and I am a doctor. I cannot dispute you in matters of law, so allow me to make my statement as a doctor. We were discussing laparoscopic surgery. We only have five gynaecologists trained in laparoscopic surgery. We do not have enough.

The other issue was whether the Ministry is planning to educate the public about it. I am not the Ministry. The Ministry says that it is planning to do so.

Hon. Speaker: Order, Hon. Pukose! You are the Chairperson of the Committee, and you are speaking on behalf of the Ministry.

Hon (Dr) Robert Pukose (Endebess, UDA): I withdraw that statement.

On the plans by the Ministry to educate the public, issues about endometriosis started arising when we lost a female media personality, who comes from my county, Kitale. The disease was highlighted because many ladies have been suffering from it, some quietly, others unknowingly. Therefore, people have now been sensitised about it. The Ministry feels that we must separate the myths from the truth and get the facts. We should refer people to the right facilities where they can receive treatment.

The only Government facilities which have laparoscopic equipment are the Moi Teaching and Referral Hospital and the Kenyatta National Hospital. The House needs to decide whether we can equip other facilities in each county, and train more of our 700 gynaecologists, so that they can treat patients in other hospitals. The onus is on this House to make that decision. Give us a budget and we will buy laparoscopic equipment, and even have one or two gynaecologists per county who are trained in laparoscopic surgery. Let us stick to laparoscopic surgery and not the sideshows.

Hon. Speaker: Hon. Pukose, I heard you chide my Deputy for being a lawyer. Are you aware that when you, as a surgeon, are accused of misconduct in the course of your duty, you run to a lawyer to defend you?

(Laughter)

Hon (Dr) Robert Pukose (Endebess, UDA): Hon. Speaker, I am aware. I can seek the services of a lawyer in just the same way that when a lawyer becomes sick, he has to come to hospital for treatment.

Hon. Speaker: It is a symbiotic relationship. Chairperson of the Departmental Committee on Transport and infrastructure, Hon. GK, do you have a response to Hon. Kassim Tandaza's request? Is Hon. Tandaza in the House?

Hon. George Kariuki (Ndia, UDA): Thank you, Hon. Speaker. He is in the House.

Hon. Speaker: Okay. Do you have the response?

Hon. George Kariuki (Ndia, UDA): Yes, I do.

Hon. Speaker: Have you quietly given it to him?

Hon. George Kariuki (Ndia, UDA): No, we have just been consulting.

Hon. Speaker: Go ahead.

Hon. George Kariuki (Ndia, UDA): He is my friend.

COMPENSATION FOR RESIDENTS OF DONGO-KUNDU BYPASS ROAD

Hon. Speaker, I rise to give a Statement which was requested by Hon. Tandaza, the Member of Parliament for Matuga, on 8th August 2024 on compensation of residents who were affected by the construction of the Dongo-Kundu Bypass Road.

Hon. Tandaza had requested for the following:

1. A comprehensive report on the number of persons whose land was acquired for construction of the bypass, the number of persons already compensated, and the status of the compensation of the remaining beneficiaries.
2. Reasons for the delay and the timelines for remittance of compensation to the remaining beneficiaries noting that the road is already in use.

The Committee received a written response from the Ministry of Roads, Transport and Public Works on 8th September 2024, which I now wish to make.

Regarding the number of persons whose land was acquired for construction of the bypass, the number already compensated, and the status of compensation of the remaining beneficiaries, the Ministry submitted that the project is located in three counties, that is, Kilifi, Mombasa, Kwale, and the implementation is in phases or packages as follows:

1. Package 1 - Miritini Junction-Mwache Junction-Kipevu Section, which is about 10.3 kilometres.
2. Package 2 - Mwache Junction-Tsunza-Mteza Section, which is about 8.9 kilometres.
3. Package 3 - Mteza-Kibundani Section, which is about 6.8 kilometres.

In regard to the status of land compensation, the National Land Commission (NLC) submitted the compensation schedule for the Project Affected Persons (PAPs) to the Kenya National Highways Authority (KeNHA), as follows:

1. MPAD Package 1 amounting to Ksh2.5 billion.
2. MPAD Package 2 amounting to Ksh271 million.
3. MPAD Package 3 amounting to Ksh537 million.

Regarding the status of the disbursements to date, the following has occurred:

1. The amount disbursed to the NLC for MPAD Package 1 is about Ksh2.1 billion, and the amount yet to be disbursed is about Ksh441 million.
2. The amount disbursed to the NLC for MPAD Package 2 is Ksh215 million, and the amount yet to be disbursed for that package is about Ksh56 million.
3. The amount disbursed to the NLC for MPAD Package 3 is Ksh473.4 million, and the amount yet to be disbursed for that package is about Ksh39.6 million.

Regarding the reasons for the delay and the timelines for remittance of compensation to the remaining beneficiaries noting that the road is already in use, the Ministry attributed the delay to the budgetary constraints being faced by KeNHA. To mitigate this problem, KeNHA has included the remaining compensation amounts in the Second Supplementary Budget Proposal for the Financial Year 2024/2025.

Additionally, family disputes, succession from deceased PAPs to new beneficiaries, lack of documentation, and subdivision of parcels of land after gazettelement are some of the other reasons for delays in compensation of the remaining PAPs.

Lastly, the Ministry undertakes to ensure that PAPs are compensated upon approval of the budget and subsequent release of funds from the Ex-chequer.

Thank you, Hon. Speaker. I submit.

Hon. Speaker: Thank you, Hon. GK. Hon. Tandaza, is that satisfactory?

Hon. Kassim Tandaza (Matuga, ANC): Not at all, Hon. Speaker. This is a matter that has been here several times since 2022. We are dealing with persons affected, and who were awarded letters in 2013. The answer has always been the same in general. I attached a list of specific persons. I can read them because they complied with the kind of disputes and subdivisions that the Chairman referred to, and were 100 per cent compliant.

The nine persons affected by this compensation issue are: Mr Abdala Mwakunena, Mr Salim Mwamisi Bongo, Ms Halima Omar Higa, Mr Said Nasoro Mwakubabwa, Ms Fatuma Ali Mwakunena, Mr Massoud Mohamed Mwatsonowe and Mr Salim Kazungu Ndundi. The money they are supposed to be paid is not the one the Chairman is referring to. This money is already with the National Land Commission (NLC) and probably, the Chairman of the Departmental Committee on Transport and Infrastructure is not aware; that even after they disbursed the money to NLC, the Commission does not pay the persons affected on time for reasons known to them.

My request on this matter is not about the supplementary tool that the Chairman is referring to. The money is already there and they have disbursed it but NLC is not willing for reasons known to them to compensate these people. I would then request your indulgence to see how the Committee on Transport and Infrastructure and the Committee on Lands can compel NLC to pay these people who are 100 per cent compliant. I am not satisfied at all with the answer that he has given because it is not the reality on the ground.

Thank you.

Hon. Speaker: Hon. Zamzam

Hon. Zamzam Mohammed (Mombasa County, ODM): Ahsante sana, Mhe. Spika. Nimemsikiliza Mwenyekiti na ningependa kukujulisha kuwa, vile Mhe. Tandaza anavyosema, fidia ambayo watu wetu wametengewa, wengine wao hawajaipata ilhali baadhi yao tayari washapata. La kusikitisha zaidi, ile ekari elfu tatu wameshagawia watu ilhali Wabunge wa Mombasa tunapowaandikia barua ya kuwaitisha majibu, hatupewi jibu. Watu wetu hawajapewa fidia ya aina yeyote. Inapaswa kuwa asilimia sabini watakapogawiwa ile ekari elfu tatu ndiposa iwarudie watu wa Mombasa... Wamezipatiana zote na hakuna mtu wa Mombasa ama Pwani kwa ujumla amefaidika.

Kamati hii inapaswa kuwashikilia hao wazee ili wapate haki yao maana wamenyanyaswa. Haiwezekani kuwa fidia imetolewa na wengine wamefaidika ilhali wengine wameachwa mpaka sasa kwa mazingizio ambayo hayaeleweki. Sisi tulipewa barua iliyowataka wale watu elfu moja, mia sita na kumi na nne waendee fidia yao. Inakuwaje leo wengine wamekosa ilhali wengine wamepewa? Jambo hili lazima liangaliwe kwa kina.

Hon. George Kariuki (Ndia, UDA): Thank you, Hon. Speaker.

Allow me to confine myself to the Question requested by Hon. Tandaza and on that other matter. The Member would be advised to do the right thing. He should request to appear before the Committee and we will process his issue.

On the Supplementary Question raised by Hon. Tandaza, what he has not told the House is that the total or the original number of PAP was 160. Out of that number, only nine have not been compensated in his constituency because this project touches on about four constituencies. I think it is a very fair effort by the KeNHA to have paid over 150 out of 160. For the nine remaining PAPs who have not been compensated, we will do our best as a Committee to push for their compensation.

Thank you.

Hon. Speaker: Thank you. Members, before I go to the next Member, allow me to acknowledge the following schools in the Public Gallery. They are: Maiuni Primary School, Mwingi West Constituency, Kitui County; Kabianga Primary School, Belgut Constituency, Kericho County; Chantilly Schools, Kiambaa Constituency, Kiambu County; Mawingo Secondary School, Kipipiri Constituency, Nyandarua County; Murembu Secondary School, South Imenti Constituency, Meru County; Kiamuriga Secondary School, Kirinyaga Central Constituency, Kirinyaga County; and St. Peter's Girls Primary and Junior Secondary, Nyeri Town Constituency, Nyeri County. We are also pleased to host the Kenya National Association for the Deaf. They are all welcome to Parliament.

Hon. Umulkher has requested to comment on the Kenya Deaf Association. Go ahead.

Hon. Umulkher Harun (Nominated, ODM): Thank you, Hon. Speaker, for giving me this opportunity to invite the Kenya National Association for the Deaf.

This is a national group that advocates and addresses the needs of the deaf community which has a population of 2.5 million. This is also the International Week of the Sign Language and the International Week of deaf awareness. Kenya is one of the most progressive countries that has a Constitution that recognises Sign Language as one of the three official languages. We are still behind in terms of the implementation and that is why I am proudly sponsoring Kenya Sign Language Bill (No.1 of 2024). This is just an invitation to the Association and a request to Members to support the deaf awareness and deaf agenda.

Thank you.

Hon. Speaker: Hon. Millie Odhiambo.

Hon. Millie Odhiambo-Mabona (Suba North, ODM): Thank you, Hon. Speaker.

(Hon. Millie Odhiambo used Sign Language)

Hon. Speaker: Order!

Hon. Millie Odhiambo-Mabona (Suba North, ODM): I was trying to use Sign Language but discovered that on this, I am the one with a disability.

Other than that, I want to welcome the Kenya Association for the Deaf to Parliament which is led by Mr Nixon Kakiri whom together, we served in the Central Committee of ODM. Given that this is the International Week of the Deaf, I congratulate Hon. Umulkher for the Bill that she is sponsoring. I hope Members would understand that by the provisions of the Constitution, if you are expected to be literate and be able to read and write for us to qualify to be elected to represent people in Parliament, it should also be a requirement in that Bill that one ought to know how to use Sign Language and read Braille.

I thank Hon. Umulkher. Earlier on, when Hon. Irene Mayaka was speaking, you had re-directed her. One of the reasons she was very saddened about Hon. Jolly Mugisha who is being buried today in Uganda, is because we were all in a very special training programme. Hon. Irene was very passionate about Hon. Jolly Mugisha's burial today and additionally, on issues of human rights and especially, the marginalised communities.

Thank you, Hon. Umulkher. You are doing an excellent job.

Hon. Speaker: Next is the Chairman of Departmental Committee on Transport and Infrastructure in response to the Request for a Statement by Hon. Simon King'ara, the Member for Ruiru. Is Simon King'ara in the House?

Hon. George Kariuki (Ndia, UDA): Yes.

Hon. Speaker: Where is he?

(Hon. Simon King'ara raised his hand)

Oh, there you are. Go ahead, Hon. Chairman.

RECONSTRUCTION OF MEMBLEY BRIDGE IN RUIRU CONSTITUENCY

Hon. George Kariuki (Ndia, UDA): Thank you, Hon. Speaker.

On Wednesday, 31st July 2024, the Member for Ruiru Constituency, Hon. Simon King'ara, requested for a Statement from the Chairperson of the Departmental Committee on Transport and Infrastructure regarding the collapsed Membley Bridge in Ruiru Constituency.

Hon. King'ara in the Statement, indicated that the bridge serves as a critical link between the Eastern Bypass and the Thika Superhighway functioning as people's route connecting the residences of Biashara, Gatong'ora and Gitothia wards in Ruiru Constituency.

Hon. King'ara, therefore sought to, among other things, establish:

1. The specific measures being put in place by the Government to reconstruct the Membley Bridge, including a detailed timeline of completion.
2. Measures put in place to have the temporary crossing solutions, particularly to facilitate students' access to schools in the area.
3. The reasons for the inordinate delay in the rebuilding of the bridge and the steps being taken to expedite reconstruction to avert further suffering.

Hon. Speaker, the Committee received a written response from the Ministry of Roads and Transport on 18th September 2024, which I now wish to make.

One, regarding the specific measures being put in place by the Government to reconstruct Membley Bridge, including a detailed timeline of completion, the Ministry submitted that through the Kenya Rural Roads Authority (KeRRA), it has made a request for funding towards the reconstruction of a bridge at the affected road section along the JN A2 Membley to Northern Bypass, JN C559 Tatu City roads project. This is following a technical assessment that found the existing structure inadequate to withstand the recurrence of a similar incident. It was established that there is a need to install a 20-metre span bridge to offer a long-term solution to this matter.

Two, the bridge is estimated to cost Ksh94 million and is beyond the scope of the existing contract or any possible variation to the same.

Three, regarding the measures put in place to have temporary crossing solutions, particularly to facilitate students' access to schools in the area, the Ministry submitted that they are aware that the closure and cordoning off of the affected road section, which was done in the interest of public safety, has inconvenienced residents and is sympathetic to their plight.

Four, it is, however, noteworthy that there is no corridor available for a diversion in the immediate location, and therefore advises residents to use alternative routes, namely the Northern Bypass and the Nairobi-Thika Superhighway, as efforts are made to source funds for the construction of a bridge, as earlier mentioned.

Five, regarding the reasons for the inordinate delay in the rebuilding of the bridge and the steps being taken to expedite the construction to avoid further sufferings, the Ministry submitted that the delay in the construction of the bridge has been occasioned by the unavailability of funds for the same.

Six, further, the Ministry wishes to request Parliament to consider providing budgetary allocation for this bridge alongside other crucial areas similarly affected by the flooding that impacted most parts of the country earlier this year. The Ministry undertakes to construct the bridge as soon as funds are made available.

Hon. Speaker, I submit.

Hon. Speaker: Thank you. Hon. King'ara, are you satisfied?

Hon. Simon King'ara (Ruiru, UDA): Thank you, Hon. Speaker, for according me the opportunity to respond to the Statement from the Chairperson of the Committee of Transport and Infrastructure. I am comfortable with the first paragraph; they moved at a good speed and came up with an estimate. They have given us an alternative route to use as they work on the bridge. Unfortunately, they are sending us to the Northern Bypass and the Thika Superhighway, which are too congested in the morning and in the evening.

Hon. Speaker, my concern is that most schools are on the other side of the road or the bridge. And so, it would be very difficult for pupils and students to accommodate their day-to-day activities, noting that the Thika Superhighway and the Northern Bypass, including the Eastern Bypass, are clogged for more than three hours in the morning. I want to ask whether they can use the Emergency Fund to construct the bridge. The said bridge is the only conduit for the three wards, namely; Biashara, Gatongora and Gitothua. The three Wards have been cut off. I request that they use the Emergency Fund to facilitate us rather than frustrate us.

Thank you, Hon. Speaker.

Hon. Speaker: Yes, GK?

Hon. George Kariuki (Ndia, UDA): Hon. Speaker, I sympathise with the situation that the people of Ruiru Constituency are facing. We have asked the Ministry to prioritise that project and avail any funds that are within their reach to address that challenge.

Hon. King'ara's Constituency is one of the most populous ones in the country, if not the most populous, and we will push the Ministry officials to ensure that the bridge is reconstructed.

Thank you, Hon. Speaker.

BUSINESS FOR THE WEEK OF 30TH SEPTEMBER TO 4TH OCTOBER 2024

Hon. Speaker: Thank you. Leader of the Majority Party give your Thursday Statement. Hon. Osoro, are you issuing the Statement on behalf of the Leader of the Majority Party?

Hon. Silvanus Osoro (South Mugirango, UDA): Yes, Hon. Speaker.

Hon. Speaker: Go ahead.

Hon. Silvanus Osoro (South Mugirango, UDA): I am holding brief for the Leader of the Majority Party for the usual Thursday Statement.

Hon. Speaker, pursuant to the provision of Standing Order No.42(2)(a), I rise to give the following Statement on behalf of the House Business Committee, which met on Tuesday, 24th September 2024, to prioritise business for consideration during the week.

With regard to the business for Tuesday, next week, the House is expected to consider the following Bills, if not concluded today: Committee of the whole House consideration of the Senate amendments to the Food and Feed Safety Control Co-ordination Bill, 2023; and consideration of the Senate amendments to the Statutory Instruments (Amendment) Bill, 2023.

Hon. Speaker, we will be having the Second Reading of the following Bills, if they will not be concluded today: The Technopolis Bill, 2024; the Kenya National Library Service Bill, 2023; and the Equalisation Fund (Administration) Bill 2023 (Senate Bill No.14 of 2023).

Additionally, debate will also be undertaken on the following Motions, should they not be concluded today:

1. Consideration of the Senate amendments to the Food and Feed Safety Control Co-ordination Bill, 2023;
2. Consideration of the Senate amendments to the Statutory Instruments (Amendment) Bill, 2023;
3. First Report on the Implementation Status of the House Resolutions on the Committee Reports and Public Petitions;
4. Report on the Alleged Unfair Trade Practices by Foreign Investors in Kenya;
5. Second Report on Employment Diversity Audit in Public Institutions;
6. Report of the Kenyan Delegation to the Extraordinary Session of the Sixth Pan-African Parliament (PAP);
7. Consideration of Reports on Financial Statements of State Corporations of the Nyanza Region; and finally,
8. The Consideration of Sessional Paper No. 5 of 2023 on the National Policy on Labour Migration.

Hon. Speaker, in accordance with the provisions of Standing Order 42(a)(5) and (6), I wish to convey that the Cabinet Secretary for Environment, Climate Change and Forestry is scheduled to appear before the House on the afternoon of Wednesday, 2nd October 2024, to respond to the following Questions:

1. Question No.304 of 2023 by the Member for Alego Usonga, Hon. Samuel Atandi, MP, regarding issuance of a licence for construction of residential property on plot LR No.33734/338 along Othaya Road in Kileleshwa, by the National Environment and Management Authority (NEMA) without public participation.
2. Question 29/2024 by the Member for Maragwa, Hon. Mary Wamaua, regarding the report on the total cost/value and present status of the Mitubiri Sanitary Landfill project in Maragwa Constituency that was launched in 2017 by the Ministry.
3. Question 105/2024 by the Member for Chepalungu, Hon. Victor Koech, regarding the presence of Lalela Company Limited and Naraitoi Company Limited that are engaging in large-scale irrigation-based farming along Amalo River and cloud-seeding activities.
4. Question 106/2024 by the Member for Westlands, Hon. Timothy Wanyonyi, regarding measures put in place to reclaim, safeguard and sustain all riparian areas and vulnerable ecosystems within the country.
5. Question 107/2024 by the Member for Nakuru County, Hon. Liza Chelule, regarding preservation of wetlands and catchment areas within the country and the Government's plan, in conjunction with Community Forests Associations nationwide, to plant 15 billion trees within the next decade.
6. Question 129/2024 by the Member for Ruaraka, Hon. T.J. Kajwang', regarding pollution in the Nairobi River and reasons for continued contamination despite interventions made over the years by various institutions.
7. Question 130/2024 by the Member for Tigania West, Hon. (Dr) John Mutunga, regarding key actors and benefits gained through climate financing to fight issues arising from climate change.

In conclusion, Hon. Speaker, the House Business Committee will reconvene on Tuesday, 1st October 2024, to schedule business for the rest of that week. I now wish to lay this Statement on the Table of the House.

Thank you very much, Hon. Speaker.

Hon. Speaker: Thank you, Whip of the Majority Party. Hon. Members, before I call the next order, we acknowledge Nkubu Winners Academy, in the Public Gallery, from Imenti

South Constituency, Meru County. On my behalf and on behalf of the House, we welcome the students and their teachers to the House of Parliament.

Next order.

MOTION

RATIFICATION OF PROTOCOL TO THE CONSTITUTIVE ACT OF THE AU RELATING TO THE PAN-AFRICAN PARLIAMENT

THAT, this House adopts the Report of the Departmental Committee on Defence, Intelligence and Foreign Relations on its consideration of the Protocol to the Constitutive Act of the African Union relating to the Pan-African Parliament, laid on the Table of the House on Thursday, 19th September 2024, and pursuant to the provisions of Section 8(4) of the Treaty Making and Ratification Act (Cap 4D), approves the ratification of the Protocol to the Constitutive Act of the African Union relating to the Pan-African Parliament.

(Moved by Hon. Nelson Koech on 25.9.2024 – Afternoon Sitting)

(Resumption of debate interrupted on 25.9.2024 – Afternoon Sitting)

Hon. Speaker: I understand this debate has some time to conclude. Who was on the Floor?

(The Speaker consulted with Clerks-at-the-Table)

There was nobody on the Floor at the rise of the House. I have on the screen request by Hon. Rindikiri Mugambi. Are you queuing for this? No. Hon. Dido Raso, are you queuing for this?

Hon. Ali Raso (Saku, UDA): Yes, Hon. Speaker.

Hon. Speaker: Go ahead.

Hon. Ali Raso (Saku, UDA): Thank you very much, Hon. Speaker. I wish to contribute to this Motion, and to why it is necessary for Kenya to sign this important Protocol that binds all African States. The first Organisation of African Union (OAU) Charter was signed on 25th May 1963 in Addis Ababa, in the Federal Republic of Ethiopia. That was the formative charter that brought African countries together. It was also the stage and platform from where the countries started fighting for both emancipation and independence of African countries, many of whom at that time were under colonialism.

On 11th July 2000 in Lome, Togo, the African Constitutive Act, which I believe is the current African Union Charter or Constitution, was signed by 53 African countries. This had been preceded by the Fourth Extraordinary Session of the AU that took place on 9th September 1999 in the City of Sirte in Libya. The reason I am going through those dates is to lay the ground why this Constitutive Act is a very important document for we legislators or leaders of this country to understand, and for it to form part of the Kenyan legal instruments, as an African country.

The OAU Charter largely addressed issues of cooperation between Africans about fighting for decolonisation of territories that still were under colonial rule, and emancipation of Africans wherever they were. The Constitutive Act addresses the important issues of our time: economic and social cooperation, human rights and the rule of law, governance, a strong Africa that looks at partnerships between its people and neighbours, and the rights of

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marginalised groups within the countries, including women and youth. The role of the civil society is among the objectives pronounced in the AU Constitutive Act.

This particular instrument that I call the AU Constitution talks more about peace and security. Africa has been bedevilled by the scourge of conflict for a long time. Today, the AU has a Peace and Security Commission that sits exactly like what happens in the Security Council to address conflict on this continent. The old OAU Charter provided for non-interference in the internal affairs of African States. That means that whatever happened within an African State, the OAU was mute. But this Constitutive Act provides that the AU, where we are bidding for the Chairmanship of the Rt. Hon. Raila Odinga, is stronger today than it was under OAU. Today, the Commission has so many Directorates under it: economic, social, educational, and human rights division. They enable it to address the issues of Africa. The other important things that you find in this Constitutive Act of the African Union Relating to the Pan-African Parliament are democracy, good governance, and public participation.

[The Speaker (Hon. Moses Wetang'ula) left the Chair]

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

Hon. Deputy Speaker, the AU could not clearly talk about election in a member State before. Kenya holds its election and it goes whatever direction. When there was post-election violence, AU was quiet about it. However, under the Constitutive Act it is concerned that if bad things happen in Kenya, they have a ripple effect in the neighbouring countries. That is why AU takes cognisance of it.

Among other important things that this Constitutive Act addresses is the issue of inter-African infrastructure, Agenda 2063 and African Continental Free Trade Area (AfCFTA) Agreement. With these, you can see that there is more partnership and engagement within the AU. Through the Constitutive Act, the structure or organisation of the AU is more pronounced. It used to have a very rudimentary structure of about four or five divisions. We have the Executive, PAP, African Court of Justice and Human Rights, Specialised Technical Committees, Permanent Representative Committees, and Economic, Social and Cultural Council. All these encompass AU. They want to address the African continent and its people holistically.

With those many remarks, I support this Motion and ask my colleagues to support it, so that this Protocol becomes an instrument within the laws of the land.

Thank you, Hon. Deputy Speaker.

Hon. Deputy Speaker: Member for Buuri, Hon. Mugambi. I can see your name is at the top. Do you want to speak to this?

Hon. Mugambi Rindikiri (Buuri, UDA): No. I will contribute to the next business.

Hon. Deputy Speaker: Okay. Hon. Moses Kirima, Member for Central Imenti.

Hon. Moses Kirima (Central Imenti, UDA): Thank you, Hon. Deputy Speaker, for giving me this opportunity to contribute to the Motion on Ratification of the Protocol to the Constitutive Act of the African Union Relating to the Pan-African Parliament.

It is necessary for Kenya to be part of the world, when it comes to the rules which govern the protocols of various countries. The matter before the National Assembly today was ventilated very well by the Committee concerned, and it passed through all the processes which were required. After soul-searching and looking at all various articles on the same, it was seen that it would not affect the country in form of taxpayers' money and interfering with current internal rules of the country. At the end of the day, it will be adopted to become part of the laws which govern this country and the countries involved in signing of the same Protocol.

It is a necessity, taking into account that the world is a global village these days. Each country requires each other when it comes to economic growth, export of labour, import of goods, and all other things which pertain to the said Protocol. We cannot live alone. The country requires us to be part and parcel of those countries which share the same ideas, ideals, and sentiments. With that, the Protocol is necessary for this country to prosper better than where we are, and also to be appreciated in those countries which are part of this Protocol.

I, therefore, support the Motion. Thank you, Hon. Deputy Speaker.

Hon. Deputy Speaker: Member for Wundanyi, Hon. Mwashako. Those who want to contribute to this debate, kindly press the intervention button. Member for Tharaka, Hon. Murugara.

Hon. George Murugara (Tharaka, UDA): Thank you very much, Hon. Deputy Speaker. Allow me to also support this Motion so that we are able to ratify the Protocol to the Constitutive Act of the AU relating to PAP.

It is important for the House to keep on noting every time we have such protocols that it is a requirement of our Constitution that once our country, Kenya, becomes a signatory to an international protocol, then it ought to be brought to the House, so that it is ratified to become binding in the country. After ratification, the Protocol becomes part and parcel of our domestic laws. Therefore, we are bound.

This is also pursuant to the Treaty Making and Ratification Act which is part of the laws of the country. Upon approval or ratification of this Protocol, Kenya will be part and parcel of the Act of the African Union which will constitute PAP. It is also important to observe that we are part and parcel of PAP. We have that chapter in this House which deals with Pan-African Affairs. We have been a member of the AU since inception of the country in 1963 when we became independent. We have steadfastly stood with it. In fact, in the early 1980s, the late President Moi was the Chairman of the AU. We were very proud of that event during that epoch.

Today as we speak, we are presenting a formidable candidate for the chairmanship of the African Union Commission, who is none other than the indefatigable Rt. Hon. Former Prime Minister, Raila Amollo Odinga. We wish him very well. He has the full backing of the country. We have gone out of our way to ensure that all the friendly countries that support Kenya support his candidature. We are just waiting to see how the voting will go. However, we are almost certain that he will be elected as the Chairperson.

This is very important because we are going to strengthen PAP through this Act which will constitute it. We will also be part and parcel of Pan-Africanism in Africa. It goes without gainsaying that our founding fathers of the African continent played a pivotal role in ensuring that Pan-Africanism spread. All the time we mention this, the late Kwame Nkrumah, Mwalimu Julius Nyerere, Jomo Kenyatta in Kenya, Sedar Senghor in Senegal and others come into play. These were Pan-Africanists who stood for African unity. Today, we should be edging towards the union of the African continent so that we stop seeing ourselves as regional blocs – the East African Community, the South African Development Commission, the North African Bloc, and whichever. We should see ourselves as one continent transiting to an African State where, possibly, we are going to have the African currency amongst many other trading issues that we should bring together. We need to speak in one voice.

This is a very important act to be executed by the African Union, relating to the Pan-African Parliament, and as Kenyans, we should embrace it 100 per cent. As we wish the Rt. Hon. Raila Amollo Odinga the very best for the chairmanship of the African Union Commission, we confirm today that we support this ratification which also goes towards showing that we are together with the African Union in issues relating to Pan-Africanism.

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

Hon. Deputy Speaker: Member for Suba North, Hon. Millie Odhiambo.

Hon. Millie Odhiambo-Mabona (Suba North, ODM): Thank you Hon. Deputy Speaker for giving me this opportunity. At the outset, I support this Motion.

I served in the Pan African Parliament in the 12th Parliament. One of the reasons I support this Protocol is that it addresses some of the reasons for which I was not very keen to go back to the Pan African Parliament. However, with this Protocol I am really happy that they have addressed some of those issues. The Pan-African Parliament had a lot of potential. It still has, but because it did not have any teeth or legislative capacity, it meant that we were basically meeting almost like a conference where we make resolutions and nothing comes out of them. Now that it is being given a legislative mandate, it will give it teeth.

Article 3 provides for the objectives of the Pan-African Parliament which includes giving a voice to the African people in the diaspora. It also seeks to promote the principles of human and people's rights and democracy in Africa. It encourages good governance, respect for the rule of law, transparency and accountability in member states. It promotes peace, security, and stability in Africa. It also seeks to strengthen continental solidarity, cooperation, development, and build a sense of common destiny.

The only issue that I am noticing, even though he talks about ensuring that the languages that shall be spoken are the languages of the African Union... I would want to encourage, especially our Government, to consider not only making sign language a language as we had said earlier today but also to ensure that every school is taught French right from primary school. This will enhance integration and Pan Africanism because sometimes we are much closer to countries that are far away from us because of language.

I am happy that under Article 4, it provides that, at least, two members of the five members states that shall be sent by the countries shall be women. I am happy that the treaty now looks at the constitutive architecture and also mandate. I have spoken to the mandate but even in terms of a constitutive architecture, the Parliament as currently constituted, includes members who are members of our parliaments. Like I was serving as a Member of Parliament when I was also a Member of the Kenyan Parliament. Now it will be constituted more like the East African Legislative Assembly where Members of Parliament will not be members of existing Parliament. They will be elected directly even though they will be voting in their individual capacities.

I thank the Chairman of the Departmental Committee on Justice and Legal Affairs, especially for making a connection of the important role of this Protocol. We are hopeful of the election of our Party Leader, Hon. Raila Amollo Odinga, to the African Union Commission chairmanship. We hope that once he takes on the leadership, he will revamp it. That is why it is good that this should go ahead of that.

Hon. Deputy Speaker, one of the things that I also like is that it has also provided for rotation of leadership in the bureau. This is one of the thorny issues that has bedevilled that Parliament. There was a period of almost one year in the current Pan-African Parliament that they could not move on because of the issue of rotation. It was more of a gentleman's agreement because they had agreed there would be rotation like it was supposed to be southern Africa's time. But there is a problem because the Central African Region wanted it too. It caused it not to function. If we have rotational leadership, it would auger very well. Perhaps, that is food for thought for us as a country, that if we want to think about dealing with the issues that bedevil us as a country every five years, maybe we could think about dividing the country into bigger regions and thinking about presidency in a rotational manner. Then, we would not be having the theatrics that we are seeing even right now. Some people feel that if they are not here now, they may have to wait another lifetime before they get the presidency. It is something that we may need to think about seriously as a country.

Hon. Deputy Speaker, I do support.

Hon. Deputy Speaker: Member for Marakwet West, Hon. Timothy Toroitich.

Hon. Timothy Kipchumba (Marakwet West, Independent): Thank you Hon. Deputy Speaker for granting me an opportunity to contribute to this very important Report. I rise to support this Report on the Consideration for Ratification of the Protocol to the Constitutive Act of the African Union relating to the Pan-African Parliament.

In this country, we have an extremely progressive Constitution. Article 26 of the Constitution provides in very clear terms that any treaty ratified by Parliament or by Kenya shall constitute part of the laws of this country.

Pan-African Parliament is a very important Parliament in enhancing democracy within the African continent. As a continent, we share a similar history and culture. It is only after the Berlin Conference of 1885 that this continent was divided and taken over by various colonial regimes. That is where we lost our identity and culture as the African continent. It is now time, as a country, we ratified this protocol so that we can go back and find our path which we lost.

The Pan-African Parliament is very important because it is like a peer review in terms of our democracy in matters to do with human rights, where countries will have representatives at the highest level in the continent to share certain values that are admired across it. The only issue I have with this Report, looking at it critically, is this: under Article 118(1)(b) of the Constitution on public participation and Section 3 of the Treaty Making and Ratification Act 2012, the Committee placed advertisements in two local dailies on 16th November 2023, calling for submissions of memoranda on the subject matter. However, it goes further to say the Committee did not receive any memorandum for or against the ratification of the protocol. That is quite unfortunate because something must be wrong. Probably, the Committee did not give out proper notice for public participation because it cannot be true that no one in the Republic of Kenya managed to give an opinion on this protocol. It is something that can even be quashed by the courts. It is something that the Committee and this House need to take seriously because there was no input from the public as per the Report of this Committee.

Hon. Millie Odhiambo-Mabona (Suba North, ODM): On a point of order, Hon. Deputy Speaker.

Hon. Deputy Speaker: Hon. Odhiambo, what is your point of order?

Hon. Millie Odhiambo-Mabona (Suba North, ODM): Thank you, Hon. Deputy Speaker. With due respect to the Hon. Member. I sit in the Departmental Committee on Defence, Intelligence and Foreign Relations, and, indeed, this Committee gave a public notice for public participation. However, sometimes people do not give their views. In this case, many people do not know what the Pan-African Parliament does. That is why this Constitutive Act is good because it will make it easier for people to even know what Pan-African Parliament does. It is wrong to say that the Committee did not do it and it may be taken to court. We cannot have it on record that we are the ones questioning whether we actually did that. I sit in the Committee and I know that.

Hon. Deputy Speaker: Okay. You may proceed, Hon. Toroitich. That is information.

Hon. Timothy Kipchumba (Marakwet West, Independent): Hon. Deputy Speaker, whereas I respect the opinion by the senior counsel, it is on record that no memorandum was submitted to the Committee. Give and take, it is okay but that is an issue of concern, that...

Hon. Deputy Speaker: Hon. Toroitich, I think you are casting aspersions on the House of Parliament and you have clearly been informed by a Member of this Committee that there were advertisements duly done, but there were no responses. You cannot force members of the public to give memoranda. The most important thing is to show that you gave them an opportunity to give their memoranda. You were also free as a Member of Parliament to even give your memorandum. I think you better withdraw that remark because you are accusing the Committee, yet you have received information from the Committee. Please withdraw that remark.

Hon. Timothy Kipchumba (Marakwet West, Independent): Hon. Deputy Speaker, I substitute it with the words that, I have read the Report and that despite notice being given, the Report on record is clear in terms of no memorandum was received from the public.

As I proceed, in the Report there are several benefits for Kenyans that will accrue out of ratifying this Protocol. One, as a county, we are demonstrating our commitment to democratic values and principles of inclusivity, including citizen participation. As I have said, we have a lot as a country and as a continent that we can learn from each other. Kenya is a progressive democracy. If you compare Kenya with other African countries in terms of how we uphold our democracy, I think it is a country that is admired, and these are values that we can export to other African countries when we ratify this protocol to legally establish the Pan-African Parliament.

In broader objectives and in matters to do with African integration and unity, we have various organisations, for example, the East African Community where we have issues to do with integration. I think when we constitute this Parliament fully and ratify this protocol, as a country, we can advance our economic values and matters to do with African integration in this Parliament.

The protocol will also give Kenyan parliamentarians a voice of influence in shaping continental policies and initiatives. As I have said, we have a progressive Constitution which has been subject to interpretation by the courts. We have set precedent in this country through our Judiciary. These are values that other countries can learn from us.

I support this ratification in totality, only that in future we need more participation in terms of involving Parliament. There needs to be an amendment to the protocol called Treaty Making and Ratification Act (No.25 of 2022). Section 9 of that Act says that Parliament may approve a particular protocol with reservation or without reservations. I challenge the Committee to table the Protocol before the House before it is brought for ratification. It is so that Members of Parliament can engage and peruse it pursuant to Section 9 of the Treaty Making and Ratification Act of 2012.

Hon. Millie Odhiambo-Mabona (Suba North, ODM): On a point of information, Hon. Deputy Speaker.

Hon. Timothy Kipchumba (Marakwet West, Independent): Hon. Deputy Speaker, I have no problem if the senior counsel wants to inform me.

Hon. Deputy Speaker: Hon. Odhiambo.

Hon. Millie Odhiambo-Mabona (Suba North, ODM): Thank you, Hon. Member. I understand you, but I just wish to inform you on the reason I actually moved the Treaty Making and Ratification Act. Without this Act, you would not be debating. The Bill itself actually enables Parliament to debate the treaties. The way treaties are made or negotiated is in a way that we can only make reservations; we cannot amend. I am saying that because I have heard other Members saying that before. If you understand it from an international law perspective, we cannot amend treaties; not in a Parliament. You can only make reservations. You cannot amend.

Hon. Deputy Speaker: Hon. Chairperson for the Committee, Hon. Koech.

Hon. Nelson Koech (Belgut, UDA): Hon. Millie Odhiambo has done very well. That is why we are here. It has not been passed yet. It has given you an opportunity to deliberate on it and Parliament still has an opportunity to even reject it at this point, if it deems this protocol unfit for ratification. It is still the property of Parliament. Just to inform my colleague, public participation is to allow you as Members of Parliament to contribute.

Another thing that I raised yesterday, if you can remember, is that many Members of Parliament, particularly this Parliament, and I am sorry to say that, do not even understand how Pan-African Parliament operates. This is even those who were eyeing to sit in Pan-African

Parliament. That is why they are not here and are not even contributing. Many people have never understood how Pan-African Parliament operates.

Hon. Deputy Speaker: Thank you, Hon. Members. At this juncture I would like to recognise the presence of learners seated in the Galleries. Seated in the Speaker's Gallery are students from Molo Highway Secondary School from Molo Constituency, Nakuru County; and, in the Public Gallery are students from Pamela Scott Leldet Secondary School from Rongai Constituency, Nakuru County. We also have learners from Kilo Primary School from Kajiado East Constituency, Kajiado County.

I give the Hon. Member for Molo Constituency, Hon. Kimani Kuria, a chance to welcome all the learners from the three schools on behalf of the National Assembly.

Hon. Kuria Kimani (Molo, UDA): Thank you, Hon. Deputy Speaker. I extend an invitation from the National Assembly to the great students of Molo Highway Secondary School, and schools from Rongai and Kajiado West constituencies to observe the proceedings of this House. If you allow me, Hon. Deputy Speaker, I would like to highlight that Molo Highway Secondary School is one of the fastest growing schools in the constituency. Just five years after doing their first Kenya Certificate of Secondary Education (KCSE), the school had very excellent results in the last KCSE. It had one student with a B+, five with a C+, three with a B Plain and one with a B-, sending 10 students to the university and one to the seminary. Notably, this is a day school.

(Applause)

I went to this school for thanksgiving last Friday and I promised them that they would come and observe the proceedings of Parliament because I am a product of a mixed day secondary school. When I see brilliant students like these, I am sure that we have the next biggest leaders, the best engineers, doctors, and lawyers. This also shows the importance of the National-Government Constituencies Development Fund (NG-CDF). When I became a Member of Parliament, this school had only one *mabati* classroom. If you go to that school now, they have storey buildings and labs.

(Applause)

The NG-CDF is what has helped them to have infrastructure almost as good as those in the school where Hon. Millie Odhiambo went to and, therefore, getting to post such excellent results. Congratulations Molo Highway Secondary School. We look forward to even better results this year. Welcome to Parliament.

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

[The Temporary Speaker (Hon. David Ochieng') took the Chair]

May I continue with my contribution on the ratification?

The Temporary Speaker (Hon. David Ochieng'): Go ahead.

Hon. Kimani Kuria (Kikuyu, UDA): Thank you, Hon. Temporary Speaker. I rise to support the Ratification of the Protocol to the Constitutive Act of the African Union relating to the Pan-African Parliament. This ratification refers to the formal process in which member states of PAP approve and adopt the legal framework in the establishment of PAP.

The Pan-African Parliament is one of the organs of the AU that is aimed at promoting peace, unity, democracy, good governance, human rights, and economic development. The Protocol is properly constituted within the Constitution of the Republic of Kenya. The Protocol

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will advance the participation of African people in matters of governance. It will uphold democratic principles, protect human rights, and promote good governance across the African continent. This is by listening to the voice of the African people and those in the diaspora.

Kenya stands to enjoy a plethora of benefits through the ratification of this Protocol. This will include the following: the demonstration of Kenya's commitment to democracy and the principle of achieving inclusivity and active citizen participation. It will make Kenya to contribute to the broader objectives of African integration, legislation, and forging of unity. The protocol will also give Kenya and its Parliament a voice and influence in shaping the continental policies and initiatives. This active participation in PAP will raise Kenya's voice profile in the African Union and also on the continental stage.

It is a great privilege that we have one gentleman in the name of Hon. Raila Odinga whom Kenya has fronted to be the Chairperson of the African Union. We are hoping this will be a successful bid for Kenya and we will be proud holders of the chairmanship of the position. This, in a way, will show gratitude to the many years of fighting for multi-party democracy or what we call *ugatuji*. When we were young people, we used to hear Hon. Raila Amollo Odinga talk about *ugatuji* or *majimbo*. We thought *ugatuji* or devolution was a very bad thing and it would divide this country. Many years later, after the enactment of the 2010 Constitution and establishment of the 47 counties, we have seen development going to the people. They are now involved in the way their Government is run.

I have had the privilege of travelling across this country. It is sad when you go to some constituencies that have never seen an inch of tarmac road while others have less than 10 per cent of power connectivity. Our hope was that this devolution which we fought for would cure these challenges. It is great to see many governors working extremely hard to bring change in their counties. We should use devolution to bring not just development to the people, but also enable them to participate in governance to the lowest units.

There is one great Pan-Africanist and sociologist who said that the habit of democracy must be learned by practise. The people must learn by experience how to govern themselves. I really hope that the practice of the power of the people to govern themselves, both at the national and county forums will bring out the best experience and leadership. Also, it will enable the electorate or voters in every five-year election cycle to have a chance to evaluate their leaders' words and development. It will give us the best people to run this country and continent. That way, we can continue being one continent, one people, and, hopefully in future, one nation.

Some of the challenges we face like fluctuations in our currencies is because we all have our small currencies. If you are in Busia, for you to cross over to Uganda you can hardly use the Kenya Shilling to purchase something there. If you cross the other border to Tanzania, you have to change your currency to Tanzania Shilling. Worst of all, is if you are dealing with huge transactions. You have to change the money to United States Dollar first, then convert it to the local currency. As you know, with a huge population in Africa, we have a huge market for products. Despite us passing different protocols to allow free trade movement across Africa, we still face bureaucracies and many barriers to trade.

Until recently, even travelling to South Africa you needed a visa. We hope the collaboration in both free movement of people and goods across the continent and the establishment of an African bank in the African continent will make us to live together as one people - the African people. I beg to support this ratification and congratulate the Committee on Defence, Intelligence and Foreign Affairs for doing such a brilliant job in this report.

Lastly, I want to comment on what my friend, the Member from Marakwet said on public participation. Every piece of legislation that comes to this House goes through public participation. Many times, despite publishing in local dailies, website, even parties directly involved or affected by these decisions do not send a memorandum to Parliament. It is high

time we revisited the Public Participation Bill that was introduced in the Senate. We need to give a criterion because sometimes the language in the legal framework is not palatable to ordinary Kenyans.

It is high time we came up with a matrix of how to engage the public in matters public participation so, that a big concept like the Ratification of the Protocol to the Constitutive Act of the African Union relating to the Pan-African Parliament can be in a language that is palatable to ordinary Kenyans. That way, they can participate in debate and legislation.

Thank you, Hon. Temporary Speaker. With that, I beg to support.

The Temporary Speaker (Hon. David Ochieng'): Well said. You came prepared for this debate. Is the Member for Central Imenti in the House? He already spoke. The Member for Tharaka also spoke. The Member for Wajir North, Hon. Ibrahim Saney.

Hon. Ibrahim Saney (Wajir North, UDA): Thank you, Hon. Temporary Speaker. The process for ratification of treaties, protocols or any bilateral agreement is very clear in our Constitution. So, what we are debating is what we ought to do. Kenya has participated in the making of this Protocol and knows the purpose, intent, and goodies expected out of it. More so, it is African Union Protocol. Therefore, it goes without saying it is ours and we are in the middle of it.

Hon. Temporary Speaker, there is some disturbing noise. Somebody's phone is ringing thus interrupting my contribution. Treaties, protocols, and bilateral agreements ordinarily set courtesy rules for parties to engage. They put mechanisms for international pledges, agreements, and ways of working together in an orderly manner. They give common commitments where people agree together so that there are no conflicts. It is a matter of commonalities not disagreements. Treaties give an opportunity for networking among agreeing member states and they showcase unity. Unity of purpose, unity to troubleshoot just in case there are issues arising and the unity to amalgamate in a very cohesive manner on purpose of social, economic, political issues and the Pan-African Parliament being brought on board will surely serve those three pillars which are key to this continent.

Hon. Temporary Speaker, the Protocol is a diplomatic tool for engaging between African states. It is also an interactive tool for reaction and relation. It aligns our values as Africans. We come from a common heritage and destiny. We have so much commonalities that hold us together as African states. It is like a giant economic bloc though sleeping. So, it aligns our values, goals and even our identity as an African continent. What was once a source of slave trade or human capital in the name of slavery can today come together in the form of a protocol or an international instrument to foster development and agree on their own interests and come up with their home-grown initiative. That is what this Protocol looks up to.

It underscores that we have a common history that is undeniable that we Africans are brothers and sisters. We come from the same destiny and pedigree. That common destiny forces us to come together and discuss our own issues and come up with local solutions to our problems and not always looking forward to foreigners. The answers to Africa's problems are in its own human capital, minds and intellectuals. In a nutshell, this Protocol takes to a higher level the political horizon of discussing African matters.

There are dreams of having a "United States of Africa". Many have dreamt of that; Pan-Africanism. All blocs, the Southern bloc, the East African Community (EAC) are all an African issue. This Pan-African Parliament will be a platform to take it to a higher horizon, learn together, research and put it on a continental platform not in our local entities, Kenya, Rwanda or Uganda. These small entities no longer serve. The world is competing on a broader scale economically, politically and militarily. It is time for us to come with instruments that bring us together to negotiate, cooperate and bring whatever the resources so required to bring this gigantic continent to the fore and lead the world. I believe without much ado this has nothing

much to debate other than accepting. It is a belated one. It is quite in order and I entirely support bringing the Pan-African platform and its consequent ratification.

Thank you, Hon. Temporary Speaker. I do support.

The Temporary Speaker (Hon. David Ochieng’): Hon. Mayaka, what is it?

Hon. Irene Mayaka (Nominated, ODM): Hon. Temporary Speaker, I am judging the mood of the House. I would like, under Standing Order 95, that you call the Mover to reply.

The Temporary Speaker (Hon. David Ochieng’): Is the mood of the House that we call the Mover to reply? The Hon. Sonko Nelson Koech, you have a chance to reply.

Hon. Nelson Koech (Belgut, UDA): Stop using characters that do not describe my name.

Thank you very much, Hon. Temporary Speaker and my good friend. I thank Members for their comments about this Pan-African Parliament Protocol. It is a very important tool that is extremely necessary to allow the operationalisation of the Pan-African Parliament. There have been promising sentiments from Members here. Yesterday, I heard a Member say that he could not remember the AU having one voice and sitting together somewhere with a proper structure to prosecute issues that affect African states in such a structured manner like the Pan-African Parliament will.

Like it was indicated yesterday, 15 countries have already ratified this Protocol and it was necessary that Kenya having been a robust nation in terms of engagement within the African organisation and structure, follows suit. It was only this process that was awaiting so that we can be part of this exciting Pan-African Parliament with new structures. It is also exciting for Members of Parliament, particularly those who would want to participate in the Pan-African Parliament knowing that it is going to be an elective position. If anyone wants to be in the Pan-African Parliament, they will have to resign, if they are Members of Parliament unlike the situation at the moment. It will take the shape of what happens ordinarily with EALA.

I do not want to bore Members with many stories. The comments have been very good and promising. It allowed Members of my Committee to do this noble duty, and put in a lot of work particularly those of legal minds. Deputy Whip of the Minority Party, Hon. Millie Odhiambo, has been very useful having worked before in writing Bills that deal with protocols. I appreciate the entire Committee for that.

Hon. Temporary Speaker, I beg to reply. I request that you defer the vote to a later date.

The Temporary Speaker (Hon. David Ochieng’): Your request that the decision on this Motion be made the next time it is put on the Order Paper is acceded to; we will vote on it when it appears next in the Order Paper.

(Putting of the Question deferred)

Next Order.

BILL

Second Reading

THE TECHNOLIS BILL
(National Assembly Bill No.6 of 2024)

(Moved by Hon. John Kiarie on 24.9.2024)

(Resumption of debate interrupted on 25.9.2024 – Afternoon Sitting)

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The Temporary Speaker (Hon. David Ochieng’): Hon. Members, debate on this Bill commenced two days ago and it is open for debate. The last person on the Floor was Hon. Beatrice Kemei. By pressing the intervention, I will be able to know which Members wish to debate on this. Member for Funyula.

Hon. (Dr) Ojiambo Oundo (Funyula, ODM): Thank you, Hon. Temporary Speaker for this opportunity and I stand to commend or give my opinion on this Bill. I must give a lot of credit to my friend KJ who has made me understand technology. I remember when we were with him in South Korea, he would take for us content creation videos, whatever that means, and indeed I like his passion for the project.

Hon. Temporary Speaker, many of us will remember that Kenyans grappled with technology. Kenya has introduced and adopted technology over time. Vision 2030 is hinged on the adoption of technology to drive this economy as we seek to industrialise and become a major manufacturing country. To do so we need technology. Let me also admit that the first time I touched a computer was when I was in the University of Nairobi. This must have been around 1995. That is when I first saw a computer. I got to work with a computer much later when things had evolved, unlike this younger generation who were literally born and when they open up their minds, they have an electronic gadget in their hands.

Perusing through this Bill more or less leads to two particular aspects of what we want to do. Firstly, it more or less looks like a Special Economic Zone or an Export Processing Zone. Secondly, it assumes some of the powers of various departments in the county governments and at the national level like the physical and land use planning organs. It seems like this Bill wants to copy and make sure that areas slated as technopolis are dedicated to the advancement of technology, creation of employment in technology, and developing technology that will drive our economy and Government services.

It also seeks to repeal the Order that established the Konza Technopolis. Konza will become part and parcel of this process. In my understanding, the former Konza Technopolis Development Authority Order has been saved in this Bill. However, it will have to be re-planned afresh based on the provisions of the Bill.

The older generation is worried about the invasion of technology in our lives and its potential misuse. We are worried about the harmful side of technology. I read an article on BBC News yesterday which stated that while technology has its advantages, it is starting to damage the younger generation in one way or another, especially adolescents and youths. I, therefore, beg and beseech those who know how to use this vehicle to sieve the amount of content that the youth are allowed to access. I urge the Committee to find ways of ensuring that technology compliments formal education and does not replace it.

Hon. Temporary Speaker, you and I could be young, but Sir George may not. The first thing we were taught in school was spelling but nowadays, nobody teaches spelling. One can simply Google the spelling of words. You just type the word, even incorrectly, click on the spell check tab, and you will find the correct spelling. I assure you that if you gave some of our clerk assistants and young Members of Parliament a blank paper and told them to write an essay without using spell check, the computer or a phone, they will not get the spelling correctly. Technology is good and I am all for it, but for heaven's sake, there are some basics in life that should never be taken away. Many good things can come through, but we need to be very careful.

This Bill has some provisions that need to be addressed afresh. For example, Clause 6(a) states that:

“The Authority has powers and functions to formulate administrative by-laws and guidelines for the sustainable development and management of a technopolis.”

We need to be very careful not to be in breach of the provisions of the Statutory Instruments Act as well as the Constitution that clearly states that the law-making body is Parliament and nobody else.

It is a typical Bill that has administrative structures. I take special objection to Clause 7(1)(e) which states that:

“The membership of the Board of the Authority shall be five persons, not being public officers, appointed by the Cabinet Secretary.”

I suppose that in the minds of the Committee members, there is an expectation that the appointment will be through a competitive process so that the Cabinet Secretary does not decide to appoint people who have no capacity or people close to them, therefore, compromising on the whole issue.

Clause 17 confers upon the Authority an extremely wide mandate. I am not so sure whether this country has the resources to provide the funds required for the Authority, for example, to ensure that each technopolis is equipped with state-of-the-art integrated infrastructure and facilities even though one of the functions of the Authority is to raise funds to achieve their objectives. There are a number of progressive ideas that we will watch keenly.

I want to bring to the attention of the House that the Authority will be the custodian or will keep records or backup for State, national and county data. We hope that it will have enough safeguards to ensure that there are no data breaches to the detriment of the country and individuals.

On the issue of land use planning, we will need to interrogate the issue of the buffer zone and the functions of the county government as provided for in the Constitution. We must also look at the provisions of the Physical and Land Use Planning Act to ensure that there is no overreach given that the Authority is not a planning authority, unless it applies to be listed or licensed as such so as to prepare land use plans without the approval of the relevant county government.

We hope that the Authority will decentralise this particular technopolis, if possible, to all strategic counties. Busia is one of the strategic counties and I hope you will not forget it.

With those very many remarks, I support the Bill. Thank you.

The Temporary Speaker (Hon. David Ochieng’): Member for Buuri.

Hon. Mugambi Rindikiri (Buuri, UDA): Thank you, Hon. Temporary Speaker, for this opportunity. This Bill is coming at the right time when the Kenya Kwanza Government, and now the Broad-Based Government, agrees on certain things that need to be done to fast-track the economic growth of this country. The issue of technological advancement is key to every sector in this country. The technopolis centres are supposed to generate many positive impacts on our economy. I am sure that this Authority will try and enhance technology in various institutions in many parts of our country.

If we really want to increase innovation in our country, we must adopt certain things or ways of doing things. We need innovation in sectors like information technology, biotechnology, telecommunications and advanced manufacturing. We need to attract professionals, researchers and entrepreneurs. The secret of success in countries like the USA, Japan and the United Kingdom is centred on the premise of understanding the advantages of having areas that are purely designated to enhance technology. Kenya is known in Africa as a country of high-level technology. However, it has never strategically focused to have it properly managed and executed. This Bill will bring that focus and that is what is required now. Let us not forget that the Government said we must have an ICT hub in every constituency.

I believe that this Bill will recognise the main technopolis centre and see how the one it is proposing will join the ICT hubs to enhance the advantage of technology among our youth. We are looking for opportunities to create jobs, to enhance economic growth, for innovation and research, for areas of collaboration of opportunities, to access funding, to enhance

infrastructure development and to be competitive in the international arena. We are looking for opportunities to enhance entrepreneurial ecosystems, knowledge transfer and improve the quality of life.

This Bill addresses the objectives under Clause 3. Part II addresses the Technopolis Development Authority and its responsibility. Having gone through the responsibilities and functions of this Authority, I am satisfied that it will enhance the achievement of these objectives. We will need a lot of investment for this to be realised. Everything comes at a cost. For us to jump fast enough in the world of technology, we have to support a Bill like this.

I was in Kigali, Rwanda last month. We are slowly being caught up by countries like Rwanda that have made service delivery and technological concerns part of their economic agenda. We can see the kind of investments that Rwanda is attracting, the kind of enthusiasm among its youth and the kind of innovations that are coming up there. So, this Bill will come in handy to address some of the issues that I have mentioned. I am sure that, going forward, we shall have an authority and technopolis centres spread all over. I want to ask the Government to allocate more resources to these centres for the sake of our youth and the economy of this country. We need to grow manufacturing industries and agriculture. We need to offer services and be competitive in the world.

With those few remarks I support.

The Temporary Speaker (Hon. David Ochieng’): Thank you. Hon. Millie.

Hon. Millie Odhiambo-Mabona (Suba North, ODM): Thank you, Hon. Temporary Speaker. I support this Bill and thank Hon. KJ who is very passionate about technology. I normally accompany him to the Inter-Parliamentary Union (IPU). He is usually our expert on technology that proudly showcases Kenyan excellence. I also wish to thank the Committee. I will propose very minor amendments to the Bill that basically relate to issues of governance.

For example, on the Board of the Authority, the Bill is proposing five individuals. I shall be proposing that we have gender and age balance. Unfortunately, for some of us here, we need to ensure that the younger people are the majority in the Board, particularly the Generation Zs because they are more technologically savvy than us. It will also help in job promotion. Part of the challenges that we are facing as a country is the youth bulge that is very evident, especially because of lack of jobs and a few other governance issues.

Technology is the present and future. Any country that does not invest in technology will be overtaken in the global economy. I remember when I was just doing my university degree the other day, I handwrote my dissertation. I am very good at using technology but I handwrote my dissertation. Unfortunately, somebody stole my luggage in an Akamba bus on my way from Homa Bay to Nairobi and it had my entire handwritten dissertation document. You can imagine how stressed I was because I had two weeks to submit it and there was no backup. I had to sit down and research afresh.

I can remember when I was sitting down to redo it, one of my good friends, Njeri Mwangi – she works at the Office of the Attorney -General – introduced me to her sister. She told me that her sister knows how to use a computer. You can imagine, in my time, she told me that her sister knows how to use a computer. So, we went to her office at the African Medical and Research Foundation (AMREF) one weekend because she was helping me to type so that I do not lose the document again. While we were sitting in her office, I was perplexed at how something was coming through a machine. I went back to my cousin who was very knowledgeable and always ahead of us called Felix Ochieng. He went to Lenana School. Even though Alliance High School students like pretending that they know things, Lenana School students are way ahead of them on a few things.

(Laughter)

I went to my cousin Felix and told him that I was in an office where something was coming out of a machine and he told me it is called a fax machine, again, during my time. Now fax machines are almost obsolete. I do not see anyone using them anymore.

In this lifetime, so much has changed that I can hardly keep up. That is why if we do not move with the same speed that everybody else is moving with in technology, we will go nowhere as a country.

On the issues that we have raised, I want to encourage the Mover to consider them, especially the ones that have been raised by Hon. Oundo so that we build on them. One of the things that this Bill will do is to create jobs. I am launching my book called: “Rig or Be Rigged” on Tuesday, 1st October next week. One of the things that I was doing... As I am organising to do the launch, I am amazed at the level of technology around just launching a book. I just sit back and marvel at the young people doing it. Interestingly, I am hardly using people in their 40s or 30s. I have to use people who are in their early 20s.

(Hon. Kiarie Spoke off the record)

Yes, the Generation Zs because we are very boring, old and irrelevant. What I also love is the way they are using technology to make money. You would be shocked that the simple things that I see which is called “content creation,” they do not charge much. Maybe I am charged more because I am an MP. I do not know. Nevertheless, I am happy that at least jobs are being created. One of the things that I raised around the Generation Z revolution was that we need to formalise this sector. This Bill is trying to do that and I thank the Committee.

One of the things that I love about the Bill is that it will be setting up a technopolis. I watch Crime and Investigation Network a lot. One of the things we are behind on, is when you have crimes on technology and issues of sexual and gender-based violence increasing. Some of these crimes are perpetrated by children against themselves. Sometimes back, I reported here on the Floor of a case where high school students in uniform were having sex and being filmed online. We also see children having sex in swimming pools and the same, being shared online. I want to link it with the issue of mental health. I want to encourage the Committee that part of the things that you need to do, is link technology as part of the negative spinoffs that Hon. Oundo was talking about. When you are young, you are foolish. We were also young at some point even though we did not do the things that this young generation are doing. However, we made mistakes that are correctable because there was no technology to see such things.

Some people stole those ideas because during their times in high school, there was no such technology to cover what we were doing. People did many funny things and nobody covered them. However, with this new technology, it is covered and circulated.

Recently, a lady called Achieng’ was being buried in some place in Luo and her case went viral. This is because everybody was attacking her at the funeral while her children sat there with their schoolmates. She was called names. It is good they were talking to a dead body. However, many young people were seated listening. How do you address such issues? We must not only look at the benefits but also the negative spinoffs of technology. I hope we would be able to look at that as well.

When I was younger, people who did not know how to read and write were considered illiterate. Can you also consider *Gumbaru* in technology? I am *Gumbaru* in technology because I am literate but not that literate. And if we do not move with the speed that is required of us, we will be left behind by the young people. We should therefore, catch up. Probably, not with their speed otherwise we will not understand their language.

Sometimes back, I spoke about being a bad girl and it went viral all over the world by the way, incidentally, up to America. I was in Ghana recently, and somebody walked up to me at the airport and said, “Bad girl.” While walking in the streets, I cannot miss someone calling

me “Bad girl.” That is what technology does. But that is not what worries me. I have discovered that majority of them are women but not young boys and girls aged five years walking up to me and telling me that they know me from Parliament and that they follow what I do or say.

Recently, the President and the Speaker were asking me to be a good girl. I will not listen to them. However, I will listen to the young ones because of technology. What I say in this House is affecting five-year-olds and ten-year-olds. Not only is it going to affect us in terms of what we say but can we find a way of controlling it so that we do not mess up the minds of young people.

I support.

The Temporary Speaker (Hon. David Ochieng’): Well said. We have time to listen to the Member for Githunguri.

Hon. Gathoni Wamuchomba (Githunguri, UDA): I am glad that I have got this opportunity to contribute to this wonderful Bill.

At the outset, I want to congratulate the Chair of the Departmental Committee on Communication, Information and Innovation in the National Assembly, Hon. KJ whom I previously served with in the previous Parliament in the same Committee. He is very informed and I am sure the members of that Committee appreciate that they have a talent in him.

I participated in the drafting of this Bill in the previous Parliament in a way because I participated in the process of coming up with the idea behind Konza City Technopolis.

Who knew or ever imagined that one time in the life of Kenyans, we would require oxygen. It is only during the COVID-19 period that we all realised how much we needed oxygen. Who knew that we would scamper for every available cylinder of oxygen? How many lives were lost because we could not supply sufficient oxygen in hospitals, clinics and dispensaries during the COVID-19 period?

I think that is an insight that we need to adopt and start from. That whenever we are doing any planning in this country, we must give room to new ideas and innovations, and ensure that our structural designs accommodate such new ideas and innovations. Today, any person designing a hospital without accommodating or creating space for oxygen, distillation, oxygen pumping, gas and tanks for storage would be doing this country a lot of injustice. Anybody designing a hospital must consider how to put those structural requirements in place.

Anybody designing a house of any form of a structure in this country must be doing this country an injustice if we do not come up with a special room called a technology room. Even in Parliament, on top of these gallery, we have technology rooms; and that is why we are able to adopt and move with the new technology year in, year out.

The last Parliament did not have all these television screens that we now have. We only had one. But now, we have about seven or eight in the room. And these are new jobs created because they need cameramen to man them. The idea of the technopolis moving from Konza, a centralised place to a decentralisation programme is a welcome idea. We must have a technopolis in every sub-county if not every ward. For example, we need to adopt the way we are covering our events using drones if we need to accommodate the kind of technology that is coming year in, year out.

I am just concerned that we are running up and down to take every available land that is left in our neighbourhoods. We are rushing to build markets and affordable housing in every other available space in this country. I am wondering why we are running to build affordable houses in the Agricultural Development Corporations (ADC) lands in Nyandarua, Nyeri and Kiambu. We are forgetting that we may need those pieces of land for the new technological innovations that are coming up in future.

I was telling my brother KJ that right now, we are floating in the new information age era where models of technology are being adopted and new telephony is happening. We are

moving from the old age to new age. What will happen tomorrow if we all run to occupy the affordable houses and markets? What will happen if we experience another breakout of COVID-19 that would require rescue centres? Where will we go? What will you use? I am not fighting; I am not here to say that affordable houses are not good but of course, we cannot just grab every other land and take all other available spaces and build markets forgetting that we are also moving technologically. All the land that was marked in the old Constitution for ADCs should not be transformed. We should instead think of the kind of technology we should adopt so that we can help farmers marry a new technology instead of transforming the Agricultural Development Corporations to markets and affordable houses.

I rise to support this Bill. I advocate that every sub-county should have some space left for a technopolis. We should use technology, through a technopolis, to help our farmers. I just came from a place called Riuki in my constituency where I met with about 1,000 coffee farmers. To my shock, the coffee factory that used to help us to process, pulp and market our coffee is officially dead. A thousand farmers were crying to me, their Member of Parliament, to assist them revive that coffee factory. I asked the group: “Who is here, and can he help us to revive this coffee factory?” They nominated three young Gen Z who have Bachelor’s Degrees in Economics, Commerce and in Agro Economics, and are in the village idle.

We are crying that we have no money in our pockets, and that there are no factories to pulp and process our coffee yet our children, with their degrees, are in the villages. Do you not think we need to think critically? Something is not right with us. How do we educate people to acquire degrees and then collapse the factories where we are supposed to employ them? I engaged the farmers in a meeting and we agreed that if we cannot get the money from the Government, we are going to fundraise and make sure that we revive that coffee factory. But, that is not where I am. I wish one of these technopolis centres would be taken to Riuki Village, where there are too many learned young people who are ready, qualified and ably equipped by the Government of Kenya to work in such centres.

I appreciate and welcome the ideology that we can decentralise a technopolis from Konza to my village in Githunguri. I cannot wait for us to start using technology to cure the existing economic problems we have.

About two months ago, I travelled to rural Italy. I realised that the generations of the early 40s and 60s built their houses with underground bunkers. They designed them in readiness for war. Those bunkers helped them so much, and keep helping them even now during winter. During winter, they store their wheat in the bunkers to secure their food. Unfortunately, a majority of the young population in Italy has moved from the villages to the towns. The native Italy villages have been abandoned, but there are still bunkers being used to store food, even for the export markets. People who designed those houses were ready for a century. They were planning for a century existence. The Technopolis Bill is about Kenya planning for a century to come. We must accommodate a technopolis in every village, if we can.

I support.

Thank you very much.

The Temporary Speaker (Hon. David Ochieng’): Well said. Next is the Member for Kaiti.

Hon. Joshua Kimilu (Kaiti, WDM): Thank you, Hon. Temporary Speaker, for giving me an opportunity to contribute to this important Bill. Before I make my contribution, I thank the Committee, through the Chairperson, Hon. K J. I served with Hon. Wamuchomba in the Departmental Committee on Communication, Information and Innovation in the last Parliament, where I also contributed to this Bill.

As a contributor, I am proud of this Bill. We are the pioneers of this Bill. I support the Committee for the good job it is doing. Technology is the way to go. In the last Parliament, we

also amended the Computer Misuse and Cybercrime Bill, which really helped Kenyans. Technology is helping our youth nowadays because there are no jobs in the country. After completing college or university, our youth use technology to start their own businesses, including TikTok. They make content and sell it on the platforms to improve their living standards.

As I sat here, I remembered the years when we used the big phones by Telkom. We used to go to the nearest market that was 10 kilometres away just to make a call to someone in Nairobi or in the City. But currently, through technology, we have mobile phones to make calls and even transact business. This Bill is very important because we use technology even in agriculture. Through new technology machines, we are improving agriculture in our country. Parents, including those in the villages, can now use the new technology to improve their living standards. They are also in a position to pay school fees for their children through technology. I went to several countries during the last Parliament when we were working on Konza City. I am encouraging this Government to take this city seriously because technopolis is the way to go.

In future, when the technopolis will be completed, many Kenyans will benefit from it. Jobs will be created and our young people will benefit through e-learning and other technologies. We are proud of Konza City. We request the Government to allocate more resources to that city so that our people can benefit.

Hon. Temporary Speaker, I remember when the President was talking about establishing ICT hubs in the constituencies. That is a great idea. When I hear people yelling, saying that NG-CDF is unconstitutional and that we should do away with it, I know that Kenyans down there cry when they hear such sentiments. Through the NG-CDF, we are capable of introducing ICT centres in the wards. We need to support that because ICT centres in our villages will help the youths. After Form 4, they will enrol for computer studies and other technologies, because technology is currently the way to go.

Some time back, I was scheduled to travel to a city in Oman and my son, who is in Grade 4, asked me how Oman was and what the climate was like at that time. I had no idea about it. He went through the phone, googled and learnt about it. He then told me; “Dad, you have to go with these clothes. You have to do this because this place is like this.” I was challenged by my son. Then I said; “Surely, we need to improve technology in our country and embrace it.” This is because it is helping our people, and making the coming generation become independent.

Through Google, technology has turned the world into a small village. You wake up in the morning and within 30 minutes, you know what is happening globally through technology. Without technology, I do not know where this country would be heading. If we support technology, we are taking our country to another level and improving our economy. A few years ago, Kenya was behind but we are now a better country because of technology. We now have M-Pesa. You can now transact using your phone and even move with your office. If you have your phone, you can do all the transactions you want. You can pay bills and conduct business through your phone because the technology to move money from your bank is available. Nowadays if you go to the banks, you will find that they are empty, because people are using technology to transact business. This Bill has come at the right time and we need to support and give it weight because it is long overdue.

We also need to attract investors to come to our country through technology. If we make good laws, an investor coming to the country will feel comfortable because he is protected by the law. That was the thinking of the Committee. They want to make the law straightforward and favourable to investors. The passage of this Bill into law will also improve the economy of this country. With only a few amendments, this Bill can be one of the best laws to help the economy of this country. This is the way to go. I thank Hon. KJ, the Chairman of the

Committee, and tell the Committee to continue with the good job it is doing. We can now see light in this Ministry through this Bill.

With those remarks, I support.

The Temporary Chairman (Hon. David Ochieng’): Member for Wajir North.

Hon. Ibrahim Saney (Wajir North, UDA): Thank you, Hon. Temporary Speaker. This Bill is very important. I wish to join my colleagues in appreciating the work that has been done by Hon. KJ and members of his Committee. I will not forget that he has broadened the nomenclature from technopolis being reduced to a Konza City issue to accommodating Wajir North. Buna, Korondile and Wajir North sub-counties are part and parcel of the technopolis. Initially, it was limited to Konza. The realisation that this technology is a global issue and a countrywide need in itself is worth giving him and his Committee the accolades they so deserve.

Technology is very important. We have seen the wonders Artificial Intelligence (AI) is doing these days. You do not have to think. You just ask why should this be or what is this, and everything comes on your phone. Time is of essence these days, courtesy of technology. Efficiency has improved in terms of production and doing work. Military aspects, environmental issues, medical issues and farming have benefitted. Even cattle rustling has reduced drastically. Banditry has reduced because the country has deployed wonderful use of technology. You can no longer take a herd of cattle and drive it away thousands of kilometres and make use of them. The military or owners of the herds will catch up with you because technology is at play. That is how technology is in the realm of all facets of our life as a society.

I accept that the Authority should regulate and manage the digital and technological aspects of the sector. I am not conversant with the law but I wonder how it correlates with the Communications Authority of Kenya (CA). Might there be some duplication? We should remember that the Constitution of Kenya is already very expensive to implement. The economy is not doing well. Are we coming up with more institutions to burden taxpayers? Can we not have a secretariat within the CA to regulate and manage this sector rather than create another Authority? This is just an idea. I am not trying to negate this wonderful Bill. Must we create many structures? Must we burden the taxpayers? Is it not worth having a leaner Government that can easily coordinate and deliver efficiently? It is a concern I have.

Spreading the Special Economic Zones (SEZs) across all the constituencies and wards is a welcome move. This Bill goes a long way in implementing the ICT hubs espoused by the Kenya Kwanza policy. Over 3,000 Government services have gone digital. If we take this technology to every ward in this country, my constituents in Wajir North, which is on the Ethiopian border, will not have to travel 350 kilometres to Wajir town headquarters just to seek a duplicate of an ID card, birth or death certificate or some clearance from Kenya Revenue Authority (KRA). All those services will be accessible online. I am sure that this Bill is a blessing and one of the best pieces of legislation we have had in the 13th Parliament. It will make sure that the citizenry has a close interface with their Government and service delivery.

In as much as I am talking about all those good things about the Bill, there is a danger. In every good thing, there are risks. I can feel that there are some inherent risks. There should be controls and checks for anything bad emanating from such legislation. The Bill is objective, but how do we secure anything deleterious that can come out of it? Of late we have seen a small falsehood being spun on social media until our country nearly went down during the demonstrations. Yes, picketing and demonstration is a right but the misuse of falsehoods and peddling of lies on social media requires some stringent controls. Anything that is online cannot be taken as the gospel truth. We need serious controls and management of whatever goes through these technological mechanisms. The security of the country is paramount, and that is pegged on what goes through these technologies we intend to support.

There has been serious moral decadence. Our sisters are being abused left, right and centre. My senior Hon. Odhiambo-Mabona has been complaining just now about her contribution going viral across the world. How do we manage such scenarios? Why should our female folk be the target of bad publicity? Why can we not use the technology in a very objective and constructive way? Authenticity of information is questionable today. Ninety-nine per cent of the information on social media is false. What will Kenyans consume? The consumers are in a very perilous position. What should they consume? We are at a time when we should regulate what is right and stop what is wrong. This correlates with the Computer Misuse and Cybercrimes Act. We must wake up from the deep slumber and make sure that whatever goes around on the internet is authentic, dependable and verifiable.

One other big risk is that we are going through intellectual degradation. Students cannot get the spelling of a simple word today until they go to *mwalimu* Google. We have lost that capacity. Making a simple sentence structure is a problem, even for university graduates. Why? Because of over-dependence on technology. In as much as technologies are welcome – we cannot do without them – we must ameliorate the impact of these technologies on human capital. Human capital is now in form of robots. We are no longer natural. We are becoming machines dependent on gadgets. We are losing our endowed capacity. In my opinion, technology must complement, not kill that which is endowed.

I do not want to take more time because my colleagues also want to contribute to the debate. I appreciate this Bill. I also accept and support it.

Thank you, Hon. Temporary Speaker.

The Temporary Speaker (Hon. David Ochieng’): Thank you. Member for Mukurweini.

Hon. Kaguchia John (Mukurweini, UDA): Thank you very much, Hon. Temporary Speaker. I appreciate the Bill as presented in this House this afternoon, by Hon. KJ, the Chairman of the Departmental Committee. He is a very diligent young man, I dare say. I went to school in Hon. KJ’s Constituency. Today, Hon. Millie Odhiambo has recognised and appreciated how well our school is disciplined. It performs much better than what the Leader of the Majority Party has made us to believe – that, the Alliance High School is the best school in this Republic. But, for sure, Lenana School is much better. It performs and produces all-rounded students who can deal with the challenges of life in a much more practical manner. I appreciate Hon. KJ because he has built Lenana Primary School, which is also serving the nation in a way that we would not have thought before.

(Applause)

I will now focus on today’s debate on the Technopolis Bill. As you are well aware, all the way from primary school, we teach our children coding skills. Today, almost every primary school including public primary schools, have coding lessons. Students are taught coding right from the time they are young. You will also appreciate that not long ago we did not have smartphones in Kenya. Everyone was just happy to deal with a *kabambe*, a very small phone on which you would press some buttons, and sometimes the characters would get rubbed off. Sometimes you would not even see the alphabets. But today, even in upcountry, you will hear people talk about touchscreen phones. In my language, they call it *tachi*.

Old men and women in upcountry can now use the smartphones in a way that you would not have thought before. They can communicate and write messages. You will also find many of them now in social media groups. This tells you that people in this country have increased the uptake of technology and they appreciate it very much.

Government programmes also seem to move in the same direction. As we speak, we have the ongoing Last Mile Connectivity Project, which seeks to connect every village in

Kenya to electricity. We also have the backbone fibre cable that is headed to Turkana and Marsabit County in North-Eastern Kenya. The same is seen in Wajir, Garissa, Meru, Nyeri and even in my village in Mukurweini. In all those places, the backbone fibre cable that is much bigger is being laid. There are also the last mile cables that are being either taken through trenches or the Kenya Power posts. That means we are making this country a fibre cable cobweb, in a way. It is a web that will be in every village. It means that every homestead, public institution, village, shopping centre and market will have access to fibre optic and internet. It is important that, as a country, we harness this resource.

Members must also be aware that we now have satellite internet in this country. It is penetrating the villages, even where the fibre cable will not have reached. That means we must harness this infrastructure that has been put in our country. Young people now engage in content creation. Every young person with a smartphone is a content creator. Many young people today can access the job market abroad. They engage in gainful employment through their smartphones. That is why we could not have had a better time to have this Bill than now. It is important that someone sat and thought about a technopolis that will help us to have the space, opportunity and a platform to bring about all the resources that we have. The most important resource in our country today is the young people. It is the knowledge that we have with our young generation.

We have AI, which has now hit its peak at this point in time. For that reason, many people now appreciate the role of AI technology in our country. What we thought was something that was alien, and which would only be happening in foreign countries, is also happening in Kenya. I have in mind the use of robots. There are hotels even in this city, that are now using robots. Recently, I watched a documentary of a hotel in Kileleshwa which uses robots to serve customers.

I appreciate this Bill. It has come at the right time. We need to support it. However, I have one issue that I would like the Chairman to look into. As we transition from the Konza Technopolis to an authority that will serve the whole country, we should keep the Authority lean. We should not introduce more bureaucracy or overburden the taxpayers. This is because we have a challenge in this country where every time we have an authority, a parastatal or a new body that is created through this Parliament, it ends up being expensive. That way, we end up having the challenge of having too many expensive Semi-Autonomous Government Agencies (SAGAs) that we have to fund from the budget. Because of that, I request the Chairman to ensure that, even as we create the proposed Authority, we make it lean and ensure that it does not add more burden to Kenyans. It is important that we look at what we already have at Konza City. We should use that infrastructure without making it bulkier and more top heavy. This is to ensure that it can serve the Republic without adding more people and costs.

Hon. Temporary Speaker, we must also appreciate the issue of regulation. In this era of technology, we find that our people run too much on misinformation and disinformation. So, we must ensure that we look at the Kenya Computer Misuse and Cybercrime Act afresh to ensure that it can control and have more guided penalties on people who may go against the set rules and regulations. This will help our people to run much more on proper information than misinformation and disinformation. Disinformation and misinformation can truly bring a country down. This is where people are given the wrong information and they take it to be true.

Thank you, Hon. Temporary Speaker. I submit.

The Temporary Speaker (Hon. David Ochieng'): Thank you too. Hon. Members, there being no further interest on this Bill, I call upon the Mover to reply.

Hon. John Kiarie (Dagoretti South, UDA): Thank you, Hon. Temporary Speaker. Before I reply, allow me to appreciate the contribution made by all the Members who have spoken on this Bill. I also want to appreciate the Ministry, the drafters and other parliamentary staff who have helped us to get to this stage.

In replying, I ought to say that the Konza Technopolis Development Authority already exists. However, the jurisdiction of that Authority is limited to the purview of Konza area. This Bill seeks to ensure that if Kenya decides to establish another Technopolis out of Konza, there will be a legal framework for it. Presently, Konza is alive because of the Kenya Technopolis Development Authority, which will exist for ten years only even though it is leasing land for tenures of up to 90 years.

This Bill seeks to transition the Konza Technopolis Development Authority to the Technopolis Authority, which will cover way beyond Konza. This is because of the reasons Members have given. I have sat here throughout the debate and listened to amazing input by Members on this Bill. We had a great start from *Wakili* Murugara with great insights as to why we stand to benefit since this Bill allows us to have technopolis in places other than Konza.

He went into deep details on how we will benefit from the transition clauses provided in this Bill. I want to thank Hon. Murugara, Hon. Karemba, Hon. Mawathe and all those who contributed. This afternoon, Dr Oundo made some amazing suggestions. He told us about the potential misuse of technology and how we can use provisions in this new Bill to curb against such misuse. Many Members have talked about the dangers of technology and why we need to mitigate against them.

Hon. Oundo asked whether this Bill purports to usurp the powers of the Planning Department. I stand to say no. By building a technopolis, we are not taking powers out of any existing entity. In fact, for us to see it visually in our minds, we have to visit Konza Technopolis and see the development happening there as Kenya works on developing its own Silicon Valley.

As we speak today, almost all horizontal infrastructure needed for Konza is already in place. In fact, they are now working on the vertical development and they are ready to attract multinational big tech companies to invest. This is because the smart installations allow us to have the first ever Silicon Savanna in the continent thus propelling Kenya to the front of the pile in terms of development.

There was a concern from Hon. Dr Oundo on how we will deal with the issue of humanising technology. This is a real issue. As we develop and advance very fast to digitise, we ought to remember that we need to humanise the digital systems more than the digital systems digitising humans. We do not want to get to a place where technology replaces human intelligence or knowledge.

Hon. Rindikiri talked of an opportunity to connect the digital innovation hubs that we are building in our constituencies to the technopolis that shall be built moving forward. Hon. Millie Odhiambo, who was on the Floor a bit earlier, spoke to us about the governance issues. I want to agree with her. On that issue, I would not even want to have a pushback because she has a better understanding as a lawyer. Moreover, she would understand better the *Mwongozo* provisions. It is for the Authority, when it is formed, to take into consideration the fact that we must include our young people of both genders in the running and governance of the technopolis. She also told us that this is a good opportunity to formalise the whole technology space granted by this Bill. She also spoke on the negative technological spinoffs that are in the offing and put some very good bills to that aspect.

Hon. Gathoni Wamuchomba was keen to let us know that we are not only talking about today but the future. She propelled us into a future we can imagine ourselves in. Rather than hope for a good future, she told us to imagine that good future that we want. She said we ought to reserve land for future development. She said we have to think beyond our lifetime. More importantly, she asked whether we can have a technopolis in every constituency and county.

Hon. Temporary Speaker, allow me to inform Hon. Gathoni Wamuchomba since she does not know that a technopolis is a city in itself. It is constituencies that will have to be fitting in our technopolis and not the other way round.

Hon. Kimilu, a former Member of the Departmental Committee on Communication, Information and Innovation, who lives in the neighbourhood of Konza Technopolis, has told us about the benefits of having such the technopolis covering the three counties of Machakos, Kajiado and Makueni. He told us that we need to think of how to put in more resources so that we can have more technopolis like Konza in this republic. He also called upon us to think about how to attract more investment into such amazing developments.

The Hon. Saney Ibrahim talked about how this Bill will equalise and bridge the digital gap. I took that very seriously. We sit in the Inter-Parliamentary Union (IPU) with the Hon. Millie Odhiambo. She will tell you that when we stand on the Floor of that global Parliament – the Parliament of parliaments that brings together 186 parliaments – we champion for data representation. We champion for the reduction of the divide between the Northern Hemisphere and the Southern Hemisphere in terms of data representation. We are keen to ensure that Africa does not fail to gain from the fourth industrial revolution. Thus what Hon. Saney told us is important and it is critical. He did ask whether Konza Authority, Information, Communication and Technology Authority (ICTA) and the Communications Authority are not duplicating the same role. The answer is simple, no.

The Communications Authority is a regulator, while the ICTA is an implementing authority. So, the roles of those entities are very well defined and they sit well in a sector that is able to produce enough Appropriation-in-Aid (A-in-A) to run all the bodies that we are talking about. As we speak today, ICTA is asking our Committee to increase the bar for them, for their A-in-A. They are able to generate more than what the National Treasury is giving them as a ceiling.

Hon. Kaguchia has closed this debate. You shall give me the latitude to donate my final minute to a Member who is here with us, Hon. Bernard Kitur, and that shall be with the discretion of the Chair.

Hon. Kaguchia brought to the attention of the House the fact that coding is an important and integral part of our syllabus today. Some of the courses that we are offering to our learners might be obsolete by the time they graduate.

Hon. Gathoni Wamuchomba told us that she went to a meeting following the closure of a coffee factory where she found three degree-holders with extremely good papers, but who were not employed. That is why we have to ensure that our curriculum and syllabus are not only relevant for today but even for the future.

Hon. Kaguchia is calling upon us to ensure that the new authorities and bodies that we are creating are lean. That is a concern that addresses the austerity measures that are required for this republic. I agree with him. He is also calling upon us to revisit an Act of Parliament that was tabled by our Committee, namely the Kenya Computer Misuse and Cybercrimes Act. He is calling upon Parliament to relook at it because of some recent happenings in the country where misinformation, disinformation and blatant fake news have become part of our national conversation. One is unable to tell the difference between real news, fake news or outright lies. He warned us that such a scenario has the potential of burning our country.

Hon. Kaguchia also has some good things to say by reminding us that this Bill and the creation of technopolis around the country also gives us an opportunity to take advantage of the already existing infrastructure, and the one that we are developing. It also gives opportunity to technologically savvy youths to serve their country. I want to tell Hon. Kaguchia that these young people will not only be serving the country but will also be feeding in data which will form part of datasets that will fuel the next revolution – which is a data revolution with the aid of emerging technologies, up to and including artificial intelligence. Hon. Kaguchia might be well informed to run ahead and install digital innovation hubs in his constituency that will launch our youths into this big Kenya superhighway digital programme that is in the offing and as such benefit his constituents.

The long and short of it is that the Technopolis Bill gives this country an opportunity to realise the aspirations that are espoused in the Kenya Vision 2030 that seeks to transform Kenya into a knowledge-based economy, so that we can contribute to this new world where the race is already on for who shall be championing the fourth industrial revolution takeover. We believe that this gives an advantage to Africa which should jump onto the bandwagon so that we see more Konza and technopolis around the continent. We should not just talk about one technopolis called Konza Technopolis Development Authority. We should talk about technopolis in every corner of this country.

Hon. Temporary Speaker, I request you to use your discretion as provided under Standing Order 1 to kindly give one minute to the Member for Nandi Hills to comment on this Bill because I understand that after the Mover has replied, the only thing left is putting the Question.

Hon. Temporary Speaker, I hope that Parliament will approve the Technopolis Bill.

I beg to reply.

The Temporary Speaker (Hon. David Ochieng’): Thank you very much. I would have loved to give Hon. Kitur a chance but what will he be contributing on? You have already made your closing argument. You have replied. You should have given him a chance before you started replying. Hon. Kitur, I am sorry. That is what I am saying. You have already closed the debate and asked us to move to the next stage of the Bill. Therefore, it is not possible for that to happen.

(Hon. John Kiarie consulted loudly)

Order, Hon. KJ. Chairs of Committees should understand the rules. You can only donate your time before you start replying. I understand that.

Hon. Caroli Omondi (Suba South, ODM): On a point of order, Hon. Temporary Speaker.

The Temporary Speaker (Hon. David Ochieng’): What is your point of order, Member for Suba South?

QUORUM

Hon. Caroli Omondi (Suba South, ODM): Hon. Temporary Speaker, I rise under Standing Order 35 to draw your attention to the question of quorum in the House. There are very important Bills that are coming up for Second Reading and it would be grossly unfair to discuss them in the current state of the House, particularly the one on Ethics and Anti-Corruption as well as the ones that I am supposed to move.

Thank you, Hon. Temporary Speaker.

The Temporary Speaker (Hon. David Ochieng’): Hon. Members, the matter raised by the Member for Suba South is self-explanatory. As you know, when that happens, my hands get tied. I order that the Quorum Bell be rung for 10 minutes.

(The Quorum Bell was rung)

Hon. Temporary Speaker (Hon. David Ochieng’): The Bell can be stopped.

ADJOURNMENT

Hon. Temporary Speaker (Hon. David Ochieng’): Hon. Members, there being no quorum, the House stands adjourned until Tuesday, 1st October 2024, at 2.30 p.m.

The House rose at 6.40 p.m.

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