

REPUBLIC OF KENYA

MANDERA COUNTY ASSEMBLY

THE HANSARD

Tuesday, 25th February 2020

*The House met at the Assembly Chambers
County Assembly Buildings, at 9.02 am*

[Deputy Speaker (Hon. Farah Abdi) in the Chair]

PRAYER

COMMUNICATION FROM THE CHAIR

DISCHARGE OF HON. MEMBERS FROM COMMITTEES

Deputy Speaker (Hon. Farah Abdi): Honorable Members, I am in receipt of a letter from the office of the Minority Whip on discharge of some honorable Members from some committees.

Following the discharge of honorable Abass Abdille from Assembly Business Committee in accordance with the Standing Order 159 (2), the Jubilee party resolved to nominate honorable Adan Maalim Mohamed to serve in the Assembly Business Committee.

MOTION

ADOPTION OF THE REPORT OF THE COMMITTEE ON SELECTION

Deputy Speaker (Hon. Farah Abdi): Honorable Majority Leader.

Hon. Abdi Adan (Neboi): Thank you, Mr. Deputy Speaker. I beg to move the following Motion; -

THAT, pursuant to the provisions of Mandera County Assembly Standing Order 156 (1), this House adopts the report of the Committee on Selection

The Selection Committee was constituted by the Second Assembly pursuant to the provisions of Standing Orders 155 (1). Similarly, Standing Order 155 (2) mandates the committee to nominate Members to serve in committees, save for the membership of County Assembly Business Committee and Committee on Appointment.

Mr. Deputy Speaker, honorable Members, you know the Membership of the committee because we have been reading since the beginning of this session. In accordance with the provisions of Standing Order 159 (1), on Wednesday, 19th February 2020, the Minority Party

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discharged some of their Members from some committees and it was communicated by the honorable Speaker to the County Assembly as provided for under the Standing Order 159 (2).

In line with its mandate, and in consultation with the parties as provided for in Standing Order 156 (1), the Committee on Selection nominated the following honorable Members to serve in these committees so as to fill the vacancies occasioned by the discharge.

Legal and Justice Affairs Committee, Hon. Abass Abdille Mohamed; Finance and Economic Planning Committee, Hon. Abdirashid Maalim Osman; County Peace and Security Committee, Hon. Rahma Ibrahim Issack; Public Service, Conflict Management, Cohesion, Integration and Devolved Units, Hon. Ahmed Gabnan.

Mr. Deputy Speaker, following the party's proposal and in compliance with the provision of Standing Order 156 (1) and (2) and 157 (1), the Committee on Selection recommends the County Assembly to adopt this report.

Mr. Deputy Speaker, this is the report of the committee. We have been doing some changes. This is the Minority Party decision to make changes in the membership of some committees.

I will ask honorable Deputy Minority Leader to second me.

Thank you.

Hon. Shankaron Ibrahim: Seconded.

(Question proposed)

Deputy Speaker (Hon. Farah Abdi): In accordance with Standing Order 156, we will allow one or two Members willing to contribute on the report. We will not debate much on this report since it is an agreement by the parties. I will allow some honorable Members if they are willing to contribute. Hon. Alinoor.

Hon. Alinoor Derow (Wargadud): Based on the Standing Orders, the standing committees are supposed to be composed fully after the expiry of their term. Previously and even currently, I am seeing the same names are being floated and there is no full composition contrary to the Standing Orders. If any standing committee is supposed to be reconstituted, it should be reconstituted fully but not partly.

I stand to oppose.

Thank you.

Hon. Adan Maalim Abdullahi (Township): Thank you, Mr. Deputy Speaker. I rise to support the changes made by the Minority Party. This is the decision of the House. It is not the decision of Minority Party alone. This was necessitated by better service delivery that Members of this House agreed upon.

Hon. Kulow Alio (Rhamu): Point of order Mr. Deputy Speaker!

Deputy Speaker (Hon. Farah Abdi): Member representing Rhamu, what is your point of order?

Hon. Kulow Alio (Rhamu): Mr. Deputy Speaker, is it in order for the Majority Whip to say this is the decision of the House and yet as a House we are discussing it right now? Where is this House that he is talking about that constituted this committee? I need an elaboration.

Hon. Adan Maalim Abdullahi (Township): Mr. Deputy Speaker, let me explain what I mean. Let him not just intrude.

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Deputy Speaker (Hon. Farah Abdi): Order Honorable Kullow! I will give you the chance to explain. Allow him to explain what he means.

Hon. Kullow Alio (Rhamu): In line with Standing Order 87, the honorable member has used derogatory words against other honorable member, he has to withdraw.

Deputy Speaker (Hon. Farah Abdi): Honorable Adan, please withdraw that statement.

Hon. Adan Maalim Abdullahi (Township): Mr. Deputy Speaker He is an intruder.

Hon. Kullow Alio (Rhamu): Mr. Deputy Speaker, I am an intruder but an Honorable Member.

Deputy Speaker (Hon. Farah Abdi): Honorable Adan, Honorable Kullow is not an intruder. Order Honorable Kullow, I am protecting you.

Hon. Adan Maalim Abdullahi (Township): Can you quote the Standing Order you are referring to.

Deputy Speaker (Hon. Farah Abdi): Order!

Hon. Adan Maalim Abdullahi (Township): Can he quote?

Deputy Speaker (Hon. Farah Abdi): Hon. Adan, address the Chair. Order Honorable Kullow! You are out of order. Hon. Adan, address the Chair and withdraw the statement that you said Honorable Kullow is an intruder. He is not an intruder in this House.

Hon. Adan Maalim Abdullahi (Township): I withdraw.

Deputy Speaker (Hon. Farah Abdi): Stick to the report.

Hon. Adan Maalim Abdullahi (Township): Mr. Deputy Speaker, I am more learned than the honorable member who is shouting on the floor of the House.

Deputy Speaker (Hon. Farah Abdi): You are out of order Honorable Kullow. Honorable Adan, you have the floor, address the Chair and summarize whatever you want to say. Do not explain much about the changes and restrict yourself to the report.

Hon. Adan Maalim Abdullahi (Township): Thank you, Mr. Deputy Speaker. I rise to support the report by the selection committee for better service delivery to the people.

Deputy Speaker (Hon. Farah Abdi): I will allow two other honorable members to contribute and then we go to the next business.

Hon. Mohamed Ibrahim (Guticha): Thank you Mr. Deputy Speaker. I rise to support the Motion. This thing is from Jubilee party-----

(Technical hitches)

Hon. Ahmed Gabnan (Waranqara): Thank you, Mr. Deputy Speaker. As you can see this list largely affects Jubilee party members. All the changes before the House come from the Jubilee party and it is crystal clear that they are well contented.

Mr. Deputy Speaker the other thing is, I think I am audible enough. On the standing committees the member for Wargadud is requesting why changes have not been done. In his first years, I know him as historian and partisan, he should recall that these two committees were recently formed. The Legal committee is less than one year old; the security committee is less than one and a half years, so they are even less than two years. So, we saw no need to make changes in these two committees apart from the changes that we proposed.

Otherwise, since the Members of the Jubilee party who proposed these changes unanimously agree, I humbly request you to put the question.

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Thank you.

Hon. Alinoor Derow (Wargadud): Point of information.

Deputy Speaker (Hon. Farah Abdi): To whom?

Hon. Alinoor Derow (Wargadud): Thank you, Mr. Deputy Speaker.

Deputy Speaker (Hon. Farah Abdi): You have a Point of information to honorable Minority Whip?

Hon. Alinoor Derow (Wargadud): Based on the Standing Order, after the expiry of the standing committee, the committee is supposed to be reconstituted wholesomely. In this House, we have only two standing committees which are legally reconstituted; Budget and Appropriations and the Public Accounts Committee. Others have not been reconstituted and their time has expired. There was part placement of members and no full reconstitution was done. This is a House of decorum and rules. Let us revisit and fully reconstitute the standing committees. That is my only concern.

Thank you.

Hon. Bishar Maalim Abdullahi (Takaba): Thank you, Mr. Deputy Speaker.

Deputy Speaker (Hon. Farah Abdi): According to my earlier ruling I said I will allow only the last two honorable members. So, take only two minutes to say whatever you want and then we put the question.

Hon. Bishar Maalim Abdullahi (Takaba): Mr. Deputy Speaker, first of all, I oppose the report by the Selection Committee. There has been no objectivity in placement of these committee members. The Majority Leader and the Chief Whip are talking about consultation. There was no consultation in EFP and Jubilee side. I know honorable Abdirashid Maalim Osman has even called me some five minutes saying that he has not been consulted and is wrongly placed in Finance and Economic Planning. The House leaders put themselves in the most lucrative Sectorial Committees.

Deputy Speaker (Hon. Farah Abdi): Order! For your information, let me give you the information and then you will complete your statement. First, the names that we have here are proposed by the Jubilee party. Whatever you are saying should have been discussed at party level and not on the floor of the House.

This report is one of the unique reports to be discussed in the House. It is not a report that we can reject or accept. It is a matter of discussing and then it will be automatically adopted. Even if you oppose it ten times, it will not change the narrative.

Another thing for information purpose is that you can oppose a specific honorable member but not the entire report.

Hon. Bishar Maalim Abdullahi (Takaba): I understand but I want to appear on HANSARD about all the illegalities that is happening within because I agree---

Deputy Speaker (Hon. Farah Abdi): Order! That is not the decision; this is not the right time.

Hon. Bishar Maalim Abdullahi (Takaba): Let me contribute to what is before us. I know I did not expunge the name of one member.

Deputy Speaker (Hon. Farah Abdi): Allow other honorable members to speak.

Hon. Bishar Maalim Abdullahi (Takaba): You know when a Member is given a chance, it is good that we are given time so that at the end of the day you can make your own ruling but when a member is on the floor let him—however dirty he is—

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Deputy Speaker (Hon. Farah Abdi): Go to the point.

Hon. Bishar Maalim Abdullahi (Takaba): We want to mention what we are really feeling. What I am saying is that the way these names have been floated from the side of EFP and Jubilee is that there has been no consultation. What these people did is that they only sat and made sure that they put themselves in big sectors like Water, Works, Education and Public Service Committees. What the leadership did was that they removed the chronic absentees. The best performers were removed from those committees and it is demoralizing to serve in the worst performing committees. We remove these guys.

Deputy Speaker (Hon. Farah Abdi): Order Hon. Bishar! It was our resolution in Mombasa. Moving active Members from one committee to another should not demoralize them. If you get the chance to go back to that committee, then make it active and bring changes in that committee. That committee to which you have been taken was not active. Hon. Bishar is on the floor of the House; please get back to your seats. Let us allow him to contribute.

Hon. Bishar Maalim Abdullahi (Takaba): Thank you, Mr. Deputy Speaker for protecting me. While we have been taken there to inject new ideologies and impart our skills—

Deputy Speaker (Hon. Farah Abdi): Please wind up.

Hon. Bishar Maalim Abdullahi (Takaba): So that we can be able to revive dead committees whether in Sectoral or standing, what I would like to mention and it should clearly appear in the HANSARD is that the leadership sat and placed themselves in lucrative committees instead of coming and joining us in these dead committees. They advanced---

Deputy Speaker (Hon. Farah Abdi): Order Hon. Bishar!

Hon. Ahmed Gabnan (Waranqara): Mr. Deputy Speaker, do not allow the honorable member to defame the leadership of this House even though I sympathize with him. You know change is very painful and I sympathize with the honorable Member for Takaba but change is inevitable. He should not allege that we have put ourselves in some lucrative committees. These changes were not done in favour of the leadership. If you look at the changes, it is only one Member who is in the leadership. Changes came from the Jubilee party of which I am a Whip and they are all contented and you do not see anyone opposing this. Who is he to purport that it is against the wish of the Members?

Deputy Speaker (Hon. Farah Abdi): Thank you, honorable Member. I am going to put the question. Honorable Member, you have to learn how to respect the honorable members. Each honorable Member is entitled to contribute as long as he or she is doing the right business for the House. Let us respect each and every honorable Member. That is the small thing that I wanted to communicate. Before I put the question, I will give the right of reply to the mover of the Motion.

Hon. Abdi Adan (Neboi): Thank you, Mr. Deputy Speaker. We have heard all the Members. This is a House of rules and procedure. We are not denying anybody his right. Any Member can rise and say what affects him. Whatever Hon. Bishar Maalim of Takaba said is valid and we will see to it as a party. I want to say that the changes we have currently is from Jubilee Party. I think it is the first time we have done changes in committees and change is normal. I urge our Members to adopt.

Another issue raised by Hon. Alinoor is discharge and not reconstituting other committees according to the Standing Orders. I know 'baba' is with you and he can read for you the Standing Orders. There are only three (3) Select Committees.

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Deputy Speaker (Hon. Farah Abdi): Hon. Alinoor can also read for himself. Kindly, withdraw that statement?

Hon. Abdi Adan (Neboi): I withdraw. But according to the Standing Order, only three (3) standing committees can be reconstituted after three years. We have Committee on Budget and Appropriations, Public Accounts and Investment Committee and the Committee on Appointments. Please refer to the Standing Order. The rest what we are doing is discharge in accordance with Standing Order 159. Any Member can be discharged from a committee and replaced. So, that is what we are doing. Do not mislead the House.

I request you to put the question.

Deputy Speaker (Hon. Farah Abdi): Thank you, very much Leader of Majority. I now put the question.

(Question put and agreed to)

Deputy Speaker (Hon. Farah Abdi): We go to the next order. Deputy Minority Leader! Order! Hon. Shaban and Hon. Kullow, you are consulting loudly.

THANKS FOR THE GOVERNOR'S ADDRESS

Hon. Shankaron Ibrahim (Nominated): Thank you, Mr. Deputy Speaker. Pursuant to Standing Order 23 (4), I seek to move; -

THAT the thanks of the County Assembly be recorded for the exposition of public policy contained in the address of the Governor.

I request Hon. Fatuma Kasai to second me.

Hon. Fatuma Kasai: Seconded

(Question proposed)

Deputy Speaker (Hon. Farah Abdi): Honorable Alinur, Member representing Dandu.

Hon. Alinur Hassan (Dandu): Thank you, Mr. Deputy Speaker. Concerning Governor's address, I think his Excellency, the Governor emphasized on the ten sectors since the start of devolution for the last seven years but because of time I cannot emphasize on the ten sectors that the Governor touched on. I can only emphasize on four sectors that touches on the lives of the people of Mandera County.

The Governor emphasized on Education. As we all know all non-local teachers have been recalled by the Teachers Service Commission (TSC). We take that as barbaric and marginalization of our people.

Mr. Deputy Speaker, Article 53 (1) of the Kenyan Constitution states that every child has the right to free and basic education. What Nancy Macharia is doing, is denying our children that right. It has been said, if you want to destroy a nation or society, you do not require an atomic bomb. It will require lowering the level of education and corrupt the system of education. That is what the Teachers Service Commission (TSC) is doing to our people; lowering the level of education. There is a conference that was held last week at Granada and there are eight

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resolutions made. As leaders of this county, we need to support all those resolutions by employing all form four leavers who have been tarmacking.

The second issue is about the Department of Economic Planning. As you know the world is computerized that is why in the current tender that the County government advertised, the contractors have been told to apply online. Everything has become e-procurement. Concerning Economic Planning, we are only familiar with IFMIS but the Governor has touched on CIMES (County Integrated Monitoring and Evaluation System) that promote evidence based on decision making and also help in accountability and transparency by tracking of records or indicators. I stand to comprehend and compliment that department for establishing this system called CIMES.

I would also like to touch on health without taking a lot of time. Since the inception of devolution, the county government tried its best in improving the department of health. Recently, the county government started operationalizing dialysis at Mandera County Referral Hospital and it has benefited fifty-two patients. At the same time, CT scan, which has helped more than four hundred and forty-three people, has saved time and cost.

Lastly Mr. Deputy Speaker, the Governor touched on trade. The Trade Bill Act has been enacted into law in the year 2014. Up to now that fund has not been distributed. The county government needs to pull up its socks about this department.

Thank you.

[Deputy Speaker (Hon. Farah Abdi) leaves the Chair]

[Temporary Speaker (Hon. Amran Adan) took the Chair]

Temporary Speaker (Hon. Amran Adan): Hon. Bishar.

Hon Bishar Maalim Abdullahi (Takaba): Thank you, Madam Temporary Speaker. Let me also take this opportunity to contribute to his Excellency's state of the county address in the County Assembly of Mandera. First and foremost, I would like to thank the Governor for inventing new home grown solutions to the problem of security in Mandera County and North Eastern region at large. Security has been one of the bottlenecks with regard to development in this region.

His Excellency convened so many meetings on how to address the problem of countering terrorism in Mandera County. Madam Temporary Speaker, this problem of security has brought a lot of spill over from Somalia and now what we are experiencing in Mandera town is that we have forces from Jubaland as stated in his Excellency's speech. I am a member of peace and security committee under the chairmanship of honorable Abdirashid, we shall make sure that we link up with security agencies and see how we can support the governor in the spirit of addressing the challenges we are experiencing in the security docket.

Madam Temporary Speaker, the other issue is about education because I want to reiterate what honorable Alinur from Dandu mentioned that as a region we are having a big problem because most of our public schools have been closed.

Nevertheless, the recent symposium that was convened by the Governor brought all the leadership together; national leaders, county leaders and all stakeholders to address these problems. We have come up with homegrown solutions. Even yesterday our national leaders were in Nairobi with TSC and Education stakeholders and even the head of state. We are

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foreseeing that this problem will be actually addressed within the shortest time possible because we are being marginalized in terms of education and that cannot be allowed to continue under our watch.

Madam Temporary Speaker, the other critical issue the governor mentioned is about food security and more importantly is the invasion of the locust which is a great threat to our food security, pasture and forest. The new mature swarm invasion even as at yesterday, because of what is happening in Riyadh, Saudi Arabia, will likely hit our continent within the thread of the monsoon wind. We have a lot of fear and already this is going to bring a lot of destruction to our environment.

The other most critical thing which the governor mentioned is about 110 million which is a target to address bursary to medical and engineering students. Those are the cadres we are lacking in this county and once there is an affirmative action in terms of directing funds to medical and engineering students that will actually address the issue of gap in having those types of special cadres.

Madam Temporary Speaker, the other proposal the Governor made is about sports and culture. Come July we are likely to celebrate an annual cultural week in Mandera County as usual. In order to stop this monotony of celebrating this cultural week in Mandera, I would like to propose at least this cultural festival should be done in Takaba because of the magnificent scenery and for us to expose and be in touch with other parts of the county so that this becomes something like going round in all sub counties once in a while.

Madam Temporary Speaker, the Governor also mentioned about the BBI and how we are going to support it, but our support should be actually not taken for granted. Unless key issues that the communities of North Eastern are facing are considered because this is a constitutional reform agenda and once our issues are not captured in terms of roads, security, education, water, unemployment and resource allocation we cannot be taken for granted.

Madam Temporary Speaker, there are issue of constituencies and wards because IEBC is likely to go round and everybody is looking at that so that we are not marginalized. If it will be considered in the BBI then we have no other option but to support it but nothing is for granted and we are on the lookout. We have to make sure that actually we are not left behind as Kenyans the way we are being taken in the education sector.

Madam Temporary Speaker, what touched me more is about Land. I was so happy to hear that Land is no longer an analogue thing but the long management information system which the county has put in place is something that we could praise as historical. The Department of Land has digitized the system in order to preserve land records so that we can have a guarantee. You remember last time when records were burnt in the office, a lot of records disappeared and for us to digitize those records is a breakthrough and we shall congratulate his Excellency and his government for undertaking that remarkable initiative in digitizing the land registry.

One more important thing we need to be proud of as a county is about revenue generation which the Governor mentioned. We give credit where it deserves. I know the situation of revenue generation has been a problem in this county but it is good to hear that revenue collection has also been digitized in order to address the issue of corruption hence enhancing the work force that deals with revenue generation. The revenue increased to 95 million this financial

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year and it is something to be proud of. Last year they collected 95 million whereas in previous years this money was not there.

Finally, I would like to say what his Excellency mentioned about the celebration of World Environment Day. He said that one hundred thousand seedlings will be distributed throughout the county in order to enhance forest cover. That is a notch higher and we appreciate what the county government is doing. More importantly is about the need to establish fire station. That is a great thing because the county has been lacking fire station for Mandera County and that fire station is something that will address disasters in case they are going to occur.

Solar energy is also being distributed. I am happy that even today the solar energy guys are in Arda Halo and my people have been mobilized. I appreciate that in every ward one or two villages have been considered for solar connection. That is a great thing and we give our thanks and appreciation to the county governor and the county executive for doing that good job.

Temporary Speaker (Hon. Amran Adan): Thank you, honorable Member. Honorable Members, I would like to remind the Members of Standing Order 23 (4);

‘A Member may give a Notice of Motion that “The thanks of the County Assembly be recorded for the exposition of public policy contained in the address of the Governor”; but debate on the Motion shall not exceed four sitting days.

I would like to remind all honorable Members that we still have time to debate on the Governor’s speech. We can continue this afternoon. There is a communication for the liaison committee. Honorable Members who are Chairs should immediately meet in committee room 1 for liaison meeting. We have not finished the business on the Order Paper.

Next Order!

ADJOURNMENT

Temporary Speaker (Hon. Amran Adan): Honorable Members, I stand to adjourn the House to this afternoon at 2:30 pm.