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REPUBLIC OF KENYA

THE NATIONAL ASSEMBLY THIRTEENTH PARLIAMENT – SECOND SESSION – 2023

DIRECTORATE OF DEPARTMENTAL COMMITTEES DEPARTMENTAL COMMITTEE ON BLUE ECONOMY, WATER AND IRRIGATION

REPORT OF THE SECOND EDITION OF THE SOUTH WEST INDIAN OCEAN
MINISTERIAL SUMMIT

CLERK'S CHAMBERS
DIRECTORATE OF DEPARTMENTAL COMMITTEES
PARLIAMENT BUILDINGS
NAIROBI

May, 2023

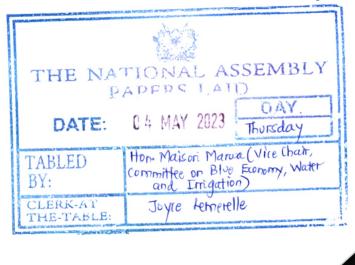


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LIST OF ABBREVIATIONS AND ACRONYMS

FADs - Fish Aggregating Devices

IOTC - Indian Ocean Tuna Commission

RFMOs - Regional Fisheries Management Organizations
UNCLOS - United Nations Convention on the Law of the Sea

CHAIRPERSON'S FOREWORD

The Indian Ocean Tuna Commission (IOTC) is an intergovernmental organisation responsible for managing tuna and tuna-like species in the Indian Ocean. The organisation works to achieve this by promoting cooperation among its Contracting Parties (Members) and Cooperating Non-Contracting Parties to the conservation and appropriate utilisation of fish stocks and encouraging the development of fisheries. The IOTC was established by the Agreement for the Establishment of the Indian Ocean Tuna Commission that was adopted by the Food and Agriculture Organization of the United Nations at the 105th Session in Rome on 25 November 1993. The Indian Ocean Tuna Commission comprises thirty-one (31) member states, including Kenya.

The South West Indian Ocean block of the IOTC is composed of eight (8) countries – Comoros, Kenya, Madagascar, Mauritius, Mozambique, Seychelles, Somalia and Tanzania. It covers about 30 million km2, equivalent to 8.1 per cent of the global ocean surface, with exclusive economic zones (EEZs) covering over 6 million km2 and a combined coastline of over 15,000km. This block seeks to also develop strategies to build domestic capacity in tuna production and trade, provide policy recommendations for consideration by the general meeting of the IOTC and strengthen partnerships between technical experts and policymakers within the South West Indian Ocean region.

The Second Ministerial Summit of the South West Indian Ocean State Parties to the IOTC is part of the Regional Fisheries Monitoring Plan implemented by the Indian Ocean Commission (IOC) with the involvement of the eight participating states and the contribution of the European Union, was a forum to present the achievements of this regional mechanism for cooperation against illegal fishing and to reiterate the commitment of States to continue their collective efforts.

In the backdrop of consideration of the budget estimates for the State Department for Blue Economy and Fisheries 2022/2023 Financial Year and noting the prominence blue economy has been given as a new potential stimulus to the economy that the Ministry of Mining Blue Economy and Maritime Affairs invited the Departmental Committee on Blue Economy, Water and Irrigation to participate in the Second Ministerial Summit of the South West Indian Ocean State Parties to the IOTC aimed at giving the Delegation a stronger understanding on legal and policy framework on the fishing of tuna.

The Delegation from the National Assembly consisted of –

- (i) Hon. Nebart Muriuki, MP;
- (ii) Hon. George Gachagua, MP; and
- (iii) Hon. Samuel Atandi, MP.
- (iv) Ms. Lynette A. Otieno, Delegation Secretary

The Delegation, during the Summit, had the opportunity to interact with Ministers and officials from the South West Indian Ocean State Parties to the IOTC and to visit the Indian Ocean Tuna Limited, the largest manufacturer and exporter of canned tuna in Seychelles.

The Delegation is thankful to the Offices of the Speaker and the Clerk of the National Assembly for the logistical and technical support accorded to it during its preparation to participate in the Ministerial Summit. Equally, the Ministry of Mining, Blue Economy and Maritime Affairs is commended for effectively facilitating the programme through their resourceful personnel.

It is, therefore, my pleasant duty and privilege, on behalf of the Delegation and, by extension, the Departmental Committees on Blue Economy, Water and Irrigation, to table the Delegation's Report on Second Ministerial Summit of South West Indian Ocean State Parties to IOTC from 5th April to 7th April 2023 pursuant to Standing Order 199 (6).

Hon. Bowen David Kangogo, MP. <u>Chairperson, Departmental Committee on Blue Economy and Irrigation</u>

CHAPTER ONE

1. PREFACE

1.1 Establishment of the Committee

- 1. The Departmental Committee on Blue Economy, Water and Irrigation is one of the twenty Departmental Committees of the National Assembly established under **Standing Order 216** whose mandates pursuant to the **Standing Order 216** (5) are as follows:
 - i. To investigate, inquire into, and report on all matters relating to the mandate, management, activities, administration, operations and estimates of the assigned ministries and departments;
 - ii. To study the programme and policy objectives of ministries and departments and the effectiveness of the implementation;
 - iii. On a quarterly basis, monitor and report on the implementation of the national budget in respect of its mandate;
 - iv. To study and review all legislation referred to it;
 - v. To study, assess and analyse the relative success of the ministries and departments as measured by the results obtained as compared with their stated objectives;
 - vi. To investigate and inquire into all matters relating to the assigned ministries and departments as they may deem necessary, and as may be referred to them by the House;
 - vii. To vet and report on all appointments where the Constitution or any law requires the National Assembly to approve, except those under Standing Order 204 (Committee on Appointments);
 - viii. To examine treaties, agreements and conventions;
 - ix. To make reports and recommendations to the House as often as possible, including recommendation of proposed legislation;
 - x. To consider reports of Commissions and Independent Offices submitted to the House pursuant to the provisions of Article 254 of the Constitution; and
 - xi. To examine any questions raised by Members on a matter within its mandate.

1.2 Subject of the Committee

- 2. In accordance with the Second Schedule of the Standing Orders, the Committee is mandated to consider matters of; use and regulation of water resources, irrigation, fisheries development including promotion of aquaculture, fish farming, marine fisheries, the sustainable use of ocean resources for economic growth and improved livelihoods, except seaports and marine transport.
- 3. In executing its mandate, the Committee oversees the following government ministries and departments and agencies (MDAs), namely:
 - i. The State Department for Water and Sanitation
 - ii. The State Department for Irrigation
 - iii. The State Department for Blue Economy and Fisheries

1.3 Committee Membership

4. The Departmental Committee on Blue Economy, Water and Irrigation was constituted by the House on 27th October, 2022 and comprises of the following Members:

Chairperson

Hon. Bowen David Kangogo, MP - Chairperson
Marakwet East Constituency
United Democratic Alliance Party

Vice- Chairperson

Hon. Kemero Maisori Marwa, MP - Vice- Chairperson Kuria East Constituency

United Democratic Alliance Party

Hon. Stanley Muiruri Muthama, MP

Lamu West Constituency

Jubilee Party

Hon. Chepkwony Charity Kathambi, MP

Njoro Constituency

United Democratic Alliance Party

Hon. Buyu Rozaah Akinyi, MP

Kisumu West Constituency

Orange Democratic Party

Hon. Were Charles Ong'ondo, MP

Kasipul Constituency

Orange Democratic Party

Hon. Nebart Bernard Muriuki, MP

Mbeere South Constituency

Independent Member

Hon. Adow Mohamed Aden, MP

Wajir South Constituency

Orange Democratic Party

Hon.George Gachagua, MP

Ndaragwa Constituency

United Democratic Alliance Party

Hon. Tandaza Kassim Sawa, MP

Matuga Constituency

Amani National Congress

Hon. William Kamket, MP

Tiaty Constituency

KANU

Hon. Eng. Paul Nzengu, MP

Mwingi North Constituency

Wiper Democratic Party

Hon. Dorothy Muthoni Ikiara, MP

Nominated

United Democratic Alliance Party

Hon. Mnyazi Amina Laura, MP

Malindi Constituency

Orange Democratic Movement

Hon. Eric Mwangi Kahugu, MP

Mathira Constituency

United Democratic Alliance Party

1.4 Committee Secretariat

5. The Committee is facilitated by the following staff:

Mr. Nicodemus K. Maluki Clerk Assistant II/Head of Secretariat

Ms. Ivy Kageha Clerk Assistant III

Ms. Lynette A. Otieno Senior Legal Counsel

Veron D. Aluoch Research Officer III

Mr. Wilson Angatangoria Sergeant At Arms

Mr. Cosmas Akhoye **Audio Officer** Dr. Benjamin Ngimor Senior Fiscal Analyst

Mr. Eugene Apaa Research Officer II

Mr. Bernard Omondi Senior Sergeant-At-Arms

Ms. Lilian Mburugu Media Relations Officer

CHAPTER TWO

2.0 INTRODUCTION

- 1. The Indian Ocean Tuna Commission is one of the Regional Fisheries Management Organizations (RFMOs) established after the adoption of the United Nations Convention on the Law of the Sea (UNCLOS) to manage and conserve tuna and tuna-like species in the Indian Ocean under the auspices of the Food and Agriculture Organization of the United Nations (FAO).
- 2. There are currently thirty one (31) members in the IOTC, 22 of which are coastal States and eight are distant water fishing nations. Countries fish for tuna and tuna-like species with diverse objectives, aspirations and interests; yet are collectively mandated to negotiate to conserve and optimally utilise the stocks.
- 3. Highly migratory tuna and tuna-like species move through the ocean from one Exclusive Economic Zone (EEZ) to another and into the high seas. While skipjack, bigeye and albacore tuna stocks are still considered healthy by the Indian Ocean Tuna Commission (IOTC), others, like the yellowfin tuna, are overfished (a). The Commission's scientific committee predicts that if immediate steps are not taken, there is a high risk of stock collapse within just five years. The 20th Session of the IOTC in 2016, governments adopted harvest control rules for skipjack tuna and steps to reduce catches of yellowfin tuna
- 4. The Western Indian Ocean has resources worth more than Sh2.2 trillion annual output, with Kenya's share being about 20 per cent of this. The marine fishing sub-sector alone had an annual fish potential of 350,000 metric tonnes in 2013 worth Sh90 billion. However, the region only yields a paltry 9,134 metric tonnes worth Sh2.3 billion.
- 5. Optimal exploitation marine fishing is hindered by infrastructural limitations and inappropriate fishing craft and gear. Artisanal fishers mainly restrict their operations to the continental shelf because they are ill-equipped in terms of craft and equipment to fish in the deep sea.
- 6. The Western Indian Ocean under the IOTC countries are consistently developing strategies to build domestic capacity in tuna production and trade. The Ministerial Summit provides a platform to validate strategies on policy recommendations for consideration by Contracting Parties to the IOTC, strengthen and promote partnerships between technical experts and policymaker in the region and to discuss topical emerging scientific findings with potential policy implications for the management of coastal and marine resources in the region.
- 7. Seychelles amongst the South West Indian Ocean Members to IOTC has been seen as pioneering the blue economy concept as a mechanism to realize the sustainable development of the country around an ocean-based economy. With its key economic sectors centred on

Report Of The Second Ministerial Summit Of South West Indian Ocean Members States to IOTC

the coastal and marine environment and resources and with the ocean constituting over ninety-nine (99) per cent of its territory. Seychelles has also established a Blue Economy Institute to help implement a roadmap which will provide the strategic direction for future investment and development of a sustainable ocean-based economy in the Seychelles. In the backdrop of this, Seychelles played a key role in mobilising regional talks and negotiations aimed at promoting the interests of the South West Indian Members of the IOTC.

2.2 SECOND MINISTERIAL SUMMIT OF SOUTH WEST INDIAN OCEAN

- 8. The Delegation commenced its activities with participation in the Second Ministerial Summit of South West Indian Ocean State Parties to the IOTC. This is comprised of eight Member States- The South West Indian Ocean block of the IOTC is composed of eight (8) countries Comoros, Kenya, Madagascar, Mauritius, Mozambique, Seychelles, Somalia and Tanzania. However only representatives from Seychelles, Kenya, Zanzibar, Tanzania and Comoros participated in the Second Ministerial Summit.
- 9. The main agenda of the Summit was to discuss and seek support draft proposals for the upcoming 27th Session of the Indian Ocean Tuna Commission (IOTC) to be held between May 8 to May 12,2023 in Mauritius. Particularly as regards the fishing quotas set by the IOTC and the use of purse seining as a method of fishing.
- 10. The main issues that were discussed was the use of fish aggregating devices (FADs), fish stock, catching of undersized fish around purse seine fishing, which were raised at the last IOTC meeting held in Mombasa, Kenya in February, 2023.
- 11. The IOTC meeting held in Mombasa, Kenya in February, 2023 resulted in the Commission voting to adopt a proposal for a seventy-two (72) day ban on FAD fishing by purse seiners in the Indian Ocean, as the devices had been shown to contribute to overfishing because they attract juvenile fish as well as endangered turtles, sharks and marine mammals that get caught up in purse seiner nets.
- 12. Seychelles had however objected to the ban which they considered to be a bit arbitrary and without a scientific base. Noting that tuna RFMOs are subject to much scrutiny, especially in the last decade, with continued overfishing, slow and limited management responses and general failure to follow scientific advice being raised as particularly problematic, the Ministers of the South West Indian Ocean and those with similar interests undertook to have the Second Summit to have a common position on the measure and tuna fishing governance by the IOTC.
- 13. Seychelles' tuna fisheries industry relies heavily on French and Spanish purse seiner fishing fleets that use FADs and there are fears of the effects the ban would have on the income of the main port activity and tuna cannery operations, which would impact the economy in general. Similarly Kenya is set to undertake various strategies to increase its marine and fisheries output and various stakeholders are in the process of investing in fishing equipment including purse seiners.

14. The observation of the meeting was that concerns about the ecological impact of recent increases in the use of drifting fish-aggregating devices (FADs) have led to implementation of FAD limits worldwide in purse-seine fisheries targeting tropical tunas. However, quantitative analyses supporting such management measures were needed.

2.3 VISIT TO THE INDIAN OCEAN TUNA LTD (IOT)

- 15. The members of the Delegation visited the and the Indian Ocean Tuna Ltd (IOT), which is a manufacturer and exporter of canned tuna.
- 16. The representatives from the IOT's informed the Delegation that the IOT's factory processes tuna caught in the Indian Ocean that is used by some of the most famous seafood brands including John West, Petit Navire and Mareblu. Processed fish is the main export of Seychelles and is the country's second largest industry behind tourism. The factory produces about 400 tonnes of tuna per day.
- 17. IOT currently employs about 2,019 people, sixty eight (68) percent of whom are foreigners including Kenyans and 32 percent are Seychellois. The Company has invested in building capacity of its employees including seafarers. The management reiterated the fact that in as much a seafarers are highly skilled professionals, hey are also very vulnerable to exploitation, abuse and discrimination. Their highly mobile workplace takes them from country to country and beyond frontiers. Seafarers are often far away from the land based institutions that provide stability, predictability, and protection that land based workers benefit from. Hence the need to ensure these group of employees are protected.
- 18. The Delegation was subsequently given a tour of the purse seine ships that are owned by the Company which is a non-selective fishing method that captures everything that it surrounds.
- The Delegation was informed that a purse seine is a large wall of netting deployed around an entire area or school of fish. The seine has floats along the top line with a lead line threaded through rings along the bottom. Once a school of fish is located, a skiff encircles the school with the net. The lead line is then pulled in, "pursing" the net closed on the bottom, preventing fish from escaping by swimming downward. Purse seines can reach more than 6,500 ft (2,000 m) in length and 650 ft (200 m) in depth, varying in size according to the vessel, mesh size, and target species. They are mainly used to in the fishing of tuna.

3.0 COMMITTEE'S OBSERVATIONS

The Delegation observed the following-

- 1. The Western Indian Ocean has resources worth more than Sh2.2 trillion annual output, with Kenya's share being about 20 per cent of this. The marine fishing sub-sector alone had an annual fish potential of 350,000 metric tonnes in 2013 worth Sh90 billion. However, the region only yields a paltry 9,134 metric tonnes worth Sh2.3 billion.
- 2. Optimal exploitation marine fishing in Kenya is hindered by infrastructural limitations and inappropriate fishing craft and gear. Artisanal fishers mainly restrict their operations to the continental shelf because they are ill-equipped in terms of craft and equipment to fish in the deep sea.
- 3. Kenya requires to enhance the fishing vessels to land its catch in the country in order to create amongst others processing opportunities.
- 4. The development of effective management measures for tuna purse-seine fisheries that use drifting fish-aggregating devices (FADs) should be prioritised.
- 5. Regional partnerships amongst the South West Indian Ocean member states to the IOTC play a significant role in assist governments to ensure aligned and mutually supportive action at the general IOTC meeting also provide a framework for exchange of technical expertise aimed at promoting sustainable use of ocean resource

4.0 COMMITTEE'S RECOMMENDATION

The Delegation recommends-

- 1. That the National Assembly should consider increasing the budgetary allocation to the State Department for Blue Economy and fisheries particularly to support the research, training and development of capacity in tuna fishing.
- 2. That the Ministry of Mining, Blue Economy and Maritime Affairs should fast-track policy formulation on promotion and regulation of deep sea fishing including tuna fishing.
- 3. That the Ministry of Mining, Blue Economy and Maritime Affairs should consider enhancing regional cooperation amongst the South West Indian Ocean Members of the Indian Ocean Tuna Commission in related policy positions such as on the use of drifting fish-aggregating devices.

Signed:					
Date:	4	MAT	2023	Mds.	

HON. KEMERO MAISORI MARWA KITAYAMA, MP
VICE - CHAIRPERSON
DEPARTMENTAL COMMITTEE ON BLUE ECONOMY, WATER AND
IRRIGATION



The National Assembly Delegation with the Principal Secretary, Blue Economy and Fisheries at a local fisheries Port in Seychelles



The National Assembly Delegation with the Principal Secretary, Blue Economy and Fisheries at a local fisheries Port in Seychelles



Members of the Delegation at the Indian Ocean Tuna Ltd Fish Processing Plant



Members of the Delegation with the Principal Secretary, Blue Economy and Fisheries at the Indian Ocean Tuna Ltd



THE NATIONAL ASSEMBLY

13TH PARLIAMENT - FIRST SESSION - 2022

DEPARTMENTAL COMMITTEE ON BLUE ECONOMY AND IRRIGATION

MEMBERS ATTENDANCE SCHEDULE

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D	ATE: 27 APR 2023 START: END:	
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O.	NAME	SIGNATURE
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2.	Hon. Kemero Maisori Marwa Kitayama, MP – Vice- Chairperson	oditi.
3.	Hon. Chepkwony Charity Kathambi, MP	- Cold
4.	Hon. William Kamket, MP	toward
5.	Hon. Buyu Rozaah Akinyi, MP	
6.	Hon. Eng. Nzengu Paul Musyimi, MP	
7.	Hon. Tandaza Kassim Sawa, MP	AA Toward
8.	Hon. Were Charles Ong'ondo, MP	
9.	Hon. Gachagua George, MP	
10.	Hon. Eric Mwangi Kahugu, MP	
11.	Hon. Dorothy Muthoni Ikiara, MP	AMT).
12.	Hon. Nebart Bernard Muriuki, MP	Nond
13.	Hon. Muiruri Muthama Stanley,MP	18111
14.	Hon. Mnyazi Amina Laura, MP	
15.	Hon. Adow Mohamed Aden, MP	Hams
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Ap	proved by:	
Sig	nedDate	
	r. Peter K. Chemweno, rector	

Directorate of Departmental Committee



REPUBLIC OF KENYA THE NATIONAL ASSEMBLY 13TH PARLIAMENT - SECOND SESSION – 2023

MINUTES OF THE 22ND SITTING OF THE DEPARTMENTAL COMMITTEE ON BLUE ECONOMY, WATER AND IRRIGATION HELD ON THURSDAY 27TH APRIL, 2023 AT COMMITTEE ROOM, FOURTH FLOOR, CONTINENTAL HOUSE, PARLIAMENT BUILDINGS, AT 10.00 AM

Chairperson

Vice- Chairperson

PRESENT

- 1. Hon. Bowen David Kangogo, MP
- 2. Hon. Kemero Maisori Marwa Kitayama, MP
- 3. Hon. Tandaza Kassim Sawa, MP
- 4. Hon. Chepkwony Charity Kathambi, MP
- 5. Hon. William Kamket, MP
- 6. Hon. Eric Mwangi Kahugu, MP
- 7. Hon. Dorothy Muthoni Ikiara, MP
- 8. Hon. Gachagua George, MP
- 9. Hon. Nebart Bernard Muriuki, MP
- 10. Hon. Adow Mohamed Aden, MP

APOLOGIES

- 1. Hon. Eng. Nzengu Paul Musyimi, MP
- 2. Hon. Were Charles Ong'ondo, MP
- 3. Hon. Muiruri Muthama Stanley, MP
- 4. Hon. Buyu Rozaah Akinyi, MP
- 5. Hon. Mnyazi Amina Laura, MP

IN- ATTENDANCE – NATIONAL ASSEMBLY COMMITTEE SECRETARIAT

 Mr. Nicodemus K. Maluki 	Second Clerk Assistant
2. Ms. Ivy Kageha	Third Clerk Assistant
3. Ms. Lynette Otieno	Senior Legal Counsel
4. Dr. Benjamin Ngimor	Fiscal Analyst
5. Mr. Eugene Apaa	Research Officer II
6. Ms. Lilian Mburugu	Media Relations Officer
7. Ms. Joyce Wachera Hansard	Hansard Officer
8. Ms. Lillian Alunga	Protocol Officer
9. Mr. Cosmas Akhonya	Audio Officer

MIN.NO.DC/ BEW&I/048/2023: PRELIMINARIES

The Chairperson called the meeting to order at thirty-five minutes past ten o'clock and prayed. He thereafter welcomed Members and the secretariat into the meeting and requested all present to make a self-introduction.

AGENDA:

The agenda of the meeting was presented as follows:

- 1. Prayers
- 2. Preliminaries/ Introductions
- 3. Confirmation of Minutes

- 4. Communication from the Chair
- 6. Consideration and Adoption of the Committee Report of the Second Edition of the South West Indian Ocean Ministerial Summit in Seychelles
- 8. Any other Business
- 9. Adjournment

MIN.NO.DC/ BE&I/049/2023: CONFIRMATION OF MINUTES

The Minutes of the previous meetings were confirmed as follows:

- 1. The Minutes of the 18th sitting held on Tuesday 14th March, 2023 at thirty minutes past ten o'clock were confirmed as a true record of the proceedings after being proposed and seconded by Hon. William Kamket, MP and Hon. Nebart Muriuki, MP respectively.
- 2. The Minutes of the 19th sitting held on **Friday 31st March, 2023** at thirty minutes past nine o'clock were confirmed as a true record of the proceedings after being proposed and seconded by Hon. Eric Kahugu, MP and Hon. Dorothy Ikiara, MP respectively.
- 3. The Minutes of the 20th sitting held on **Tuesday 11th April, 2023** were confirmed as a true record of the proceedings after being proposed and seconded by Hon. George Gachagua, MP and Hon. Muthoni Ikiara, MP respectively.
- 4. The Minutes of the 21st sitting held on Tuesday 25th April, 2023 were confirmed as a true record of the proceedings after being proposed and seconded by Hon. Kemero Maisori Marwa, MP- Vice Chairperson and Hon. William Kamket, MP respectively.

MIN.NO.DC/ BE&I/050/2023:

CONSIDERATION AND ADOPTION OF THE COMMITTEE REPORT OF THE SECOND EDITION OF THE SOUTH WEST INDIAN OCEAN MINISTERIAL SUMMIT IN SEYCHELLES

On behalf of the delegation that participated in the Second Edition of the South West Indian Ocean Ministerial Summit in Seychelles, the Hon. George Gachagua, MP presented the report which was unanimously adopted by the Committee for tabling. The report was proposed by Hon. Eric Kahugu, MP and seconded by Hon. Charity Kathambi, MP.

MIN.NO.DC/ BE&I/051/2023: ANY OTHER BUSINESS

The Committee deliberated on the proposed inspection visits to the key projects for oversight in all the regions in the Country with a view to reporting progress to the House and provided for in the National Assembly Standing Orders. The Secretariat was requested to liaise with the relevant State Departments and Agencies concerned to prepare a program. The Committee further agreed to form two Sub- Committees to undertake the said activities.

MIN.NO.DC/ BE&I/052/2023: ADJOURNEMENT

There being no	other business,	the Chairperson	adjourned	the	meeting at f	fifty	minutes past	Ċ
	The next meetin				U		•	

Signed	······································	Als:								 		
HON. KEMERO MAISORI MARWA KITAYAMA, MP (VICE - CHAIRPERSON)												
Date	1 TH	MAT	2023									