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TWELFTH PARLIAMENT – SIXTH SESSION

THE NATIONAL ASSEMBLY

SELECT COMMITTEE ON IMPLEMENTATION

FIFTH REPORT ON

SUBMISSIONS FROM STAKEHOLDERS REGARDING THE IMPLEMENTATION STATUS
OF INQUIRIES, PETITIONS, AND RESOLUTIONS PASSED BY THE HOUSE

Directorate of Audit, Appropriations and Other Select Committees
National Assembly
Parliament Buildings
NAIROBI


 THE NATIONAL ASSEMBLY	
DATE: 08 JUN 2022	
June, 2022	
TABBLED BY:	Hon. Ined Ekelly MP Member, COI
CLERK AT THE TABLE:	Maunah. W. [Signature]

Table of Contents

ABBREVIATIONS & ACRONYMS	6
CHAIRPERSON'S FOREWORD	7
EXECUTIVE SUMMARY	8
CHAPTER ONE:	9
1.0 PREFACE	9
1.1 Mandate of the Committee	9
1.2 Committee Membership	10
1.3 Committee Secretariat	12
CHAPTER TWO	13
INTRODUCTION	13
CHAPTER THREE	14
SUBMISSION REGARDING IMPLEMENTATION STATUS OF HOUSE RESOLUTIONS	14
3.0 REPORT ON THE CONSIDERATION OF THE PUBLIC PETITION REGARDING THE PROVISION OF TOLL-FREE NUMBERS IN GOVERNMENT	14
3.1 Background	14
3.2 Departmental Committee recommendation	14
3.3 Implementation status	14
3.3 Implementation status	15
3.4 Committee Recommendation	15
4.0 REPORT ON A PETITION REGARDING ENCROACHMENT INTO THE NAIROBI NATIONAL PARK	16
4.1 Background	16
4.2 Departmental Committee on Environment and Natural Resources Recommendations and Implementation status	16
4.3 Committee Observation	19
5.0 REPORT ON THE CONSIDERATION OF A PETITION BY RESIDENTS OF HOSPITAL WARD, MATHARE CONSTITUENCY REGARDING IMMINENT EVICTION OF RESIDENTS BY THE KENYA POLICE SERVICE	20
5.1 Background	20
5.2 Departmental Committee recommendations and implementation status	20
5.3 Committee Observation	21

6.0 REPORT ON THE CONSIDERATION OF THE PETITION REGARDING THE PAYMENT OF SALARY ARREARS FOR STAFF OF THE POSTAL CORPORATION OF KENYA.....	22
6.1 Background	22
6.2 Departmental Committee Recommendations.....	22
6.3 Implementation status	22
6.4 Committee Observations.....	24
8.0 RESOLUTION ON THE ESTABLISHMENT OF DATABASE CENTRES IN ALL CIVIL REGISTRATION CENTRES IN THE COUNTRY	25
8.1 Background	25
8.2 Implementation status	25
8.3 Committee observation on the implementation status	26
8.4 Committee recommendation	26
9.0 REPORT OF THE DEPARTMENTAL COMMITTEE ON ENVIRONMENT AND NATURAL RESOURCES ON ITS INQUIRY INTO THE DEATH OF ELEVEN BLACK RHINOS AFTER TRANSLOCATION TO THE TSAVO EAST NATIONAL PARK SANCTUARY	27
9.1 Background.....	27
9.2 Departmental Committee Recommendations and Implementation Status.....	27
11.0 REPORT ON THE CONSIDERATION OF THE PUBLIC PETITION REGARDING THE WITHDRAWAL OF HARMFUL CHEMICAL PESTICIDES IN THE KENYAN MARKET .	33
11.1 Background	33
11.2 Departmental Committee recommendation and Implementation status	33
10.3 Committee Observation	36
10.4 Committee Recommendation.....	36
11. 0 GENERAL OBSERVATIONS	37
12.0 GENERAL RECOMMENDATIONS	37

ANNEXURES

Annex No.	Title
Annex I	Minutes of the Committee
Annex II	Adoption List
Annex III	Submission by the State Department of Broadcasting on the implementation status of the Report of the Departmental Committee on Communication, Information and Innovation on its consideration of the public petition regarding the provision of Toll- Free Numbers in Government
Annex IV	Submission by the Kenya Wildlife Service regarding the implementation status of Report of the Departmental Committee on Environment and Natural Resources on its consideration of the Petition Regarding Encroachment into The Nairobi National Park
Annex V	Submission by the Ministry of Interior and Coordination of National Government on the implementation status of the Report of the Departmental Committee on Lands on its consideration of a Petition by Residents of Hospital Ward, Mathare Constituency regarding Imminent eviction of residents by the Kenya Police Service
Annex VI	Submission by the Ministry of Interior and Coordination of National Government Resolution on the establishment of Database Centres in all Civil Registration Centres in the Country
Annex VII	Submission by the Postal Corporation of Kenya on the implementation status of the Report of the Departmental Committee on Labour and Social Welfare on its consideration of the Petition regarding the payment of salary arrears for staff of the Postal Corporation of Kenya
Annex VIII	Submission by the Ministry of Tourism and Wildlife on the implementation status of the Report of the Departmental Committee on Environment and Natural Resources on its inquiry into Death of Eleven Black Rhinos after translocation to the Tsavo East National Park Sanctuary

Annex IX(a)	Submission by the National Treasury on the implementation status of the Report on the consideration of the public petition regarding the withdrawal of Harmful Chemical Pesticides in the Kenyan Market;
Annex IX (b)	Submission by the Pest Control Board on the implementation status of the Report on the consideration of the Public Petition regarding the withdrawal of Harmful Chemical Pesticides In The Kenyan Market

ABBREVIATIONS & ACRONYMS

DG	-	Director General
ERP	-	Enterprise Resource Planning
KWS	-	Kenya Wildlife Service
KMs	-	Kilometres
NHIF	-	National Hospital Insurance Fund
PCK	-	Postal Corporation of Kenya
REC	-	Rhino Executive Committee
RSC	-	Rhino Steering Committee
WRTI	-	Wildlife Research and Training Institute
TENP	-	Tsavo East National Park

CHAIRPERSON'S FOREWORD

The Select Committee on Implementation is mandated to scrutinize resolutions of the House arising from adopted Committee reports, Public petitions, and the undertakings given by the National Executive and examine whether such decisions and undertakings have been implemented within the sixty (60) days provided for in the Standing Orders. Further, the Committee reviews whether such implementation has taken place within the minimum time necessary and provides a satisfactory explanation for the delay in full implementation.

The Committee wrote to the various Ministries requesting for implementation status of resolutions, petitions, and adopted Committee reports passed by the House. The implementation status included in the Report contains submissions provided by various Ministries and Government Agencies from March to July 2021. The Report entails a compilation of the responses received and their implementation status at the time of adoption of the Report.

The Committee registers its appreciation to the Offices of the Speaker and the Clerk of the National Assembly for facilitating it towards achieving its mandate and producing this Report.

Pursuant to Standing Order 199 (6), it is, therefore, my pleasant duty and privilege, on behalf of the Select Committee on Implementation, to lay this Report on the Table of the House.

HON. MOITALEL OLE KENTA, MP

EXECUTIVE SUMMARY

In line with its mandate, the Select Committee on Implementation wrote to various Ministries seeking the status of implementation of various House resolutions passed between October 2020 and February 2021. This is according to Standing Order 209 (2), which provides that the Committee shall scrutinize the resolutions of the House (including adopted Committee reports), petitions, and the undertakings given by the National Executive and examine whether or not such decisions and undertakings have been implemented and where implemented, the extent to which they have been implemented; and whether such implementation has taken place within the minimum time necessary and whether or not legislation passed by the House has been operationalized and where operationalized, the extent to which such operationalization has taken place within the minimum time necessary.

The Committee wrote to the Ministries and Government Agencies forwarding a list of House resolutions pending before them seeking their status of implementation, including challenges faced while implementing them. During its various sittings, the Committee scrutinized the written submissions received from the stakeholders. The records of evidence submitted to the Committee form the basis of the Committee's Report on the implementation status as outlined in the Report.

CHAPTER ONE:

1.0 PREFACE

1.1 Mandate of the Committee

1. The Select Committee on Implementation is established under Standing Order 209 of the National Assembly Standing Orders. The Committee scrutinizes the resolutions of the House (including adopted Committee reports), petitions, and the undertakings given by the National Executive and examines whether or not such decisions and undertakings have been implemented and where implemented, the extent to which they have been implemented; and whether such implementation has taken place within the minimum time necessary; and whether or not legislation passed by the House has been operationalized and where operationalized, the extent to which such operationalization has taken place within the minimum time necessary.
2. Standing Order 201 further provides that, within sixty days of a resolution of the House or adoption of a report of a select committee, the relevant Cabinet Secretary under whose portfolio the implementation of the resolution falls shall provide a report to the appropriate Committee of the House per Article 153(4) (b) of the Constitution.

1.2 Committee Membership

3. The Committee membership comprises -

Chairperson

Hon. Moitalel Ole Kenta, MP
Narok North Constituency

Orange Democratic Movement

Vice-Chairperson

Hon. Godfrey Osotsi, MP
Nominated

Amani National Congress

Members

Hon. Moses Kuria, MP
Gatundu South Constituency

Jubilee Party

Hon. Paul Simba Arati, MP
Dagoretti North Constituency

Orange Democratic Movement

Hon. Alois Lentoimaga, MP
Samburu North Constituency

Jubilee Party

Hon. Feisal Abdalla Bader, MP
Msambweni Constituency

Independent

Hon. (Dr.) James Murgor, MP
Keiyo North Constituency

Jubilee Party

Hon. Johnson Many Naicca, MP
Mumias West Constituency

Orange Democratic Movement

Hon. Joash Nyamache Nyamoko MP
North Mugirang'o Constituency

Jubilee Party

Hon. John Muchiri Nyaga, MP
Manyatta Constituency

Jubilee Party

Hon. Richard Onyonka, MP
South Mugirago Constituency

Kenya National Congress

Hon. Silvanus Osoro, MP
Kitutu Chache South Constituency

Ford Kenya

Hon. Paul Odalo Abuor, MP
Rongo Constituency

Orange Democratic Movement

Hon. Benjamin Dalu Tayari, M.P
Kinango Constituency

Orange Democratic Movement

Hon. Hassan Oda Hulufu, MP
Isiolo North Constituency

Kenya Patriots Party

Hon. Michael Thoya Kingi, MP
Magarini Constituency

Orange Democratic Movement

Hon. Nelson Koech, MP
Belgut Constituency

Jubilee Party

Hon. Joshua Mbithi Mwalyo, MP
Masinga Constituency

Wiper Democratic Movement-Kenya

Hon. Peter Kimani, MP
Mathioya Constituency

Jubilee Party

Hon. Gabriel Kago Mukuha, MP
Githunguri Constituency

Jubilee Party

Hon. Charles Ngusya Nguna, MP
Mwingi West Constituency

Wiper Democratic Movement-Kenya

Hon. Jared Okello, MP
Nyando Constituency

Orange Democratic Movement

1.3 Committee Secretariat

4. The Secretariat facilitating the Committee comprises -

Ms. Tracy Chebet Koskei
Senior Clerk Assistant /Team Leader

Mr. Abdirahman Hassan
Clerk Assistant II

Ms. Mercy Wanyonyi
Legal Counsel

Ms. Winnie Kizia
Media Relations Officer

Dr. Donald Manyala
Research Officer II

Ms. Jane Serem
Audio Officer I

Mr. Moses Kariuki
Sergeant-at-Arms

CHAPTER TWO:

INTRODUCTION

5. The Committee commenced to appraise itself on the implementation status of House resolutions pursuant to Standing Order 209 (2), which requires the Committee to scrutinize the resolutions of the House (including adopted Committee reports), petitions, and the undertakings given by the National Executive.
6. The Committee wrote to various Ministries and Government Agencies seeking to update the implementation status of various resolutions and reports (inquiries and petitions) under their purview.
7. This Report contains submissions on the implementation status of the following reports and House resolutions:
 - i) *Report of the Departmental Committee on Communication, Information, and Innovation on its consideration of the public petition regarding the provision of Toll- Free Numbers in Government;*
 - ii) *Report of the Departmental Committee on Environment and Natural Resources on its consideration of the Petition Regarding Encroachment into The Nairobi National Park;*
 - iii) *Report of the Departmental Committee on Lands on its consideration of a Petition by Residents of Hospital Ward, Mathare Constituency regarding Imminent eviction of residents by the Kenya Police Service;*
 - iv) *Report of the Departmental Committee on Labour and Social Welfare on its consideration of The Petition regarding the payment of salary arrears for staff of the Postal Corporation of Kenya;*
 - v) *Resolution on the establishment of Database Centres in all Civil Registration Centres in the Country;*
 - vi) *Report of the Departmental Committee on Environment and Natural Resources on its inquiry into Death of Eleven Black Rhinos after Translocation to the Tsavo East National Park Sanctuary.*
 - vii) *Report of the Departmental Committee on Health on the Consideration of the Public Petition Regarding the Withdrawal of Harmful Chemical Pesticides in the Kenyan Market.*

CHAPTER THREE

SUBMISSION REGARDING IMPLEMENTATION STATUS OF HOUSE RESOLUTIONS

3.0 REPORT ON THE CONSIDERATION OF THE PUBLIC PETITION REGARDING THE PROVISION OF TOLL-FREE NUMBERS IN GOVERNMENT

3.1 Background

8. This petition regards the provision of toll-free numbers in Government and was presented to the House by the Hon. George Theuri, MP on behalf of the people of Embakasi West Constituency.
9. The Petitioner, therefore prayed that the Departmental Committee on Communication, Information, and Innovation pursuant to Standing Order 216 (5)(a):
 - (i). Enquires into the matter to secure the installation of toll-free numbers in all vital and non-vital government departments that are manned by professional customer service agents around the clock;
 - (ii). Secures provision of civic education to sensitize the public on how to use toll-free numbers to guarantee faster service delivery to the public, improve feedback mechanisms for the government through this system, and facilitate communication during emergencies; and
 - (iii). Secures the drafting and publication of a policy guiding and directing the use of essential toll-free numbers under use by the various offices and departments of government.

3.2 Departmental Committee recommendation

10. The Departmental Committee on Communication, Information, and Innovation Having considered the submissions in response to the petition, tabled a report on 3rd December 2020 and recommended that the *Ministry of ICT, Innovation, and Youth Affairs fast track and operationalize the National Government Contact Centre within ninety (90) days from the date of adoption of the report.*

3.3 Implementation status

11. The Ministry of ICT, Innovation and Youth Affairs vide a letter Ref. MICT/A/8/04 dated 2nd June 2021, (*Annex III*), submitted that it had established a Government Contact Centre (NGCC) that is designed to use *shortcode 1588* as a toll-free number where citizens will have access to information on Government services through interactive Voice Response (IVR), Short Text Messaging (SMS) and Unstructured Supplementary Service Data (USSD) where all service providers will mask their numbers to the Ministry's pilot number 020-48-00-000.

12. The Ministry added that citizens will be able to communicate with the Government at no cost using the toll-free number 1588.
13. The Ministry added that it had undertaken the following activities toward the implementation of the resolution:
 - (i). Installed and activated a voice response pilot line 020-48-00-000 with 30 channels installed and activated
 - (ii). Shortcode 1522 and USSD short code *155*2# assigned by the Communications Authority for use on Voice and SMS platform on toll-free
 - (iii). Identified office space for the NGCC at Postbank Towers, 10th Floor, lease negotiated but not signed due to budgetary constraints;
 - (iv). Part of technical equipment and furniture was procured in the Financial Year 2019/2020;
 - (v). Developed draft NGCC Policies, Procedures, and Standards and was awaiting approval on the same;
 - (vi). Identified contact center officers.
14. The Ministry however submitted that redeployment of former Telephone Services personnel to NGCC has not been done as the officers were awaiting training which could not be done due to lack of budgetary allocation.

3.3 Implementation status

15. The Committee observed that the implementation of the resolution has been partially done, however financial resources are required to fully implement the resolution.

3.4 Committee Recommendation

16. The Committee recommends that the Ministry of ICT, Innovation, and Youth Affairs should prioritize the funding of unfunded activities in the first supplementary estimates for the Financial Year 2022/2023. The Ministry may also consider using the funds allocated to the Universal Fund.

4.0 REPORT ON A PETITION REGARDING ENCROACHMENT INTO THE NAIROBI NATIONAL PARK

4.1 Background

17. The Petition regarding Encroachment into the Nairobi National Park was presented to the House by the Hon. Speaker, on behalf of Ms. Maureen Memo Some, CEO WildNow Foundation, on 2nd July 2020. Consequently, the petition was committed to the Committee on 3rd July 2020 for consideration following the provision of Standing Order 227.
18. The Petitioners, therefore, prayed that the Departmental Committee on Environment and Natural Resources pursuant to Standing Order 216 (5) (a):
- (i). investigates into all the matters raised in the Petition; and
 - (ii). makes recommendations to ensure the economic value of the park is not compromised through continued encroachment and that the flora and fauna at the park are protected from extinction.

4.2 Departmental Committee on Environment and Natural Resources Recommendations and Implementation status

19. The Departmental Committee on Environment and Natural Resources tabled its report on 10th November 2020.
20. The Kenya Wildlife Service vide a letter Ref. KWS/813 dated 30th April 2021, (*Annex IV*) submitted the following as the status of implementation of House resolutions:

I. The Kenya Railways and Kenya Wildlife Service should conclude an easement agreement regarding the land occupied by both Grain Bulk Handlers Limited and Compact Freight Limited within 60 days from the date of the tabling of this report. The agreement should indicate the land offered by KRC in compensation for land ceded by KWS.

Implementation status

21. The proposed easement between KWS and Kenya Railways regarding the land occupied by both Grain Bulk and Handlers Limited and Compact Freight Limited is at the draft stage and is earmarked to be finalized as soon as possible.

Committee Observation

22. Implementation of the recommendation is ongoing.

Committee Recommendation

23. Kenya Wildlife Service should ensure that the agreement is concluded within Sixty (60) days of the adoption of this report.

II. The Kenya Wildlife Service should:

- (i). Develop innovative strategies to ensure the economic viability and ecological integrity of the park in light of the numerous existential threats posed to the park through unwarranted encroachments.***
- (ii). Delineate the entire stretch of the Eastern Boundary of the Nairobi National Park and recover land lost through any irregular encroachments.***
- (iii). Expedite the execution of the agreement regarding benefits accruing to KWS after granting an easement for the building of the ICD road.***

Implementation status

24. To enhance the economic viability of Nairobi national park, Kenya Wildlife Service reported that it envisages "developing a distinctive and diverse nature-based tourism that offers visitors memorable "experiences".

25. To achieve this aim, the Service set out an ambitious strategy for enhancing the visitor experience and thereby increasing visitation, as well as tourism revenues. Details of which are contained in two documents namely; the Nairobi National park Management plan 2020-2030 and The Nairobi National Park Visitor Experience master plan. The strategy focuses on activities that enhance visitor experience and satisfaction. The programme's objectives focus on developing tourism investment opportunities; improving tourism products to enhance visitor experience; marketing NNP locally and internationally; and improving tourism management.

26. The Service also reported that priority management actions that will be implemented under this programme include: a Permanent Luxury Tented advertise and competitively lease out the site currently occupied by Camp, improving the KWS Club House restaurant, improving Impala viewpoint, upgrading the Mokoyiet picnic site and viewing point, Hippo Pools Picnic Site, nature trail and Cultural Centre, Kingfisher picnic site other proposed developments.

27. Improvement of road infrastructure was also among the focal areas. Several contracts worth over Kshs. 150 million to improve key circuits have been awarded and executed in 2020. In the meantime the tendering process of an allocation of Kshs. 300 million from Tourist Trust Fund (TTF) to improve 56 Kms of Key circuit roads is in the process to be concluded in the next few months.

28. The Service however submitted that Implementation of the proposed projects was restrained by a legal suit by some stakeholders who objected to some projects. However, following the gazettement of the Nairobi national park management plan on 8th January 2021, the implementation of the different projects can effectively commence subject to the availability of funds.
29. Regarding the ecological integrity of Nairobi national park, KWS reported that implementation of several activities as spelled out in the Nairobi national park management plan 2020 - 2030 has commenced as follows:
- (i) To improve the quality of fodder materials for the herbivore species in the park; the management is mowing the 3500 acres of grass which commenced in 2020 and over 470 acres have been mowed with very impressive results, where huge herds of animals congregate in the mowed sections unlike before. The activity is ongoing.
 - (ii) Mineral supplementation (Salt licks); a total of 17 salt licks have been established in the park which are regularly replenished since 2020.
 - (iii) Control of invasive species such as *parthenium*, *solanum*, *Datura*, and *argemone Mexicana* has also been ongoing since April 2020. Manual removal has been the main method of removal; however mechanical removal with the use of grass cutters will be employed soon.

Committee Observation

30. Implementation is ongoing.

III. The KWS should expedite the fencing of the Southern boundary of the Nairobi National Park. While fencing the boundary, consideration should be made for migratory corridors and buffer zones to deal with Human-Wildlife Conflicts likely to escalate due to increased human settlement in adjoining areas.

Implementation status

31. Kenya Wildlife Service reported that it has already embarked on expediting fencing of 17km on the Southern boundary of the park which stretches from *Bangladesh slum* in Ongata Rongai to Kasoito in Athi River. The purpose of fencing is to address issues of Human/Wildlife Conflict caused by wild animals straying out of the park through the unfenced southern park boundary and to secure buffer zones and animal migratory corridors. Several steps have been taken so far;
- i) a) Buffer zones; Kenya Wildlife Service is targeting relatively open privately owned parcels of land that share the southern boundary with Nairobi national park which are deemed viable buffer zones for the park. Most parcels range from 5 to 300 acres in size and without many structures on them. The respective owners have been hosting wildlife on their land for many years.

b) KWS has embarked on engaging the landowners since 2020 with a view of getting consent from them and entering into a formal arrangement to fence in the land parcels. Negotiations have borne fruits for over 30 landowners on the Mbagathi river frontage between Maasai lodge and Emakoko lodge have formally expressed interest to be fenced in. Negotiations have reached a stage where both KWS and the landowners are jointly developing mutually agreed terms which will culminate in a legal document to be signed by both parties thus securing the buffer zone for the park.

32. Regarding Migratory corridors, KWS reported Animals from Nairobi national park have since time immemorial migrated in and out of the park in different seasons to the adjacent areas mainly *Athi - Kapiti* plains and *sholinke/Magadi* communal lands. Most of the migratory corridors are either completely blocked or on the verge of being blocked.

33. To address this challenge, the Cabinet Secretary, Ministry of Tourism and Wildlife in August 2020 gazetted a task force whose membership was drawn from Kenya Wildlife Service (Lands Management Department, GIS, and Biodiversity), National Lands Commission (NIC), Ministry of Industrialization, Ministry of Tourism and Wildlife, NGOs and private sectors. The terms of reference of the task force are to identify and advise the government on viable migratory corridors and connectivity between Nairobi national park and its wildlife dispersal areas, namely *Athi - Kapiti*, *Naretanoi Sholinke - Elerai*, and *Rimpa- Magadi* community areas. The task force is yet to complete its work and it had its term extended twice with the last extension expiring on 10th Feb 2020. A third extension is expected soon and the task force report is to be released soon.

4.3 Committee Observation

34. The Implementation of the resolution is ongoing.

5.0 REPORT ON THE CONSIDERATION OF A PETITION BY RESIDENTS OF HOSPITAL WARD, MATHARE CONSTITUENCY REGARDING IMMINENT EVICTION OF RESIDENTS BY THE KENYA POLICE SERVICE

5.1 Background

35. The Petition by residents of Hospital Ward in Mathare Constituency regarding imminent eviction of the residents by the Kenya Police Service was conveyed to the House by the Hon Anthony Olouch, MP on behalf of petitioners on 5th March 2020.
36. The petitioners prayed that the National Assembly through the Departmental Committee on Lands:
- (i). Inquiries into the matters raised in this petition relating to the alleged ownership of the land in Hospital Ward in Mathare Constituency to ensure that the rights of the residents to land are not subverted by the Kenya Police;
 - (ii). Intervenes through the relevant government ministries to halt the potential eviction of the residents of Hospital Ward from their land by the Kenya Police until the dispute is investigated and resolved by the relevant agencies; and
 - (iii). Intervenes through the Ministry of Lands & Physical Planning and the National Land Commission to ensure that land in Hospital Ward in Mathare Constituency is adjudicated, verified, residents issued with Title Deeds, and appropriate sections of the land designated for public amenities are safeguarded.
37. The Departmental Committee on Lands tabled its report on 24th November 2020.

5.2 Departmental Committee recommendations and implementation status

- I. The Cabinet Secretary for the Ministry of Interior & Coordination of National Government in consultation with the Cabinet Secretary for Lands & Physical Planning and the National Land Commission does consider amending Legal Notice No 56 of 1976 (LN. No. 56/1976) and Legal Notice No. 11 of 1991 (LN No.11/1991 and the setting apart, a part of land parcel LR No. 209/8600, measuring 32.65 Ha for the Mathare Police Depot and the Provincial Training Centre (PPTC) to reallocate the same to the Kenya Police Service and residents of Hospital Ward to reflect the current occupancy within six months of the tabling of this Report.***

Implementation status

38. The Ministry of Interior and Co-ordination of National Government vide a letter Ref MICNG/SEC. 1/29 dated 18th June 2021, (*Annex V*) submitted that the land is public, having been set aside for the Mathare Police Depot and the Provincial Police Training Centre in 1975. The National Police Service obtained a letter of allotment Ref. 36040/165 issued on 4th November 2012.
39. The Ministry further submitted that the land was gazetted in the Kenya Gazette through legal notice No. 56 of 1976 (L.N. No. 56/1976) and legal notice No. 11 of 1991 (L.N. No. 1991).
40. The Ministry reported that illegal squatters occupy 15.77 hectares out of the total 32.65 hectares.

II. The Directorate of Criminal Investigations and the Ethics and Anti-Corruption Commission does undertake investigations on the role of Government officers who participated in the illegal allocation of protected land leading to the issuance of 41 title deeds that were later canceled by the National Land Commission to prosecute any person found culpable within six months of the tabling of this Report.

Implementation status

41. The Directorate of Criminal Investigations and the Ethics and Anti-Corruption Commission has not submitted information on this recommendation.

II. The National Land Commission does consider fast-tracking the development of a national inventory of government land and the titling of the same to ensure no further encroachment on government land reserved for government agencies, within six months of the tabling of this Report

Implementation Status

42. The Committee noted that the National Land Commission has not submitted information on this recommendation.

5.3 Committee Observation

43. The Committee observed that the land belongs to the Kenya Police Service which is not willing to allocate part of the land to the squatters.

6.0 REPORT ON THE CONSIDERATION OF THE PETITION REGARDING THE PAYMENT OF SALARY ARREARS FOR STAFF OF THE POSTAL CORPORATION OF KENYA

6.1 Background

44. Public Petition No. 24 of 2020 regarding the payment of salary arrears for staff of the Postal Corporation of Kenya, was presented by Hon. Rashid Kassim Amin, M.P. and referred to the Departmental Committee on Labour and Social Welfare according to Standing Order 227 (2) on 12th August 2020.

45. The petitioners prayed that the National Assembly-

- (i). Investigates the matter with a view to resolving the issues relating to delays in the payment of salaries to staff of the Postal Corporation of Kenya;
- (ii). Pursuant to the Employment Act, recommends that the Cabinet Secretary responsible for Information, Communications, and Telecommunication initiates a process of rescuing the Postal Corporation of Kenya from its current financial crisis;
- (iii). Makes any other appropriate recommendations it deems fit in addressing the circumstances raised in the Petition.

6.2 Departmental Committee Recommendations

46. The Departmental Committee on Labour and Social Welfare tabled its report on 1st December 2020 with the following recommendations:

- (i). The Ministry of ICT, Innovation, and Youth Affairs should ensure that concrete efforts are made to ensure that the Corporation always pays its staff salaries on time and come up with a sustainable manner of funding its operations;
- (ii). The 2017 Report on the Task Force on Revitalization of PCK, which among others recommended the restructuring of PCK to enable it to focus on key business lines and carrying out a staff rationalization program should be implemented;
- (iii). The Ministry of ICT, Innovation, and Youth Affairs should initiate a process aimed at conclusively resolving the financial crisis at the Postal Corporation of Kenya;
- (iv). The Postal Corporation of Kenya should initiate measures, including upgrading its technology to compete effectively and innovatively to adequately meet its financial obligations promptly.

6.3 Implementation status

47. The Post Master General through the Principal Secretary for the State Department of Broadcasting and Telecommunications vide a letter Ref. 5260/PCK/10/03/2021/PMG

dated 12th March 2021, (*Annex VI*) reporting on the implementation status of House resolutions.

- I. The Ministry of ICT, Innovation, and Youth Affairs should ensure that concrete efforts are made to ensure that the Corporation always pays its staff salaries on time and come up with a sustainable manner of funding its operations;***

Implementation Status

48. The Postal Corporation was granted Kshs. 810 million by the Government to pay its staff in September 2020. The monies were used to pay six months' salary arrears covering the period of April 2020 to September 2020.
49. The Corporation submitted that it has requested approval of a Cabinet Memo that details the following measures to increase revenue:
- (i). All government courier and logistical services are channelled through the corporation
 - (ii). The Corporation be appointed as the government Clearing Agent for Government Agencies
 - (iii). Annual funding of Kshs. 1 billion in support of the Universal Service Obligation.
50. In a further letter dated 21st September 2021 the Corporation confirmed that the cabinet Memo was yet to be approved. The Corporation however submitted that it had undertaken the following measures to upgrade its technology to compete effectively and innovatively:
- (i). Posta Wallet –The wallet was programmed and launched internally with the capability to recruit customers, connect with the bank, verify users and facilitate Posta to Posta movement of funds is a success;
 - (ii). Posta Mobile Delivery Application- Posta Mobile Delivery App is developed and operational with 1,135 items delivered door to door during the implementation of Rapid Results Initiative 2;
 - (iii). PCK post office and Asset mapping using geospatial technology-This has facilitated locational identification and estimation of the distance for door to door delivery on the Posta mobile delivery application;
 - (iv). Passport Delivery portal-In partnership with the Department of Immigration, PCK developed a customer portal that has seen over 230,000 delivered to the customer; and
 - (v). Queue Management system-The rollout has so far covered 41 postal outlets that have enhanced monitoring of service delivery focusing on improving service rate from the current 11 min to 7 min and serving an average of 600 customers per day.
51. It is against the efforts employed during Rapid Results Initiative phases 1&2 that saw the Corporation in FY 2020/21 recording an average quarterly growth of 3% with Qtr 2 and

Qtr 3 achieving a 5% (Kshs. 28,384,719) and 19% (Kshs. 103,745,640) improvement in revenues. Unfortunately, the wage-bill, legacy debt, and outstanding bills are not adequately resolved to result in constraints towards investment in infrastructure that is key for key transformation objectives.

6.4 Committee Observations

52. The Committee notes that previous Salary Arrears have been paid. However, the Corporation is still struggling to meet its wage obligation and to clear outstanding bills which as of August 2021 stood at Kshs. 125,130,197.40

53. The Committee further observed that operationalization of the sustainability recommendation is ongoing, however more rapid initiatives need to be implemented to make the Corporation self-sustainable.

8.0 RESOLUTION ON THE ESTABLISHMENT OF DATABASE CENTRES IN ALL CIVIL REGISTRATION CENTRES IN THE COUNTRY

8.1 Background

54. The motion was proposed by Hon. Mary Wamaua, the Member for Maragua Constituency on 5th November 2020.

8.2 Implementation status

55. The Ministry of Interior and Coordination of National Government vide a letter Ref. MICNG/SEC.1/29 dated 8th April 2021, (*Annex VI*) submitted that it has not fully implemented the resolution on the establishment of database centers in all civil registration centers in the Country, due to inadequate financial and human resources.

56. Currently, the Civil Registration Services operates 125 database centers (birth and death registries). The implementation of the resolution on the establishment of database centers in all civil registration centers in the Country will require the establishment of an additional 210 database centers.

57. This will require additional funds to cater to operational costs for the additional database centers as follows;

- (i). The estimated cost of running a database center is Kshs. 200,000 per quarter. This translates to an additional expenditure of Kshs.168,000,000 as operational costs for the 210 additional database centers.
- (ii). The 210 additional database centers will require office accommodation, furniture, equipment (computer, printers, serves, cabinets, and shelves among others), and registration materials. The estimated cost for these items amounts to Kshs. 46,667,043 per database Centre.
- (iii). There will be a need for the recruitment of additional 1,697 personnel of various cadres to man the additional database centers, which is estimated to cost Kshs. 1,402,920,000 per year.
- (iv). To undertake an induction course training for the Civil Registration Officers, an additional Kshs. 63 Million is required.

58. Thus, the total amount required for the additional expenditure for the implementation of the house resolution amounts to Kshs. 1,126,599,030.

8.3 Committee observation on the implementation status

59. The Committee notes that implementation of the resolution has not been done.

8.4 Committee recommendation

60. The Committee recommends that the Ministry of Interior and Coordination of National Government should prioritize the funding of this programme during the Financial Year 2022/2023.

9.0 REPORT OF THE DEPARTMENTAL COMMITTEE ON ENVIRONMENT AND NATURAL RESOURCES ON ITS INQUIRY INTO THE DEATH OF ELEVEN BLACK RHINOS AFTER TRANSLOCATION TO THE TSAVO EAST NATIONAL PARK SANCTUARY

9.1 Background

61. The Departmental Committee on Environment and Natural Resources carried out an inquiry following the botched translocation of eleven Black Rhinos pursuant to Standing Order 216 (5) (e) and resolved to conduct an inquiry into the circumstances of the deaths.

62. The inquiry's objectives were to:

- (i). To investigate the circumstances that led to the deaths of the eleven black rhinos;
- (ii). Recommend remedial actions to forestall any such future deaths of black rhinos due to botched translocation.

63. The report was adopted by the House on 17th September 2020.

9.2 Departmental Committee Recommendations and Implementation Status

64. The Ministry of Tourism and Wildlife via a letter Ref. SDW/1/47 dated 14th June 2021, (*Annex VII*) submitted the following as the status of implementation of House resolutions:

I. The Cabinet Secretary, Ministry of Tourism and Wildlife should take overall responsibility for the botched translocation exercise since he delayed the appointment of a new Board of Trustees at the Kenya Wildlife Service (KWS). The board would have offered policy direction and guidance to the management. In absence of the Board, the ministry had overall responsibility for the KWS operations including the translocation exercise.

Implementation status

65. The establishment of the Tsavo East National Park (TENP) Black Rhino sanctuary was conceptualized in 2010. This was after an aerial census that established there were only eleven (11) Black Rhinos whose distribution pattern was wide making monitoring and security provision a big challenge.

66. The KWS management thus considered establishing an electric fenced Black Rhino sanctuary within TENP into which the 11 rhinos would be moved and at least 10 rhinos added from other areas to constitute a viable founder population of at least 21 unrelated individuals to ensure rich genetic diversity.

67. The KWS management subsequently submitted this proposal to the Rhino Steering Committee (RSC), which advises on technical matters related to Rhino conservation and management in Kenya. The recommendations of RSC were then submitted to the Rhino Executive Committee (REC) which comprised KWS top management for further guidance.
68. Upon adoption of the proposal by the REC, the KWS management submitted a board paper requesting the Board of Trustees (BoT) to provide further advice and direction on the proposal. The KWS BoT on 2nd April 2011 approved the recommendations of REC.
69. The approval paved the way for necessary studies including ecological, environmental impact, and security assessments to identify the location of the proposed sanctuary. These assessments identified the Tsavo area as the most suitable location for the new sanctuary.
70. The KWS management subsequently allocated funds and engaged partners in the establishment of the sanctuary which required substantial financial and technical resources beyond the ability of KWS. Upon acquisition of required resources, the sanctuary establishment commenced.
71. As the establishment of necessary sanctuary infrastructure was ongoing, the KWS management sought approval from the BoT to identify suitable black rhino source populations to be considered for translocation. Approval to translocate the rhinos from the identified source populations was given on 5th July 2013.
72. Upon completion of the sanctuary infrastructure, the Director-General (DG) consulted the Ministry of Environment and Natural Resources on the launch of the sanctuary through a letter dated 30th August 2016. In the meantime, the KWS management constituted a team to coordinate and oversee the launch of the sanctuary and sought the Board's approval for the launch and translocation.
73. However, the Board did not approve the requests due to prevailing dry weather conditions. Instead, the Board advised that the translocation be conducted when conditions were favorable (adequate rainfall and improved browse) and rhinos are sourced from other locations other than TENP.
74. On 29th March 2018, the DG briefed the Board on the achievements attained by the KWS management including scheduling the translocation to TENP subject to favorable weather conditions. This informed the translocation which was undertaken in July 2018.

75. Thus, we wish to report that all the processes from the establishment of the sanctuary to the translocations were approved by the BoT and subsequently authorized by the Director-General at the time. The Ministry of Tourism and Wildlife had no role in the approval process as the KWS BoT had approved all the processes and scheduling of the translocation with the Director-General giving his instructions to the rhino REC to proceed.

II. The then Principal Secretary, Ministry of Tourism and Wildlife, who sat on the KWS Board of Trustees, should take responsibility for the failure to put in place a proper mechanism to oversight the operations of the KWS concerning the translocation exercise.

Implementation status

76. It is not the responsibility of the Principal Secretary to provide this level of supervision of KWS Management after the BoT and Director-General has given the necessary approvals for such an operation. The protocols and guidelines (SOP) for operations and the day-to-day planning are the responsibility of the field officer-in-charge and other technical staff.

77. However, on instructions from the Ministry, a new protocol and more detailed guidelines on all wildlife translocations have now been approved by the BoT.

III. The Director of Criminal Investigations (DCI) should investigate the then Head of Ecological Monitoring at KWS who was then on suspension for withholding crucial information that could have aided in decision making during the translocation exercise.

Implementation status

78. The Director of Criminal Investigation contacted Kenya Wildlife Service and they were facilitated to record statements from all the officers implicated in the Committee Report

Committee observation

79. Implementation has not been done.

IV. The Head of Veterinary Services and the Head of Capture Services who were then on suspension should further be investigated by the DCI for the deaths of two rhinos from Nakuru that were translocated despite the warning by the Tsavo Assistant Director about the death of the first Rhino and signs of an unhealthy Rhino at the Tsavo East sanctuary.

Implementation status

80. The Director of Criminal Investigation contacted Kenya Wildlife Service and they were facilitated to record statements from all the officers implicated in the Committee Report.

Committee observation

81. The Committee notes that Implementation of the recommendation has not been done.

V. The Ministry of Tourism and Wildlife should:

a) Monitor KWS closely to identify any systemic weaknesses that were evident in the service and intervene on the same promptly.

Implementation status

82. On instructions from the Ministry, a more robust, peer-reviewed set of protocols and guidelines for all translocations have been developed and approved by the BoT. The Capture and Translocation Unit has been restructured and is now under the newly established Wildlife Research and Training Institute (WRTI).

83. On instructions from the Ministry, all wildlife translocation exercises will require unambiguous approvals from the Cabinet Secretary to the Management including timelines.

b) Spearhead the review of the Wildlife Conservation and Management Act No. 47 of 2013 as well as drawing up the Wildlife Management Policy and Regulations to address any implementation challenges as a matter of urgency. Particularly, there is a need to have the representation of the veterinarians in the Board to advise it on veterinary issues of the wildlife.

Implementation status

84. The Ministry of Tourism and Wildlife has concluded the process of drafting the National Wildlife Policy 2020 which was approved by the Cabinet on 19th March 2020 for submission to Parliament, and thereafter passed by the National Assembly on 18th February 2021 as Sessional Paper No. 1 of 2020 on Wildlife Policy.

85. The Ministry began the process of reviewing the Wildlife Conservation and Management Act, No. 47 of 2013, on 26th January 2021 by engaging a consultant and calling for Public Submission of Memoranda.

c) Should engage the National Treasury and other stakeholders to ensure adequate local funding to KWS activities to avoid over-reliance on donor funding which could force the organization to pursue policy directions that are not in tandem with national policies and priorities.

Implementation status

86. The Ministry of Tourism and Wildlife is engaging the National Treasury on an increment of supplemental funding to support KWS operations.

87. The Ministry of Tourism and Wildlife has also directed the KWS management to adhere to the Government guidelines on engagement with development partners and other stakeholders on funding initiatives.

VI. The Kenya Wildlife Service Board of Trustees should:

a) Institute disciplinary action on all other officers who may have exhibited laxity in the line of their duty during the translocation of the 11 black rhinos

Implementation status

88. The Kenya Wildlife Service instituted disciplinary action against the officers implicated in the death of the 11 rhinos. The Board of Trustees constituted an Ad Hoc Committee to review the disciplinary cases of the staff implicated in the death of the 11 black rhinos. The Board of Trustees however after several months of discussion only identified systemic issues.

b) Fast-track review of its policy on engagement with the donors and other partners to ensure that the Service has an upper hand in determining its priorities.

Implementation status

89. The Board of Trustees has directed the KWS Management to adhere to the government guidelines on engagement with donors and partners. In addition, the Board has directed the KWS Management to engage donors and partners in structured ways through agreements that have to get concurrence from the Board and the Ministry of Tourism and Wildlife.

c) Urgently conduct job evaluations for all its officers to align their qualifications with their responsibilities. For instance, the head of Ecological Monitoring who was a marine scientist was deployed as an ecological expert in Parks on dry land.

Implementation status

90. The KWS management invited a consultant (Ernest & Young) as well as the Directorate of Personnel Management (DPSM) to undertake job evaluations. Further, the Salaries and Remuneration Commission (SRC) is currently undertaking a job analysis that will inform the placement of staff.

d) Reform the veterinary department to be independent in tandem with the requirement of the Kenya Veterinary Board.

Implementation status

91. The Government has operationalized the Wildlife Research and Training Institute (WRTI) as provided for under Section 50 of the WCMA 2013, to take over the functions of research and academic training previously handled by KWS with the key mandate to provide scientific data and information for decision making in the wildlife sector. It is envisioned that once fully operationalized the concerns of housing the Veterinary Services Department will be addressed either through this process or the ongoing re-organization within the Kenya Wildlife Service.

e) Recruit additional veterinarians to address the endemic shortage of the professionals at KWS.

Implementation status

92. At the time of the TENP Sanctuary Black Rhino translocation, the number of Veterinarians was twelve (12) at KWS. In April 2019, the KWS management recruited two (2) additional Veterinarians to augment its pool of veterinary professionals. Recruitment is a continuous process that will be implemented gradually subject to the availability of funds to meet the optimal requirements. It is envisioned with the WRTI establishment in the wildlife sector, the separation of functions will be spelled out.

11.0 REPORT ON THE CONSIDERATION OF THE PUBLIC PETITION REGARDING THE WITHDRAWAL OF HARMFUL CHEMICAL PESTICIDES IN THE KENYAN MARKET

11.1 Background

93. This petition no. 70 of 2019 regards withdrawal of harmful pesticides in the Kenyan market and was presented to the House by the Hon. Gladys Shollei on behalf of Biodiversity and Biosafety Association of Kenya on 2nd September 2019.

94. The Petitioner, therefore, prayed that the National Assembly through the Departmental Committee on Health:

- (i). Recommends for an immediate ban of all products on the Kenyan market, classifies as carcinogenic, mutagenic, endocrine disrupters, neurotoxic, and many of which show clear effects on reproduction toxicity;
- (ii). Causes the Government to withdraw all harmful and toxic pesticides in Kenya's market based on the active ingredients used, that pose serious health risks to Kenyans and develop and implement a strategy to remove such harmful pesticides from the market, recognizing that it can take several years for products to be completely unavailable through local shops and dealers
- (iii). Recommends that the Government establishes and strengthens a monitoring system on the use of pesticides through increased data collection on food samples in the market and the level of pesticides contained
- (iv). Recommends an amendment to the Pest Control Products to include a list of pesticides that have been withdrawn from the market based on the serious health risks posed to Kenyans, and to make it mandatory for the Pest Control Products Board (PCPB) to assess data on environmental and human health impacts during the registration and re-registration process of products; and
- (v). Makes any other order that it deems fit in the circumstances of the Petition.

11.2 Departmental Committee recommendation and Implementation status

95. The Departmental Committee on Health having considered the submissions in response to the petition tabled a report on 15th October 2020 and recommended that within ninety (90) days from the date of adoption of the report, the Ministry of Agriculture, Livestock, Fisheries and Co-operatives in consultation with the Pest Control and Products Board and the Kenya Bureau of Standards (KEBS) and other relevant agencies to undertake an analysis of products in the Kenyan market with a view of banning products that are carcinogenic, mutagenic, endocrine disruptors and neurotoxic.

96. The Ministry of National Treasury and Planning vide a letter Ref. TNT/CONF 114/01/D/ (7) dated 15th January 2021, (Annex IX a) submitted the following as implementation status of the House resolution as regards the petition:
97. The Ministry submitted that the Report recommended that the National Treasury in the Financial Year 2020/2021 urgently enhances funding to the regulatory agencies such as the pest control products Board (PCPB) and Kenya Plant Health Inspectorate Service (KEPIDS). These entities are mandated to regulate and monitor the use of pesticides in Kenya. The funds are supposed to increase the capacity of the regulating agencies to increase data collection on the level of pesticides in food products in the market.
98. The Ministry further indicated, that the report was approved for tabling on 15th October 2020 before its adoption by the National Assembly, a period, after the National Assembly had already appropriated the budget for FY 2020/2021. With this understanding and considering the tight timelines for the budget process as outlined in the Public Finance Management Act (No. 18 of 2012), the National Treasury stated that it may consider enhancing funding to both PCPB and KEPHIS during the Supplementary budget, subject to availability of funds.
99. Further to the National Treasury, the Pest Control Products Board also wrote to the Clerk of the National Assembly vide a letter referenced PCPB/III/REG/VOL.I/21/004 dated 13th January 2021, (*Annex IX b*) outlining the measures taken by the agency to implement the recommendations of the Departmental Committee on Health on public Petition no. 70 of 2019 regarding withdrawal of harmful pesticides from the Kenyan market.
100. PCPB submitted implementation status as follows:
- a. **On the development of an action plan:** PCPB came up with an action plan that needs to be supported through enhanced funding.
 - b. **On Review of molecules:** PCPB has been working towards the withdrawal from the market of products with clear carcinogenicity, mutagenicity, and reproductive toxicity (CMR). The withdrawal should be based on a comprehensive hazard and risk assessment of the respective active ingredients rather than a bracket ban. Products that are "neurotoxic" are designed to work by affecting the insect's nervous system, unlike CMR which is an adverse effect.

To achieve this, independent experts in the areas of Toxicology, consumer safety, ecotoxicology, behavior in the environment, chemistry, crop protection, and cost-benefit analysis (including the possible approved alternatives identified) should be identified. The process of review should to the extent possible involve all concerned parties. The withdrawal of such products should be guided by internationally acceptable procedures. This is to mitigate against obsolete stock that will rise from withdrawal e.g. the EU provides a grace period.

It is important to note that Article 47 of the Constitution of Kenya provides for the Right to Fair Administrative Action. The PCP Act Cap 346 Regulation 7(2) of the Registration regulations provides for an opportunity to be heard before the decision to withdraw from the market is finalized. Reference is made to litigation against the removal of Dimethoate-based products from Kenya's market, Petition No.100 of 2012 between Orion East Africa Ltd as the Petitioner and The Ministry of Agriculture and the Attorney General as the First and Second Respondents, respectively. The Court ruled that the 1st Respondent breached the petitioner's rights to fair administrative action protected under Article 47 (1) by banning the use of Dimethoate.

Further, PCBP came up with a criterion for review of the 31 products in the petition to address the concerns raised in the petition.

- c. **On Public Participation in the Proposed Draft Bill and Regulations in 2020:** The Pest Control Products Bill and regulations have been under review. PCPB in collaboration with the Agrochemicals Association of Kenya, the Ministry of Agriculture, Livestock, Fisheries and Cooperatives, Joint Agriculture Sector Intergovernmental Secretariat (JASSCOM), and in close coordination with County Governments conducted public consultations on The Draft Pest Control Products Bill and Regulations in various Counties in September 2020 and October 2020. Eighteen Consultative meetings were organized and a total of 37 counties participated.
- d. **On Supplementary Budget allocation Request:** PCPB has requested Supplementary budget allocation to bridge the immediate urgent gap within the financial year vide letter ref; PCPB/FIN/2020/21/40 to the Ministry of Agriculture, Livestock and Fisheries. Besides the supplementary budget request, PCPB had submitted a budget of Kshs. 385 million to the Departmental Committee on Health for consideration in addressing the issues raised in the long term.
- e. **On Concept paper for funding to support Spray Service Providers:** PCPB and the Agrochemical industry have introduced the concept of Spray Service providers in the main horticultural growing areas. Under this initiative, a group of well-trained service providers will be offering spray services to the farmers. There is a need for more coaching and mentorship to establish sustainable successes. To roll out the initiative in other areas, the Ministry of Agriculture, Livestock, Fisheries, and cooperatives, in collaboration with PCPB has drafted a concept paper for the funding request. The Government should support the initiative to enhance the professional application of pesticides.
- f. **On Construction of the PCPB residue laboratory:** The construction of the PCPB residue laboratory is currently ongoing but completion may be delayed due to budgetary constraints experienced this year. The PCPB residues laboratory has a

section dedicated to the monitoring of pesticide residues in food commodities, water, and soils. By enhancing the analysis of agricultural produce, soil, and water, the quality of food will be monitored and the data will be used for decision making. This project needs to be supported to ensure timely completion of the laboratory and acquisition of necessary laboratory equipment.

- g. On challenges experienced during implementation, PCPB submitted the following: Inadequate staff, old laws and regulations, inadequate funding, porous borders, and inadequate knowledge of farmers to handle pesticides.

10.3 Committee Observation

- 101. The Committee observed that the implementation of the resolution is ongoing; however financial resources are required to fully implement the resolution.

10.4 Committee Recommendation

The Committee recommends that:

- 102. The PCBP fast tracks the submission of draft bills and regulations to the National Assembly to review the Pest Control Products Act, Cap 346.
- 103. The National Treasury to prioritize funding to the PCPB to enable them to boost/strengthen capacity for risk assessment, enforcement, and monitoring of the quality of pesticides, residues in food, and the environment.

11.0 GENERAL OBSERVATIONS

104. The Select Committee on Implementation makes the following general observations:

- 1) A majority of the House resolutions require financial obligations for adequate implementation to be carried out by the Executive, thus there is a need for the appropriation of funds to ensure House resolutions are implemented as directed; and
- 2) Government officials in the Executive seem not to be implementing House resolutions promptly thus causing matters to delay unnecessarily longer.

12.0 GENERAL RECOMMENDATIONS

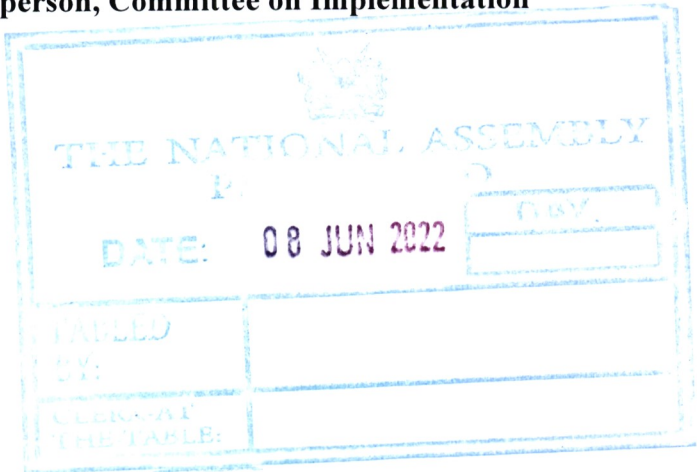
105. Following the general observations, the Committee makes the following general recommendations:

- 1) **The National Treasury should ensure appropriation of funds for implementation of House resolutions is done within one financial year following the adoption of a House resolution for the public to derive the intended benefit; and**
- 2) **Government Agencies and Departments directed to implement a House resolution should endeavor to fit in their work plans and deliver within the stipulated timeframe, failure to which sanctions shall be imposed on the responsible officials.**

Signed.......... Date 07/06/2022 .

Hon. Moitalel Ole Kenta, MP

Chairperson, Committee on Implementation



Annex I

Minutes of the Committee

**MINUTES OF THE TENTH SITTING OF THE COMMITTEE ON IMPLEMENTATION
HELD ON TUESDAY, 7TH JUNE, 2022, IN 5TH FLOOR COMMITTEE ROOM,
CONTINENTAL HOUSE, PARLIAMENT BUILDINGS, AT 10.00 A.M.**

PRESENT

1. The Hon. Moitalel Ole Kenta, MP – **Chairperson**
2. The Hon. Godfrey Osotsi, MP – **Vice Chairperson**
3. The Hon. Alois Musa Lentoimaga, MP
4. The Hon. Benjamin Dalu Tayari, MP
5. The Hon. Gabriel Kago Mukuha, MP
6. The Hon. (Dr.) James Kipkosgei Murgor, MP
7. The Hon. Feisal Bader, MP
8. The Hon. Jared Okello, MP
9. The Hon. Hassan Hulufu, MP
10. The Hon. Joash Nyamache Nyamoko, MP
11. The Hon. John Njuguna Wanjiku, MP
12. The Hon. Joshua Mbithi Mwalyo, MP

ABSENT WITH APOLOGIES

1. The Hon. Paul Simba Arati, MP
2. The Hon. Johnson Many Naicca, MP
3. The Hon. John Muchiri Nyagah, M.P
4. The Hon. Richard Onyonka, MP
5. The Hon. Moses Kuria, MP
6. The Hon. Nelson Koech, MP
7. The Hon. Paul Odalo Abuor, MP
8. The Hon. Charles Ngusya Nguna, MP
9. The Hon. Peter Kihara, MP
10. The Hon. Michael Kingi, MP
11. The Hon. Silvanus Osoro, MP

IN-ATTENDANCE

COMMITTEE SECRETARIAT

- | | | |
|----------------------------|---|------------------------|
| 1. Ms. Tracy Chebet Koskei | - | Senior Clerk Assistant |
| 2. Mr. Abdirahman Hassan | - | Second Clerk Assistant |
| 3. Dr. Donald Manyala | - | Research Officer II |
| 4. Ms. Jane Serem | - | Audio Officer |

MIN.NO.NA/COI/2022/034: PRELIMINARIES

The Chairperson called the meeting to order at twenty minutes past ten o'clock (10.20 a.m.) and said a word of prayer. The agenda for the meeting was adopted, as proposed and seconded by the Hon. Joshua Mbithi Mwalyo, MP, and the Hon. Jared Okello, MP, respectively.

MIN.NO.NA/COI/2022/035: CONFIRMATION OF THE PREVIOUS MINUTES

Minutes of the Ninth Sitting held on Tuesday, 17th May, 2022 were confirmed as a true record of the proceedings having been proposed by the Hon. Godfrey Osotsi, MP and seconded by the Hon. John Njuguna Wanjiku, MP, respectively.

MIN.NO.NA/COI/2022/036: MATTERS ARISING

There were no matters that arose from the confirmations of the Minutes of the previous Sitting.

MIN.NO.NA/COI/2022/037: CONSIDERATION AND ADOPTION OF THE FIFTH REPORT ON SUBMISSIONS FROM STAKEHOLDERS REGARDING THE IMPLEMENTATION STATUS OF INQUIRIES, PETITIONS AND RESOLUTIONS PASSED BY THE HOUSE

The Committee considered and adopted the Fifth Report on submissions from stakeholders regarding the implementation status of inquiries, petitions and resolutions passed by the House, having been proposed and seconded by the Hon. Hassan Hulufu, MP and the Hon. Joash Nyamache Nyamoko, MP, respectively.

The Committee made the following observations and recommendations:

Observations

- 1) A majority of the House resolutions require financial obligations for adequate implementation to be carried out by the Executive, thus there is a need for the appropriation of funds to ensure House resolutions are implemented as directed; and
- 2) Government officials in the Executive seem not to be implementing House resolutions promptly thus causing matters to delay unnecessarily longer.

Recommendations

- 1) The National Treasury should ensure appropriation of funds for implementation of House resolutions is done within one financial year following the adoption of a House resolution for the public to derive the intended benefit; and
- 2) Government Agencies and Departments directed to implement a House resolution should endeavor to fit in their work plans and deliver within the stipulated timeframe, failure to which sanctions shall be imposed on the responsible officials.

**MIN.NO.NA/COI/2022/038: CONSIDERATION AND ADOPTION OF THE SIXTH
REPORT ON SUBMISSIONS FROM STAKEHOLDERS
REGARDING THE IMPLEMENTATION STATUS OF
INQUIRIES, PETITIONS AND RESOLUTIONS PASSED BY
THE HOUSE**

The Committee considered and adopted the Fifth Report on submissions from stakeholders regarding the implementation status of inquiries, petitions and resolutions passed by the House, having been proposed and seconded by the Hon. Hassan Hulufu, MP and the Hon. Alois Musa Lentoimaga, MP, respectively.

The Committee made the following observations and recommendation:

- 1) Some of the House resolutions were not accompanied by the requisite budget hence making it difficult for Ministries, Departments, and Agencies to implement them; and
- 2) Some Agencies were not able to follow up on and implement some recommendations of the House due to the outbreak of the Covid-19 pandemic.

The Committee subsequently recommended that respective committees and the House should consider the financial implications of resolutions before committing them for implementation; and should allocate adequate funds to the implementing agencies.

**MIN.NO.NA/COI/2022/039: REPORT ON IMPLEMENTATION STATUS OF THE
REPORT OF THE PUBLIC INVESTMENTS COMMITTEE
ON CONSIDERATION OF THE SPECIAL AUDIT REPORT
ON PROCUREMENT OF PRE-EXPORT VERIFICATION
OF CONFORMITY (PVOC) TO STANDARD SERVICES
FOR USED MOTOR VEHICLES, MOBILE EQUIPMENT
AND USED SPARE PARTS BY THE KENYA BUREAU OF
STANDARDS**

The Committee considered and adopted the Report on implementation status of the Public Investments Committee on consideration of the special audit report on procurement of pre-export verification of conformity to standard services for used motor vehicles, mobile equipment and used spare parts by the Kenya Bureau of Standards, having been proposed and seconded by the Hon. Joshua Mbithi Mwalyo, MP and the Hon. Feisal Bader, MP, respectively.

The Committee made the following observations and recommendation:

Observations

- 1) MD KEBS, Lt. Col (Rtd.) Bernard Njiraini obtained orders staying implementation of the PIC recommendations against himself as a person and is still in office;
- 2) PPRA established that there was a prima facie case for debarment of M/S EAA Company Limited and M/S Auto Terminal Japan Limited in accordance with regulation 22(5) (a) of the Public Procurement and Asset Disposal Regulations, 2020 and the Debarment Committee had

already issued a Notice of Intended Debarment for falsification of information and documents contrary to section 41(1)(d) of the Public Procurement and Asset Disposal Act, 2015; and

- 3) The Directorate of Criminal Investigations has carried out investigations and forwarded the file to the Office of the Director of Public Prosecution recommending action against M/S EAA Company Limited and M/S Auto Terminal Japan Limited.

The Committee subsequently recommended that the Office of the Director of Public Prosecutions expedite the process of preferring charges against both M/S EAA Company Limited and M/S Auto Terminal Japan.

MIN.NO.NA/COI/2022/040: CONSIDERATION AND ADOPTION OF THE LEGACY REPORT FOR THE SELECT COMMITTEE ON IMPLEMENTATION FOR THE PERIOD 2017-2022

The Committee considered and adopted the Committee's Legacy Report for the period 2017-2022, having been proposed and seconded by the Hon. Godfrey Osotsi, MP and the Hon. Benjamin Dalu Tayari, MP, respectively.

The Committee made the following recommendations:

- 1) The House should consider financial implications of resolutions before committing them for implementation, and should allocate adequate funds to the implementing bodies.
- 2) The National Assembly should develop an online tracking tool for the implementation of House resolutions as a matter of priority for effective follow up of implementation of House resolutions.
- 3) The National Assembly should enhance its scrutiny of Laws, resolutions and motions to ensure that resolutions passed are implementable.
- 4) The House and by extension committees should ensure that all resolutions passed are SMART, to ensure that they are implemented and for effective follow up of the same.

MIN.NO.NA/COI/2022/041: ADJOURNMENT

The meeting was adjourned at Quarter to one O'clock (12:45 p.m.).

Sign. 

Date. 08/06/2022

Hon. Moitalel Ole Kenta, MP - Chairperson

Annex II
Adoption List

The National Assembly



12th Parliament–6th Session-2022

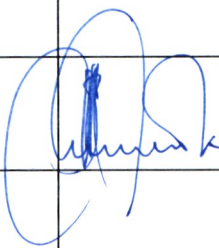


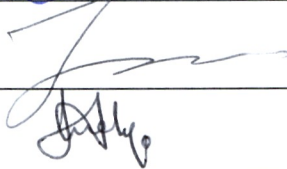
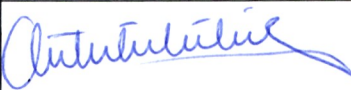
Committee on Implementation

We, the Members of the Committee on Implementation, have pursuant to Standing Order 199 adopted the 5th Report on Submissions from stakeholders regarding implementation status of Legislations, Petitions and Resolutions passed by the House. We affix our signatures to affirm our approval and confirm its accuracy, validity and authenticity.

Venue: *5th floor Committee Room, Continental House*

Date: *Tuesday 7th June 2022*

S/NO.	NAME	SIGNATURE
1.	The Hon. Moitalel Ole Kenta, MP – Chairperson	
2.	The Hon. Godfrey Osotsi, MP - Vice Chairperson	
3.	The Hon. Richard Onyonka, MP	
4.	The Hon. Alois Musa Lentoimaga, MP	
5.	The Hon. Moses Kiarie Kuria, MP	
6.	The Hon. Feisal Abdalla Bader, MP	<i>Virtually</i>
7.	The Hon. (Dr.) James Kipkosgei Murgor, MP	<i>Virtually</i>
8.	The Hon. Gabriel Kago Mukuha, MP	
9.	The Hon. Johnson Many Naicca, MP	

10.	The Hon. Joash Nyamache Nyamoko, MP	
11.	The Hon. John Muchiri Nyagah, MP	
12.	The Hon. Paul Simba Arati, MP	
13.	The Hon. Charles Ngusya Nguna, MP	
14.	The Hon. Benjamin Dalu Tayari, MP	
15.	The Hon. Peter Kimari Kihara, MP	
16.	The Hon. Hassan Oda Hulufu, MP	
17.	The Hon. Jared Okello, MP	
18.	The Hon. Joshua Mwalyo Mbithi, MP	
19.	The Hon. Michael Thoya Kingi, MP	
20.	The Hon. Nelson Koech, MP	
21.	The Hon. John Njuguna Wanjiku, MP	
22.	The Hon. Paul Abuor, MP	
23.	The Hon. Silvanus Osoro, MP	

Committee Clerk

Name..... Tracy Chelot Koskei

..... E. Koskei
(Signature)

Date..... 07/06/22

Annex III

Submission by the State Department of Broadcasting on the implementation status of the Report of the Departmental Committee on Communication, Information and Innovation on its consideration of the public petition regarding the provision of Toll-Free Numbers in Government



REPUBLIC OF KENYA

**MINISTRY OF ICT, INNOVATION AND YOUTH AFFAIRS
State Department for Broadcasting and Telecommunications
Office of the Principal Secretary**

Telephone: 020 4920000/100
Website: www.information.go.ke
Email: psbroadcasting@ict.go.ke
When replying please quote:

TELEPOSTA TOWERS
P.O. Box 30025 00-100
NAIROBI
KENYA

Ref: MICT/A/8/04

Date: 2nd June, 2021

Mr. Michael Sialai, EBS
The Clerk of the National Assembly
NAIROBI

Dear *Mr. Sialai*

① DAAS/OC

RE: IMPLEMENTATION STATUS OF HOUSE RESOLUTIONS

3/6/21

Reference is made to your letter Ref: A/DAASC/COI/2021/(60) dated 18th May, 2021 on the above captioned subject matter.

Attached is a report on status of implementation and challenges faced in the implementation of the report of the Departmental Committee on Communication, Information and Innovation on consideration of the Public Petition regarding provision of Toll Free numbers in Government Offices.

Yours *Sincerely*

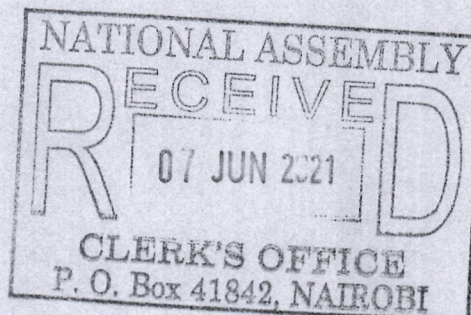
② CHEBET
Place deal

[Signature]
ESTHER KOIMETT, CBS
PRINCIPAL SECRETARY

MA
08/6/21

Copy to: Cabinet Secretary
Ministry of ICT, Innovation and Youth Affairs
NAIROBI

Encl.





REPUBLIC OF KENYA
MINISTRY OF ICT, INNOVATION AND YOUTH AFFAIRS

**REPORT ON THE IMPLEMENTATION STATUS OF NATIONAL GOVERNMENT
CONTACT CENTRE**

BACKGROUND

The petition No. 33 of 2020 on provision of toll free numbers in Government Offices by Hon George Theuri, MP Embakasi West Constituency on 6th October, 2020.

THE PETITION

During the ongoing COVID-19 pandemic period access to valuable information from Government had proved difficult and expensive on account of the calling costs incurred by tax paying citizens.

Further that millions of Kenyans were unable to access information from various Departments of Government primarily because the typical contacts provided by Government Offices are mobile numbers or landlines for both regular and emergency inquiries.

**SUBMISSION TO THE COMMITTEE BY CABINET SECRETARY MINISTRY OF
ICT, INNOVATION & YOUTH AFFAIRS**

Toll free numbers are categories of **numbers**, with distinct digit codes, used in the provision of voice telephony services where the calling party does not incur any charges while the called party incurs the associated call conveyance charges.

The Ministry has established the Government Contact Centre (NGCC) that is designed to use short code 1588 as a toll free number where citizens will have access to information on Government services through Interactive Voice Response (IVR), Short Text Messaging (SMS) and Unstructured Supplementary Service Data (USSD) where all service providers will mask their telephone numbers to the Ministry's pilot number 020-48-00-000.

Citizens will be able to communicate with the Government at no cost using the toll free number 1588 or text *1588# once ongoing consultations with service providers are completed.

The Government Contact Centre is a one-stop shop where citizens will have access to information on Government services through Interactive Voice Response, Email, SMSs and Social Media.

The aim of the Contact Centre is to enhance transparency in service provision through appropriate response to public enquiries, while promoting collaboration and data sharing among Government Ministries, Departments, Agencies (MDAs).

Expected benefits of the Contact Centre

1. Enhanced relationship between Government and the public by providing a single point of access for the public to communicate their complaints and have their queries answered by a dedicated and trained Customer Relations Officers.
2. Reduce transaction costs where the majority of simple customer interactions are handled by dedicated, well-trained, Customer Relations Officers.
3. Avail a variety of multiple communication channels ranging from email, portals and Interactive Voice Response.

DEPARTMENTAL COMMITTEE RECOMMENDATION

The Ministry of ICT, Innovation and Youth Affairs to fast track and operationalize the NGCC within 90 days from the date of adoption of the Committee report.

IMPLEMENTATION STATUS OF NATIONAL GOVERNMENT CONTACT CENTRE

S/NO.	ITEM DESCRIPTION	STATUS	CHALLENGE
1.	Installation and activation of Pilot Line 020-48-00-000: Voice Response Pilot Line 020-48-00-000 with 30 channels installed and activated	complete	Nil
2.	Short Code 1522 and USSD short code *155*2# assigned by the Communications Authority, short code for use on voice and SMS platform, on toll free basis (free of charge).	complete	Nil
3.	Identified Office Space for the NGCC at Postbank House, 10th Floor	Lease negotiated and ready but not signed due to lack of budgetary provision	No budgetary allocation for the activity in the Financial year 2021/2022
4.	Procurement of Technical Equipment and furniture	Part of the required equipment procured in 2019/2020	No budgetary allocation for the activity in the Financial year 2021/2022
5.	Installation of Local Area Network (LAN)	Pending	No budgetary allocation for the activity in the Financial year 2021/2022
6.	Development of NGCC Policies, Procedures and Standards	Draft Standard Operating Procedures developed	Approval in progress
7.	Identification of Contact Centre Officers	Complete	Awaiting deployment
8.	Re-deployment of former Telephone Services Personnel to the Government Contact Centre	Incomplete	Identified Officers awaiting training before deployment
9.	Train the Identified Customer Relations Officers	Incomplete	Training scheduled for February-March, 2021 affected by COVID-19

Annex IV

Submission by the Kenya Wildlife Service regarding the implementation status of Report of the Departmental Committee on Environment and Natural Resources on its consideration of the Petition Regarding Encroachment into The Nairobi National Park

Ref: KWS/813

30th April, 2021

The Clerk of the National Assembly
Clerk's Chambers
National Assembly
Parliament Buildings
P.O.Box 41842-00100
NAIROBI.


Dear Sir,

IMPLEMENTATION STATUS OF HOUSE RESOLUTIONS

The above subject refers.

Enclosed please find responses to the recommendations by the Departmental Committee on Environment and Natural Resources. This is in reference to your letter Ref: NA/DCS/COI/2021 (002) dated 18th January, 2021.

Yours faithfully,


Michael Wanjau
For: Director General

PARLIAMENTARY DEPARTMENTAL COMMITTEE ON ENVIRONMENT AND NATURAL RESOURCES

RESPONSE TO COMMITTEE RECOMMENDATIONS ON NAIROBI NATIONAL PARK

50. Kenya Railway and KWS Easement Agreement

The proposed easement between KWS and Kenya Railways regarding the land occupied by both by Grain Bulk and Handlers Limited and Compact Freight Limited is at draft stage and is earmarked to be finalized as soon as possible.

51 (d) Economic viability of Nairobi national park

To enhance the economic viability of Nairobi national park, Kenya Wildlife Service envisages "to develop a distinctive and diverse nature-based tourism that offers visitors memorable experiences".

To achieve this aim, sets out an ambitious strategy for enhancing visitor experience and thereby increasing visitation, as well as tourism revenues. Details of which are contained in two documents namely; the Nairobi National park Management plan 2020-2030 and The Nairobi National Park Visitor Experience master plan.

The strategy focuses activities enhance visitor experience and satisfaction. The programme's objectives focus on developing tourism investment opportunities; improving tourism product to enhance visitor experience; marketing NNP locally and internationally; and improving tourism management.

The priority management actions that will be implemented under this programme include: a Permanent Luxury Tented advertise and competitively lease out the site currently occupied by Camp, improve the KWS Club House restaurant, improve Impala Viewpoint upgrade Mokoyiet picnic site and viewing point, Hippo Pools Picnic Site, nature trail and Cultural Centre, Kingfisher picnic site among other proposed developments.

Improvement of road infrastructure was also among focal areas. A number of contracts worth over ksh 150 million to improve key circuits have been awarded and executed in 2020. In the meantime the tendering process of an allocation of ksh 300 million from Tourist Trust Fund (TTF) to improve 56 kms of key circuit roads is in the process to be concluded in the next few months.

Implementation of the proposed projects was restrained by a legal suit by some stakeholders who objected to some projects.

However, following gazettelement of Nairobi national park management plan on 8th January 2021, implementation of the different projects can effectively commence subject to availability of funds.

b) Ecological integrity of Nairobi national park

In order to maintain the ecological integrity of the park, implementation of a number of activities as spelt out in the Nairobi national park management plan 2020 - 2030 has commenced as follows:

- i) To improve quality of fodder materials for the herbivore species in the park, the management is mowing the 3500 acres of grass which commenced in 2020 and over 470 acres have been mowed with very impressive results, where huge herds of animals congregate in the mowed sections unlike before. The activity is ongoing.
- ii) Mineral supplementation (Salt licks); a total of 17 salt licks have been established in the park which are regularly replenished since 2020.
- iii) Control of invasive species such as *parthenium*, *solanum*, *Datura*, *argemone Mexicana* has also been ongoing since April 2020. Manual removal has been the main method of removal; however mechanical removal with the use of grass cutters will be employed soon.

52. Fencing of Southern boundary of Nairobi national park

Kenya Wildlife Service has already embarked on expediting fencing of 17km long southern boundary of the park which stretches from Bangladesh slum in Ongata Rongai to Kasoito in Athi River. The purpose of fencing is to address issues of Human/Wildlife Conflict caused by wild animals straying out of the park through the unfenced southern park boundary and to secure buffer zones and animal migratory corridors. A number of steps have been taken so far;

- i) a) **Buffer zones;** Kenya Wildlife Service is targeting relatively open privately owned parcels of land that share the southern boundary with Nairobi national park which are deemed viable buffer zones for the park. Most parcels range from 5 - 300 acres in size and without much structures on them. The respective owners have been hosting wildlife on their land for many years.

b) KWS has embarked on engaging the land owners since 2020 with a view of getting consent from them and enter into formal arrangement to fence in the land parcels. Negotiations have borne fruits for over 30 land owners on the Mbagathi river frontage between Maasai lodge and Emakoko lodge have formally expressed interest to be fenced in. Negotiations have reached a stage where both KWS and the landowners are

jointly developing mutually agreed terms which will culminate in a legal document to be signed by both parties thus securing the buffer zone for the park.

ii) Migratory corridors;

Animals from Nairobi national park have since time immemorial migrated in and out of the park in different seasons to the adjacent areas mainly Athi - Kapiti plains and Sholinke/Magadi communal lands. Most of the migratory corridors are either completely blocked or on the verge of being blocked.

To address this challenge, the Cabinet Secretary, Ministry of Tourism and Wildlife in August 2020 gazetted a taskforce whose membership was drawn from Kenya Wildlife Service (Lands Management Department, GIS and Biodiversity), National Lands Commission (NLC), Ministry of Industrialization, Ministry of Tourism and Wildlife, NGOs and private sectors. The terms of reference of the taskforce is to identify and advise government on viable migratory corridors and connectivity between Nairobi national park and its wildlife dispersal areas, namely Athi - Kapiti, Naretonoi – Sholinke - Elerai and Rimpā - Magadi community areas. The taskforce is yet to complete its work and it has had its term extended twice with the last extension expiring on 10th Feb 2020. A third extension is expected soon and the taskforce report to be released soon afterwards.

Annex V

Submission by the Ministry of Interior and Coordination of National Government on the implementation status of the Report of the Departmental Committee on Lands on its consideration of a Petition by Residents of Hospital Ward, Mathare Constituency regarding Imminent eviction of residents by the Kenya Police Service

① D/AA086
Please deal
21/06/21

② CABSET
Please deal
21/6/21



OFFICE OF THE PRESIDENT

Telegraphic address: "Rais"
Telephone: Nairobi 2227411
When replying please quote

MINISTRY OF INTERIOR
AND CO-ORDINATION
OF
NATIONAL GOVERNMENT

P.O. Box 30510-00100
Nairobi

18th June, 2021

Ref No **MICNG/SEC. 1/29**

③ EMGED
Please note
21/6/21

Clerk of the National Assembly
Parliament Buildings
NAIROBI

RE: IMPLEMENTATION OF HOUSE RESOLUTION ON PETITION BY RESIDENTS OF HOSPITAL WARD MATHARE CONSTITUENCY

Reference is made to your letter Ref. No. NA/DAASC/COI/2021/ (057) dated 18th May, 2021 on the above subject matter where you sought the implementation status of the recommendations of the Committee on Lands on a petition by residents of Hospital Ward, Mathare Constituency.

The Committee on Lands dealt with the matter and in their report they established that:

1. The land is public land having been set aside for the Mathare Police Depot and the Provincial Police Training Centre in 1975.
2. The National Police Service obtained a letter of allotment Ref. 36040/165 issued on 4th November, 2010.
3. The land was gazetted in the Kenya Gazette through legal notice No. 56 of 1976 (LN. No. 56 /1976) and legal notice No. 11 of 1991 (LN No. 1991).
4. Illegal squatters occupy 15.77 hectares out of the total 32.65 hectares.

The committee gave the following recommendation to the Ministry of Interior and Coordination of National Government.

THE NATIONAL ASSEMBLY
RECEIVED
21 JUN 2021
DIRECTOR
AUDIT / APPROPRIATIONS / SELECT COMMITTEES
Time: Sign:

NATIONAL ASSEMBLY
RECEIVED
18 JUN 2021
DEPUTY CLERK
P.O. Box 41842 - 00100, NAIROBI

“The Cabinet Secretary, Ministry of Interior and Coordination of National Government in consultation with the Cabinet Secretary, Ministry of Lands and Physical Planning and the National Land Commission to consider amending legal notice No. 56 of 1976 (LN. No. 56 /1976) and legal notice No. 11 of 1991 (LN No. 1991) and setting a part of land parcel No. 209/8600, measuring 32.65 Ha with a view to securing public utilities and reallocating 12.90 haactares to the Mathare Police depot and the Provincial Police Training Centre (PPTC) and 15.77 hectares to the residents of Hospital Ward to reflect the current occupancy within six months of tabling of the report”.

In our response to the petition dated 2nd June 2020, we emphasized that the land belongs to the National Police Service.

Under the law, the Ministry of Interior and Coordination of National Government is not mandated to allocate public land to private persons. This mandate lies with the Ministry of Lands and the National Land Commission.

In view of the foregoing, the Ministry cannot implement the recommendation of the Committee on Lands.



MOFFAT KANGI, EBS

FOR: PRINCIPAL SECRETARY/INTERIOR AND CITIZEN SERVICES

Annex VI

**Submission by the Ministry of Interior and Coordination of
National Government Resolution on the establishment of Database
Centres in all Civil Registration Centres in the Country**

① D/AASC

For the attention of the Committee on implementation.

13/04/21



② (H)SC
Please deal
fAA
14/4/21

③ EMER
Please note
fAA
14/4/21

OFFICE OF THE PRESIDENT

Telegraphic Address: "Rais"
Telephone: Nairobi 2227411
When replying, please quote

MINISTRY OF INTERIOR
AND CO-ORDINATION
OF
NATIONAL GOVERNMENT

P.O. Box 30510-00100
Nairobi

Our Ref. **MICNG/SEC. 1/29**

Date **8th April, 2021**

Clerk of the National Assembly
Parliament Buildings
NAIROBI

IMPLEMENTATION STATUS OF HOUSE RESOLUTIONS

Reference is made to your letter Ref. NA/DAASC/COI/2021/ (30) dated 10th March, 2021 on the implementation status of House resolutions.

The Ministry of Interior and Coordination of National Government has not fully implemented the National Assembly's resolution on establishment of database centres in all civil registration centres in the Country, due to inadequate financial and human Resources.

Currently, the Civil Registration Services operates 125 database centres (birth and death registries). The implementation of the resolution on establishment of database centres in all civil registration centres in the Country will require the establishment of an additional 210 database centres. This will require additional funds to cater for operational costs for the additional database centres as follows;

- i. The estimated cost of running a database centre is Kshs. 200,000 per quarter. This translates to an additional expenditure of Kshs. 168,000,000 per year required as operational costs for the 210 additional database centres.

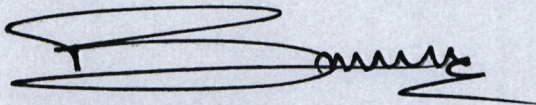
NATIONAL ASSEMBLY
RECEIVED
12 APR 2021
DEPUTY CLERK
P.O. Box 41842 - 00100, NAIROBI

RECEIVED
09 APR 2021
DEPUTY CLERK
J.W.N
P.O. Box 41842 - 00100, NAIROBI

Currently the department operate with Kshs. 60,000 per Registry.

- ii. The 210 additional database centres will require office accommodation, furniture, equipment (computer, printers, serves, cabinets, shelves among others) and registration materials. The estimated cost for these items amounts to Kshs. 46,667,043 per database Centre.
- iii. There will be need for recruitment of additional 1,697 personnel of various cadres to man the additional database centres, which is estimated to cost Kshs. 1,402,920,000 per year.
- iv. In order to undertake an induction course training for the Civil Registration Officers, an additional Kshs. 63 Million is required.

Thus, the total amount required for the additional expenditure for the implementation of the house resolution amounts to Kshs. 11,265,999,030.



MOFFAT KANGI, EBS
FOR: PRINCIPAL SECRETARY/INTERIOR & CITIZEN SERVICES

Encl

Annex VII

Submission by the Postal Corporation of Kenya on the implementation status of the Report of the Departmental Committee on Labour and Social Welfare on its consideration of the Petition regarding the payment of salary arrears for staff of the Postal Corporation of Kenya



Our ref: 5260/PCK/13/9/2021/PMG

Your ref: NA/DCS/COI/2021/ (103)

September 13, 2021

Clerk of National Assembly
Clerk's Chamber
National Assembly
Parliament Building
P, O BOX 41842-00100
NAIROBI

Attention: Serah M. Kioko

Dear Sir/Madam

RE: IMPLEMENTATION OF STATUS OF HOUSE RESOLUTIONS

Reference is made to your letter referenced NA/DCS/COI/2021/(103) dated 3rd September 2021 on the above subject matter.

We confirm that the cabinet Memo has not been approved, however the status of plan of action for the complete revitalization of Postal Corporation of Kenya as captured on the submission to Departmental Committee on Labour and Social Welfare dated 12th March 2021 is outlined below;

1.0 The Corporation measures to upgrade its technology to compete effectively and innovatively

Status of implementation

- Posta Wallet -The wallet was programmed and launched internally with the capability to recruit customer, connect with the bank, verify users and facilitate Posta to Posta movement of funds is a success
- Posta Mobile Delivery Application- Posta Mobile Delivery App is developed and operational with 1,135 items delivered door to door during the implementation of RRI_2
- PCK post office and Asset mapping using geospatial technology-This has facilitated locational identification and estimation of the distance for door to door delivery on Posta mobile delivery application
- Passport Delivery portal-In partnership with Department of Immigration, PCK

Office of the Postmaster General

Postal Corporation of Kenya, Posta House, Kenyatta Avenue, P.O. BOX 34567 GPO-00100 Nairobi, Kenya. Tel: 020 2240461, Fax: 020 246156 Website: posta.co.ke
ISO 9001:2008 GMS Certified



developed customer portal that seen over 230,000 delivered to the customer

- Queue Management system-The rollout has so far covered 41 postal outlets that has enhanced monitoring of service delivery focusing of improving service rate from current 11 min to 7 min and serving an average 600 customers per day

2.0 Rapid Results Initiatives phase 1&2

Status of Implementation

- The Corporation has undertaken Rapid Result Initiatives for the last 200 days with the intention of improving its ability towards meeting the financial obligations
- The Corporation Up-scaled 10 Government Business with KEMSA, KTDA, NHIF, MOH (Blood Transfusion), Huduma Cards, Kegen, NTSA,
- The new Businesses acquired during the RRI were -12 GoK Agencies (e.g KNHA, KSG, National Police Service Commission and 3 Ministries- Education, Tourism, Sports and Health.
- Besides all CDF Offices in Nyanza & Western Regions were on boarded for the delivery of cheques
- E-Commerce Services-The Corporation is currently exploring technical and funding cooperation with Trademark East Africa towards enhancing its E-Commerce Services

It is against the efforts employed during RRI phase 1&2 that saw the Corporation in FY 2020/21 recording an average quarterly growth of 3% with Qtr 2 and Qtr 3 achieving a 5% and 19% improvement in revenues. [Table 1]. Unfortunately, the wage-bill, legacy debt and outstanding bills are not adequately resolved resulting in constraints towards investment in infrastructure that is key for key transformation objectives

Table 1 FY 2020/2021 Q2, Q3&Q4

	Qtr1	Qtr2	Qtr3	Qtr4
Mail	288,777,526.69	306,920,776.26	392,279,000.00	308,097,835.00
Courier	185,553,274.00	198,441,793.65	213,155,586.63	193,899,051.00
Payments	4,371,516.32	7,147,190.00	9,014,803.89	7,992,351.00
Other Services	50,681,756.34	45,259,033.00	47,065,041.57	45,457,138.00
Total Revenue	529,384,073.35	557,768,792.91	661,514,432.09	555,446,374.00
	Qtr2-4 growth	5%	19%	(16%)

Source: PCK Management Accounts

PCK's current status on payment staff salaries and outstanding deductions is detailed below:-

OUTSTANDING PCK STAFF DEDUCTIONS & SALARIES		
PARTICULARS	Oct 2020- July 2021	Aug-21
Net Pay Salary	-	86,088,731.55
P.A.Y.E	-	18,587,417.80
NHIF	-	2,701,950.00
NSSF	-	636,600.00
PCK Pension Scheme	170,712,196.65	5,157,483.90
Commercial Bank Loan	127,441,431.70	7,007,903.20
Insurance	-	270,043.10
Saccos	19,186,643.20	4,680,067.85
Postbank	-	-
Communication Workers Union	-	-
Communication Org. Trade Union	-	-
TOTAL	317,340,271.55	125,130,197.40

Yours Sincerely,



Dan Kagwe
POSTMASTER GENERAL

C.C Esther Koimett, CBS
Principal Secretary
Department of Broadcasting & Telecommunications
Technology, Youth and Innovation
Teleposta Towers, 10th Floor
P.O BOX 30025-00100
NAIROBI

Annex VIII

Submission by the Ministry of Tourism and Wildlife on the implementation status of the Report of the Departmental Committee on Environment and Natural Resources on its inquiry into Death of Eleven Black Rhinos after translocation to the Tsavo East National Park Sanctuary



**MINISTRY OF TOURISM AND WILDLIFE
STATE DEPARTMENT FOR WILDLIFE
OFFICE OF THE PRINCIPAL SECRETARY**

Telephone: 254-20-2724725/2724646
Email: pswildlife@tourism.go.ke
When replying please quote

NSSF Building, Block A 21st Floor
Eastern Wing
P.O. Box 41394-00100
NAIROBI, KENYA

Ref: SDW/1/47

14th June 2021

Mr Michael R. Siala, EBS
Clerk of the National Assembly
Parliament Buildings
P.O. Box 41842-00100
NAIROBI

Dear *Mr Siala*

Trey Chebet
see deal, CRA

IMPLEMENTATION OF HOUSE RESOLUTION

17/6/21

We make reference to your letter Ref: NA/DLP/TBO/RES.09/2020 dated 18th September, 2020 and Ref: NA/DAASC/C01/2021/(54) dated 18th May, 2021 on the above subject matter.

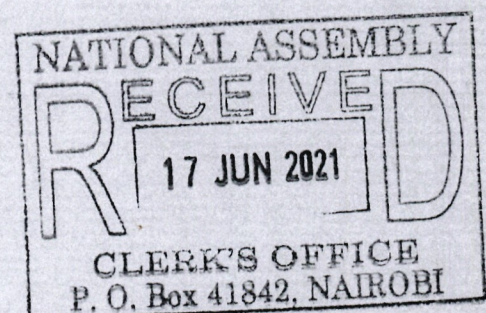
Attached herein is the Ministry's responses to the Recommendations of the Departmental Committee on Environment and Natural Resources on its inquiry into the Death of Eleven (11) Blacks Rhinos after translocation to the Tsavo East National Sanctuary.

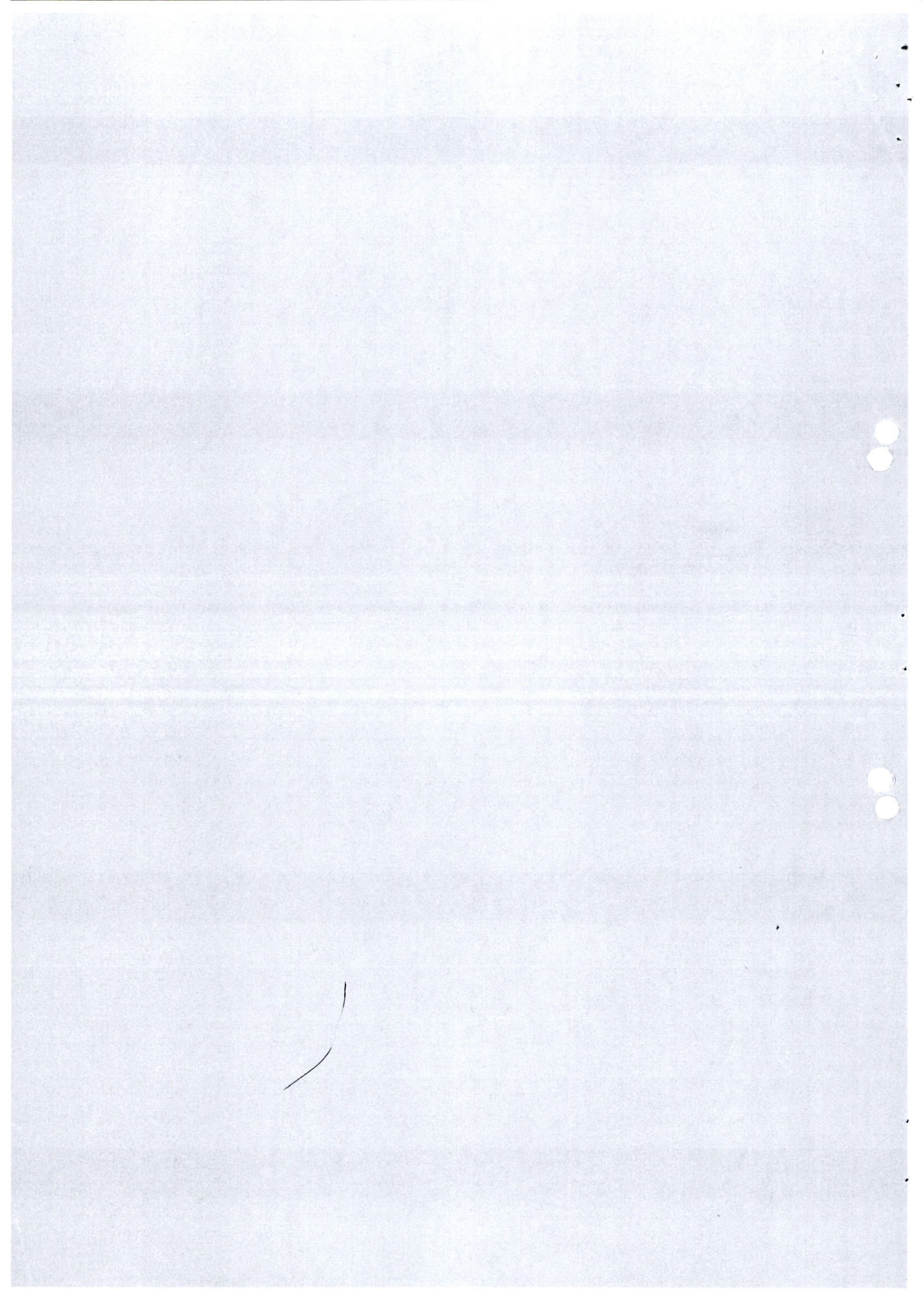
Yours *Sincerely*

Prof. Fred H.K. Segor, CBS
PRINCIPAL SECRETARY

Encls.

Copy to: **Hon. Najib Balala, EGH**
Cabinet Secretary
Ministry of Tourism and Wildlife







**MINISTRY OF TOURISM & WILDLIFE
OFFICE OF THE CABINET SECRETARY**

Submission to the Select Committee on Implementation of House Resolutions on the Implementation of the Report on Inquiry into the Death of the Eleven (11) Black Rhinos after translocation to the Tsavo East National Sanctuary, as adopted by the National Assembly on Thursday 17th September 2020.

31st May, 2021

The Clerk of the National Assembly through a letter Reference No. NA/DCS/COI/2020/(94) dated 19th November, 2020 requested to be appraised on the implementation status and challenges if any, in the implementation of the Report of the Departmental Committee on Environment and Natural Resources on its Inquiry into the Death of Eleven (11) Black Rhinos after translocation to the Tsavo East National Park Sanctuary.

Table of Contents

RECOMMENDATIONS 1:	4
RESPONSE:	4
RECOMMENDATIONS 2:.....	5
RESPONSE:	5
RECOMMENDATIONS 3:.....	6
RESPONSE:	6
RECOMMENDATIONS 4:.....	6
RESPONSE:	6
RECOMMENDATIONS 5:.....	7
RESPONSE:	7
RECOMMENDATIONS 6:.....	8
RESPONSE:	8

RECOMMENDATIONS 1:

The Cabinet Secretary, Ministry of Tourism and Wildlife should take overall responsibility for the botched translocation exercise since he delayed the appointment of a new Board of Trustees at the Kenya Wildlife Service (KWS). The board would have offered policy direction and guidance to the management. In absence of the Board, the ministry had overall responsibility over the KWS operations including the translocation exercise.

RESPONSE:

The establishment of the Tsavo East National Park (TENP) Black Rhino sanctuary was conceptualized in 2010. This was after an aerial census that established there were only eleven (11) Black Rhinos whose distribution pattern was wide making monitoring and security provision a big challenge.

The KWS management thus considered establishing an electric fenced Black Rhino sanctuary within TENP into which the 11 rhinos would be moved into and at least 10 rhinos added from other areas to constitute a viable founder population of at least 21 unrelated individuals to ensure rich genetic diversity.

The KWS management subsequently submitted this proposal to the Rhino Steering Committee (RSC), which advises on technical matters related to Rhino conservation and management in Kenya. The recommendations of RSC were then submitted to the Rhino Executive Committee (REC) which comprised KWS top management for further guidance.

Upon adoption of the proposal by the REC, the KWS management submitted a board paper requesting the Board of Trustees (BoT) to provide further advice and direction on the proposal. The KWS BoT on 2nd April 2011 approved the recommendations of REC.

The approval paved the way for necessary studies including ecological, environmental impact and security assessments to identify the location of the proposed sanctuary. These assessments identified Sobo area as the most suitable location of the new sanctuary.

The KWS management subsequently allocated funds and engaged partners on establishment of the sanctuary which required substantial financial and technical resources beyond the ability of KWS. Upon acquisition of required resources, the sanctuary establishment commenced.

As the establishment of necessary sanctuary infrastructure was ongoing, the KWS management sought approval from the BoT to identify suitable black rhino source populations to be considered for translocation. Approval to translocate the rhinos from the identified source populations was given on 5th July 2013.

Upon completion of the sanctuary infrastructure, the Director General (DG) consulted the Ministry of Environment and Natural Resources on the launch of the sanctuary through a letter dated 30th August 2016. In the meantime, the KWS management constituted a team to coordinate and oversee the launch of the sanctuary and sought the Board's approval for the launch and translocation.

However, the Board did not approve the requests due to prevailing dry weather conditions. Instead, the Board advised that the translocation be conducted when conditions were favorable (adequate rainfall and improved browse) and rhinos be sourced from other locations other than TENP.

On 29th March 2018, the DG briefed the Board on the achievements attained by the KWS management including scheduling the translocation to TENP subject to favorable weather conditions. This informed the translocation which was undertaken in July 2018.

Thus, we wish to report that all the processes from the establishment of the sanctuary to the translocations were approved by the BoT and subsequently authorized by the Director General at the time. The Ministry of Tourism and Wildlife had no role in the approval process as the KWS BoT had approved all the processes and scheduling of the translocation with the Director General giving his instructions to the rhino REC to proceed.

RECOMMENDATIONS 2:

The then Principal Secretary, Ministry of Tourism and Wildlife, who sat in the KWS Board of Trustees, should take responsibility for failure to put in place proper mechanism to oversight the operations of the KWS in relation to the translocation exercise.

RESPONSE:

It is not the responsibility of the Principal Secretary to provide this level of supervision of KWS Management after the BoT and Director General have given the necessary approvals for such an operation. The protocols and guidelines

(SOP) for operations and the day-to-day planning are the responsibility of the field officer-in-charge and other technical staff.

However, on instructions from the Ministry, new protocol and more detailed guidelines on all wildlife translocations have now been approved by the BoT.

RECOMMENDATIONS 3:

The Director of Criminal Investigations (DCI) should investigate the then Head of Ecological Monitoring at KWS who was then on suspension for withholding crucial information that could have aided in decision making during the translocation exercise.

RESPONSE:

The Director of Criminal Investigation contacted Kenya Wildlife Service and they were facilitated to record statements from all the officers implicated in the Committee Report.

The Director of Criminal Investigation will submit to National Assembly an independent investigation Report.

RECOMMENDATIONS 4:

The Head of Veterinary Services and the Head of Capture Services who were then on suspension should further be investigated by the DCI for the deaths of two rhinos from Nakuru that were translocated despite the warning by the Tsavo Assistant Director about the death of the first Rhino and signs of an unhealthy Rhino at the Tsavo East sanctuary.

RESPONSE:

The Director of Criminal Investigation contacted Kenya Wildlife Service and they were facilitated to record statements from all the officers implicated in the Committee Report.

The Director of Criminal Investigation will submit to National Assembly an independent investigation Report.

RECOMMENDATIONS 5:

The Ministry of Tourism and Wildlife should:

- a) **Monitor KWS closely to identify any systemic weaknesses that were evident in the service and intervene on the same in a timely manner.**

RESPONSE:

On instructions from the Ministry, a more robust, peer reviewed set of protocols and guidelines for all translocations have been developed and approved by the BoT.

The Capture and Translocation Unit has been restructured and now under the newly established Wildlife Research and Training Institute (WRTI).

On instructions from the Ministry, all wildlife translocation exercises will require clear and unambiguous approvals from the Cabinet Secretary to the Management including timelines.

- b) **Spearhead the review of the Wildlife Conservation and Management Act No. 47 of 2013 as well as drawing up the Wildlife Management Policy and Regulations to address any implementation challenges as a matter of urgency. Particularly, there is need to have the representation of the veterinarians in the Board in order to advise it on veterinary issues of the wildlife.**

RESPONSE:

The Ministry of Tourism and Wildlife has concluded the process of drafting the National Wildlife Policy 2020 that was approved by Cabinet on 19th March 2020 for submission to Parliament, and thereafter passed by the National Assembly on 18th February 2021 as Sessional Paper No. 1 of 2020 on Wildlife Policy.

The Ministry began the process of reviewing the Wildlife Conservation and Management Act, No. 47 of 2013, from 26th January 2021 by engaging a consultant and calling for Public Submission of Memoranda.

- c) **Should engage the National Treasury and other stakeholders to ensure adequate local funding to KWS activities to avoid over-reliance on donor funding which could force the organisation to pursue policy directions that are not in tandem with national policies and priorities.**

RESPONSE:

The Ministry of Tourism and Wildlife is engaging the National Treasury on increment of supplemental funding to support KWS operations.

The Ministry of Tourism and Wildlife has also directed the KWS management to adhere to the Government guidelines on engagement with development partners and other stakeholders on funding initiatives.

RECOMMENDATIONS 6:

The Kenya Wildlife Service Board of Trustees should:

- a) **Institute disciplinary action on all other officers who may have exhibited laxity in the line of their duty during the translocation of the 11 black rhinos**

RESPONSE:

The Kenya Wildlife Service instituted disciplinary action against the officers implicated in the death of the 11 rhinos.

The Board of Trustees constituted an Ad Hoc Committee to review the disciplinary cases of the staff implicated in the death of the 11 black rhinos. The Board of Trustees however after several months of discussion only identified systemic issues.

- b) **Fast-track review of its policy on engagement with the donors and other partners so as to ensure that the Service has an upper hand in determining its priorities.**

RESPONSE:

The Board of Trustees has directed the KWS Management to adhere to the government guidelines on engagement with donors and partners.

In addition, the Board has directed the KWS Management to engage donors and partners in structured ways through agreements that have to get concurrence from the Board and the Ministry of Tourism and Wildlife.

- c) **Urgently conduct job evaluations for all its officers so as to align their qualifications with their responsibilities. For instance, the head of Ecological**

Monitoring who was a marine scientist was deployed as an ecological expert in Parks on dry land.

RESPONSE:

The KWS management invited a consultant (Ernest & Young) as well as the Directorate of Personnel Management (DPSM) to undertake job evaluations. Further, the Salaries and Remuneration Commission (SRC) is currently undertaking a job analyses that will inform placement of staff.

- d) **Reform the veterinary department to be independent in tandem with the requirement of the Kenya Veterinary Board.**

RESPONSE:

The Government has operationalized the Wildlife Research and Training Institute (WRTI) as provided for under Section 50 of the WCMA 2013, to take over the functions of research and academic training previously handled by KWS with the key mandate to provide scientific data and information for decision making in the wildlife sector. It is envisioned that once fully operationalized the concerns of housing the Veterinary Services Department will be addressed either through this process or the ongoing re-organisation within the Kenya Wildlife Service.

- e) **Recruit additional veterinarians to address the endemic shortage of the professionals at KWS.**

RESPONSE

At the time of the TENP Sanctuary Black Rhino translocation, the number of Veterinarians were twelve (12) at KWS. In April 2019, the KWS management recruited two (2) additional Veterinarians to augment its pool of veterinary professionals. Recruitment is a continuous process that will be implemented gradually subject to availability of funds to meet the optimal requirements. It is envisioned with the WRTI establishment in the wildlife sector, the separation of functions will be clearly spelt out.

-END-

Annex IX a

**Submission by the National Treasury on the implementation status
of the Report on the consideration of the public petition regarding
the withdrawal of Harmful Chemical Pesticides in the Kenyan
Market**

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Please deal
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22/01/21

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Please note
fma
22/01/21



REPUBLIC OF KENYA
THE NATIONAL TREASURY AND PLANNING

Telegraphic Address: 22921
FINANCE - NAIROBI
Fax No. 315779
Telephone: 2252299

THE NATIONAL TREASURY
P.O. Box 30007 - 00100
NAIROBI
KENYA

When replying please quote
Ref: TNT/CONF 114/01/D/ (7)

15th January, 2021

Michael Sialai, EBS
Clerk of the National Assembly
P.O. BOX 30007-00100
NAIROBI

① 50/01/21
Please deal.
CWA

Dear Michael

RE: IMPLEMENTATION OF HOUSE RESOLUTIONS

I refer to your letter Ref. No. NA/DCS/COL/2020/ (103) dated 9th December 2020 on the above-mentioned subject matter.

22/1/2

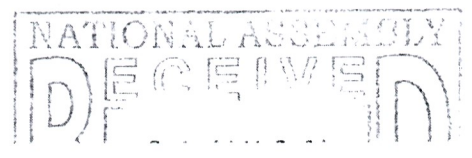
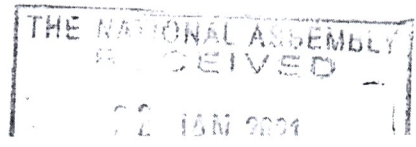
Please find the attached Memoranda on the status of implementation of the Report of the Departmental Committee on Health on its consideration of the Petition on withdrawal of harmful chemical pesticides in the Kenyan market.

Yours Sincerely

JULIUS MUIA, PhD, CBS
PRINCIPAL SECRETARY/ NATIONAL TREASURY

Copy to: - **Dr. Joseph Kinyua, EGH**
Head of Public Service
Harambee Avenue
NAIROBI

Hon. Peter Munya, EGH
Cabinet Secretary
Ministry of Agriculture, Livestock, Fisheries and Cooperatives
Kilimo House
NAIROBI





**REPUBLIC OF KENYA
THE NATIONAL TREASURY AND PLANNING**

**REPORT BY THE PRINCIPAL SECRETARY OF THE NATIONAL TREASURY ON
THE STATUS OF IMPLEMENTATION OF THE REPORT OF THE DEPARTMENTAL
COMMITTEE ON HEALTH ON ITS CONSIDERATION OF THE PETITION ON
WITHDRAWAL OF HARMFUL CHEMICAL PESTICIDES IN THE KENYAN
MARKET**

The National Treasury is in receipt of the Report of the Public Petition (No. 70 of 2019) regarding the withdrawal of harmful chemical pesticides in the Kenyan Market. The Report recommended to that the National Treasury in the Financial Year 2020/2021 urgently enhances funding to the regulatory agencies such as the pest control products Board (PCPB) and Kenya Plant Health Inspectorate Service (KEPHIS). These entities are mandated to regulate and monitor the use of pesticides in Kenya. The funds are supposed to increase the capacity of the regulating agencies to increase data collection on the level of pesticides in food products in the market.

As you are aware, the report was approved for tabling on 15th October 2020 before its adoption by the National Assembly. During this period, the National Assembly had already appropriated the budget for FY 2020/2021.

With this understanding and considering the tight timelines for budget process as outlined in the Public Finance Management Act (No. 18 of 2012), the National Treasury may consider enhancing funding to both PCPB and KEPHIS during the Supplementary budget, subject to availability of funds.

Notwithstanding the above, the economy has been hit hard by the Covid-19 pandemic and we are experiencing the challenges of revenue shortfall as a result.

A handwritten signature in black ink, appearing to read 'Julius Muiia', written over a horizontal line.

**JULIUS MUIA, PhD, CBS
PRINCIPAL SECRETARY/ NATIONAL TREASURY**

Copy to: Hon. (Amb.) Ukur Yatani, EGH
Cabinet Secretary/ The National Treasury and Planning
NAIROBI

Annex IX b

**Submission by the Pest Control Board on the implementation status
of the Report on the consideration of the Public Petition regarding
the withdrawal of Harmful Chemical Pesticides in the Kenyan
Market**

PEST CONTROL PRODUCTS BOARD

(A Statutory Organization of Government)

Tel: +254-020-8021846/7/8
Mobile: 0720 480 904/0735 778 743



P.O. Box 13794 - 00800
Loresho, off Waiyaki Way,
NAIROBI, KENYA
Email: info@pcpb.go.ke
md@pcpb.go.ke
Website: www.pcpb.go.ke

Your Ref:
PCPB/III/REG/VOL.I/21/004
Our Ref:

Date:
13th January, 2021

Clerk of the National Assembly,
Clerk's Chambers
National Assembly,
P.O. Box 41842-00100,
NAIROBI. (Attention Mr. Jeremiah W. Ndombi)


Dear Sir,

RE: IMPLEMENTATION STATUS OF THE REPORT OF THE DEPARTMENTAL COMMITTEE ON HEALTH ON ITS CONSIDERATION OF THE PETITION ON WITHDRAWAL OF HARMFUL CHEMICAL PESTICIDES IN THE KENYAN MARKET

Reference is made to your letter, Ref NA/DCS/COI/2020/(103) on the above subject dated 9th December 2020.

Attached herewith, please find a brief on implementation status of recommendations of the departmental committee on health on public petition No 70 Of 2019 regarding withdrawal of harmful chemical pesticides in the Kenyan market, and action taken to address the matter.

Yours


Dr. Esther Kimani
CHIEF EXECUTIVE/SECRETARY

Copy to: **Prof. Hamadi Boga**
Principal Secretary,
Ministry of Agriculture, Livestock, Fisheries and Co-operatives
State Department of Crop Development and Agricultural Research,
P.O. Box 30028 – 00100
NAIROBI.

Encls.

IMPLEMENTATION STATUS OF THE REPORT OF THE DEPARTMENTAL COMMITTEE ON HEALTH ON ITS CONSIDERATION OF THE PETITION ON WITHDRAWAL OF HARMFUL CHEMICAL PESTICIDES IN THE KENYAN MARKET

Introduction

The Pest Control Products Board (PCPB) is responsible for regulating all issues pertaining to pest control products with regard to importation, exportation, manufacture, distribution and use as prescribed in Pest Control Products Act Cap 346, Laws of Kenya. These include pest control products for use in crops and in public health. The regulation covers conventional and biological pest control products.

PCPB aims at providing solutions to challenges of production in agriculture and public health and to provide to the society and the environment maximum protection from adverse effects while accessing the benefits accrued from pesticides. The law provides that all Pest Control Products have to be registered by the Board before they can be imported or allowed for use in the country. Products that are found to be extremely toxic or hazardous may be denied registration, or be restricted in terms of use and accessibility to the public. This reduces exposure and poisoning levels to the public and minimises environmental contamination.

Pesticides play a vital role in pests and disease control thus enhancing agricultural productivity and safeguarding human and animal health. However, pesticides are potentially hazardous to both man and the environment. It is important to note that the risk associated with a pesticide depends on its toxicity and level of exposure. Inclusion of Pesticide Labels on pesticide containers/packages is mandatory to warn users of hazards. In order to address health and environmental concerns the government established a risk assessment and risk management mechanisms which form part of the mandate of PCPB.

Both domestic and international markets are increasingly quality driven in terms of products and services. For instance, it is now very critical to regulate the sale and use of pesticides in Kenya following the introduction of the stringent EU-MRL requirements and increase in food safety concerns in our main markets for horticultural produce. Fundamental consideration of quality and human safety of these products must be in place when authorizing their use in food production for produce destined for the local and international markets, and for the control of disease vectors in human health.

Parliamentary Report and Recommendations of the Departmental Committee on Health on Public Petition No 70 of 2019 Regarding Withdrawal of Harmful Chemical Pesticides in the Kenyan Market

In the recent past, there have been various articles highlighting the adverse effects of pest control products on human health and the environment. The most prominent of these has been the publication by Route to Food "Pesticides in Kenya: Why our health, environment and food security are at a stake" published in August 2019 that led to a Public Petition No. 70 of 2019 calling for the withdrawal of harmful chemical pesticides by the National Assembly. The Petition was presented before the National Assembly on 2nd September 2019 by Hon. Gladys Boss Shollei, MP on behalf of Biodiversity and Biosafety Association of Kenya, Kenya Organic Agriculture Network, Resource Oriented Development Initiative and Route to Food Initiative.

The Petition was thereafter committed to the Departmental Committee on Health of the National Assembly. The Committee reviewed the documents on the Public Petition and prepared a report with seventeen (17) recommendations that require to be implemented largely by the Ministry of Agriculture, Livestock, Fisheries and Cooperatives and PCPB. The main recommendation is "That within ninety (90) days of the tabling of the report, the Ministry of Agriculture, Livestock, and Fisheries in consultation with Pest Control Products Board (PCPB) and the Kenya Bureau of Standards (KEBS) and other relevant agencies to undertake an analysis of products in the Kenya market with a view of banning products that are carcinogenic, mutagenic, endocrine disruptors and neurotoxic.

This report presents a brief on implementation status of recommendations of the departmental committee on health on public petition No 70 of 2019 regarding withdrawal of harmful chemical pesticides in the Kenyan market, and action taken to address the matter.

Action Taken by PCPB To Address Prayers Sought By The Petitioners and Recommendations of the Departmental Committee on Health

1. Development of an action plan

PCPB reviewed the recommendations of Departmental Committee on Health and came up with a proposed action plan. The action plan needs to be supported through enhanced funding

2. Review of molecules

PCPB has been working towards the withdrawal from the market of products with clear carcinogenicity, mutagenicity and reproductive toxicity (CMR). The withdrawal should be based on a comprehensive hazard and risk assessment of the respective active ingredients rather than a bracket ban. Products that are "neurotoxic" are designed to work by affecting the insect's nervous system unlike CMR which is an adverse effect.

In order to achieve this, independent experts in areas of Toxicology, consumer safety, ecotoxicology, behavior in the environment, chemistry, crop protection, cost benefit analysis (including the possible approved alternatives identified) should be identified. The process of review should to the extent possible involve all concerned parties. The withdrawal of such products should be guided by internationally acceptable procedures. This is to mitigate against obsolete stock that will rise from withdrawal. e.g. the EU provides a grace period.

It is important to note that Article 47 of the Constitution of Kenya provides for the Right to Fair Administrative Action. The PCP Act Cap 346 Regulation 7(2) of the Registration regulations provides for an opportunity to be heard before decision to withdrawal from market is finalized. Reference is made to litigation against the removal of Dimethoate based product from the Kenya's market, Petition No.100 of 2012 between Orion East Africa Ltd. as the Petitioner and The Ministry of Agriculture and the Attorney General as the First and Second Respondents, respectively. The Court ruled that the 1st Respondent breached the petitioner rights to fair administrative action protected under article 47, 1 by banning the use of Dimethoate.

The proposed review of the active substances will support the ongoing process undertaken by PCPB (see Table 1 below).

Table 1: Pesticides PCPB has initiated reviews

	Active ingredient	Concerns raised	Status
1)	Chlorpyrifos	Consumer safety	Restricted for use on foliar application edible crops Gazette Notice 7189 of 2014
2)	Omethoate	Consumer safety	
3)	Dimethoate	Consumer safety	
4)	Procymidone	Reproductive toxicity, carcinogenic, not authorized in EU, Canada. In Australia Re-entry interval in sprayed fields 14-20days)	2017 (132 nd BoM). Withdrawn use on edible crops
5)	Pymetrozine	Reproductive toxicity, teratogenicity, carcinogenicity, USA "likely human carcinogen"	2018 (139 th BoM). Withdrawn use on edible crops
6)	Iprodione	USA restricted use, Canada cancelled all uses, EU carcinogenic	2019 (143 rd BoM). Withdrawn use on edible

	Active ingredient	Concerns raised	Status
			crops
7)	Acephate	Concerns raised on methamidophos	2019 (143 rd BoM). Withdrawn use on vegetables
8)	Methomidophos (none registered but a metabolite of Acephate)	Listed in Annex III Rotterdam Convention	2019 (143 rd BoM) Banned for use in Kenya in 2019
9)	Trichlorfon	Listed in Annex III Rotterdam Convention	2019 (143 rd BoM) Banned for use in Kenya
10)	Carbofuran	Listed in Annex III Rotterdam Convention	2019 (143 rd BoM) Banned for use in Kenya
11)	Permethrin	Consumer safety on edible crops	September 2020. Under review
12)	Profenofos	Consumer safety on edible crops	September 2020. Under review
13)	Methomyl	Consumer safety on edible crop	September 2020. Under review
14)	Bifenthrin	Consumer safety on edible crops	September 2020. Under review
15)	Diazinon	Consumer safety on edible crops	September 2019; Under review
16)	Diuron	Carcinogenic, reproduction toxicity	149 th Technical & Registration Committee Nov. 2019; Under review
17)	Chlorothalonil	Carcinogenic, reproduction toxicity	150 th Technical & Registration Committee Nov. 2019; Under review
18)	Acrinathrin	Consumer safety on edible crops	November 2020; Under Review
19)	Hexaconazole	Consumer safety on edible crops	November 2020; Under review

Proposed Criteria for Further Review of the 31 Products in the Petition

PCPB came up with criteria for review of the 31 active ingredients to address the concerns raised in the petition. Pesticides will be subjected to review using the following proposed criteria:

- 1) Removing products from the list of registered products, whose registration is not updated for the last 5 years

- 2) Re-evaluate old molecules that have not been evaluated for the last 5 years
- 3) Re-evaluate listed pesticides for carcinogenicity, mutagenicity and reproductive toxicity (CMR) prioritizing products falling in Category 1
- 4) Re-evaluate products that have consistently caused interceptions of horticultural produce in the EU due to exceedance of MRL
- 5) Re-evaluate products with high import volumes

Molecules banned in other countries

PCPB domesticates resolutions/decisions of the Conventions and Multilateral Environmental Agreements on pesticides that Kenya is party to, such as Rotterdam, Stockholm, Basel, Minamata etc. The implementation of the decisions is up to date based on the decisions of last Conference of parties.

3. Public participation on the proposed draft bill and regulations In 2020

The Pest Control Products Bill and regulations have been under review. PCPB in collaboration with the Agrochemicals Association of Kenya, the Ministry of Agriculture, Livestock, Fisheries and Cooperatives, Joint Agriculture Sector Intergovernmental Secretariat (JASSCOM) and in close coordination with County Governments conducted public consultations on The Draft Pest Control Products Bill and Regulations in various Counties in September 2020 and October 2020. Eighteen Consultative meetings were organized where a total of 37 counties participated.

PCPB is planning to Fast track the ongoing process of review of existing regulations. The draft regulations have provided for:

- a) minimum qualification for agro-vet dealers and also provide for their registration
- b) Adoption the globally harmonized system (GHS) of classification and labelling of chemicals.
- c) Licensing of Spray Service Providers.(SSPs)

In the follow-up review planned for 2021, PCPB is intending to amend the draft regulation to provide for registration of the qualified persons.

4. Supplementary budget allocation requested

PCPB has requested for Supplementary budget allocation to bridge the immediate urgent gap within the financial year vide letter ref; PCPB/FIN/2020/21/40 to the Ministry of Agriculture, Livestock and Fisheries. Besides the supplementary budget request PCPB had submitted a budget of Kshs. 385 millions to the Parliamentary departmental committee on health for consideration in addressing the issues raised in the long term.

5. Concept paper for funding to support Spray Service Providers

PCPB and the Agrochemical industry have introduced the concept of Spray Service providers in the main horticultural growing areas. Under this initiative a group of well-trained service providers will be offering spray services to the farmers. There is need for more coaching and mentorship to establish sustainable successes. In order to roll out the initiative in other areas, the Ministry of agriculture, Livestock, Fisheries and cooperatives, in collaboration with PCPB has drafted a concept paper for request for funding. The Government should support the initiative to enhance professional application of pesticides.

6. Construction the PCPB residue laboratory

The construction of the PCPB residue laboratory is currently on going but completion may be delayed due to budgetary constraints experienced this year. The PCPB residues laboratory has a section dedicated to monitoring of pesticide residues in food commodities, water and soils. By enhancing analysis of agricultural produce, soil and water, the quality of food will be monitored and the data will be used for decision making. This project needs to be supported to ensure timely completion of the laboratory and acquisition of necessary laboratory equipment.

What requires to be done

In order to implement the recommendations of the Departmental Committee on Health, PCPB requires facilitation in terms of additional funding, additional staff and fast-tracking of Policy documents like the PCP Bill and Regulations in order to.

1. Boost capacity for risk assessment, enforcement and monitoring of quality of pesticides and residues in food through budgetary allocation:

In order to ensure adequate evaluation of pest control products there is need to

increase the number of personnel in technical departments and also enhance the laboratory analytical capacity. The completion and equipping the new laboratory will support the monitoring of residues in food commodities, water and in the soil. Agricultural produce for use locally or for export should be subjected to the similar analysis for residues. The Ministry of Health and research institutions need to work together to conduct epidemiological studies in areas where pesticides are widely used in Kenya and which shall inform the Pest Control Products Board during re-evaluation.

2. **Enhance Training and awareness creation:** The PCPB and the Ministry of Agriculture, Livestock and Fisheries emphasize on training farmers/users on good agricultural practices and use of personal protective equipment to mitigate against any negative health and environment effects. There is need to work together with the stakeholders including the media to sensitize the public on responsible use of the pest control products. There is need for more funding to achieve this.

PCPB in collaboration with The Ministry of Education, Science and Technology should develop and operationalize a curriculum on pesticide in the education system from lower primary. Funding will be required for this exercise.

3. **Upscale use of Spray Service Providers (SSP):** PCPB and the Agrochemical industry have introduced the concept of Spray Service providers in the main horticultural growing areas. Under this initiative a group of well-trained service providers will be offering spray services to the farmers. There is need for more coaching and mentorship to establish sustainable successes.
 - a. The Government should support the initiative to enhance professional application of pesticides.
 - b. Develop and operationalize an Information technology system for collection of data on pesticide use
4. **Strengthen the Poison Information Centre.** There is need to support the Poison Information Centre at Kenyatta National Hospital to assist in the management of poisoning cases in the country and maintain records to facilitate policy decisions making. The country lacks appropriate data to make informed decisions on effect of the pesticides.

Challenges

1. **Inadequate Staff**

Currently, Pest Control Products Board has a total number of Sixty nine (69) employees' in-post and the current staff establishment has a total number of two hundred and sixteen (216) hence having a deficit of one hundred and forty six (146) employees which make a percentage of 31.9 % in-post staff.

Like the rest of the organizations, PCPB has been affected by the directive in the last austerity measures by the National Treasury which among other provisions has frozen recruitments, vide letter Ref: OP/CAB.9133A. In addition, a letter from the Head of Public Service in response to a request to replace Human Resource & Administration Manager who exited the service by natural attrition declined to approve replacement. PCPB was prohibited from distinctly recruiting staff owing to the current legal status of PCPB not being a body Corporate. This has compounded PCPB staffing challenges. We therefore request to be allowed to recruit and or have officers deployed from the ministry and seconded accordingly.

Our immediate needs are as follows:-

1. Manager, Human Resource & Administration – PCB 3
2. Analytical Officer – PCB 6
3. Administration Officer – PCB 6
4. Senior Human Resource Management Officer – PCB 5
5. Supply Chain Management Officer – PCB 6
6. Registration Officer – PCB 6

To address some of the recommendations, we will need initially to at least increase the number of staff from 69 to 146 as we work towards review of the allowed staff establishment.

2. Old law and regulations

The Pest Control Products Act, Cap 346 of the Laws of Kenya has been in operation for regulation of Pest Control Products in Kenya for thirty eight (38) years. The Pest Control Products Board (PCPB), in collaboration with the Ministry of Agriculture, Livestock and Fisheries, Kenya Law Reform Commission, Agrochemicals Association of Kenya (AAK) amongst other stakeholders have been reviewing the Pest Control Products Bill and Regulations to address emerging issues in the pesticide industry. The Bill and regulations have been taken through stakeholders consultative processes and we are in the process of compiling the final report.

We hope that once we forward the draft bill and regulations, they will be fast-tracked to address emerging issues.

3. Funding

PCPB has been facing financial challenges over the years and this has greatly impeded the growth and effective service delivery to fully discharge its mandate. PCPB operates under limited revenue streams that are influenced by various factors like the weather that affect the use of farm inputs including pesticides. A drop in the quantities imported adversely affects the finances of PCPB since the import levy accounts for more than 50% of all internally generated revenue.

In the past two years and the current year for example, PCPB was allocated Kshs.90 million as recurrent grant, this is way below the Personal Emoluments (PE) cost which has been Kshs.93 million, 104 million and 121 million in FY 2017/18, 2018/19 and 2019/20, respectively. This has resulted to cutting back on the planned activities which are funded by the licence levies we charge our clients to offset the PE costs.

PCPB requires enhanced financial support to fully discharge its mandate. We have requested for an additional Kshs.189 million through supplementary budget of FY 2020/21 of which Kshs.139 million will see through the completion of the pesticide residue laboratory and Kshs. 47 Million to enhance our regulatory functions and bridge the gap of PE cost.

The report of the Departmental committee on health of the National Assembly on Public Petition No. 70 of 2019 calling for the withdrawal of harmful chemical pesticides made a number of recommendations on measures for PCPB to be fully compliant and effective. Among the recommendations is enhanced funding to improve capacity both human resource and infrastructure development.

There is need to boost/strengthen capacity for risk assessment, enforcement and monitoring of quality of pesticides, residues in food and the environment through adequate budgetary allocation. We have factored in completion of the pesticide analysis laboratory and recruitment of competent staff in our current budget. We hope that our requests will be considered favorably.

4. Porous Borders

Some products that are not authorized for use in Kenya find their way in the Kenyan market due to the porous Borders. It is important to enhance PCPB's post-registration surveillance at the Border points to prevented unwanted pesticides from getting into the Kenyan Market from neighboring countries. This is a very extensive exercise and PCPB needs to increase the number of staff and purchase of adequate number of vehicles. Funds are also needed for staff facilitation while carrying out surveillance.

5. Inadequate knowledge of farmers to handle pesticides

Agricultural production in Kenya is mainly carried out by small scale farmers. Some of the farmers do not observe Good Agricultural Practices (GAP) as indicated on the label and this may lead to exceedance of set Maximum Residue Limit (MRL). There is need to enhance extension services on training on responsible use of pesticides