



**REPUBLIC OF KENYA**

**THIRTEENTH PARLIAMENT**

**NATIONAL ASSEMBLY**

**THE HANSARD**

**VOL. II NO. 16**

## THE HANSARD

Thursday, 9<sup>th</sup> March 2023

The House met at 2.30 p.m.

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

### PRAYERS

### QUORUM

**Hon. Deputy Speaker:** I direct that the Quorum Bell be rung for 10 minutes.

*(The Quorum Bell was rung)*

*(The Deputy Speaker consulted the Clerks-at-the-Table)*

You may stop the bell.

### PAPERS

The Leader of the Majority Party is represented by Hon. Naomi Waqo.

**Hon. Naomi Waqo** (Marsabit County, UDA): Hon. Deputy Speaker, I beg to lay the following Papers on the Table:

The Minamata Convention on Mercury and the Explanatory Memorandum from Ministry of Foreign and Diaspora Affairs.

Reports of the Auditor-General and Financial Statements in respect of the following institutions for the year ended 30<sup>th</sup> June 2020, and the certificates therein:

- (a) Nyakach Technical and Vocational College, and;
- (b) Runyenjes Technical and Vocational College.

Reports of the Auditor-General and Financial Statements in respect of the following institutions for the year ended 30<sup>th</sup> June 2021, and the certificates therein:

- (a) Kenya Universities and Colleges Central Placement Service.
- (b) Centre for Mathematics, Science and Technology Education in Africa.
- (c) Narok West Technical Training Institute.
- (d) Maasai Mara Technical and Vocational College.
- (e) Nuu Technical and Vocational College.
- (f) Okame Technical and Vocational College.
- (g) Sirisia Technical and Vocational College.
- (h) Kiptaragon Technical and Vocational College.
- (i) Kenya National Highway Authority - Road Maintenance Levy Fund.

Reports of the Auditor-General and Financial Statements in respect of the following institutions for the year ended 30<sup>th</sup> June 2022, and the certificates therein:

- (a) East Africa Skills Transformation and Regional Integration Project (EASTRIP) Grant/ Credit No. IDA 6334-KE.
- (b) Horn of Africa Gateway Development Project (IDA Credit No.6768) - Kenya Revenue Authority.

- (c) Public Financial Management Reforms Programme (Credit Nos. DANIDA FY06, SIDA 51110081, IDA GESDEK-6133-KE, AFD/CKE 1130 and PASEDE CRISNO: 041-658) – The National Treasury.
- (d) Infrastructure Finance and Public Private Partnerships Project – IDA Credit No.5157-KE - The National Treasury.
- (e) UNICEF-Kenya Generation Unlimited (GENU) Project (Programme No. 2400/A0/A6) – Executive Office of the President.
- (f) Horn of Africa Gateway Development Project (IDA Credit No.6768 KE) – National Transport and Safety Authority.
- (g) Kenya-EU Partnership for the Implementation of the National Strategy to counter violent extremism in Kenya – National Counter Terrorism Centre.

Thank you, Hon. Deputy Speaker.

**Hon. Deputy Speaker:** The next Paper is by the Chairperson of Public Debt and Privatisation Committee, Hon. Abdi Shurie, who is here.

**Hon. Abdi Shurie** (Balambala, JP): Hon. Deputy Speaker, I beg to lay the following Paper on the Table:

The Report of the Public Debt and Privatisation Committee on the 2023 Medium -Term Debt Management Strategy.

I thank you, Hon. Deputy Speaker.

### NOTICES OF MOTIONS

**Hon. Deputy Speaker:** Member for Konoin, Hon. Brighton Yegon. He does not seem to be in the House. Hon. John Mashua Waithaka, Member for Kiambu.

#### NATIONAL POLICY ON DEWORMING OF SCHOOL-GOING CHILDREN

**Hon. John Waithaka** (Kiambu, UDA): Hon. Deputy Speaker, I beg to give notice of the following Motion:

THAT, aware that Article 43(1)(a) of the Constitution provides that every person has the right to the highest attainable standard of health, including the right to health care services; further aware that the relationship between health and education plays a significant role in school attendance rates; concerned that the negative effects of poor sanitation such as parasite infestations particularly among school children lead to anaemia, stunted-growth and other salient problems which in turn lead to low school attendance and impact education standards; recognising that, according to research, school-based deworming is one of the most cost-effective interventions that provides a huge range of holistic and social benefits such as increased school attendance and healthier kids who do better in school while utilising already existing school structures in administering deworming treatment to school pupils; recalling that previous programmes conducted by the Ministry of Health in partnership with a Non-Governmental Organization(NGO) called Evidence Action have only been piloted in a few selected counties and that the deworming efforts have been uncoordinated and dependent on external support with no clear policy or budgetary framework; now therefore, this House urges that the National Government, through the Ministry of Health, develops a national policy on deworming school-going children as a crucial part of mainstreaming of healthcare access in the country.

Thank you, Hon. Deputy Speaker.

CONSIDERATION OF THE 2023 MEDIUM  
TERM DEBT MANAGEMENT STRATEGY

**Hon. Deputy Speaker:** Hon. Abdi Shurie, Chairperson of the Public Debt and Privatisation Committee

**Hon. Abdi Shurie** (Balambala, JP): Hon. Deputy Speaker, I beg to give notice of the following Motion:

THAT, this House adopts the Report of the Public Debt and Privatisation Committee on its consideration of the 2023 Medium-Term Debt Management Strategy, laid on the Table of the House on Thursday, 9<sup>th</sup> March, 2023.

Thank you, Hon. Deputy Speaker.

**Hon. Kangogo Bowen** (Marakwet East, UDA): On a point of order, Hon. Deputy Speaker.

**Hon. Deputy Speaker:** Hon. Kangogo Bowen, what is your point of order?

**Hon. Kangogo Bowen** (Marakwet East, UDA): Hon. Deputy Speaker, the *wifi* in the House is not working and, therefore, I am unable to access the Order Paper. Can you kindly order the clerks to look into that? I have tried a number of tablets and they are not connected.

**Hon. Deputy Speaker:** Okay. I think the Information, Communication Technology (ICT) people have heard your concern. If you, however, need to look at the Order Paper, you can pick the hard copy from the Clerk's desk.

Hon. Members, I wish to recognise the presence of the following schools in the Public Gallery:

Muthale Girl's High, Kitui West Constituency, Kitui County; Sacho High School, Baringo Central Constituency, Baringo County and Chania Girls High School, Thika Town Constituency, Kiambu County. We also have St. Jude Karurumo High School from Runyejes Constituency, Embu County in the Speaker's Gallery. You are all welcome to observe the proceedings.

**Hon. Emmanuel Wangwe** (Navakholo, ODM): On a point of order, Hon. Deputy Speaker.

**Hon. Deputy Speaker:** What is your point of order, Hon. Emmanuel Wangwe?

**Hon. Emmanuel Wangwe** (Navakholo, ODM): Hon. Deputy Speaker, mine is an addition to the point of order raised by Hon. Bowen Kangogo. Looking at what is happening with our systems, which is unfortunately reading Chinese instead of the original language; and knowing that we have had issues with China Square recently, could it be an issue that another country has invaded our Parliament?

Thank you.

*(Laughter)*

**Hon. Deputy Speaker:** Once the IT team informs me, I will know how to respond to that.

Hon. Members, I request that we bear with that for a few minutes. Members who are supposed to go to the next Order have their Questions in writing and we can, therefore, proceed with that. I am hoping that by the time we are through with Questions, we shall have the systems working.

Thank you.

**Hon. Kassait Kamket** (Tiaty, KANU): On a point of order, Hon. Deputy Speaker.

**Hon. Deputy Speaker:** What is your point of order Hon. Kamket? Kindly give him the microphone.

**Hon. Kassait Kamket** (Tiaty, KANU): Hon. Deputy Speaker, yesterday, I raised a matter on the recruitment exercise by the Kenya Forest Service (KFS). Given the urgency of the matter you ruled that the Departmental Committee on Environment, Forestry and Mining convenes a meeting today and invites me. I have waited – and the day is almost ending - and I have not been invited to any meeting by the said Committee.

Yesterday, at the recruitment center in Kabarnet, nobody from my constituency was recruited. Those who made it to Kabarnet were removed from the line. I am perturbed at the casual manner in which the Committee has taken this matter. We are in this House to represent our people. The rulings of the Chair must be taken seriously. I beg your indulgence because I represent those people and they are on my case. Perhaps, that may be the case to Members from other constituencies.

**Hon. Deputy Speaker:** Your point is taken. Hon. Kamket, you are the only one who raised that issue. It is good to have some initiative because Committees were meeting today and tomorrow. Kindly check that and show up there. We are done with that topic.

Next Order.

## QUESTIONS AND STATEMENTS

### ORDINARY QUESTIONS

Member for Nakuru Town East, Hon. David Gikaria. He seems not to be in. We can move to the next Question if he is not here. Next is the Member for Saboti, Hon. Caleb Amisi.

*Question No. 017/2023*

TERMINATION OF CONTRACTS FOR EMPLOYEES OF  
GEOTHERMAL DEVELOPMENT COMPANY

*(Question Deferred)*

*Question No. 031/2023*

REBRANDING OF BARCLAYS BANK OF KENYA  
LIMITED AS ABSA KENYA LIMITED

**Hon. Caleb Amisi** (Saboti, ODM): Hon. Deputy Speaker, I rise to ask the Attorney-General the following:

- (a) Could the Attorney-General explain the circumstances under which the defunct Barclays Bank of Kenya Limited rebranded and registered as Absa Kenya Limited in 2017, considering that the “Absa” name was already registered and patented in 2007, issued with a Certificate of Incorporation C130654 whose director is one Mr. Edward Njuguna, and the patent renewed in 2017 for a ten-year period?
- (b) Could the Attorney-General outline the steps that the Government is taking to address the concerns raised above and, in particular, confirm whether any user rights for the name were transferred to the Bank?

**Hon. Deputy Speaker:** That Question shall be replied by the Departmental Committee for Justice and Legal Affairs. Member for Homa Bay Town, Hon. Peter Kaluma. He is not in. It is deferred.

*Question No. 032/2023*

EMPLOYMENT OF QUALIFIED TEACHERS  
IN HOMA BAY TOWN CONSTITUENCY

*(Question deferred)*

Next is the Member for Mwingi West, Hon. Charles Ngusya.

*Question No.033/2023*

STATUS OF ELECTRICITY CONNECTION IN MWINGI WEST CONSTITUENCY

**Hon. Charles Nguna** (Mwingi West, WDM): Hon. Deputy Speaker, I rise to ask the Cabinet Secretary for Energy and Petroleum the following:

- (a) Could the Cabinet Secretary explain the status of electricity connection and stalled electrification projects to public institutions in Mwingi West Constituency under the Last Mile Connectivity Programme and Rural Electrification and Renewable Corporation?
- (b) Could the Cabinet Secretary explain why Kenya Power, Mwingi Region, has been taking inordinately long to undertake repairs and maintenance of power lines, including replacement of faulty transformers, which has occasioned frequent blackouts in Mwingi West Constituency?
- (c) Could the Cabinet Secretary state the measures that the Ministry has put in place to address the low voltages in some parts of the constituency?

Thank you.

**Hon. Wanjiku Muhia** (Kipipiri, UDA): On a point of order, Hon. Deputy Speaker.

**Hon. Deputy Speaker:** What is your point of order Member for Nyandarua?

**Hon. Wanjiku Muhia** (Kipipiri, UDA): Thank you, Hon. Deputy Speaker. It is a tradition in this House that when a Question is raised, the Speaker asks the Chair of the respective Committee that the Question is intended for to indicate the timeframe for responding to the questions.

For the two past Questions, I have not heard any commitment in matters of timelines. I am interested in this matter because I also have a Question. I request your guidance if it is still the valid tradition.

**Hon. Deputy Speaker:** The Chairperson has unfortunately not received the response. If they are here, we can ask them. Is the Chairman of the Departmental Committee on Justice and Legal Affairs here? It seems he is not. The Member for Mandera South, Hon. Abdul Haro. Proceed.

*Question No.034/2023*

DROUGHT MITIGATION MEASURES IN ASALS

**Hon. Abdul Haro** (Mandera South, UDM): Hon. Deputy Speaker, I rise to ask the Cabinet Secretary for Agriculture and Livestock Development the following:

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- (a) Could the Cabinet Secretary state the percentage contribution of livestock farming to Kenya's Gross Domestic Product (GDP), the percentage of Kenyans depending on livestock for their livelihoods and the estimated loss in shillings of livestock that perished in the Arid and Semi-arid Lands (ASAL) counties from the Year 2020 to date due to prolonged drought in the country?
- (b) Could he provide data on the foreseeable food insecurities in the said counties, including long-term impact on food security strategies under Vision 2030 and beyond?
- (c) Could he state the measures that the Ministry has put in place to mitigate drought and cushion pastoralists in ASAL areas of the country from effects of drought-related food insecurity?

Thank you.

**Hon. Deputy Speaker:** The Question is referred to the Departmental Committee on Agriculture and Livestock. Next is the Member for Kipipiri, Hon. Wanjiku Muhia.

*Question No.035/2023*

DECENTRALISATION OF BENEFICIARY WELFARE  
COMMITTEE MEETINGS TO SUB-LOCATION LEVEL

**Hon. Wanjiku Muhia** (Kipipiri, UDA): Hon. Deputy Speaker, I rise to ask the Cabinet Secretary for Labour and Social Protection:

- (a) What measures has the Ministry put in place to facilitate elderly persons in the country through provision of food, water and means of transport whenever they are invited to the Beneficiary Welfare Committee meetings?
- (b) Could the Cabinet Secretary consider decentralising the said meetings and activities to sub-county level in order to enhance participation of elderly people who cannot travel to far places and also allow verified caregivers to the elderly to attend the meetings on their behalf and vote as proxies?
- (c) Could the Cabinet Secretary outline the plans for ensuring inclusivity in attendance of Beneficiary Welfare Committee meetings through participation of stakeholders, particularly political leaders and administration officers at both levels of Government?
- (d) Could the Cabinet Secretary further explain why a recent meeting for formation and training of the Beneficiary Welfare Committee held in Kipipiri Constituency in February 2023 was convened on a short notice without the involvement of any of the relevant stakeholders?

Hon. Deputy Speaker, if the Chair of the Departmental Committee on Social Protection Committee is in the House, I request him to make a commitment on when he is going to respond, because the Chairs should be sitting in this House as a sign of commitment to the Members.

**Hon. Deputy Speaker:** Hon. Muhia, your Question stands committed for response before the Departmental Committee on Social Protection. You shall receive the timeframe from them.

Members, I notice that there is one more Statement from the Chairperson of the Public Investments Committee (PIC), Hon. Wanami Wamboka, on Governance and Education.

**STATEMENT**

## FINANCIAL STATE OF PUBLIC UNIVERSITIES

**Hon. Wanami Wamboka** (Bumula, DAP-K): Hon. Deputy Speaker, I rise under Standing Order 44(2)(b) to issue the following Statement in light of the now dire need of public universities in Kenya and the need for drastic and radical steps to salvage them.

The Public Investments Committee (PIC) on Governance and Education has begun examining audited accounts of among others, our public universities. What has struck the Committees is the fact that in subsequent audit reports, the Auditor-General has found that all those public universities have negative working capital, and no longer a going concern.

From the foregoing, on 28<sup>th</sup> February 2023, we met the Principal Secretary, Higher Education, together with the leadership of the University Fund, Higher Education Loans Board and the Office of the Auditor-General to discuss the following:

1. Funding structures to public universities including sums disbursed in the last five financial years.
2. Capitation provided to students in both private and public universities, including criteria used for each.
3. Law providing for issuance of public funds to private universities.
4. How public funds issued to private universities are audited.
5. Efforts to make public universities financially sustainable.

Hon. Deputy Speaker, from our meeting, we made the following observations.

1. The Government, under the Differentiated Cost Unit Model, is obligated to meet 80 per cent of course cost as part of recurrent capitation.
2. The Government has failed to meet this obligation and those disbursed, the amounts have dropped over the years from 66.4 per cent in the Financial Year 2018/2019 to 48.11 per cent in the current Financial Year.
3. This allocation to public universities has been less than half of the requirement with a deficit totalling Ksh164 billion in the last five years.
4. On the contrary, the Universities Fund confirmed having advanced a total of Ksh8.7 billion to private universities in only four years. Whereas the public universities are struggling, they do not have money to run their programmes and they run a risk of being closed, the Government has advanced Ksh8.7 billion to private universities as grants. To make matters worse, those funds have not been audited.

The Government has been placing students into private universities and funding them through conditional grants based on their higher fee structures at the expense of public universities.

For instances, the fees in public universities is about Ksh16,000 compared to the average private universities which is about Ksh100,000. We do not understand why the Government would want to place poor students in private universities.

5. The Office of the Auditor-General did not audit funds sent to private universities citing capacity challenges and yet, they have been auditing all the public universities.
6. The Ministry has used existing laws, that is, the Universities Act 2012 and the Higher Education Loans Board (HELB) Act 1995, at a free hand to allow placement of students to private universities based on the definition of universities as being both public and private, despite public universities now having capacity to absorb all Governments sponsored students.

It beats logic why the Government, through the Kenya Universities and Colleges Central Placement Service (KUCCPS), continually wants to place students in private



universities whereas public universities are dying. The KUCCPS has allowed students to select courses from whichever university despite the...

**Hon. Kimani Ichung'wah** (Kikuyu, UDA): On a point of order, Hon. Deputy Speaker.

**Hon. Deputy Speaker:** What is your point of order, Leader of the Majority Party?

**Hon. Kimani Ichung'wah** (Kikuyu, UDA): Hon. Deputy Speaker, I can see many of us are struggling to follow what the Hon. Member is reading in the Statement. I want a clarification from the Member whether this is a personal Statement or a Statement on behalf of the Committee that he chairs. I know that he is the Chairperson of the Public Investments Committee on Governance and Education. I can see that it is quite a long Statement. If it is a Committee Statement, should we be handing it as a Statement or as a Report of the Committee that can be tabled and debated before this House with recommendations offering solutions to the country? If it is a personal Statement, then we can allow him to read the five pages, but he needs to clarify what it is; and whether it is a Committee statement. Is it a report, statement or what is it?

**Hon. Wanami Wamboka** (Bumula, DAP-K): Hon. Deputy Speaker, I am giving a status report on behalf of my Committee, which was approved by your office. All of us understand that this is a matter of great concern in the country right now. We are just giving a status report and briefing the House where we are on this matter. We are going to bring a full report at the end of this.

**Hon. Deputy Speaker:** Under which Standing Order?

**Hon. Wanami Wamboka** (Bumula, DAP-K): Hon. Deputy Speaker, it came through your office and you approved it.

**Hon. Deputy Speaker:** It came in as a Statement.

**Hon. Wanami Wamboka** (Bumula, DAP-K): Hon. Deputy Speaker, may I proceed?

7. The KUCCPS has allowed students to select courses from whichever university despite their differing financial backgrounds. The criteria envisaged under Section 56(3) of the Universities Act should not allow a public platform to be used to place students in private universities despite capacity existing in public universities.
8. Audit reports have also found the Ministry and the Fund in breach of Section 53 (1) and (2) of the Universities Act for not having the Fund directly disburse the monies to the public universities.
9. The Principal Secretary confirmed leading efforts to arrest the declining financial positions by commencing a round table meeting with the universities' Chancellors, Vice-Chancellors and the Universities Fund last month. The Committee observed that these efforts are reactionary, may be cosmetic and from the preliminary reports in the public domain, they intend to raise fees in public universities rather than first streamlining public funds available as well as governance challenges.

This is why I do not take the comments by the Leader of the Majority Party lightly, because this is a very serious national issue.

From the foregoing, Hon. Members will appreciate that policy precedes appropriation and audit and, therefore, these matters are cyclic in nature and need concerted...

**Hon. Kimani Ichung'wah** (Kikuyu, UDA): On a point of order, Hon. Deputy Speaker.

**Hon. Deputy Speaker:** What is your point of order, Leader of the Majority Party?

**Hon. Kimani Ichung'wah** (Kikuyu, UDA): Thank you. Hon. Deputy Speaker.

**Hon. Wanami Wamboka** (Bumula, DAP-K): Hon. Deputy Speaker, you need to protect me.

**Hon. Kimani Ichung'wah** (Kikuyu, UDA): Hon. Deputy Speaker, I know Hon. Wamboka is new in this House, but it is good for him to take time to learn. I was just trying to

guide him that under Standing Order 44(2)(b), you should just read the Statement as was approved by the Speaker in the text that it is in. Do not report or lecture the House or seek to inform the Leader of the Majority Party. There is nothing you can inform me in terms of procedures in this House. I can only teach you.

**Hon. Wanami Wamboka** (Bumula, DAP-K): Hon. Deputy Speaker, you need to protect me from the Leader of the Majority Party. I have a right. He may have been here longer, but he may not know how long I will be here.

So, from the foregoing, Hon. Members will appreciate that policy precedes appropriation and audit and, therefore, these matters are cyclic in nature and need concerted efforts from all of us. I would also like to implore the Departmental Committee on Education chaired by the able Hon. Melly to kindly look at the policy issues surrounding this matter.

Even as the Committee audits those universities and the amounts advanced as per our mandate, drastic policy actions need to be taken as follows:

(i) This House, through the upcoming budget cycle, needs to increase ceilings to social sectors – specifically education in this case – that will have the highest impact to the public.

(ii) Review of the policy on placement of Government sponsored students to private universities since the capacity gap between slots available in public universities *vis-a-vis* qualified students is now non-existent.

(iii) Amend the Universities Act and the Higher Education Loans Board Act, according public universities first priority to fill up their slots up to 100 per cent before a student is financed through capitation in a private entity. Students who willingly choose private education must surely be capable of funding the same.

(iv) Fully operationalize the Universities Fund to enable them directly disburse funds to public universities, as envisaged by Section 53(1) and (2) of the Universities Act.

(v) Re-look at the policy of upgrade of colleges to universities, and consider urging the Government to merge smaller entities to larger universities with going concern. This will see closure of non-strategic campuses and programmes.

(vi) Standardize corporate governance in public universities.

(vii) Work with the Ministry through the Universities Fund and devise means of sustainability of these public universities including optimization of idle assets of which the Committee has been seeing in their books of accounts.

Hon. Deputy Speaker, this is an urgent matter that if not arrested, will see the collapse of this critical service that should ideally provide human capital to power the economy. The education system must be salvaged.

I must confirm that the Public Investments Committee on Education and Governance has already requested for a special audit of all funds issued to private universities under the aforementioned scheme and I undertake that the Committee's report will leave no stone unturned, towards ensuring sustenance of these public institutions.

Thank you, Hon. Deputy Speaker.

**Hon. Deputy Speaker:** Thank you, Hon. Member. I think the challenge had been the first line of your Statement. You need to confirm the Standing Order.

*(The Clerk-at-the-Table consulted  
with the Hon. Deputy Speaker)*

**Hon. Deputy Speaker:** The Leader of Majority Party.

**Hon. (Dr) Robert Pukose** (Endebess, UDA): On a point of order, Hon. Deputy Speaker.

**Hon. Deputy Speaker:** Yes, Hon. Pukose. We will give you a minute.

**Hon. (Dr) Robert Pukose** (Endebess, UDA): Thank you, Hon. Deputy Speaker. I just wanted to comment on the status report by the Chair, Public Investments Committee on Education and Governance. In this country, when the University Act, 2012 was amended, it did not provide for regulation of training of doctors and pharmacists by the various bodies that are responsible. I think as the Committee prepares its report, this is something that is very critical because doctors and pharmacists are supposed to be regulated by the Pharmacy and Poisons Board, together with the Kenya Medical Practitioners and Dentists Council. If the level of training within our universities is not checked, then we will be releasing half-baked doctors to the market without any proper regulation.

I want to urge the Chair that when you will be looking at it, please let us amend the Education Act so that the Kenya Medical Practitioners and Dentists Council and Pharmacy and Poisons Board can be able to oversee our universities to make sure that they are providing in terms of regulation, proper training for doctors and pharmacists.

We have seen many cases of mismanagement of patients. Recently, we had a case at the Nairobi Hospital which I saw on *Twitter* and it brought a lot of issues. We have had cases of people raising a lot of issues about mismanagement of patients. As a nation, we must look at that issue and rectify it so that we can have doctors of good calibre.

Thank you, Hon. Deputy Speaker.

**Hon. Deputy Speaker:** Thank you. Next is the Statement by the Leader of the Majority Party.

BUSINESS FOR THE WEEK OF  
13<sup>TH</sup> – 17<sup>TH</sup> MARCH 2023

**Hon. Kimani Ichung'wah** (Kikuyu, UDA): Thank you, Hon. Deputy Speaker. Hon. Wamboka can learn from this Statement and how it is done under Standing Order No. 44 (2) (a) and (b).

I rise pursuant to the provisions of Standing Order 44(2) (a) to give a Statement on behalf of the House Business Committee which met on Tuesday, 7<sup>th</sup> March 2023, to prioritise business for consideration during the week.

As Members are aware, yesterday, the House approved the Report of the Joint Committee of the National Assembly's Departmental Committee on Finance and National Planning and the Senate Standing Committee on Finance and Budget on the vetting of Dr. Susan Jemutai Koech for appointment as Deputy Governor of the Central Bank of Kenya.

I would like to thank the Members of the Committee and indeed the House for the steadfast commitment that saw the conclusion of this very important business. It is expected that the House will today consider the Sixth Report of the Procedure and House Rules Committee on amendments to the Standing Orders. I look forward to the debate on these proposed changes that if approved by the House, will see Cabinet Secretaries appearing before the House to answer Questions by Members. This will be a positive step towards greater accountability by the Executive as well as an enhancement of the oversight processes of the House. I, therefore, urge Members to be present and actively participate in this important business.

Hon. Deputy Speaker, without anticipating debate, it is expected that the House will conclude the general debate on proposals to amend the Constitution and the Standing Orders today afternoon. Should this not happen, the general debate will form part of the business for Tuesday next week. The same will apply to the debate on the Report of the 22<sup>nd</sup> Session of the Organisation of the African Assembly and the Second Reading of the Statute Law (Miscellaneous Amendments) Bill, National Assembly Bill No. 60 of 2022.

Hon. Deputy Speaker, the Public Debt and Privatisation Committee has just tabled its report on the Medium-Term Debt Strategy Management Paper where the Budget and Appropriations Committee is expected to conclude and table its report on consideration of the Budget Policy Statement. These two reports shall therefore form part of the business to be considered next week as we continue with the budget process.

Finally, the House Business Committee will reconvene on Tuesday 14<sup>th</sup> March 2023, to schedule business for the rest of the week.

Hon. Deputy Speaker, I now wish to lay this Statement on the Table of the House. Thank you.

*(Hon. Kimani Ichung'wah laid the document on the Table)*

### COMMUNICATION FROM THE CHAIR

#### DELEGATION FROM PARLIAMENT OF ESWATINI IN THE SPEAKER'S GALLERY

**Hon. Deputy Speaker:** Thank you, Leader of the Majority Party.

Hon. Members, I wish to introduce to you a delegation seated in the Speaker's Gallery from the Parliamentary Service Board of the Kingdom of Eswatini.

*(Applause)*

The delegation comprises of the following persons:

- |                                       |   |                                     |
|---------------------------------------|---|-------------------------------------|
| 1. The Rt. Hon. Madam Lindiwe Dlamini | - | Senate President.                   |
| 2. The Hon. Mphatfwa Dlamini          | - | Senator.                            |
| 3. The Hon. Victor Malambe            | - | Member of the House of<br>Assembly. |
| 4. The Hon. Jabulile Mashwama         | - | Board Member.                       |
| 5. The Hon. Hlobisile Ndlovu          | - | Board Member.                       |
| 6. Mr. Benedict Xaba                  | - | Clerk, Parliament of Eswatini.      |

Hon. Members, the delegation is also accompanied by members of staff and other officials who are partnering with the Parliament of Eswatini in their capital projects. The delegation is in the country on a visit to learn about the process and approaches that the Kenyan Parliament undertook to have all its facilities in place, understand the roles and duties of Kenya's Parliamentary Service Commission and the synergy between the Commission and the larger public service.

Hon. Members, on my own behalf, and on behalf of the National Assembly and the Rt. Hon. (Dr) Moses Wetang'ula, who is not with us today, I welcome them to Parliament and wish them a fruitful engagement for the rest of their stay in the country.

I also wish to recognise the presence, in the Public Gallery, of two schools: St. Mary's Ruaraka from Roysambu Constituency, Nairobi County, and Githinji Secondary School from Kinangop Constituency, Nyandarua County. I also recognise, in the Public Gallery, the presence of Kakamega County Assembly staff. I think I will have to wait for their names. We shall recognise them once I receive a full list.

Thank you.

Hon. Members, for the convenience of the House and Members, I will re-order the House Business so that we go to Order No. 9, then to Order No. 10 and back to Order No.8.

### MOTION

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ADOPTION OF SIXTH REPORT ON  
AMENDMENTS TO STANDING ORDERS

**Hon. David Ochieng'** (Ugenya, MDG): Hon. Deputy Speaker, I wish to move the following Motion:

THAT, this House adopts the Sixth Report of the Procedure and House Rules Committee on Amendments to the Standing Orders, laid on the Table of the House on Wednesday, 8<sup>th</sup> March 2023 and pursuant to the provisions of Article 124(1) of the Constitution and Standing Order 265-

- (i) approves the proposed amendments to the Standing Orders as contained in Annex 3 of the Report;
- (ii) resolves that the amendments agreed to in Committee of the whole House and approved by the House shall take effect on Thursday, 23<sup>rd</sup> March, 2023;
- (iii) further resolves that the Questions pending Reply as at the commencement date shall be disposed of by the respective Committees; and
- (iv) further amendments relating to the naming of various committees be adopted as has been circulated.

Hon. Deputy Speaker, Article 125 of the Constitution provides that either Houses of Parliament, or any of its committees has the power to summon any person to appear before it for purposes of giving evidence or providing information. Further, Article 153 requires Cabinet Secretaries to appear before the House of Parliament and its committees to give reports or answer to any questions that may arise.

Historically, this country had a case where Ministers sat in this House and answered questions directly from Members of Parliament as and when they were asked. Since the new Constitution came in, it has been very difficult for us as a Parliament to get answers from Cabinet Secretaries. We have so many committees...

*(Hon. David Ochieng' consulted with Hon. Martha Wangari)*

I read it. I am so clear in my mind that I have read the Motion as it appears on the Order Paper. I am sure the Clerks-at-the Table will confirm. I have read the Motion as it appears in the Order Paper.

**Hon. Deputy Speaker** Yes, you have.

**Hon. David Ochieng'** (Ugenya, MDG): That is what I have done. I did it the way it appears on the Order Paper. The Clerks-at-Table are confusing me.

The point I am trying to make is that with so many committees – about 40 of them – it has been very difficult to track and follow up on what happens in them based on what the new Constitution brought, that every Cabinet Secretary or Principal Secretary should appear in Committees and sometimes they appear at cross-purposes. It has been difficult to ensure that Members of Parliament are able to hold the Executive to account because of this situation. You have seen laxity on the side of Cabinet Secretaries because we have no sanctions. A Cabinet Secretary comes before Committee with incomplete answers and there is nothing you can do. You cannot send him away or chase him. Before, if Ministers appeared before the House with half-baked or incomplete answers, the Speaker had the power to send them away not to appear in the House for two weeks, three weeks, or even a month. Now we do not have a chance. A Cabinet Secretary appears before a Committee, provides half-baked answers, and we have no recourse. We do not know what to do. Sometimes Kenyans do not even know the Cabinet

Secretary for a certain portfolio 10 years down the line because of this situation. We want Kenyans to know what Parliament is doing. The only way for this to happen is to have Cabinet Secretaries come before this House and answer so that Kenyans get to know that Parliament is working.

There has been laxity on the side of the Cabinet Secretaries. Comparative analysis shows that where Cabinet Secretaries appear before a House as a whole, there is more oversight, more scrutiny and Cabinet Secretaries take their work more seriously as opposed to a situation like now where they appear before a few Members of Parliament – 19 or 20 – and they feel they have done their duty.

Currently, Cabinet Secretaries feel that they owe allegiance to and only need to answer questions before Members of a relevant Committee, such that if a Member of Parliament from Funyula, my friend Oundo, asks a Question to the Cabinet Secretary in charge of Interior, the Cabinet Secretary knows only 19 Members that he sees every day. He thinks that he should not be held to account by Hon. Oundo because there is nowhere he meets him. He thinks that the few Members who approve his budget are the only ones who should be asking questions. We want to subject Cabinet Secretaries to the power of the whole House anytime any day. That is why in the proposed amendments to Standing Orders, we are proposing that the Speaker will designate a place in this Assembly where every Wednesday afternoon, the Cabinet Secretaries will appear before us to answer Questions asked by Members the previous week.

What will happen is that every Wednesday afternoon, we will convert this House to a plenary where Cabinet Secretaries answer Questions. We provided that the Leader of the Majority Party will be telling us one week before the Cabinet Secretaries that will appear before the House the following week to answer Questions from Members. On the same note, Members will have a chance to ask supplementary questions on their feet. If a Cabinet Secretary gives an answer that is not satisfactory, Members will have a chance to stand on their feet to ask further questions. That will happen if the answer given either does not satisfy Members or does not touch their constituencies.

It is important to note, because I have heard Members saying this will take away the powers of Committee Chairs, that this will actually give Committee Chairs more time to deal thoroughly with issues before them. They will have time to do investigations, hold the Cabinet Secretaries to account in a deeper manner because now we are giving them... What Committees mostly do now is to deal with Members' Questions, not to delve into deeper issues. I just want to assuage the fears of Committee Chairs about this Question Time for Cabinet Secretaries. It will give them more time to deal with more meat within their committees instead of dealing with Questions only.

There are so many reasons why it is important to have Cabinet Secretaries appear in this House. I want Members to look at this report that we circulated. I do not want to go through it because it is a huge report but to just request Members to note that this House will be richer with all of us being able to hold the Cabinet Secretaries to account instead of a few Members of a Committee being the only ones that are required to hold the Cabinet Secretaries to account all the time. Now, Cabinet Secretaries will not shrug responsibility by only dealing with Committee Members under their charge instead of appearing before the House all the time.

Hon. Deputy Speaker, I do not want to say much. I just want to inform Members that before we did this Report, we did some benchmarking. We have checked what happens in Philippines, Belarus, Gabon and France. The Report will make the House richer instead of poorer. I request Hon. Members to take this in a positive way.

Further, in these amendments, we propose to rename the Departmental Committee on Administration and Internal Affairs to the Departmental Committee on Administration and Internal Security. We also propose to rename the Departmental Committee on Blue Economy and Irrigation to the Departmental Committee on Blue Economy, Water and Irrigation.

With those remarks, I request the Leader of the Majority Party to second.

**Hon. Deputy Speaker:** Proceed, Leader of the Majority Party.

**Hon. Kimani Ichung'wah** (Kikuyu, UDA): Thank you, Hon. Deputy Speaker. I rise to second the Report by the Select Committee on Procedure and House Rules. I would just like to add that as the Mover, Hon. Ochieng', moved the Motion it was important for him to mention that upon approval of the proposed amendments to the Standing Orders as contained in Annex 3 of the Report, we shall resolve that if the amendments agreed in the Committee of the whole House are approved by the House, they shall take effect on Thursday, 23<sup>rd</sup> March 2023. We further resolve that Questions pending reply as at the commencement date shall be disposed of by the respective committees. That is important so that Chairpersons of Committees with Questions are lined up ahead. Those that have already asked Questions should note what has been stipulated in the Order Paper as to the resolutions of the House this afternoon, should we finish with this business today.

Hon. Deputy Speaker, this is not the first time that there has been an attempt to have Cabinet Secretaries appear before the House to answer Questions, Statements and issues of concern to Kenyans. In the 12<sup>th</sup> Parliament, there was an attempt on the same, but since the regime then was afraid of being accountable to Kenyans and to people's representatives, there was no support from the Executive. We now have a Government that is not afraid to be accountable to the people's representatives and Kenyans. That is why this proposal has support even from the Executive. We now have an Executive that intends to be accountable to Kenyans and has told them that it intends to be accountable to them. They are not afraid to appear before the House to answer Questions raised by Members on issues pertaining to the welfare of the people we represent, or even to articulate Government policy on matters relating to the governance of our country. Under the current circumstances, it has been difficult for Chairpersons of Committees to respond to Questions on matters that are not under their purview.

I do not want to say much because there are Members who were to appear before the Budget and Appropriations Committee. I do not want to take too much time.

I beg to second. I ask Cabinet Secretaries to be prepared. Should we finish with this business today, after 23<sup>rd</sup> March 2023, they must all be prepared to come and answer Questions from Kenyans. I emphasise that these are not Questions from Members of Parliament. Members of Parliament will bring Questions given to them by the people they represent. Cabinet Secretaries must come well-prepared. As has been proposed, the Speaker can allow supplementary questions, either from the Member who asked the Question, or even from another two or so Members. I ask that we support these proposed amendments. I ask for Members' indulgence as we go to the Committee of the whole House.

I beg to second.

*(Question proposed)*

**Hon. Members:** Put the Question!

**Hon. Deputy Speaker:** It is the mood of the House that I put the Question.

*(Question put and agreed to)*

## COMMITTEE OF THE WHOLE HOUSE

*(Order for Committee read)*

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

## IN THE COMMITTEE

*[The Chairlady (Hon. Gladys Boss) in the Chair]*

## AMENDMENTS TO THE NATIONAL ASSEMBLY STANDING ORDERS

**Hon. Chairlady:** Hon. Members, we are considering amendments to the Standing Orders.

*Standing Order 25A*

**Hon. David Ochieng'** (Ugenya, MDG): Hon. Chairlady, I beg to move:

THAT, Standing Order 25A be amended by deleting paragraph (b) and substituting therefor the following new paragraphs —

“(b) a Cabinet Secretary to expound on government policy, reply to Questions and provide Reports concerning matters under his or her control;

(c) other persons to make submissions or presentations before the House.”

This amendment is for the Speaker to designate a place where Cabinet Secretaries will answer Questions from. This time round, we are including all Cabinet Secretaries apart from the Cabinet Secretary for National Treasury and Economic Planning.

*(Question of the amendment proposed)*

**Hon. Chairlady:** Member for Funyula.

**Hon. (Dr) Ojiambo Oundo** (Funyula, ODM): Hon. Chairlady, with your indulgence, I request the Mover to clarify Part (c) where it says “Other persons to make submissions or presentations before the House”. Does it in any way mean that the Cabinet Secretary can delegate to any other person to come and make these presentations to this House or, does it allow any person anywhere, either holding government position or not, to come and answer Questions before the House? Probably, he needs to clarify that for the benefit of the Members. What does “other persons” really mean?

Thank you, Hon. Chairlady.

**Hon. Chairlady:** Yes, the Mover.

**Hon. David Ochieng'** (Ugenya, MDG): Hon. Chairlady, these amendments relate purely to Cabinet Secretaries. I want to assure the Member that that paragraph means, for example, some years back in the last Parliament we had His Excellency Jakaya Kikwete in the country. We had to get a place for him to address the Assembly. That is what is meant. If these kind of visitors were here, they would be allowed in the Chamber under that sub-section but not any other public officer that is not Cabinet Secretary.

Thank you.

**Hon. Chairlady:** Is the mood of the House that we put the Question?

**Hon. Members:** Yes.

*(Question, that the words to be left out  
be left out, put and agreed to)*

*(Question, that the words to be inserted in place  
thereof be inserted, put and agreed to)*



*(Standing Order 25A as amended agreed to)*

*Standing Order 30*

**Hon. David Ochieng'** (Ugenya, MDG): Hon. Chairlady, I beg to move:

THAT, Standing Order 30 be amended by deleting paragraph (2) and substituting therefor the following new paragraph—

(2) Unless the Speaker or the Chairperson (as the case may be) directs earlier or later interruption of business for the convenience of the House, the Speaker or the Chairperson of Committees shall interrupt the business then under consideration and if the House is in Committee the Chairperson shall leave the Chair and report progress and ask leave to sit again—

(a) at 1.00 p.m. during a morning sitting;

(b) at 7.00 p.m. during an afternoon sitting on Tuesday and Thursday;

(c) at 9.00 p.m. during an afternoon sitting on Wednesday; or

(d) if it is an Allotted Day—

(i) at 7.30 p.m. during an afternoon sitting on Tuesday and Thursday;

(ii) at 9.30 p.m. during an afternoon sitting on Wednesday.

The idea here is to ensure we have time just after 4.00 p.m. and 9.00 p.m. every week on Wednesdays. The amendment is to enable the Speaker of the day to extend the time of sitting to accommodate the coming into the House of the Cabinet Secretaries. Nothing more.

*(Question of the amendment proposed)*

**Hon. Chairlady:** Do we put the Question?

**Hon. Members:** Yes.

*(Question, that the words to be left out  
be left out, put and agreed to)*

*(Question, that the words to be inserted in place  
thereof be inserted, put and agreed to)*

*(Standing Order 30 as amended agreed to)*

*Standing Order 39*

**Hon. David Ochieng'** (Ugenya, MDG): Hon. Chairlady, I beg to move:

THAT, the Standing Orders be amended by deleting Standing Order 39 and substituting therefor the following new Standing Order—

39. The Clerk shall prepare and publish on the parliamentary website a tentative list of Cabinet Secretaries scheduled to reply to Questions and provide Reports to the House, a weekly programme showing the business of the House and a schedule of sittings of the various committees; and shall circulate such programmes to Members, State Departments, and the media not later than the Friday of the week preceding such business.

The order here is to enable the Clerk to publish in advance the tentative list of Cabinet Secretaries that will be appearing the following week so that Members, the public, and everyone who wants to know are informed on who is appearing next, on the following Wednesday, to answer Questions. Nothing more than that.

*(Question of the amendment proposed)*

*(Question, that the words to be left out  
be left out, put and agreed to)*

*(Question, that the words to be inserted in place  
thereof be inserted, put and agreed to)*

*(Standing Order 39 as amended agreed to)*

*Standing Order 40*

**Hon. David Ochieng'** (Ugenya, MDG): Hon. Chairlady, I beg to move:

THAT, Standing Order 40 be amended by inserting the following new paragraph immediately after paragraph (3)—

(3A) On Wednesday afternoon, Questions and Reports by Cabinet Secretaries shall have precedence over all other business for a period not exceeding three hours.

The idea there is to set aside three hours on Wednesday afternoons.

*(Question of the amendment proposed)*

*(Question, that the words to be inserted  
be inserted, put and agreed to)*

*(Standing Order 40 as amended agreed to)*

*Standing Order 42A*

**Hon. David Ochieng'** (Ugenya, MDG): Hon. Chairlady, I beg to move:

THAT, Standing Order 42A be amended—

(a) by deleting paragraph (5) and substituting therefor the following new paragraphs—

“(5) A Member shall ask his or her Question on the day it is scheduled in the Order Paper.

(5A) The Leader of the Majority Party shall inform the House of the date, time and order in which Cabinet Secretaries shall appear to reply to Questions and provide Reports to the House and committees, subject to paragraph (6)”.

(b) by inserting the following new paragraphs immediately after paragraph (6)—

“(6A) The Speaker may, on request of the Leader of the Majority Party vary the order in which Questions shall be disposed of, or defer a Question scheduled to be responded to.

(6B) A Cabinet Secretary shall attend and answer any Question concerning matters for which the Cabinet Secretary is responsible”.

(c) in paragraph (7) by deleting the expression “paragraph (5) and (6)” appearing immediately after the words “duties under” and substituting therefor the expression “paragraph (5A), (6) and (6A)”.

Principally, this is to allow Questions to be replied to before the House and the Committees, and to realign references to Committees in part with the shift to Questions being replied to in the House. Before, it was Committees; now it is before the House.

*(Question of the amendment proposed)*

**Hon. Chairlady:** What is your point of order, Hon. Raso?

**Hon. Ali Raso** (Saku, UDA): Thank you very much, Hon. Chairlady.

Whereas I agree with the Mover on that suggestion, what will happen if a Member wishes to raise a Question from the Floor of the House and it had not been indicated in the Order Paper? Do we put it in the Standing Orders or it is just allowed?

**Hon. Chairlady:** Let me allow the Mover to respond.

**Hon. David Ochieng'** (Ugenya, MDG): The reason this was important is we are saying that Questions are going to be answered within 14 days. Questions are asked in advance. The only question that can be asked on the spur of the moment are follow up questions. You cannot ask a Question on the day the Cabinet Secretary is appearing. That is why we said earlier, and we are coming to it now, that the Leader of the Majority Party will be telling us, one week in advance, that the following week, the following Questions will be answered by the following Cabinet Secretaries.

**Hon. Chairlady:** Thank you. That is well-addressed.

*(Question, that the words to be left out  
be left out, put and agreed to)*

*(Question, that the words to be inserted in place  
thereof be inserted, put and agreed to)*

*(Question, that the words to be inserted  
be inserted, put and agreed to)*

*(Standing Order 42A as amended agreed to)*

*Standing Order 42B*

**Hon. David Ochieng'** (Ugenya, MDG): I beg to move:

THAT, Standing Order 42(B) be amended—

(a) in paragraph (1) by deleting the words “and Questions referred to Committees for reply” appearing immediately after the word “House” and substituting therefor the words “and replied to in the House or before a committee”;

(b) in paragraph (4) by deleting the word “Committee” appearing immediately after the words “referred to a” and substituting therefor the words “Cabinet Secretary”;

(c) by deleting paragraph (5A) and substituting therefor the following new paragraph—

(5A) A Member scheduled to ask a Question in the House may—

(a) request the Speaker to defer a Question to another time or day;

- (b) withdraw a Question where it has been overtaken by events; or
- (c) at least two hours before a sitting, nominate another Member to ask the Question in his or her absence by notifying the Speaker in writing.
- (d) by inserting the following new paragraph immediately after paragraph (6)—
  - (7) A Question may include a request for a Report from a Cabinet Secretary concerning matters under the control of the Cabinet Secretary.”

This is to allow a Member to request the Speaker to defer or withdraw a Question where the Question sought to be asked has been overtaken by events. Further, it is to allow a Question to include a request for a report from a Cabinet Secretary.

*(Question of the amendment proposed)*

*(Question, that the words be left out  
be left out, put and agreed to)*

*(Question, that the words to be inserted in place  
thereof be inserted, put and agreed to)*

*(Question, that the words to be inserted  
be inserted, put and agreed to)*

*(Standing Order 42B as amended agreed to)*

*Standing Order 42C*

**Hon. David Ochieng’** (Ugenya, MDG): Hon. Chairlady, I beg to move:

THAT, the Standing Orders be amended by deleting Standing Order 42C and substituting therefor the following new Standing Order—

**Manner of disposing of Questions**

42C. (1) A Cabinet Secretary shall provide physical and electronic copies of the reply to a Question at least a day before appearing before the House.

(2) Subject to Standing Order 42A (Notice of Question), the House shall dispose of a Question in the sequence it appears in the Schedule of Questions or as the Speaker may direct.

(3) The Speaker may—

- (a) permit the Member who raised a Question to ask a maximum of two supplementary Questions that relate to the original Question;
- (b) permit a Member other than the Member who asked a Question to ask a further supplementary Question that relates to the original Question;
- (c) direct a Cabinet Secretary to provide additional information or a further reply to a Question or supplementary Questions to the relevant committee of the House; or
- (d) defer a Question to a different time or day from its scheduled time and day.

(4) A Cabinet Secretary shall reply to a Question on the day it is scheduled for reply notwithstanding the absence of the Member who raised the Question.

This is largely about the manner of disposing of Questions in terms of the Cabinet Secretary providing physical and electronic copies of a reply to a Question alongside coming to answer the Question on the Floor of the House.

*(Question of the amendment proposed)*

*(Question, that the words be left out  
be left out, put and agreed to)*

*(Question, that the words to be inserted in place  
thereof be inserted, put and agreed to)*

*(Standing Order 42C as amended agreed to)*

*Standing Order 42E*

**Hon. David Ochieng'** (Ugenya, MDG): Hon. Chairlady, I beg to move:

THAT, Standing Order 42E be amended –

(a) in paragraph (1) by deleting the words “thirty days of referral of a Question to a Committee” appearing immediately after the words within” and substituting therefor the words “fourteen days of referral of the Question”

(b) in paragraph (2) by deleting the words ‘three days of referral of a Question to a Committee” appearing immediately after the words ‘within” and substituting therefor the words “forty-eight hours of referral of the Question”.

Hon. Chairlady, the reason for this amendment is to require the Cabinet Secretaries to provide us with replies to Questions within 14 days of their being asked and where there is an urgent Question, provide an answer within 48 hours.

*(Question of the amendment proposed)*

*(Question, that the words to be left  
out be left out, put and agreed to)*

*(Question, that the words to be inserted in place  
thereof be inserted, put and agreed to)*

*(Standing Order 42E as amended agreed to)*

*Standing Order 42G*

**Hon. David Ochieng'** (Ugenya, MDG): Hon. Chairlady, I beg to move:

THAT, the Standing Orders be amended by deleting Standing Order 42G and substituting therefor the following new Standing Order—

**Questions to Commissions and Independent Offices**

42G. (1) Subject to paragraph (2) this Part shall apply to a Question directed to a Commission or Independent Office with necessary modifications.

(2) A Commission or Independent Office to which a Question is directed shall reply before the relevant Committee of the House.

Hon. Chairlady, we thought that independent offices and commissions do not rank as Cabinet Secretaries. Therefore, Questions related to them will still be answered before committees. That is the import of this amendment.

*(Question of the amendment proposed)*

*(Question, that the words to be left out be left out, put and agreed to)*

*(Question, that the words to be inserted in place thereof be inserted, put and agreed to)*

*(Standing Order 42G as amended agreed to)*

### *Standing Order 216*

**Hon. David Ochieng'** (Ugenya, MDG): Hon. Chairlady, I beg to move:

THAT, Standing Order 216 be amended by inserting the following new paragraph immediately after paragraph (7)—

(8) Where the Minority Party is the party forming the National Government, the duties under paragraph (6) and (7) shall be undertaken by the Hon. Leader of the Minority Party.”

Hon. Chairlady, as you may have realized, to effectuate these amendments, some roles are assigned to the Hon. Leader of the Majority Party but we are contemplating that where the Government is formed by the Minority Party, the Hon. Leader of Minority Party should perform those functions.

Thank you.

*(Question of the amendment proposed)*

*(Question, that the words to be inserted be inserted, put and agreed to)*

*(Standing Order 216 as amended agreed to)*

### *Second Schedule*

**Hon. David Ochieng'** (Ugenya, MDG): Hon. Chairlady, I beg to move:

THAT, the Second Schedule to the Standing Orders be amended—

(a) in the item relating to the Departmental Committee on Administration and Internal Affairs by deleting the word “Affairs” appearing in the first column and substituting therefor the word “Security”; and,

(b) in the item relating to the Departmental Committee on Blue Economy and Irrigation by deleting the words “Blue Economy and Irrigation” appearing in the first column and substituting therefor the words “Blue Economy, Water and Irrigation”.

Hon. Chairlady, this is the Supplementary Order Paper that was circulated earlier as approved by the Hon. Speaker. It relates to renaming of the Departmental Committee on Administration and Internal Affairs to Departmental Committee on Administration and Internal Security; and renaming the Departmental Committee on Blue Economy and Irrigation to the Departmental Committee on Blue Economy, Water, and Irrigation.

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I beg to move.

*(Question of the amendment proposed)*

**Hon. Chairlady:** Let us have Hon. Kangogo Bowen.

**Hon. Kangogo Bowen** (Marakwet East, UDA): Hon. Chairlady, I want to contribute to the amendment to the Second Schedule, especially the one under sub-paragraph (b) that is seeking to change the name of the Departmental Committee on Blue Economy and Irrigation. What is indicated there under this amendment is not the one that we, in the Liaison Committee, which you were the Chair, approved. I want to confirm that this is not what we passed in that Committee. The name is supposed to be the Departmental Committee on Water, Irrigation and Blue Economy. The Chairpersons are here and they can bear me witness. That is what we approved. I suspect your clerks or the Liaison Committee amended some things because there was an amendment that was seeking a further mandate of this Committee.

Hon. Chairlady, the Committee which you chaired gave the Committee of Blue Economy the mandate of maritime affairs and we passed a resolution, which the Chairpersons can confirm. We had resolved to remove maritime affairs from the Departmental Committee on Transport and Infrastructure to the Departmental Committee on Blue Economy. However, there is a kind of mischief from the Office of the Clerk. If we have the minutes of the meeting held at Hilton Gardens, I would like them to be tabled here. I do not know why the amendments of the Liaisons Committee were mutilated instead of presenting them here as per our agreement. The Chairpersons present can bear me witness that there were more amendments to this Departmental Committee.

**Hon. David Ochieng'** (Ugenya, MDG): Hon. Chairlady, as regards the order of the name of the Committee, instead of "Water, Blue Economy and Irrigation" I want to persuade the Chairperson that, that is just a matter of nomenclature. If you look at our Second Schedule, Blue Economy appears as the second Departmental Committee under that nomenclature and we want to retain it that way. No harm or mischief is intended. I want to request the Chairperson to accept that we call it "Blue Economy, Water and Irrigation." It does not, in any way, interfere with its jurisdiction or mandate. It makes it tidier for naming and nomenclature under our Standing Orders and nothing more than that.

**Hon. Chairlady:** Hon. Leader of the Majority Party, you may proceed.

**Hon. Kimani Ichung'wah** (Kikuyu, UDA): Hon. Chairlady, the Mover had put it in the right context in terms of naming. I have just been explaining to the Chair of the Departmental Committee on Blue Economy that the other matter on maritime is yet to go to the Procedure and House Rules Committee. So, the changes to the Standing Orders are domiciled in the Procedure and House Rules Committee and Liaison Committee. If it is passed, it will be brought here.

*(Question, that the words to be left out be left out, put and agreed to)*

*(Question, that the words to be inserted in place thereof be inserted, put and agreed to)*

*(Second Schedule as amended agreed to)*

**Hon. David Ochieng'** (Ugenya, MDG): Hon. Chairlady, I beg to move that the Committee do report to the House its consideration of the National Assembly Standing Orders and approval of the same with amendments.

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*(Question proposed)*

*(Question put and agreed to)*

*(The House resumed)*

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

## REPORT

### AMENDMENTS TO THE NATIONAL ASSEMBLY STANDING ORDERS

**Hon. Deputy Speaker:** I now call upon the Chairperson to report.

**Hon. Martha Wangari** (Gilgil, UDA): Hon. Deputy Speaker, I beg to report that the Committee of the whole House has considered the National Assembly Standing Orders and approved the same with amendments.

**Hon. David Ochieng'** (Ugenya, MDG): Hon. Deputy Speaker, I beg to move that the House do agree with the Committee in the said report.

I request Hon. Omboko to second the Motion for agreement with the report of the Committee of the whole House.

**Hon. Omboko Milemba** (Emuhaya, ANC): Hon. Deputy Speaker, I second.

*(Question proposed)*

*(Question put and agreed to)*

## MOTION

### REPORTS OF 61<sup>ST</sup> SESSION OF OACPS AND 42<sup>ND</sup> SESSION OF ACP-EU JOINT PARLIAMENTARY ASSEMBLY

**Hon. Deputy Speaker:** Hon. Dido Raso is the Mover. You may proceed.

**Hon. Ali Raso** (Saku, UDA): Hon. Deputy Speaker, I beg to move the following Motion:

THAT, this House notes the Report of the 61<sup>st</sup> Session of the Organization of African, Caribbean and Pacific States (OACPS) Parliamentary Assembly and the 42<sup>nd</sup> Session of the ACP-EU Joint Parliamentary Assembly, laid on the Table of the House on Wednesday, 30<sup>th</sup> November 2022.

Hon. Deputy Speaker, the Kenyan delegation to this important Assembly was led by the indomitable Hon. Gladys Boss, Deputy Speaker of the National Assembly. The attendees from Kenya were drawn from Members of the National Assembly and the Senate, taking into consideration the political divide thus including Members from the Minority Party and the Majority Party. The OACPS is very important for the Republic of Kenya. Through it, we were able to get the United Nations Environment Programme (UNEP) in Kenya in 1972. We also got the Kenyan nomination to the Security Council in 2021 as one of the 15 non-permanent Members. For those reasons, this is a very important organization that we, as the Parliament of Kenya, must take note of.

*[The Deputy Speaker (Hon.*



*Gladys Boss) left the Chair]*

*[The Temporary Speaker (Hon. Martha Wangari) took the Chair]*

For the information of the House, the OACPS-EU Joint Parliamentary Assembly, which is formally referred to as ACP-EU Joint Parliamentary Assembly is one of the organs of joint institution established under the Cotonou Agreement. It came after the Georgetown Agreement of 1975 where the ACP was formed. It is a precursor of what we are witnessing today between the cooperation of African, Caribbean and Pacific States, and Members of the EU. The Cotonou Agreement is a treaty between the EU and the African, Caribbean and Pacific States. It is only Cuba that is in that region but is not a Member of this Organisation. The main objective of partnerships is about sustained development and eradication of poverty within its member states.

The ACP-EU Joint Parliamentary Assembly comprises more than 320 Members of Parliament from the 79 OACPS and Members of the European Parliament drawn from the 27 Member States of the EU. Before the exit of the United Kingdom (UK), there were 28 Members in the EU Parliamentary Assembly but now they are only 27. The main objective of this partnership is fundamental in us trying to understand what it is based on. It is based on three pillars: development cooperation, economic and trade cooperation, and political dimension. Most of the countries in the OACPS are the ones which were largely colonized by the countries in the EU cluster. For that reason, they have a very clear and linked association. It is for that reason that they cooperate on matters to do with development – it is because it is in their interest. For example, although the United Kingdom left Kenya almost six decades ago, the Britons are still interested in what goes on in Kenya in terms of development. In the West African Region, where most of the countries in the African Caribbean, Pacific cluster are *Francophone*, the French are really interested because they have invested in that region. That is why the issue of development is key.

On trade co-operation, countries in the South produce commodities and countries in the North, which colonized for many years, are interested in those commodities to refine them in the North. So, trade cooperation is such an important pillar.

On the political dimension, we are looking at democracy, the rule of law, the Bill of Rights and all those things that encompass both the social dimension and the well-being of humanity. That is why they tend to be interested in our elections. They would want to see how elections are organized in our countries even as they cooperate with us.

Hon. Temporary Speaker, the Joint Parliamentary Assembly currently meets four times every year – twice in Brussels and twice in one of the ACP-EU countries on a rotational basis. The immediate meeting that we are discussing today was held in Maputo, Mozambique, representing the African cluster group. Negotiations have been ongoing for a new partnership agreement which will serve as the new legal framework for EU relations with 79 African, Caribbean and Pacific States that will address global challenges and set priority areas. The main ones are democracy and human rights, sustainable economic growth and development, climate change, human and social development, peace and security, and migration and mobility.

I will just touch on climate change. We see the effects of climate change in much bigger ways. In Kenya, we are experiencing prolonged and severe drought, short rains, and very heavy downpours when the rains ultimately come. In the Pacific area, some islands are sinking because of the rising sea level. It is indeed a matter of great concern.

On the issue of peace and security, this is an issue that is with us. There is the issue of terrorism, drug trafficking and money laundering. When you come down to our case, today we

are experiencing banditry and cattle rustling. Even though banditry and cattle rustling are internal affairs, they have effects on the largely global Kenya in terms of how we do our things at the international level.

Hon. Temporary Speaker, the 42<sup>nd</sup> Session of the Joint Parliamentary Assembly was informed that the new post-Cotonou Agreement has been set for June 2023. The Assembly was also informed that the reason why the EU group could not sign the agreement is because of matters that were raised by one country, Hungary. However, provisions for the Cotonou Agreement have been extended until the new partnership agreement between the EU and the ACP countries enters into force.

The discussion on the post-Cotonou Agreement initially was largely about trade and development cooperation. At a later stage, the issue of political and governance came on board and issue of human rights also came on board. Whereas it was not in the initial thinking when the Cotonou Agreement was signed, the EU cluster feels that the issue of human rights must be discussed as an important piece within the agenda of both economic development and governance.

Hon. Temporary Speaker, it is important to note that once the new agreement is in place by June 2023, the OACPS-EU JPA will meet once every year in Brussels and once each year within the three regional blocs of Africa, Caribbean and Pacific. In this regard, it is the feeling of the OACPS Members of Parliament who attend these sessions that the three groups are not divided into regional clusters. Hon. Members are aware of the saying that, “if we are united, we are strong; if we are divided, we are weakened.” So, it is felt that an attempt to try and negotiate or talk sweetly with different regions at different times in three separate places is an attempt to pull us in three different directions, and that will weaken us.

The Assembly runs with three principal committees, namely; the Committee on Political Affairs, where Kenya sits; the Committee on Economic Development, Finance and Trade; and the Committee on Social Affairs and Environment.

I will just comment on each of the three committees. The Political Affairs Committee largely speaks to the issue of governance, peace and security, while the Committee on Economic Development is largely about trade. A few years ago, this House passed the Economic Partnership Agreement (EPA) where Kenya negotiated as part of East Africa. It was not just East African countries that ratified the EPAs. This agreement was largely passed based on individual country’s national interests, even the common interests of the East African Region were considered.

Hon. Temporary Speaker, the Committee on Social Affairs and Environment discusses matters of women and youth, climate change and economic empowerment for different cluster groups, including People Living with Disabilities (PWDs).

The Committee on Political Affairs and Democracy, where Kenya sits, held debate on several issues, one being enhancing cooperation on maritime security and promoting the rule of law on the oceans. What we must take cognizant of as a country is that Kenya sits on the realm of the Indian Ocean. We are both gaining because we are exploiting the resources of the Indian Ocean even though we are met with challenges that are coming to us as a result of occupying this strategic position in the Horn of Africa and the larger Indian Ocean realm.

Maritime security is a complex and dynamic matter which can greatly affect national security. Seventy per cent of the world trading services is ocean-based and two-thirds of world waters are high seas, which demonstrate the importance of this issue.

Additionally, three billion people, mostly in the developing countries, depend on the oceans and seas for their daily social and cultural life for their livelihood.

Maritime security is under threat due to the contested boundaries and navigation routes which do not conform to international law, and depletion of natural resources through illegal, unregulated fishing and armed attacks and crimes at the sea such as robbery, piracy and terrorist

attacks. All these are found on the high seas of the international waters. This also happens in the little waters commonly referred as “territorial waters.”

For that reason, Kenya has Coast Guard Service, which addresses the issue of blue waters; and the Kenya Navy, which addresses issues of high seas insecurity. This is so that there is freedom of navigation and movement of international shipping lines within our waters.

We have highlighted Kenya’s efforts in addressing these matters through establishment of the Ministry of Mining, Blue Economy and Maritime Affairs, and the Kenya Coast Guard Service, among other institutions, to deal with issues of maritime security.

Furthermore, within our region, we have a coordination centre in the Seychelles for this effort. It is also noted that emphasis needs to be placed on maritime laws to address the current climate change and come up with approaches on how to deal with issues that are multipronged and multidimensional.

Hon. Temporary Speaker, on matters regarding the political situation in the OACPS, the issue of Kenyan elections of August, 2022 was updated as a peaceful election that was considered across the world as a major step in advancement of democracy in Africa.

The issue of climate change is also a matter of concern where the Republic of Vanuatu in the South Pacific sought to have the United Nations General Assembly adopt a resolution that would enable them engage the United Nations International Court of Justice to obtain an advisory on the responsibility of the global north as regards to climate change.

This state is seeking support of the OACPS to take the international communities, particularly the developed countries, to the International Court of Justice because they feel that most of their land is disappearing into the water because of the rising sea levels. They want international intervention on this matter, and Kenya’s support on this matter is being sought.

The other matter of importance to Kenya is that our delegation was able to raise, at this forum the concern that it is the climate change phenomenon that has contributed to resource-based conflict in ASALs regions in Kenya, especially where socio-economic activities like nomadism are still being practised.

Another matter on which we must inform the House is the issue of withdrawal of South Africa from OACPS. It is a major player in our region and, of great concern. If South Africa, Kenya or Nigeria withdraws, what happens to this particular organisation?

*(An Hon. Member spoke off-record)*

Hon Temporary Speaker, I am winding up. This is a very important organisation. That is why it is important to educate the House on this matter.

The state of play on the Cotonou Agreement is that following two years of negotiations, consensus was reached on the text of the agreement and was initially April, 2021. However, because the negotiations have not come to an end, and this is largely exacerbated by the issue of migration, sexual and reproductive health and rights, the agreement had not been finalised by the initial expiry date.

Hon. Temporary Speaker, I wish to conclude by saying that during this particular OACPS Parliamentary Assembly, the Kenyan Delegation was grateful to OACPS because last year, we headed this organisation where the President of Kenya then, Hon. Uhuru Kenyatta, was the Chairman. It was during that time that he was able to mobilise and consolidate efforts that eventually led to support for us in the Security Council. During that time, Kenya achieved many milestones, including establishment and operationalisation of Organisation of Africa, Caribbean and Pacific States endowment fund, revision of the Georgetown Agreement towards making OACPS an international organisation, and hosting of the first ever inter-sessional summit of OACPS Heads of State and Governments as well as conclusion of the EU-OACPS new agreement.

In conclusion, the issues discussed at the first session of the Joint Parliamentary Assembly are very relevant to our existing situation. The issue of climate change came first.

I thank you for this opportunity to brief the House and urge Members to support this Report. I ask the indomitable Leader of the Majority Party, Hon. Kimani Ichung'wah, to second the Motion.

**Hon. Kimani Ichung'wah** (Kikuyu, UDA): Thank you, Hon. Temporary Speaker. You know, when a gentleman who served in the Kenya military asks you to second, you have no choice but to second. I was asking him who is seconding and he said it is me. So, I have to comply.

Hon. Temporary Speaker, I second the noting of this Report by the OACPS Assembly and the 42<sup>nd</sup> Session of the ACP-EU Joint Parliamentary Assembly.

Hon. Temporary Speaker, allow me to thank the Hon. Members of this delegation, led by our Deputy Speaker, Hon. Gladys Boss, Hon. Babu Owino and Hon. Jayne Kihara, who are all here this afternoon. I do not know whether Hon. Babu Owino is in the House. He might have been somewhere in Upper Hill organising some resistance movement. That is why probably he is the only Hon. Member of the delegation that you will not find in the House this afternoon.

Notably, the ACP-EU comprises more than 320 Members of Parliament from 79 OACPS and Members of the European Parliament, who are drawn from 27-member states of the European Union.

The main objective of this partnership is to push through sustainable development and eradication of poverty within the member states. It is indeed commendable that we had a strong delegation, led by our Deputy Speaker, whom we know is a very good mobiliser. She was just whispering to me how she managed to mobilise many other countries to ensure that the issues that pertain to African states are at the forefront of discussion at this Assembly. We commend them.

Hon. Temporary Speaker, looking at the objectives of this partnership, they speak to issues that are very current to us. Issues to do with sustainable development and eradication of poverty were agreed on in the Cotonou Agreement. These are issues that are pertinent not just to Kenya but to many other African states. They are important to the Caribbean and Pacific States and the European member states that are represented in this forum, because of the global recession and the war in Ukraine. Even many European states economies are not doing very well. Therefore, there are lessons to learn amongst all of us. The Pacific states, African states and European states in this organisation have something they can learn from one another.

It is good when we send delegations to some of these very important bodies. We should send delegations that are able to articulate the issues that concern the people of Kenya and indeed people of the African states. I noted at the beginning of this Motion that at a time like this, when we discuss important matters pertaining to poverty eradication and sustainable development, the House should not be empty like it is now. Notably, it is only this side of the House that has Members seated here. The other side has only a few Members whom we have donated to them. On the other side, it is only Hon. Harrison Kombe that I see. As regards Hon. Agnes Pareyio, we know as much as she knows that she is a very focused legislator. She sits in this House throughout a session and articulates issues touching on the girl-child. We have seen her work even before she became a Member of Parliament.

Therefore, I want to commend them but I also encourage the other Members who are busy out there; that, the space and place to discuss issues to do with poverty eradication and matters pertaining to the development of the people who brought us to Nairobi to represent them, is in the National Assembly and in the Senate. I have seen our colleges in ODM at a gathering in Milimani. I have not seen Azimio Coalition Members. I do not think I saw any one from the Jubilee Party there other than the former Member for Ndaragwa, who is now

famous for carrying *sufurias* and spoons in town talking about some resistance movement. I wonder if he is resisting the work the people of Kenya, who have elected us to represent them in this House gave us. The only fair thing to do for Kenyan taxpayers is not to resist your work as a Member of Parliament but to resign and then proceed to protest on the streets. You cannot be earning a salary, as Member of Parliament, and tell Kenyans that you are resisting your work. At the same time, you are being paid salary using taxpayers' money for doing nothing.

Hon. Temporary Speaker, I hear the Member for Kipipiri talking about relevance. I am talking about issues that are very relevant to the people of Kenya – issues to do with food security, national security, and regional and world peace. There cannot be peace and stability in the world – in African states, the Pacific and the European states – if people are hungry because a few individuals are stealing from their own countries and subjecting their people to perennial poverty. There cannot be peace and security if some leaders lie to their people by telling them that they can resist a government that is established constitutionally by people through the vote. You cannot do that.

It is good that even as we engage with the world out there, we engage amongst ourselves and be open to each other and look at each other in the eye and tell each other the truth. That is why I am speaking to my colleagues on the Minority side. I plead with them that they do not tell people the same things they told them during campaigns. I have seen a long communique they have issued from somewhere, talking about Hon. William Ruto and Hon. Rigathi Gachagua. The things they said about Hon. William Ruto during the campaign are the same things they are telling Kenyans today. What they told Kenyans about Hon. Rigathi Gachagua during the campaigns are the same things they are telling Kenyans today. Kenyans are tired. Kenyans want to hear them articulate issues that relate to their daily livelihoods. For instance, how you will make gas cheaper, how you will make fuel cheaper, how you will use your positions as Members of Parliament and other elected leaders to make life more bearable and bring down the cost of living.

We passed the Supplementary Appropriation Bill last week and there were interventions. I have been engaged during the process of looking at the Budget Policy Statement (BPS) to ensure that it is aligned to the value chains that the Government has prioritised, to ensure that we do not repeat the same mistakes we made under the handshake regime of just talking about the Big Four Agenda development framework that was never followed through with budgetary allocations.

**Hon. Jared Okello** (Nyando, ODM): On a point of order, Hon. Temporary Speaker.

**The Temporary Speaker** (Hon. Martha Wangari): What is your point of order, Hon. Jared Okello?

**Hon. Jared Okello** (Nyando, ODM): Hon. Temporary Speaker, I have been trying to nurse my patience. I am a very patient person. I think the matter before us is a Report from the Organization of Africa, Caribbean and Pacific States and the European Union Joint Parliamentary Assembly, which has properly been done justice by Hon. Major (Rtd.) Abdullahi Sheikh Bashir. However, the Leader of the Majority Party has chosen to go off tangent and that is very typical of him lately. I do not know why he loses his cool each time the opposition plays its cardinal role inside and outside this House.

Hon. Temporary Speaker, we have a duty on behalf of the people who elected us and those that are persuaded by our movements.

**The Temporary Speaker** (Hon. Martha Wangari): Hon. Jared Okello, do not be tempted to debate. Please, raise your point of order.

**Hon. Jared Okello** (Nyando, ODM): The Leader of the Majority Party, a man that I respect so much, has gone into lengths to castigate my party leader. I think I will be remised not to offer a rebuttal to him that we have just finished our communique with the general public. We are saying that mass action begins today and on the 20<sup>th</sup> of this month, there will be a mass

movement within Nairobi that may end up in State House to chuck out all the thieves in that House.

**The Temporary Speaker** (Hon. Martha Wangari): Order, Order, Hon. Members! Order, Hon. Jared Okello! You also started very well. However, from what I have listened to, I have not heard the mention of a party leader. The issues that happen out there will not be prosecuted here.

Go on, Leader of the Majority Party.

**Hon. Kimani Ichung'wah** (Kikuyu, UDA): Thank you, Hon. Temporary Speaker. You know at times it is good to allow Hon. Jared Okello, being the only ODM Member present in the House today to, at least, be seen to be defending his party leader. However, I can also assure him that there are no people to threaten in the Government. There will be no handshakes and you can take that to the bank. You can protest and scream at the top of your voices, but there will be no handshake because we know what it did to us in this country.

Hon. Temporary Speaker, I was saying that if you look at the Cotonou Agreement, which according to the Report was to expire in February 2020, it aims at reducing and hopefully, eradicating poverty. It will also contribute to the gradual integration of ACP States into the world economy.

It was based on three pillars, the first one being the issue I was speaking to and maybe that is why Hon. Jared Okello intercepted. I am sure he has not even seen the Report thus he is not able to relate to the issues I am speaking on development, world peace and so on. Let me just read to him that it was based on three pillars.

Top among those pillars is development cooperation. Two, is the economic and trade cooperation. That is where the EPA comes in on matters trade and economic cooperation. The third pillar is the political dimension and it relates to development. One of the things we should learn even as we engage with other member states within ACP-EU is that democracy is not something you just talk about when it is convenient. We are engaging with the other member states that are practising real and true democracy where people hold elections and allow their people to go on with their lives after elections. When governments are established, you do not come to destabilise them with threats of grand marches or demonstrations and boycotts. The other time you said that you were going to boycott some milk products because the leadership of the regime then consisted of milk processors. This time round, I am wondering what you are going to boycott.

*(Laughter)*

I hear Hon. Jared Okello shout from his seat that they will be boycotting eggs. You cannot boycott eggs because they are being produced by Kenyan farmers in Kikuyu, Nyando and Nairobi. If you go to Ruai, you will find Kenyan farmers rearing chicken. Even in Kibra, there are people rearing *kienyeji* chicken and selling eggs in Nairobi. Therefore, you cannot be talking about boycotting eggs.

There are also issues that relate to trade and economic cooperation. We are talking about economic cooperation and integration of our region - the East African Community. You cannot be sabotaging economic recovery then pretend to be speaking about integration and economic integration with other ACP-EU States. It must begin from us here. We must ensure that we work together as a country towards economic recovery. I have seen things in the recent past relating to economic recovery. I also see another belated attempt by people who served in the other regime pointing fingers at each other. I saw one former Cabinet Secretary purporting that the President opened hospitals that are still under construction. I wondered how confused people can be. You are even purporting that the President opened a defence hospital that is still under construction. I see it on Waiyaki Way every day as I drive to Kikuyu.

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Therefore, if we are to talk about the political dimension, we must, as member States of ACP-EU, encourage each other and believe in democracy. When we were debating the Motion on Order No.9, I was hoping that my colleagues would be here to change our Standing Orders so as to allow Members to ask Questions to Cabinet Secretaries. We want to pursue the objective of the Cotonou Agreement. We want to have governments that are accountable to the people, allow democracy to thrive, and allow Members on the Minority side to ask Questions in order to hold the Government to account.

Hon. Jared Okello, we have a Government that is not afraid to be held to account unlike the handshake regime that would not bear questions, leave alone being held to account. This is a Government that is telling you that you have the freedom to demonstrate only that you should do so peacefully. From your ranting out there, I hope you mean what you say that it will be peaceful picketing. Nobody has a problem in this country even if you come and picket outside Parliament as long as you do not block the gates. Do not stop me or Hon. Jared Okello from coming to do our work. If you want to picket outside the National Treasury, go and picket there quietly. Probably, the National Treasury will even be kind enough to offer you bottles of water or sodas during this very dry season. But you must do whatever you want to do peacefully and allow the people of Kenya to move on. The people of Kenya want to integrate and become part of that global economy just as this Report is telling us and knowing that we are signatories to the Cotonou Agreement.

Therefore, if we have to pursue the objective of the Cotonou Agreement and be a respectable member of all these organisations like the AU, UN and the ACP-EU, we first have to be a country that respects itself. It is one thing to speak about democracy and another to practise it. Democracy must be practised and respected. Therefore, when we lose elections, we must concede just like those who lost in Kikuyu Constituency, or those who lost to Hon. Jared Okello in Nyando, conceded and are moving on with life. Even those who run for presidency in this country must learn to concede. For instance, Hon. Waihiga Mwaure and others who ran for presidency in 2022 conceded that they had lost the election fairly. Those who never conceded went to the Supreme Court, which made its determination. They were okay with it for six months until a time came when people were told to pay taxes. They thought they can intimidate the Government with demonstrations and cheap threats that we have seen this afternoon. I want to encourage them, even as I second the Motion, to remain faithful to all treaties and agreements that we sign as a country because we do not sign them as Government. It is not the Government that signed the Cotonou Agreement. It was signed by the previous Government, but we remain faithful to the objectives that were set out under the ACP-EU.

Therefore, Hon. Temporary Speaker, I second.

*(Question proposed)*

**The Temporary Speaker** (Hon. Martha Wangari): The first chance to contribute to this Motion will go to the Member for Molo, Hon. Kuria Kimani.

**Hon. Kuria Kimani** (Molo, UDA): Thank you, Hon. Temporary Speaker, for giving me a chance to contribute to this Report of the 61<sup>st</sup> Session of OACPS Parliamentary Assembly that was agreed upon in Maputo, Mozambique. I admired how the Leader of the Majority Party brought politics around this and made a communication to our friends in the opposition with such ease. I told him I admire how he related this agreement to politics. He made my friend on the other side to want to respond.

One of the things I notice this Report does is that it recognises the sovereignty of African countries and others that are part of this agreement. It also respects our Constitution, values and traditions. We have had a very bad trend where the West gives African countries aid - whether it is through donations or otherwise - and imagine that Africans must follow what

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the West thinks is right including their way of life and what they call human rights. I checked around and found that in Scotland, their men wear skirts and it is okay for them to do so. When you think it appears awkward for a man to wear a skirt, remember our Maasais wear lessos and we do not see it being awkward. England practises monarchy - when the Queen dies the King takes over - but somehow, we think it is okay; it is a democracy. However, when the people of Rwanda elect a President over and over again, it appears like there is no democracy, or when our neighbours in Uganda re-elect his Excellency Museveni over and over again, we are lectured that it is not democracy.

I take cognisance of the fact that this Report realises the sovereignty of our countries and respects our values. We will allow the West to have their monarchies. We do not have a problem with that. The men in Scotland can wear their skirts. What we are saying is that things like the lesbian, gay, bisexual, transgender, and queer (LGBTQ) have no space in African countries, especially in Kenya for that matter. We can conspire and agree on many things like supporting economies through trade, but when it comes to values and traditions that are dear to us, we will stamp our feet to obey our Constitution. Things that are illegal in our Constitution, like same sex marriage, will remain illegal in the Republic of Kenya.

I like the energy we are using to talk about the unity of several African countries. Perhaps, this is the right time to consider having a common currency for Africa. This is a conversation that has been ongoing for many years. When you look at the weakening of the Kenya Shilling and other African currencies against the dollar, part of it is because every African country with different currencies is demanding for that one single currency; the dollar. If we had an African shilling or dollar, it would be so strong that we would not have to deal with the things that we are dealing with now like increase in prices and the challenges with our imports. So, I am making a clarion call to our African countries that there is more that unites them than what divides them! If we can have a third economic revolution, including but not limited to sharing one currency, we will individually and collectively solve a lot of global issues that threaten to affect our countries.

A quick response to what the Leader of the Majority Party alluded to on the ongoing discussions of a constitutional office holder and a former Cabinet Secretary. The Departmental Committee on Finance and National Planning has been permitted by the Speaker to do a public inquiry on the Ksh6.142 billion that was paid through abuse of Article 223 of the Constitution to Helios to exit from Telkom Kenya. I am telling them to stop sending reports to the media and sharing their *WhatsApp* messages on social media. They will have a chance to appear before this House, which is mandated to oversee expenditure by the Executive, and explain themselves. They will tell this country what exactly happened as reported in the report by the National Treasury.

With that, I beg to support.

**The Temporary Speaker** (Hon. Martha Wangari): Thank you, Hon. KK. Hon Jayne Kihara, you were part of this delegation. Let us hear what you have on the Report.

**Hon. Jayne Kihara** (Naivasha, UDA): Thank you, Hon. Temporary Speaker. First and foremost, I support this Report. I was lucky to be in the delegation. It was an eye-opener for most of us. We were lucky to have a very able leader of delegation, our Deputy Speaker, Madam Boss. Parliaments by nature are transitional. We had many new Members of Parliament like us who did not understand. I must commend our Clerk Assistant, Gertrude Chebet, because she had information at her fingertips and was able to assist those who had never been there before.

We also got to know that sometimes the European Union is not honest with the region. It wants to impose issues that we may not take. It has refused to take responsibility of its undoing. There are things that its members did in the past when they colonised us. It was clear with many assemblies that they were not prepared to be colonised again in the name of funding.



Like it has been said, there are issues that we raised. We said that we could not make conclusions there unless and until they are brought to this House to be amended.

There were issues that were good. They were discussed in detail in various committees, for example, economy, trade and anything that would work for the good of mankind. However, dishonesty comes in when the European Union wants to divide the regions so that they deal with individual states or regions. They would like to have in place a Caribbean-EU Parliamentary Assembly; a Pacific-EU Parliamentary Assembly; and an African-EU Parliamentary Assembly. The whole Assembly did not agree on that because there would be no need to call it a union if you segregate us according to regions. It was clear from the Assembly that we can only work with the EU if we are united. They want to separate us because we have numbers when it comes to voting. If we are divided, they will override us in their aspirations.

Our leader of delegation was able to articulate a Motion on pesticides that she has brought to this House, and which we have since passed. It was supported on the Floor because they bring us pesticides that they do not use in Europe. She articulated that very well. There were countries which would vote depending on how Kenya was voting because we are a very critical country. Kenya was one of the three visible parliaments. It was very clear that Nigeria was missing. We know that they were having elections. South Africa's pulling out was also a disadvantage to the region.

The need for institutional memory came out clearly. For example, we were talking about Maputo. Those of us who were in the Kenyan delegation were not in Maputo. So, for purposes of institutional memory, there is every need for Members who were in the last Assembly meeting in Maputo to be in Brussels and also in the next one. That will help the country to follow up for purposes of institutional memory.

They also raised the issue of deforestation. Our delegation articulated that you cannot tell us how to manage our forests. They were saying that if you just cut a line of trees, you are not liable for funding because of deforestation. We told them that they engaged in a lot of deforestation when they colonised us because they introduced coffee and tea growing by clearing our forests.

I support the Report. I also congratulate our leader who led a mutiny such that every country voted the way Kenya voted.

Thank you.

**The Temporary Speaker** (Hon. Martha Wangari): Thank you. We will now hear Hon. Jared Okello.

**Hon. Jared Okello** (Nyando, ODM): Thank you, Hon. Temporary Speaker, for the opportunity.

A while back, I had a very good banter with the Leader of the Majority Party. I wish he had waited for me to give him a little clarification. In terms of dispensation of justice, you never condemn somebody who has no opportunity to rebut. Therefore, I will sidestep that. However, I was taught that the best way to measure the level of fear is through the reaction of a people when a message has been passed. It has been properly demonstrated here that the Azimio la Umoja-One Kenya Alliance advancers are instilling a lot of fear across the aisle which, therefore, feeds into our objective. I like that very much.

As has been ably alluded to, the OACPS-EU Joint Parliamentary Assembly was established so that certain democratic ideals within the member states could be safeguarded. We all understand that it is a democratic parliamentary institution that discusses a range of issues, mostly akin to what we go through in this House. Its main objective is to promote and defend democracy. That is why each time there is an election anywhere, we tend to see the European Union sending a huge delegation as an Observer Mission Group. We all understand that during elections, the Observer Mission Group tends to only follow the script that has been

decided by electoral umpires in those nations. It is only last week in Nigeria that I saw the European Union disagreeing with the African Union as to who got elected as president, and the processes in the entire exercise. Going forward, if the European Union stands its ground on this, the number of impostors in state houses will be reduced.

The EU rotates its sittings, which is very important. Whereas they sit in Brussels once a year, other successive meetings are held across the member states. How I wish this Parliament could also rotate its sittings across the country and resolve to hold sittings in different locations such as Kisumu. Nothing really stops us from doing that. Through that, we can properly connect and reconnect with the electorate.

The OACPS-EU Joint Parliamentary Assembly discussed in depth issues of the Somalia car bombing that happened last year in October where 100 people lost their lives as a result. We have also had our fair share of attacks by terrorists in this country. By discussing all these issues and bringing them to light, the OACPS-EU Joint Parliamentary Assembly can, to a larger extent, eradicate issues of terrorism which has become a huge thorn in the flesh of so many countries. We have suffered the Westgate, Dusit Hotel, the American Embassy attacks and many other small attacks by indoctrinated groupings in the name of terrorists. Therefore, discussing those matters would bring them to light and help come up with a hypothesis based on syllogism to counter those emerging issues.

The blue economy sits at the core of consideration of this Parliament. We know that Kenya is currently undergoing a complete reconstitution of our blue economy so that we also tap into the resources emanating from these. We encourage issues of territorial boundaries. We had an issue with Somalia regarding the waters of the Indian Ocean. Parliament can also help us address those kinds of issues.

I do not know why this red light is blinking just one minute after I have started speaking and yet people have been talking here for 20 minutes uninterrupted.

I like the fact that they have a mechanism to fast-track the progress of their resolutions. That is something that we can also emulate in this country. Many things are discussed in this Parliament that touch on the lives of our people, but there is no follow-up. At the end of the day, we end up missing the mark when certain pertinent and critical issues need to be addressed. I am glad the Report talks about poverty eradication and trade treaties. I remember I moved a Motion in this House on EPA between Kenya and the United Kingdom. We also need to step up our efforts so that we can engage many treaties. I know there is one coming up between Kenya and the United States of America that is currently hitting a snag. How can we very seriously embark...

**The Temporary Speaker** (Hon. Martha Wangari): Hon. Jared Okello, I will add you two minutes.

**Hon. Jared Okello** (Nyando, ODM): I thank you very much for the two minutes.

As I said, we need to fast-track most trade treaties. When we were doing the EPA trade agreement in the last regime here, we came to the realisation that we were only doing 5 per cent of tea exports to the United Kingdom. We were looking at the best ways of moving it to at least 15 per cent, as a result creating jobs within this country thereby mopping up all revenues stuck abroad. Our country is suffering *dollarlessness*. By way of improving our trade, this can help address those kinds of issues. We need to employ very powerful trade negotiators. Many times we experience unfair trade practices. How do we ensure that through this Parliament, Kenya stands at a vantage position to seize every little opportunity that at the end of the day we attain a favourable balance of trade? That is like increasing imports to the detriment of exports and as a result, the country suffers at a time when youths have no jobs. People have been trained in various trades, but they have absolutely nothing to do yet opportunities abound abroad. We only need to increase our levels of presence together with negotiating skills that at the end of the day capture what belongs to the Republic of Kenya.

Therefore, I support this Report on the OACPS-EU that has properly been done by our friends who represented our country in Maputo. We only need to balance the representation. I have seen that the entire entourage was picked from the United Democratic Alliance (UDA) only. I do not think that portends well for our country.

I thank you, Hon. Temporary Speaker.

**The Temporary Speaker** (Hon. Martha Wangari): You are out of order, Hon. Jared. Hon. Owino was in that delegation. He is actually not in the House.

**Hon. Jared Okello** (Nyando, ODM): You only had Hon. Owino out of 10. I thank you.

**The Temporary Speaker** (Hon. Martha Wangari): Your time is up. Hon. Wanjiku Muhia from Kipipiri.

**Hon. Wanjiku Muhia** (Kipipiri, UDA): Thank you for giving me this opportunity.

From the outset, I want to support the Report. I congratulate the team especially the team leader who brought her team together and was able to canvass, discuss, and pass issues that affect Africa, East Africa, Kenya, and our constituencies. In the whole Report, we cannot see a discussion of issues like LGBTQ that are against Africa and affect it. Congratulations to this team.

As I support, I want to go on record that as the Chairperson of the Committee on Regional Integration I get concerned that such a Joint Assembly meeting and others happen without representation by any Member from the Committee on Regional Integration. Though it is administrative, I want to put it on record that it is necessary to be inclusive. Time and again, these bilateral talks and the ratification of these agreements find their way to my Committee and we are, as Members, meant to discuss issues we never interacted with.

For avoidance of doubt, the Committee on Regional Integration is created under Standing Order 212. Among its mandates, we are supposed to examine records of all relevant debates and resolutions of meetings of the Pan-African Parliament, the Africa, Caribbean and Pacific States, European Union Joint Parliamentary Assembly and other regional integration bodies. This is in Standing Order 212(c). Although I do not have the Standing Orders, I think Standing Order 212(b) also requires us to examine the records of the East African Legislative Assembly (EALA). While we interact with Members of EALA because we can call the Members here or go to Arusha and interact with their debates, we as a Committee get very disadvantaged when we are supposed to examine these kinds of records and agree yet we did not interact with the reports in whichever way. I put it on record that it is important for them to consider at least a Member from the Committee on Regional Integration when forming these delegations. It is not necessarily the leadership, but at least, one Member.

Having said that, the joint assemblies are very important. They are just like regional blocs that come together for political reasons for trade, security, among many other reasons. When we look at this Report, we realise that it resolved issues pertinent to Africa as a continent, and Kenya too. They discussed issues of climate change, political affairs, economic development, and human rights very well. If I may touch on climate change, this is real. While the EU is part of this Joint Assembly and many other Assemblies, including the Inter-Parliamentary Assembly that happens many times in Geneva, we are sure that climate change has become what it has become today majorly because of the contribution by these foreign nations. We are sure because we have far much fewer factories here in Kenya than the ones in Europe which contribute heavily to emissions.

Hon. Temporary Speaker, I am not sure whether we are speaking for five or 10 minutes. From the beginning of this debate, I did not hear the Mover move the Procedural Motion on time. I am not sure whether I have already spoken for 10 minutes, but I will reorganise my thoughts and quickly speak about climate change being real. It is not only a threat, but also a disaster to the country. As such, the Government must invest more in green energy because it will be environmental friendly. On this green energy, the Government must carefully invest on

issues like solar energy and wind power. I am almost requesting for two minutes like Hon. Jared. As the Chair of the Committee on Regional Integration, I may have wanted to summarise my contribution with the issue of regional interests.

**The Temporary Speaker** (Hon. Martha Wangari): Two more minutes.

**Hon. Wanjiku Muhia** (Kipipiri, UDA): Thank you.

I will speak on green energy quickly. The Government needs to invest in this because climate change is not only a threat, but also a disaster in current times. Food security is also a threat that is now common in the whole of Africa. The Government, through the Ministry of Water, Sanitation and Irrigation, may need to consider how we harvest water in areas prone to flooding and other disasters. That can be done by engaging the public in afforestation programmes very strongly through the larger presidential programme. I promise to do more on afforestation in Kipipiri.

The EU should also offer sustainable modern farming techniques. I have seen in this Report that there was a call to the EU to ensure that the cost of compliance is not transferred to producers. Hon. Temporary Speaker, because you come from Gilgil Constituency, I am sure you are aware of what happens in Naivasha. Our flower farms have a high cost of production because the kind of pesticides they are advised to use are sometimes not affordable to the ordinary farmers who do the French Beans and such other crops. As much as these joint assemblies indicate they are in one way or the other helping Africa or every other participant, including themselves, they must also look at other ways of making it happen.

Hon. Temporary Speaker, these joint assemblies are necessary. However, it is important as a country to find out why some countries are exiting. We have read in this Report about country after country having exited, the recent one being South Africa. Why are countries exiting from these joint associations? When we go for bilateral agreements such as EPA and Kenya leads the talk, we do the signatures, but find our neighbours like Uganda and Tanzania getting very hesitant, we need to find out how to ratify protocols together.

Finally, on trade negotiators, I agree fully with Hon. Jared that we need very strong trade negotiators. We are aware, for instance, that the issue of the Standard Gauge Railway (SGR) cost a huge amount of money. When you travel by train, you see quite a number of houses constructed along the railway line. I do not believe they are ever used. We need to do that in every bilateral agreement that we are required to ratify as a country.

With that, I thank you very much and support this Report.

**The Temporary Speaker**: Thank you. This chance will go to Hon. Eric Muchangi.

**Hon. Muchangi Karemba** (Runyenjes, UDA): Thank you, Hon. Temporary Speaker for this opportunity. From the outset, I wish to support the Report on ACP-EU Joint Parliamentary Assembly.

The resolutions that were made in this Assembly are very important for the growth and stability of Kenya and this region at large. Looking at the Report, very important issues were discussed such as peace, security, economic development, trade, investment and climate change. We all know that there cannot be security and development without peace. We cannot talk of economic growth in the absence of security and peace.

I wish to agree with the delegation that went to this meeting and the deliberations that they made. Climate change is an issue that is alive to the majority of the people. We are experiencing a drought situation in our country and especially in the ASAL areas where they have always had a culture of livestock keeping. It is now a very difficult thing to do because of the dry weather.

The coming on board of the European Union is a good idea. It is in Europe where we have the First World countries which are industrialised. There is need also to ensure the EU supports countries like Kenya to embark on afforestation activities. We need to restore our regular weather patterns.

It is important to note that the issue of labour migration has become very important. I am encouraged to see that countries are coming together to enable market negotiations about tea, coffee and even *miraa*. I would like to bring to the attention of this House that there is another opportunity for Kenya in the labour migration sector which is fetching our country more foreign exchange than the tea and coffee sub-sectors. I am looking forward to a time when the ACP-EU, will do more of bilateral labour agreements, so that we can offer our young people opportunities to go and work abroad, fetch Kenya more foreign exchange, and ensure that we grow our economy by the remittances that will be done.

The discussion was also centred on poverty eradication. It is a fact that the drought situation in this country is causing Kenyans to experience difficulties in putting food on the table. It is important that countries come together to find solutions to problems that are facing our people.

With those few remarks, I support.

**The Temporary Speaker:** This chance will go to Hon. Beatrice Kemei.

**Hon. Beatrice Kemei** (Kericho County, UDA): Thank you, Hon. Temporary Speaker for giving me this opportunity to contribute to the Motion. At the outset, I must appreciate the fact that we have this very important Motion. I want to actually support the Report that we have concerning the ACP-EU, Joint Parliamentary Assembly.

First is to say that as a country, we cannot be on our own. We used to have the East African Community which was later on dissolved. Nevertheless, now we are back. So much happened when we were not together, even trade went down. I support the Motion knowing very well that when African countries come together with the Caribbean and Pacific ones, we become stronger. Matters trade with the EU countries are key. We grow tea, coffee, and many horticultural crops. To have them sold in the world market, especially in the EU, will only happen better through the Organization for Economic Co-operation and Development (OECD). There is a fluctuation of prices in the world market, but being part of ACP-EU, JPA, our prices will be looked into. The many industries that we have can get modern machines and other equipment from member-countries and this will be of great help.

Climate change is an issue of concern not only for Kenya or Africa, but the whole world. The many gases that are emitted into the atmosphere come from many of those countries that are highly developed in Europe. For them to accept to join us, it means, at least, issues of climate change will be looked into. So, as members of the OECD, we will have conversations on issues of climate change with an understanding that most funding is from these donor countries.

There is the Pacific Ocean and other waters in the Caribbean, which have been overexploited through unregulated fishing. Coming together will help all of us to follow the law. We are faced with the threat of pollution of our waters. I believe that the European Union and other member states will listen.

When it comes to the environment and natural resources, a lot of our minerals have not been exploited because of inadequate capital. When the EU and the OACPS join hands, our trade and environmental resources will be exploited and managed well. Fighting against the devastating effects of climate change, as I have said, will be done not only by one, but by many other countries. So, I really support this coming together.

When it comes to afforestation and re-afforestation, I am not in support of the idea of cutting down trees to plant tea. Remember they started by cutting down trees in Kericho to plant tea. They still own that tea plantation. We can do both afforestation and agroforestry. So, I support everything else and I believe they will not tell us not to plant more tea in the name of agroforestry. We know agroforestry. We have been doing it.

I would also like to talk about human rights, democracy and governance. There is the issue of gender equality. I know they will support us with gender issues.

*(Hon. Memusi Kanchory rose on a point of order)*

**The Temporary Speaker** (Hon. Martha Wangari): Order, Members. What is your point of order, Hon. Memusi?

**Hon. Memusi Kanchory** (Kajiado Central, ODM): Thank you, Hon. Temporary Speaker. I rise on Standing Order 35. Looking at the House, it is obvious that we are lacking quorum to transact business. Please, guide.

**The Temporary Speaker** (Hon. Martha Wangari): Order Members. I will order that the Quorum Bell be rung for five minutes. If we do not get the requisite quorum, then we will adjourn at that point.

*(The Quorum Bell was rung)*

### ADJOURNMENT

*(Hon. Beatrice Kemei and other  
Hon. Members consulted loudly)*

**The Temporary Speaker** (Hon. Martha Wangari): Order, Hon. Members. Order, Hon. Beatrice. There being no quorum at the expiry of the 10 minutes, and the time being 5.40 p.m., the House stands adjourned until Tuesday, 14<sup>th</sup> March 2023 at 2.30 p.m.

The House rose at 5.40 p.m.

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