



**REPUBLIC OF KENYA**

**THIRTEENTH PARLIAMENT**

**NATIONAL ASSEMBLY**

**THE HANSARD**

**VOL. I NO. 18**

## THE HANSARD

Thursday, 3<sup>rd</sup> November 2022

The House met at 2.30 p.m.

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

### PRAYERS

**Hon. Speaker:** Hon. Members, we have quorum. We can proceed with our business.

Hon. Members, take your seats. When the Chair obliges you to take your seats, which he is not supposed to, I would advise that you take the nearest available seat so that you do not interrupt our Communication. Then you can move to where you ordinarily sit after the Communication.

*(An Hon. Member walked in the gangways)*

I am sure the Member has left many seats behind him.

### COMMUNICATION FROM THE CHAIR

**Hon. Speaker:** I have three Communications to make.

#### FUNDS AND STATE CORPORATIONS UNDER THE MANDATE OF SPECIFIC AUDIT COMMITTEES

Hon. Members, Standing Order 205A establishes the Special Funds Accounts Committee. The Committee is mandated to, among other things, examine the reports of the Auditor-General on specific funds established by a statute or by subsidiary legislation. These include the Equalisation Fund, the Equalisation Fund Advisory Board, and the Political Parties Fund. Paragraph (6) of the Standing Order requires the Speaker to publish a schedule specifying the funds falling within the mandate of the said Committees at the beginning of every term of Parliament or at such other time as may be appropriate.

In addition, Standing Orders 206, 206A and 206B establishes the Public Investments Committees on Governance and Education, the Public Investments Committee on Commercial Affairs and Energy, and the Public Investments Committee on Social Services, Administration and Agriculture. Similarly, the Speaker is required, under the Standing Orders, to establish these three audit Committees and issue schedules specifying the state corporations falling within the mandate of each Committee, at the beginning of every term of Parliament or at such other time as may be appropriate.

Hon. Members, in this regard, I wish to notify the House that today I have issued the required schedules specifying the funds falling within the mandate of the Special Funds Accounts Committee and the state corporations whose audit reports are to be examined by the three Public Investments Committees. I have also authorised the Clerk of the National Assembly to publish the schedules on the Parliamentary Website and to circulate them to the Chairpersons of the Committees for the convenience of Members.

### MESSAGES

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APPROVAL OF DEPLOYMENT OF KDF  
TO EAC REGIONAL FORCE IN DRC

**Hon. Speaker:** Hon. Members, pursuant to the provisions of Standing Order 42 (4) relating to Messages received from a Cabinet Secretary, I wish to convey to the House that I have received a Message from the Cabinet Secretary for Defence. In the Message, the Cabinet Secretary is requesting the House to consider and approve the rapid deployment of Kenya Defence Forces personnel to the East African Community Regional Force to the Democratic Republic of Congo (EACARF-DRC) for peace keeping operations, pursuant to the provisions of Article 240(8)(a) of the Constitution and Sections 18(c) and 36(2) (a) of the Kenya Defence Forces Act, 2012.

Hon. Members, the matter stands committed to the Departmental Committee on Defence, Intelligence and Foreign Relations for consideration.

NOMINATION OF PERSONS FOR APPOINTMENT  
AS PRINCIPAL SECRETARIES

Hon. Members, the third Communication relates to a Message from His Excellency the President on nomination of appointments to the Offices of Principal Secretaries.

The Hon. Members who are upstanding at the bar may take their seats.

*(Loud Consultations)*

Hon. Members, let me repeat. When I indulge Members at the bar to take their seats, try your level best to take the nearest available seats until we finish transacting the business and then you can move to where you ordinarily seat.

Take your seats. Order Members!

Hon. Members, Standing Order 42 (1) relating to messages from the President provides that the Speaker shall read to the House any message from the President delivered to the Speaker for communication to the House. For clarity, Article 132 (2) (d) of the Constitution states that the President shall nominate and, with the approval of the National Assembly, appoint, and may dismiss, Principal Secretaries.

In this regard, His Excellency the President conveys that, in exercise of powers conferred on him by Article 132 (2) (d) of the Constitution, as read together with Sections 3 and 5 of the Public Appointments (Parliamentary Approval) Act, 2011, he has nominated the following persons for appointment to the aforementioned offices....

*(Several Members stood at the bar)*

Hon. Members who are at the bar, please, take your seats but take the nearest ones until we finish communicating. Take the nearest seat.

*(Loud consultations)*

I will require the Clerk to communicate to every individual Member that this courtesy should be exercised without disrupting our business.

In the Message, His Excellency the President conveys that, in exercise of powers conferred on him by Article 132 (2) (d) of the Constitution, as read together with Sections 3

and 5 of the Public Appointments (Parliamentary Approval) Act, 2011, he has nominated the following persons for appointment to the aforementioned offices—

No.	Nominee	State Department/Ministry
1.	Julius Korir	State Department for Cabinet Affairs, Office of the Deputy President
2.	Teresia Mbaika Malokwe	State Department for Devolution, Office of the Deputy President
3.	Esther Ngero	State Department for Performance and Delivery Management, Office of the Prime Cabinet Secretary
4.	Aurelia Rono	State Department for Parliamentary Affairs, Office of the Prime Cabinet Secretary
5.	Raymond Omollo	State Department for Interior and National Administration, Ministry of Interior and National Administration
6.	Caroline Nyawira Murage	State Department for Correctional Services, Ministry of Interior and National Administration
7.	Amb. (Prof.) Julius Bitok	State Department for Citizen Services, Ministry of Interior and National Administration
8.	Dr. Chris Kiptoo	The National Treasury, The National Treasury and Economic Planning
9.	James Muhati	State Department for Economic Planning, The National Treasury and Economic Planning
10.	Patrick Mariru	Defence
11.	Dr. Korir Sing'oei	State Department for Foreign Affairs, Ministry of Foreign Affairs and Diaspora Affairs
12.	Roseline Njogu	State Department for Diaspora Affairs, Ministry of Foreign Affairs and Diaspora Affairs
13.	Amos Gathecha	State Department for Public Service, Ministry of Public Service, Gender and Affirmative Action
14.	Veronica Mueni Nduva	State Department for Gender and Affirmative Action, Ministry of Public Service, Gender and Affirmative Action

No.	Nominee	State Department/Ministry
15.	Joseph Mungai Mbugua	State Department for Roads, Ministry of Roads and Transport
16.	Mohamed Dhagar	State Department for Transport, Ministry of Roads and Transport
17.	Nixon Korir	State Department for Lands and Physical Planning, Ministry of Lands, Public Works, Housing and Urban Development
18.	Charles Hinga	State Department for Housing and Urban Development, Ministry of Lands, Public Works, Housing and Urban Development
19.	Joel Arumonyang	State Department for Public Works, Ministry of Lands, Public Works, Housing and Urban Development
20.	Prof. Edward Kisangani	State Department for Broadcasting and Telecommunications, Ministry of Information, Communication and Digital Economy
21.	Eng. John Kipchumba Tanui	ICT and The Digital Economy, Ministry of Information, Communication and Digital Economy
22.	Eng. Peter Tum	State Department for Medical Services, Ministry of Health
23.	Dr. Josephine Mburu	State Department for Health Standards and Professional Management, Ministry of Health
24.	Dr. Belio Kipsang	State Department for Basic Education, Ministry of Education
25.	Esther Thaara Muhoria	State Department for Technical and Vocational Education and Training, Ministry of Education
26.	Beatrice Inyangala	State Department for Higher Education and Research, Ministry of Education
27.	Phillip Kello Harsama	State Department for Crop Development, Ministry of Agriculture and Livestock Development
28.	Harry Kimutai	State Department for Livestock Development, Ministry of Agriculture and Livestock Development
29.	Alfred K'Ombundo	State Department for Trade, Ministry of Investments, Trade and Industry
30.	Abubakar Hassan	State Department for Investment Promotion, Ministry of Investments, Trade and Industry
31.	Juma Mukhwana	State Department for Industry, Ministry of Investments, Trade and Industry
32.	Patrick Kiburi Kilemi	State Department for Cooperatives, Ministry of Cooperatives and Micro, Small and Medium Enterprises

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No.	Nominee	State Department/Ministry
33.	Susan Mangeni	State Department for Micro, Small and medium Enterprises Development, Ministry of Cooperatives and Micro, Small and Medium Enterprises
34.	Ismail Madey	State Department for Youth Affairs, Ministry of Youth Affairs, Sports and the Arts
35.	Jonathan Mueke	State Department for Sports and the Arts, Ministry of Youth Affairs, Sports and the Arts
36.	Festus Ngeno	State Department for Environment, Ministry of Environment and Forestry
37.	Ephantus Kimotho	State Department for Forestry, Ministry of Environment and Forestry
38.	John Ololtuaa	State Department for Tourism, Ministry of Tourism, Wildlife and Heritage
39.	Sylvia Naseya Muhoro	State Department for Wildlife, Ministry of Tourism, Wildlife and Heritage
40.	Ummy Mohammed Bashir	State Department for Culture and Heritage, Ministry of Tourism, Wildlife and Heritage
41.	Dr. Paul Ronoh	State Department for Water and Sanitation, Ministry of Water, Sanitation and Irrigation
42.	Gitonga Mugambi	State Department for Irrigation, Ministry of Water, Sanitation and Irrigation
43.	Alex Wachira	State Department for Energy, Ministry of Energy and Petroleum
44.	Mohamed Liban	State Department for Petroleum, Ministry of Energy and Petroleum
45.	Geoffrey Kaituko	State Department for Labour and Skills Development, Ministry of Labour and Social Protection
46.	Joseph Mugosi Mutavi	State Department for Social Protection and Senior Citizens Affairs, Ministry Labour and Social Protection
47.	Abdi Dubart	State Department for East African Community Affairs, Ministry of East African Community, the ASALS and Regional Development
48.	Idris Dogota	State Department for the ASALS and Regional Development, Ministry of East African Community (EAC), the ASALS and Regional Development
49.	Elijah Mwangi	State Department for Mining, Ministry of Mining, Blue Economy and Maritime Affairs
50.	Betsy Muthoni Njagi	State Department for Blue Economy and Fisheries, Ministry of Mining, Blue Economy and Maritime Affairs

No.	Nominee	State Department/Ministry
51	Shadrack Mwadime	State Department for Shipping and Maritime Affairs, Ministry of Mining, Blue Economy and Maritime Affairs

His Excellency the President now seeks the approval of the National Assembly on the nominees for appointment to the said positions.

*(Several Members were upstanding at the bar)*

The Members who are upstanding at the Bar, please, take the nearest available seat. Hon. Okello, I am sure you understand what “the nearest available seat” means. There are so many seats at the back there.

Hon. Members, in accordance with the provisions of Standing Order 45 (1), which requires that upon receipt of notification of nomination for appointment, such nominations shall stand committed to the relevant Departmental Committees for consideration, the names of nominees are hereby referred to the respective Departmental Committees as follows:

Departmental Committee	Nominee
Administration and Internal Affairs	Julius Korir Teresia Mbaika Malokwe Esther Ngero Aurelia Rono Raymond Omollo Caroline Nyawira Murage Amb. (Prof.) Julius Bitok Amos Gathecha Veronica Mueni Nduva
Agriculture and Livestock	Phillip Kello Harsama Harry Kimutai
Blue Economy and Irrigation	Dr. Paul Ronoh Gitonga Mugambi Elijah Mwangi Betsy Muthoni Njagi Shadrack Mwadime
Communication, Information and Innovation	Prof. Edward Kisiang’ani Eng. John Kipchumba Tanui
Defence, Intelligence and Foreign Relations	Dr. Korir Sing’oei Roseline Njogu
Education	Dr. Belio Kipsang Esther Thaara Muhoria Beatrice Inyangala
Energy	Alex Wachira Mohamed Liban
Environment, Forestry and Mining	Festus Ngeno Ephantus Kimotho

Departmental Committee	Nominee
Finance and National Planning	Dr. Chris Kiptoo James Muhati
Health	Eng. Peter Tum Dr. Josephine Mburu
Housing, Urban Planning and Public Works	Charles Hinga Joel Arumonyang
Justice and Legal Affairs	Caroline Nyawira Murage
Labour	Geoffrey Kaituko
Lands	Nixon Korir
Regional Development	Abdi Dubart Idris Dogota
Social Protection	Joseph Mugosi Mutavi
Sports and Culture	Ismail Madey Jonathan Mueke Ummy Mohammed Bashir
Tourism and Wildlife	John Ololtuaa Sylvia Naseya Muhoro
Trade, Industry and Cooperatives	Alfred K'Ombundo Abubakar Hassan Juma Mukhwana Patrick Kiburi Kilemi Susan Mangeni
Transport and Infrastructure	Joseph Mungai Mbugua Mohamed Dhagar

Hon. Members, Section 8 of the Public Appointments (Parliamentary Approval) Act requires the National Assembly to consider such nominees within 28 days. For clarity, and in order to enable the House to conclude this exercise, I direct the Clerk of the National Assembly to take the necessary action by notifying the nominees and the general public – by placing an advert in the daily newspapers of national circulation and on the Parliamentary Website – of the time and place of holding the approval hearings tomorrow, 4<sup>th</sup> November 2022, following which the vetting hearings should commence on Monday, 14<sup>th</sup> November 2022 and end by Friday, 18<sup>th</sup> November, 2022. The Departmental Committees should table their reports in the House not later than Thursday, 24<sup>th</sup> November 2022 in order for the House to consider the nominees within the statutory timelines.

I thank you.

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

**Hon. Speaker:** Did I hear a point of order? Is there anything out of order? What is the point of order? Is that Hon Kamket?

**Hon. Kassait Kamket** (Tiaty, KANU): Yes, this is Hon. Kamket, the Member for Tiaty.

Hon. Speaker, I would like to get some guidance from the Chair on the Communication from the Cabinet Secretary for Defence. I am aware that yesterday His Excellency the President commissioned the military taskforce for deployment to the EAC Regional Force. I would like to know what comes first. The officers were commissioned yesterday, but the Cabinet Secretary



has communicated today. Is Parliament, therefore, going to do *post facto* review of what has already happened or what is the role of Parliament?

**Hon. Speaker:** Hon. Kamket, the letter from the Cabinet Secretary came to Parliament yesterday morning. The event you are talking about happened yesterday afternoon. In any case, deployment of troops in an emergency situation is not a leisure walk. It is an emergency. The role of Parliament is to approve *ipso facto* or *post facto* as long as it can help the situation we desire to deal with.

**Hon. Patrick Makau** (Mavoko, WDM): On a point of order.

**Hon. Speaker:** I am not entertaining any more points of order on that issue. Who is raising a point of order? Yes, Hon. Makau.

**Hon. Patrick Makau** (Mavoko, WDM): Yesterday, the Kamba nation celebrated when we saw on social media a Mr Joseph Mutavi nominated as Principal Secretary. I just want to know from you whether this Joseph Mugosi Mutavi is the same as Joseph Mutavi. The person could be disadvantaged in explaining himself in terms of his name. I have since learned that he is from Kuria, and not Ukambani.

**Hon. Speaker:** Hon. Makau, the Speaker shall not be a part of any ethnic excitement or celebration.

(Laughter)

## PAPERS

**Hon. Kimani Ichung'wah** (Kikuyu, UDA): Thank you, Hon. Speaker. I am still laughing at that statement on ethnic excitement and celebrations and wondering whether it is *pre facto* or *post facto*, as you put it.

Hon. Speaker, I beg to lay the following Papers on the Table of the House:

1. Report of the Assumption of the Office of the President Committee.
2. Legal Notice No.175 of 2022 relating to the Capital Markets Investment-Based Crowd Funding Regulations and explanatory memorandum from the National Treasury and Planning.

Thank you, Hon. Speaker.

**Hon. Speaker:** Next Order.

## NOTICE OF MOTION

### APPOINTMENT OF MEMBERS TO PAN-AFRICAN PARLIAMENT

**Hon. Kimani Ichung'wah** (Kikuyu, UDA): Hon. Speaker, I beg to give notice of the following Motion:

THAT, pursuant to Article 5 of the Protocol to the Treaty establishing the African Economic Community and relating to the Pan-African Parliament, this House approves the appointment of the following Members of Parliament to the Pan-African Parliament—

- (i) Hon. Rahab Mukami Wachira, MP;
- (ii) Hon. Joseph Kalasinga Majimbo, MP;
- (iii) Hon. Esther Muthoni Passaris, OGW, MP;
- (iv) Sen. (Prof.) Margaret Kamar, EGH, MP, and
- (v) Sen. Danson Mungatana, MGH, MP.

Thank you, Hon. Speaker.

**Hon. Speaker:** Next Order.

Hon. Members, I draw your attention to the Supplementary Order Paper that has been circulated. That is the order of business of the day.

## STATEMENTS

### REQUEST FOR STATEMENT

There is a request for Statement by the Member for Kamukunji. Is the Member in the House? Go ahead.

#### THREAT TO BAN ON SALE OF MITUMBA CLOTHES

**Hon. Yusuf Hassan** (Kamukunji, JP): Hon. Speaker, pursuant to Standing Order 44 (2) (c), I request for a Statement from the Chairperson of the Departmental Committee on Trade, Industries and Cooperatives regarding remarks made by the Cabinet Secretary for Trade, Investments and Industry that border on threatening to ban the sale of *mitumba* clothes in the country. The Cabinet Secretary made the remarks during the Changamka Shopping Festival, held at Kenyatta International Convention Centre (KICC) on Tuesday, 1<sup>st</sup> November 2022.

Hon. Speaker, about two million Kenyans are dependent on the second-hand cloth industry for their everyday livelihood. These people are very concerned by the threat made by the Cabinet Secretary, which would affect their livelihoods should it be actualised. Indeed, the utterances by the Cabinet Secretary contradict the ruling party's manifesto on the bottom-up economic model that seeks to, financially, empower ordinary Kenyans so that the country can generate taxes to spur economic growth.

In the recent past, there has been unnecessary overwhelming and negative focus on the *mitumba* trade. While building the capacity of our local textile industry is a good idea that would spur the growth of our economy, this should not be done at the expense of the existing *mitumba* cloth trade that is doing very well and employing a large number of our population – a trade whose value stands at Ksh18 billion a year. This is a trade that generates profits for traders. It also employs thousands of Kenyans and contributes millions of shillings to national revenue.

Hon. Speaker, it is against this background that I seek a Statement from the Chairperson of the Departmental Committee on Trade, Industries and Cooperatives for clarification from the Ministry on:

1. The current position of this critical trade in the country.
2. What plans the Ministry has put in place to ensure that the *mitumba* trade is not interfered with, and whether the traders can be assured that there is no intention of interfering with, restricting and banning of this trade.

Hon. Speaker, the Cabinet Secretary's utterances have caused considerable disquiet, agony and stress amongst the millions of people who depend on this trade, in particular traders from Gikomba Market in my constituency – which is the epicentre of this important trade. This community is already suffering from the ravages of the economy. It is also affected by the growing cost of living and the frequent fires. I, therefore, condemn the utterances made by the Cabinet Secretary. The utterances have caused traders a lot of agony and stress. These hardworking people want to be reassured.

It appears as if there is disconnect between the Cabinet Secretary's brain and his mouth. There is a loose screw that needs to be fixed before it affects our economy and the well-being of our community. Therefore, I ask...

**Hon. Speaker:** Hon. Member, those additional jives are not in your Statement. When the Speaker approved the Statement, it was approved to be read as it is. I can see you are now on a tirade against the Cabinet Secretary.

**Hon. Yusuf Hassan** (Kamukunji, JP): I am doing so because of the suffering of the people from my constituency, who are hardworking and honest Kenyans. These people are paying his salary.

**Hon. Speaker:** Hon. Member, this is not a debate. Just read your Statement.

**Hon. Yusuf Hassan** (Kamukunji, JP): Thank you, Hon. Speaker. I wonder whether the Cabinet Secretary has communicated with his counterpart in the Ministry of Agriculture and Livestock Development. Otherwise, he would have known how bad the state of our cotton industry is. Kenya's cotton production has been declining and we only produce 20,000 bales of cotton a year. So, it will take many years for us to fix our textile industry to create employment opportunities in this sector. The Cabinet Secretary should look at his duties...

**Hon. Speaker:** Hon. Member, you are debating your own Statement.

**Hon. Yusuf Hassan** (Kamukunji, JP): The Cabinet Secretary should look at his job description. His job is to create employment and to grow our industry.

Thank you.

**Hon. Samwel Chepkonga** (Ainabkoi, UDA): On a point of order, Hon. Speaker.

**Hon. Speaker:** Hon. Chepkonga, before you take the Floor, let me remind Members that when you prepare a Statement request and bring it to the Speaker for approval, it means you come here and read it as-is where-is basis. Any additional statements, however strongly you feel about them, are a violation of the Standing Orders. Once you present your Statement, you do not start debating it.

Yes, Hon. Chepkonga.

**Hon. Samwel Chepkonga** (Ainabkoi, UDA): Thank you, Hon. Speaker.

I rise pursuant to Standing Order 83 as read together with Standing Order 91, which states that a Member shall be responsible for the accuracy of any facts which the Member alleges to be true and may be required to substantiate any such facts instantly.

Is it in order for the Member for Kamukunji to allege that the Cabinet Secretary, who was his colleague in the last Parliament, made inaccurate statements concerning the *mitumba* clothes? The Member did not listen to Hon. Moses Kuria yesterday. He has read the Statement based on misleading reporting by some newspapers. I watched Hon. Moses Kuria yesterday on Citizen TV, and he made clarifications on this matter. Maybe, my good friend was asleep and he can be excused.

**Hon. Speaker:** Order, Hon. Members. I approved the Statement on the basis of what the Member presented before me. The Statement will now go to the Committee that is relevant to trade to look at it and deal with it in the normal manner.

Leader of the Majority Party, give your Thursday Statement.

**Hon. Kimani Ichung'wah** (Kikuyu, UDA): Thank you, Hon. Speaker. Regarding the matter raised by Hon. Hassan, I just beg that Members to be a little bit patient. As soon as the Procedure and House Rules Committee is able to sit, it should review the Standing Orders so that the Cabinet Secretary who should be answering the Question can come here and answer the Question by the Member for Kamukunji so that we dispel the claim of whether it is a misreporting by the media. The Cabinet Secretary should come and answer the Question directly.

BUSINESS FOR THE WEEK OF  
7<sup>TH</sup> - 11<sup>TH</sup> NOVEMBER 2022

Hon. Speaker, pursuant to the provisions of Standing Order 44 (2) (a), I rise to issue the weekly Statement, on behalf of the House Business Committee, which met on Tuesday, 1<sup>st</sup> November 2022 to prioritise business for consideration during the week commencing on 8<sup>th</sup> to 10<sup>th</sup> November 2022.

Hon. Members will recall that on Tuesday, 1<sup>st</sup> November 2022, the House considered the Report by the Parliamentary Service Commission on the recruitment process for the Clerk of the National Assembly and the recommendation for approval of appointment of Mr. Samuel Josephat Njoroge. I thank Hon. Members for their dedication and active participation in the process of approving Mr. Samuel Josephat Njoroge as our Clerk. I would also like to thank the Commission, under your very able leadership, and our support staff, for a job very well done in this process. I congratulate the newly appointed Clerk of the National Assembly and call upon him to serve all Members of Parliament with utmost professionalism and impartiality. I wish him good luck as he dispenses his duties henceforth.

As Members are aware, the Committee on Selection submitted the list of Committee membership. However, it was noted that several Members had expressed concerns about Committee membership. The leadership in both the Majority and Minority have a barrage of requests from Members. Following the concerns raised on Committee membership, I wish to inform Members that both the Leader of the Minority Party and myself, together with the Committee on Selection, are in the process of harmonising the process and exploring ways of accommodating Members' concerns. I commend the Committees that have already successfully concluded the election of Chairpersons and request those that have not expedited this process to do so, so that the House can conduct its business in earnest.

Hon. Speaker, on the business for next week, the House Business Committee has prioritised continuation of debate on Sessional Paper No.3 on the National Action Plan on Business and Human Rights. Thereafter, the House will consider the legislative proposal to amend the Constitution, sponsored by Hon. Stephen Mule and Hon. Gichimu Githinji.

The House will also consider Private members' Motions, amongst them being the Motion on empowerment of artisans by the national Government – a Motion which has been brought to the House by Hon. John Kiarie, the Member for Dagoretti South – and Motion on development of a unified national policy on small and micro enterprises by Hon. Beatrice Elachi, the Member for Dagoretti North.

The House Business Committee will convene again on Tuesday, 8<sup>th</sup> November 2022 to schedule business of the week that follows.

I beg to lay the Statement on the Table of the House.

**Hon. Speaker:** Hon. Members, there is a further minor Communication from the Chair.

### COMMUNICATION FROM THE CHAIR

#### POSTPONEMENT OF ELECTION OF CHAIRPERSON OF NATIONAL COHESION AND EQUAL OPPORTUNITY COMMITTEE

**Hon. Speaker:** Hon. Members, I wish to inform the House that I am in receipt of a letter from the Leader of the Majority Party, Hon. Kimani Ichung'wah, seeking deferment of the election of Chairperson and Vice-Chairperson of the Select Committee on National Cohesion and Equal Opportunity scheduled for tomorrow, Friday, 4<sup>th</sup> November 2022.

The request for deferment arose from a consultative meeting between the Leader of the Majority Party and the Leader of the Minority Party on the need to allow further consultations and to permit more interested Members to submit their candidature for election as the Chairperson or Vice-Chairperson to the said Committee. To this end, the Leader of the Majority Party now seeks deferment for elections to take place on Tuesday, 8<sup>th</sup> November 2022.

Having acceded to the request, I order that the election of Chairperson and Vice-Chairperson of the Select Committee on National Cohesion and Equal Opportunity stand deferred to Tuesday, 8<sup>th</sup> November 2022. The Director of Audit, Appropriations and other Select Committees is directed to designate and notify Members of the place and time for the said elections. The House is accordingly guided.

Hon. Members, as we go to the next Order, we will deal with the Procedural Motion at Order No.8, put the question on Order No.9, deal with the short Motion at Order No.10 and go back to the NG-CDF issue as brought in a pre-publication form of the constitutional amendment Bill by Hon. Mule and Hon. Gichimu.

Yes, Hon. Wandayi.

## POINT OF ORDER

### POSTPONEMENT OF ELECTION OF CHAIRPERSON OF NATIONAL COHESION AND EQUAL OPPORTUNITY COMMITTEE

**Hon. Opiyo Wandayi** (Ugunja, ODM): Hon. Speaker, it is good to go on record. You know, this is a House of records and rules. I was ambushed by your Communication that arose from the request from the Leader of Majority Party on the deferment of elections of leaders of the Committee on National Cohesion and Equal Opportunity.

Earlier on, my Members in the Committee advised me. I confirmed this with the Office of the Director responsible for these Committees that, indeed, the window for returning nomination papers had closed by yesterday. Therefore, the Committee was set to go for elections tomorrow. That request is not out of any consultation between Hon. Ichung'wah and me. The information I had before I came here was that the Committee was set for these elections. I had no reason or basis to ask for a deferment. More importantly, one Member in that Committee, Hon. Martin Owino, who had applied to run for the position of Vice-Chairperson, has just confirmed to me here that he did return his papers. He was the sole candidate in that election.

Therefore, this new development could end up causing problems, firstly, in terms of our procedures. More importantly, it would disenfranchise or prejudice Hon. Martin Owino. As we sit here, he was happy and convinced that he is the sole candidate and he is going to be elected unopposed. The matter calls for further clarification so that we do not seem to change goal posts.

Thank you.

**Hon. Speaker:** I direct the Leader of the Majority Party and the Leader of the Minority Party to consult on this matter. Let us hear from the Leader of the Majority Party.

**Hon. Kimani Ichung'wah** (Kikuyu, UDA): Hon. Speaker, I render my apologies to the Leader of the Minority Party. I had indeed consulted with part of the leadership of the Minority. The Leader of the Minority is aware that we even had similar issues with the Public Investment Committees – issues we needed to re-align – and we deferred the elections. Therefore, I will be consulting with him. I could not be able to reach him this morning.

**Hon. Speaker:** We should not have any tiff on the election of Chairpersons. So, you can go ahead and discuss.

Hon. Members, let us hear from the Leader of the Majority Party on the next Order.

## PROCEDURAL MOTION

### EXTENSION OF SITTING TIME

**Hon. Kimani Ichung’wah** (Kikuyu, UDA): Hon. Speaker, I beg to move the following procedural Motion:

THAT, pursuant to the provisions of Standing Order 33 and notwithstanding the provisions of Standing Order 97 (1) on Limitation of Debate on Motions, this House resolves to extend its sitting time today, Thursday, 3<sup>rd</sup> November 2022 until 9.00 p.m.

Members will appreciate that today being Thursday, the House is supposed to rise at 7.00 p.m. However, when the House adjourned last night, about 60 Members had requested to make their contributions on the proposal to amend the Constitution and include the NG-CDF and NGAAF Acts in the Constitution. I have received very many representations from Members across the political divide that we allow them time to have their say on this issue brought by Hon. Mule and Hon. Gichimu.

Hon. Speaker, ordinarily, you do not find very many Members seated in the House on a Thursday evening. This business has generated so much interest thus necessitating this Procedural Motion in order for us to allow a little more time – an extra two hours – for members to make their input. You can imagine if Members were to speak for five minutes each, we may not have enough time for everybody to speak on this issue concerning the NG-CDF.

We appreciate that the NG-CDF, the NGAAF and the Senate Oversight Fund are important for the country. As Members have said, this is not for them but for the people they represent in this House. Members, as the people’s representatives sitting in this House, want to have their say on this issue. Therefore, I request that we extend today’s sitting to at least 9.00 p.m.

Hon. Members, this is necessary. As you will remember, I have just read a Statement on the business lined up for next week. This includes other businesses like that communicated to the House by the Speaker on deployment of a KDF taskforce to the EAC Force on the DRC on peace-keeping mission, and the one on the Parliamentary Service Commission (PSC). There is a lot of business lined up for next week. So, it is only fair that we conclude with this matter today.

With those remarks, I beg to move and request the Deputy Minority Whip, Hon. Naomi Waqo, to second.

**Hon. Naomi Waqo** (Marsabit County, UDA): I second.

*(Question proposed)*

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

**Hon. Speaker:** Is that the mood of the House?

**Hon. Members:** Yes!

*(Question put and agreed to)*

**Hon. Speaker:** Next Order!

## MOTIONS

### REVIEW OF TEACHERS DEPLOYMENT POLICY

THAT, aware that education is a key enabler of national development and realization of Kenya’s Vision 2030 and the Sustainable Development Goals; appreciating the invaluable role that teachers play in actualising the national goals of education; noting that a conducive working environment for teachers enhances performance; recalling that, the delocalisation of teachers commenced in 2018 by

the Teachers Service Commission immensely disrupted teachers' lives, lowered teacher morale and caused untold trauma to many teachers countrywide; concerned that, the exercise was not supported with a clear policy framework and was initiated without the participation of teachers or their unions, contrary to Articles 118 and 132 of the Constitution on public participation and involvement of the people in the process of policy making; cognisant of the fact that, delocalization of teachers is inconsistent with the United Nations Educational, Scientific and Cultural Organization (UNESCO) teacher deployment practice, which treats education as a culture process conducted within a people's cultural context at the local level; this House resolves that the Teachers Service Commission –

- (i) immediately reverses the ongoing delocalisation of teachers;
- (ii) initiates a comprehensive review of the teacher deployment policy with the involvement of teachers in order to make the policy consistent with International Labour Organization (ILO) and UNESCO laws and practices on teacher management and deployment; and,
- (iii) reviews the teacher recruitment policy with a view to devolving it to zonal level as the point of recruitment.

*(Hon. Titus Khamala on 25.10.2022)*

*(Debate concluded on 26.10.2022)*

**Hon. Speaker:** Hon. Members, this Motion was brought by Hon. Titus Khamala.

*(Question put and agreed to)*

Next Order!

#### APPOINTMENT OF MEMBERS TO PAN-AFRICAN PARLIAMENT

**Hon. Kimani Ichung'wah** (Kikuyu, UDA): Hon. Speaker, I beg to move the following Motion:

THAT, pursuant to Article 5 of the Protocol to the Treaty establishing the African Economic Community and relating to the Pan-African Parliament, this House approves the appointment of the following Members of Parliament to the Pan-African Parliament -

- (i) The Hon. Rahab Mukami Wachira, MP;
- (ii) The Hon. Joseph Kalasinga Majimbo, MP;
- (iii) The Hon. Esther Muthoni Passaris, OGW, MP;
- (iv) Sen. (Prof.) Margaret Kamar, EGH, MP, and
- (v) Sen. Danson Mungatana, MGH, MP.

Hon. Speaker, looking at this list, you see representation from across the political divide. There are Members from both the Minority and the Majority sides. The Minority side is represented by Sen. Kamar and Hon. Esther Passaris, who also represents the great county of Nairobi.

We also endeavoured to see regional balance in terms of the areas where these Members of Parliament come from as well as party representation, including our non-parliamentary political parties. That is why you see Sen. Danson Mungatana from the United Democratic Alliance (UDA) and Hon. Joseph Kalasinga Majimbo from the Forum for Restoration of

Democracy – Kenya (FORD-K). This is pursuant to the objectives of the Pan-African Parliament (PAP), which intend to create a platform for people from all African states to be involved in discussions and decision making on the problems and challenges facing the African continent.

Hon. Members, as you are aware, this Pan African Parliament (PAP) sits in Midland, South Africa. Therefore, these Members will occasionally need to travel there for sittings of the PAP rather than having Members being elected through universal suffrage. It has become customary that PAP Members are designated by Parliaments or legislatures of the respective member. That is why we go through a process of such a Motion to approve nominees to go and represent the people of Kenya and, definitely, the greater people of the African Continent at the PAP on issues of concern to the people of not just Kenya but Africa at large. They engage on issues to do with economic development and integration of the continent.

I want to challenge Hon. Mukami, Hon. Kalasinga, Hon. Esther Passaris, Sen. Mungatana and Sen. Margaret Kamar – if approved this afternoon – to represent our country with honour whenever PAP sits. I urge them to articulate issues that are of concern not just to Kenyans but to Africans at large. We should be a continent and a people who are proud of our own heritage – a people with the determination and zeal to develop our continent together. I want to encourage these Members to engage our colleagues from other countries in the continent region, especially on the question of the African free-trade area. They should also engage our colleagues from the East African Legislative Assembly (EALA).

The African Continent needs to continuously open its borders. Our continent has very huge potential with a young population. Many countries in Africa have a very productive population that is well educated. Therefore, there are many opportunities we can use through such legislatures to explore opportunities for jobs within our continent and even outside so that we are able to export labour to other continents like the Far East and the West, where populations of young and productive citizenry are dwindling. There are countries, especially in the West and the Far East, whose population is increasingly aging and the working population is dwindling whereas in Kenya and Africa, we have a huge repository of young people who are very educated with good skills.

In our own country, we have young men and women who have good skills, and who speak English fluently and are, therefore, able to easily and quickly access job opportunities in English speaking, French speaking and Portuguese speaking countries. Young people in this country have learned these foreign languages and, therefore, we can explore opportunities for them in those countries. It is through fora like Pan African Parliament that we are able to bargain as a continent for opportunities in other continents for our people and also be able to develop our countries in our respective regions, be it through the East African Community (EAC), the Common Market for Eastern and Southern Africa (COMESA) and all the other regional blocs.

As I said, we need to open up our boarders to ensure that we are all trading. We pride ourselves as a country when we say that our largest bilateral trading partner is Uganda. That is the way it should be and the balance of trade between us and our regional neighbours should not be so huge. We should be able to export what we are able to export to Uganda. For instance, at a time like this, when we have drought and probably Uganda, Zambia and Tanzania have maize and other food commodities that we could import from them, we are able to do so without unnecessary hindrances and barriers of trade.

Hon. Speaker, I do not want to say much. I want to request Hon. Robert Mbui, the Deputy Leader of Minority and Member for Kathiani, to second the Motion.

I beg to move.

**Hon. Robert Mbui (Kathiani, WDM):** I second

**Hon. Speaker:** Is that all?



*(Question proposed)*

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

**Hon. Speaker:** There being nobody keen on debating the Motion, I will put the Question.

*(Question put and agreed to)*

### COMMUNICATION FROM THE CHAIR

#### DISORDERLY CONDUCT BY THE MEMBER FOR KWALE COUNTY

Hon. Members, on Tuesday this week, when we debated the issue of the appointment of the Clerk of the National Assembly, at one point there was a Member at the back who was frantically waving hands and gesturing at the Chair and I did call out the Member as the Woman Representative for Mombasa to order. I have since learnt that, in fact, the Member who was looking disorderly, waving hands and gesturing was the Woman Representative for Kwale and not Mombasa.

The Member for Mombasa has come to the Speaker's Chamber to put the record straight. She, in fact, share with me her constituents' sentiments, who were accosting her to ask why she should be rowdy in the House. I tendered a regret to her and explained that both the two Members are always heavily veiled and it is very hard to identify them with clarity and distinction.

To the Hon. Member of Mombasa, the matter to which your name and designation was mentioned is hereby ordered to be expunged from *The Hansard* and the matter will be treated as if it was never said. The Speaker's direction to the Member for Mombasa should now be transferred and assigned to the Member for Kwale, Ms. Masito Fatuma Hamisi.

*(Laughter)*

Next Order.

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

**Hon. Speaker:** Yes, Leader of the Majority Party.

**Hon. Kimani Ichung'wah** (Kikuyu, UDA): Hon. Speaker, it is not that there is anything out of order in your Communication. Hon. Members will remember that as we began the sittings of this House, even as we debated the contentious issue of which political sides of the House constituted the Majority and Minority, all of us, including Hon. John Mbadi and Hon. Opiyo, implored on Members on the need to conduct ourselves with decorum. The fact that you have taken your time as the Speaker to set the record straight on that issue by clarifying that it was, indeed, the Member for Kwale and not the Member for Mombasa who was disorderly should inform, especially our new Members, on the need to conduct ourselves with decorum. Anything and everything we do in this House is in the full view of cameras. Kenyans are watching you and there will be a price to pay for it either before or at the time of your next election campaign.

Therefore, I take this opportunity to thank you for setting the record straight on behalf of the Member for Mombasa, who is a seasoned Member of this House. I ask the Member for Kwale, as I would ask all other Members of this House, to allow each other to speak and be heard. If you have a different opinion from mine, just hold your horses as I speak or as another

Member speaks. You will have your time for your say and eventually, Hon. Speaker, as you have guided, the vote will decide whichever way it goes.

Hon. Speaker, I am commenting because I also noted with concern the actions of the Member for Kwale. She was waving and shouting “*bado mapambano*”. I do not know who she was *pambana-ring* with in the House. This House is not for *mapambano* in the manner she demonstrated. This House *pambana* with the content between your ears, and not between your two hands or your two legs.

With that, I thank you.

**Hon. Ken Chonga** (Kilifi South, ODM): On a point of order, Hon. Speaker.

**Hon. Speaker:** Yes, Hon. Member.

**Hon. Ken Chonga** (Kilifi South, ODM): Thank you, Hon. Speaker. The Communication you have made about the conduct of the Member for Kwale County was adequate enough. Is it in order for the Leader of the Majority Party to start debate on a statement you have made clear about the conduct of the House?

**Hon. Speaker:** Actually, I would have allowed even the Leader of the Minority Party to say something because they are the custodians of the leadership of the House. The dignity of this House is not just the responsibility of the Chair.

Hon. Wandayi.

**Hon Opiyo Wandayi** (Ugunja, ODM): Hon. Speaker, I will speak not necessarily on the matter you have just rested. The issue of good conduct or bad conduct in these chambers have not been restricted to that particular day only. We have had several cases where Members from both sides of the political divide have tended to make the business in this House a little bit difficult, especially on matters to do with discourse. I must also caution that even as we endeavour to conduct ourselves within the limits that have been prescribed by the Standing Orders, we must also be alive to the fact that Members have latitude to express themselves very robustly on all issues. This should not imply, in any way, that any person could be attempting to stop Members from expressing themselves but rather to remind them that such expressions must be within the ambits of the Standing Orders and the realm of reasonable conduct of Members in this House. That way, we shall be able to move forward as we uphold the dignity of this House and indeed the entire Parliament.

Thank you.

**Hon. Speaker:** Thank you, Leader of the Majority Party and Leader of the Minority Parties. The County Woman Representative for Mombasa, do you want to comment on the matter? I have already withdrawn everything that was said about you. Hon. Zamzam, I will give you one minute to say something.

**Hon. Zamzam Mohammed** (Mombasa County, ODM): Asante sana, Mhe. Spika. Leo umenipa nguvu kwa sababu ule usemi ulioutoa juzi, wakati sikuwepo, ulifanya nikavamiwa sana. Watu wengi kule Mombasa wanajua kuwa mimi ni mama mwenye heshima zangu. Nikiamka najua nasema kitu gani. Najua wakati wa kuongea na wakati wa kunyamaza. Kwa hivyo, nachukua fursa hii kukushukuru sana kwa kutoa mwelekeo kwa kuwa sikuwepo Bungeni siku hiyo. Nina imani kuwa sote tumeweza kupata funzo hapa. Ni vyema tujue jinsi ya kuelekeza mazungumzo yetu.

Asante sana, Mhe. Spika.

**Hon. Speaker:** Shukrani, Mama Kaunti ya Mombasa. Nakuelewa na nakushukuru.

*(Laughter)*

Next Order!

## MOTION

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## LEGISLATIVE PROPOSAL TO AMEND THE CONSTITUTION

PURSUANT to the provisions of Standing Order 114(7A), it is notified that, on Wednesday, 2nd November, 2022, the Speaker accorded an opportunity to the Member for Gichugu, Hon. Gichimu Githinji; and the Member for Matungulu, Hon. Stephen Mule, to make statements on their Legislative Proposal to amend the Constitution to entrench in the Constitution the National Government Constituencies Development Fund, the National Government Affirmative Action Fund, the Senate Oversight Fund, and the Economic Stimulus and Empowerment Fund;

THEREAFTER, the Speaker allowed Members to make general comments on the Legislative Proposal.

*(Moved by Hon. Gichimu Githinji and  
Hon. Stephen Mule on 01.11.2022)*

*(Resumption of debate interrupted  
on 02.11.2022 - Afternoon Sitting)*

**Hon. Speaker:** Hon. Members, let us now go back to the pre-publication debate on the National Government Constituency Development Fund (NG-CDF) and the National Government Affirmative Action Fund (NGAAF), sponsored by Hon. Mule and Hon. Gichimu. Hon. Beatrice Kemei, the County Woman Representative for Kericho, was on the Floor. I want to encourage Members who have not made their maiden speeches that this is one clear opportunity for them. As the Speaker, I liaise with the Whips. If the Whips on either side have Members who may not be on the screen but would wish to make their maiden speeches, they should approach the Speaker. We can give them some priority to make their maiden speeches.

Hon. Beatrice Kemei, you have four minutes to go.

**Hon. Beatrice Kemei** (Kericho County, UDA): Thank you, Hon. Speaker. First, allow me to congratulate you although I had done so in your absence.

I want to take this opportunity to support the debate concerning a legislative proposal to amend the Constitution. This is necessary so as to anchor the NG-CDF, NGAAF, Senate Oversight Fund and Economic Stimulus and Empowerment Fund in the Constitution. It is necessary to understand what the drafters of the proposal had in mind. We know that the intention of the NG-CDF was to iron out regional imbalances brought about by political patronage. That is something it has achieved immensely. So far, I would say that the NG-CDF and NGAAF have done so much. They have brought a lot of balance. I believe that the Members who are present here know how much the NG-CDF has done. The impact that it has made is immense, and cannot be swept under the carpet.

I will highlight just a few positive impacts. In the education sector, the NG-CDF has seen many students through school, and I believe some of them are here. Those who come from humble backgrounds have received bursaries. Currently, many students and their parents are calling us asking when bursaries will be disbursed to enable them to be in school. I can actually say that it has done so much.

Hon. Speaker, lest we forget, the NG-CDF has done a lot when it comes to infrastructure development for schools. The county governments do a lot on Early Childhood Development Education (ECDE) school infrastructure but when it comes to primary and secondary school facilities, the NG-CDF has done great work.

The NGAAF has done so much on women empowerment. It has also done a lot of projects. It has also supported table banking for women, and this has encouraged most of them. The NGAAF has put food on the table for the women, and that is the main reason I am supporting this proposal. We want to ensure that we have more of bursaries, school infrastructure development, women empowerment and support for marginalised and vulnerable groups.

Hon. Speaker, we have started the children's week today. I believe children are a part of the marginalised groups, together with elderly people and widows. Many of the marginalised groups have benefited from the NGAAF. We cannot forget Persons with Disabilities (PWDs) who have also benefited from the same. We have even had National Hospital Insurance Fund (NHIF) policies being paid for these people using the NGAAF and NG-CDF. That is why I support the proposal to anchor these Funds in the Constitution. I want to urge the House to also support the same.

It should also be noted that the funds have enabled many members of our communities to have less *Harambees* because the bursaries have supplemented part of it. Further, talents have been nurtured through NGAAF and the NG-CDF.

With those remarks, I beg to support the proposal.

**Hon. Speaker:** Thank you, County Woman Representative for Kericho. I now give this opportunity to Hon. Joseph Makilap of Baringo North.

**Hon. Joseph Makilap** (Baringo North, UDA): Thank you, Hon. Speaker. I rise to contribute to the matter of NG-CDF. I want to put the record straight that this Fund is not for Members. It is a Fund for those functions that have not been categorised as devolved. You are aware that under the Constitution, some functions are under the National Government while others are under county government. In order to support projects earmarked for National Government, including infrastructure development for secondary and primary schools, we require the NG-CDF. I agree with the proposal that we enhance the resource allocation of these funds from 2.5 to 5 per cent of national revenue. This will enable students in our constituencies to get enhanced bursary allocations. It can even be enhanced to more than 50 per cent so that we do not have situations where students are sent home because of school fees.

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

*[The Temporary Speaker (Hon. Omboko Milemba) took the Chair]*

Hon. Temporary Speaker, it is the onus of the Attorney-General to advise the current Cabinet Secretary for the National Treasury to release the already budgeted for NG-CDF Funds so that children can go to school. Last weekend I experienced a very bad scenario. While I was traversing the constituency, I found a girl who had been sent home for school fees. She had trekked for about 30 kilometres. When I asked her where she was going, she said she was going to her home. Where she was going was an area that had been affected by bandits. She was not even sure whether she would find her parents in the same place she left them. I had to call the school principal, pay her fees while on the road to enable her go back to school. When I asked her to go back to school, she said she could not use the same route because she had been chased by an unknown person on the way. This compelled me to give my vehicle to take her to school as I waited. That tells you that without the NG-CDF, a big number of children will not be able to access free, compulsory and basic education. If we cannot even support students, including the ones seated in the galleries, they cannot get quality, free and compulsory basic education.

In addition, whereas, the Senate wants to have some oversight funds, there is need for Members to be supported through the oversight Funds so that they can be able to move around

the constituencies to oversee what goes on in their constituencies. It is not only the Senators who would do the oversight. Members of the National Assembly also do oversight. We should anchor this fund in the Constitution. The business of the Judiciary is to affirm the Fund that is already in the Constitution but not to destroy this particular noble Fund that sorts out the children of this country.

Those of us who come from insecurity-prone areas consider this a critical Fund. There is a child whose parents have lost all their livestock, and probably some whose parents have been killed, and this is the only Fund that can support such children in our constituencies. Going forward on this particular matter, I want to thank, Hon. Mule and Hon. Githinji from Gichugu: The faster we amend the Constitution and anchor NG-CDF in the supreme law of the land, the better the children of this country would be.

The schools in this country are what they are because of NG-CDF. Without it, so many things would go wrong. This is a Fund we want to protect so that any other human rights groups do not interfere with it. I wonder whether these activists have children going to school, or they are bachelors and spinsters. They need to be scrutinised.

As Parliament, we require an advisory opinion from the Attorney-General to advise the current Cabinet Secretary to release the NG-CDF money before we go for recess. The sooner we stop any other business in this House until this amendment is done, the better for our country. This is a matter of life and death. Many Members were able to come back to the 13<sup>th</sup> Parliament because of how their constituencies were able to distribute the NG-CDF. The projects under it gave them a name and the citizens were able to re-elect them. Without the NG-CDF, some Members would probably not have come back.

That tells you that the NG-CDF holds the fabric of elections in our country. The NGAAF is also very good. Many women in this country have got support from it. In my Constituency, we were able to get some water tanks, goats and many other things. We were also able to sort out the things that are required by our culture. I would, therefore, be one of the promoters that we increase the allocation to this Fund to 5 per cent that has been earmarked in this Amendment.

There are constituencies which have not been able to produce a doctor or a pilot. If we enhance the Fund to 5 per cent, we will, in turn, enhance the percentage of bursaries in our constituencies. This will in turn be able us to sponsor a child who has scored an A, A- or B+ to pursue a course that nobody been sponsored to pursue in a particular constituency. This is so that we can have skilled personnel in our country. If we rely on KUCCPS, they will admit people even in far flung areas to courses that cannot even be attractive in our country. The five per cent will, therefore, give us a further opportunity to expand the sponsorship gap so that we can be able to attract skilled manpower in our country.

The Constitution envisages that functions should be follow by funds. Today there are so many functions that have been taken to the county governments but the resources do not follow them. This is so that we can be able to capture those other functions in respect of which the Constitution is on our side. We need more resources to follow the functions that have been earmarked for the national Government. I, therefore, do not envisage any debate from the Senate to reprimand the National Assembly to an extent that this money belongs to Members of Parliament. It does not. It belongs to the functions that have been left out by the Constitution.

With those remarks, I support.

**Hon. Joseph Munyoro** (Kigumo, UDA): Thank you, Hon. Temporary Speaker for giving me this opportunity. I rise to support this legislative proposal by Hon. Gichimu and Hon. Stephen Mule.

Currently, many students are at home. We are getting numerous calls from our constituents because they do not have bursaries and their children are at home. We are here, and there is nothing we can do. This is something we need to entrench in the Constitution so

that all parents can be sure that their children will have something for school fees. The NG-CDF is not used by Members. It is for our constituents. Other than bursaries and the rest, we use it to build classrooms, laboratories and libraries. I rise to support this Motion so that we can have this Fund in perpetuity.

We have had issues of incomplete classrooms and other incomplete projects. These projects must be completed so that we deliver on our mandate. We all know that one of the roles of a Member of Parliament is legislation. Our constituents, however, look at what you have done, and how you have been able to manage the NG-CDF kitty. Depending on your performance in this respect, you will be assured of re-election or being sent home. This kitty should not be looked at as one that is only meant for Members of Parliament. It is a kitty meant to help our constituents, including children, less fortunate members of society and those who are unable to pay school fees. I am sure that many parents have very bright children at home. They will continue to stay at home as long as we continue to have the discussion about the NG-CDF.

We would like the NG-CDF entrenched in the Constitution so that we do not get threats about the management of this kitty being taken away from Members of Parliament, because this kitty is not ours. You are aware that we no longer have development fees. School children are no longer charged development fees, and we do not ask parents for money to build anything in schools. There are schools which have very bad toilets and classrooms. Even in my constituency, I have seen schools that still have earthen floors. This kitty needs to be entrenched in our Constitution, so that we do not have such issues in our constituencies.

There is legislation that is coming to the House to increase the percentage of funds to be allocated for bursaries. I also want that component to be entrenched in the Constitution so that we have a leeway to increase bursaries, depending on the number of students that we have.

I also suggest that the kitty be distributed according to population size. Some of us have very many wards in our constituencies. We have huge populations, and sometimes it becomes difficult to give bursaries to students.

With those remarks, I support this proposal and congratulate Hon. Mule and Hon. Gichimu for bringing it to the House.

**The Temporary Speaker** (Hon. Omboko Milemba): Very well. Yesterday we had all agreed that the contribution time would be limited to five minutes. Today, unfortunately, no Member has risen to move a Motion to limit the contribution time to five minutes. You are contributing for 10 minutes. I ask Members to be magnanimous enough and just use five minutes because the NG-CDF concerns everyone.

Next on the queue is Hon. Adams Kipsanai of Keiyo North.

**Hon. Adams Korir** (Keiyo North, UDA): Thank you very much, Hon. Temporary Speaker, for giving me this opportunity. I rise to support this legislative proposal because the matter we are debating is of great concern.

The NG-CDF has been a game-changer. It has changed lives in our society. Many professionals are what they are today because of this kitty. Some are teachers, some are doctors while others are engineers. Many pupils in this country are worried because they are not even sure of their education next year. I support that we protect this kitty in the supreme law. When counties receive their money, Members of Parliament should also receive the NG-CDF to push their constituencies' development agenda.

The NG-CDF has supported infrastructure development in schools. In my constituency, we have constructed a Kenya Medical Training College (KMTC). It now has close to 2,000 students. Without the NG-CDF, we do not know whether we will be able to expand it next year because we want to admit many students to ensure that the country gets many professionals who can serve Kenyans.

The NG-CDF kitty is also important because it houses public servants. Chiefs now have modern office blocks. They now serve our people in a humane environment. This kitty is very important for talent development. We have the 2.5 per cent allocation that we normally use to support the youths through sports. If we can use it properly to tap into the talents of our youth, our country will get proper people who can serve us and propel this country to greater heights of development.

The NG-CDF kitty also helps the country by promoting environmental conservation, which is very important. I urge the House to stand together so that we enshrine this kitty in the Constitution. There are many people fighting it not because it is bad but because of supremacy battles on both sides.

The National Government Affirmative Action Fund (NGAAF) promotes livelihoods in the village. Contractors, suppliers and many others are engaging in businesses. I urge this honourable House to come together and support each other, so that we move our country forward.

Hon. Temporary Speaker, because many people are interested in this legislative proposal, I will stop at this point.

I support.

**The Temporary Speaker** (Hon. Omboko Milemba): Very well. That is very good. Members consulting with the Clerks-at-the-Table should take a very short time and go back to their seats, so that the Table is neater. Be assured that everybody will speak because we have time.

Next is Hon. Christine Ombaka of Siaya.

**Hon. (Dr) Christine Ombaka** (Siaya County, ODM): Thank you, Hon. Temporary Speaker, for giving me this opportunity. I thank Mhe. Muli and Mhe. Githinji, who brought this proposal. It is a good one because we are dealing with special funds.

The NG-CDF has been known to perform very well. Schools have been built and security has been enhanced because of the NG-CDF. The NGAAF came much later in 2016 after women representatives who were elected in 2013 lobbied to be given a fund. It came a bit too late and it is also too little. It is for this reason that I wish that we would consider allocating a little bit more to the NGAAF because it is performing very well on the ground. It is helping to pay school fees for needy students. It is giving groups of women, youths and people living with disabilities funds for *biashara*. The NGAAF has done a lot.

The biggest issue that we need to highlight as we fight to maintain the NG-CDF and other funds is to increase the allocation. The amount allocated is far too little for a Fund that covers a whole county. Some women representatives have six constituencies to take care of. Others like the Nairobi Women Representative, has 17 constituencies. The Kakamega Women Representative is taking care of 12 constituencies. We are covering huge areas and the funds allocated are not enough. That is why during elections many women representatives do not come back to this House. It is because it is assumed that they underperformed. That is not true. They work very hard and perform very well but they are let down by the fact that the funds allocated for the NGAAF are far too little. That is why I support this proposal. It will go far in helping vulnerable people on the ground, just like the NG-CDF has done.

The Senate Oversight Fund is also necessary. We need to support each other because even the Senators feel the pinch on the ground since they have nothing to offer. They have no affirmative action funds to take care of the people who voted for them. Let us consider giving them this Fund instead of wondering what they are likely to do with it. We can spell out their role and how they can utilise the Fund but we still need to embrace them and ensure that they are not left behind. They, too, need some funds because some of us here may end up being Senators someday. We will then start regretting why we never allocated any funds to them.

We need to go further than that. We are talking about the NG-CDF, the Women Representatives' NGAAF, and Senators' Fund. We are talking about Senators and their special fund. How about in the wards? We also have Members of County Assemblies (MCAs) and that will also come in as we argue about the special funds allocated for Members of Parliament (MPs). We should not leave anybody behind. Each one of us requires to be considered in terms of allocation otherwise, I support this proposal and it shall be implemented very soon.

Thank you, Hon. Temporary Speaker.

**The Temporary Speaker** (Hon. Omboko Milemba): Let us have Hon. Tim Wanyonyi, Member for Westlands Constituency.

**Hon. Tim Wanyonyi** (Westlands, ODM): Thank you, Hon. Temporary Speaker, for giving me an opportunity to also add my voice to this important proposed amendment to the Constitution to entrench the National Government Constituencies Development Fund (NG-CDF), National Government Affirmative Action Fund (NG-AAF) and the Senate Oversight Fund. This is a very good and well-thought-out idea that we entrench these funds in the Constitution and protect them. The NG-CDF has had a huge impact in the society. There are areas in this country that had never seen even a single development project from the national Government, but through the Fund, projects have reached all corners of this nation. Some MPs have done exemplarily well with the NG-CDF. We definitely have had some grey areas, but that notwithstanding, as we speak now, it has had much more impact than what the county governments have done.

Hon. Temporary Speaker, anyone who wants to do away with the NG-CDF will be going against the interests of the people that we represent. Besides other roles of legislation, we are elected to represent the people. Parliament has the power to amend the Constitution and when we entrench this fund, it is going to be protected. It is not about us but the people we represent and the development of the nation. With this fund, we are also supplementing what the county governments are doing. These are public funds which we are using to make sure that development reaches the lowest cadre in our society. You have seen how we have transformed education and helped the chiefs who never used to have offices by building them. We have also helped the police with housing. Before the NG-CDF became so structured, it used to do more including water and other things. Right now, it has been structured and has votes that cannot be tempered with.

The Member of Parliament also does not sit in the committee but only has an oversight role despite the fact that this is a constituency development fund. We do not allocate funds because there is a committee which is answerable to the NG-CDF board. Our role is to make sure that funds are utilized properly. I can attest that within my constituency we managed to do five new secondary schools which could have taken longer without the NG-CDF. We have also done so many classrooms for schools, refurbished police stations and much more. I am very sure if the allocation is increased, we can even pay more school fees for the needy children because the Ksh5,000 that we give is so little. If we can get more funds, and we identify needy students, we can support their parents by paying full school fees so that the children remain in schools. I support this.

Hon. Temporary Speaker, since the Building Bridges Initiative (BBI) had proposed the NG-CDF to be entrenched in the Constitution but it failed, it is not a bad idea to bring it back through this amendment. So, I support this and I am sure that by the time it will go for publication, we will have enriched it with contributions of Members from this Floor and we will have a good draft. We also want to appeal to Kenyans to support us so that we protect this fund. It is better for us to have more money at the grassroots level than at the national Government.

I thank you, Hon. Temporary Speaker.



**The Temporary Speaker** (Hon. Omboko Milemba): Very well. Let us have Hon. Joseph Cherorot, Kipkelion East.

**Hon. Joseph Cherorot** (Kipkelion, East): Thank you, Hon. Temporary Speaker. I support the Motion brought by Hon. Gichimu and Hon. Mule about NG-CDF which is an equalizer because it balances all the constituencies. With it, your political affiliations do not matter.

Hon. Temporary Speaker, we have so many students who have graduated and so many other Kenyans who have benefited from the fund. We also have infrastructure in schools which have been constructed through the fund. As I speak, most of them have a lot of problems. Every morning I receive text messages about bursaries because Kenyans are relying on it especially during this time when there is a severe drought and economic challenges. Most students are at home. This afternoon I received a message from one of the parents telling me that his child had been sent back home. If NG-CDF was there, right now I am sure none of the students would be sent home since it would help to mitigate, especially for those poor parents who cannot manage to raise the fees.

We also have widows who rely on the NG-CDF. In most cases those parents and students who appreciate more are the ones from poor backgrounds. The fund has really helped us in this country to uplift the lives and standards of Kenyans. I want to say that this fund should be entrenched in the Constitution so that we protect it and even increase it by 5 per cent which is going to be of more help. The amount that is usually disbursed for NG-CDF is not enough. I support and believe the rest of the Members are going to agree with me that we have to top it up. There is also the NG-AAF. In our area during the last Parliament I saw a lot of pads which were being supplied to schools bought through the fund. I also saw so many other projects.

I want to say that even the Senate Oversight Fund has to be entrenched in the Constitution to make sure it is protected. The current structure of the NG-CDF provides for it to be run by officials other than the Member of Parliament, which I am okay with because it is run in a proper manner and with sanity. However, when we are considering especially those students in need of bursaries, we have to give priority to those who are from poor backgrounds.

I support the Motion and donate my remaining time to Hon. Moroto.

**The Temporary Speaker** (Hon. Omboko Milemba): You are out of order. You cannot donate time to a Member. Member for Nyando.

**Hon. Jared Okelo** (Nyando, ODM): Thank you, Hon. Temporary Speaker, for the opportunity. We are here today because of the NG-CDF and it stems from a history. There was a time when you only had to sing the tune of the Government of the day for projects to be extended your way. However, when the NG-CDF came about, whether you sang the loudest to the tune of the Government or you refused to do so – just like we have perfected that art – you still got your due share of the NG-CDF. Therefore, it was not an idle tired proposal. It came because we needed to develop this country equally across the board. The benefits that are accruing from the NG-CDF cannot be properly underscored. Whereas NG-CDF was enacted in 2003, it is puzzling that we passed a new Constitution in 2010 but forgot to entrench it as part of that Constitution. Today we are here grappling with what we could have cured in the 2010 but, be that as it may, we will strive to make it work because it has worked before.

Why are we here today? It is because all the three tiers of our courts from the High Court all the way to the Supreme Court have made a universal decision that NG-CDF is not merited. I acknowledge that the judges in High Court all the way to the Supreme Court went to school before the enactment of the NG-CDF (Amendment) Act 2022 and therefore, they do not understand the real benefits of this fund. I do not know if they have an additional war with the Members of this House. Judges do not live in void. They live with us and they understand the plight of this money. They understand the plight of MPs and the people that they represent.

Therefore, it is sad that we will have to revert to coming up with a new constitutional order by tinkering the 2010 Constitution because judges refused to listen to the plight of the citizenry.

All of us here know that for a long period of time, our schools have been dilapidated and quite rickety in nature. Some of the classrooms of the schools we went to were mud walled and we had to mop up our parents houses carrying cow dung and dirt to go and amend our schools. Some of us in this House went to schools where we studied under trees. Therefore, when this NG-CDF Act was brought to the fore, it cured more things than we could have ever imagined. Only those who are in this House understand properly the benefits that have come as a result of the NG-CDF. I also acknowledge that the Supreme Court vitiated the Constituencies Development Fund Act, 2013 Act. We still have the NG-CDF Act, 2015 which is in operation up to now. Therefore, nothing stops the Treasury from expending from the Exchequer monies to our constituencies. If somebody will want to hide behind an argument emanating from a decision that was made by the Supreme Court, then they will be lying to us. We are not operating under the CDF Act, 2013. We are operating under the new NG-CDF Act that was enacted in 2015.

Therefore, when money will be available, we want the NG-CDF money sent to our constituency accounts as soon as possible. There are people who now hold very senior positions either in Government or in private sector. Most of these people went to school courtesy of bursaries. Today as we speak, we still have so many children held up in villages, who cannot go to school because constituencies are yet to receive the NG-CDF money so that we can address issues of bursaries. Therefore, I want to humbly request that you help us – through your Chair – to expedite this process so that we have these monies going to the ground for our children to be plugged into schools and have the projects that are ongoing in our schools, chiefs' offices, police stations and many other places fast tracked.

We have also included the Oversight Fund in this proposal that should be expended to the Members of the Senate. The NG-CDF Act, 2015 entirely alienated the Members of Parliament from any involvement in that Fund. On the flip side, failure to conduct a thorough follow up on that money will take an MP home at 4:00 a.m. So, whereas our roles are quite limited in nature, we bear the brunt of the failure of the NG-CDF Committee in general. So, even as we pursue money to go to the Senators to carry out an oversight role, this House equally needs the same amount of money so that MPs of the National Assembly can also move around and check if the Members of the NG-CDF Committee have committed themselves and have carried out all the projects that were arrived at hitherto by the same Committee with the involvement of our communities with exactitude. I will be making a further amendment to the Oversight Fund to read the Members of Parliament and not only the Senators.

*(Hon. Catherine Omanyo crossed the Floor without bowing)*

**The Temporary Speaker** (Hon. Omboko Milemba): Order Member for Busia! You are not allowed to cross and crisscross the Floor of the House. When you want to do what you have done, you have to go all the way and bow at the Bar then cross to the other side. That is the good direction of the House.

You may proceed, Hon. Member.

**Hon. Jared Okelo** (Nyando, ODM): Thank you, Hon. Temporary Speaker. We have seen what the National Government Affirmative Action Fund (NG-AAF) can do together with the Hon. Members representing various counties in this House. When I move around Kisumu County, I see women doing businesses in market sheds provided by NG-AAF. I see women having access to money to do their Small and Medium Enterprises (SMEs). Therefore, as we pursue entrenching everything in the Constitution, we cannot leave behind NG-AAF that our good Hon. Women Members in this House have put to good use to help propagate the welfare

of the people that they represent. The stimulus that will go towards the minorities, women and the disabled members of our society is equally critical so that they can have access to some funding to better their living standards.

In the interest of time, I support this constitutional amendment proposal and I want to request the drafters, my friend Hon. Gichimu and his counterpart to move speedily and bring it as a Bill so that it can be quickly moved through all the stages in this House within the shortest possible time to become law. The judges sitting in the high towers of courts will not have any problem with it at all.

I want to finish by saying, now that the Government of the day seems to be enjoying a good rapport with our courts, I do not think we will be subjected to further scrutiny going forward as MPs and all the money that comes with such kind of funds.

Thank you, Hon. Temporary Speaker for the opportunity.

**The Temporary Speaker** (Hon. Omboko Milemba): Hon. Augustine Mwafrika, Member for Roysambu.

**Hon. Kamande Mwafrika** (Roysambu, UDA): Thank you, Hon. Temporary Speaker, for this glorious opportunity. Let me start by congratulating and thanking the co-sponsors of this constitutional amendment proposal, Hon Gichimu and Hon. Mule.

Hon. Temporary Speaker, a lot has been said in this House regarding National Government Constituencies Development Fund (NG-CDF). Allow me to spend one minute to castigate its opposers. It is only a stranger in this country who can rise to criticise or oppose NG-CDF. It can also be somebody who has deliberately decided to close his eyes, so that he cannot see the monumental things which have been made in this country by its use. I dare to say that its opposers or critics are not sincere. They spend their time burning the midnight oil trying to find out if there are loopholes within the framework which it was established, so that they can go to court and disband it. Instead of harbouring malice or jealousy against Members of this House, they should open their eyes wide to see the things which have been achieved through the use of NG-CDF.

It was established to address the socio-economic development within the grassroots level, as well as to alleviate poverty and enhance regional equity. His Excellency the President said on the Floor of this House that NG-CDF can be aligned in the tenets of our Constitution. We are here today to discuss or deliberate on the same. I wish to commend the mass media because for the last two weeks, they have been highlighting the agony and difficulties parents of Kenya are going through due to lack of the boost of bursaries.

There are so many gains that have been made through use of the NG-CDF. The rate of students who are willing to learn is high. The rate of transition of students from primary schools to secondary schools is also high. Many schools have also been built with the use of the NG-CDF. Students from poor families are being retained in school because of the bursaries. We have also seen the construction of police posts which assist lot in enhancing the security network within our country. We have seen the erection of high-mast security lights within the urban and rural areas. The police staff lines are also repaired through the use of the same fund.

I support the legislative proposal to amend the Constitution. Thank you.

**The Temporary Speaker** (Hon. Omboko Milemba): Very well. Hon. Rachael Nyamai, Member for Kitui South.

**Hon. (Dr) Rachael Nyamai** (Kitui South, JP): Thank you, Hon. Temporary Speaker, for giving me an opportunity to also contribute to this important legislative proposal. At the outset, I would like to congratulate Hon. Mule and Hon. Gichimu for coming up with it. It will become a Bill very soon and hopefully change the Constitution, so that we can properly anchor NG-CDF and National Government Affirmative Action Fund (NG-AAF) into the Constitution. This will deal with the court cases that we have been having because NG-CDF is not properly anchored in the Constitution.

Before I proceed to present my support on this legislative proposal, I would like to thank a Member of Parliament whom I have never met, Hon. (Eng.) Karue, who decided to start CDF more than 20 years ago. Even those who have served three or four terms have never met him. This is someone who brought a fund that has made a huge difference in our country. On behalf of my colleagues, I would like to thank him because I know this is a fund that supports so many children across this country in the 290 constituencies.

Over 20 years ago, Hon. Karue envisaged five per cent from the Government revenue to be used as CDF and be distributed to the 210 constituencies at that time. The Movers of this legislative proposal to amend the Constitution, Hon. Mule and Hon. Gichimu, are in order. They are doing it in the right way. They said that 2.5 per cent of the Government revenue has taken far too long. It is time to increase it from 2.5 per cent to 5 per cent. For that reason, I really support this legislative proposal.

Over the years, there have been challenges of implementation which have been handled through various amendments. There were amendments in 2003, 2007, 2013 and later in 2015 which brought about the NG-CDF. The Government should disburse money to the constituencies because the matter that was in court was not about NG-CDF but CDF of 2013. Students in secondary schools, teachers training colleges and universities are suffering. When funds are available, it is extremely important to disburse them, so that Hon. Members of this House can deal with school fees and blown off roofs during recess. There is a lot of wind, especially in the Eastern and the lower Eastern region. I believe that this is the same in many other parts of the country due to climate change. There is a lot of wind and school roofs have been destroyed.

Even before we handle this legislative proposal, it is important to disburse money to the constituencies. This morning, I watched a situation where someone was analysing how long it will take to go through the Bill and then all the way to the constitutional amendment. I felt that was a very long time. Our children and the situations in our schools cannot wait. What is trending from my constituency this morning is a school called Ngangati Primary School. It is not only trending in my constituency but also nationally because children learn under a tree. I would like to state in this House that I have the highest number of primary schools in the country. I have over 230 primary schools and 60 secondary schools. If I put them together, I can estimate the number of institutions in my constituency to 300, that is, primary and secondary schools.

The NG-CDF has enabled us to have classrooms and pay school fees for poor children. I look forward to the passage of this legislative proposal and the subsequent steps that will ensure that we anchor NG-CDF in the Constitution. In most constituencies, 74 per cent of NG-CDF money goes to schools. This is something that needs to be encouraged because when children are well educated, we get good citizens who can develop our country.

With regard to the matter of providing funds to the Senate to be able to check on what is going on in constituencies and counties, I would like to agree with the Member for Kisumu that this should not only concern the Senate but Parliament. We should not only consider a fund for Senate but Parliament. Members of National Assembly are not part of NG-CDF constituency committees. They should have an opportunity to oversee the fund.

In my constituency, I have been able to start a teachers training college, which is in its final stages; a Kenya Medical Training College (KMTC) campus, which will soon have many students; and a technical training institute. I look forward to doing so much more. I would like to encourage new Members of Parliament that it is through NG-CDF that you can make your way back to this House. It is extremely important that you make use of NG-CDF and make sure that you implement the projects.

On NG-AAF, which is being implemented by woman representatives, I would like to congratulate my woman representative, Hon. Kasalu. She has done extremely well in

distributing water tanks, tents and seed money to women groups in all the eight constituencies. As much as we are thinking about NG-CDF, it is important that we also think of enhancing NG-AAF which has brought a lot of sustainable development in our constituencies.

I would like to end there. Thank you very much for the opportunity.

**The Temporary Speaker** (Hon. Omboko Milemba): Very well. Next is the Member for Soy, Hon. David Kiplagat. If he is not in, the next is Hon. Joseph Samal, Member Isiolo North.

*(Loud consultations)*

Hon. Samal is one of the Members who have to be given preference. Is he in the House? Hon. Members just be patient. He is there. Please give him the microphone.

**Hon. Joseph Samal** (Isiolo North, JP): Thank you, Hon. Temporary Speaker. I rise to make a comment in support of this legislative proposal. I support it because I have many people who have been dependent on NG-CDF and are now crying a lot because they cannot get bursaries to support their children. NG-CDF is very important to the people of Kenya. Since its establishment 19 years ago, it has facilitated and enhanced development throughout Kenya. You have heard Members saying that the fund is very important in their constituencies. It has done a lot. It has financed putting up of infrastructure such as boreholes in schools and access roads to educational facilities. During the 11<sup>th</sup> Parliament, I built 11 schools in Isiolo North. I wish to be like Hon. Rachel who has built more schools because she has been here for three terms. I wish to build more schools in consultation with the communities.

On management of NG-CDF funds, trust with contractors is very important. It gives a lot of confidence and hope to the contractors, communities and to people with children in schools. An amendment to the Constitution to entrench NG-CDF will give confidence to Members and build capacities of all students and teachers in schools. I agree with Hon. Wandayi that the delay in disbursing NG-CDF funds causes frustrations to the people of this country. They call and text every day and night asking for bursaries to enable their children go to school. I support the Motion that NG-CDF should be included in the Constitution.

Thank you.

**The Temporary Speaker** (Hon. Omboko Milemba): Hon. Danson Mwashako.

**Hon. Danson Mwashako** (Wundanyi, WDM): Asante, Mhe. Spika wa Muda, kwa kunipa nafasi nzuri ya kuchangia mjadala ulioko hapa wa kufanyia marekebisho Katiba ili hazina ya NG-CDF iweze kuingia katika Katiba na tuzuie wale wachache ambao wanataka kuvuruga hazina hii ambayo inafanya kazi nzuri nchini kote. Haitasahaulika kwamba tulipoanzisha ugatuzi nchini, mathumuni haswa ilikuwa ni kwamba ni vipi basi tutapeleka hela karibu sana na mwananchi wapate kujisimamia, kupata miradi na kufanya mambo ambayo yatabadilisha maisha yao.

Ni kweli kuna mambo fulani ambayo yamegatuliwa na mengine yalibaki katika Serikali ya kitaifa. Sisi Wabunge tumebaki na majukumu makubwa ya kuangalia kwamba Serikali ya kitaifa inafanya kazi kufikia mwananchi aliye chini sana ama aliye mbali sana na Nairobi. Wenzangu wamesema kwa kirefu sana kwamba hazina ya NG-CDF inasaidia. Kwa kweli ukizunguka kona zote za nchi na maeneo Bunge yote, miradi utakayoona utafikiria kwamba pesa za NG-CDF ndio pesa za ugatuzi zinazofikishwa mashinani. Kuna hela nyingi sana lakini bado unakuta asimilia kubwa ya pesa ambayo inaenda kwa kaunti, inaenda kusimamia pesa za kulipa wafanyikazi, *recurrent expenditure*. Lakini hazina hii ya NG-CDF, miradi inaonekana kwa sababu asilimia tano pekee yake ndio inaotumika kulipa wafanyikazi, kumaanisha asimilia 95 inaenda kwa miradi kama vile kusaidia wanafunzi wetu. Kwa hivyo, asilimia 95 inaenda moja kwa moja kwa wananchi ili waweze kubadilisha hali yao ya kimaisha.

Kwangu kule Wundanyi tuko na changamoto tele. Lakini kwa sababu hali ilivyokuwa kabla ya ugatuzi, tulibaki nyuma muda mrefu. Ninakumbaka hazina ya *Equalization Fund* ilikuja kuleta usawa nchini, lakini tumeona kuwa ile hazina haijaweza kumea miguu. Imebaki tu kwenye daftari, iko kwa vitabu, iko kwenye Katiba, lakini haijafikia maeneo ambayo yana changamoto nyingi maeneo yaliobaki nyuma. Lakini hazina ya NG-CDF kuna shule kadhaa pale kwangu ambazo hazikuwai ona shilingi hata moja ya pesa za kitaifa kabla ya ugatuzi au NG-CDF kuja.

Leo hii tumeboresha shule zetu, tumejenga shule mpya, tumeweka miundo misingi kwa shule nzuri kupitia hii hazina. Tukisikia kwamba kuna mahakama inapinga ama inasema kwamba NG-CDF sio muhimu na ikiwezekana itolewe na ikiwezekana ipeleke magavana. Kile kinachoibuka kisheria maswala tunayo simamia ya NG-CDF hayajagatuliwa. Wakati mahakama inasema kwamba kazi hiyo inaweza kufanywa na kaunti tunashindwa kuelewa ni vipi basi kazi ambayo haijagatuliwa, itafanywa na magavana na wale *Members of County Assemblies (MCAs)*.

Nikija katika suala la wanafunzi ambao hufadhiliwa na hazina hii, kule kwangu nina shule moja inaitwa Mbela High School. Iko maeneo kame ya Kishushe. Katika shule ile, asimilia 60 ya wanafunzi waliopo pale wako na ufadhili wa mia kwa mia kutoka kwa hazina ya NG-CDF. Asilimia 60 wanategemea NG-CDF pekee yake. Tunawalipia karo yote maanake ni sehemu ambayo imekauka sana, ina shida na changamoto nyingi. Leo hii shule iko karibu kufungwa, maanake kama asilimia 60 ya mapato ya shule kupitia karo, inatoka kwa hazina ya NG-CDF. Wakati haiko wale wanafunzi wako nyumbani. Shule haijielewi itafunga ama itafanya namna gani. Kwa hivyo, lazima tuliangazie suala hili sana. Sasa hii tuko na janga la ukame na njaa, lakini swala ambalo ni la kitaifa na ambalo linaingiza Wakenya uoga ni hili swala la kusemekana kwamba hazina ya NG-CDF haitakuwa.

Kule kwangu watu wengi ni wakristo na kila asubuhi ninapata simu za wachungaji na wakristo, pamoja na waislamu walioko pale Wundanyi wakisema wanalivalia njuga suala hili kwa maombi. Wanaona kama NG-CDF haitakuwa, basi maisha yao yamekorogeka. Sasa kila asubuhi ninapata simu ya wachungaji wakiniambia kwamba wanafunga na kuomba, na Bunge la Kitaifa liweze kusimama kidete ili Mungu aliye juu awezeshe Kenya hii ijue kwamba NG-CDF ni muhimu, ijue kwamba wananchi wanaumia, ijue kwamba wanafunzi hata wale wanaoanza kuenda vyuo vikuu wanaumia pia.

Mwaka huu watoto wa vyuo vikuu wengi wameenda shule. Lakini karibu 50 imebidi wahairishe kuingia *university* kwa sababu walikuwa wanategemea NG-CDF. Lakini kwa sababu NG-CDF imecheleweshwa na kukorogwa, imebidi wengine tumewashika mkono kwa kutumia marafiki na sisi wenyewe kibinafsi, lakini wengi wameshindwa kuingia *university*, kwa sababu ya hazina hii.

Kwa hivyo, kama kuna jambo moja ambalo sisi Wabunge tunastahili kushikana kwa umoja ili wakati sheria hii inapokuja kupigiwa kura hapa Bungeni, sisi wote 349 tuwe ndani ya Bunge, tupitishie jambo hili. Lile linalonitia moyo kabisa ni kwamba pesa hizi zimekuwa ni kidogo mno. Sasa yatakikana tuiweke iwe asilimia 5 na tuambie wananchi ya kwamba tuko tayari kama Wajumbe wao kutetea mambo ambayo wanayabeba moyoni. Na ninawahakikishia wale ambao wanasema kwamba NG-CDF ni pesa ambayo inawafaidi Wabunge hawajasoma sheria, hawajui *regulations* za kusimamia hazina hii. Hakuna shilingi ya NG-CDF ambayo inaenda kufaidi Mbunge yeyote aliye kwenye Bunge la Kitaifa.

Mara nyingine ninasikia hata wenzetu Waseneta wanasema mambo ambayo hawana uhakika nao. Wanasema kwamba tuwape hazina yao kufanya *oversight* kwa sababu Wabunge wako na NG-CDF. Wanakosa kujua NG-CDF sio ya Mbunge, bali ni ya wananchi. NG-CDF mia kwa mia haimufaidi Mbunge. Tunashukuru mungu Bunge hili linatuangalia vizuri. Tuko na *mileage*, tuko na mshahara kwa hivyo hatuhitaji kuchungulia hazina ya NG-CDF kufaidi familia na mifuko yetu. Wenzetu wa Seneti wanatakikana wafahamu kwamba tunapowatetea

wapate pesa ya *oversight* hatutawatetea pekee yao. Hata sisi tunahitaji pesa ya kufanya *oversight*. Haitakuwa vyema kufananisha eti sisi tunayo NG-CDF na wao wanahitaji pesa ya *oversight*. Wanatakikana waelewe na wasome sheria ya NG-CDF kuwa hizi pesa sio zetu ni za wananchi. Lakini mkisema kwamba wanataka kuangalia pesa zinatumiwa vipi nchini, basi hata wanapopata *oversight funds* hata Mbunge wa eneo Bunge, Mbunge wa akina mama wanatakikana pia wawezeshwe ili tuweze kufanya *oversight* yetu sawasawa.

Ninamalizia, Mhe. Spika wa Muda, kwa kuunga mkono Hoja hii. Hata zile pesa za hazina ya akina mama, ile tunaita *National Affirmative Action Fund (NG-AAF)*, pia kwa kweli wanafanya kazi kubwa. Pale kwangu, Mheshimiwa wangu, Mhe. Haika Mizighi, amesimama kidete na makundi yaliosahaulika akina mama na vijana. Ninaomba kwamba wakati tunapitisha hazina ya NG-CDF kufika asilimia tano tuongeze na ya akina mama ili Mbunge wa eneo Bunge anapofanya kazi na yule anayesimamia maswala ya akina mama naye afanye kazi ya kueleweka ili nchi yetu yote isonge mbele na tufaidike kama nchi nzima.

Mhe. Spika wa Muda, ninasema asante. Ninaunga mkono mabadiliko haya ya Katiba. Asante.

**The Temporary Speaker** (Hon. Omboko Milemba): Mbunge Wa Mandera South, Abdul Haro.

**Hon Abdul Haro** (Mandera South, UDM): Thank you, Hon. Temporary Speaker, for giving me this opportunity. I will take over from you my colleagues, Members who have spoken before me, to thank the co-sponsors of this legislative proposal to amend the Constitution of Kenya (Amendment) Bill, 2022, Hon Gichimu and Hon Mule, for this very timely legislative proposal. The NG-CDF is a transformative development agenda which has actually transformed lives of many Kenyans in the 290 constituencies. For example, the 57 billion that has been spent on bursaries in the last five years only is not just a number but resources that have been used to touch the lives of six million students who have benefited from these bursary funds in all the 290 constituencies.

We should make it very clear by saying that NG-CDF is actually a concept that promotes localisation of development in this country. This is because it is facilitating the shifting of power, responsibility and decision making of development to the local stakeholders. We have been told and we know NG-CDF has been used to construct classrooms dormitories, administrative blocks, libraries, toilets, purchase of school buses, staff houses in schools, chiefs' offices and police posts in all the 290 constituencies.

*[The Temporary Speaker (Hon Omboko Milemba) left the Chair]*

*[The Temporary Speaker (Hon. (Dr.) Rachel Nyamai) took the Chair]*

I support the idea that the NG-CDF has to be increased from the 2.5 per cent of all national government share of revenue to 5 per cent. By increasing the share from 2.5 per cent to 5 per cent, we should also advocate for expansion of the functions of the NG-CDF. Right now, it largely covers the education and the security sectors. I am in support of the idea by one our colleagues yesterday who said that water is an essential component that should be covered by the NG-CDF. Apart from water, the functions of the NG-CDF should be expanded to include energy, social security and perhaps the recruitment of untrained teachers. In some of the constituencies we come from, administrators of schools are really struggling with making sure they cover the curriculum. The teachers posted by the Teachers Service Commission (TSC) are not enough. I know of schools in my constituency with very many students, like 500 students, and only two teachers. The teachers are forced to look for funds, which they do not have, in

order to employ untrained teachers to cover the curriculum. The idea that many Kenyans, especially the NGOs, have promoted education to equate to the NG-CDF managed by MPs is a fallacy. The NG-CDF is resources and money that is decentralised and used in the 290 constituencies. It is used to help beneficiaries who are our constituents, communities, schools, police posts, and police lines.

I think the lacuna we have in the disbursement of the NG-CDF has really caused a lot of suffering. For example in Mandera South Constituency where I come from, I receive calls every day. Students are reporting to have been sent home because of lack of school fees. Students have been reporting they are missing their exams because they have been told they cannot do exams because they have many fee balances. For example, I know one student in a Kenya Medical Training College (KMTC) who has been forced to defer courses because of inability to report for the semester because of lack of school fees. Some students have decided to drop out of school completely. They are unable to pay school fees.

I know of schools with only two toilets and 1,000 students in my constituency. When you go there in the morning, you see girls and boys lining up to use that facility. Those needs are increasing every day. We have schools where students are sitting on floors, without desks and seats. I can only imagine what will happen come January when they will be having double intake. We have sixth graders graduating to junior secondary and the class eights going to form one. It can only be chaotic.

Since these needs are increasing, teachers, parents and students are worried. We need the NG-CDF as we wait for this legislative proposal process of amending the Constitution to go through. We ask the CS of the National Treasury to release the NG-CDF funds immediately so that we continue meeting the needs of our constituents. These needs are increasing by the day.

Thank you, Hon. Temporary Speaker, for the time.

**The Temporary Speaker** (Hon. (Dr) Rachael Nyamai): Hon. Member for Chesumei, Hon. Paul Biego.

**Hon. Paul Biego** (Chesumei, UDA): Thank you, Hon. Temporary Speaker.

I rise to support the Motion on the NG-CDF. As I stand here, I am actually perturbed and perplexed on whoever would imagine to deprive the poor what rightfully belongs to them. The NG-CDF is quite a critical component in education issues. Many people have passed through their schools because of funding from the NG-CDF. As I stand here, many of my constituents keep on asking when we will give them bursaries. It is a pity that some people somewhere would actually think that they will do away with bursaries. As many Members and colleagues have said, the benefit of the NG-CDF is to the needy people. The benefit is not for us Members of Parliament. It is not for all the people who are on jobs. I stand on the Floor of this House to support strongly that the NG-CDF and NG-AAF should not be disbanded. Many people have praised the NG-CDF for incorporating poverty index when allocating part of the funds. This has potentially a high impact in addressing historical and systemic wrongs such as regional disparities.

As you will remember, the Central Bureau of Statistics (CBS) found that Kenya is a nation with huge disparities in service accessibility, quality and efficiency. Hence, the NG-CDF being a public fund plays a crucial role in addressing some of these disparities. When you walk across constituencies and counties, you will realise that the funds and projects funded by the NG-CDF or earlier by the CDF are visible. There are so many other funds allocated to our counties and constituencies that are not visible. We know very well that projects given through the NG-CDF are visible. We cannot go in the direction that somebody wants to take us not to have those funds. Had it not been for those funds, some Members in this House and many people in offices would not be there. All of them are products and beneficiaries of the NG-



CDF. There are young children with dreams who are in their homes, villages and schools. For their dreams to come through, they need this funding. Otherwise, they will not go to school.

Then there is the issue of security. This funding was also helping police stations. Even in my headquarters back in Chesumei Constituency called Chemundu Police Station, the officers there are in a pathetic situation. They live in houses that look like chicken houses. I was surprised that there are Government offices and police stations that look like those in Chemundu. They look like sheep houses. If we do not get this funding, I fear many more things will go wrong with security.

I wonder because the level of accountability with NG-CDF funding is so high. It is not in the mandate of an MP. I also wonder why the Senate would want to be given these funds to oversee. We need them more because we are the ones to be held accountable in case something goes wrong. The NG-CDF is also subject to public participation. People go for public participation in order for NG-CDF funds to be disbursed. If any other complaints emanate from the disbursement of NG-CDF, I know there is a mechanism for redress.

Hon. Temporary Speaker, I stand here very confused as a Member of Parliament. This is because whoever wants to take away NG-CDF is a real enemy of not only the people of Kenya, but also the low-class people because they are the ones who benefit most from NG-CDF. Therefore, I would like it to be entrenched in the Constitution, so we can have an end to this debate.

Finally, as I sit, I would like to humbly call upon the sponsors of this proposal, Hon. Gichimu and Hon. Mule, to speed up this process and bring it as a Bill so it can go through all the procedures and processes in the House within the shortest time possible. With that, I donate the remainder of my time to other Members. I strongly support that NG-CDF should not be disbanded.

Thank you, Hon. Temporary Speaker.

**The Temporary Speaker** (Hon. (Dr.) Rachel Nyamai): Very well. Let us have the Member for Homa Bay, Hon. Bensouda.

**Hon. Atieno Bensouda** (Homa Bay County, ODM): Thank you so much, Hon. Temporary Speaker. For purposes of record, I have stayed for long before making my Maiden Speech. I thank you for giving me this opportunity to make my Maiden Speech in the 13<sup>th</sup> Parliament. My name is Joyce Atieno Osogo Bensouda. My titles are Hon. and Dr. They are not part of my name but my achievements.

I am Hon. not only in the 13<sup>th</sup> Parliament, but I was Hon. Bensouda in the County Government of Kisumu as the Minister for Roads, Transport and Public Works. On this day I am Hon. Joyce Atieno Osogo Bensouda, Member of Parliament for Homa Bay County. I have taken over from Hon. Gladys Wanga who was the former Women Representative and is now the sitting elected Governor of Homa Bay County.

Allow me in my introduction to say I was born and bred in Homa Bay County so, I am representing a county which I understand. I was born, married and stayed there so, I understand their challenges, achievements and gaps. I take this opportunity to thank our God who has given us life. This far we have come, we cannot take it for granted. We serve a God who turns impossibilities to possibilities. Therefore, as we stand in this House, I believe each and every one of us will attest to this fact because he/she was elected. Allow me to say I am a married; I am a Christian; and a professional woman leader, who will serve this nation diligently.

Hon. Temporary Speaker, it is my honour this day to appreciate and acknowledge the people of Homa Bay County for electing me to this 13<sup>th</sup> Parliament. I do not take this for granted. I cherish them and with a lot of passion and humility, I will serve them since they took their time to vote me in. I appreciate and I salute them this day. I will not forget to thank my party leader who is none other than His Excellency Rt. Hon. Raila Amollo Odinga, the former Prime Minister because I am in this Parliament through the ODM Party, which I respect.

Allow me to say that politics is now behind us and it is time for service delivery. In this Parliament, we are engaged as an arm of Government; that is the legislature. We must serve Kenyans diligently without looking at political divides.

I want to confirm that the proposal in place is very relevant to me. Why am I saying so? This is because I am a career educator. I am a professional teacher who has the credit and distinction of teaching in all cadres or levels of education. I confirm to this House that I am a primary school teacher so, when any issues dealing with policies arise, I understand them from the perspective of practicality and not just as a politician.

I am a high school teacher. I trained, graduated and professionally qualified from the world class university; the University of Nairobi. I want to record in this House that I am a lecturer, professionally trained and qualified. I got my Master's Degree at the University of Nairobi. I hold a Doctorate of Philosophy in Project Planning and Management. So, I find this absolutely relevant as I serve in this House as a Member. Not only do I own a Doctorate of Philosophy in Project Planning and Management, I am also specialised in Project Monitoring and Evaluation. All these equate to devolution. This is what we need to serve our constituencies and counties.

Having said that, I want to appreciate the seniors in this House because we learn from their footsteps. When you enter into somebody's house, you observe, watch and listen. I have listened, observed and taken my time to see and learn how Members debate and conduct their presentations. This gives me an edge to start my footing in this House.

I want to recognise with a lot of humility the late Wangari Maathai as a woman leader in this country. I am doing so because her life is anchored in one of the key items in my manifesto which is environmental conservation which I will elaborate a little bit. From my observation as a key stakeholder and leader in this country, I want to give my opinion on the institutions that exist in this country.

As leaders given the time to serve in each and every institution - the Executive, Judiciary or Legislature - we must be transparent, honest and accountable to the work we do. We do not have time. Kenyans are watching us and they do not want stories or sideshows. I believe in the 13<sup>th</sup> Parliament, the Fourth Estate is asking what this House will do differently from what has been done in other years.

Without looking and observing our political divides, we must serve Kenyans. There are issues as an educator I would want addressed like to see the courts upholding the spirit of education otherwise, we cannot be discussing education issues, formulating education policies and then at certain points we give double speak.

As a Christian, it is my proposal and quest that the churches in this country should also be looked into. I am very happy that our President is one of the spiritual persons we have in this country. I always see prayers ongoing in State House. We want to see this cascaded to Protestants, Anglicans and each and every denomination. Even in my language we have *nomiya*, if you allow me to say. When it comes to gatherings and public holidays, we must cushion and be equitable with our prayers. Let us not have only one side, but religious leaders from all denominations must be brought on board. If anything, the churches need to develop and grow. Why do we not think about this? I think, I will bring a Motion to cater for this.

I want to talk as a woman leader in this nation. In Homa Bay County, where I come from, there are many challenges which cut across. We cannot overlook other regions at the expense of this one. In Homa Bay County, currently we have nine sub-counties. These nine sub-counties have the potential that can be tapped by utilisation of the resources which are available. Some are natural and some can be initiated through innovativeness. There are some Motions in this House which do not need a lot of time to debate but require action. I am very happy and encouraged that our key leaders of this country had in the past acknowledged that there are some gaps in our Constitution. I would want to concur with that, and if we have

acknowledged that there some gaps, it is our duty and responsibility to restore them. I want to believe that laws were not made for us and neither man was made for that, but we are supposed to come out and ensure that the gap which is existing is filled. No wonder we are elected to represent our electorates.

Hon. Temporary Speaker, in the county where I come from, there is serious youth unemployment. This is a song that has been sung for the last years. For how long are we going to talk about youth employment without creating the resources of mitigating through higher percentages? We have big fish in the lake region. We want to be the other side of Mombasa for tourists. We should have tourists going to the coastal region also to Homa Bay County.

When we are talking about the National Government- Constituencies Development Fund (NG-CDF), I have heard and listened keenly in this House. There is no doubt and choice if anything, on all those funds under the five segments, economic stimulus, including the senators who also need some money for oversight. As a project planner, there is no oversight which can be done with mere observation. A project oversight, if you want it to be informative, must be planned for.

**Hon. Temporary Speaker** (Rachel Nyamai): Your time is up. Very well spoken, Member for Homa Bay.

**Hon. Atieno Bensouda** (Homa Bay CWR, ODM): Hon. Temporary Speaker, with a lot of humility, kindly give me two more minutes.

**Hon. Temporary Speaker** (Hon. (Dr.) Rachel Nyamai): You have two minutes.

**Hon. Atieno Bensouda** (Homa Bay County, ODM): Thank you so much. I will cut my Maiden Speech short and come directly to the Motion on National Government Affirmative Action Fund (NG-AAF). I believe the Constitution says that Women Representatives are supposed to be representing the youths, women and Persons with Disabilities (PWDs). As we are doing this amendment, the NG-AAF must be anchored in the Constitution. It is not a favour. Standing on my feet as you observe me, I am not just worth being given just some money. I am worth representing with a lot of practicality. We resigned to come and serve the people of this nation. We did not resign to come and be given mere resources yet we have tax payers' money that can be equitably distributed so that service delivery can be felt. For instance, as woman representative, my people expect to see markets which I promised them during my campaigns. A woman with a storage facility, a woman with a sitting chair, a woman with apples, and a woman who can sell her products, I require resources. It is not just me. We have many constituencies that we are representing.

I want to speak strongly that the NG-AAF must be restructured. I want it to go on record. When NG-CDF is being given 2.5 per cent increase, NG-AAF must also increase because the women are the basket of the family and the society. We are standing firm that the committees which will be dealing with these issues must remember to make amendments that are informative and can be anchored in the Constitution.

I do not want to be a disobedient pupil but next time we must cherish men and women in this House. We know what NG-CDF is doing down there. When you are advocating for the Fund...

**Hon. Temporary Speaker** (Hon. (Dr.) Rachel Nyamai): Very well spoken, Member for Homa Bay County. The Member for Roysambu, Hon. Augustine Mwafrika, you spoke already? He is number one on my list. The next one will be the Member for Chepalungu, Hon. Victor Koech.

**Hon. Victor Koech** (Chepalungu, CCM): Thank you, Hon. Temporary Speaker, for this particular time so I can make my contribution towards this particular Motion – Legislative Proposal to amend the Constitution so as to entrench NG-CDF in our Constitution.

At the outset, I want to make it short on my end because Hon. Members have spoken to this particular Motion. I want to appreciate the two Hon. Members who came up with this

particular Motion – Hon. Githinji and Hon. Mule. It was a brilliant idea to have this Motion before this honourable House so we can ventilate, make our recommendations and also make it known to all Kenyans and to all the citizens that we care for their needs.

At the outset, I want to register my support and make it known that before NG-CDF, that is, before 2003, the order of development in our constituencies was achieved through *harambees*. CDF came in to do regional balance through implementation of local development projects, and particularly those that take care of the needs of the people that we serve. I want to mention a few projects that are being undertaken by NG-CDF in my constituency. I have a Medical Training College (MTC) that is located at a place called Siongiroi within my constituency. I would want to make this particular project to completion through the same CDF. We have the bursary requests and our children are crying, our learners and the parents call us day in, day out, requesting for bursaries. As Members, we do not have answers. That is the reason we are not only praying, we are also pleading, but we will use the legislative arm that is given to us by the Constitution to ensure that CDF is entrenched in the Constitution. I wish to request the two Hon. Members to approach it in a bipartisan way so as to bring in the Senate. It will be a good idea and it will serve this House well.

As to why I support this particular Motion entirely, is because before 2003, the number of primary schools within my constituency were less than 40. As I speak today, the number of primary schools within my constituency are above 80. The number of day secondary schools are roughly 77. In terms of the education sector, NG-CDF as it can be seen, has done a lot and that is why we want to support this Motion and to see to it that it is implemented in its entirety.

I would want to call upon the activists who went to court to register this particular case. Happily, the case that is in court considers the 2013. The one that is active now is the NG-CDF, 2015. These particular activists should have thought about the needy people in our constituencies. They should have at least considered the orphans who entirely depend on the NG-CDF for their education. I want to support this particular Motion. I want to donate the remainder of my time to the Members who are here so that they can also contribute to this particular Motion.

Thank you.

*(Applause)*

**The Temporary Speaker** (Hon. (Dr.) Rachael Nyamai): Hon. Charles Onchoke, Member for Bonchari.

**Hon. Charles Onchoke** (Bonchari, UPA): Thank you, Hon. Temporary Speaker, for the opportunity to contribute to this proposal to amend the Constitution, so that we can anchor some of these very important tools we need for development in this country. In this House, the Members represent the people of Kenya. They are speaking for the people of Kenya. When all the Members are in support of this Motion, then it means that the people of Kenya have spoken. It will be absurd if anybody from any corner is thinking to the contrary. In Bonchari, the constituency that I represent, we urgently want more funds without interruption. We have had several interruptions which have adversely affected our people in many areas and in many respects. Many kids are not going to school because they do not have money. Up to about 30 schools in Bonchari need repairs, and infrastructures such as classrooms, playgrounds, laboratories and dormitories. Lack of these facilities is making learning very difficult, and hampering the performance and retention of students in schools.

The state of security in Bonchari is not very good. We need more police officers. In addition to that, we need more offices and more houses for police officers and their support staff. Our chiefs and assistant chiefs, Deputy County Commissioners and Assistant County Commissioners do not have offices. I am looking forward to have the NG-CDF monies so as

to provide housing and offices, so that they can be able to discharge their responsibilities and we can have the security that we need.

You are probably aware that in Kisii, we produce wonderful sports people. But because we lack the resources to train upcoming sports people, we are lagging behind. The NG-CDF has a responsibility of supporting sporting activities. This is the fund that we are looking forward to, so as to support our upcoming athletes and sports people. In doing so, their talents can be developed.

Hon. Temporary Speaker, it will be remiss to ignore the administration of the NG-CDF, and it has substantially lived to the letter and spirit of the Constitution, and in particular Article 201. It speaks to equity, prudence, accountability, public participation and inclusivity. With regard to equity, if you look at the Public Finance Management principles, and you look at how the NG-CDF has been administered in the past and how it has been provided for under the law, it meets all the principles and tenets of equity. It caters for all the demographics in terms of sex, age, religion and regions. It is a pretty good fund in the way it has been modelled. When it comes to prudence in terms of frugality and how it is spent, if you look at what is provided for, for instance in administration, which is akin to recurrent portion of expenditure in the county and the national Government, it is merely six per cent. That means up to 94 per cent goes to development. Look at the county governments and national government, a whopping 60 to 80 per cent go to recurrent expenditure. This means that we are only left with 30 per cent to cater for development. It is not surprising that our roads and hospitals are in a terrible state.

In addition to that, there are no pending bills for all the 290 constituencies for the projects and expenditures incurred by the NG-CDF. But if you look at the national and county governments, the pending bills are terrible. We are talking an upward of five billion, and this is something that is worrying in this country in terms of fiscal management.

Hon. Temporary Speaker, having looked at what is being proposed to be anchored in the Constitution such as the NG-CDF, the National Government Affirmative Action Fund, the Senate Oversight Fund, the Economic Stimulus and Empowerment Fund, we need to be careful here. I want to propose that we probably need some caucus to look at the details, so that we do not meet pitfalls ahead. I really get scared when I hear Members talking about headwinds ahead because it will be a terrible mistake for this country in any way to affect the performance/flow of the NG-CDF. It will affect very many lives and regions, and I do not know where we will be. As it has been noted, if you go to any part of the country, you are likely to see a footprint of the NG-CDF everywhere. You cannot speak about the other funds that we have in the nation.

On the Senate Oversight Fund, as the caucus is going to be looking at the details, they should be careful. It will be risky to earmark a revenue of funds for the Senate Oversight, because even the National Assembly carries out oversight. Are you therefore saying that it is only Senate that carries out oversight? We might be making a mistake here, and therefore, it needs to be looked at carefully. We must find the right language or a way of dealing with it, or just have it as administrative.

Hon. Temporary Speaker, I have heard a lot of Members proposing that we need to add the amount of NG-CDF and double it from the current 2.5 per cent to 5 per cent. We must be careful here, because the 2.5 per cent that we are currently dealing with is based on the revenue in totality that is collected for the entire nation. So, the base is bigger. However, in the proposal, it is going to be based on the revenue that is shared with the national government, and so, the base is smaller. The 5 per cent does not necessarily translate to the double the amount that you are looking for. We probably need to increase it to 6 or 7 per cent if our objective is to achieve double the amount that we are currently dealing with.

Hon. Temporary Speaker, the Economic Stimulus and Empowerment Fund is very important. I support it in its totality. That needs to be anchored in the Constitution as well as the NG-CDF and the National Government Affirmative Action Fund. This will enable them to

do the work as it was intended without unnecessary interruptions like we have had in the past, and the people that we represent can have a peace of mind. Every time we are in the House or out there, we get calls from our constituents asking about the fate of the NG-CDF. If given the opportunity, we can bring all people from Bonchari as evidence that the NG-CDF must stay. I dare say it is the same for every constituency. We can have all Kenyans coming to prove the point that the NG-CDF has to stay. Therefore, we must find the right house for it. If it is in the Constitution, so be it. I know that the proposal suggests that it be housed under Article 204, and that is the right place because that is where we have the Equalisation Fund. In terms of putting the subject matters together, then that is the right place. Hon. Temporary Speaker, I support. Thank you very much.

**The Temporary Speaker** (Hon. (Dr.) Rachel Nyamai): Very well. Next, is the Member for Mbeere North, Hon. Geoffrey Ruku.

**Hon. Ruku GK** (Mbeere North, DP): Thank you, Hon. Temporary Speaker. I rise to support this legislation proposal.

The NG-CDF has achieved so much in this country. It is time for the National Assembly, and the Senate to speak in tandem – one voice. If there is something good that has happened to this country, it is when Hon. Karue introduced the then CDF which is now NG-CDF to take care of education, environment and security in all constituencies in the Republic of Kenya. From when NG-CDF was enacted, it has operated under the whims of a few individuals. It is a high time the NG-CDF is anchored in the supreme will of the people of the Republic of Kenya –the Constitution.

The levels of poverty in the rural areas in the Republic of Kenya is high. Matters to do with education, road networks and water are some of the serious issues; and especially, in my constituency, where water, is a serious issue. If it is possible within the law, it will be key to expand the laws of the NG-CDF to also include matters of water, as well as infrastructure. We have the Kenya Rural Roads Authority (KeRRA) which takes care of some of the rural roads in the constituencies depending on the grades. It is however, Kenyans who use these roads whether they have been graded for the counties or the National Government – all of them – serve the same people. It is important to harmonise, and ensure that we increase the NG-CDF from 2.5 per cent to 5 per cent as proposed in the amendments.

Hon. Temporary Speaker, it is important to ensure that there is no war between Senate and the National Assembly. I want to emphasise this – because analysts out there would say, this proposal ought to have started in the Senate. As we anchor the NG-CDF Act in the Constitution, we should also propose the Oversight Funds for the county governments to be provided to the Senators. This will ensure every function carried out by the Government at the national level and the county level, are well implemented in a well-coordinated manner, and there is value for money.

I support this legislation proposal.

**The Temporary Speaker** (Hon. (Dr.) Rachel Nyamai): Thank you very much, Hon. Temporary Speaker. Hon. Bishop Kosgei, Nominated Member. Please, let him have the microphone.

**Hon. (Dr.) Jackson Kosgei** (Nominated, UDA): Thank you, Hon. Temporary Speaker, for giving the opportunity to contribute to this legislative proposal this afternoon.

I begin by supporting the proposal to amend the Constitution to entrench the NG-CDF because of two reasons: One is that, common practices in social management indicate that you cannot take away an impactful privilege enjoyed by citizens lawfully, over time; unless, it is a consequence for challenging certain behaviour in administration or mischief. Contrary, over the years when NG-CDF was enacted and entrenched in the law, it has served the citizens of this country positively, in social economics, cohesion of the people and bridging the gaps between those who have and have not, contextualise.

Secondly, I support this proposal because we are Africans. Relationship between leaders and the people must be experienced with a mutual bonding. This is where people can tell and express themselves to their leaders and their needs as they put the form to them culturally and locally. People are able to walk to their Members of Parliament and tell them about local priorities which may not be reflected nationally. It has worked very well – and, we cannot deny our people this privilege. As we debated on it this afternoon, I witnessed that the proposer and proponent of this legislative proposal has given about four items into this proposal. I believe that as this proposal progresses, we might have to segregate all the issues and discuss them independently. As we contribute to this, I wish to support the Motion.

Thank you.

**The Temporary Speaker** (Hon. (Dr.) Rachael Nyamai): Hon. Esther Passaris, Member for Nairobi County.

**Hon. Esther Passaris** (Nairobi City County, ODM): Thank you, Hon. Temporary Speaker. Allow me to first, say a big thank you to my coalition party, Azimio-One Kenya Alliance for nominating me to the Pan African Parliament, and the august House for passing the same. I look forward to serving with Members who have also been nominated to make sure we address the issues of Africa in totality, and hold our flag up high.

I stand to support the legislative proposal to amend the Constitution (Amendment) Bill, 2022 by Hon. Gichimu Githinji and Hon. Stephen Mule.

NG-CDF, has done many good things. Some of the schools that I go to – and, I will point out a few in Kibra Constituency: Shadrack Kimalel Secondary, Mbagathi Girls Secondary, Raila Educational Centre and Woodley Boys Secondary have been built by NG-CDF, and are serving the community. If you care to look at what was there before these schools were built, you will realise the importance of NG-CDF when giving out bursaries. You see the large number of families that come out to ask for bursaries because they cannot afford to pay school fees for their children. The NG-CDF gives out over Ksh25 million in bursaries and also helps to build police stations. With the growing population, the police are challenged, and we need more police stations. While we look at this Legislative proposal to amend the Constitution, we need to look at how we can better enhance the NG-CDF.

Let us make sure that the NG-CDF is used in environmental conservation to plant trees. We need more trees, especially in our schools. Let us also ensure the NG-CDF is used to build playgrounds for children in schools. There are so many things that we can do to enhance learning. One of the honourable Members stated that the NG-CDF does not have recurring expenditure, but they want to employ teachers because there is a shortage of teachers in schools at the moment. If they do that, learning will be enhanced.

I also want to speak about the National Government Affirmative Action Fund (NGAAF), of which I and all women representatives are patrons. Unlike the NG-CDF, the NGAAF is not anchored as a percentage of the national budget. The NG-CDF gets 2.5 per cent. We believe that they should get more than 5 per cent so that they can build more schools. We need to look at how we can enhance funding for constituencies that have higher populations. It is really sad to see a constituency like Kasarani that has over 300,000 people get the same amount of NG-CDF as a constituency in Lamu that has 11,000 people. Let us find a way to look at the population size as we disburse the NG-CDF. Higher populations should have more money. Densely populated areas do not have enough schools as they can only build so many schools with the funds they have. Looking at the transition from primary to secondary education, we have many primary schools but not enough secondary schools.

If I compare the NG-CDF with the NGAAF, the NGAAF is not anchored as a percentage of the national cake. It was an accidental fund for women representatives. What happened was that there was Ksh2 billion for a re-run which did not take place and so, the women in the 11<sup>th</sup> Parliament asked if the funds could be given to them. Why did they ask for

the funds? It is because this country is different from other countries in the sense that we need a relationship between the people we represent and legislators. Kenyans want to know what you have done for them lately and how it has benefited their children. If we remove the NG-CDF and NGAAF, the people that we serve will feel that there is nothing in it for them to even come out and vote. We saw voter apathy in the last election. Over 8 million people did not vote. If you eliminate these funds, people will not see the need to vote because there will be nothing in it for them. They will be unable to access the Executive or go to the ministries.

If county governments were able to address the issues of schools, bursaries and police stations, we would say they are doing it. County governments are already facing challenges. They have bloated numbers of staff and many debts that they need to cover over the years. We need to understand that, as the population grows, we need more schools and police stations. We also need to support families that cannot afford to educate their children.

I appeal that NGAAF is also anchored into the Constitution as a percentage. Each women representative only gets Ksh6 million per constituency. That means a women representative has Ksh1.2 million for bursaries for the entire year. A senior constituency Member of Parliament has Ksh25 million. When you compare how the majority male Members of Parliament in single member constituencies perform with the women, they have huge crowds and reach more people. We are only able to reach out to 20 students in a ward in a year, if we give out Ksh10,000. Giving money to 20 students in an entire ward will not be felt.

Another problem we have with NGAAF is the fact that it is an affirmative action fund. When you want to help *chamas* by telling them that women representatives have money for them, yet we are only able to fund 10 *chamas* in a year and two per ward, we cannot be felt. Our constituents want to feel their leaders. They want to access representation. They want to see how you can improve their lives.

There is talk about looking for funds for the Hustlers Fund, and in so doing, they might collapse some of these funds. I heard His Excellency the President say that he understood the importance of the NG-CDF and the NGAAF. Our able chair, Mukami wa Mukami, represented us and told them not to cut NGAAF if they were looking to cut funds. The NGAAF will be further cut by Ksh500 million. We hope that it can be given a percentage as well.

Because we serve counties, we also want to ensure that we have an oversight fund. When the Senate was asking for an oversight fund, I heard Hon. Members who were representing the NG-CDF ask for the same because we are patrons. We need an oversight fund to do monitoring and evaluation to make sure that the fund has done what it was meant to do.

As a country, we cannot afford to lose this benefit that comes through Members of Parliament for the people that we represent. They need bursaries. If you look at my phone right now, I have a number of messages asking for bursaries. Children are being sent home on a daily basis. How will we ensure that children go to school? An idle mind is the devil's playing field. If all these children cannot go to school; if we cannot have police stations; if we cannot have bursaries; if we cannot have more schools, we will be breeding criminals rather than able citizens who will serve this country going forward.

I support this fully and ask the President to work towards his hustlers' fund, which is important, and also enhance the NG-CDF and the NGAAF.

Thank you

**The Temporary Speaker** (Hon. (Dr.) Rachal Nyamai): Very well, Member for Nairobi County. Hon. Geoffrey Mwangi, Member for Tetu.

**Hon. Geoffrey Wandeto** (Tetu, UDA): Thank you, Hon. Temporary Speaker, for giving me the opportunity to contribute. It has been a long wait indeed. Before I contribute, it is important to bring to your attention that this place has become excessively cold. We are freezing. I do not know whether the air conditioning has been increased. It is not comfortable, especially for those of us who have to wait for a long time to contribute.



Let me go straight to my point. First all, I thank Hon. Gichimu and Hon. Mule for bringing this Legislative proposal to the Floor of the House. It is very important. I do not want to belabour what my colleagues have said in terms of the importance of the NG-CDF. Hon. Mule did a fantastic job yesterday when he gave us glowing numbers in terms of the contributions of the NG-CDF, such as construction of classrooms, purchase of buses, bursaries, construction of police stations and dormitories and much more. I do not wish to repeat all that.

It is important to know that as we sit here, there are thousands of children who are not going to school. I am specifically talking about my Tetu Constituency. They depend on bursaries from the NG-CDF kitty to pay for their school fees. Hon. Temporary Speaker, it is important we note that while these children are not going to school, the children of those who have stopped the disbursement of this fund are most likely going to school in private or international schools. It is important that they spare a thought for the poor children of this nation. I know that the Supreme Court and the lower courts declared that this fund is unconstitutional based on the 2013 Act. I am aware of the spirit and the letter of the law. If the letter of the law is indeed interpreted strictly, it may have led to the verdict that was given by the court. But the spirit of Constituency Development Fund (CDF) was to help poor Kenyans. It was not for the benefit of Members as many people imagine, but was to ensure that children go to school and that, as a country, we meet our goals especially in education.

As we speak, we are now actively undermining the 100 per cent transition to secondary schools because many of the children who joined Form I have now been sent away and may not have returned to school. We are undermining the sustainable development goals which this country subscribes to; Goal No. 4 on quality education. It is important that we have this fund reinstated as soon as possible. Just like those who have contributed before me have said, there is no law that has stopped the Cabinet Secretary (CS) for Treasury and National Planning from releasing funds to this day. Therefore, we call upon the CS to release funds immediately so that we return those students to school and to finish the projects that are being done by CDF.

Hon. Temporary Speaker, I now wish to comment on the amendment that has been proposed here. I would suggest that we amend Article 204 (a) (1) which states thus:

204A.

(1) There is established the National Government Constituencies Development Fund which shall be a national government fund consisting of monies of an amount of not less than five per centum of all the national government's share of revenue as divided by the annual Division of Revenue Act enacted pursuant to Article 218.

It should be changed to read "total revenue". This will mean that we will be working with a proper denominator as far as the calculation of the 5 per cent is concerned.

On Article 204(B), I propose that the proponents of this Motion consider changing Article (1) which reads;

204B.

(1) There is established the Senate Oversight Fund which shall be a national government fund consisting of monies of an amount of not less than one hundredth per centum of all the national government's share of revenue as divided by the annual Division of Revenue Act enacted pursuant to Article 218.

I would propose that it reads;

"There is established the Parliamentary Oversight Fund which shall be a national government fund consisting of monies of an amount of not less than one hundredth per centum of all the national government's share of revenue as divided by the annual Division of Revenue Act enacted pursuant to Article 218.

This will ensure that this not only covers the Senate from an oversight point of view, but also covers the National Assembly.

I also suggest that Article 204 (B) (2) which states;

All monies allocated under this Article shall be considered as funds allocated to the Senate pursuant to Article 206 (2) (c) to be administered in accordance with the provisions of an Act of Parliament.

It should be changed to read;

THAT;

All moneys allocated under this Article shall be considered as funds allocated to Parliament Pursuant to Article 206(2) (c) to be administered in accordance with the provisions of an Act of Parliament

Thereafter, this House can enact the necessary legislations to give life to that Article.

Article 204 (D) that states;

(1) There is established the Economic Stimulus and Empowerment Fund whose object and purpose shall be to provide funds for programmes relating to—

- (a) women empowerment;
- (b) men empowerment;
- (c) youth empowerment; and,
- (d) empowerment of persons living with disabilities.

To ensure that this is anchored in constituencies which right now are the basic tenets of development, I proposed that this is changed to read:

THAT, there is established the Economic Stimulus and Empowerment Fund whose object and purpose shall be to provide funds for programmes relating to:

- (a) Women empowerment;
- (b) Men empowerment;
- (c) Youth empowerment; and
- (d) Empowerment of persons living with disabilities.

We will also ensure that this fund is changed to 1 per cent of all national revenue. I am happy with the proposals that have been made on the graph and I propose that they be amended as proposed.

Hon. Temporary Speaker, as I conclude; and as we change this Constitution, keeping in mind that this is the first time we are amending the Constitution of 2010 which is a historical moment for this House, I call upon Members both in the National Assembly and the Senate to close ranks and enact these important changes to our Constitution so that we can give life to this fund which will help our people. There have been restrictions on the use of the NG-CDF and when it comes to enacting the laws, they are going to operationalise these Constitutional changes. I would suggest that we increase the scope of what the NG-CDF can do to cover certain aspects of agriculture and water.

Hon. Temporary Speaker, you will agree with me that if you go to a constituency, the most visible development projects are restricted to education and security, and they are NG-CDF projects. Many at times when I go to my constituency, I see many opportunities or things I could do around water and agriculture and especially farmer training which, at the moment, our counties are not doing so well on. This is how this country is lagging behind on food security. Because Members of Parliament are nearer to the constituents, they need to be given power to superintend over certain aspects of agriculture, especially extension services and training which can also be seen as a form of education and certain aspects of water and irrigation. I think this can capitalize the development of our country especially when it comes to food security.

I rise to support this Motion with all my heart and I hope that, soon enough, this Motion shall see the light of day and our first constitutional amendment will be a glorious moment for Kenyans, the poor and the children of this country.

I thank you, Hon. Temporary Speaker.

**The Temporary Speaker** (Hon. Rachel Nyamai): Very well Member for Tetu. Let us have Hon Martin Owino, Member for Ndhiwa.

**Hon. Martin Owino** (Ndhiwa, ODM): Thank you, Hon. Temporary Speaker. This opportunity is much appreciated. Allow me to congratulate my colleagues, Hon. Gichimu and Hon. Mule who have brought about this legislative proposal.

Hon. Temporary Speaker the bridge between the poor and the wealthy is education, and that is what is being attacked here because the driver is the NG-CDF. Many have talked about this but allow me to personalize the developments of the NG-CDF in my constituency. Since Independence, Ndhiwa Constituency had no institution of higher learning until my last term and now we have a KMTC with over 100 students. We have four ICT hubs giving the youth an opportunity to learn the digital economy courtesy of the NG-CDF. Every term we process close to 10,000 applications from poor families and, at the same time, giving 40 full bursaries to children so that they can go to school. At the moment, those children are at home. I would like to invite Members to consider that the poor children from vulnerable families are at home while others are learning; which will cause a disparity in performance when exams are taken. This is what we are emphasising here. I was able to build and renovate new classrooms and I have over 200 schools whereby a majority of those children therein have never seen concrete floors since Independence and were sitting on the ground. I have managed to cement and build so many schools. There were no laboratories, laboratory equipment and yet, those children compete with other children, including those at Alliance High School. Courtesy of NG-CDF, they can level up and compete like any other child.

Since Independence, we have never had any Directorate of Criminal Investigations (DCI) office. Chiefs used to have *barazas* under trees and go for nature calls in bushes. Right now, most of them are housed and have decent sanitary blocks. There is nothing like emergency fund from county and national governments. All stormed houses or fire emergencies are catered for by NG-CDF. Whoever is trying to belittle this Fund is destroying vulnerable families in our constituencies. They say this Fund was for Members of Parliament, but why are children at home? Why can they not respond to their misfortune and pay their schools fees? That is a good sign that this is community-loved Fund that should not be interfered with.

There is another element that the National Treasury should take seriously. There are projects that stalled because funds were delayed. Because of overrun expenses, it will be more expensive to redo them. It is like the Government is shooting itself on the foot. It is an oxymoron if we in the House have power but continue to beg for money to be released. If they do not release this money next month, we have the authority not to pass any budget. Let us not pass it, not even a supplementary budget. We have the power and authority, but we keep begging those people. Let us say no. Let us put our feet down so that we secure people's rights. We are fighting for the people we represent and we have to stand firm.

As the Member for Bonchari has said, 5 per cent of shared revenue is so little. Let us work out the percentage based on GDP or total revenue. Remember most of the money remains at the national level. Education is not devolved yet we do not see the impact of what the national government does on the ground. If this legislative proposal is passed, we will have pushed a chunk of resources to communities.

Finally, NGAAF should be anchored in law. In Homa Bay, Hon. Wanga constructed many markets and helped women with training. NGAAF is very important and should be anchored in law. As for oversight, there is nothing like Senate oversight in the Constitution; it is parliamentary oversight. We undertake oversight but we are not funded. Most of us use our own money to see to it that things are done correctly. If we have to have an oversight fund, let it be a parliamentary fund. All of us, including Senators, are Members of Parliament.

The omnibus approach is not going to help us. Let us separate these legislative proposals so that each can be considered in its own merit. Let each Bill take its course so that

we push them as fast as possible. But let it be known that releasing NG-CDF funds is not dependent on this legislative proposal. The courts did not annul NG-CDF. Let it be clear that all the opponents trying to advocate otherwise are doomed. What was annulled was the CDF Act, 2013 and not NG-CDF Act, 2015. That is why we are not begging the National Treasury to release money to the NG-CDF Board so that our children can go back to school and we can also finish projects.

Thank you.

**The Temporary Speaker** (Hon. (Dr) Rachel Nyamai): Member for Saku.

**Hon. Ali Raso** (Saku, UDA): Thank you, Hon. Temporary Speaker. Collapse of education will come with annulment of NG-CDF. Any attempt to do away with it will have catastrophic consequences for education, particularly for those of us who come from rural constituencies. I want to agree with Hon. Owino that if by December we do not get bursaries; many schools might not open for lack of funding.

I want to thank Hon. Gichimu and Hon. Mule for what I consider to be a measured constitutional amendment. For a long time in this Parliament, we have been treated to tokenism and favours. Through this proposal, we are moving from tokenism to constitutional provisions not just for us, but for generations to come who will sit in this House and manage the affairs of their country. For a long time, the burden has been on our parents. Those of us who are slightly older went through a system where harambee was the order of the day. With this Fund, many young girls and boys have been able to get education to the highest level.

Our courts must get rid of activism where it is not necessary. I know of judges, magistrates and advocates who benefitted from the goodwill of Kenyans through NG-CDF. They should be the last to throw it out the window. The onus is on them to respect it. In 2015, we were able to pass a constitutional amendment on the Equalisation Fund. We rallied together although the Fund was going to benefit less than 14 counties. The NG-CDF benefits the Kenyan nation. However, this time round, the NG-CDF addresses the 290 constituencies in Kenya. Today, I believe as we sit here, we are receiving messages that children are out of school. Some schools depend on NG-CDF to even purchase food for the pupils who attend the schools. In the absence of NG-CDF, we are forced to borrow from food meant for the population.

Hon. Temporary Speaker, lastly, this Constitution Amendment Proposal is not in vain. The two Hon. Members have used Article 1 of the Constitution where, through the duly elected representatives, the Members can move a constitutional amendment. Secondly, Article 94 (5) clearly states that nothing can be done by anyone in this country if it has not been approved by the National Assembly or Parliament of Kenya. For that reason, I support this amendment.

It is good that we have brought the Senate and the National Government Affirmative Action Fund (NGAAF) on board. The reason being that all these funds will get to the lowest levels in our country. NG-CDF is the only fund that gets to the grassroots. That is even more important than a devolution fund where much of it is misappropriated.

With those few remarks, I thank you.

**The Temporary Speaker** (Hon. (Dr.) Racheal Nyamai): Hon. Zamzam, Member for Mombasa County.

**Hon. Zamzam Mohammed** (Mombasa County, ODM): Ahsante sana Mhe. Spika wa Muda. Leo najitoa kimasomaso kuunga mkono mjadala huu wa kurejesha mgao wa NGAAF na ule wa NG-CDF. Mpaka sasa hivi tunavyojadili swala hili hapa Bungeni, tuna watoto ambao hawajaenda shule na wazazi wao wanaishi katika hali duni za umasikini. Ningependa kumweleza jaji ambaye aliondoa mgao huo kwamba ikawa alipata maisha mazuri na kuweza kusomeshwa na kupata cha mchana hadi cha jioni lakini, kunao watu katika Taifa hili wanao matatizo mengi sana.

Tumeona Wabunge ambao wamepata mgao huu wa NG-CDF wakijenga shule. Pia wamekuwa wakitoa *bursary* kila mwaka. Tumeona wengi wamefanya maendeleo makubwa

sana huko mashinani. Na inafahamika kwamba pesa hizi si za Wabunge bali ni za wananchi walala hoi. Ndio maana mimi kama Mama Zamzam nasema kuwa itakuwa muhimu sana ikiwa sisi Wabunge tutalijadili swala hili hapa kwa kina na kwa utulivu na kulishughulikia mara moja ili ikifika mwisho wa mwezi huu, watoto wetu na wazazi wao wawe na furaha kurudi shuleni. Wazazi wafurahie kupata wanafunzi wamekaa katika madarasa mazuri.

Wengi wetu sisi tulizaliwa katika familia maskini. Nakumbuka tulikuwa twabeba samadi na maji kutoka nyumbani kwenda kutengeneza madarasa shuleni. Tulishukuru sana mgao huu ulipo anza kwa sababu mambo yalikuwa shwari sana. Madarasa yamekuwa yakijengwa kwa kasi sana. Kunazo sehemu zilizoko mashinani zaidi ambazo mgao huu haujawafikia, ingekuwa ni vyema sana zikifikwa ili tuone watoto wa Turkana, Pokot, Miroroni na Mwakirunge wakikaa maisha mazuri na wakipata elimu ya kutosha.

Kunao watoto ambao wamehitimu shule za msingi na wanataka kujiunga na shule za sekondari lakini mpaka sasa, hawajafanya hivyo kwa sababu ya hali duni ya maisha ya wazazi wao. Hivi ambavyo mgao huu umesitishwa, watoto hawa bado wanasubiri. Ningependa kuiuliza Serikali, watasubirisha watoto hawa mpaka lini? Tutawanyima haki zao kama wananchi wa Kenya mpaka lini? Ni dhahiri kwamba hali inazidi kuwa ngumu Kenya kwa sababu sisi pia tunawafanya wananchi kuishi maisha magumu. Kwa mfano, nikirejeelea pesa za Wabunge wanaowakilisha akina mama za NGAAF, pesa hizi zimesaidia wanawake wengi sana kuinua biashara zao, kujikimu kimaisha na wengi hata kupata pesa za kulisha familia zao, kusomesha watoto na pia kulipa ushuru nchini. Leo hii tunapowanyima mgao huu wa NGAAF, nina imani kuwa wengi wamekaa manyumbani. Hata hapa nilipo, wengi wanapiga simu na kuniambia: ‘Mama Zamzam, tulikupigia kura tukiwa na matarajio makubwa sana kwako. Ulituahidi vitu vingi sana kama vile maendeleo na biashara lakini mpaka sasa ni kimya tu.’

Hili ni jambo la kusikititsha sana maana akina mama wamekuwa wakipanga foleni kutupigia kura na kuchagua viongozi bora watakaoleta maendeleo mashinani. Lakini, mpaka sasa, mfuko ambao ulikuwa unawasaidia na kuhakikisha kuwa ule msichana wa Pwani aliyeachwa katika mila na tamaduni ambazo zilimfanya asipate elimu, alikuwa amepata mwanya mzuri wa kusoma. Leo hii amerudi nyumbani na pengine, anatafutiwa mume aolewe kwa sababu hana pesa za kumwendeleza kimasomo. Ikiwa tutataka wanawake tufikie thuluthi tatu katika Bunge hili, ni dhahiri shairi kuwa pesa hizi ni muhimu sana zirudi kwenye mifuko ya Wabunge ili tufikie malengo ya kupata viongozi, madaktari na waalimu watakao saidia kujenga taifa hili.

Si wote wanaotoka katika familia za kitajiri ndio wanaweza kuwa madaktari na marais tu. Mtoto wa maskini pia akiwezesha anaweza fikia ndoto hizo. Kwa mfano, mimi mama Zamzam nimelelewa maisha ya shida sana. Ilikuwa ni mtihani hata kupata sare na viatu vya kwenda skuli. Wakati huo, hapakuwa na mtu wa kutusaidia. Mara nyingine, mama alikuwa ananipa simsim na sambusa nikauze kwa wenzangu na kwa majirani ndio nipate karo na pesa za kununua vitabu na mahitaji mengine. Lakini sasa, tulikuwa tumerahisisha mambo katika familia duni kupitia migao hii ya NGAAF na NG-CDF. Ushauri wangu ni tuweze kurejesha pesa hizi ili wananchi waweze kupata manufaa.

Kwa upande mwingine, tumekuwa tukishuhudia ukatili wa kijinsia. Wanawake wamehangaishwa sana na wengi wameuliwa katika mikono ya waume zao. Kama kina mama, tulikuwa tumezindua mfumo mzuri wa kujenga *centres za gender-based violence*. Vituo ambavyo vinawapa akina mama wakati wa kuweza kujifikiria na kutoa maamuzi tofauti maishani. Lakini sasa hivi, kwa mfano, kituo cha Mwakirunge Kaunti ya Mombasa kimesimamishwa kwa sababu hatuna mgao wakukiendeleza. Hata jana na juzi kwenye Kaunti ya Mombasa, kuna mwanamke amepigwa na kudungwa kisu na mumewe mpaka akafa. Kuna wanawake wanaouliwa kinyama na mimi kama mama Zamzam siwezi kuwachukua wanawake hawa wote na kuishi nao katika nyumba yangu. Ilikuwa ni dhahiri kuwa pesa hizi zingejenga vituo ambavyo akina mama wangewekwa kwa muda mfupi, kuwezesha kufanya biashara na

kupewa mawaidha mazuri ya kukuza jamii zao na kutoka katika ndoa zilizo na misukosuko. Kwa hivyo, mimi ninaskia uchungu sana nikiona jaji anasitisha mgao kama huu. Ingekuwa vizuri kushauri kwanza kabla ya kutoa uamuzi. Kuna vitu vingine ambavyo huwezi kuvikata ukavitoa. Hizi ni pesa zinazoenda kumfaidi mwananchi yule wa chini kabisa — mwananchi ambaye anakatwa ushuru akinunua mkate na sukuma wiki. Lakini huyu mwananchi yuko katika hali duni, tata na ya umaskini. Pesa hizi zingemuwezesha kubadilisha maisha yake, akatoka kuishi chini ya dola mpaka juu ya dola.

Ningependa kushauri Wabunge na Mhe. Spika wa Muda kuwa tumejadili mjadala huu humu Bungeni sana. Wakati mwafaka umefika tuupitishie ili uwekwe katika nakala na kumbukumbu ya vitabu vya taifa hili, kuwa Wabunge wa taifa na Bunge la Kumi na Tatu la Taifa la Kenya lilipitisha Hoja kuwa NG-CDF na NGAAF zirudi ili kusaidia wananchi mashininani.

Nina mengi ya kusema lakini naona umebonyeza kidude pale. Kwa hivyo, sina wakati tena. Nashukuru sana na nina *support* mjadala huu kwa kusema NG-CDF na NGAAF zirudi ili wananchi wafaidi. Ahsante sana, Mhe. Spika wa Muda.

**The Temporary Speaker** (Hon. (Dr) Rachael Nyamai): Hon. Dorothy Ikiara, a nominated Member. She is not in. In the absence of Hon. Dorothy Ikiara, we will go to Hon. Onyango K'oyoo, Member for Muhoroni.

**Hon. James K'oyoo** (Muhoroni, ODM): Thank you, Hon. Temporary Speaker for remembering me at last. Many of the issues I intended to raise have been raised by my colleagues.

I only want to say that I thank the drafters of this new legislative proposal. The Hon. Member of Matungulu, my good friend, and his colleague have done a great job. This is long overdue. The NG-CDF has done much good to this country. I want to bring to your attention in this House that there was an attempt to bring something similar to NG-CDF much earlier, before the NG-CDF. It was during President Moi's regime and by the all-powerful then Head of Public Service, Simeon Nyachae. He brought the District Focus for Rural Development.

Because implementation was placed in the hands of Government bureaucrats, it went down without anything to write home about. Fortunately, Hon. Karue came up with the NG-CDF whose impact on the ground was so impressive that any attempt at dissolving or cutting the features of the NG-CDF is like killing the small citizen in this country. I have used the NG-CDF to do a better version of the so-called bottoms-up economic model. In my concept, I made sure I fully sponsor students from the down-trodden families of my constituency who sat for the Kenya Certificate of Primary Education (KCPE) in public schools and passed exams to be invited to national schools.

I would also fully sponsor those who passed their Kenya Certificate of Secondary Education (KCSE) very well and were called to do certain disciplines like engineering, law, medicine, and architecture. I have brought up children from down-trodden families in my constituency. They are now at the top because children from privileged families do not work very hard. Therefore, any attempt to get rid of the NG-CDF is an attempt to get rid of the life span of the people and my constituency.

There is confusion that must be corrected. That the Senate has Members who have come from this House and they know very well that this money does not belong to the Member of Parliament. The NG-CDF appropriation is done by the NG-CDF Board and it goes to various constituencies. No monies are spent or given until the projects that were going on have been checked by the NG-CDF Board and confirmed that they have been done to satisfaction. That is when more monies are released. The perplexing impression that they want to give out there is that the NG-CDF belongs to the MP and yet, the MP is just but an overseer. He is not even a signatory to any funds that come from this Fund. This nation of people outside there thinking that the money belongs to MPs is a wrong notion that should be corrected immediately.

Secondly, the National Treasury should not have an escape route if they do not have money. They are now hanging on court verdicts for not appropriating money to the NG-CDF Board to send down to constituencies. The court case was about the CDF Act of 2003. The NG-CDF Act of 2015 has nothing challenging it. The National Treasury must take money to the NG-CDF Board that must take money to constituencies immediately. We will not listen to this excuse. We know that we have so many people who think that this Fund belongs to MPs. They have problems with MPs.

Sometimes in 2012 to 2013 or thereabout, the Government, through this House, came up with a very interesting economic stimulus programme. Many projects that were developed and put up through this concept are now decaying. They are under the weight of old age and some needs resuscitation. It is high time the second version of an economic stimulus was given so that improvements can be done on the ones that were done, or new ones can also come up. These are the only ways we can benefit the public.

Hon. Temporary Speaker, many people have spoken. They have eaten into my time and I have waited until my anxiety was replaced with enthusiasm. I will stop at that and donate that time to colleagues.

**The Temporary Speaker** (Hon. (Dr.) Rachael Nyamai): Let us hear from Hon. Johana Ng'eno, Member for Emurua Dikirr.

**Hon. Johana Kipyegon** (Emurua Dikirr, UDA): Thank you, Hon. Temporary Speaker, for allowing me this brief opportunity to add my voice to this matter. First, I thank the Member or the Members who brought this amendment to this House. It is always somebody who understands the nature of the countryside, the backgrounds we come from and the nature of the people we left behind there who can draft this Bill.

At the outset, I support the amendment. There should be more amendments to ensure that a Bill passes the test. Ordinarily, so many people out there do not care. I say this because the people who have been going to the courts to stop the functions of the NG-CDF are people who live in urban areas and do not understand. Those activists do not care where that money goes.

The anchoring of this provision in the Constitution of Kenya is so that the real beneficiaries - the people on the ground - never face anxiety and the situations we are facing. That is when some very idle people in this country go to courts to stop functions just because of a few issues that totally have nothing to do with the functions of that money. The NG-CDF is the mother of devolution. I think even the drafters of the Constitution of Kenya based their introduction of devolution or county governments on the NG-CDF. After the introduction of the NG-CDF, so many changes have happened on the ground. Somebody who was a good man or woman thought of changing the Constitution of Kenya and bringing in the issue of devolution.

The problem with devolution is that the Governors elected to those positions have also never understood the reason we devolve this money to their dockets. That is why devolution has never been felt. We only feel and see the governors as presidents of counties. There is totally nothing to compare with the functioning of NG-CDF.

I wish to say the projects which NG-CDF has undertaken in the villages, wards, constituencies and counties we come from are enormous and countless. Money used to be sent to District Development Committees (DDC). They did nothing! They were a conglomeration of corrupt individuals who sat to count how much money they received. We also used to send money through ministries to do projects in our constituencies and districts. If you can count backwards from today, the number of successful projects that have been implemented and never stalled by the Ministry of Education, Ministry of Health and all other ministries, you will get around 10 per cent in the whole country. That is for so many years.

Go and make an assessment of the work NG-CDF has done in this country. I think it is only a jealous person and one who does not understand this can stop NG-CDF from functioning. I think at some point because in our courts there is a provision where they must visit the areas where something has happened - for example, if it is a criminal or civil case, they visit the site. I believe before the court makes any determination on this case, it should do public participation to hear from the people whether they like or dislike NG-CDF so that, when it is making a determination, it is based on the wishes of the people. This is because sometimes when Members of Parliament argue here, people think they use this kitty for their campaigns.

I think there have been only one or two cases of Members of Parliament who may have, in one way or another, squandered or influenced the functioning of NG-CDF. However, this is 0.0001 per cent of the cases. Funds in this country have been wasted and spent recklessly without thinking. NG-CDF has never had serious cases in court, for us to say it deserves to be abandoned or discontinued.

Looking at the schools and colleges which NG-CDF has built, you cannot imagine somebody else can do that. I am saying this because I am one of those people who were rated as having utilised or overseen the use of NG-CDF in my constituency. When you look at the number of schools my constituency committee did from 2013 to now, we grew from nine to 42 secondary schools, fully equipped with everything. Then somebody tells us we need to strike NG-CDF out and yet, those schools would never have existed.

Looking at the number of primary schools, they grew from 54 to 128 as we speak. I think you must have seen the other day the Deputy County Commissioner (DCC) trying to close a girl's school which I opened in an area where they could not access education. I think it is because of jealousy and thinking we are wasting this money.

Look at the way people are utilising this money. Students get bursaries especially, those who would have failed to continue with their studies because they could not pay for secondary school education. Therefore, with the introduction of the day secondary schools which are built using NG-CDF money, we make so many students access education. Then, somebody wants to stop it.

Hon. Temporary Speaker, we have done so many projects. I have built a Kenya Medical Training College (KMTC) in my constituency. I initiated it and NG-CDF helped me to build it. Right now, I have over 400 students studying in that college. You can imagine we have county governments which have handled over Kshs130 billion in 10 years and have never built a KMTC. I asked the NG-CDF board to allow us utilise that money to build a KMTC. We have a fully functional KMTC in my constituency. The only one in the whole of Narok County, courtesy of NG-CDF. Then, somebody tells us it does not function.

I think the great people who created this Fund were very wise. Even those of us who might be exiting this House in some years to come, we have a future. The person who introduced NG-CDF in this House is no longer a Member of Parliament. He did something for posterity. Most of us should celebrate him, including our school-going children courtesy of NG-CDF. Equally, the gentlemen who brought this proposal will be celebrated.

We will help them pass the Bill so that future generations of this country will feel the importance of paying taxes and accessing the money. The most important part of NG-CDF is bursaries. Initially, people used to farm, harvest and sell. They kept donkeys and cows and when they were fat enough, they would sell them and pay fees. Nowadays, when you go to the villages, you see only one person owning a donkey.

When schools are opening, what do they pay fees with? Go to Kajiado, Narok and Garissa, cows have died in large numbers. How will those parents pay fees? Right now, almost all the schools are empty because teachers have chased away students for failure to pay fees. They are waiting for this House to send the bursaries to pay fees.



I also wish to ask Members, especially those from marginalised areas to assist in passing the Equalisation Regulations so that we can utilise this Fund which has been lying in Government coffers for so many years and yet, it was allocated by the Constitution.

Hon. Temporary Speaker, I thank you and support this legislative proposal.

**The Temporary Speaker** (Hon. (Dr.) Racheal Nyamai): Very well. Member for Mwingi Central, Hon. Gideon Mulyungi.

**Hon. Gideon Mulyungi** (Mwingi Central, WDM): Thank you, Hon. Temporary Speaker for giving me this opportunity to contribute to this legislative proposal. Before I do so, allow me to congratulate you on your appointment in the Chairpersons panel. Constituency Development Fund (CDF) was introduced in 2003 through the passage of the CDF Act, 2003 by the Kibaki administration, at the rate of 2.5% of the national budget.

It is, indeed, a game changer because it has created a huge impact in the villages where we come from. Although in 2015 the CDF Act was ruled unconstitutional by the High Court, in the same year, Parliament moved with speed to enact a new Bill, the NG-CDF Act to align it with the Constitution. Recently, the Supreme Court belatedly upheld the ruling of the High Court that CDF was unconstitutional. Although, there was no reference made by the Supreme Court to the current NG-CDF Act, 2015.

Therefore, in my view, the CDF that was ruled unconstitutional this year has been moribund since 2015. The Act in use is the NG-CDF Act, 2015 and I believe it is here to stay. Rogue rulings like this one that was done by the Supreme Court and the High Court.... I think it is in order and very timely to introduce this amendment to safeguard the Fund in order to anchor it in the Constitution so that nobody can ever dare touch it.

Hon. Temporary Speaker, I condemn in the strongest terms the activist who took the NG-CDF to court. He is currently among us in Parliament – Okiya Omtatah. In fact, if there is a way he can be denied oversight fund in the Senate, this is the best time to reward him because he is the one who has created this problem.

This anchoring of NG-CDF in the Constitution is the best way to support the President in his bottom-up economic model. I, therefore, support the idea of including NGAAF in the Constitution and the Senate Oversight Fund so that our colleagues there also get some funds to oversee the counties. But as we do so, we need to take cognisance of some loopholes in the current Act which I came across during the implementation of NG-CDF Act. The current Act only covers projects in schools, security and sports, environment and bursaries, but excludes very important essential projects which touches on the lives of people like water, famine mitigation which is current, school feeding programs, roads, electricity and network connectivity. Sometimes, you go to the villages and people cry to you to do for them a mast for connectivity, but you cannot do it because NG-CDF does not allow you. Others are markets and health centres. I believe that this is the right time to include these things in the amended Act.

The Act also creates an oversight committee where the Member of Parliament is the chairperson or the patron, but the MP is not facilitated with mobility. It is only the NG-CDF Committee which is facilitated with monitoring and evaluation fund. So, I appeal to the promoters of this Bill and Members of Parliament to include an oversight fund for the oversight committee where the Members of Parliament sit, so that when you go to the villages inspecting your projects, you are facilitated by the NG-CDF.

The Act also distributed the Fund equitably amount all the 290 constituencies whereas we know some constituencies are more endowed than others, and others are very poor, especially in the marginalised areas. For example, there are some constituencies with only three secondary schools and a few primary schools as compared to other constituencies like mine which has 365 primary and secondary schools. So when the money is distributed equally, some

constituencies are disadvantaged. Therefore, I request that we make an amendment so that there is a formula created to balance those inequalities.

I agree that the NG-CDF has touched the lives of many poor people. When you fly with a chopper throughout the constituencies... I believe that is why when His Excellency the President came here, he was very passionate about the NG-CDF because during his campaign, he was travelling all over with his choppers and he saw the impact of NG-CDF in very remote areas of this country. Therefore, NG-CDF cannot be done away with. I support this amendment to anchor NG-CDF in the Constitution so that nobody can dare touch it. And I am sure that no one will dare touch it.

And I am sure both sides of the divide in the House, irrespective of the political affiliation, are going to unite to support this amendment. I was in the village the other day. When the court ruled that the NG-CDF is no longer there, people were very worried and they kept asking me: “Mheshimiwa, is it true that there will be no more NG-CDF?” I told them if NG-CDF is going to be scrapped, then when we get to that Parliament, I am sure no other business will be undertaken without NG-CDF. There will be no budget! There will be nothing until NG-CDF is included in the Constitution. Therefore, I appeal to Members to support this amendment by our colleagues so that we can protect money that touches the lives of the common *mwananchi*; money which we manage, and money which has made some of us to return to Parliament because we use it well.

Thank you. I support

**The Temporary Speaker** (Hon. Rachael Nyamai): Well, the Hon. Member for Sotik, Hon. Francis Sigei.

**Hon. Francis Sigei** (Sotik, UDA): Thank you, Madam Temporary Speaker, for giving me this opportunity which I have waited for a long time.

First of all, I want to thank the Movers of this Motion – Hon. Gichimu and Hon. Mule – for doing us a lot of service. This is a very important Motion. Before I do that, I want to take this opportunity to thank the people of Sotik for giving me an opportunity to serve this Parliament. As I have said before, I have tried it a number of times and the people of Sotik saw it fit for me to come to serve them. I thank them most sincerely.

Coming to the Motion, I want say that I support this Motion fully. I want to thank God. God gave us NG-CDF. And I want to believe that, with his divine intervention, we are praying hard for NG-CDF to remain as a lifeline for our people.

I want to give an illustration of what happened in my place. Last weekend, there was a fire outbreak in Kaplong Girls and the fire razed down all the teachers’ houses. I went there to support the evacuation of students from the compound. But what made me heartbroken is that when a harambee was called, I was unable to come there because I had no money. And yet, we have an emergency fund in the NG-CDF. We need this money like yesterday. We ask the Cabinet Secretary to release the money because legally, there is nothing which prevents him from releasing the funds to the constituencies.

Therefore, we urge the Cabinet Secretary in charge of Finance to release the funds immediately. Another illustration which I want to make here is that this Fund actually supports the orphans, widows, PWDs who are in our constituencies. It supports the poorest of the poor. Therefore, it is a very important fund.

Last weekend, I had a family in my house which refused to leave until we give them some money. The constituents do not understand that NG-CDF is not functional now. They think that the MP is there to give out funds. I had to give out my personal money for them to leave my place. This is a bottom-up fund. When the President was here, we heard him support the NG-CDF. Therefore, I stand here to support this proposal and ask that Members of this House fully support it.

I would also like to see the legal minds that we have in this House engaging in this particular debate. The Speaker gave us some caution when he said that we have to exhaust all legal frameworks of this NG-CDF. He indicated that once introduced as a Bill for First Reading, there will be no room for amendment. We want to see our fellow Members with legal background engaging in this matter so that we can guide this proposal and see it passed.

I also want to support the idea that the name of the funds for the Senate should not be indicated here as Members of Senate. It should be Members of Parliament not just Senate. Further, I support that the Senate be given an Oversight Fund so that they can be able to oversight the counties. It is very difficult for Senators to play their oversight role in the county governments who have billions of money and yet, the Senators are using thousands of shillings. They cannot manage. The process of monitoring the projects in the county is very expensive. Therefore, we need to support Senators so that they can also visit counties with ease. Hon. Temporary Speaker, I want to see the NG-CDF anchored in the Constitution.

The County Woman Representatives (CWRs) are also suffering because they cover a very big area. I want to support that there be an enhancement of NGAAF. We are working for the same people and, therefore, NGAAF must be enhanced so that our fellow CWRs can be able to work effectively in the counties.

I also want to mention the issue of Competency Based Curriculum (CBC). People are now discussing about it. However, it cannot be implemented unless NG-CDF is given the money to support education. Therefore, as CBC is being implemented, it needs to be supported by NG-CDF.

There are also the police stations, chiefs' offices and all other areas which require assistance. My constituency borders Nyamira County. We have some police stations there which must be built. I, therefore, support this proposal and hope that soon, we shall have those funds disbursed.

**The Temporary Speaker** (Hon. (Dr.) Rachael Nyamai): Very well. Hon. Andrew Okuome, Member for Karachuonyo.

**Hon. Adipo Okuome** (Karachuonyo, ODM): Thank you, Hon. Temporary Speaker. I have been very patient like you advised. It has really taken me a long time, since 2.30 p.m. to now. However, I am happy that you have given me the opportunity. Thank you once again.

NG-CDF is a lifeline education fund for the less fortunate. We know that Kenya has very many poor people who rely totally on NG-CDF to educate their children. NG-CDF has done a lot for us in matters education and security.

In the education sector, I want to emphasise first on NG-CDF because that is really the main topic we have. Before I go into details, I want to thank my colleagues who brought this amendment. This is necessary so that NG-CDF can be anchored in our Constitution. It should be increased from 2.5 to 5 per cent. Considering the use of NG-CDF, even the 5 per cent we are asking for in this amendment is still little. We can even go to 10 per cent. Maybe, they will applaud or blame you. We are not asking for that now; we are asking for a meagre 5 per cent. I believe this will sail through without any hindrance because that amount is not that big. NG-CDF is a fund of results because whatever is done by it is visible. It is not something you can look for but rather you can see. If it is building infrastructure, you can see the building itself. You do not have to search for it. I would say that accounting for it is easy because the results are visible.

I want to say that many children rely on it for education. Many parents also rely on NG-CDF and, therefore, we cannot afford to disappoint those children, parents and guardians. If you do away with NG-CDF, you will have killed this nation now and in future. Many parents might even be tempted to commit suicide without NG-CDF because without it, it means no education for their children. Many parents will see the future of their children totally destroyed

if there is no NG-CDF. This is because NG-CDF will give them educated children. The children, in turn, can also take part in building this nation and helping themselves.

I must say that we have a number of administrative offices built by NG-CDF. For example, the chiefs' offices, offices of district commissioners' (DCs) and also the police. We have even courts built out of this but it is the same court that was saying that NG-CDF should not be there. I wish they visited my own constituency, Karachuonyo, to see what NG-CDF has done for them. They will change their minds because they will see the action NG-CDF has done for the communities. NG-CDF has brought peace because we have been able to take care of police in such a manner that they are motivated to do their work, which is peace keeping. So, it is not just a direct thing alone, it is something that helps in many ways. It has also brought peace because the administration that is the DCs and the chiefs who also benefit from it hence giving them motivation and encouragement so that they can perform their duties well. They are our colleagues in building our areas.

*[The Temporary Speaker (Hon. (Dr.) Rachael Nyamai) left the Chair]*

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

If you can contribute in facilitating their services, we will then be motivating them to do what we would not have done if we did not have NG-CDF. We have had suggestions that NG-CDF should be based on the number of wards in each constituency, which has some merits based on it. We may however, come up with some other improvements making it a straight-line. Division of the Fund is not justified in the courts because some constituencies are bigger than others. There are schools that have more needs than others. If you use a straight-line method, you will then be disadvantaging constituencies whose needs are much higher. I, therefore, support the idea of using a formula that would be fair to constituencies which may be bigger and needier.

I am happy that this case is coming for anchoring in the Constitution. NG-CDF has had a very difficult time. They have been to the courts most of the time and yet, it is the Fund that does the most. Of the Funds that the Government has had and passed, I do not think there is any that is comparable to NG-CDF

Putting it in the Constitution is smoothing the situation, creating hope and ensuring that this Fund is used now and in future. It is an assurance that we will have a more populated kitty in future for the people. It will also ensure that we are more of project-oriented than doing things without having a proper way of accounting for them.

I support the legislative proposal to amend the Constitution, fully. As we speak today, mothers, fathers and guardians out there are crying because their children have been chased away from schools. They are waiting for us to help them with bursaries so that their children can go back to school. Let us not delay payment of NG-CDF because we are doing this or that. NG-CDF has not been illegalised by any court. The court said no to CDF and not NG-CDF. If NG-CDF is there, let us immediately, use it to pay bursaries for students. If it was in my power, it would have been released this week. I know that tomorrow is Friday, which is impossible to do so by tomorrow.

**The Temporary Speaker** (Hon. David Ochieng'): Of course, it is not within your powers. Go ahead, Hon. Okuome.

**Hon. Adipo Okuome** (Karachuonyo, ODM): My time is over; but, I plead, that NG-CDF is paid urgently.

Thank you.

**The Temporary Speaker** (Hon. David Ochieng'): Thank you so much, Hon. Odipo.

Members, I know that everyone wants to speak; and all of us came here the time we did. I do not want pressure to skip anybody; I do not want to be approached on the issue of skipping. I will not skip anybody. I will follow what is here. The only thing I can advise is that if you can avoid being repetitive, and consider fellow Members who have been with us since 2:30 p.m. and speak for four to five minutes, all of us will speak. If you, however, read and repeat the notes that you have, few will have an opportunity to speak. We now have a balance of 65 minutes to debate. If each Member who stands takes five minutes each, I can assure you that you will all speak before you leave this House.

The next Speaker is Hon. Parashina Sakimba of Kajiado South.

**Hon. Parashina Sakimba** (Kajiado South, ODM): Hon Temporary Speaker, I want to contribute to the legislative proposal to amend the Constitution under Standing Order 1(4)(7) (A).

I start by commenting on the issue of NG-CDF. We held our elections on 9<sup>th</sup> August 2022; and all of us have been elected and re-elected by our voters knowing that NG-CDF is there. NG-CDF is a social need. You cannot separate NG-CDF from a common person.

We are facing a challenging situation in Kajiado South Constituency because of drought. When we visit our people, they are in pain because they cannot afford things like food and school fees to take their children to school.

I want the Members and the public to know that NG-CDF is very useful. There is evidence of the number of schools that have been done and the number of students who have attended schools under this Fund. If you compare the month of September up to now, and the month of May to August, you will find out that there are many school dropouts.

I only have 22 secondary schools in my constituency. The enrolment number that we are waiting in January therefore, is about 11,000 students. Our schools however, can only accommodate 2,000. Where then, will the surplus of the students go to? It is my prayer that we pass this legislative proposal to amend the Constitution today, and see how we can protect it further.

The Supreme Court ruling is a decision that was made in Nairobi via the mainstream media. I wonder why these judges were not given a chance to visit our constituencies? If you are making a ruling, you need to check if you are making a judgement that benefits the common person. Who is going to defend that single lady – a person who cannot afford even a rental house worth Ksh7,000 to raise her kid? If at all there is public participation; they should try and make a visit to our places. If they did so, I can tell you for sure that, that Supreme Court Bench could have ruled in favour of the public and give NG-CDF a chance to survive. My plea today, is to the legal team in this Parliament to go and check on the legislative proposal to amend the Constitution that we are proposing.

When we do the legislative proposal to amend the Constitution, it should be tight in a way that no one can interfere or change it. NG-CDF is good; and to save time, I support the legislative proposal to amend the Constitution

**The Temporary Deputy Speaker** (Hon. David Ochieng): Well done Mheshimiwa. If we all did that, we would be good to go. Hon. John Makali of Kanduyi.

**Hon. John Makali** (Kanduyi, Ford -K): Thank you, Hon. Temporary Speaker for giving me an opportunity to address this House on this specific legislative proposal to amend the Constitution.

I must first, thank the initiators of this legislative proposal to amend the Constitution because it has come at the right time. As we speak, many children are at home for lack of bursaries. Also, many projects that were being undertaken by the NG-CDF in my constituency have stalled.

The NG-CDF was initiated to assist the vulnerable and indigent children and communities in this country. It was initiated to ensure that we have access, not only to education, but to also set up the security apparatus that exists in our constituencies.

The constitutional amendment that has been proposed is geared at ensuring that we ring-fence and protect the NG-CDF, so that it is not subjected to the judicial assaults that we have experienced. What benefits will accrue if this amendment is effected? We will ensure that there is certainty in law. At the moment, we are facing a lot of uncertainty. When I went home over the weekend to visit my constituency, many children were at home and their future is uncertain because they do not know whether they will be back in school or not.

When I went back to the constituency, I found out that many other contractors had abandoned the ongoing NG-CDF projects because they were not sure whether the Fund was still in effect or not. If we can secure the NG-CDF in the Constitution, we will save it from assaults from both the civil society and the haters of Members of this House, who think that we want to get the NG-CDF so that we can run it as our pocket money or loose change. It is not lost on us that, at one time, the civil society called Members of this House “rats” and “M-pigs”. We need to disabuse them of that notion by entrenching the NG-CDF Act in the Constitution of Kenya, so that it is saved from other bodies that want to assault it.

Secondly, a lot has been said and the notion out there is that the NG-CDF is no longer in existence. The courts literally annulled the Constituencies Development Fund Act, 2013. The NG-CDF Act, 2015, is still in existence. One of the principal reasons that led to the annulment of the CDF Act, 2013 was lack of public participation. All the views that led to the annulment of that Act were cured by the NG-CDF Act, 2015. Therefore, the NG-CDF Act, 2015 is still in existence.

I urge the movers and initiators of this constitutional amendment to go to the public and ensure that there is sufficient public participation, which will ensure that members of the public, the civil society and other players, are at par with this House to ensure that the NG-CDF is sustained.

I have looked at the amendments that have been proposed touching on four specific funds, that is, the NG-CDF, the National Government Affirmative Action Fund (NGAAF), the Economic Stimulus and Empowerment Fund and the Senate Oversight Fund. As was suggested by other Members of this House, my view is that we need to segregate all the funds. We had an experience with the Building Bridges Initiative (BBI), which had very many good proposals, but just one item in it that caused the entire move to amend the Constitution to be thrown out. I suggest that, as we consider this legislative amendment, we consider segregating all the funds, so that we deal with each fund separately. This is so that we do not throw out the baby with the bath water.

Finally, in the interest of time...

**The Temporary Speaker** (Hon. David Ochieng’): Hon. Makali, when you segregate do you put together or separate?

**Hon. John Makali** (Kanduyi, FORD – K): You separate all of them.

**The Temporary Speaker** (Hon. David Ochieng’): So, do you mean we segregate?

**Hon. John Makali** (Kanduyi, FORD – K): Yes, we separate them. Thank you, Hon. Temporary Speaker.

Looking at this legislative amendment, we will need to ensure that the Committee moves with speed to enact it. This is the first move to amend the Constitution through a parliamentary initiative. I ask all Members of the House to adopt a bipartisan approach so that we pass this amendment without considering our respective political parties.

In the interest of time, I wish to donate time to other Members who want to contribute to this debate.

Thank you, Hon. Temporary Speaker. I support the legislative proposal.

**The Temporary Speaker** (Hon. David Ochieng): This chance goes to Hon. Orero of Kibra.

**Hon. Peter Orero** (Kibra, ODM): Thank you, Hon. Temporary Speaker. First of all, I thank you for giving me this time to contribute to this very important legislative proposal.

I thank my two colleagues who brought this legislative proposal. I thank Hon. Mule and Hon. Gichimu for spending their time thinking about such an important legislative proposal, which has brought the different political divides together. Listening to the contributions from both sides of the House, if you had an “emotionometre” to measure the emotions of the people in this House, you will realise that we have the same denominator. We all believe that this kind of amendment should be done, not today but yesterday.

I stand here as an educationist who has benefited a lot from the NG-CDF. I may not have benefited directly, but I have handled students who solely depended on NG-CDF money to pay for school fees. We have come up with the Competence Based Curriculum (CBC) which requires us to build primary and secondary schools. The national Government alone without the NG-CDF will not be able to build enough classrooms for students to transit to the next level. The more we delay with these funds, the more the confusion in the implementation of CBC in our country.

I have looked at moments where emotions have risen beyond control. I only have two instances. When we have elections, you can see emotions rising across the different political divides. I have seen emotions rising in Kenyans regarding the NG-CDF. Anybody can correct me but there is nowhere in this country where a student is not home because of lack of school fees. That is not only in areas where we have different political parties; it is in all areas of this country.

I will be lying to myself if I did not mention that the most affected areas in terms of delay of NG-CDF funds are slum areas. As I always say, I represent one of the biggest slums, that is Kibra. Where people talk about selling cows and having farms where they can dig and reap the benefits, we do not have farms in our slums. Therefore, the most affected children are those coming from slums. In fact, I am reliably told that almost half of our students are now at home because of lack of funds, which were there before. The first time this Bill was tabled was in 2003, then again in 2007, 2013 and 2015.

Hon. Temporary Speaker, I must commend the magnanimous way that this House always does its work. You have corrected this. The last time it came was in 2013, when the activists were against these funds. You came up with procedures and processes where it was reinstated in 2015. That is why it is still there today.

I want to draw parallels in the reactions of our courts. When we have matters in this House which are important, like the last time we had matters here where we were voting against the Clerk, the two sides did not compromise, and the Speaker had to use his wisdom to come to a compromise on how we can do the right voting. It is my thinking or imagination that the courts of this country must look at the emotions of the people before giving rulings. They should not be giving rulings which are not consistent and are at variance with the emotions of people of this country, especially on matters about the interests and education of our children.

My constituency has benefited more than any other constituency. It is a small constituency, but very populous. We need schools for children to attend the compulsory basic education. This cannot happen if we do not have funds from the NG-CDF. I must appreciate that for the last few years, we have tried to fulfil the Government requirements of having all our children in school, and this has only been enabled by the fact that we have funds being given through the NG-CDF.

As a first time Member, I thought I was going to be the patron of the NG-CDF. I realised that Members do not have a single role in determining how the NG-CDF money operates. This is why this money is not about the Members of Parliament. In fact, the criteria used to determine

the board of management of the NG-CDF is so elaborate. One has to apply, go for an interview, and this does not require the presence of the Member of Parliament. Therefore, those who think that the NG-CDF money is for the Members of Parliament are misguided. This money is meant for the poor children in schools. It is also meant to build schools, bring security within the system, develop Technical and Vocational Education and Training (TVET) centres, and also ensure that we have 100 per cent transition rate.

I, therefore, believe that any normal and sane Kenyan would agree with me that we need this money as soon as yesterday. Something tells me that this money will be there, but for how long is it going to take for it to be there, for crying out loud? I want to say that we must ask the Government to release this money soon because people are suffering. The economic state of this nation is not good, and the more we delay with this funding, the more our Children are getting affected. We are saying that the most affected children are from poor families. Those coming from well to do families are in school, and we must equalise. Education always equalises, and as parliamentarians, we must make sure that we urge this Government, the authorities and the National Treasury, to release the funds before it is late.

Hon. Temporary Speaker because of time, I support the Motion and I urge all my colleagues to support.

I thank you and may God bless you.

**The Temporary Speaker** (Hon. David Ochieng’): I wonder how much you saved for us. The next speaker would be Hon. Pauline Lenguris from Samburu.

**Hon. Pauline Lenguris** (Samburu County, UDA): Thank you, Hon. Temporary Speaker for granting me this opportunity to contribute on the matter on the Floor of this House. I want to emphasise a lot on the importance of functions that the NG-CDF and the NGAAF have done to the people at the grassroots level. I come from a rural county where a majority of the infrastructure in our schools was built poorly, and we still have most of the children learning under trees. However, the introduction of the NG-CDF was a relief because we have seen a lot improved infrastructure as a result of the utilisation of this fund. Most of our schools have been improved and many of our children have been accessing bursaries. They have succeeded in their lives because of the support they have received from the NG-CDF and the NGAAF. We have seen most students from poor families succeeding in their lives because of the bursaries they have acquired from these particular funds.

The stoppage of this fund may negatively impact the education sector especially those children who are dependent on this fund. I want to support this Motion because I have seen the positive aspect of the fund. It has been well utilised. We have seen a lot of improvement in our schools’ infrastructure and in terms of children who are accessing education. We have seen many children from poor families succeeding by even going up to university level as a result of the support they have received from the fund. For the NGAAF, most of the women from the rural areas have started their businesses and can take care of their families and improve their living standards as a result of the support they have received from this fund.

Hon. Temporary Speaker, I stand here today as a woman who has come from a rural setup to say that this fund has really helped a lot. Many people are looking upon us, now that we are in this august House, to continue the good work that this fund has done for many years. So, I support that these specific funds may be entrenched into the law so that in future, it cannot be interfered with by anybody. I stand here to support the amendment so that we can still have even our youth groups being supported. We have seen those who cannot get employed anywhere being given support through this fund, and they have established their businesses and are taking care of themselves and their families. We have seen a lot of people living with disabilities getting support from these specific funds, and have succeeded in their lives. So, I stand here today in support of this Motion. I also request the Members of this House to support because we have seen the good work that women have done using the NGAAF.



We have even seen some of them ascending into more powerful positions like governorship. We can give an example of Hon. Gladys Wanga, who was a County Woman Representative, but now she is a governor overseeing the whole county because of the good work she did while representing women. So, if you can support our women who form 50 per cent of the population of this country, you will have supported a whole community. I ask Hon. Members of this House that as we deliberate on these specific funds, on behalf of the County Woman Representatives, kindly increase the amount being allocated to the NGAAF, so that they can be useful to the whole county. We cover a whole county, which is much bigger and most of our women need to access this fund. Kindly, during deliberations, consider your counterparts in terms of percentages. The NGAAF can be increased to the same level as the NG-CDF, so that we can work together and uplift the lives of our people and bring development to our counties.

So, Hon. Temporary Speaker, I submit and I support the Motion. Thank you.

**The Temporary Speaker** (Hon. David Ochieng’): Thank you so much for saving our time. Let us have Hon. Paul Mwirigi followed by Hon. Julius Meli, then we go to the other side.

**Hon. John Paul Mwirigi** (Igembe South, UDA): Thank you very much, Hon. Temporary Speaker, for giving me this opportunity to contribute on this legislative proposal to amend the Constitution. From the outset, I support it. The NG-CDF plays a very critical role in this country as far as development is concerned within our constituencies. Through it, we have most of the improvement in our schools, chiefs’ camps, police posts and even paying school fees for our students. This legislative proposal will help a lot of our constituents. That is why we, as legislators, must stand with our two feet and fight for this fund.

When I was elected in this House in 2017, I tried to utilise this fund, and this is what made me to be re-elected. The ones who are criticising this fund lack awareness. It is good for them to move across our constituencies and see the development which has been done by the NG-CDF. As Members, we must support this fund to be increased to 5 per cent so that we can have enough funds to facilitate us to improve the status of our constituencies. I know some counties are against this fund because of its impact across the constituencies. They feel as if it does more than what they do. That is why most of the leaders from these counties collaborate to fight this fund. When it will be anchored in the Constitution, we will not get these difficulties from people who take us to court now and then.

I also support the entrenchment of the NGAAF in the Constitution. The Woman Representatives from the counties normally give their manifestos when seeking to be elected in this House. As the representatives of the people, it is good to be given funds which will facilitate them to do some development within the counties where they come from.

The Senate Oversight Fund is good. Since we got the Constitution in August 2010 when it was promulgated, the Senate was given nothing. They normally come here to legislate and represent the counties. It is the right time to facilitate the Senators with the Oversight Fund, so that when the counties mess, they can account for it. Most of the time they lament that they are not aware of what is happening in the counties because they are not facilitated. When they will be given this fund, they will move around and inspect how the counties do their work. This piece of legislation is a good one, and I congratulate Hon. Stephen and Hon. Githinji for bringing it.

With those few remarks, I beg to support the legislative proposal to amend the Constitution. Thank you.

**Hon. Julius Melly** (Tinderet, UDA): Thank you, Hon. Temporary Speaker for giving me this time to contribute. First of all, I thank Hon. Mule and Hon. Gichimu for bringing this legislative proposal to amend the Constitution. I want to take Members down memory lane in the pre-CDF days, when there was no CDF in this country. If you look at schools, dispensaries

and feeder roads, before 2014, the CDF was allowed to construct roads, small dispensaries and even water projects.

The impact of the CDF in this country is quite immense. I know the Government has a number of funds that are sent to the people. The one which is very impactful and has affected every household and individual in this country is the NG-CDF. I want to give a list of a few projects, especially in my constituency and even in the neighbouring areas. First of all, I want to bring to the attention of the courts that the NG-CDF reaches the poor of the poorest. It takes the downtrodden to schools. Prior to this fund, parents in my constituency or county were forced to conduct *harambees*, where cows and goats were sold through the Chiefs' Act, and this affected the people a lot.

As I speak, the number of schools which have been built by the NG-CDF between 2002 and now is more than the schools the Government constructed between 1963 and 2000. There was a time when we had marginal funds like the Rural Electrification Authority (REA), where we were able to connect villages with electricity, erected streetlights and implemented the Last Mile Connectivity Programme. However, the activist saw it right to stop this fund. I ask this House to do a comparative analysis or study between the impact of county governments and the NG-CDF. You will realise that as much as county governments are getting billions of shillings, their impact is quite insignificant or not felt.

In my constituency alone, we have over 100 orphans who benefit from full scholarships from the NG-CDF. We also have the bright and needy students, individuals whose life would otherwise be in tatters without the NG-CDF. I want to plead with the Members, because this is not a normal Bill, it is a constitutional proposal that requires a two-thirds threshold, to prove that we can marshal and have 100 per cent Members to pass this Bill. The effect of not having the NG-CDF in the constituency or being abolished is mind-boggling. I just want to ask Members, because I have been in some constituencies...

I want to thank the Temporary Speaker because of the work he has done; constructing colleges. You constructed a forestry college and also the Kenya Medical Training College (KMTC). I have constructed a Teachers Training College in my constituency. I have seen areas in this country which could otherwise be completely impassable. I went to Taita Taveta and saw a road on top of a hill done by the NG-CDF. I want to ask judicial officers to assess what is happening before they make any decision.

We know the mandates of a Member are oversight, representation, legislation and appropriation of funds. We also need to ask how this fund has been effective. Activists at times look at the NG-CDF as funds being misappropriated by Members of Parliament. They need to realise that this is the most effective fund. The impact of a number of Government funds is almost nil, yet no one has gone to court to complain about them.

So, I thank the two Members for this proposal. Let us vote to pass the constitutional amendment and make the NG-CDF available to run this country.

**The Temporary Speaker** (Hon. David Ochieng'): Thank you so much, Hon. Melly.

Hon. Members, just a small bit of information. The reason Members are talking about turning up when the day to vote comes is that the most important thing is raising a list of 233 Members on the day of voting. I will give you an example. I moved a Bill to change the election date, and every Member supported it when we were having tea. Every time the Bill came up for debate, every Member said it was good, but on the day of voting, some Members were not here, and we lost the Bill three times. So, everybody should turn up on the day of voting for this proposal. If you do not, as much as you love the NG-CDF, it dies.

The next chance goes to Hon. Dick Maungi followed by Hon. Robert Basil.

**Hon. Dick Oyugi** (Luanda, DAP-K): Thank you very much, Hon. Temporary Speaker, for the opportunity given to me to also give my input on this matter. I rise to support the legislative proposal to amend the Constitution and entrench the NG-CDF in the Constitution. I

am a new Member in this House, and one of the things I can confess is that CDF has done a lot in this country. There are a lot of things out here courtesy of the fund, namely, schools, police stations and chiefs' camps have been built. Therefore, we need to entrench the fund in the Constitution so that it is ring-fenced against some activists who appear to be on foreign payroll or something of that kind.

It is not lost to me that many young men, women and children depend on the NG-CDF for bursaries and scholarships to better their future. Luanda, for instance, is a rural constituency, and a majority of people in Luanda are small-scale farmers and traders. Raising fees for their children is always a big matter. I ran my campaign on one agenda, namely, to support a majority of people in paying school fees for their children in order to achieve their dreams. Therefore, by abolishing the NG-CDF, this will be akin to condemning thousands, if not millions, of young children with ambitions and dreams for greater things into oblivion. I beg my colleagues that it will not only be important for us to discuss this matter, but also to be present on the day of voting and give 100 per cent support to this great amendment.

I am aware that there are chiefs, for example, who operate in mobile offices or right from their homes. These are matters which can be covered under the NG-CDF. Out here, there is a perception that the NG-CDF is only meant for Members. As a new Member of this House, I have witnessed competitive recruitment of members of the NG-CDF committees to implement programmes on behalf of communities, and I do not have a role in this process. Therefore, it is very much out of order for a few people out there to say that this kitty is meant for Members of Parliament. When I look around this House, I see men and women with candidates in school. A majority of young boys and girls who desire to be great men and women in this country look upon the NG-CDF to support them in their programmes.

I, therefore, support the entrenchment of other funds like the NGAAF, the Senate Oversight Fund and the Economic Stimulus and Empowerment Fund in the Constitution. The funds will support many other programmes in villages. I support.

**The Temporary Speaker** (Hon. David Ochieng'): Thank you so much, Hon. Maungu. The opportunity now goes to Hon. Basil.

**Hon. Robert Ngui** (Yatta, WDM): Thank you, Hon. Temporary Speaker. Finally, I have been given a chance to speak, which I have waited for for long. I do not know what we need to do, because this is not really fair. We have been waiting since yesterday.

**The Temporary Speaker** (Hon. David Ochieng'): Hon. Wanjala, you are out of order.

**Hon. Robert Ngui** (Yatta, WDM): I thank the co-sponsors of this proposal, Hon. Mule and Hon. Gichimu. Well done. Anyone who tries to wish away the NG-CDF is blind to reality. As I speak, many students are at home for lack of school fees. This is crippling learning and making students miss examinations. Sustainable Development Goal (SDG) 4 is about quality education. Without bursaries, you do not expect the country to realise quality education. The same applies to the right to education. The NG-CDF is very critical to education. It has ensured full transition of students from primary to secondary school and tertiary institutions.

We need to urge the Government to release money for bursaries. Needy and poor students are being marginalised, which is not what we expect in any democratic State. Children of the rich are in school, but children of the poor are at home. Their parents are struggling to raise money not only for school fees, but also for food. I fully support this legislative proposal. This is the right time to entrench the NG-CDF in the Constitution.

I want to make a few recommendations to the drafters of the Bill. One is broadening the scope of the NG-CDF to include very important facets and aspects of the economy, including agriculture, water, electricity as well as school feeding programmes to ensure that our communities develop well. Two, the drafters should increase the allocation from 2.5 per cent to about 10 per cent. The current NG-CDF allocation is too little to do meaningful work based on what we intend to achieve.

I support the entrenchment of the NGAAF in the Constitution. It is very critical in promoting gender equality and women economic empowerment. This is a very critical fund that needs to be reinstated and entrenched in the Constitution. Importantly, the Parliamentary Oversight Fund is key, but we should not call it Senatorial Oversight Fund because even Members of Parliament have a role to do oversight. So, it should be called the Parliamentary Oversight Kitty or Fund.

With those few remarks, I do not want to belabour or repeat what my fellow colleagues indicated, but I want to conclude by fully supporting the Motion. I look forward to make my input in revision of the Bill.

**The Temporary Speaker** (Hon. David Ochieng’): This chance goes to Hon. Catherine Omanyo of Busia, followed by Hon. Stephen Mogaka of West Mugirango.

**Hon. Catherine Omanyo** (Busia County, ODM): Thank you, Hon. Temporary Speaker. My patience has earned me this chance. I would love to really thank the proposers of the legislative proposal and support it because for those who forgot where...

*(Hon. Raphael Wanjala stood in his place)*

**The Temporary Speaker** (Hon. David Ochieng’): Hon Wanjala, please, allow Hon. Catherine Omanyo to make her contribution.

**Hon. Catherine Omanyo** (Busia County, ODM): Thank you for protecting me. I was saying that people who have forgotten where they have come from can easily make a mistake like this one. I stand here as a living witness of a child who was raised without a daddy and by a very poor widow who could not tell where the next meal will come from. My determination was to knock on any door that would offer support in terms of payment of fees. So, the NG-CDF and the NGAAF should not be tampered with by people who do not understand that there are children out there who fully depend on the financial support from these funds.

I also want to mention that the NG-CDF in real sense touches the base of the country. We cannot have a monopoly of dictatorship of a kind, that this kind of fund should only be managed in a particular corner, because we will be killing the spirit of devolution. If we have the NG-CDF disbursed to every constituency, it means that it will be upon them to make sure that they develop their own area. If somebody fails, then it will be upon that Member and not a particular docket. I looked at the Motion and I was so happy to realise that, at least, there is somebody who feels and wants to fill up the gap of the poor and needy people.

When I reflect on my own county, we have girls who have been coming to me and applying to go back to school. If anybody sits in Nairobi and wants to control everything from here, they will not understand that particular girl from a village that even google map right now has not mapped. So, let Members handle and manage it and make sure that it continues to empower and support the really needy people in the society.

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

**Hon. Stephen Mogaka** (West Mugirango, JP): Thank you, Hon. Temporary Speaker. I also associate myself with the previous speakers who have appreciated the promoters of this legislative proposal, Hon. Gichimu and Hon. Mule. On behalf of the people of West Mugirango, I support the legislative proposal. It is, in fact, the best thing that has happened in this 13<sup>th</sup> Parliament. The 13<sup>th</sup> Parliament will go into the annals of history as the protectors of the people’s fund. The NG-CDF is a not a parliamentarian’s fund, but rather a people’s fund.

The level of poverty we have in this country is directly proportional to the level of education the families and households have. A majority of households have had their children

not going to school because of lack of school fees. The NG-CDF has done miracles for many homes, and the last thing we want to hear is that there are any suits coming up again against the NG-CDF. The best way to insulate the NG-CDF is to anchor it in the Constitution, as we are doing. We will make Kenya proud when we all go home knowing that never again are our children going to be threatened by being sent home from school because there is no NG-CDF support.

My additional remarks are that the legislative proposal is again the best thing that has ever happened, because it has helped every Member to have an opportunity to not only endorse the legislative proposal, but also by our conduct, assure the nation that we shall not only be here present voting for the Bill, but we shall also mobilise our electorate when required to vote for the referendum if we get there.

The problem that the courts have had with the CDF was that it seemed to be tapping money from the national Government revenue, and this has already been cured in the NG-CDF Act of 2015. But while we know that the majority of the courts concerns have been addressed in the NG-CDF Act of 2015, the best way to bring an end to any attempt of sabotage the operations of the NG-CDF is to entrench it in the Constitution. During the Amendment Bill debate, I see that since the NG-CDF is performing some of the national Government functions in the Fourth Schedule, we will be engaging the national Government to use the constituencies as the bottom most unit for planning for development so that as much as possible, the national Government's budget is cascaded to the constituencies to make the constituency the bottom most unit of planning and development.

The Government that has come into office has promised Kenyans that it is going to follow a bottom-up approach to business. Indeed, this legislative proposal comes at the best time when there is coincidence in the thinking of the Government and the 13<sup>th</sup> Parliament, in creating synergy between their dreams. I want to rest my case by assuring this House that I will be present to vote when the time comes, and I will mobilise my constituents to do what they will be required to do to make this constitutional amendment a reality.

I beg to support.

**The Temporary Speaker** (Hon. David Ochieng'): We are doing so well. Hon. Lekumontare of Samburu East, followed by the Hon. Gitonga Murugara of Tharaka.

**Hon. Jackson Lekumontare** (Samburu East, KANU): Thank you, Hon. Temporary Speaker, for giving me this chance. I want to support the legislative proposal. The NG-CDF is very important to the Kenyan people. Without the NG-CDF, poor children will not continue with school. Because very many Members have spoken on the same, it is the CDF which has problems, and we want to save the NG-CDF. I do not think it is necessary to bring all these other funds under the CDF, which has problems. When you want to put off a fire which has already burnt one house, you do not have to go and pour water into every other house which has no fire. It is necessary for us to come and focus on the NG-CDF, because that is where the problem is. The court never said that the NGAAF or any other fund has a problem. We really need to save the NG-CDF for the sake of our children and development in our places. We do not need to apologise to anybody. We are not enticing other leaders to support this.

If you look at the proposal, the Senate Oversight Fund is very important, but it should not necessarily come under the NG-CDF for them to support this. We all need the oversight funds. This is a very crucial matter to our people. We really need to come and make this proposal. We do not have to go to other devolved functions, like what Members are saying; that we need to do water and whatever. We are again inviting another argument from the

governors. They are there to do agriculture and water. Let them do that because they have money. It is not a must that a Member should do all the functions. We do not have to think that we are supposed to do everything because even governors will come in and say that it is their function or it is a devolved function. Let us focus on the functions of the NG-CDF. If we go in that direction, we will save these funds.

I do not want to take much time because everything has been said. If we take that direction, I think we are good to go.

**Hon. George Murugara** (Tharaka, UDA): Thank you very much, Hon. Temporary Speaker. It has been a long wait, but it is worthy every second to wait and contribute to the very important proposal that is before the House.

It is a constitutional amendment proposal, and we know the threshold. That is why everybody is saying that we do not just need to talk here, and support, but we must appear on the crucial days and do what would be required of us. We attribute this constitutional amendment and credit the two Members, Hon. Githinji Gichimu of Gichugu and Hon. Stephen Mule of Matungulu. Kudos to these two Members for putting on paper what every Member is thinking. Therefore, you have our support. What we urge you to do is to ensure that the Office of the Speaker moves quickly so that we have sufficient public participation and we have a draft Bill that will be brought to the House for readings. Eventually, if we are lucky, we shall pass it. That way, we will entrench these funds in the Constitution. The court, which is always hell bent on declaring whatever we do unconstitutional especially with regards the NG-CDF, will have nothing to complain about.

As we debate today, let us pay tribute to those who invented the NG-CDF, Hon. (Eng) Muriuki Karue of Ol Kalou, as it was those years, Hon. Mwangi Githiomi of Kipipiri, and the others who were all here. What they started as an experiment has become one of the noblest things this country has done for the poor man.

To start with, the NG-CDF is absolutely for the poor, those who cannot build schools, pay school fees, or build offices for administrators. Weighing on what we have done with the NG-CDF, it behoves on every Member to support it. When it comes to the NGAAF, which is for Woman Representatives in this House, this is also for the poor. It is an affirmative action fund for the marginalised and the poor, including women, the youth, people with disability, and the others.

The Senate Oversight Fund is merited in that Senators have no fund to draw from when doing their oversight. It will be debated when the time comes, whether they are going to get this from the revenue of the national Government or the share of the county allocation depending on how much it is and what they are to get. The other fund that is for economic empowerment of the less privileged and the hustlers down at the bottom is also a very important fund. We as Parliament must guard against somebody going to court to say that fund is also unconstitutional. This is why this merited proposal is before us. For sure, we believe it is going to become a Bill one day and we shall debate it in this House as required.

It is important to note that what we have today is a proposal. After that, it is going to become a constitutional amendment) Bill. If it passes, it will have its position in the Constitution as various Articles. Thereafter, this House will have to go into legislation to harmonise the NG-CDF with its own Act of Parliament. The Act of 2015 is still in force, although there are threats to annul it. We will also have another Act of Parliament for the Senate Oversight Fund that will have provisions. We will also have another Act of Parliament in respect of the NGAAF, and another Act of Parliament in respect of the Economic Empowerment Fund. Thereunder, I am sure we will have regulations that will make sure that all these funds are applied in accordance with the Constitution, Acts of Parliament and the regulations we are going to pass.

Therefore, Members of Parliament, it is vitally important that we debate this proposal soberly. Eventually, let us turn up in our numbers and pass the constitutional amendment Bill, once brought to the House.

With those remarks, I beg to support this proposal.

**The Temporary Speaker** (Hon. David Ochieng’): Thank you so much, Senior, Hon. Murugara.

This chance will go to the Member for Likuyani, Hon. Innocent Mugabe. Hon. Jerusha Momanyi of Nyamira will follow.

**Hon. Innocent Mugabe** (Likuyani, ODM): Thank you very much, Hon. Temporary Speaker. I must say that it is, indeed, a tremendous moment for me to stand before this House today to speak for the first time as the newly elected Member for Likuyani. I know you have received many congratulatory messages, kindly receive mine too, for being elected to sit in the Chairperson’s Panel. I also pass my congratulations to the Speaker and the Deputy Speaker.

Before I delve into the matter of the legislative proposal today, allow me to thank the great people of Likuyani all the way from Likuyani Ward, to Sango Ward, Kongoni Ward, Nzoia Ward and Sinoko Ward for overwhelmingly voting me on 9<sup>th</sup> August 2022, and according me this much honour to represent them in this 13<sup>th</sup> Parliament. I do not take this for granted, and promise to work with a lot of diligence so as to deliver for the country and the people for Likuyani.

Allow me to give a few inputs into this legislative proposal. I know much has already been said about it, and I want to give a few pointers. One, I do not know why someone in his right mind would want to abolish such an important fund, yet it has really helped to change the socio-economic landscape of very many people in Kenya, especially the poor people at the bottom of the pyramid.

Two, is that sometimes we are enemies of ourselves. Why am I saying this? The Member is not the manager or accounting officer for this fund. The way we portray and talk about it, the public gets to think or perceive that the Member is the accounting officer of this fund, which is not the case.

I want us to inform the public and educate them that the role of the Member in the NG-CDF is oversight and not the executive role of managing it. Maybe one of the reasons why this fund is very successful is because there is direct oversight by the Member. Just like those who have spoken before me have said, it is one of the well implemented funds we have in this country. So, as Members of the National Assembly, we must work very hard to protect any defilement on this fund.

If we go back to history, this country depended purely on *harambees* and self-help schemes for development. This would be used by the Executive to skew development. We would find development following political sycophancy or those who supported the Executive of the day. One of the issues we have in this country is inequality in terms of distribution of our national resources. Having the NG-CDF taking only 2.5 per cent, which is a very meagre amount, has created a very big impact in our communities. Therefore, it will be in very bad faith to abolish such a fund. It will take us back to the days when people would use resources and *harambee* as political weapons to whip the people to support a particular side of political divide.

Hon. Temporary Speaker, I support this legislative proposal.

**The Temporary Speaker** (Hon. David Ochieng’): Hon. Jerusha Momanyi.

**Hon. Jerusha Momanyi** (Nyamira County, JP): Thank you, Hon. Temporary Speaker. Finally, here I am. I have really waited, but this is the right time for me. I want to take this first opportunity to congratulate you for your election to the Chairperson’s Panel. I want to congratulate you for conducting business professionally.

I want to thank the two Members who have co-sponsored this legislative proposal which proposes to anchor the NG-CDF and the NGAAF in the Constitution. Indeed, these funds belong to the poor in our society. As a Member, the people know that whatever they ask when they come to my home or office, I will be ready to lift their hope, specifically the hope from the NG-CDF and bursaries entrenched therein. It has helped very many poor students to become who they are. Today. Anybody who thinks of abolishing the NG-CDF does not mean well for the poor citizens. They believe and know that through the NG-CDF, their children will get equal opportunities as those of the rich.

I support this legislative proposal simply because in our villages, we have seen what the NGAAF has done. For example, looking at the women who normally like forming groups, they have grown because the NGAAF has bought them together and empowered them through the little funds they get. The NGAAF has also ensured that most vulnerable children who have no parents or homes go to school. Even in my county, I can count the number of students we have helped through the NGAAF.

Anybody who does not want these funds to be entrenched in the Constitution and to be given to our people is their enemy. When you look at the schools, in cases of emergencies, the NG-CDF comes in handy to ensure that they are tackled. For example, if mattresses or students' belongings get burnt, the Members of Parliament come in handy to help in such situations. So, if we abolish this, when emergencies arise like burning of schools, it means that parents will be burdened with buying their students all the destroyed belongings. Sometimes, they may have to contribute and build some structures that could have been built using the NG-CDF.

So, I urge every Member of this House as we support this, that on the day we will be voting for the amendment Bill, everybody should be around. That way, we will ensure that it can pass and that in future, we do not have anybody bringing problems and wanting to stop the NGAAF and the NG-CDF from being administered to our people.

I support the Senate Oversight Fund. However, I want the word 'Senate' to be removed and replaced with the word 'Parliament'. As for the Economic Stimulus and Empowerment Fund, the hustler nation is waiting for it. As we know, it cannot be administered unless it is anchored in law. I want to ask our Members to be ready to support it so it can be of help to our citizens. Thank you. I urge everybody to support this.

**The Temporary Speaker** (Hon. David Ochieng'): Thank you so much. This chance now goes to Hon. Guyo Jaldesa, followed by Hon. Caleb Mule.

**Hon. (Prof) Guyo Jaldesa** (Moyale, UPIA): Thank you, Hon. Temporary Speaker, for giving me an opportunity to contribute to this debate. I also wish to congratulate the movers of this legislative proposal for the following reasons. I support it because the NG-CDF is the only decentralised fund that reaches every corner of the country. It is also the only fund that has made a significant influence on the lives of the majority of the Kenyan people. This has changed the lives of people across the country, and it has touched the lives of the poor people. The NG-CDF, especially through its bursary program, has contributed to educating many school children from the vulnerable members of the society. As I talk, since this financial year started, many students have dropped out of school for lack of bursary which has traditionally been there. If this money will not be disbursed, and it should be disbursed before December, and the children are going to Form One or going back to school, then it will lead to another large rate of poor transition. That means many children will not go to school and for that reason, we urge the Treasury to release this money as soon as possible.

Considering the drought situation in the country, many people have difficulties feeding themselves, and as you have seen on the television, they are searching for wild fruits to eat. There is lack of water for their animals and themselves. Members of Parliament have been approached to provide water through the water trucking system, and they have no money to do this. It will just cause more suffering to the people. The proposal is good. On the issue of the



court case, I wonder why the judges spend their time discussing an obsolete law of 2013 when other laws have been passed in 2015.

With those few remarks, I urge the National Treasury to expedite the release of the funds to the people so that many of our children and other people who are supposed to benefit from this money will get it. There are a lot of projects which are pending, and they should be completed. As some people have said earlier, many schools have been started, classrooms, laboratories, and every other thing is hanging, and we need this money to be released. This money is not for the Members of Parliament, but for the people of Kenya.

**Hon. Caleb Mule** (Machakos Town, MCCP): Thank you, Hon. Temporary Speaker. This being my Maiden Speech, please, allow me to thank my people and my constituency. First, I would like to thank God for giving me this chance to serve my people of Machakos. Secondly, I would like to thank my constituency, Machakos Town. I thank the people of Kola, Kalama, Muvuti/Kiima-Kimwe, Machakos Town, Mua, Mumbuni and Mutituni wards for voting for me. I also thank my parents, who prayed for me. It was a tough journey and stiff competitive campaign. My parents prayed for me. I would also like to thank my family, my brothers and sisters, who stood with me during the campaigns. I thank my wife and children who gave me a lot of support. I thank the key pillars in various wards who supported me and my party leader of Mandeleo Chap Chap Party, for giving me the ticket to vie with.

I stand to fully support the amendment proposal for the NG-CDF and the NGAAF. These are the most effective funds I have ever seen. When you look at all other funds in the country, these are funds that are well administered in the country. I was wondering what the intention of activists who went to court to stop this fund or to nullify the existence of this fund was.

I thank the movers of this proposal, namely, Hon. Gichimu and Hon. Mule. This proposal should be looked into keenly so that we do not make mistakes when passing it. It should be looked at keenly and carefully that it passes all the tests. We have lawyers in this House who should look into it carefully so that it passes all the tests and we do not go back to court. I am sure there are other activists and other people who are looking at how this proposal goes so that they can go back to court.

The NG-CDF touches on education, security, sports and emergency. It is most felt in the education sector. Education is the only way we can bridge the gap between the rich and the poor. Threatening this fund is killing the hope of the hopeless. We have seen the administration of this fund building schools and giving bursaries to our children. In the morning, I found a number of people waiting outside my gate to get school fees. When Hon. Mulyungi talked about the NG-CDF not being threatened, the only thing that was touched was the CDF Act of 2013. I was asking if we can have the NG-CDF being released immediately so children can go back to school. You realise that we have Form Four students who are waiting for their exams and are at home. We have stopped having *harambees* because of the NG-CDF. The number of secondary schools that have been built through the NG-CDF is way too high. Without wasting a lot of time, I request this legislative proposal to amend the NG-CDF should include other fields like water, electricity and roads. I will be here to vote. *Asante*.

**The Temporary Speaker** (Hon. David Ochieng): Hon. Wanjala, followed by Hon. Kiaraho.

**Hon. Raphael Wanjala** (Budalangi, ODM): Thank you, Hon. Temporary Speaker. I am one of those people who struggled to bring the CDF in the year 2003. We started in the year 2002, and it was not possible at that time because the Kenya African National Union (KANU) regime would chase us out of this House. We could not sleep in our houses because they never wanted anything that would empower Members of Parliament.

**The Temporary Speaker** (Hon. David Ochieng): Where would you sleep, Hon. Wanjala?

**Hon. Raphael Wanjala** (Budalangi, ODM): Sorry?

**The Temporary Speaker** (Hon. David Ochieng): Where were you sleeping?

**Hon. Raphael Wanjala** (Budalangi, ODM): We would sleep in hotels or in friends' houses just to avoid being arrested. Anything would happen to you. It was not easy, and we have come from far. At that time, the Leaders of the Opposition were Hon. Mwai Kibaki and Hon. Raila Odinga, and they really supported us. When we formed the Government in 2003, the CDF was our priority and, indeed, we started receiving money, although little.

Hon. Temporary Speaker, I remember the schools I went to where we would learn under trees because the Government was unable to build classrooms. We would sit on stones because they would not buy desks. Our trousers had two holes at the back because as we sat on stones, and our uniforms would definitely tire as quickly as possible. Uniforms did not last and we were always dirty because we sat under trees on the dust.

We have come from far and we have suffered. Since we brought the NG-CDF, we have seen tremendous changes in institutions of learning. Although initially we covered a bigger area, I do not know the judges who sat, closed their eyes and said that the NG-CDF is unconstitutional yet they know the tremendous work it has done on the ground.

Even today, my county of Busia has been getting over Ksh10 billion every year for the last 10 years. If you went to Budalangi to see what I have done for the five years with the NG-CDF money, which after removing everything, I would remain with about Ksh50 million for development, the county government cannot match me. You will walk the whole constituency and you will not be shown anything constructed by the county government.

I speak this way because in 2005, we brought a referendum because we wanted devolution. The 2005 referendum did not go through, yet it was very good on devolution. That is where we would have entrenched the NG-CDF in the Constitution. If there will be any other amendment in the Constitution, we will come back to this position, that devolution should be in a constituency and not a county. You can see the clamour. People have started singing that they want one tribe living in two constituencies to have its own county. As I have said, we wanted the 290 constituencies to be devolved. Then the structure of the NG-CDF would remain the way it is today.

If each constituency was getting Ksh1 billion a year, that is only Ksh290 billion. You have seen how with about Ksh50 million or Ksh60 million every year, you can do a lot. So, Ksh1 billion would have done tremendous work and transformed our constituencies. Our people would be enjoying and there would be no suffering. Today, we do not have water and good roads because the counties have failed. We have nothing to celebrate. We need to go and re-look at what the late President Kibaki insisted on that the constituencies should be devolved. We should then set up a small committee like the one we have, the NG-CDF Committee. Some of us have come from far and we wonder why judges would pass such judgement yet they have seen the tremendous work the NG-CDF has done.

Hon. Temporary Speaker, with over Ksh10 billion plus for a county, we do not see money for bursaries. However, with the little money we get through the NG-CDF, we, at least, raised Ksh34 million for bursaries, which has helped many students. Today, many of our students are at home because of lack of school fees.

The other day, we had elections and Hon. (Rtd.) Raila was telling the electorate that if they voted for him, he will ensure that they get free education right from early childhood development (ECD) to higher institutions, and they refused. *Pia, wakule kiburi yao!* If they voted for him, their children would be in school today. Kenyans, we need to listen to our leaders because in 2002, Hon. (Rtd.) Raila and the late President Kibaki promised that there would be free primary education, and, indeed, when they won, they made it free. Secondary education had been made free when they were together, but in 2013, when both of them left office...

*(Technical hitch)*

Suffering has come back to this country. I want to tell our NG-CDF Board that the NG-CDF is still there. Let them release the money. The CDF that was abolished by the courts was the one of 2005. The current one is there. It is only that they are abdicating their responsibility, and this House should force them to disburse the money to the constituencies.

**Hon. Temporary Speaker** (David Ochieng’): Hon. David Kiaraho.

**Hon. David Kiaraho** (Ol Kalou, JP): Thank you, Hon. Temporary Speaker, for giving me this chance to air my views in regard to this legislative proposal to amend the Constitution to entrench NG-CDF in the Constitution. The issue before us is an issue of great importance, and I must state that the architect of the NG-CDF served in the Constituency that I represent today. Therefore, this is one issue that is dear to me. It is our noble responsibility, as Members of Parliament, to perfect and uphold principles and Acts which impact our people positively.

As a third term Member, I must state that out of my experience, if any Member uses the NG-CDF in a proper manner...

*(Hon. Raphael Wanjala bowed in the middle of the walk way)*

**Hon. Temporary Speaker** (David Ochieng’): Hon. Wanjala, you are totally out of order. You cannot bow at the middle of the walk way.

*(Laughter)*

I have seen the positive impact that the NG-CDF has had on our people. I have seen schools get transformed from mud walls to permanent, with proper walling. I have seen children from less fortunate families becoming leaders in the society because they have been helped and funded through the NG-CDF. Those are some of the areas where the NG-CDF has made a major impact.

As Members of Parliament, especially for new Members, we connect with the people in our respective constituencies through the NG-CDF. Currently in my constituency, people are weeping and are so depressed. Parents are so depressed. Whenever we would announce that we were giving out bursaries, most people back home would be very happy. We may take it for granted, but it is very vital and it goes a long way in helping our people. I was shocked beyond words to hear that it had been scrapped. Whoever suggested that we scrap the NG-CDF from Members of Parliament was totally misinformed. All said and done, we now have a golden opportunity to make sure that the NG-CDF is entrenched in the Constitution once and for all.

Hon. Temporary Speaker, you told us to not to take this legislative proposal for granted come the voting day. Most Members might view this as a normal Bill, but it is something that will determine whether we will see the doors of Parliament in 2027. I know every Kenyan is looking up to us. This fund is not there to benefit Members of Parliament. I know we have been called all kinds of names because of this fund, but most of us are just patrons of the fund. We only oversee it. The impact of the fund back home in our respective constituencies is tremendous and commendable. We should do all it takes to protect this particular aspect of our legislation.

With those many remarks, I implore Members of Parliament that as we deliberate on this issue and conclude on it, when it is time to vote on it, let us all be here to support this legislative proposal.

**The Temporary Speaker** (Hon. David Ochieng’): Thank you. Let us have the Member for Kuresoi North, Hon. Alfred Mutai, followed by the Member for Ijara.

**Hon. Alfred Mutai** (Kuresoi North, UDA): Thank you, Hon. Temporary Speaker, for eventually recognising me after a long wait. My name is Mutai Alfred, Member for Kuresoi North. Before I make my contribution, kindly allow me to thank the good people of Kuresoi North who brought me to this House. Without them, I would not be here. I thank Kiptororo, Sirikwa, Kamara and Nyota wards for voting immensely to allow me to be here to represent them in terms of oversight, representation and legislation.

Because of time, I want to contribute on the legislative proposal to amend the Constitution. Before I proceed, I thank the sponsors of this proposal, Hon. Githinji and Hon. Mule, for coming up with it at the right time. I am in this House because of the manifesto that I sold to the people of Kuresoi North. The people of Kuresoi North are waiting to see the implementation of the construction of a Kenya Medical Training Institute in Kuresoi North, which is why I rely on the said fund. On the issue of infrastructure in my constituency, there are several schools that I have mapped out, and I have agreed with the people of Kuresoi North to improve their infrastructure. There are many stalled projects in my constituency that need completion and they all rely on the NG-CDF. I stand here to support this proposal. I hope it will become a Bill so that we will vote on it. On behalf of my constituents, I will support and vote for this Bill to enable this noble fund that has been there for long.

I would like to add that despite the Supreme Court's decision to nullify this fund, I know that in one way or another, some of their family members have benefited from this same fund. It is quite unfortunate, but it is a high time we went through this proposal until it is enacted into a law so that it benefits coming generations. Since the NGAAF was introduced at about 2003, it brought about the even distribution of development across the country, unlike before where there was skewed development across the country mainly because of one area that could have voted in the then Government.

Hon. Temporary Speaker, my manifesto focused on those children who want to proceed with their education. This year, we have two entries which are the candidates sitting for Grade Six examinations and those who are joining Form One. This is the only time that I am seeing the importance of raising the funds from 2.5 per cent to 5 per cent to accommodate this high enrolment.

In the interest of time, I suppose I can be allocated time in the next sitting so that I can finish. In that regard, I support this legislative proposal to amend the Constitution and the NGAAF, so that we can see the value of a County Woman Representative. We need to see the young mothers return to school to their future, and this must be included in the NGAAF. We also have the Senate Oversight Fund, which will enable Senators to oversee all the undertakings of their respective counties.

I support this legislative proposal to amend the Constitution.

**The Temporary Speaker** (Hon. David Ochieng'): Let us have the Member for Ijara.

**Hon. Ali Abdi Ali** (Ijara, NAP-K): Hon. Temporary Speaker, thank you for allowing me to contribute to this debate. On behalf of Ijara Constituency, I support the amendments to the Constitution with regards to the NG-CDF. I am one of the beneficiaries of NG-CDF, and I understand how the parents are feeling now. In my campaigns, I promised to make sure that school fees for students in Ijara Constituency is paid fully. I believe these amendments come at the right time because they will help me to achieve my goals. The NG-CDF is more of an educative tool where we have a bursary kitty. Most Kenyans especially those from my constituency where the main economic activity is livestock keeping, pay their school fees through bursaries. They do not earn salaries. From where I sit, since I was elected into this office, I can confirm that I have received more than 100 calls especially from students in secondary and university levels. As of yesterday night, over five medical students were supposed to sit for their examinations at the end of the month, but because of school fees

arrears, they could not. In the wisdom of the leadership, we talked to the educational institutions to help them in any way they could.

Hon. Temporary Speaker, I also come from a community where insecurity is high because of the location of the constituency which borders Kenya and Somalia. We only have one police station. Most of the chiefs, deputy county commissioners and assistant county commissioners do not have offices. However, with the enactment of the NG-CDF in the Constitution, I believe we can construct more police posts and offices for the administrators so that they can execute their services to the common *mwananchi*.

To add to that, I consider the NG-CDF as an empowerment tool because most Kenyans live through the NG-CDF including the youth and women groups. These groups are allocated small funds through which they open *kinyozis* or carwash businesses and have some economic improvement in their lives. I support the NG-CDF and view it as a development tool. Most schools and roads in the constituencies are constructed through the NG-CDF. Therefore, I believe that we will construct more teachers' colleges and KMTCS, so that our people can reap the benefits of the fund.

With those few remarks, I support the proposal to amend the Constitution with regards to the NG-CDF to be increased from 2.5 per cent to 5 per cent. Members, let us support this Motion and ensure that it goes through. I also support the issue of the NGAAF because we need to give women 100 per cent empowerment. Additionally, I think it is paramount for the Senate to have enough allocation within the shared county government revenue, so that they can execute their role. In Garissa County, we get about Ksh7 billion every year, yet we cannot account for anything. I believe that with the Senate Oversight Fund, they will execute their mandate. I also support the issue of Economic Stimulus and Empowerment Fund, because that is what our President has supported. We are ready to support the Hustlers Fund when the time comes.

**The Temporary Speaker** (Hon. David Ochieng): Hon. Members, this proposal has a long way to go. I am certain by the time it is read for the First and the Second Times, all of us will get a chance to speak about it. If I had more time, I would give everyone a chance.

### ADJOURNMENT

**The Temporary Speaker** (Hon. David Ochieng): Hon. Members, the time being 9.05 p.m., the House stands adjourned until Tuesday, 8<sup>th</sup> November 2022, at 2.30 p.m.

The House rose at 9.05 p.m.

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