

NATIONAL ASSEMBLY

OFFICIAL REPORT

Tuesday, 28th June, 2016

The House met at 2.30 p.m.

[The Speaker (Hon. Muturi) in the Chair]

PRAYERS

COMMUNICATION FROM THE CHAIR

APPOINTMENT OF MEMBERS TO MEDIATION COMMITTEE ON THE COMMUNITY LAND BILL/THE LAND LAWS (AMENDMENT) BILL

Hon. Speaker: Hon. Members, you may recall that on Tuesday, 21st June, 2016, the Deputy Speaker conveyed to this House a message from the Senate regarding its rejection of the Community Land Bill (National Assembly Bill No.45 of 2015) and the Land Laws (Amendment) Bill (National Assembly Bill No.55 of 2015) at Second Reading. The two Bills have since been referred to a Mediation Committee.

In this regard, and in consultation with the leadership of the majority party and the minority party in the House, I have appointed the following Members to represent the National Assembly in the Mediation Committee formed to consider the two Bills. They are:-

1. The Hon. Alex Mwiru, MP.
2. The Hon. Moses ole Sakuda, MP.
3. The Hon. Francis Nderitu, MP.
4. The Hon. Francis Chachu Ganya, MP.
5. The Hon. Daniel Maanzo, MP.

Hon. Members, recalling that the said Bills had a constitutional timeline of 27th August, 2015, which was extended by one year with no option for a further extension as provided for under Article 261(3)(a) of the Constitution, the Mediation Committee is advised to expeditiously commence the process of attempting to develop agreed versions of the said Bills before 27th August, 2016.

I thank you.

PETITION

ESTABLISHMENT OF JOINT SELECT COMMITTEE TO INVESTIGATE OCCURRENCE OF POLICE/MOB VIOLENCE

Hon. Speaker: Hon. Members, Pursuant to the provisions of Standing Order 225(2) (b), I hereby convey to the House that my office is in receipt of a Petition from one David Gesicho, a

resident of Kakamega County. The Petition concerns the establishment of a joint parliamentary select committee to investigate holistically the disturbing trend of incidents of police and mob violence.

Hon. Members, the petitioner contends that there have been increased cases of police and mob violence instigated by security personnel and members of the public respectively; leaving innocent citizens with life threatening disabilities while others have lost their lives. He further states that the citizenry needs to be enlightened on matters concerning justice, and that action should be taken against any perpetrator of mob justice.

Hon. Members, the petitioner prays that the National Assembly establishes a joint parliamentary select committee to holistically investigate the disturbing trend of police and mob violence occurrences in the country and make recommendation to forestall such acts in future.

Hon. Members, although the petitioner's prayer is for the establishment of a joint select committee, you may wish to note that the matter falls under the purview of the Joint Committee on National Cohesion and Equal Opportunity, whose mandate amongst others, is to monitor and promote measures relating to policy and program initiatives in pursuit of peace and national cohesion. The Joint Committee will act as an arbiter to mitigate the continuous occurrences as alleged, of police and mob violence in the country.

The Petition, therefore, stands committed to the Joint Committee on National Cohesion and Equal Opportunity for consideration. The Committee is requested to consider the Petition and report its findings within 60 days in accordance with Standing Order 227(2).

Thank you.

PAPERS LAID

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

Reports of the Auditor-General on the Financial Statements in respect of the following institutions for the year ended 30th June, 2015 and the certificates thereon:-

- (i) Kirinyaga University College;
- (ii) University of Nairobi Press;
- (iii) Water Services Regulatory Board;
- (iv) Kenya Industrial Estates Limited;
- (v) Constituencies Development Fund on Dagoretti North Constituency; and,
- (vi) Kenya Industrial Property Institute.

Report of the Auditor-General on the Financial Statements of the National Youth Council for the six months ended 30th June, 2015 and the certificate thereon.

The nominees to the Mt. Elgon Constituency National Government Constituency Development Fund Committee.

Hon. Speaker: Hon. Mutava Musyimi.

Hon. Musyimi: Hon. Speaker, I beg to lay the following Paper on the Table of the House:-

The Report of the Budget and Appropriations Committee on the Second Supplementary Estimates for the 2015/2016 Financial Year.

Hon. Speaker: Let us now have the Chairperson, Departmental Committee on Finance Planning and Trade.

Hon. Lagat: Hon. Speaker, I was supposed to lay a report on the Table but it has delayed, So, I will lay it on the Table tomorrow.

Hon. Speaker: Will you still be within time tomorrow?

Hon. Lagat: Yes, Hon. Speaker.

Hon. Speaker: The Report is on the Vetting of Nominees to the Privatization Commission and Competition Authority.

Hon. Lagat: Yes, Hon. Speaker. I request the Leader of the Majority Party to prioritise that because if we go beyond tomorrow, we will be time-barred.

Hon. Speaker: But there is nothing to prioritise since you have not tabled the Report. What is important is to ensure that you are within time.

Next Order!

NOTICES OF MOTIONS

ADOPTION OF THE REPORT ON SECOND SUPPLEMENTARY ESTIMATES FOR FINANCIAL YEAR 2015/2016

Hon. Musyimi: Hon. Speaker, I beg to give notice of the following Motion:-

THAT, in accordance with the provisions of Article 223 of the Constitution of Kenya, this House approves the reduction of the approved withdrawal from the Consolidated Fund a sum of Kshs14,677,950,104 representing the total net Estimates of Recurrent and Development Expenditure of the National Government made up of the following:-

A sum not exceeding Kshs9, 354,032,522---

Hon. Speaker: Hon. Musyimi, I thought at this point you are giving notice of Motion for the adoption of the Report of the Budget and Appropriations Committee on the Second Supplementary Estimates.

Hon. Musyimi: I stand guided, Hon. Speaker.

Hon. Speaker: Is that notice not being given? It is notice of Motion for adoption of the Report, is it not?

Hon. Musyimi: It is the Supplementary Appropriations, Hon. Speaker.

Hon. Speaker: But you would ideally be moving a Motion for the adoption of the Report.

Hon. Musyimi: This is a notice of Motion, Hon. Speaker.

(Hon. Musyimi consulted Hon. Speaker)

Thank you, Hon. Speaker, for your guidance.

I beg to give notice of Motion for the adoption of the Report of the Budget and Appropriations Committee on the Second Supplementary Estimates for the 2015/2016 Financial Year.

Thank you.

APPROVAL OF NOMINEES TO MT. ELGON CONSTITUENCY COMMITTEE

Hon. Lessonet: Hon. Speaker, now that I am back, allow me to give notice of the following Motion:-

THAT, pursuant to the provisions of Section 43(4) of the National Government Constituencies Development Fund (NGCDF) Act, 2015, this House approves the nominees to the Mt. Elgon Constituency Committee of the NGCDF, laid on the Table of the House today, Tuesday, 28th June, 2016.

Thank you.

Hon. Speaker: Why was it being intimated that you are away?

Hon. Members, before we move to the next Order, allow me to recognise the presence of students from the following institutions:- Mugona Girls High School, Mara Constituency, Tharaka Nithi County; Utangwa Secondary School, Mbooni West Constituency, Makueni County and Mema High School, Rongai Constituency, Nakuru County. They are all in the Speaker's Gallery and they are welcome to observe proceedings in the National Assembly.

Next Order!

MOTION

CONSIDERATION OF PRESIDENT'S RESERVATIONS TO THE ENGINEERING TECHNOLOGISTS AND TECHNICIANS BILL

(Hon. Duale on 23.6.2016)

(Resumption of Debate interrupted on 23.6.2016)

THAT, the House does agree with the Report of the Committee of the whole House on its consideration of the President's Reservations to the Engineering Technologists and Technicians Bill (National Assembly Bill No.07 of 2015).

Hon. Speaker: Hon. Members, debate on this Motion had been concluded. What remains is for the Question to be put, which I proceed to do.

(Question put and agreed to)

PROCEDURAL MOTION

REDUCTION OF PUBLICATION PERIOD FOR APPROPRIATION BILL

Hon. Musyimi: Hon. Speaker, I beg to move the following Procedural Motion:-

THAT, pursuant to Standing Order 120, this House resolves to reduce the publication period of the Appropriation Bill (National Assembly Bill No.22 of 2016) from seven to four days.

The reasons are fairly obvious. We have had a long budget-making process. The law ties our hands. We must have the law enacted into statute by the 30th June, 2016. Time is not on our side.

I beg to move that this honourable House supports this Procedural Motion. I request the Leader of the Majority Party to second.

Hon. A.B. Duale: Thank you, Hon. Speaker. I was consulting on the Select Committee; the only one.

I beg to support and urge Members that after the passage of the Budget Estimates reports, it is incumbent upon the House to pass the Appropriation Bill according to Article 221(6). We are reducing the publication period to allow the Bill to go through the First Reading and if possible Second and Third readings this week. The reason is that the President is supposed to assent to this law either on or before 1st July, 2016.

Secondly, there is a High Court ruling to this effect given by Judge Majanja on 23rd December, 2011 where he said there must be legislation in place before money can be spent from the Consolidated Fund. We are trying to follow the judgement and not contravene it.

Thirdly, it is for the National Treasury to finalise the Estimates of Expenditure by the end of the financial year on or before 1st July, 2016, and for them to implement the Budget for the financial year. The Chairman of the NGCDF, while you were away, we decided to form an *ad hoc* team led by the Member for Kipipiri. He has done a very good job.

Hon. Speaker: Hon. Leader of the Majority Party, you will be out of order to address that hon. Member there.

Hon. A.B. Duale: Much obliged, Hon. Speaker. I agree with you. The Chairman of the NGCDF is under obligation by the end of this week to bring the allocation for NGCDF for the 2016/2017 Financial Year. Once the House approves, I am sure that in the first two weeks of July, the Cabinet Secretary can disburse that Fund to various constituencies. I am sure the Chairman is listening to me. We are giving him tomorrow and Thursday to make sure that he tables the allocation list per constituency. That sets the agenda for us to get our money as early as the first two weeks of July. It is money to our constituencies. We represent constituencies. What goes on to our constituencies--- We sit here on their behalf. I am speaking on behalf of the people of Garissa Township.

I want to go on record that as we pass the Appropriation Bill, our Chairman must be ready with the list of allocation showing the amount of money each constituency has been allocated this financial year. The National Treasury and the Board can use that approval for early disbursement.

I want to confirm to the Minority Whip that the remaining constituencies have been gazetted. The gazette notice is at the reception. Please go and check. The only constituency remaining is that of Hon. John Serut. We shall gazette it before Friday.

I beg to second.

Hon. Speaker: I can tell that some of you are very anxious.

Hon. Member: Put the Question!

Hon. Speaker: No! We cannot put the Question before we propose it. These are basic processes.

(Question proposed)

Hon. Members: Put the Question!

Hon. Speaker: Now, I can do it.

(Question put and agreed to)

BILLS

First Reading

THE APPROPRIATION BILL

(Order for the First Reading read – Read the First time – Ordered to be read the Second Time today by leave of the House)

Second Reading

THE APPROPRIATION BILL

Hon. Speaker: Hon. Members, you may have noticed in the course of last week that certain businesses which are time bound were deemed to have been passed when the House decided to be rebellious and do other things.

I want to draw the attention of the House to the fact that I communicated the names for appointment to the Privatisation Commission and the Competition Authority of Kenya to this House on 14th June, 2016, and the Committee from that date had 14 days to consider and bring a report. Today is on 28th June.

The Chairman of the Departmental Committee on Finance, Planning and Trade and your membership, I will happily, tomorrow afternoon, make the normal declaration when the House fails to act as required of it. The Chairman stood here and claimed that there are some things. I do not know where. If you have finished, you need to bring the report.

The House needs to know if you have approved those appointments or not. If you do not table the report, then in accordance with the law, by tomorrow they will be deemed to have been approved. We will regularly do that so that the Committees can begin to pull up their socks. Let us move on.

Hon. Musyimi: Thank you for indulging me, Hon. Speaker.

I beg to move that the Appropriation Bill, National Assembly Bill No.22 of 2016 be now read a Second Time.

The Appropriation Bill is a very important Bill such that once it is approved and assented to by the President authority is given to the Government to spend money. This Bill is a product of a long budgetary process that kicked off late August, last year where stakeholders, in the preparation and approval stages of the process, have held lengthy consultations on priorities that the national Government needs to fund in the 2016/2017 Financial Year.

This budgetary process has been open and has included public participation as required by Chapter 12 of the Constitution. I take this early opportunity to thank Members especially, of the Liaison Committee who gave leadership at the earliest stages of this process, and not least, my fellow chairs in the departmental committees, who took the process to the next level. They were able to give reports to my Committee for further consideration.

The 2010 Constitution brought a significant shift in the budget-making process in which the Legislature has been handed a greater role in budget-making. Additionally, the Public Finance Management Act, 2012 and the various subsidiary laws have strengthened this position. In this respect, since 2013, this House has been approving programme-based budget. This focus is on tying decisions on allocation of resources to expected outcomes delivered to our people.

I wish to note that this is the second Appropriation Bill that is on programme basis which is a significant step in the right direction towards the full implementation of our Constitution. We also expect county governments to adhere to this requirement. That is no light matter because we have to consider the way money is being spent in county governments. It would appear to many of us that county governments are effectively not held to account because many of the county assemblies seem to lack capacity to hold governors to account. That is a very dangerous thing in a democracy.

Hon. Speaker, though several people will interpret this as the end of parliamentary process, may I remind all that we have just completed the legislative budget cycle. It is important to mention that with the approval of this Bill, Parliament's oversight role on the 2016/2017 Budget begins. We are expected to remain vigilant during the critical implementation of these programmes.

The relevant House Committees and the Legislature at large are the watchmen of the public purse and are, therefore, expected to make sure that all programmes in this Budget are implemented as approved by this honourable House.

The spirit of the Constitution under Article 228(6) is that Parliament is required to be apprised every four months on the status of the budget implementation. It is my hope that the relevant reports that are submitted by the relevant offices and agencies to this House will be adequately informative and will be in form and format as per this Appropriation Bill. We expect that the programme output will be on the basis of all the reporting that is done to this House in days to come.

As we approve this Appropriation Bill, it is vital to mention that the national Government expenditure for 2016/2017 amounts to Kshs2.27 trillion. A bulk of these resources are meant to fund priority programmes and activities in the infrastructure docket of transport, energy, education, security, health and others. It is my hope that these resources will be used in a transparent and accountable manner.

In conclusion, the relevant committees and Legislature should strive to make sure that allocation of resources across sectors, ministries, departments and agencies are implemented as approved by this House. By the end of the implementation of the 2016/2017 Budget we should ask ourselves the question on the extent to which the Budget has addressed the real problems of our people and has met their aspirations, fulfilled their expectations to the attainment of the goals of this great nation for the sake of our people.

Hon. Speaker, I beg to move and request Hon. Aden Duale, the Member for Garissa Township and the Leader of the Majority Party to second the Bill.

Thank you.

Hon. A.B. Duale: Thank you, Hon. Speaker. I beg to second the Appropriation Bill 2016/2017. It usually comes after the adoption of the Budget---

(Hon. Lessonet and Hon. Angwenyi consulted loudly)

Hon. Speaker, there is too much noise, particularly by the Chair of the NGCDF.

Hon. Speaker: Order, Members! I see there is excitement especially when you see the Chair of the Select Committee on NGCDF. He may have been absent from the House last week. Hon. Angwenyi, consult him in silence.

Hon. A.B. Duale: Hon. Speaker, the National Treasury submitted the 2016/2017 Budget to the National Assembly as required under Articles 220(1) and 221(1) of the Constitution and Sections 37 and 38 of the Public finance Management Act, 2012.

The Budget Estimates for the 2016/2017 were submitted with all the supporting documents, were tabled in Parliament and referred to the relevant committees. The committees of the National Assembly considered and gave their recommendations on the 2016/2017 Budget which again was considered by the Budget and Appropriations Committee of this House. Finally, the House adopted the Report of the Committee.

On behalf of the Government, I want to thank the House for adopting the Report. I am sure the National Treasury will ensure that the resolutions which were in that Report will be adhered to including aligning the Budget to reflect the reorganisation of the national Government. I am also sure that the National Treasury will deal with the timely release of funds from the Exchequer to all arms of the Government. I also hope that they will see how they will consolidate all Government advertising into one agency.

The Budget and Appropriations Committee and the Budget Office in the National Assembly have prepared the 2016/2017 Appropriation Bill which is before the House this afternoon for approval in order to facilitate the legislation of the 2016/2017 Budget. So it is important that this legislation is passed for the Government and for the President, in particular, to assent to this Bill, sign the warrants and give the Government a guaranteed implementation of next year's Budget with effect from July, 2016.

I wish to reiterate that the Budget for 2016/2017 is aimed at - reading from the Budget Policy Statement - striking an appropriate balance between support for growth of the economy and instilling financial discipline. I am sure the Government will continue to address the element of debt sustainability by containing both the fiscal deficit and putting emphasis on the efficiency and effectiveness of public spending while at the same time urging institutions like the Kenya Revenue Authority (KRA) to improve on revenue performance.

The Government will also continuously do an examination on the risk and threats posed to our economy so that we can address them to ensure that the development agenda and the transformation programme of the Jubilee Administration stays on course.

Finally, I wish to thank all Hon. Members for their cooperation and continued support to all budgetary related Bills of the Jubilee Administration.

I beg to second.

(Several Hon. Members entered the Chamber)

Hon. Speaker: Hon. Members making their way into the Chamber, could you take your seats?

(Question proposed)

Let us have Hon. Makali Mulu.

Hon. Mulu: Thank you, Hon. Speaker, for giving me the chance to contribute to this important Bill. We are all aware that we passed the Report of the Budget and Appropriations Committee on the Estimates, although I hear some people say it was by coercion. Whether it was by coercion or by choice, having passed it, the Appropriation Bill is right in this House. Once the Appropriation Bill is passed by this House, it is going to pave way for the drawing of resources

from the Consolidated Fund. This means that all the targeted outputs and outcomes as a result of implementation of this Budget will need to be monitored.

Having looked at the budget-making process since it started, I have three things I would like to mention for purposes of record and also for reminding ourselves that these are key stages in budget-making. Looking at the whole issue of public participation in the budget-making, it is very clear that the Budget and Appropriations Committee went out to consult Kenyans on this Budget.

The input from Kenyans was well-documented. At the same time, it was very clear that participation by the Executive was not very well-documented in terms of what the input was and what recommendations they made. As we move forward, it would be important that during the next financial year, public participation, which is held before the National Treasury submits the Budget to Parliament, is properly documented so that we know what the public is saying in terms of priorities. That is what the Constitution demands.

The other important aspect is the issue of implementation of the Budget. I have said many times that making a budget is totally different from implementing the Budget. While the Budget is a statement of intent, implementation is the most critical part. Unless we implement the Budget, we will not achieve everything we intend to at the end of the year. We will also not be able to achieve the projected economic growth, the projected infrastructural development and the projected improvement of health services in this country. More so, we will not achieve the safety net programmes which are targeted at the poor if the Budget is not implemented. I urge my colleagues who sit in different Departmental Committees that it is the work of those Committees to make sure that Budget implementation is monitored regularly. Even before we get the reports from the Controller of Budget, it would be important for the Committees at their own level to make sure that they get an update of how implementation is going on every two months so that we do not get to the end of the year and find that money has not been spent.

Even as I humbly request the Committees to monitor the implementation, the National Treasury needs to take seriously the issue of release of funds by the Exchequer. The county governments and some ministries have stated clearly that even though they are ready to implement the Budget, there are delays in the release of funds by the Exchequer. It is obvious that if the National Treasury does not release money to the ministries and counties, we cannot blame them in terms of implementation. We do not expect them to implement projects using their pocket money. It is important that the National Treasury writes cash flow projections so that at the end of the day, the ministries, departments and agencies (MDAs) and county governments get the required money for implementation.

The other thing that is important is the Development Vote. In this Budget, we have set aside billions to carry out development activities in this country. We are aware that observational rates for the Development Vote have always been low. The Executive needs to do all it takes to make sure that the Development Vote is made available and at the same time implementation is fast-tracked. Unless we use the Development Vote, we are going to have challenges in achieving our projected economic growth. I plead with the Executive to make sure that the Development Vote is used. Every year, we use about 100 per cent of the funds allocated to Recurrent Expenditure but the Development Vote is not used. I sit on the Budget and Appropriations Committee and have seen that in the Supplementary Estimates for this year, we are reducing the Development Vote because the money was not used. This is a serious matter. It is important that all those who are charged with the responsibility of implementing the Budget make sure that the Development Vote is implemented.

As I conclude, I urge my fellow colleagues to pass this Bill so that by 1st July, 2016, this country has money released by the National Treasury so that implementation can start without time wastage. At times, it takes three months before we get the first allocation.

In the past, the earliest we got the money for the NGCDF was around November or December. It will be very important that now that we are approaching the election year, this money is released on 1st July, 2016 so that on 2nd July, 2016, members can start using it. If that is done, we will be helping Kenyans who voted for us.

With those remarks, I support the Bill.

Hon. Speaker: Let us have Hon. Gichigi.

Hon. Gichigi: Thank you, Hon. Speaker. I also rise to support the Appropriation Bill. The House has gone through the process of scrutinising the proposals by the National Treasury and the various ministries. All the Departmental Committees have had a go at those estimates. They have approved and prepared the necessary reports. They have given their views to the Budget and Appropriations Committee and the Committee has brought its views to this House. We are now merely allowing the Government to utilise the funds under the programmes that this House has already approved.

I wish to reiterate the importance of this House carrying out its oversight mandate, not merely at the level of budget-making, but mostly after the Budget and the Appropriation bills are passed. Let us try to find out how this money is being utilised by the various ministries and agencies. It is very bad that when we make the Budget, we do not have a mirror image of it coming from the previous year's implementation of programmes. It is important that as we allocate more money for a certain programme, we should have clear information on what the agency or ministry did with the money that was allocated to them the previous year. Perhaps, it is high time this House came up with a law to deal with oversight so that there is clarity on what the oversight role given to the National Assembly, the Senate and even Members of the County Assemblies (MCAs) is constitutionally. It is important that we come up with that law.

It is very disappointing that after passing a Budget or the Appropriation Bill, the spending agencies hold onto the money and by the time the financial year ends, the money has not been utilised. This is a problem commonly known as absorption. I will request that all Departmental Committees deal with this issue of absorption. Since ministries and agencies will complain that it is a problem of Exchequer releases from the National Treasury, perhaps all of us now need to narrow down on that so that the spending agencies stop having those excuses. I will be very happy to hear that on 1st July, 2016, some spending agencies have received their funds and are already implementing the programmes that they proposed in the Budget, and which this House approved.

The other issue that I would like the National Treasury as well as the Ministry to address is utilisation of external funding. Every year we hear that we have received external funding but the same is not spent. A portion of the money which is supposed to have been used in our Budget as counterpart funding has not been utilised. That means the development projections that the Government has made are not realised. It is important for people to know that if money for development is not used, the economy has suffered. If we had projected to develop at a rate of 5 per cent and use only 70 per cent of the development budget, it means we will not realise that development rate of 5 or 6 per cent. It is important that we deal with this issue.

I have the opportunity to meet external donors and development partners. They keep on complaining that our systems and processes are very strong. Perhaps the National Treasury needs to sit down with various Government ministries and agencies to find out where the problem is.

For example, why should a donor give Kshs1 billion or Kshs2 billion for development only for him to establish that the money has not been utilised five years down the line?

Hon. Speaker, finally, on the issue of the NGCDF, I want to make it clear that the National Treasury has released 100 per cent of the money for the 2015/2016 Financial Year. The agreement was that the money should be in the accounts of the constituencies by the end of last week or latest today. If that money has not been received by close of business today, it is necessary that the Constituencies Development Fund Committee follows up the matter. The other more technicalities of Kshs10 million can be dealt with on subsequent dates.

We are in a transition period. Members of Parliament are exiting or have exited from execution of CDF projects. We are not in those committees. It is important that money reaches the constituencies before it gets mixed with the monies of the next Financial Year. As we break for the short recess early next month, I urge all of us to make sure that the planned projects are implemented so that we do not complain that line ministries are not implementing their projects when the same is happening at the constituency level. With the role we have been given of oversight, it is our cardinal duty to ensure that the NGCDF committees on the ground implement the projects they have proposed for this money.

It is also important that the proposals for this financial year are brought and approved. Monies should be released early enough so that projects can be implemented before the whole country gets into election mode.

With those remarks, I support and urge my colleagues to support this Bill. That way, the various monies including that of the constituencies will come early.

Thank you.

Hon. Speaker: Hon. Wamalwa, you have the Floor.

Hon. Wakhungu: Hon. Speaker, much as I rise to support this Bill, we know very well that we passed the Budget Estimates and paved the way for this Appropriation Bill. We do not refuse that the issue has been very worrying. I do not want to discuss matters that are before court. Our worry has been that the NGCDF money is not released on time. When you go to the ground, you only see NGCDF projects. Initially, we thought that this Appropriation Bill would be our last bullet. It now seems that the bullet has been taken away. It is our prayer that what we are praying is acted upon.

Hon. Speaker, I looked at the Budget Estimates. One of the critical things I want to mention is about the Senate. I know that a sum of Kshs1 billion has been allocated to the Senate, under the Parliamentary Service Commission (PSC), for purposes of oversight. I have had chats with some of the Senators who might not even be aware that the National Assembly has given them some money for oversight. It is important that the Senators show something tangible. We are seeing money being misappropriated in many counties. I give an example of my county of Trans Nzoia, where a property was purported to have been valued at Kshs26 million but was bought by the County Government at Kshs185 million. The matter went to court and a ruling was made. The procedure was not followed. I know that the Governor has gone to court. Many Kenyans down there are complaining. Where are the Senators when these things are happening? It is high time the Senators were held accountable. A lot is going wrong in the counties.

The Kshs1 billion that has been given to them must be used appropriately. It should not be money for their campaign because we are approaching the general elections. With the new NGCDF, we know there is no provision for oversight to Members of Parliament of the National Assembly. The Committee on Oversight has nothing. How are we going to oversee these projects

when we do not have any allocation? As we move on, it is high time Members of the National Assembly knew how we are going to fund the oversight committees on the ground.

Research has shown that 70 per cent of good plans fail because of lack of implementation. As we implement the projects that the Jubilee Government has maybe prioritised, particularly on infrastructure and security, we call upon them to implement the projects as planned when it comes to electoral reforms.

We know that oversight of Government departments and programmes are done through parliamentary committees. Unfortunately, we are not getting reports on time from our Departmental Committees. How I wish we get periodic implementation reports as we move on, so that we know what the ideal or actual situations are so that we identify those gaps. Such gaps can be filled before we get to the end of a financial year. When the reports come, we do not have the indicators. Money is being appropriated but when the report on the implementation comes, the indicators are not there. It becomes very difficult to measure and make ministries accountable.

On the issue of absorption, you will find that money is allocated but the appropriation levels are very low. When you ask, you are told that the Exchequer takes time to release the funds. This is affecting project implementation. Even when it comes to the NGCDF, I know that there are constituencies which to date have not received the monies allocated to them. This is the case and yet the financial year has ended. In other words, low disbursement of funds by the National Treasury is affecting project implementation.

Hon. Speaker, as we do this to the national Government, is also important that the same is done at the county level. You find governors spending money on things that do not make sense. When you ask the MCAs they say that they did not approve such expenditures. It is the work of the Senate to ensure that governors do the same. The Senate should help MCAs to effectively play their oversight role over county executives so that whatever funds are spent in the counties add value to the people's lives.

I have been a worried person as far as the NGCDF is concerned. I do not want to discuss much on a matter that is before court because of the *sub judice* rule, but it is my prayer that conservatory orders are not issued so that the NGCDF funds can be released to enable the NGCDF the continue doing the good work that it has been doing over the years. Where some of us come from, we have orphans who cannot acquire education without help from the NGCDF. If you go to the counties, you will find that the only visible projects there are the NGCDF projects. As much as the county governments are given billions of shillings every year, there is nothing they can show for that money. It is only the high level of corruption that is visible. Corruption has been devolved to counties and we must look for a mechanism for containing that vice. That is why I am emphasising to our colleagues in the Senate, now that Kshs1 billion has been given to them. That is not campaign money. They must use that money to ensure that the projects at the counties are being implemented to the letter.

Thank you, Hon. Speaker. I support.

Hon. Speaker: Of course, this House has the onerous responsibility of also looking at the enabling regulations for the Senate. The mere fact that my signature will appear on the regulations does not mean that this House and its Committee should not look at those regulations to ensure that whatever is being given is administered properly. Because we have the chair of the Public Accounts Committee (PAC) here, they formed an association of PACs across the counties. I think they need to have regular consultations so that they can also continue to build capacity among county assembly PACs to deal with audit issues.

Hon. Speaker: Let us now have Hon. Katoo ole Metito.

Hon. Katoo: Thank you, Hon. Speaker, for giving me the opportunity to also support this Bill. Once the Budget Policy Statement (BPS) and the Report of the Budget and Appropriations Committee have been passed by this House, the Appropriation Bill would just be on line items of projects and services that have been already approved. Therefore, there may not be much to talk about the entire Budget process. So, I will just highlight some of the Budget items that have been shown in the Appropriation Bill.

As it has been said, the Government has resorted to programme-based budgeting which calls for tangible and verifiable outputs. Therefore, in every Budget item, be it recurrent or development, it would be very good for these State agencies to clearly show that there is tangible and verifiable output for each service or goods delivered.

This Budget may possibly be the last Budget before the next general election. There may be another Budget cycle, but in terms of funds being released to actualise projects, this may be the final one if this House sticks to the next general election being August next year. I have no reason whatsoever to believe otherwise.

In terms of actualisation, if we look at infrastructure, we will find that the Government has been talking about tarmacking roads and it has achieved a lot, but they have also talked about the 10,000 low-volume seal roads. I think it will be important we are very careful to finalise some of the roads using this Budget, especially a road in my constituency, the Loitokitok-Taveta Road, which we share with my good neighbour, Hon. Naomi Shaban. It is good that we finalise such projects.

Still under infrastructure, on the issue of electricity we have been talking about provision of transformers. I want to appreciate the effort of the Government because transformers are now available. We have the Last Mile Project where the Government intends to connect every citizen with electricity, especially those near power lines. Therefore, this Budget aims to finalise those projects. The project also seeks to power public utilities such as community watering points like boreholes, schools and health centres even though they are devolved. It is high time that the relevant Ministry finalised those projects within this financial year.

Within the education docket, we have, as a Government, talked about building technical and vocational training institutions in every constituency in this country. With this Budget, I think it is the right time the Ministry concerned takes stock and sees which institutions within which constituencies have not been done. Being possibly the final Budget, it is good for the Ministry to complete those institutes.

On the tablets for Class One pupils, I am very sure there have been pilot projects in several constituencies with regard to that project. Within this financial year, if the Appropriation Bill is approved by this House, the Ministry of Education, Science and Technology should ensure that the provision of those tablets is completed. This Government has also come in handy by paying examination fees for students in Class Eight and Form Four who will be doing national exams in November and December, this year. Therefore, I urge this House to approve this Bill so that the payment of those levies is done by the Government.

We have also been experiencing high shortage of teachers. Currently, we have a shortage of about 95,000 teachers in this country. In this Budget, though it may not be enough, there is a small portion that is meant for hiring new teachers, from 5,000 to 10,000. It will still make a difference. We keep urging the Government that if possible, it should employ 20,000 teachers per year to bridge that the gap. Therefore, I request the House that we approve this Bill. The

5,000 to 10,000 teachers will be employed in August so that when schools open in September for the third term, we will have those teachers in schools.

We have been talking of electoral reforms and this Budget has included money for them. Without anticipating debate, I know we will be having a joint select committee of both Houses to see what reforms we need in the electoral sector. It is good to point out that as we move there, the money that has been set aside for the Independent Electoral and Boundaries Commission (IEBC) in this Budget needs to finance registration of voters because this is the last Budget towards the general election. Voters need to be registered at the polling station and not the way it was done in March, this year where there was only one registration clerk per ward. We should now register voters at the polling stations in the entire country. As we do that, the funds provided in this Bill, if this House approves them, the IEBC needs to use them towards reducing the long queues of having over 1,000 voters in one polling station and open up many polling stations to ensure that a maximum of 500 voters are the ones who vote in one polling station.

Given the fact that we are almost at the tail-end of the term of this Parliament and Government as well, in this Budget we should use all means to say no to corruption of whatever nature and to wastage of public funds by public agencies. We should only do the essentials. No agency should request more than it can chew.

Finally, we should say no to low absorption of funds appropriated to various agencies. The reason we have low absorption rate is because of the very cumbersome procurement process. We should look for ways of simplifying the absorption process by simplifying the procurement process and the release of funds. It takes a lot of time from requisition to actual release of funds even to counties. Therefore, for us to absorb the budget that has been prepared, we should aim to do that.

My final point is on the NGCDF. As I said, we are at the tail end of this term of Parliament. We should have this money very quickly so that we can wind up projects that we had identified for this term of Parliament. I ask the concerned committees of this House together with other government agencies to ensure that by September, all the NGCDF money for this financial year has been released.

I support.

Hon. Speaker: Let us now have Hon. Daniel Maanzo.

Hon. Maanzo: Thank you, Hon. Speaker, for giving me an opportunity to comment on the Appropriation Bill 2016. I have heard the comments of the Chairman that this Bill does not concern the counties as articulated under Article 110 of the Constitution. Therefore, this is for the national Government.

Once we pass this Bill, one of the biggest challenges is making sure that the National Treasury releases the funds. A lot of times in the history of this country, the months of June and July, and at times up to September, the Government is totally unable to work or to do any contracts. The country loses a lot of time, which is not the practice in very many advanced countries, whereby once this Bill is passed, the funding begins and the operations of the country begin immediately. I urge the National Treasury and the relevant implementers to be ready with their calculations. I am sure they have the funds ready so that immediately we pass this Bill and when the financial year begins, there is activity in the country and implementation of the projects goes on. The reason I say that is because once we delay up to September and then procurement processes take another three months or so, then the Government begins working in January, by June we will pass another budget. For that reason, you find many government departments have unspent monies and they make a rush to spend the monies. That is where corruption sets in. We

have un-procedural procurements because monies have to be spent within a month and, therefore, we do not end up with proper results on the ground and proper implementation.

One of the best implementation of the budget has been through the NGCDF because of the system used. National Government functions are implemented very well by the teams we have at the constituencies and Members of Parliament oversee. There have been questions as to what real oversight is and who oversees the overseer. The electorate oversees us while we oversee the functions of Government. Therefore, implementation and oversight need to be checked again in future laws so that we can have efficiency in the country. This is because it seems that when you report corruption it is not prosecuted at the right time. Now that corruption has been devolved, we have not really put enough money in this Appropriation Bill to make sure that the Ethics and Anti-Corruption Commission (EACC) is also at the counties so that it is nearer to the people where corruption could be taking place and where we have a lot of wastage of these monies we have appropriated.

So, I support this Bill and urge members to support it because it is very essential for the country. I believe that the release of the funds for the national Government and those of the county governments will be effective so that we can serve our people. Now that we are going to an election year, it will be important for us to complete the projects which have been going on.

In this Bill, there is a lot to do with infrastructure. Roads are very key and they are the main reason why many Members of Parliament are never re-elected. This is because promises are made and members work very hard to make sure that relevant projects are included in the budget, but the implementation becomes very painful. In fact, actualising tarmac roads becomes next to impossible. Unless we move with speed with this one, then the year will end and we will not have had any serious construction of infrastructure such as roads going on. Some of the roads are under the Kenya Rural Roads Authority (KeRRA) and Kenya National Highways Authority (KeNHA), which are under our supervision. The common Kenyan knows that we are responsible and we are the ones who are supposed to check the Government, make it move fast and make sure that these projects are implemented.

There are very many good proposals in the Appropriation Bill but the question is: What will this House do to make sure that the Government in place is properly checked to make sure that these projects are implemented fast? It is a responsibility of all of us to make sure that the Government moves fast and these funds are distributed. There has been no proper reason ever given all the years why there are three months or so of no activity within the Government in relation to implementation of projects whose monies have been released.

Therefore, we really look forward to the passing of this Appropriation Bill so that work can begin with immediate effect.

I support.

Hon. Speaker: The Member for Igembe North, you have the Floor.

Hon. M'uthari: Thank you, Hon. Speaker. I rise to support this Appropriation Bill. It is an important Bill because it gives the Government the opportunity to spend and also to get means of investing in development in our country.

As we pass this important Bill, there are certain elements we need to look at within our country. I believe that through the Appropriation Bill, some of these things can also be considered. We have had issues which have been looked at here. It is our responsibility to oversee the institutions that have been highlighted. We have monies which are appropriated at the county level but if you look at the money given and the work done, you will find that there is little that can be shown. In my opinion, it appears that many people do not understand the

concept of devolution. That is why some individuals go to the extent of going to the court to stop the disbursement of funds to constituencies.

One wonders where devolution is felt more. Is it at the constituency level or at the county level? The citizens need more understanding of the meaning of “devolution”. The money given at the sub-county level, which is the constituencies, is nearer to the public and it is administered at the lower level than the money that is appropriated at the county level. At the moment, there appears to be very little accountability at the county level. In that sense, we end up losing the resources. This House also has the mandate to look at the interest of the people.

At the moment, we are appropriating a lot of resources to schools and the education sector. Over the last few days or months, there has been a habit of burning of the institutions by the students. This is a reflection of a society that is rotting. It is also a reflection of a society where young people who are supposed to be the hope for the future have lost values. Because of loss of values, destruction of property is a way of communication. They may be learning from the leaders because when people demonstrate they also burn things. The students are learning from adults. Because of the monies we put in the education sector, it is high time more effort was put in terms of training, imparting knowledge and all round formation of our young people.

If you look at this budget, you will see that there are many resources which have been appropriated for infrastructure development. A lot of funds have been put in development projects like rail transport. The road transport is good.

In the last two or so years, there has been a lot of investment in rail transport through the Standard Gauge Railway (SGR). If the money which was spent in that project was utilised for the construction of the road network, we would have had a dual carriageway from Mombasa to Nairobi, from Nairobi to Malaba or even to Busia and from Nairobi to Garissa and other places. I believe that if we spent resources in these flashy road projects, we would have great impact, stimulation of economic growth and development.

The money appropriated to the Ministry in charge of security and coordination of National government is important. It is my hope that the resources that will be disbursed will support development and bring services closer to places like where I come from. Units of administration can be made smaller and more human resource availed so that at the end of the day there is greater coordination and follow-up on matters related to security services. This is because we cannot talk about development without looking at how secure our people are.

We face challenges on how we allocate our resources. Some sectors like research, development and innovation appear underfunded. They are given little financial resources. That makes me wonder about our focus. I know a law was put in place to appropriate a certain percentage of our income to fund activities in research. Failure to fund research means we continue to ape other people because we are not able to fund innovation and development of our own ideas. I am not aware of any country like ours. We develop by just being consumers of technologies and innovations by other people. Less emphasis and effort is put in resources to develop sectors and areas like manufacturing or even production that can stimulate economic growth and create employment.

All in all, it is important to consider oversight; how resources are used, and what mechanisms we should put in place to ensure that they are disbursed at the right time. As we speak, in the KeRRA, funds were allocated for roads but have not been disbursed. So, for the roads that had been earmarked for 10 per cent funding, nothing is happening. Without spending on roads, it is difficult to develop as a country.

The release of funding and flow from the Exchequer needs to be looked at. We need more efficiency from our National Treasury so that by the end of the day, the resources are released at the right time, there is proper monitoring and evaluation of what happens and we get value for money.

With those few remarks, I support this Bill.

Hon. Speaker: Let us now have Hon. Nicholas Gumbo.

Hon. (Eng.) Gumbo: Thank you, Hon. Speaker for an opportunity to contribute to this Bill. Without wanting to repeat what my colleagues have said, I think the proposals which have been made here are good but they also raise some concerns.

The fact that we are trying to finance almost one-third of our Budget through debt is a matter that should concern us quite a bit. We need to be making our Budget in tandem with the requirements of the new Constitution. Every year, this House appropriates vast sums of money to various ministries, departments and agencies. The following year Departmental Committees look at the budget submittals of those ministries, departments and agencies. The idea of looking at the budget proposals is to look at the issues of absorption and cases of, for example, Ministries which are chronically mentioned in our reports with regard to misuse of funds.

It will be an exercise in futility if certain parts of this House do not work. Every year we finger ministries, departments and agencies that are chronically engaged in misuse of public resources and yet nothing, in terms of allocations, is done to give an indication that those concerns are being taken seriously. The Budget that we have put before this House of almost Kshs2.3 trillion is actually bigger than the national budgets of Uganda and Tanzania put together.

It will be good if such vast sums of money will go into tangible programmes that improve the lives of Kenyans. That still remains the question and challenge for this House. Our country remains one of the most unequal countries in Africa with almost 46 per cent of our people living below the poverty line. It is common knowledge that no matter what we do, the more people we leave behind, the only scheme left for them is ideas on how to take some of us, who are perceived to be in privileged positions down.

Even as we look at the budget proposals and appropriations that we do every year, let us be mindful and look at innovative ways to bridge the yawning gaps that are growing everyday between the haves and have nots in the Republic of Kenya. Kenya is beginning to adopt the dubious distinction of being one of the most unequal societies in the world. Everybody who lives in this country, whether rich or poor has as much right as everybody else. Therefore, if we design financial proposals that do not look into the welfare of people to a large extent we will be legislating in vain.

I want to half-heartedly support this Appropriation Bill, noting particularly, for example, the allocations we have put towards measures to do with security, especially the police service. I know the issues that concern the police service are providing adequate housing, police insurance and ultimately barring those challenges put before the Independent Policing Oversight Authority (IPOA) to finally come to fruition. Welfare and morale go hand in hand.

It disheartens me as I walk through the corridors of Parliament to meet police officers who have worked in the force for over 40 years and are still in the rank of constable. My understanding would be that such fellows if, indeed, have not been performing for 40 years to an extent that they cannot even be promoted one rank, the best thing is to discharge them from service. It cannot be possible to motivate somebody when they have remained in the same rank for 40 years. I do not even think all of us seated in this House would find it exciting anymore if we are to remain nothing but just Members of Parliament for 40 years.

Let us also have schemes that look at the humanity of things so that we are not just looking at going about our business as if to suggest it is a mechanical problem. I have also looked at the budget of this institution; the Parliamentary Service Commission. Hon. Speaker, as the Chair, I want to appeal to you directly. For those of us who use the gym, it is a big concern that there are people working there who earn less than Kshs6,000 from what they tell us. I cannot possibly see how somebody who earns Kshs6,000 can afford bus fare to come to work unless we are telling them they have to look for other ways, say even harassing Members to make ends meet. It is of concern to see staff, who perhaps see some of us as chairs of committees who have worked in this institution for several years, still in the casual category. Let us try to see that as people who are making laws that are to be used by the people of Kenya, we set the trend in minding our own. This is so that those of us who are here, ensure that much as we mind the welfare of the rest of the people of Kenya, we are also minding the welfare of our own.

As I conclude, I am still very concerned by the large provisions that have been made to the National Treasury. If you look at the printed estimates, a lot of that money goes into the Integrated Financial Management Information System (IFMIS). In fact, it is in the order of billions. Those of us who have been keen have noticed that almost in every Supplementary Appropriation billions of shillings go into the IFMIS. It is ironical if you look at the financial mismanagement that is still going on in our country. Some people have said that as much as IFMIS is supposed to be an integrated financial management information system, it could be possible that it is neither integrated nor can it manage anything.

So, as a House, I think it is time we questioned to what extent the vast sums of money that have gone into this IFMIS system have helped to improve financial accountability in this country. This is because it cannot be possible that for 17 years every Budget time we are appropriating money to the IFMIS system and yet we are still looking at wastages and hemorrhages that are mind boggling both at national and county level. My conviction is that if we were to seal the loopholes for these wastages and hemorrhages in public financial management, it is even possible that this country would not need a cent in donor support or foreign aid. This country has reached a point where the economy has grown sufficiently that with better management of our finances it should be possible for us to manage within our means and revenues that we raise nationally without having to resort to debt. Some of these debts are nothing but burdens that we are transferring to future generations. In so doing, if we were to be seen to be consciously transferring the burden of debt to future generations, in a sense we would be violating the Constitution. It is very clear that the burden of any debt that we acquire as a county must be shared equitably between the present and future generations.

So, with those remarks I want to half-heartedly support, but I will be proposing some amendments and I hope the House can join me so that we can get a Budget that is reflective of the aspirations and needs of our country.

Thank you.

Hon. Speaker: Hon. Lelelit Lati.

Hon. Lati: Thank you, Hon. Speaker for this opportunity. I also rise in support of this Bill. We must underscore the importance of this Appropriation Bill to our country. This is a Bill that authorises the Government to spend money on various projects to help our people and economy grow. The process has been long. Since it started last August, it has involved all stakeholders in terms of consultations and public hearings. So, the process is very important in the budget-making process and we must underscore that as we discuss this Bill.

We have to note that this is the second time that we have done programme-based budgeting. This is very important in line with our constitutional requirement. Having said that, this should be the beginning of the budgetary legislative process for this House. If we appropriate money, pass this Bill and allow the Government to spend and have a weak oversight role as Parliament, we will do a lot of disservice to our country. This should be the beginning of the work of Parliament in terms of committees to make sure that we oversee the projects that were supposed to be done with this expenditure. That is the only way we can grow our country into a middle income country. That is the only way we can improve the lives of our people. So, I urge Members here that this is only the beginning. We appropriate and then oversee to ensure that the bureaucrats in Government use this money in the right way to ensure that our people develop and we get to be a middle income country.

This is the biggest Budget since Independence. A Kshs2.27 trillion Budget is very big by all standards. As one of the Members said here, it is bigger than the entire East African budgets combined. So, we must make sure that this money has an impact in the lives of our people. This Budget is like every other Budget that we have had for so many years. It is a deficit Budget. Therefore, we burden our future generations in terms of debt. We must grow ourselves into a balanced Budget so that we do not burden the future generations of our country.

However, the most ideal thing would have been to grow a surplus Budget so that we can grow sovereign wealth for our people. That is the only way countries survive through lean times. If we have surplus budgets and grow sovereign wealth, we can go through the downtown times of global economic circles. As one of the champions of the Equalisation Fund, I have to say this is a proud moment for me and our country because it is the first time that we are going to appropriate the Equalisation Fund. The law required us to have done that many years ago, but it has taken us this long. For those of us who are very passionate of the Equalisation Fund, the insight of the Constitution was to ensure that those Kenyans who have been marginalised for so many years get at par with the rest of the country. You would expect that this should have been done immediately after the promulgation of this Constitution but it has taken this long. It will take longer for the marginalised groups to be at par with the rest of the country.

I thank the Budget and Appropriations Committee and the Treasury for at least starting this process and making sure that the Equalisation Fund is part of this Appropriation Bill, so that our people can also grow as the rest of the country in terms of economic development. That way we are sure that if the trend goes as provided for by the Constitution of Kenya, one day our people will feel proud to be truly Kenyan. The old adage of where I come from in northern Kenya which says that when you want to go to Nairobi you are going to Kenya, will probably end with the Equalisation Fund. Kenyans should feel that they belong to every corner of this country however far flung that area could be. So, we as Members from those areas are proud that at least the process has begun to make us look like the rest of the country economically.

We have problems with the National Government Constituencies Development Fund (NGCDF) in terms of people taking cases to court. However, every Kenyan today can see the work that has been done by NGCDF. That is probably the best devolved fund that has ever been done by this country. We pray that the judges in these courts see the light and understand that children in the rural areas depend on bursary funds from NGCDF. Those poorly built classrooms in far-flung areas and any other rural places depend on NGCDF. I hope these judges do not live in some outer space. They should know from their leafy suburbs in Nairobi that Kenya is still what it was many years when they were going to school in the rural areas.

With those few remarks, I support. Thank you.

Hon. Speaker: Let us have Hon. Ferdinand Wanyonyi. Hon. Members, let us take equally a short time because a lot of the issues contained in this Motion, other than the figures were dealt with during the adoption of the Report of the Committee. I can see several of you want to speak. Some of the issues you are raising were in the Report. For purposes of relevance we want you to tell us what these figures are about. Hon. Wanyonyi, proceed and we will add you an extra minute.

Hon. F.K. Wanyonyi: Thank you, Hon. Speaker for giving me a chance to speak on this Bill. I hope we will pass it this afternoon. As we pass the Appropriation Bill, my fear as expressed by my colleague from Trans Nzoia is the fact that money is going to waste. We are allocating a lot of money to the counties yet one cannot even see anything that this money is being used for. I hope that with money allocated to Senators, there will be oversight on projects and other development issues in the counties because we are allocating taxpayers' money to them. I have witnessed cases where the lifestyles of the so called---

Hon. Speaker: Hon. Wanyonyi, the debate is on the Appropriation Bill and not the County Allocation of Revenue Bill.

Hon. F. K. Wanyonyi: Hon. Speaker, I am coming there.

Hon. Speaker: Senators are not going to oversee this one. The National Assembly is supposed to oversee this. Be relevant. It is out of order to be irrelevant.

Hon. F.K. Wanyonyi: Thank you for the correction. We are appropriating some money to the counties as well. As we do that, the money should be released on time so that the ongoing and stalled projects can be completed on time.

There is a problem with the absorption rate because of the time money is released to the expecting agents. As we appropriate this money, sometimes the money passed here is arbitrarily slashed by the National Treasury. We handled complaints from agents, particularly ministries where we allocate money to them but they do not receive it. The National Treasury slashes the amount allocated arbitrarily without due recall to the ministries. Sometimes the programmes cited are not implemented on time. Sometimes money for Development Expenditure is taken to Recurrent Expenditure. That is happening because of the late release by the Exchequer.

I want to take this opportunity to say that money allocated to infrastructure should be released on time. We have roads that were supposed to have been constructed some time back. There was a Motion passed in this House last year where we said that every constituency will get 20 kilometres of tarmac but to date, nothing has been done. In my case, we have had surveyors surveying roads but nothing has been done. I am saying so with the hope that the Chairman of the Departmental Committee on Transport, Public Works and Housing, Hon. Maina Kamanda is listening. We have an issue on Exchequer releases. I hope that with the passage of the Appropriation Bill, money will be released on time to complete some of the stalled projects like roads.

Money released to the NGCDF is done in bits as late as December. By the time the money is released, projects have stalled. I hope the National Treasury will release money on time. My concern is on timely Exchequer releases.

I support.

Hon. Speaker: Member for Kandara.

Hon. (Ms.) Wahome: Thank you, Hon. Speaker. I rise to support the Appropriation Bill. I want to agree with most speakers that the expenditure amount reflected in this Bill should be released to projects as quickly as possible. We may have money allocated to projects but the implementation process takes long. I expect that from July to August, expenditure goes to

projects lined up by the Government. We have been slow in disbursing funds and the National Treasury should be clear on how we can exhaust the Budget money within the limited time. Considering that we are going to an election year, the Budget of Kshs1.2 trillion going to development should be released on time. For instance, in the education sector, we have challenges in infrastructure and how teachers are spending money allocated to schools. The good thing is that we have money allocated to infrastructure drawn in this Bill. However, we have contractors who do not do their work properly even after they have tendered and are given jobs.

Hon. Speaker, it is important that we hold every responsible ministry accountable to the work they have agreed to do so that as we move forward, we are not told that a certain Budget was moved to another item. The votes and allocations in the Budget items are clear. It is imperative that our Government departments move quickly to execute the business of building and developing the country so that we do not allocate money and no work is done.

It is important that corruption is absent in the implementation of our work this year. We want to call upon ministries and departments to be careful. As we oversee, we want to see clear accountability systems and reports as and when necessary called upon to provide.

I am happy to note that NGCDF is included in the Bill. As a person who has been following this matter through the Committee, I want to confirm to Members that the case in court is moving on well and there is no need to twin the Appropriation Bill and the court case. We want to believe that NGCDF will remain. The release of the money allocated to NGCDF in the 2016/2017 Financial Year should be done quickly so that before the campaigns, there will be no issues in terms of the work done by the Constituencies Development Committees. Unfortunately, our oversight role has not been reflected in this Budget. Money allocated to the Senate should be used by both the Senate and the National Assembly for oversight. Despite the jurisdiction, I think the National Assembly has a bigger role in oversight. It is not possible that we claw back to the money allocated to constituencies.

Therefore, I agree with those who are calling for immediate release of the monies allocated in the Budget. We expect the Budget and Appropriations Committee, and the departmental committees of this House, to follow up on implementation so that the country can get results from the monies we allocate to the spending entities through the Appropriation Bill.

With those remarks, I support the Appropriation Bill.

Hon. Speaker: Member for Wajir North.

Hon. Saney: Thank you, Hon. Speaker. The projected economic growth can only be realised if our budgets are fully implemented. For the last three or four years, our budgets have not been fully implemented, as a result of inability of the Kenya Revenue Authority (KRA) to meet its revenue targets. If we want to implement the Budget fully, the capacity of KRA, which is a serious issue, must be handled. In the last financial years, the Government was unable to pay its suppliers and contractors. This affects cash flow within the economy. That in turn affects the economic growth that is envisaged. This is something we must deal with. Otherwise, it will remain just mere focus which will have no money to implement.

Further, there has been a serious increase in tax, which has not been in tandem with public service delivery. It is important that KRA widens its tax bracket so that more money can be brought into the loop to make sure that service delivery is enhanced. The Ministry of Education, Science and Technology was given sufficient funds in the Budget. I request them to emphasise on low cost boarding schools in arid and semi-arid lands (ASAL), where we have many students herding animals. They do not have people to stay with in sedentary lives. It is prudent to fund the boarding schools funded. This will make more students to attend school.

Some money has been allocated to roads in the Budget. I have observed that roads under the annuity programme were not distributed well in the last financial year. The allocation of funds was skewed. Let me contribute on the security budget. I request the Ministry of Interior and Coordination of National Government to focus on the establishment and creation of security roads and more police stations, so that we can reach out to areas that are insecure in this country. We should create more administrative units so that we can deal with *Al Shabaab*, and other insecurity threats within the country.

With those brief remarks, I support the Bill.

Hon. Speaker: Member for Kitutu Chache North.

Hon. Angwenyi: Thank you, Hon. Speaker, for giving me a chance to support this Bill. As Legislature, we should make sure that taxation is well applied in the service of our people. We need to demand every ministry or Government agency which gets money from our budgetary allocations, to give us tangible targets that we can measure at the end of the financial year. For example, they must tell us how they will contribute towards the improvement of the economy, and how many employment opportunities they will create for our youths, who have completed their studies and are idle in the countryside.

We have allocated Kshs1 billion to the Senators for their work. We can create a similar amount of money for the National Assembly Members. They have an oversight role. We should seek information from our people on whether we are serving them well or not, or whether the amount of money we have allocated to various agencies is serving them. It will take us about one hour to bring an amendment here, and we allocate Kshs3 billion to the National Assembly for oversight purposes. Each constituency will get Kshs10 million to do that job. We should not complain about the money allocated to the Senate. We should enhance the money allocated to the Senate so that we can enhance ours. Who will stop us from doing that? It is in our hands. Nobody can stop us from doing that. The activists who go to court cannot stop us from doing that.

We should look at that issue in the Supplementary Budget. We must empower the Members of the National Assembly to execute their mandate. Some funds have been allocated to the Ministry of Education, Science and Technology. That is not enough. There is a deficit of 85,000 teachers in our country. The amount of money we have allocated to that Ministry can only employ 5,000 teachers. So, we will continue to have a deficit of 80,000 teachers in the country. We need to look into how we can increase that allocation, and improve the staffing of teachers in our schools.

There is a problem of funds release. Our experts at the National Treasury do not know how to handle the IFMIS. We should take them for training for one year or six months before they come back to handle the system. For example, Parliament paid interest amounting to Kshs17 million on delayed payments, simply because the IFMIS was not working. If the IFMIS fails, we cannot pay on time. Therefore, we end up paying interest on delayed payments. If Kshs17 million was given to Balambala Constituency, it can build all the classrooms they need for their schools. Why should we pay interest on delayed payment simply because we cannot manage the IFMIS? We must look at this matter very seriously.

As we increase the allocation to various agencies, we should increase the allocation to the NGCDF. The minimum is 2.5 per cent. We can increase it to 5 or 10 per cent. We have the power to entrench the NGCDF in our Constitution at third tier of allocation. We will not have all these activists moving around the country. All we need to do is bring a Bill, pass it and amend the Constitution to entrench the NGCDF in the Constitution. I do not know why we cannot do so.

Somebody called us ‘these buddies’ when we went to court on account of NGCDF. He said: “These buddies are messing us up.” I do not see any problem in NGCDF being associated with a member of parliament of an area. He represents the views and interests of the people of that constituency. I do not see why we should be fearful. The CDF Board announced that members of parliament have no relationship with NGCDF. We brought NGCDF from the United States of America (USA), which is one of the greatest democracies. Members of parliament are involved there. We brought ideas from South Africa and Australia, which are budding democracies. Members of parliament are also involved there.

With those few remarks, I beg to support the Bill.

Hon. Speaker: Hon. Oyoo.

Hon. Oyoo: Thank you very much, Hon. Speaker, for giving me an opportunity to contribute to this very important Bill. I support it. I want to remind the Government, through the Chairman of the Budget and Appropriations Committee that the essence of the Budget is to enable the Government to parade its priorities and factor funds that are meant to help it push those programmes to completion as per design. Our Budget faced a lot of inhibitions caused by lack of hastened transfer of the Exchequer by the National Treasury and misuse or misallocation of funds.

Hon. Speaker, Jubilee had very good programmes. One of them was the annuity programme floated to make Kenya mitigate its problems in infrastructure. Unfortunately, this appeared to be a high sounding nothing because it never saw the light of the day. Before the annuity programme came a cropper, there were roads that were programmed to start and had been given priority. I have a road as priority No.4 in the country. Since the annuity programme came a cropper and fizzled out, I have seen certain roads mushrooming dispensed by Government’s bigwigs. It will now be necessary for us to make informal visits to some high placed Government officers to lobby for roads so that they can be constructed and also arrange for those officers to come to the constituencies to start roads which will move slowly. Most of them may not see the light of day. We want Government programmes to be done as designed and floated so that they are executed and completed so that the Government can save money.

Education has been allocated good money. Sometime in the last Budget we tried and moved a very important aspect of the Budget. The Ministry of Education, Science and Technology moved the money for students’ school fees. When we complained, we were told that it had been factored in capitation. I have checked in my constituency and there is no new school or infrastructure put up using the money that was initially meant for bursaries. The money was quietly moved and we were told that it is capitation. We would like those kinds of programmes to be retained. Bursary is a very important element in our Budget. It cannot be wished away. I want those concerned with budget-making to know that if the money was ever moved to capitation, it is not doing whatever it was meant to do there. It should be brought back to bursary where it was very helpful.

I have looked at security. A lot of the monies that is diverted normally ends up in the security docket. We need security. Any serious Government must make clear provisions for security. Without security, we cannot do water, education or anything meaningful. Monies are taken to security and serious equipment is bought. The Government has done its bit. This time there is no problem of movement for the police and the Criminal Investigation Department officers because there are motor vehicles but, why are they not doing the correct thing? We have a Government that is very excited in clamping down demonstrations against the Independent Electoral and Boundaries Commission (IEBC) but, the same Government cannot send enough

officers to contain insecurity in Muhoroni Constituency where inciters are known. They are across. They invade local farms but people come to convince me to have the people integrate and live cohesively. How do you expect people to integrate and live cohesively when someone is occupying their farm and you know him? The police come after people have been invaded and when you ask them to remove the invaders, they say that the Independent Policing oversight Authority (IPOA) law limits them from removing people using force. But when harmless and hungry people are shouting in a demonstration, instead of letting them shout and go to sleep when they get tired, you bring all manner of equipment, release water on them whilst there are people invading people's farms. People invade other people's farms carrying arsenals that kill them. In the penal code, carrying offensive weapons alone is an offence, but when you point to the police that there are people carrying offensive weapons, they invoke the IPOA law. These are double standards that we do not want. We want the Government to discharge its mandate on security without fear or favour. This must be done in broad daylight.

(Applause)

We want the Government - and the Chairman is listening to me - to revisit the bursary issue which is very sentimental to the public. We want to see money allocated for capitation used to build classroom. We want to see the classrooms. I should count the classrooms that have been built in a year. If not, bring it back for bursaries so that my small NGCDF kitty is not overburdened. I see you are being overzealous trying to steal our NGCDF kitty. That will break down business of this House because that is the only devolved aspect of money that Kenyans have seen. This is what was given to MPs.

With those few remarks, I support and I am glad you have listened to me. Thank you very much.

Hon. Gaichuhie: On a point of order, Hon. Speaker.

Hon. Speaker: Hon Nelson Gaichuhie, what is your intervention?

Hon. Gaichuhie: Thank you, Hon. Speaker. I intervene using Standing Order No.96. Having listened to the debate during debate on Budget Committee Report, we are repeating ourselves. Would I be in order to ask the Mover to reply?

(Hon. Lessonet consulted loudly)

Hon. Speaker: Hon. Lessonet, there was nothing put to you. It is for me to find out whether that is the way the House wants to go.

*(Question, that the Mover be now called upon to reply,
put and agreed to)*

Hon. Musyimi: Thank you, for indulging me again, Hon. Speaker. I take this opportunity to thank Hon. Members for their very helpful suggestions and comments. I am sure the other arms of Government will take note of what has been said.

Earlier on, I forgot to thank the Parliamentary Budget Office for all the work they do for us. I also thank Members of my Committee. We came, as you know, into this process towards the tail end. We had to engage very heavily and intensively. I wish to thank them and also thank

your Office and that of the Clerk for their support in the different stages of the budget-making process.

Personally, I am very glad that we are where we are. It is important that the country has a Budget in good time so that we do not create unnecessary tension and worry in the country.

Hon. Speaker, with many thanks, I beg to reply.

Hon. Speaker: Hon. Members, before we move to the next Order, I have given permission to Hon. Benjamin Langat to make several interventions relating to business that he ought to have brought earlier. Hon. Langat, Chair of the Departmental Committee on Finance, Planning and Trade.

PAPERS LAID

Hon. Langat: Thank you, Hon. Speaker for indulging me. I apologise.

Hon. Speaker, I beg to lay the following Papers on the Table of the House today Tuesday 28th June 2016:-

Reports of the Departmental Committee on Finance, Planning and Trade on the vetting of nominees as members of the Privatisation Commission and the vetting of nominees as members to the Competition Authority.

Thank you, Hon. Speaker.

Hon. Speaker: Proceed to the next Order.

NOTICES OF MOTIONS

ADOPTION OF REPORT ON VETTING OF NOMINEES FOR APPOINTMENT TO THE PRIVATISATION COMMISSION

Hon. Langat: Hon. Speaker, I beg to give notice of the following Motions:-

THAT, pursuant to Section 5(1)(d) of the Privatisation Act, Section 8 (1) of the Public Appointments (Parliamentary Approval) Act and Standing Order No. 45, this House adopts the Report of the Departmental Committee on Finance, Planning and Trade on the vetting of nominees to the Privatisation Commission and approves the appointment of the following persons as members of the Privatisation Commission:-

1. Amb. Boaz Kidiga Mbaya;
2. Mr. Wilfred Sang;
3. Mr. John Boru Halake;
4. Ms. Faith Chepkemboi;
5. Mr. John Joseph Tito;
6. Mr. Mohamed Suraw Isaak; and
7. Ms. Zipporah Mokoruru

ADOPTION OF REPORT ON VETTING OF NOMINEES FOR APPOINTMENT TO THE COMPETITION AUTHORITY

THAT, pursuant to Section 10(2) of the Competition Act, 2010, Section 8(1) of the Public Appointments (Parliamentary Approval) Act and Standing

Order No.45, this House adopts the Report of the Departmental Committee on Finance, Planning and Trade on vetting of nominees for appointment to the Competition Authority of Kenya and approves the appointment of the following persons as members of the Competition Authority:-

1. Dr. Abdirizak Aralle Nunow;
2. Ms. Eunice Maranya;
3. Mr. Stephen Kiptinness;
4. Ms. Carolyn Kimbo Musyoka; and
5. Ms. Leila A. Ali.

Hon. Speaker: Proceed, Hon. Langat.

PROCEDURAL MOTION

EXTENSION OF PERIOD FOR CONSIDERATION OF NOMINEES TO THE PRIVATISATION COMMISSION AND THE COMPETITION AUTHORITY

Hon. Langat: Hon. Speaker, thank you for further indulging me.

Hon. Speaker, I beg to move the following Procedural Motion:-

THAT, pursuant to the provisions of Section 13 of the Public Appointments (Parliamentary Approval) Act, this House resolves to extend the period for consideration of the nominees for appointment as members of the Privatisation Commission and the Competition Authority referred to the House during the current Second Part of the Fourth Session, by a further seven days from 28th June, 2016.

As has been mentioned earlier, the 14 days provided were too short given that we are also supposed to give a seven days' notice of the people to be vetted. It is a short period of time to operate in. Section 13 of the Public Appointments (Parliamentary Approval) Act gives this House power to extend the period for consideration so that we do a thorough job. I call on the House to give us seven more days so that we produce a thorough report.

I beg to move.

Hon. Speaker: Who seconds you? It is a Procedural Motion.

Hon. Langat: I will ask the Leader of the Majority Party to second.

Hon. A. B. Duale: Hon. Speaker, I beg to second.

Hon. Speaker: Hon. Members, I do not know whether all of you were paying attention. I allowed Hon. Benjamin Langat to table two Reports of the Departmental Committee on Finance, Planning and Trade relating to their consideration of persons nominated to the Privatisation Commission and the Competition Authority. Looking at the provisions of Section 8 of the Public Appointments (Parliamentary Approval) Act, the period provided for is 14 days. That includes the date the names are communicated from the Chair; the mandatory seven days for the nominees and the public to appear before the Committee; and another seven days within which to go through the entire process and present a report.

Hon. Benjamin Langat, pursuant to his tabling of the Report, has avoided the setting in of the provisions of Section 9 of the same Act, which provides that if the House has not considered the report as provided for in Section 8(1) of Public Appointments (Parliamentary Approval) Act, then the names are deemed to have been approved. However, if you recall, this House amended Section 13 of the Act to provide that a Committee, seized of consideration of such business, may

apply to the House for extension of time. Therefore, Hon. Benjamin Langat has moved the Procedural Motion and has been seconded by the Leader of the Majority Party that the period for consideration of those two Reports be extended by a further seven days. This is so that you can have an opportunity to look through the Report and examine the nominees, as has been done by the Committee, and then make your decision either to approve or not to approve.

(Question proposed)

(Question put and agreed to)

Hon. Speaker: Hon. Benjamin Langat, the period is extended up to next week, which is another seven days, so that the House can have an opportunity to consider the same.

Hon. Members, before we proceed to the next Order, I have to put the Question regarding the Appropriations Bill.

(Question put and agreed to)

(The Bill was read a Second Time and committed to a Committee of the whole House tomorrow)

Hon. Speaker: Let us move to the next Order.

COMMITTEE OF THE WHOLE HOUSE

(Order for Committee read)

[The Speaker (Hon. Muturi) left the Chair]

IN THE COMMITTEE

[The Temporary Deputy Chairlady (Hon. (Ms.) Shebesh) took the Chair]

THE COUNTY ALLOCATION OF REVENUE BILL

The Temporary Deputy Chairlady (Hon. (Ms.) Shebesh): Hon. Members, we are now in the Committee of the whole House to consider the County Allocation of Revenue Bill (Senate Bill No.3 of 2016). Let us have the Chairperson of the Budget and Appropriations Committee.

(Clause 3 agreed to)

(Clause 4 agreed to)

(Clauses 5, 6, 7, 8, 9, 10, 11 and 12 agreed to)

(Schedules 1, 2, 3 and 4 agreed to)

(Clause 2 agreed to)

(Title agreed to)

(Clause 1 agreed to)

Hon. A.B. Duale: Hon. Temporary Deputy Chairlady, I beg to move that the Committee doth report to the House its consideration of the County Allocation of Revenue Bill (Senate Bill No.3 of 2016) and its approval thereof without amendment.

(Question proposed)

The Temporary Deputy Chairlady (Hon. (Ms.) Shebesh): Leader of the Majority Party, I will be putting the Question later.

Hon. Members, let us consider the Appropriation Bill (National Assembly Bill No.22 of 2016)

THE APPROPRIATION BILL

(Clauses 2 and 3 agreed to)

(Schedule agreed to)

(Title agreed to)

(Clause 1 agreed to)

Hon. Musyimi: Hon. Temporary Deputy Chairlady, I beg to move that the Committee doth report to the House its consideration of the Appropriation Bill (National Assembly Bill No. 22 of 2016) and its approval thereof without amendment.

(Question put and agreed to)

(The House resumed)

*[The Deputy Speaker
(Hon.(Dr.) Laboso) in the Chair]*

REPORT AND THIRD READING

THE COUNTY ALLOCATION OF REVENUE BILL

Hon. (Ms.) Shebesh: Hon. Deputy Speaker, I beg to report that the Committee of the whole House has considered the County Allocation of Revenue Bill (Senate Bill No. 3 of 2016) and approved the same without amendment.

Hon. A.B. Duale: Hon. Deputy Speaker, I beg to move that the House doth agree with the Committee in the said Report and request Hon. Shaban to second.

Hon. (Dr.) Shaban seconded.

(Question proposed)

(Question put and agreed to)

Hon. A.B. Duale: Hon. Deputy Speaker, I beg to move that the County Allocation of Revenue Bill (Senate Bill No. 3 of 2016) be now read the Third Time.

Hon. (Dr.) Shaban seconded.

(Question proposed)

Hon. Deputy Speaker: I will give chance to a few Members. I see a request by Hon. Ronald Tonui. Is Ronald Tonui in the House? He is not in the House.

What about Hon. Daniel Maanzo?

Hon. Maanzo: Thank you, Hon. Deputy Speaker, for giving me this occasion to comment on the matter.

The Bill that we just passed is very important for the country. I would like the National Treasury to move with speed and disburse the funds as quickly as possible so that Kenyans can be served quickly.

Thank you, Hon. Deputy Speaker.

Hon. Deputy Speaker: Hon. Johana Kipyegon?

Hon. Kipyegon: Hon. Deputy Speaker, I also wish to congratulate the House for passing this Bill despite the deadlock we had last week.

I clearly state that we wish to access the services and resources of this nation, as Kenyans so that our people can be served at both the national and county government levels.

As much as we have some issues with the courts and the counties, we must agree that the nation is one and that the citizens must be served properly.

Like my brother said, the Cabinet Secretary (CS) of the National Treasury should move with speed and disburse the funds so that *wananchi* can be served properly.

Thank you, Hon. Deputy Speaker.

Hon. Deputy Speaker: Hon. Makali Mulu?

Hon. Mulu: Thank you, Hon. Deputy Speaker. I also want to join Hon. Ng'eno in thanking the House for passing this important Bill. With the passage of this Bill, the county assemblies will be able to move to the next level and approve budgets of the county governments. With this Bill, each county government knows how much has been allocated to it. This Bill will ensure that proper budgeting is done at the county level and that will help in implementation. Just as we say at the national level, I think the challenge is in implementation of the Budget. I think both levels of government need to take implementation seriously.

Thank you.

(Loud consultations)

Hon. Deputy Speaker: Can Members settle down so that I can put the Question? I have confirmed that we have quorum in the House. I therefore proceed to put the Question.

(Question put and agreed to)

(The Bill was accordingly read the Third Time and passed)

REPORT AND THIRD READING

THE APPROPRIATION BILL

Hon. Deputy Speaker: Members, we will now proceed to the second Bill, which is the Appropriation Bill.

Hon. (Ms.) Shebesh: Hon. Deputy Speaker, I beg to report that a Committee of the whole House has considered the Appropriation Bill (National Assembly Bill No. 22 of 2016) and approved the same without amendments.

Hon. Deputy Speaker: The Mover.

Hon. Musyimi: Hon. Deputy Speaker, I beg to move that the House doth agree with the Committee in the said Report. I request Hon. Benjamin Langat to second.

Hon. Langat seconded.

(Question proposed)

(Question put and agreed to)

Hon. Musyimi: Hon. Deputy Speaker, I beg to move that the Appropriation Bill (National Assembly Bill No. 22 of 2016) be now read the Third Time. I request Hon. Benjamin Langat to second.

Hon. Langat seconded.

(Several Members walked out of the Chamber)

Hon. Deputy Speaker: Members, we still need your presence. Give us two minutes.

(Question proposed)

Hon. Alice Wahome.

(Loud consultations)

Hon. (Ms.) Wahome: Hon. Deputy Speaker, as you can hear, I am being told not to speak, but I support. I think appropriation is synonymous with implementation.

Hon. Deputy Speaker: Hon. Simba Arati.

Hon. Simba: Hon. Deputy Speaker, the mood of the House is that you put the Question.

(Laughter)

Hon. Deputy Speaker: Order, Members! I have confirmed that we have quorum in the House for purposes of making a decision. I, therefore, proceed to put the Question.

(Question put and agreed to)

(The Bill was accordingly read the Third Time and passed)

MOTION

RATIFICATION OF THE EAST AFRICAN COMMUNITY PROTOCOL ON SANITARY AND PHYTOSANITARY MEASURES

Hon. Deputy Speaker: The Chair of the Departmental Committee on Agriculture, Livestock and Cooperatives.

Hon. Mbiuki: Hon. Deputy Speaker, I beg to move that the House adopts the Report of the Departmental Committee on Agriculture, Livestock and Cooperatives on its consideration of the East African Community Protocol on Sanitary and Phytosanitary (SPS) Measures, laid on the Table of the House on Wednesday, 22nd June 2016, and, pursuant to Section 8 of the Treaty Making and Ratification Act, 2012, approves the ratification of the East African Community Protocol on Sanitary and Phytosanitary (SPS) Measures.

The East African Community Protocol on Sanitary and Phytosanitary (SPS) Measures was committed to the Departmental Committee on Agriculture, Livestock and Cooperatives on 1st March 2016 in accordance with Section 8 of the Treaty Making and Ratification Act, 2012 for consideration and report to this House. Once ratified, the Protocol shall become part of our Kenyan laws as provided for in Article 2(6) of the Constitution, which provides that:-

“Any treaty or convention ratified by Kenya shall form part of the laws of Kenya under this Constitution.”

The EAC SPS Protocol was assented to by the five Heads of State of the EAC partner states, the Summit, in 2012 and was expected to be ratified by June 2014. However, this was not achieved by some member States, including Kenya. Therefore, a new deadline was set for 30th June 2016. Uganda and Rwanda have already ratified and deposited the Protocol with the EAC Secretariat as per the existing ratification procedure in Articles 16 and 17 of the Treaty. However, Kenya, Burundi and Tanzania are yet to finalise the ratification and depositing of the Protocol instruments to the EAC Secretariat.

Article 108 of the EAC Treaty provides for cooperation in control of plants and animal diseases. Article 38 of the Protocol on the Establishment of the EAC Customs Union requires partner states to take cognisance of cooperation in SPS Measures in order to facilitate trade within the Community and other trading partners.

The SPS matters are governed by the agreement on the application of the SPS measures of the World Trade Organisation (WTO) agreements that are responsible for setting the basic rules for food safety and animal and plant health standards within the WTO members. The WTO SPS agreement has set out basic rights and obligations for members, which include the following:-

- (a) To protect themselves from the risk posed by the entry of pests and diseases while minimising any negative effects on SPS Measures and trade; and

- (b) To protect human, animal and plant health life by applying measures to manage the risks associated with imports.

The key objectives of this Protocol include promotion of trade in agricultural commodities within the community and between the community and other trading partners; harmonisation, regionalisation and transparency as well a risk assessment of the Sanitary and Phytosanitary (SPS) measures; cooperation and coordination of SPS measures and activities at the national and community level based on common understanding and application; enhancement of SPS status through science-based approach in the community, and sharing of information and expertise related to SPS measure.

Section 1 of this Protocol deals with the interpretation of words and phrases as used in the statutes. Section 2 deals with the objectives of the Protocol, the first objective being promotion of trade within the community and partners, implementation of harmonisation, regionalisation and transparency. Section 3 is concerned with the scope of the status of the statute which is in two forms: firstly, in terms of the subject matter and secondly in terms of the economic bloc covered – the Republic of Burundi, the Republic of Kenya, the United Republic of Tanzania and the Republic of Uganda.

Section 4 deals with plant health. It proposes harmony in matters of inspection, certification of plants and plant products. Section 5 deals with animal health. It proposes that member states harmonise animal welfare measures, have a transparent system that will deal with reporting of animal diseases, infection zones, management of animal quarantine and common legislation and certification of animals and animal products to promote trade. Section 6 deals with food safety. It calls upon member states to harmonise the procedures of food inspection, safety of food movement and the imports requirements of food.

Section 7 calls for competent authorities to be created within the member states by the respective governments. This is because matters of plant health are very sensitive in nature. Section 8 deals with the border post control. The section ensures that food and agricultural products are moved easily from one member state to another. This also includes joint inspections. The Protocol proposes building capacity. Section 9 provides for sharing of information and expertise. The Protocol proposes that the member states should share information and expertise within the East African Community (EAC).

Section 10 deals with the aspect of partner states undertaking a joint technical assistance to build capacity. This enhances compliance with the SPS measures. Section 11 calls for the partner states to harmonise their policies, laws and programmes to facilitate effective achievements of the objectives of this Protocol. Section 12 calls for the Council to establish and confer powers and authority upon such institutions as the Council may deem necessary to implement the provisions of this Protocol. Section 13 of the Protocol deals with the Council which from time to time is required to issue directives, make regulations and decisions that may be necessary in effective implementation of the Protocol.

In Section 14, the Protocol clearly stipulates that any disputes arising between two or more partner states from the interpretation or application of the Protocol shall be settled in accordance with the provisions of the treaty. Sections 15 up to 17 outline the operational provisions of the statute. They provide for the amendment of the Protocol, entry into force, the depository as well as the ratification.

I call upon members to support this Motion so that our country, Kenya, can join the rest of the countries within the EAC who have already ratified this Protocol.

With those few remarks, I beg to move and request Hon. Daniel Maanzo to second the Motion.

Hon. Deputy Speaker: Hon. Maanzo.

Hon. Maanzo: Thank you, Hon. Deputy Speaker. I wish to second this very important Motion. This is very important for the country of Kenya. In Kenya, we have the Kenya Plant Health Inspectorate Service (KEPHIS) as a key stakeholder. They are the ones who will implement the Protocol. This Protocol is overdue and other countries have already assented to it. It was assented to by the five Heads of State of EAC partner states in their Summit in 2012. It was expected to be ratified by 30th June 2014. A new deadline of 30th June 2014 has been set. It is very important for the Parliament of Kenya to pass this so that we may join partner states. I also wish to say that this falls under the World Trade Organisation (WTO). They are agreements of international standards, setting bodies on safety, namely the Office of International Animal Health and the Office of International Plant Protection Convention.

To digest it, it is a way of making sure that diseases of animals and plants do not cross the borders without proper measures and protection. That is why when we travel to other countries, we are at times asked to declare whether we are carrying any animals, plants or seeds so that a seed does not find itself in another country illegally. This is being implemented all over the world. That is why we are saying that it affects world trade, particularly the case of animal diseases. For example, the Maa Community along the Rift Valley which connects from Tanzania and Somalia have animals. We also have animals in the north like Ethiopia and other places. Therefore, when our pastoralists move around, the animals are likely to carry diseases and carry them across borders. That is why I have said that the KEPHIS office in Kenya is extremely important because it is the one which regulates this. Now it has to join other international bodies so that it can work with them within East Africa. It can have the necessary law for it to implement its mandate. That is why this Protocol is extremely important.

The Vice-Chair of the Committee has gone through what is contained in that Protocol. It also appears in our Report. The Report was assented to and, indeed, it received a lot of support. It is extremely important because we need to be part of the world in relation to this matter. We should pass it to be law by using our own regulations. The rules and regulations must be science-based and only applied to the extent necessary to protect human, animal and plant life or health.

When animals get sick or pick diseases from other countries when there is no regulation, that disease automatically goes to human beings and we are likely to lose lives. When animals are sick or do not fit international standards, Kenya finds it very difficult to export its beef to other countries and our market gets depressed. If we do not export beef, our Kenya Meat Commission suffers a serious drawback and the investments Kenyans put into it ends up into waste.

When it relates to plants, we have flowers which are exported from Kenya to European markets. If there are no proper protocols, then the European Union (EU) will be very reluctant to deal with products from our country. The moment the Kenya Plant Health Inspectorate Service (KEPHIS) certify that our flowers and other commodities like coffee and tea, which find their way to international markets, have met international standards and have complied with the necessary treaties locally and international, then those countries find it easy to trade with us.

The moment there is a ban, our farmers are likely to suffer in a big way. This is also how we earn foreign exchange. This is an extremely important Protocol. It is also monitored internationally by the World Trade Organisation (WTO) and other economic blocs and zones. It will be good for international purposes for Kenya to fit with the rest of the world when it comes

to trade. We have been urging Parliament to support KEPHIS and related organisations. They have received a lot of support from other international organisations which have been sponsoring seminars for Members of Parliament and members of the public, so that we can make sure that whatever is coming and leaving this country is safe for human consumption and trade.

In seconding this Protocol, I want to urge the House to support it, so that we can join the rest of the world and not lag behind. As I have said, the deadline of 30th June is about to expire and we are likely to find ourselves not part of this. The Committee has worked hard on this and was very cooperative so that they can supply the House with all the necessary materials and support for this Report to be within the law. We have a provision under Article 2(6) of the Constitution providing that any treaty or convention ratified by Kenya shall form part of the laws of Kenya.

When we pass this Protocol, we will be doing it within our Constitution. It is also within our Constitution to serve the country and the rest of the world. Therefore, harmonisation, equivalence and appropriate level of protection, risk management, regional conditions and transparency are very important when it comes to dealing with this Protocol on Sanitary and Phytosanitary (SPS) Measures. It will be good that we join the rest of the world. I wish to second and urge Members to support this Protocol, so that we can pass it on time.

I second.

Hon. Deputy Speaker: Order, Members! Hon. Moses Kuria and Hon. Shaban, I want to propose the Question.

(Question proposed)

Hon. Deputy Speaker: Hon. Patrick Wangamati.

Hon. Wangamati: Thank you, Hon. Deputy Speaker for giving me an opportunity to support this Motion. It is a very important Motion for this country. I do not know why it has taken a long time to come to the Floor of the House.

Kenya is an agricultural and livestock farming country. It is also a major producer of cash crops that need to be marketed outside this country. It is important for us to have this Protocol, so that we can look for markets. Farmers in this country are hard working, but we lack markets. In most cases, we are too confined to markets in the country and in our neighbouring countries. Our farmers have never been exposed to outside markets. When this Motion is passed, our farmers will enjoy markets outside the country where they can make maximum profits. A lot of our produce is damaged by insects which we do not know where they originate. I urge my colleagues in the House to support this Motion, so that it becomes a Bill as quickly as possible.

I support the Motion.

Hon. Deputy Speaker: Hon. Angatia.

Hon. Angatia: Thank you, Hon. Deputy Speaker, for giving me an opportunity to contribute to this Motion again. All treaties that are signed locally and internationally are supposed to be adopted by Parliament to actualise the provisions of the Constitution.

I urge the Members to support this Treaty because we are behind schedule. We have been given a deadline of 30th June and that is why the Committee moved with speed to bring the Motion for adoption so that we can benefit from a regional trading bloc. Kenya being an agricultural economy in East Africa stands to benefit a lot when we create a regional trading bloc. Already, we have laws that have brought together the East African countries in terms of

customs and we have a Customs Treaty that Kenya is signatory to. This is a similar move which actualises export and import of agricultural, livestock and cooperative products within the region.

First, if we adopt this, we shall have standards which countries within the region will conform to in terms of agricultural and livestock goods. Secondly, we shall have a regulatory body in each country within the trading bloc where we can exchange ideas on how to regulate and minimise the risks involved in trading. Thirdly, we will create a strong trading bloc where member countries can easily market their agricultural and livestock products bearing in mind that Kenya depends mainly on an agricultural based economy.

The speedy adoption of this Motion will help Kenya to enhance its status in the region in terms of sharing information and expertise on goods that are supposed to be exported and promotion of trade in agricultural commodities within the Community. The problem of the National Cereals and Produce Board (NCPB) today is having huge stocks of maize in terms of strategic reserve. They were supposed to utilise it eight years ago, but the maize is still in stores today. We should protect the Kenyan farmers from planting maize, selling it to the NCPB and the maize staying in the stores for eight years without being exported or utilised by our local millers. This is a shame on the institutions of this country. We are not supposed to operate in that manner where maize strategic reserve is kept in the stores for eight years without being released to the market. Millers are complaining that they cannot take the maize because it is rotten. This is a waste of resources and we have to change it. Laws like this one will streamline such affairs.

I beg to support.

Hon. Deputy Speaker: Hon. Cecilia Ngetich.

Hon. (Ms.) Ngetich: Thank you, Hon. Deputy Speaker for this opportunity. I support the Motion on the Ratification of the East African Community Protocol on Sanitary and Phytosanitary (SPS) Measures. A protocol is a binding agreement between countries in a certain region. This Protocol gives us a lot of protection because whatever trading agreements are therein shall be respected by the parties that sign it.

The back bone of Kenya's economy is in agriculture and livestock. Without such laws, we would not have markets for our produce. Every country is endowed with different agricultural products and unless there is a trading agreement on exchange, we will not grow our economy. This is a good move and as they say, unity is strength. Today, I read an article on the Standard Newspaper about Britain exiting from the European Union (EU). One thing that caught my attention was the fact that the vote was taken, but with very little knowledge by the Britons who were taking that vote. One would imagine that you are already in a very strong trading unit and then you are cutting yourself off. The article stated that it was after they had taken the vote that many people went to the internet to find out the repercussions of that move.

Kenya is in the right direction and we need to protect our farmers. Kenyan farmers have always suffered due to poor prices for their produce and that is why measures have been taken to stop the import of certain products that we can grow such as sugarcane. It will also give better negotiation. For example, tea farmers suffer because other people determine the prices of the product as opposed to what can be negotiated in a regional bloc. This Protocol is timely and I support it fully. This will encourage many people to engage in farming. It will also help the Kenyan economy to grow. Right now, the economy is growing at a very slow pace, but I know it shall improve when farmers are supported. Cooperatives are helpful to farmers. When you sell your products singly, you flood the market and prices come down, but when products are sold through cooperatives, better prices can be negotiated. Cooperatives can decide on value addition of certain products to increase income for farmers.

It is a good decision to have this Protocol to strengthen the EAC by working together. We need to have a ready market within even before we look outside the EAC.

I support.

Hon. Deputy Speaker: Hon. Ababu Namwamba.

Hon. Ababu: Thank you, Hon. Deputy Speaker. I support this Report on the Ratification of the East African Community Protocol on Sanitary and Phytosanitary Measures. As a big economy in this regional bloc, Kenya stands to benefit a lot from protocols of this nature that clear the way for harmonisation and rationalisation of policies of measures that can spur growth, especially the arena that serves pretty much as the backbone of our economy, namely, agriculture, livestock and cooperatives. This is a sector that has contributed immensely to the development of our country. It is one sector that continues to employ and provide livelihoods for the bulk of our people. Many Kenyans still rely on agriculture, livestock and cooperative movement yet there is so much potential to exploit and develop these sectors further to introduce the cutting edge of technology modern day practices that can make our agricultural and livestock farmers even more competitive. The cooperative movement has enormous potential. Counties that have taken this kind of culture to the next level have leaped big from that investment.

So, to have a protocol that would connect our economy to the rest of the region can only be positive in terms of expanding the arena of operation and challenging us in terms of our policy framework, policy architecture and practices. This means that we can pick up useful lessons from other economies within the region.

We know that it is not just about size. It is also about efficiency and progressive culture. I say this especially with reference to Rwanda which is a much smaller country geographically, demographically and in terms of economic size. However, there is so much that you can learn from Rwanda in terms of the culture of how they do their things even simple things like sanitation and traffic. You go to Kigali and sometimes you got to rub your eyes to remind yourself that this is a city at the heart of the African continent because of just how they do simple things such as managing their environment and controlling erosion.

You see practices that they have introduced just to control water runoff in the city. Kigali is a city that is very hilly, undulating hills, the terrain is very tricky and yet this is a country that has managed to deal with challenges such as ground surface runoff, something that a big city like Nairobi has not been able to control. That is why every time you have some little deluge in this city, everybody runs helter-skelter at the slightest sign of rainfall because we have not been able to manage our environment better. So, we definitely have something to learn from the economies within the EAC.

Our historical partner, Britain, is exiting the EU and one would be tempted to imagine that maybe there is no much value in economic regional blocs like the EAC. I want to put it on record that nothing could be further from the truth. The future is definitely integration. I dare say that Britons are certainly worse off exiting the EU. I believe our interests as a country and an economy would definitely be well-served by a stronger EAC.

I live on the Kenya-Uganda border where we have experienced and lived the spirit of the EAC in real terms. My parents met and married in Kampala and my siblings were born there. I was born in Jinja at the source of the Nile. Those of us who live in that part of Kenya do not need anybody to tell us the benefits of our two countries co-operating together, exchanging ideas and developing themselves together. We live and experience it every day. The EAC is a reality. It is good to have protocols of this nature that can only make the Community stronger. I want to challenge the EAC Governments to expedite certain processes that were intended to accelerate

motion towards even a political federation and a single currency, so that we can see more progress that can bring the benefits of a bigger population, bigger geographical area and bigger economic bloc to bear on the lives of the people of East Africa.

I support the Motion.

Hon. Deputy Speaker: Hon. Moitalel.

Hon. ole Kenta: Thank you, Hon. Deputy Speaker. I would like to join my colleagues in supporting the Motion. I believe the EAC is a bloc of nations that can make a great difference in many spheres especially agriculture. I come from a place where we trade in livestock with Tanzanians and I believe this Protocol will not only help us in marketing our livestock from Kenya, but also in enhancing and promoting the health of those animals. We have had problems in the border areas where diseases such as foot and mouth have been transferred from other countries. I believe this Protocol will take care of that problem. We have had problems in exporting beef and mutton because of such diseases transferred to our areas. The other day, we had a meeting of pastoralist communities and it was surprising to note that whereas we have a lot of animals in Kenya, Somalia exports more than us. It was a challenge for us. This issue will be resolved once this Protocol is ratified.

This Protocol was supposed to have been ratified way back on 30th June 2014, and the delay has cost us dearly. No further delay should be allowed. Having briefly perused the Report, the Protocol is justified because there is protection of animals and plants from various diseases, other risks involved and protection of human and animal health. It is important that we ratify it and ensure that Kenyans benefit from this trade. The most important objective of this Protocol is the promotion of trade in agriculture and other commodities between communities and harmonisation of trade and pricing of animals and crops especially staple foods like maize and wheat that come from Tanzania once in a while. The cooperation will not only ensure that the market is protected by having uniform pricing, but it will also ensure that the bread basket is protected.

Expertise and information sharing is clear. This Protocol ensures that if a disease breaks out in one of the EAC countries, the other countries are alerted, so that the problem is dealt with before it spreads. It is very crucial to note that the EAC economy has always lost as far as agriculture is concerned. We do not see agriculture as a trade and a profession and that is why the youth are not going into it. We must mechanise agriculture to make it profitable and attractive to the youth. This Protocol will ensure that, that is done. If we ratify this Protocol, I am sure issues that divide us will bring us together. Fighting for market creates friction and that is why Tanzanians used to say that Kenya is a “man eat man society”. This could have been so because we had a sharper edge and better knowledge in agriculture. I believe this Protocol will bring us closer.

I want to request the House to support this Protocol. Its implementation should be expedited, so that it is of benefit to all of us.

Hon. Deputy Speaker: Hon. (Ms.) Alice Wahome.

Hon. (Ms.) Wahome: Thank you, Hon. Deputy Speaker. There is a small joke cracked here by Hon. Simba Arati. Listening to the previous speakers, the most important aspect of ratifying this Protocol is that we will move to have it within our laws and appreciated within our constitutional framework in Article 2. I am looking at the Articles the Protocol is in line with particularly on sharing and access to information across the countries. The fact that Rwanda has already ratified the Protocol gives us an indication that we should move towards that direction.

Integration within the EAC has been core to the growth of the region. We know that Kenya has always been on the lead and we are more seen as a big sister other than follow other countries. We should take the lead in ratifying this Protocol. Parliament is taking this timely step to debate this Motion. I believe we will support and approve the Motion.

Cooperation and coordination of the sanitary and phytosanitary (SPS) measures and activities within that framework is important for countries within the EAC. Through this, we will regulate animal and plant health. There are risks of diseases and infections when animals cross borders. With this Protocol that allows sharing of information, EAC countries will take necessary measures to avoid those risks.

Hon. Deputy Speaker, we should strengthen our free movement and trade within the region through this Protocol on Sanitary and Phytosanitary Measures. In Vision 2030, we want to increase trade and make it easy and free. We also want to avoid risks that can bring this area of trade down. The sector is very sensitive because we are talking about animal and plant health. Diseases can spread easily across the region. Therefore, we should have the necessary measures in place, have knowledge of other countries and access to information. Infection zones should be clearly marked, known and we should discuss how to deal with emergencies. This Protocol will enhance and allow that kind of exchange and we should support this Motion.

It is easy to draw and pull resources as a bloc, so that we can build sufficient resources to address policy questions, regulations and strengthening policies that we shall have agreed upon as a Community instead of a single nation. I agree with Hon. Ababu Namwamba when he expresses concerns regarding the latest process of Brexit. We know this country will somehow be affected by that action. We also know that another referendum can take Britain back to the EU. Some of these things have taken a bit longer than we had expected. Considering that we have come from a history of EAC, we should see more strength in integration and working as a region or bloc than disadvantages, so that we can move quickly and swiftly. This will benefit member countries.

The five heads of States have already agreed and assented to the Protocol on Sanitary and Phytosanitary Measures. What is remaining is the nitty-gritties of what we need to put in the Protocol. The Protocol has been combed through using our Cabinet Secretaries in the relevant sector and the ratification is timely and in order. I see no risk of ratifying this Protocol. I agree with the Members who are saying that we need to protect human, animal and plant life and health by applying the measures to manage the risks associated with importation and cross border diseases.

I beg to support the Motion.

Hon. Deputy Speaker: Hon. Asman Kamama.

Hon. Abongotum: Thank you, Hon. Deputy Speaker. I rise to support this Motion on Ratification of the East African Community Protocol on Sanitary and Phytosanitary Measures. In 2012, I was the Assistant Minister in the Ministry of Higher Education, Science and Technology and we were involved in some of these policies, especially in the enactment of the Biosafety Bill and Biosafety Act. We also realigned KEPHIS rules and combined them, so that the two institutions can work in harmony to ensure that plants and animal products are safe. We did it with some NGOs that are normally used for research.

I support the Motion. The heads of the partner States met in a Summit in Arusha and ratified this Protocol. Our work is to enhance what they did by making sure that this Protocol is approved by the House, so that they can come up with relevant Bills which can operationalise it.

By doing this, we will also be working in tandem with the rules of the WTO on sanitary and phytosanitary measures. We all know this economy is agro-based. We have not discovered very serious minerals, apart from oil in Turkana and the northern region which we intend to exploit in the next five to 10 years. By supporting this Protocol, we will enhance the agricultural sub sector to ensure that our economies perform well especially within the framework of the EAC. This has been long overdue. When you travel around this country, you find some places which are disease free zones like Laikipia. Some of these special farmers access the EU market without any problem because their farms have been declared disease free zones. There are also specific horticultural and floricultural farms which have been approved to access markets in the EU. We want to ratify this Protocol to eradicate animal diseases and plants which are lethal to the health of our people within the region. I support this Motion.

There is a lot of trade going on in the EAC especially in animals and plant products. In the former Western Province where my good friend, Hon. Washiali, comes from, there is a lot of trade in animals, animal products and plant products. There is a lot of trade going on along the border starting from Lake Victoria all the way to Karamoja region. We do not want our people to be exposed to diseases and very bad plant products which can harm our health. I support this Motion so that this Committee can fast-track the enactment of a Bill. I am sure all of us will support it when time comes for voting.

From a global perspective, what the British did is against what we learnt in school in Economics. I want to remind you of a book by a very known scholar, Adam Smith, who advocates for larger markets and economies because it is not economically viable to build a factory for 10 people. It makes economic sense to establish a factory for 100,000 people, so that they can benefit from economies of scale. So, the Brexit referendum on exit of Britain from the European market was not well informed by real economic paradigms.

We do not doubt the decision of the people because the voice of the people is the voice of God. Experts on the EU and even the current President of the United States visited Britain and advised them that it is good to stay in a larger market than boxing themselves into some cocoon or a small market which will not expand the economy. By doing that, currencies will be affected, there will be youth unemployment and recession.

I advocate for this. I know that this Protocol was signed before we had a few issues with Burundi, but right now, it is going to be sorted out by the five heads of States. Now that other countries like South Sudan want to join our union, we will go far if we support this Motion and advise our Departmental Committee on Agriculture, Livestock and Cooperatives to fast-track a Bill to operationalise this Protocol.

With those remarks, I beg to support.

Hon. Deputy Speaker: Hon. Arati Simba.

Hon. Simba: Thank you, Hon. Deputy Speaker. I want to support the Motion. As I do it, there are a few things I want to observe. Indeed, this is an important Protocol which would have been achieved a long time ago. It is saddening that an important Motion like this is being debated by a few of us yet we expected the House would be full and Members would be present to debate the Motion because it provides a basis for creation of job opportunities for our constituents, especially Members from farming regions like my brothers Hon. Washiali, Hon. Mbiuki and Hon. Kamama who has just left. Madam Wahome comes from a coffee growing area.

It is saddening that my Chairman of the Departmental Committee on Administration and National Security, Hon. Kamama, who has just left, with others have been blackmailing a number of countries like Tanzania and South Sudan that some of us are recruiting militias and

sending them to South Sudan to overthrow the Government. It is just blackmail. We need to operationalise this Protocol for us to do business with those countries, but when we send mixed signals and we need these countries to assent to the rules, it defeats the purpose. It is unfortunate that our colleagues who are not here do not see the essence of this country raising more revenue through this process. Even the ruling Coalition where Hon. Mbiuki serves, does not see the essence of this country getting revenue through this process. They are seated here crying. They have given us a Budget of Kshs2.27 trillion yet they do not know where they are going to collect money from.

Hon. (Ms.) Wahome: On a point of order, Hon. Deputy Speaker.

Hon. Deputy Speaker: Hon. Simba Arati, there is a point of order by Hon. Alice Wahome.

Hon. (Ms.) Wahome: Hon. Deputy Speaker, I take exception by way of point of order to two disparaging remarks the Member has made against Members of this House. You debate a Motion not because it is on the Floor, but for different reasons. It is unfair. The second issue is that the Member is talking about the Budget. We have just passed the Appropriations Bill and he was not here.

He would have raised those issues before and asked where the money was. He is out of order.

Hon. Deputy Speaker: I quite agree with you. Hon. Simba Arati, just withdraw that statement.

Hon. Simba: Hon. Deputy Speaker, I do not see any reason for me to withdraw. Hon. Wahome knows that this Government is struggling to raise revenue. The Commissioner-General of the Kenya Revenue Authority (KRA) has told us that there is a struggle in revenue collection. By extension, that also refers to the Jubilee Government. I hope you do not take instruction from--

Hon. Deputy Speaker: Hon. Arati, withdraw your statement and move on with your contribution.

Hon. Simba: What should I withdraw, Hon. Deputy Speaker?

Hon. Deputy Speaker: You are making very disparaging remarks. Please, withdraw, unless you are interested in going out of the Chamber.

Hon. Simba: Hon. Deputy Speaker---

Hon. Deputy Speaker: Do not argue with the Speaker, Hon. Simba Arati. I can see another point of order by Hon. Kareke. Can you allow him to contribute? He is on a point of order.

Hon. Mbiuki: Hon. Deputy Speaker, while debating any Motion in this House, we are guided by rules of relevance. My colleague, who is also a Member of the Departmental Committee on Agriculture, Livestock and Cooperatives, approved this Motion. The rules of relevance apply during debate. As much as a majority of us know that my good brother is a joker, he should not joke when we are debating very important Motions such as the East African Community Protocol on Sanitary and Phytosanitary Measures, which guide the way we trade within the East African region. I urge my brother to stick to the rules of relevance.

(Hon. Simba stood in his place)

Hon. Deputy Speaker: Hon. Arati, we cannot have two of you on your feet. Hon. Kareke is on his feet.

Hon. Simba: Thank you, Hon. Deputy Speaker. I do not think you can allow---

Hon. Deputy Speaker: Hon. Simba Arati, Hon. Kareke is on his feet.

Hon. Mbiuki: Hon. Deputy Speaker, with all due respect, we are normally dictated by rules when debating. As I had said earlier, my brother needs to be guided by relevance. As he supports this Motion, he needs to know what he is articulating. We were taken through this Motion in different stages. He was in agreement. When we debate on the Floor of the House, let him stick to the Motion. As much as we are in Government as Jubilee, they are the government-in-waiting. I can only see a few Members on the other side. This House has what it takes to continue with this debate and finally adopt this important Protocol before 30th June, 2016. I urge my brother not to take us back while we move forward as a country.

Hon. Deputy Speaker: I am waiting for your withdrawal, Hon. Arati.

Hon. Simba: Hon. Deputy Speaker, I will withdraw. However, you cannot entertain Hon. Mbiuki to impute that I am a great joker whereas he knows that he himself is a joker. I withdraw and apologise. I know Hon. Mbiuki is a bigger joker.

Hon. Deputy Speaker: You have apologised and withdrawn. Can you now move to the Motion that we are debating?

Hon. Simba: Hon. Deputy Speaker, after passing and ratifying the Protocol, it will enhance a number of items, especially with regard to trade and providing job opportunities around the region. I reiterate that we need to be serious because the Protocol has been before this House for some time. Whereas countries like Rwanda and Uganda have ratified, we are dragging our feet. That shows how we joke over serious businesses like the one we are dealing with at the moment.

I support the Motion.

Hon. Deputy Speaker: Go on, Hon. Silverse Anami.

Hon. Anami: Thank you, Hon. Deputy Speaker for giving me an opportunity to make my contribution on the Motion on Ratification of the East African Community Protocol on Sanitary and Phytosanitary (SPS) Measures.

First and foremost, I would like to express my support for the Report on this timely Protocol. We did not meet the timeline of 2014 and we are bringing back the Protocol to be discussed and this is a very important opportunity for our country. Kenya provides leadership as the big brother of the East African region to enhance regional cooperation. It is important that we expedite the ratification of this Protocol to give opportunity to Kenyans to cooperate with the rest of the EAC by way of trade, sharing information and different capacities, especially in the area of research and standards setting instruments. As East Africans, our background is the same. We share a common environment and history. Our people are the same. We are sometimes divided by a river or a hill. We speak the same languages and we have the same culture. It is only fair and convenient for all of us to ratify this Protocol to enable the citizens of East Africa to live harmoniously.

It is, indeed, encouraged for countries to share resources within the East African Treaty. These resources include resources in plants and animals. Our community of Maasai descent lives on both sides of Kenya and Tanzania. Some of them live in Rwanda. We know that their cultural mainstay is livestock. This Protocol will give opportunity to the Maasai community in Kenya and Tanzania to lead a harmonious life amongst them. That is just an example. Indeed, their livestock do not know boundaries. They will follow water and grass on both sides because that is where they exist. If we apply different instruments of managing our plant and animal health or businesses, we will be indulging in wasteful undertakings since we do not have agreements and

harmonised instruments to guide us in managing our affairs. That is why we need to ratify this Protocol quickly.

Kenya is known as a big brother in the region. You can see that in the amount of socioeconomic activities that we indulge in with our brothers. Those of us who have indulged with our colleagues in the region will attest to this fact. We should have been the first to ratify this Protocol. We should have been the first to share our resources, which we have within the arrangement of the Kenya Agricultural Research Institute (KARI) and our university research departments. This will help us to ensure that we do not repeat what we have done when we do business with our neighbouring countries.

Since the revival of the EAC, we have established harmonious and mutual relationships, which even go to the extent of intermarriage and settlements, courtesy of Common Market and Customs Union. We are now headed to political integration. We need to ratify this Protocol and ensure its implementation.

I want to talk about implementation. This country, like many East African countries, is good at formulating policies and protocols like this, but because of the many procedures that we have to go through in ratification, several countries did not ratify the Protocol at the opportune time. We have come back to it. I would like to propose that as we approve this, we should encourage various technical departments to come up with implementation plans that will be all-inclusive ventures where East Africans can benefit from such protocols. Implementation has always been a challenge. Clear implementation plans should be negotiated alongside the formulation of these instruments, so that we can follow up with appropriate budgetary and legislative processes. We need to domesticate not just this Protocol, but several others that we have ratified. It is good for us to have an implementation plan that will not be put on the shelves.

We are in the regime of Sustainable Development Goals (SDGs). We should integrate the aspects of this Protocol into our other development initiatives including in education. Aspects of this Protocol can be integrated in our education plans so that East Africans can grow knowing that we have thresholds, standards and initiatives that are intended to harmonise our living together, common markets and common heritage. I support this Protocol and others. Strong structures should be established within the realm of this Protocol to cut across and enable East Africans to live in East Africa harmoniously and not live in corners.

For example, we have the lake basin region where a lot of activities are going on. This Protocol should be integrated in the activities and functions of the lake basin region because it extends into Uganda, Tanzania and across the East African region. We have an opportunity here to promote cooperation among East Africans. Let us not lose it.

I support the ratification of this Protocol.

Hon. Deputy Speaker: Hon. James Nyikal.

Hon. (Dr.) Nyikal: Thank you, Hon. Deputy Speaker, for giving me the opportunity to support this Motion. The basic reason I support it is that it is politics that have made East Africa to have several countries, but East Africa is one unit. For many years before Independence, we lived as one people even with different Governments. We had the same university, railway, harbours and road network. We had the same currency, the same medical research institution, the same maritime research institution and the same airline, but we split them. It is time we went back and the efforts that are coming to that direction are always supported.

The second reason I support the Ratification of the East African Community Protocol on Sanitary and Phytosanitary Measures is because it is basically talking about health. The word “phytosanitary” sounds very strange, but “phylum” is just about plants. So, phytosanitary is just

about the health of plants and what affects sanitation of the health of plants. So, what we are talking about here is to a large extent disease control, be it human disease, animal disease or plant disease, and food safety. If you look at that within the East African Region, there is no way you can have control measures for those issues separately. Some of you may remember not long ago we had the Rift Valley Fever across East Africa and if you wanted to control it, you were to do that regionally. The control of trypanosomiasis has always been done across East Africa. Malaria is across East Africa. Human beings and goods move together. There is a story of somebody who was arrested in Migori because he was moving with fish from Tanzania into Kenya. He asked what was wrong as he had bought the fish and he was going to eat it. He asked what law he had broken. Our people have always known that if you want to control diseases, they know no boundary. We must support this Motion.

The other reason is human and goods movement. We cannot stop it. Some of us know that we had a Vice-President in Kenya whose brother was campaigning in Uganda to be President. That is basically one region and people move like that. As I child, I remember we could move from Dar-es Salaam by the East African Road Service all the way to Gulu. Nobody asked you a single thing and people still want to move like that. They wonder why we, politicians and Government officials, are thinking that there is need for papers. So, with that movement, you have to put controls.

My third reason is that it is our constitutional obligation. We are clear in our Constitution that if there is something that we have made an agreement on, we must go on to ratify it. Under the EAC, there is the WTO Protocol on SPS that has been signed and we are part of that. We cannot come round when in this Parliament and say that we want to think differently. We were part of the WTO Sanitary and Phytosanitary Measures (SPS) Commission that was agreed on and the WHO *Codex Alimentarius* that was signed by all countries in the world. We are doing what we need to do by law, namely, our own Constitution.

For this reason, I do not think we need to say many things. We should ratify this Protocol. It was done at the East Africa level five years ago and we are still talking about it today. Sometimes, we put too much emphasis into politics. I have noticed that when we discuss important things here and politics come in, tempers rise. I ask myself why tempers rise when we deal with politics, but when we are talking about important issues like the health of our people, people doze. It is amazing.

I support.

Hon. Deputy Speaker: I can see Hon. Ochanda. Is that the person I am giving a chance to speak? Give me a minute.

Mover of the Motion, maybe you can donate a minute to Hon. Ochanda and then spend the other three minutes.

Hon. Mbiuki: Thank you, Hon. Temporary Deputy Speaker. I wish to donate one minute to my brother, so that he can support this important Motion.

Hon. Ogolla: Thank you, Hon. Deputy Speaker. I was not running away, but waiting for the one minute. I want to support this Motion because certain things are very clear. The ecological arrangement of places in this region is fairly similar. Our borders have a lot of similarities in stations on either side whether you are between Tanzania and Uganda, Kenya and Tanzania or Tanzania and Burundi.

When we are in a situation where some of our sister countries have gone ahead and ratified this and we are behind, it is something that we need to look into. I know many times when Kenya leads in doing certain things, there are all manner of questions and suspicion. This

time round when Uganda and Rwanda have gone ahead to ratify, it is very important for us to look into this keenly. We are normally a leading nation in this region. The issue of trade, movement of goods, people, diseases, inspection and standards are critical things that we must look into.

I beg to support.

Hon. Mbiuki: Thank you, Hon. Deputy Speaker. I wish to thank the Members for the enormous support for this important Motion on the Ratification of the East African Protocol on Sanitary and Phytosanitary Measures. The adoption of this Motion is extremely critical for the standardisation of all aspects of the agricultural sector within the EAC.

It is unfortunate that Kenya, despite being the super power within the East African region, is trailing Uganda and Rwanda in the ratification of this Protocol. It is not too late. I strongly believe that as a country, we are going to meet the 30th June deadline. I also wish to thank Members of the Departmental Committee of Agriculture, Livestock and Cooperatives for the tireless effort they put to ensure that we come up with this Report and table it in this House as well as joining other Members in support of this important Motion.

I wish to reiterate that Kenya is one of the countries that have championed the processing of this Protocol. It will benefit Kenyans greatly as well as members of the other States in the region. In a very special way, I want to appreciate the role played by the Ministry of Agriculture, Livestock and Fisheries as well as KEPHIS which were extremely instrumental in processing this Protocol.

With those few remarks, I wish to thank the Membership of this House for supporting this important Motion.

ADJOURNMENT

Hon. Deputy Speaker: Hon. Members, the Question will be put when we next have the Motion on the Order Paper.

Hon. Members, the time being 6.30 p.m., this House stands adjourned until tomorrow, Wednesday 29th June, 2016, at 9.30 a.m.

The House rose at 6.30 p.m.