



**REPUBLIC OF KENYA**

**THIRTEENTH PARLIAMENT**

**NATIONAL ASSEMBLY**

**THE HANSARD**

**VOL. II NO. 21**

## THE HANSARD

Tuesday, 21<sup>st</sup> March 2023

The House met at 2.30 p.m.

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

### PRAYERS

### QUORUM

**Hon. Speaker:** Serjeant-at-Arms, can you ring the Quorum Bell?

*(The Quorum Bell was rung)*

Order! We now have the necessary quorum to transact business.

### PAPERS

**Hon. Speaker:** Whip of the Majority Party.

**Hon. Silvanus Osoro** (South Mugirango, UDA): Hon. Speaker, I beg to lay the following Papers on the Table of the House:

Reports of the Auditor-General and Financial Statements on the Kenya Tsetse and Trypanosomiasis Eradication Council for the years ended 30<sup>th</sup> June 2019, 2020 and 2021, and certificates therein.

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

- (a) Eastern Africa Regional Transport, Trade and Development Facilitation Project (IDA Credit No.5638-KE) – Information and Communication Technology Authority.
- (b) Horn of Africa Gateway Development Project (IDA Credit No.6768 KE) - Information and Communication Technology Authority.
- (c) Vijana Vuka na Afya Youth Programme (Grant No.201367465) – State Department for Youth Affairs.
- (d) Thwake Multi-Purpose Water Development Programme Phase I (AfDB Loan No.2100150029993, 2000200003351, AGTF No.5050200000501 and AfDB Grant No.2100155025973) – Ministry of Water, Sanitation and Irrigation.
- (e) Rwabura Irrigation Development Project – National Irrigation Authority.
- (f) National Information Platform for Food Security and Nutrition Project (Food/2017/393-022) – Kenya National Bureau of Statistics.
- (g) Kenya-Italy Debt for Development Programme – Ministry of Water, Sanitation and Irrigation.
- (h) Independent Electoral and Boundaries Commission.
- (i) Office of the Registrar of Political Parties.
- (j) Insurance Regulatory Authority.
- (k) State Department for Interior and Citizen Services.
- (l) The National Treasury.

- (m) Nairobi-Thika Highway Improvement Project LOT I and II (Credit No.2100150015544) – Kenya National Highways Authority.
- (n) Mombasa-Nairobi-Addis Ababa Road Corridor Project Phase II (Marsabit-Turbi Road) ID No. P-ZI-DBO-027 – Kenya National Highways Authority.
- (o) Mwea Irrigation Development Project (Loan No.KE-P27) – National Irrigation Authority.
- (p) Bura Rehabilitation Development Project (Loan Nos. BADEA 3530: LA/763, Kuwait 752, OPEC 1154P) – National Irrigation Authority.
- (q) Water Sector Trust Fund.
- (r) Tourism Research Institute.
- (s) Kenya National Trading Corporation Limited.
- (t) Retirement Benefits Authority.
- (u) Commodities Fund.
- (v) South Nyanza Sugar Company Limited.
- (w) Kenya Trade Remedies Agency.
- (x) Global Fund HIV and AIDS Project (Grant Number KEN-H-TNT-2065) – National AIDS Control Council.
- (y) Kenya Electricity Generating Company PLC.
- (z) Anti-Female Genital Mutilation Board.

Audit Report of the Auditor-General on Public Debt Servicing Activities by the National Treasury.

**Hon. Speaker:** The Chairperson of the Budget and Appropriations Committee, Hon. Ndindi Nyoro. I will hold that. The Chairperson of Departmental Committee on Defence, Intelligence and Foreign Relations.

**Hon. Nelson Koech** (Belgut, UDA): Thank you, Hon. Speaker. I beg to lay the following Paper on the Table:

Report of Departmental Committee on Defence, Intelligence and Foreign Relations on its consideration of the Agreement between the Government of the Republic of Kenya and the Government of the United Kingdom of Great Britain and Northern Ireland on Defence Cooperation.

**Hon. Speaker:** Thank you. Chairperson of the Select Committee on NG-CDF, Hon. Musa Sirma.

**Hon. Musa Sirma** (Eldama Ravine, UDA): Hon. Speaker I beg to lay the following Paper on the Table of the House:

Report of the Select Committee on National Government Constituencies Development Fund on List of Nominees to the NG-CDF for Kandara and Samburu East constituencies.

## COMMUNICATION FROM THE CHAIR

### DELEGATION FROM THE PARLIAMENT OF ZAMBIA

**Hon. Speaker:** Hon. Members, before we go to the next Order, I wish to introduce to the House a delegation from the Parliament of Zambia which is seated in the Speaker's Gallery. The delegation comprises of Members of Parliament of the Committee on Youth, Sports, and Child Matters. They include:

- |                                      |   |                  |
|--------------------------------------|---|------------------|
| 1. The Hon. Sydney Mushanga, MP      | - | Chairperson      |
| 2. The Hon. Emeldah Munashabantu, MP | - | Vice Chairperson |
| 3. The Hon. Chinga Miyutu, MP        | - | Member           |
| 4. The Hon. Edgar Sing'ombe, MP      | - | Member           |

- |                                     |   |        |
|-------------------------------------|---|--------|
| 5. The Hon. Pavyuma Kalobo, MP      | - | Member |
| 6. The Hon. George K. Kandafula, MP | - | Member |
| 7. The Hon. Misheck Mutelo, MP      | - | Member |
| 8. The Hon. Allen Banda, MP         | - | Member |
| 9. The Hon. Michael J Z Katambo, MP | - | Member |
| 10. The Hon. Golden Mwila, MP       | - | Member |

The delegation is also accompanied by two members of staff of Parliament, Mr. Evans Chilongu and Ms. Prisca Shimalungwe. They are on a visit to benchmark with their counterpart committee in the National Assembly on the best practices to enhance the plight of children born or brought up in prison or correctional facilities. On my behalf and on behalf of the National Assembly, I welcome them to Parliament and wish them fruitful engagements during their stay in the country.

Is Hon. Ndindi in now? I am told he has called a Member of his Committee, Hon. Babu Owino, and informed him to inform the Chair, which Hon. Babu has done, that we hold the matter as he is on his way here. Thank you, Babu Owino. Next Order.

### NOTICES OF MOTIONS

#### ADOPTION OF REPORT ON AGREEMENT BETWEEN KENYA AND UNITED KINGDOM ON DEFENCE COOPERATION

**Hon. Speaker:** Chairperson of the Departmental Committee on Defence, Intelligence and Foreign Relations.

**Hon. Nelson Koech** (Belgut, UDA): Hon. Speaker, I beg to give notice of the following Motion:

THAT this House adopts the Report of the Departmental Committee on Defence, Intelligence and Foreign Relations on its consideration of the Agreement between the Republic of Kenya and the Government of the United Kingdom of Great Britain and Northern Ireland on Defence Cooperation, laid on the Table of the House on Tuesday, 21<sup>st</sup> March, 2023 and pursuant to the provisions of Section 8(4) of the Treaty Making and Ratification Act, 2012, approves the Ratification of the Agreement between the Republic of Kenya and the Government of the United Kingdom of Great Britain and Northern Ireland on Defence Cooperation subject to the following reservations:

1. Article 6 (5) of the agreement should include murder as one of the offences not to be considered as arising from official duties and hence under the jurisdiction of the host nation; and
2. Article 23 of the agreement to include corporate social responsibility.

**Hon. Speaker:** What did I hear you say, Hon. Koech, on the first exemption?

**Hon. Nelson Koech** (Belgut, UDA): Article 6(5) of the agreement should include murder as one of the offences not to be considered as arising from official duties hence under the jurisdiction of the host nation. They had given a number of things that could be omitted from being tried in this jurisdiction. They omitted murder as one of those that we could try within...

**Hon. Speaker:** Have you put it back?

**Hon. Nelson Koech** (Belgut, UDA): We have put it back.

**Hon. Speaker:** Very good. I thought you had excluded it. We have dealt with this matter for many years and you have no authority to exclude anybody from criminal

responsibility. Well done. It is also important for you to note that Britain is not a Republic; it is a Kingdom. So, you should correct your records.

Chairperson, Select Committee on NG-CDF, Hon. Musa Sirma.

#### APPROVAL OF NOMINEES FOR APPOINTMENT TO NG-CDF COMMITTEES

**Hon. Musa Sirma** (Eldama Ravine, UDA): Hon. Speaker, I beg to give notice of the following Motion:

THAT, this House adopts the Report of the National Government Constituencies Development Fund on two constituency committees, laid on the Table of the House on Tuesday, 21<sup>st</sup> March, 2023 and pursuant to the provisions of Section 43(4) of the National Government Constituencies Development Fund Act, 2015 and paragraphs 5(2) and (10) of the National Government Constituencies Development Fund Regulations, 2016, approves the list of nominees for appointment to the following two constituency committees of the National Government Constituencies Development Fund:

1. Kandara Constituency;
2. Samburu East Constituency.

Thank you, Hon. Speaker.

**Hon. Speaker:** Member for Lang'ata, Hon. Phelix Odiwuor. I thought you are Jalang'o. Is that a nickname?

#### PUBLIC HEALTH CONCERNS AT LANG'ATA CEMETERY

**Hon. Phelix Odiwuor** (Lang'ata, ODM): That is my name, Hon. Speaker.

Hon. Speaker, I beg to give a notice of the following Motion on Public Health concerns at Lang'ata Cemetery:

THAT, aware that Article 42 of the Constitution provides for the right of every person to a clean and healthy environment; further aware that Article 69 of the Constitution obligates the State to ensure sustainable utilisation of the environment and natural resources including land; recognising that the Fourth Schedule of the Constitution assigns the national Government the function of land planning, including the general principles of land planning and co-ordination of planning by the counties as well as matters of health policy; further, recognising that there is an ongoing public outcry regarding the neglect of Lang'ata Public Cemetery which was declared full close to two decades ago; concerned that this matter has been unaddressed and poses a significant health risk to the public; deeply concerned that the situation has led to overcrowding and double allocation of burial sites with bodies being buried in shallow graves leading to frequent uncovering by wild animals from the nearby National Park; further concerned that this has caused untold anguish, pain and suffering to the bereaved families and psychological torment to the neighbouring community; and now therefore, this House urges the National Government, through the Ministry of Health, to urgently conduct assessment of the public health risks posed by the continued use of the Lang'ata Cemetery and institute mitigatory measures and collaborate with other stakeholders, including the Nairobi City County Government, to identify suitable alternative land for use as a cemetery.

Thank you, Hon. Speaker.

**Hon. Speaker:** Member for Kanduyi, Hon. John Makali. He seems to have deferred the Notice of Motion to tomorrow. Member for Central Imenti, Hon. Moses Kirima.

*(Notice of Motion by Hon.  
John Makali deferred)*

BAN ON GROWING OF EUCALYPTUS TREES IN THE COUNTRY

**Hon. Moses Kirima** (Central Imenti, UDA): Hon. Speaker, I beg to give notice of the following Motion:

THAT, aware that the Eucalyptus tree species are popular among large scale and commercial tree farmers in Kenya; noting that this tree species are grown in most ecological zones in the country and in particular Western, Central Rift Valley, Central Kenya, parts of Eastern and the Coastal region of the country; acknowledging that farming of Eucalyptus trees has been on the rise due to their fast growth, good economic returns, diverse commercial uses such as transmission poles, fuelwood, timber, plywood, pulp, fencing posts and building materials amongst others; concerned that Eucalyptus trees are majorly cited as high water depleting agents through high consumption, transpiration and evaporation, thus causing the drying up of streams, rivers and depletion of ground water sources; deeply concerned that the high depletion of water by the said trees has caused adverse negative effects on the soil fertility, land degradation and are a serious threat to the biodiversity; recognizing that due to the serious threats posed by the Eucalyptus trees to the biodiversity there is need, therefore, for their removal and replacement with other types of trees to improve conservation of water sources and the ecosystem; this House, therefore, resolves that the national Government, through the Ministry of Environment, Climate Change and Forestry:

1. orders absolute banning of Eucalyptus trees and encourages planting of indigenous species across the country;
2. orders the uprooting of all Eucalyptus trees and replacement with other varieties of trees, particularly indigenous species to ensure conservation of water sources and preserve the ecosystem; and,
3. initiates the process of putting in place punitive measures against persons who defy the above orders.

Thank you, Hon. Speaker.

**Hon. Speaker:** Thank you. Hon. Ndindi Nyoro, we are back to you. Kindly, lay your Paper.

**PAPER**

**Hon. Ndindi Nyoro** (Kiharu, UDA): Hon. Speaker, I beg to lay the following Paper on the Table:

Report of the Budget and Appropriations Committee on its consideration of the Division of Revenue Bill (National Assembly Bill No. 9 of 2023).

Thank you very much.

**Hon. Speaker:** Thank you. Next Order.

**QUESTIONS AND STATEMENTS**

**Hon. Speaker:** Clerk, where are the Questions? Hon. Aden Mohamed, Member for Wajir East.

**ORDINARY QUESTIONS**

*Question No.049/2023*

ESTABLISHMENT OF A FOREIGN MILITARY BASE  
AT WAJIR INTERNATIONAL AIRPORT

**Hon. Aden Mohamed** (Wajir East, JP): Hon. Speaker, could the Cabinet Secretary for Defence, Intelligence and Foreign Relations:

- (a) Confirm whether there are plans to set up a foreign military base at Wajir International Airport and state whether the Government undertook any public participation prior to granting approval for the setting up of the said base?
- (b) Will the setting up of the foreign army military base make the Wajir Airport a no-go zone for citizens who regularly use the airport for aviation purposes?

**Hon. Speaker:** That Question is referred to the Chairman, Departmental Committee on Defence, Intelligence and Foreign Relations. We expect an answer in two weeks' time.

Member for Kirinyaga County, Hon. *Wakili*, Njeri Maina.

*Question No.052/2023*

REGISTRATION OF PERSONS SUFFERING FROM  
MENTAL HEALTH ISSUES IN KIRINYAGA COUNTY

**Hon. Njeri Maina** (Kirinyaga County, UDA): Hon. Speaker, could the Cabinet Secretary for Health:

- (a) State the physical and technological infrastructure that the Ministry has put in place for the care and rehabilitation of people with mental health issues in the country and particularly, those in Kirinyaga County?
- (b) What measures has the Ministry instituted to support full implementation of the legal and policy framework as contained in the Mental Health Act, 2022 regarding mental health?
- (c) What action has the Ministry taken to ensure that all persons suffering from mental health issues in Kirinyaga County are registered to enable them benefit from public programmes and access information on care and management of mental health?

Thank you.

**Hon. Speaker:** Chairman, Departmental Committee on Health. He seems not to be in. Can any Member of the Committee inform him that we need an answer in two weeks' time?

Member for Tana River County, Hon. Amina Dika.

*Question No.053/2023*

INADEQUATE EXAMINATION CENTRES  
IN TANA- RIVER COUNTY

**Hon. Amina Dika** (Tana River County, KANU): Hon. Speaker, could the Cabinet Secretary for Education:

- (a) Explain the reasons why primary and secondary schools in Tana River County, which have less than 30 candidates are not national examination centres despite the schools being duly registered by the Ministry?

- (b) What measures has the Ministry put in place to address challenges faced by candidates, their parents and guardians in Tana River County who are compelled to commute for long distances or temporarily seek accommodation around approved examinations centres?
- (c) Could the Ministry consider allowing all candidates in Tana River County to take their national examinations from registered schools where they are enrolled?

**Hon. Speaker:** That Question is referred to the Departmental Committee on Education and Research. Where is Hon. Julius Melly? Hon. Malulu Injendi, kindly, tell your Chair to bring an answer in two weeks' time.

Member for Kibwezi West, Hon. Mwengi Mutuse.

*Question No.054/2023*

DELAYED COMPENSATION OF LAND  
OWNERS IN KIBWEZI TOWN

**Hon. Mwengi Mutuse** (Kibwezi West, MCCC): Hon. Speaker, considering that the value attached to lands and plots compulsorily acquired for construction of Kibwezi-Kitui Road in 2017 and lorry parking in Kibwezi Town have since appreciated over time, could the Cabinet Secretary for Lands, Public Works, Housing and Urban Development:

- (a) State whether the Government has any plans to review the compensation upwards given that payment of awarded value has been delayed since 2017?
- (b) Explain the reasons as to why the Ministry and the National Land Commission have delayed payment to affected land owners since the year 2017?
- (c) Commit on when owners of the compulsorily acquired parcels of the land and plots will be compensated?

**Hon. Speaker:** Chairperson, Departmental Committee on Lands. Is there any Member of the Committee present? Inform the Chairman that we need the answer in two weeks.

The next Question is by the Member for Starehe, Hon. Amos Mwago.

*Question No.055/2023*

TERMINATION OF EMPLOYMENT OF SERGEANT  
SULEIMAN BILALI WANJAU

**Hon. Amos Maina** (Starehe, JP): Hon. Speaker, I rise to ask the Cabinet Secretary for Interior and National Administration the following Question:

Could the Cabinet Secretary—

- (a) Explain the circumstances under which the National Police Service unfairly terminated the service of Sergeant Suleiman Bilali Wanjau *aka* “Selle” of Service No.72242/97046796, a celebrated Kenyan Boxer, who won 12 medals for the country—among them two gold medals—and confiscated his personal belongings, yet the officer had been undergoing medication and rehabilitation from mental illness at the time?
- (b) Outline the steps, if any, that have been taken to support Mr Selle in order to assist him to fully recover and resume duties, including catering for his treatment and psychosocial support for mental illness suffered due to boxing?



- (c) Cause the reinstatement of Mr Suleiman Bilali Wanjau and allow him to honourably retire early and pay his retirement benefits in full in honour of the 17 years of his continuous service in the Police Force and outstanding representation of the country in world boxing?
- (d) Clarify whether the National Police Service handed back to Mr. Wanjau all the personal belongings confiscated from him, including medals and certificates, and if not, state when the belongings will be surrendered to him?
- (e) State the measures that have been put in place for the welfare of police officers who are recruited for their sports talent, especially when they cease active participation in sports or suffer adverse sports-related health effects?

Thank you.

**Hon. Speaker:** Thank you, Hon. Member. Chairperson, Departmental Committee on Administration and Internal Affairs. *Ako wapi Mhe.* Tongoyo? Bring the answer in the next two weeks.

The next Question is by the Member for Thika Town, Hon. Alice Ng'ang'a.

#### *Question No. 056/2023*

#### STATUS OF INVESTIGATION INTO DEATH OF MR JEFF MWATHI

**Hon. Alice Nga'ng'a** (Thika Town, UDA): Hon. Speaker, I rise to ask the Cabinet Secretary for Interior and National Administration the following Question:

Could the Cabinet Secretary—

- (a) Provide the status of investigations into the circumstances that led to the death of one Mr Jeff Mwathi in the wee hours of 23<sup>rd</sup> February 2023 in Kasarani, Nairobi under unclear circumstances?
- (b) Explain why no arrests have been made so far, despite the case being reported at the Kasarani Police Station under OB Number 365/2023 on 23<sup>rd</sup> February 2023 and the available evidence being found at the scene?
- (c) Consider offering any necessary financial assistance to the affected family?

Thank you.

**Hon. Speaker:** Thank you, Hon. Member. Chairperson, Departmental Committee on Administration and Internal Affairs, Hon. Tongoyo, bring the answer in the next two weeks.

There is a statement by Hon. Cynthia Muge, Member for Nandi County.

#### REQUEST FOR STATEMENT

#### ISSUANCE OF DIPLOMATIC PASSPORTS TO KENYAN ATHLETES

**Hon. Cynthia Muge** (Nandi County, UDA): Hon. Speaker, I rise to request for a Statement regarding issuance of diplomatic passports to Kenyan athletes.

Pursuant to the provisions of Standing Order 44(2)(c), I request for a Statement from the Chairperson, Departmental Committee on Sports and Culture, regarding the issuance of diplomatic passports to Kenyan athletes. Athletics has a major impact in Kenya both economically and socially. To note, it is a major source of income and also pride. Besides the President, athletes are the only other persons who have the National Anthem played abroad due to their exemplary performance. However, when travelling to represent the country globally, they experience challenges due to the nature of their passports and delays in obtaining their visas. In that regard, many fail to participate in international competitions. A case in point is

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100 metres champion, Ferdinand Omanyala, who failed to travel to Oregon in time to participate in the World Athletics Championship because of visa challenges.

Pursuant to the Kenyan Citizenship and Immigration Act, No.12 of 2011, the Cabinet Secretary is empowered, where he considers necessary, to authorise the issuance of a diplomatic passport to a person who does not fall in any of the categories that are set out in the Fourth Schedule of the Constitution. It is against this background that I seek a Statement from the Chairperson of the Departmental Committee on Sports and Culture on the following:

- (a) Could the Chairperson explain the status of the undertaking by the Cabinet Secretary for the Ministry of Youth and Sports on November 2022 regarding support of athletes by issuance of diplomatic passports?
- (b) Could the Chairperson state when the Ministry will issue diplomatic passports to the athletes?
- (c) Could the Chairperson explain the plans the Government has put in place to facilitate acquisition of visas by athletes?

Thank you.

**Hon. Speaker:** Hon. Cynthia, are you sure that your Statement should not have been directed to the Departmental Committee on Administration and Internal Affairs? They are the ones who are responsible for management, issuance and withdrawal of passports. Maybe, you should re-consider that. You are taking a route where the Cabinet Secretary will go to another Cabinet Secretary to get you an answer.

**Hon. Cynthia Muge** (Nandi County, UDA): I stand guided, Hon. Speaker.

**Hon. Speaker:** Yes. Next Order.

## PROCEDURAL MOTION

### REDUCTION OF PUBLICATION PERIOD OF A BILL

**Hon. Speaker:** Hon. Members, you will notice you have a Supplementary Order Paper. On the request of the Leader of the Majority Party and for the convenience of the House under Standing Order 42, I wish to reorganise business and order that Order 13 be considered immediately after Order 8.

Chairperson, Budget and Appropriations Committee.

**Hon. Samuel Atandi** (Alego Usonga, ODM): On a point of order, Hon. Speaker.

**Hon. Speaker:** Hon. Atandi, what is your point of order?

**Hon. Samuel Atandi** (Alego Usonga, ODM): Hon. Speaker, I rise on Standing Order 250 as read together with the Speaker's Rules 1, 2, 3...

**Hon. Speaker:** Just hold on.

**Hon. Samuel Atandi** (Alego Usonga, ODM): Hon. Speaker, Standing Order 250 does not anticipate a situation where a stranger is allowed to come to Parliament, and specially to address the media within the precincts of Parliament. Several strangers were in Parliament this afternoon.

**Hon. Speaker:** Order, Hon. Atandi. Sit down, please. Take your seat. Standing Order 250 does not give you an opportunity to make any Statement on the Floor. If you want to make a Statement, you know the procedure.

Out of courtesy, you first see the Speaker and inform him what you want to raise as a matter. Then, depending on the circumstances, he will give you an opportunity to say whatever you wish to say. I rule you out of order now. You should follow the procedure. When the Speaker is satisfied that you have a case to prosecute, you will be allowed the time to do so.

This applies to not only Hon. Atandi but also all Hon. Members. If you have any issue that you want to raise on the Floor of the House, courtesy and procedure require that you see

Hon. Speaker way before time, so that he is satisfied that what you want to raise does not offend Standing Orders, any laws or provisions of our Constitution, and that it falls within the orderly conduct of our business in the House.

Chairperson, Budget and Appropriations Committee.

**Hon. Ndindi Nyoro** (Kiharu, UDA): Hon. Speaker, I beg to move the following Procedural Motion:

THAT, pursuant to the provisions of Standing Order 120, this House resolves to reduce the publication period of the Division of Revenue Bill (National Assembly Bill No.9 of 2023) from seven days to one day.

Hon. Speaker, we have been in a marathon in the recent past as we considered the Supplementary Estimates and then the Budget Policy Statement (BPS) late last week. We are currently in the process of considering the Division of Revenue Bill. Judging by the Calendar of the House, we may have to reduce this time so that before we proceed on the imminent recess, we would have done our duty in terms of passing the said Bill.

Therefore, I beg to move and request Hon. Aseka to second.

**Hon. Speaker:** Who is seconding you, Hon. Chairperson?

**Hon. Ndindi Nyoro** (Kiharu, UDA): Hon. Speaker, I had requested Hon. Aseka to second.

**Hon. Speaker:** Thank you. I was consulting with the Clerks-at-the-Table. Hon. Aseka, go ahead.

**Hon. Christopher Wangaya** (Khwisero, ODM): Thank you, Hon. Speaker. As the Chairperson has said, looking at the constitutional timelines and the recess that is ahead of the House, I beg to second.

*(Question proposed)*

*(Question put and agreed to)*

## MOTIONS

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

### ALTERATION OF THE CALENDAR OF THE HOUSE

**Hon. Silvanus Osoro** (South Mugirango, UDA): Hon. Speaker, I beg to move the following Motion:

THAT, pursuant to the provisions of Standing Order 28(4), this House resolves to alter its Calendar for the Second Session (Regular Sessions), as adopted on Wednesday, 15<sup>th</sup> February 2023, by varying the period for the Short Recess with respect to the First Part of the Session so that-

- (a) the Short Recess commences on Friday, 24<sup>th</sup> March 2023 and ends on Monday, 10<sup>th</sup> April 2023; and
- (b) the House resumes Regular Sittings on Tuesday, 11<sup>th</sup> April 2023 to continue with the First Part of the Session.

Hon. Speaker, you may have noticed that we have moved to extend the short recess by a week because the House is still awaiting reports from various committees. Therefore, extension of timelines by a week allows committees time to finalise their reports on Bills, treaties and inquiries, which will be brought to the House upon resumption of regular sittings. After the recess, there will be several matters on the Floor of the House and we do not want committees to miss plenary sittings and go for committee sittings. We want to allow Members

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of committees some quality time to finalise their work on Bills and treaties before resumption of regular sittings. That is why we seek an extension of our recess by a week. It is actually a working recess.

You will also notice that the Easter holidays fall during the recess period. Therefore, Members will have an opportunity to also reconnect with their families and constituents and engage with the people. We have had a very busy session since we resumed this year. It is important for Members to have quality time with their constituents, attend burials, issue bursaries, and listen to members of the public.

With those very few remarks, I beg to move and ask Hon. Robert Mbui to second.

**Hon. Speaker:** Hon. Robert.

**Hon. Robert Mbui** (Kathiani, WDM): Thank you, Hon. Speaker. I rise to second this Motion. For the benefit of everyone and especially the citizens of this country, I just want to note that recess for the National Assembly is not a holiday. Every time we use the word “recess”, people might think that Parliament is going on holiday. We are not going on holiday. We are only changing the venue of work. Parliament operates from the Chamber, in committees and also in constituencies. We are only extending our recess by one week so that we can carry out all those responsibilities that we may not be able to carry out appropriately when we come to the Chamber.

With those few remarks, I beg to second.

*(Question proposed)*

*(Question put and agreed to)*

REPORT ON DRAFT SALARIES AND REMUNERATION COMMISSION  
(REMUNERATION AND BENEFITS OF STATE AND OTHER  
PUBLIC OFFICERS) REGULATIONS OF 2022

THAT, this House adopts the Report of the Committee on Delegated Legislation on its consideration of the Draft Salaries and Remuneration Commission (Remuneration and Benefits of State and other Public Officers) Regulations, 2022, laid on the Table of the House on Wednesday, 8<sup>th</sup> March 2023, and pursuant to the provisions of Section 26(2) of the Salaries and Remuneration Commission Act, 2011, rejects the Draft Salaries and Remuneration Commission (Remuneration and Benefits of State and other Public Officers) Regulations, 2022.

*(Moved by Hon. Samwel Chepkonga on 14.3.2023)*

*(Debate concluded on 16.3.2023)*

**Hon. Speaker:** Order, Hon. Members on their feet. Take you seats! I will now put the Question on Order No.9.

*(Question put and agreed to)*

Next Order.

*(Hon. Raphael Wanjala walked into the Chamber)*

Order, Hon. Member! Take your seat, Hon. Wanjala! We can give you the liberty to extend your conversation in the corridor as business goes on.

APPROVAL OF NOMINEES TO THREE NATIONAL GOVERNMENT  
CONSTITUENCY DEVELOPMENT FUND COMMITTEES

THAT, this House adopts the Report of the National Government Constituency Development fund Committee(NG-CDF) on three Constituency Committees laid on the Table of the House on Wednesday, 15<sup>th</sup> March 2023, and pursuant to the provisions of Section 43(4) of the National Government Constituency Development Fund Act, 2015 and Paragraphs 5(2) and (10) of the National Government Constituencies Development Fund Regulations, 2016 approves the list of nominees for appointment to the following three Constituency Committees of NG-CDF:

**1. GARISSA TOWNSHIP CONSTITUENCY**

No.	Name	Category	Statutory Provision for Assumption of Position
1.	Farah Yussuf Ollow	Male Youth Representative	Appointment, pursuant to Sec.43(2)(b)
2.	Hassan Osman Shurie	Male Adult Representative	Appointment, pursuant to Sec.43(2)(b)
3.	Maryan Somo Hussein	Female Youth Representative	Appointment, pursuant to Sec. 43(2)(c)
4.	Fatuma Ahmed Kosar	Female Adult Representative	Appointment, pursuant to Sec.43(2)(c)
5.	Siyat Hared Muhumed	Representative of Persons Living with Disability	Appointment, pursuant to Sec. 43(2)(d)
6.	Mahamud Ahmed Dayib	Nominee of the Constituency Office (Male)	Appointment, pursuant to Sec.43(2)(e)
7.	Haretha Kahiya Saman	Nominee of the Constituency Office (Female)	Appointment, pursuant to Sec.43(2)(e)

**2. MBEERE NORTH CONSTITUENCY (Additional names)**

No.	Name	Category	Statutory Provision for Assumption of Position
1.	Brian Wallen Muteti Njiru	Male Youth Representative	Appointment, pursuant to Sec.43(2)(b)
2.	Jervasius Nyombyekothe Ngungi	Male Adult Representative	Appointment, pursuant to Sec.43(2)(b)

**3. NAROK EAST CONSTITUENCY**

No.	Name	Category	Statutory Provision for Assumption of Position
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1.	Oropi Ole Matuyia Meshuko	Male Youth Representative	Appointment, pursuant to Sec.43(2)(b)
2.	Tapaiya Olngashar Punyua	Male Adult Representative	Appointment, pursuant to Sec.43(2)(b)
3.	Hanah Naishipae Kusero	Female Youth Representative	Appointment, pursuant to Sec. 43(2)(c)
4.	Gladys Wanjiru Soitara	Female Adult Representative	Appointment, pursuant to Sec.43(2)(c)
5.	Leshinka Mututua	Representative of Persons Living with Disability	Appointment, pursuant to Sec. 43(2)(d)
6.	John Salaton Swakei	Nominee of the Constituency Office (Male)	Appointment, pursuant to Sec.43(2)(e)
7.	Pilale Ene Kashanga Kisotu	Nominee of the Constituency Office (Female)	Appointment, pursuant to Sec.43(2)(e)

*(Moved by Hon. Musa Sirma on 16.3.2023)*

*(Debate concluded on 16.3.2023)*

*(Question put and agreed to)*

## **BILLS**

### *First Readings*

#### THE STATUTORY INSTRUMENTS (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 2 OF 2023)

*The Bill was read a First Time  
and referred to the relevant Committee)*

#### THE DIVISION OF REVENUE BILL (NATIONAL ASSEMBLY BILL NO. 9 OF 2023)

*(The Bill was read a First Time and ordered to  
be read a Second Time)*

### *Second Reading*

#### THE DIVISION OF REVENUE BILL (NATIONAL ASSEMBLY BILL NO. 9 OF 2023)

**Hon. Speaker:** Hon. Ndindi Nyoro.

**Hon. Ndindi Nyoro** (Kiharu, UDA): Thank you very much, Hon. Speaker, for this opportunity. We are here to consider the Division of Revenue Bill, National Assembly Bill No. 9 of 2023. I first of all want to thank the Members of the Budget and Appropriations Committee

(BAC) for the good job that they have done in the recent past. This is especially in making sure that we take our primary role, as a House for budget-making, with the decorum that it deserves.

The Members have also been very dedicated because as you are aware, it is a very intense process. Further, following the disruption of the Calendar of the House from last year because of the elections, we have had to consider three very critical areas of budget-making within a short time. Within last month, we were able to pass the Supplementary Estimates and last week, we were able to consider the Budget Policy Statement (BPS) and since then, we have been considering the Division of Revenue Bill.

Just to bring the Members to speed, and because I want to take very little time, when we talk about the Division of Revenue Bill, what is it about? This is the Bill that allocates money vertically in as far as the national Government and the county governments are concerned. This Bill considers a block figure because there is a County Allocation of Revenue Bill that considers horizontal allocation. Therefore, I would want Members to get the difference. This should also be taken in with regard to the other jargons that we talk about here in Parliament.

I want to briefly update Members that, substantially, the budget-making process starts in November of the previous year. In this current situation, budget-making started in October/November last year through sector working groups. This is where different departments come together to form clusters of sectors and then they work on their budget backwards. After that is considered, we do what we were doing here last week and what Departmental Committees have been doing for the last two or three weeks: considering ceilings of our Budget. They consider departmental and sectoral ceilings with regard to budget-making. In other words, it is the BPS process which basically sets the ceilings of the sectors and departments.

After that, we move to what we call the Estimates. After we are done with the BPS, we move to consider the Budget. These are the Estimates and after we have allocated block figures and the ceilings, we cascade further. For instance, after allocating the Department of Forestry this amount of money, it is now the annual Estimates that go into specific projects. That is in line with the main budget.

After 2010, we now have two levels of government to consider. We consider them right from the inception of budget-making. But it starts to take shape, and especially as far as this House is concerned, through the process that we are considering today. In today's Motion, we are debating the vertical allocation of the monies that we remit to our counties equivalent to a kind of BPS that only touches on the counties. After we do the block figure, it is the business of counties to do their own budget lines. It is the prerogative of this House, in conjunction with the Senate, to allocate this block figure that I am going to give. It is to the tune of Ksh385 billion to specific counties - that is the 47 counties.

The way we do it is not the way we have been dealing, for example, with the NG-CDF, where we take the figure and divide equally. Here is where we have the Commission on Revenue Allocation (CRA) coming in, which takes the block figure, applies a formula in a calculator, and then calculates what each county, from County 001 to County 047, will get. That will be our next business, which is called the County Allocation of Revenue Bill. I thought it is good that I demystify these jargons so that we can handle this matter objectively.

Therefore, just to repeat the reason why the Division of Revenue Bill is so brief, it is because it considers a block figure. The specifics in terms of what each county gets is on a different Bill, which is the County Allocation of Revenue Bill, which this House in conjunction with Senate will be considering.

Devolution has a monetary side and, that is why the National Assembly is very integral. But on the other side, when we are discussing county matters, then the Senate is also pivotal.

That is why the Senate has already been able to consider what we are considering today, and they will be very integral in considering the County Allocation of Revenue Bill.

What are the kind of figures that we are considering? The Budget we are talking about, as we did in the BPS last week, is approximately Ksh3.6 trillion. That is the global figure. Out of the Ksh3.6 trillion, Kenya seeks Ksh2.1 trillion as the money that will be running the national Government. Those monies will be running the National Treasury in so far as recurrent and development votes are concerned, which is Ksh2.1 trillion.

The second highest allocation in so far as the BPS is concerned – and we have also given the summary in this Bill – the second highest from the national Government is what we call the Consolidated Fund Services (CFS). Some of these things, when I get an opportunity like this, I repeat them so that they cease to be jargon and they become issues that we can freely discuss. The CFS is the monies that we spend in paying the interest rates of the monies that we have borrowed, servicing our national debt both domestic and foreign, especially with regard to interest. It is the same CFS that has got pensions in it, and the money that we give our commissions, and other such very important obligations.

The third allocation is what we are discussing today within the Division of Revenue Bill. This is because on the vertical allocation, we are giving our counties the normal allocation of Ksh385 billion, out of the Ksh3.6 trillion. This is an increment of Ksh15 billion over and above the Ksh370 billion that the counties were to receive last year.

In addition, it is important that I mention to this House that those are not the only funds that our counties will receive. We will also be coming to this House with another Bill called the Additional Revenue that we will give to our counties. This is where we include the conditional grants both from the national Government and from external foreign counter-funds. The entire conditional grant in so far as this year is concerned is just around Ksh44 billion.

Within those monies, there is a Ksh4.7 billion of which we are giving to every county Ksh100 million for the construction of industrial parks. This is a project that has been agreed upon between the President and the governors, where the national Government will chip in and the counties will meet us in some way so that we are able to establish industrial centres and parks within our counties. Cumulatively, if you add Ksh385 billion and Ksh44 billion, then we are talking about monies that add up to nearly Ksh430 billion.

As far as the law is concerned, how do we arrive at the amount of money that we actually allocate vertically to our counties? It is very clear that counties are entitled to 15 per cent of the revenues that have been submitted by the Auditor-General to this House, debated and passed by this House. The last financials that were passed by this House are for the FY2019/20. Therefore, we are considering revenues of around Ksh1.6 trillion. The money that we are giving our counties vertically account for around 23.3 per cent, which is over and above the threshold of 15 per cent. I mentioned there before that this is in addition to the other conditional grants that our counties receive.

We got information from our brothers and sisters from the Senate that the counties were to receive ordinary remittances from the national Government to a tune of Ksh407 billion. We faulted our other House because of consideration and basis. The basis in terms of the laws that we use is the last audited financial statements. Senate was basing their figures of Ksh407 billion on the projected revenue of this financial year. That has its pitfalls because you cannot budget issues of money on projections, especially when you cast the figure in stone, then you cannot change it. Once we consider the figure we are considering today, it can only be fulfilled. Therefore, it is important that we base such important figures on reality and fact.

I also want to bring to the attention of this House, especially the Members who were there before, that you must have noted that there is money for maintenance of roads - the Road Maintenance Levy Fund. Last term during our first three years, some of those monies were coming to what is now the Kenya Rural Roads Authority (KeRRA) in our regions. This is the



one that we superintend in our constituencies, and a sizeable amount was also being transferred to our counties. In the last two years, this has changed and that has led to an enhancement of the Road Maintenance Levy Fund that comes to our constituencies, especially the 22 per cent and 10 per cent, to where it is now; which moved from approximately Ksh30 million per constituency to Ksh60 million. It is the feeling of the Committee that we retain that as it is, because the constituencies are a smaller unit of governance and we are able, as Members of Parliament, and especially as KeRRA, to see the roads that are dilapidated and act on them. Our brothers and sisters in the counties have also, within their normal allocation, monies for roads maintenance and, therefore, that *status quo* for the last two years remains as we pass this Bill.

There are just a few things that I want to say and then we give other Members an opportunity. One is that there have been five counties that have never had district headquarters, which we are considering even in this Division of Revenue Bill through conditional grants that they complete their ongoing construction of their headquarters.

Hon. Speaker, some are near completion for the last couple of years. Any construction site, whatever percentage, only starts to get utility when citizens are using it. It behoves this House that we consider allocating those resources so that we complete those ongoing headquarters in five constituencies. Our governors are also doing a fantastic job and as fellow leaders, it is important that we support them. We have done that in the past where, in the Supplementary Estimates, we considered the arrears of previous years which had not been remitted.

In the same breath, we have noted that the majority of our County Executive Committee Members (CECs) from across the counties spend most of their time following up on money to be disbursed. They move from the Office of the Controller of Budget to the National Treasury. This should not be the business of our CECs. We must devise a formula where the money that the Exchequer gives or receives is allocated to counties without a lot of pushing so that we leave our CECs for Finance to superintend the money within their counties other than wasting time in the Controller of Budget's office and the National Treasury. Therefore, this Committee noted that anomaly and so, we should streamline and get a formula on how the Exchequer is allocated even within the circumstances of scarcity.

As we talk about pending bills, this is a menace within the national Government and also an endemic issue in our county governments. Some of those issues are not of the making of the current governors. This is a historical problem. As we allocate this money vertically, it is important that even as the national Government is sorting out the issue of pending bills, our beloved governors from across all counties – who are doing a fantastic job in our counties – should consider paying the men and women of this country. Those people have already worked within our counties and are owed colossal amounts of money by our counties. This will enhance velocity of money in our localities as well as the taxonomies of various counties. It will generate the velocity of money that we need, especially with regard to the macro economy.

Hon. Speaker, something else that our governors can check, which has been endemic, is the issue of recurrent versus development expenditure. Unfortunately, most of the Ksh385 billion that we are allocating today is going to recurrent expenditure. It is going to payment of salaries, which is a noble thing. But we must realise as leaders that the Government does not exist to service its engine. It exists to service the people who have placed us in these positions. We can only service those people if most of the money that we allocate goes into service delivery, especially development.

Lastly, I would also want to speak to our governors, majority of whom have been Members of this House and the Senate. The national Government is doing everything possible to raise our own revenue as a country so that we can stop the over-reliance on borrowed money. Our counties must realise that they cannot continue to operate and function properly and

efficiently when they are almost purely relying on the Exchequer from the national Government. Our counties have powers to levy taxes, but the kind of money that we see as own revenue is not commensurate with the opportunities that our counties have in raising their own revenue. Our counties must enhance their capacity to generate their own internal resources so that we can deliver proper services to the people in our counties.

Hon. Speaker, in future, there has to be collective effort, especially within the National Treasury, to come up with a system that amalgamates the entire collection of revenue in various counties so that they can be assisted with proper systems. This is needed especially by eliminating human contact in revenue collection to enhance revenue that comes from our counties so that people can enjoy the service from our counties through the levies and taxes that they pay.

I thank you, Hon. Speaker. I thank this House for the continued support across the many obligations that we have had in the recent past. With those many remarks, I beg to move and request Hon. Dr. Chikati to second.

**Hon. Speaker:** Hon. Chikati.

**Hon. John Chikati** (Tongaren, FORD-K): Thank you, Hon. Speaker. As highlighted by the Chair of the Budget and Appropriations Committee, the suggested distribution is more than the constitutional framework of 15 per cent as laid down. This should enable the county governments to carry out their responsibilities and obligations. With the tough economic times especially with the conflict between Russia and Ukraine, reforms need to be put in place and instituted to encourage the county governments to enhance revenue collection so as to boost the national Government as far as revenue from the county governments is concerned.

Thirdly, the projected equitable share of Ksh385 billion is adequate in light of the level of debt financing that is expected to be incurred during the FY 2023/2024, which is 50 per cent of the entire revenue of the national Government.

Hon. Speaker, I beg to second.

*(Question proposed)*

**Hon. Speaker:** The screen is full. I do not know whether it is full for this Bill or the usual early logging in. Hon Samuel Atandi, Member of Parliament for Alego Usonga, had you logged in for this or for the point that you tried to raise?

**Hon. Samuel Atandi** (Alego Usonga, ODM): Hon Speaker, I can say something on this. Can I go ahead?

**Hon. Speaker:** Yes. I have given you the Floor.

**Hon. Samuel Atandi** (Alego Usonga, ODM): Thank you, Hon. Speaker. I would like to support this Motion on the Division of Revenue Bill. I also want to say that, basically, in outlining the sharing of resources between the national Government, county governments and the commissions, like my Chair has already put it very clearly, the problem we have is that resources are not going to the counties as expected. As of now, we are told that counties have not received resources for November last year. This is something that concerns all of us, as Members of Parliament and members of the Budget and Appropriations Committee, because our counties are currently the engine of survival for our people.

Hon. Speaker, you realise that issues to do with health and agriculture, which are very important components of our economy, are being handled by the county governments. We anticipate a situation where counties should be the ones to receive resources before any other person. As we pass this Division of Revenue Bill, we would like to urge the National Treasury to ensure that resources going to our counties are fast-tracked so that services do not stall. It is in law that in case there is a shortfall in the resources collected by the Kenya Revenue Authority (KRA), it is the national Government and not the county governments that will suffer. That

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means that in case we collect more resources than what was in the budget, the resources can be used to fund things like debt and to support other important aspects of the national Government. However, that is not the situation. In the last financial year, we collected more resources than what we had budgeted for. That was not reflected truly in the way resources were reallocated. I want to urge the national Government to address this aspect.

Lastly, I know that there is a stalemate in sharing of resources between the national Government and the county governments. The Inter-governmental Budget and Economic Council (IBEC) has not been able to resolve this issue. I know that the CRA has given its own figure on how much money should go to counties as well as what is in this Bill. I want to urge all players to ensure that they come to an agreement so that we do not delay the passage of this Bill. I urge the Senate to consider that we are in hard times, and that there may be limited resources to go to the counties. After all, we know that many counties are not spending their resources well, and that is the reason we said that the resources for fuel levy allocation that are supposed to go to counties as conditional grants should go to KeRRA so that they are supervised by Members of Parliament in the constituencies.

I support.

**Hon. Speaker:** Thank you, Hon. Atandi. Hon. Peter Kihungi, Member of Parliament for Kangema. He is not in the House? He logged in then went out. Hon. Rindikiri Mugambi, Member of Parliament for Buuri.

**Hon. Mugambi Rindikiri** (Buuri, UDA): Hon. Speaker, I stand to support the Division of Revenue Bill. The Committee has done an excellent job. I want to thank the Chairman for taking time to take us through the meaning of jargons in the Bill. One of the things that we need to know and note is that counties also receive a lot of grants and donations. They are channelled through the national Government, but are not strictly overseen by the National Assembly. I want to ask the Committee that any money that is sent to the counties through the national Government, the National Assembly should be given the role of overseeing it. For example, there are project grants that come through a project called Kenya Informal Settlements Improvement Project (KISIP) for slum upgrading. There is also money that comes through Kenya Revenue Board for loans. All those monies go to counties. Once they are accounted in the County Allocation of Revenue Bill, they should be monitored so that we know how they are utilised.

I want to thank the Committee and the Government for ensuring that counties are given more money. On top of that, there is utilisation of money. A key factor is how counties utilise the resources that they are given. Money that is given the first priority is money for counties. However, I want to disagree with one Member who has said that counties need to be given money first. Money for NG-CDF should also be given first priority. Some of that money goes directly in support of activities that are not given priority. I urge the Committee to ensure that there are checks and balances so that we do not strain one arm of the Government.

Lastly, I want to ask my fellow Members to understand that the economy is going through a hard time. We are spending a lot of time demonstrating, talking about the high cost of living and telling our young people to put *sufurias* on their heads. We should spend time on how we should pay taxes. That is because all that money comes through taxation. I, therefore, request that the Committee chaired by my friend, Ndindi Nyoro, brings a Bill to this Parliament that will ensure that collectable taxes are collected in good time so that they can fund the activities of the Government. I support.

**Hon. Speaker:** Hon. Francis Sigei, Member of Parliament for Sotik.

**Hon. Francis Sigei** (Sotik, UDA): Thank you, Hon. Speaker, for giving me this opportunity to contribute to the Division of Revenue Bill. First of all, I want to thank the Committee for doing an excellent job. Hon. Chairman, through the Speaker, you and the Committee have done a good job. I want to mention one thing that I would like the Government

to do. It is the timing of the release of funds to county governments. County governments, through devolution, have done a great job in this country. Most of the problems that we have in the county governments is because of the delayed release of funds. The money is released late and the services that are given to the people in the counties, where we have our voters, suffer.

I want to particularly mention the health sector. We do not have drugs in the county hospitals. When you check why we do not have drugs in those hospitals, it is because the national Government does not release funds on time. Therefore, I urge the national Government to release funds. At the same time, I would like to see county governments being responsible and accountable in what they do. Most of the money that goes to county governments goes to waste because of leakages and misuse. I want to urge the county governments to be responsible. I thank the Committee and support the Motion.

Thank you.

**Hon. Speaker:** Thank you, Hon. Sigei. Hon. Robert Mbui.

**Hon. Robert Mbui** (Kathiani, WDM): Thank you, Hon. Speaker, for giving me this opportunity to also add my voice to the Division of Revenue Bill. First, I want to thank the Budget and Appropriations Committee for their commitment to the responsibility at hand. In the recent past, we saw this Committee bring two or three reports to this House. We know how much time a committee has to put in to come up with a report. So, I want to appreciate that the membership of the Committee has done an excellent job.

Division of Revenue is basically when you divide money between the national and the county governments. I want to point out that almost every year since I was first elected in 2013, we have had mediation between the National Assembly and the Senate because almost every year when we pass the Division of Revenue Bill, it differs from what the Senate passes. Every time we end up going through a mediation process. I want to thank God that every mediation process has succeeded. However, it is important we ask ourselves what would happen in the event that there is a collapse of that mediation. As the Members of the Budget and Appropriations Committee are coming up with their report, it is very important for them to consult. They should get the views of the Senate, so that we do not have to go through the route of mediation every year because anything can happen.

Hon. Speaker, Parliament - as per the Constitution of Kenya, 2010 - appropriates funds. It has been very shocking to see the Council of Governors (CoG) consistently begging the Deputy President, who Chairs the IBEC, for additional funds. I just wonder whether our governors have actually read the Constitution. It is only this House that appropriates funds. The Division of Revenue Bill is the only Bill that must go to Senate so that it can have an input. It is very shocking that we see the Chairperson of CoG, on a regular basis, begging the Deputy President to give them more money. I want to advise them to come and do public participation with the Budget and Appropriations Committee. They should bring their views to them so that they can be heard. When they are making decisions to share funds between national Government and county governments, they will be considerate. When you go to the wrong office to ask for money, then you have yourself to blame.

I agree with the Committee in their decision because I know governors have been asking for more money. It is also something that we have noted over the years. There is so much money that goes to the counties, but there is very little to show for it. That is one of the reasons when they ask for more money, it becomes fairly difficult for the Budget and Appropriations Committee to give them. It is important that they start being more accountable. We want to start seeing value for money. We give them billions. We want to see them working. We give very little money to the NG-CDF. Those few millions educate our children, build our schools and police posts. In every corner of this country and ward, you see the NG-CDF.

However, in most constituencies, you will be hard-pressed to point out even one project done by the county governors.

The CRA has made a request of Ksh407 billion for the counties. I have heard the Chairman of the Committee, who was very eloquent. He has just said that we are giving counties 23 per cent of the Budget based on the last audited accounts, which is far back in the 2019/2020 Financial Year. I want to point out that, maybe, what they are requesting is not farfetched. That is because the Constitution only gives a minimum limit but not a maximum limit. As long as it is not below 15 per cent, you can even go up to 50 per cent. That is a point for consideration in another year. Let them be accountable right now. Let them show us what they have done with the money that they have been getting all along.

I am a strong supporter of the National Assembly and its committees. As a result of that, I am under obligation to support this Bill because we, as Parliament, have done it. I am also very concerned when I see outsiders who want to control what we do in the House and within the precincts of Parliament. People outside this House should respect the leaders who are here. Azimio la Umoja - One Kenya Coalition and Kenya Kwanza Coalition have their leaders in the House. We do not want to see secretary-generals and other party officials coming here to lead us to give statements on our behalf. We can speak for ourselves.

With those few remarks, I support the Bill.

**Hon. Speaker:** Thank you, Hon. Robert Mbui. Hon. Shinali.

**Hon. Benard Shinali** (Ikolomani, ODM): Thank you very much, Hon. Speaker. I also take this opportunity to support the Division of Revenue Bill. I have interest in one or two areas. I have noticed that the last shareable revenue to the counties was Ksh370 billion. This time, it has gone up by Ksh15 billion, which makes it Ksh385 billion. This is good progress because there is an increase in the allocation. As the Chairman has said, the allocation is based on the 2019/2020 Financial Year, which is 23 per cent. I also noticed that even if we allocated the money based on the 2021/2022 Financial Year, it comes to 18 per cent, which means this House is still within the law to pass this Bill. I have also realised that there is a transfer of library services function to the county governments. We agree that it is a devolved function. It has also gone with Ksh15 billion under conditional grants to make sure that those library services are rendered and employees are paid.

County governments are always asking for more money. At the same time, they complain for not receiving money. According to the law, county funds will never fail to go to the ground. They can delay because of revenue collections, but they always go there. I want to also applaud the Committee and its leadership for the work they have done in the recent past. I also commend the Kenya Revenue Authority, which meets its targets lately. Formerly, they were giving us targets which they did not meet. Thus, giving false projections of revenue collection.

With those remarks, I end there and urge the county governments that the monies that they are given are devolved to certain areas to meet development needs. Even as we increase this money to the counties, we expect to see development in the areas.

Lastly, is the issue of the Equalisation Fund. I have seen Ksh8 billion in the Bill for specific counties as Equalisation Fund. I urge the Treasury to release those funds since the legal structures have been put in place to make sure that they are sent to those particular areas.

Thank you, Hon. Speaker.

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

**Hon. Kimani Ichung'wah** (Kikuyu, UDA): Thank you, Hon. Speaker. You need to direct the Clerk's Office to repair some of these seats! That is because they will tear our clothes.

I rise to support this Division of Revenue Bill. As many Members have said, there is nothing much in this Bill since it is just the vertical division of our revenue which is raised nationally. Even as we note, as the Budget and Appropriations Committee has noted, there is a

4 per cent increment on the 2022/2023 Financial Year figure of Ksh370 billion to now Ksh385 billion. When we were campaigning, we committed that we would ensure continuous release of all functions that should have gone to the county governments. I am glad because in this very first Budget, a figure of about Ksh425 million is going towards the transfer of library services function to the counties.

Libraries and their establishment is a very important function, especially towards the growth of literacy levels in our country. I encourage all our county governments not to allow this function to die in their hands. Part of the reason we have problems with our food security is because the moment we devolved agricultural services, especially extension services in the agriculture sector, the extension officers who were devolved to the counties were not given vehicles. They are not facilitated to offer extension services to farmers. Therefore, they produce without the requisite extension services that they used to get from the national Government in the old days. I encourage all our county governments to ensure that they allocate more resources. I know there is usually the temptation to allocate resources towards areas where governors and people who run their offices at the county level are able to get kick-backs. We must resist the temptation to allocate resources towards counties who have people who can get kick-backs. We, however, want to encourage them to invest money in more productive sectors.

Finally, Hon. Speaker, we must appeal to our governors to ensure that there is proper accountability of all the funds that are devolved to our counties. The first 10 years since the advent of devolution, we have had trillions of shillings being devolved to our county governments. There is no comparison of what has gone to our county governments and what has gone to the NG-CDF over the years in terms of getting value for money in projects that are implemented under the NG-CDF framework as opposed to those that are rolled out under the county governments framework.

The question of pending bills in our county governments, as it is in the national Government, is that they are the first charge to the Exchequer; and our governors must ensure that they settle all the pending bills owed to the contractors and other service providers in the county governments, most of whom are struggling hustlers who offered services and goods, but some have gone up to seven years without being paid. I specifically ask the new governors who have taken office for the first term to recognise and appreciate that they took over Governments that existed before, and those that exist in perpetuity. Therefore, they should not look at pending bills that were incurred by their predecessors as Bills that were owned by the governor before them. Those Bills are owed to the service providers by the respective county governments.

Let me also use this opportunity to encourage our governors who come from counties that seem to be enticed to the subversive activities of demonstrations. It is one thing to get revenues coming to your counties, and another to speak to the media to ask investors to come to your counties. For instance, if you are a tourist county like Mombasa or Kisumu, you should be the last governor to be seen as entertaining anarchy, destruction of property and looting of people's businesses and, at the same time, asking people and investors to come and invest in your cities and towns.

I know that some governors operate under very strenuous and difficult circumstances because of being lorded over by lords of poverty who want to instigate anarchy. Governors, please, protect your counties from the anarchy and abuse by those who think they can control you; and encourage investors to come and invest in those counties.

Governors cannot only focus on what is coming from equitable share of revenue from the national Government, but also on their own source of revenue. Many counties, for instance, the City County of Nairobi, has no reason to be dependent or seem to be looking up to the Central Government or what is raised nationally to pay their salaries. I see all governors crying

and waiting for money from the Exchequer. Devolution was not just about devolving power, but also the means of raising resources locally and nationally.

The City County of Nairobi and Kiambu, for instance, should be contributing because they have the potential to generate adequate revenue. They should be contributing to the Exchequer by giving back part of what they have raised locally. We must encourage them, as they think of how to raise revenues, because they must be sensitive. I have seen the temptation by some governors to institute, through their finance revenue bills, revenue raising measures that are detrimental to the growth of the national and even their own economies. They must, therefore, strike a very good balance in terms of revenue raising measures, and how much they will not jeopardise their own work and that of the national Government.

With those few remarks, Hon. Speaker, I can see Hon. Mbui getting itched. He kept shifting on his seat when I was speaking about people being encouraged to entertain anarchy. I want to tell my dear brothers and sisters that we all live in this country and whether it is the bloodletting and the thirst for bloodshed that we have seen in some of these leaders, whether it is looting that we saw yesterday in this City and in Kisumu, and as we said this morning, I pray that our brothers and sisters from Nyanza will emancipate themselves from the slavery that they have been subjected to over the years. It is their businesses that are suffering.

Yesterday, Nyeri and Kiambu towns were vibrant. When the Leader of the Minority Party, Hon. Kaluma visited, and in as much as they were guests of the State, the Ksh50,000 bond they paid will also go a long way. We want to encourage the police and support them in ensuring that nobody is above the law. Everybody must adhere to our laws. Nobody should encourage looting. Counties should not wait for money from the Exchequer while encouraging looting, destruction of property and bloodshed in our country.

With those many remarks, I support.

**Hon. (Dr) James Nyikal** (Seme, ODM): On a point of order, Hon. Speaker.

**Hon. Speaker:** What is the point of order, Dr Nyikal?

**Hon. (Dr) James Nyikal** (Seme, ODM): Hon. Speaker, this may relate to Standing Order 107(b), or it may not, but you will advise. Is it in order for a Member to refer to a whole group of Members as enslaved without actually explaining what it means?

Hon. Ichung'wah whom I actually respect, has had a tendency of making statements in the House that cause ill feelings. When we are orderly in the House and you make statements, even if it does not refer to somebody who causes these feelings with the potential of causing disorder - and many at times it has - Members feel aggrieved by insinuations and references, and it does not even improve the debate. Is that in order?

If you extend to Article 107(a), talking in a way that can cause disorder, is disorderly. You can guide us on that, but I call upon him to dissuade from this because people will tend to react in whichever way necessary.

**Hon. Speaker:** Thank you. Hon. David Ochieng. Is he here?

**Hon. David Ochieng'** (Ugenya, MDG): Thank you so much, Hon. Speaker. This is one of the geniuses under the new Constitution, that monies go to the grassroots regardless of who is the President or who sits where. That is why the Division of Revenue Bill comes to this Floor every year. It is the means through which we ensure that counties are funded well. The Government of the day has said that they are going to ensure that the counties have resources regardless of where they belong to politically.

I want to thank Hon. Ndindi for his comments that going forward, the National Assembly and the Senate will ensure that, first of all, monies approved get down to the counties on time. What is causing problems is that we approve monies going to the counties very late, around June/July. How I wish we fight hard to get the Exchequers the way we do to get the NG-CDF to the constituencies. That is because those monies serve the public. In our wisdom as a country, we decided to devolve things that are of social importance like health, water,

agriculture, sports and culture. I agree with my Chair that, first of all, the monies we allocate to the counties are meaningless if they cannot reach there on time.

Two and most importantly, I agree with Hon. Mbui that a way must be found for the Senate, the National Assembly and the CRA to agree. We cannot keep talking at each other. We have one CRA with seven commissioners. Their only job on earth is to set a formula. They do consult, but they do not talk to this House or the Senate. Every year we disagree with whatever they do. They are paid salaries and are being paid for cars and yet, their only job is to set up a formula which we have never used for the last 12 years. We must, therefore, do it differently now. A way must be found to ensure that the CRA works with other bodies that make decisions.

If you look at the last part of this Bill, the list of reasons for disagreeing with the CRA keeps growing since I came to this Parliament in 2013. The first time, the reasons for disagreeing was around three to four paragraphs, and they have kept growing every year. We need to bridge that gap to ensure that the kind of money we give to the counties is agreeable. We cannot keep forming mediation committees every year. We may pass Ksh385 million, then tomorrow the Senate refuses, then we have to set up a mediation committee. Then there will be noise and politics will come into it. A way must be found to ensure that we, as decision-making bodies – this Assembly, the Senate, the CRA and other concerned bodies – get a consensus on this matter.

We do not hear of the issue of own-source revenue in this Bill. We do not hear how much Siaya or Busia County raised on own-source revenue. In fact, we are told that in some counties, this money is raised in cash. It is not even receipted and no one knows how much it is. That is why in a meeting this morning, I was telling my chairperson that a way must be found to ensure that not just the Senate, but even the National Assembly, gets to know how much money Siaya, Kisumu or Nairobi counties have raised in their own-source revenue every year. Even as we do those allocations and as we talk about how the Government refused to give them more money, we need to know how much they are raising in those counties, which revenue measures they are using and where the money goes.

As we raise this money, the counties should have declared... They go around saying that they are governments – which I agree with – but if they are governments, they must also show us how responsible they are by disclosing how much they are raising every year, and how they are supporting themselves as counties. This is very important because it will help us know that along the way, the counties will become sustainable units that can survive on their own. That is what was meant to happen at the end of the day.

I urge this Assembly that in case, along the year, times become better, and more monies are raised by the national Government, we will make it a practice that more can be sent down to the counties regardless of how much we raise today. If, for example, along the year, the economy grows and the KRA is able to collect more money, and we realise that the Government is raising more, then there is nothing harmful in saying: “This year, we raised a billion more, can each county get Ksh100 million more from what we have raised?” This is so that this National Assembly is seen to not only support devolution, but share resources not just horizontally, but also vertically when things are better. We are in this together as a people and country. When the counties are doing well, the national Government will do well.

Hon. Speaker, something has been talked about here that I must talk about. That, as we now seek to stabilise the economy, agriculture is still the backbone of this county. However, there is something that we missed out that hurt agriculture so much today – and someone mentioned it earlier – the agricultural extension services. How I wish we had money in this particular Bill for conditional grants to counties to extend extension services to county governments, so that they are able to support farmers. I know that a number of counties are giving seeds. Some counties, for a long time, gave out cows, bulls and goats. But in most of



those counties, the goats died within a week or two. That is because they were giving breeder goats to people who have never bred goats in their lives. They were giving dairy cows to people who have never had dairy cows in their lives. Since we do not have good extension services, most of those cows died and there was nothing people could do about it. That is why I wish we could extend more money in that regard.

Finally, I wish we could get more money, especially from the Sports Fund if possible, and extend special grants to the counties to enable us develop constituency academies. I shudder to imagine how many people would travel from my place in Ugenya to watch a football match in Siaya at the county headquarters. So many people would travel all the way from Lugari to watch a football match in Kakamega stadium. How many people are going to travel all the way from Nyakach near Nandi to watch matches or practise in Kisumu stadium? We need to put more money in sports and, if counties have no money, I beg that this Assembly allocates a conditional grant to them. This should be done especially so to county-based and ward-based sports academies that would take account of all the sports like basketball, sprinting, volleyball, netball and many others. It would be very good for those, especially from western Kenya, who would excel in those sports because this is the future of the country.

I also request the counties that, as we give them this money, they must insist to the national Government... Let them not go into areas where the national Government is supposed to fund. I have been seeing counties putting so much money in bursaries for university and high school students and yet, they know that their mandate is on the Early Childhood Development Education (ECDE) level. That is the foundation of education. Fund that one first. We want to see our children having meals in schools and staying in school in those villages. Do not come here and tell us we have given all our students university bursaries and yet, the children who are five, six to seven years who needed your services – whose services have been devolved – are not being taken care of. Build enough ECDE facilities, feed those children and make their parents feel that they are part of those counties.

Sometimes, I wonder! We had a very good system of county governance. But when people become governors, I do not know where their minds go to. Even the best that we have had we want to do things for the camera and please other people. I wish we could do serious things that make us happy at the end of the day because we touched and changed the lives of the people that we lead but not because we took a selfie.

Hon. Speaker, I support. Thank you.

**Hon. Speaker:** Ruth Odinga, Woman Representative, Kisumu County.

**Hon. Ruth Odinga** (Kisumu County, ODM): Thank you, Hon. Speaker. I support the budget, but I would like to make a few comments. First of all, it is a very good thing that money goes down to the county governments. I am so happy that we have added Ksh15 billion to this budget that is going to the counties. Counties are actually our backbone, and it is important that we give them the money. I am, however, very worried having worked in the county government, that there is no way we can monitor the money that goes to the county government. It is important that the Auditor-General audits all the county government and that those audit reports exist. Nothing is ever done on those audit reports to hold the governors and the county governments accountable on the issue of the money that they get. They keep on asking for more money and now that it is being allocated to them, it is very important that there is a system that can monitor that money.

Secondly, I agree with Hon. David Ochieng' from Ugenya that agriculture is the backbone of this country, and we should give more money to it. We should also look at ways the agricultural systems are working. The Leader of the Majority Party was talking about an issue of agricultural extension officers getting vehicles. There are literally no extension officers in our counties. The last time employment in the agricultural department was done was probably in 1990s. Up to now, we have very old extension officers and most have retired. There

are no new people being recruited. Young agronomists are not being employed by the Government. Most of our young people are not even going to college anymore to study agronomy. We need to give more attention to agriculture.

The other issue is that of responsibility within the Government. These are my parting remarks before I say that I support. I would like to state to the Leader of the Majority Party that it is surprising that he is talking of enslaved people. The liberators are the ones he is calling enslaved. I would like him to come over so that I can teach him how I will liberate him. Moreover, please, let us add some more tear gas in the next Budget. Thank you very much.

*(Laughter)*

**Hon. Speaker:** Yes, Member for Mathira. Order!

**Hon. Eric Kahugu** (Mathira, UDA): Thank you, Hon. Speaker. I am standing under Standing Order No. 95. I feel that this matter has been discussed extensively. I call upon you to request the Mover of the Motion to reply.

**Hon. Speaker:** Is that the mood of the House? Yes, Hon. Oundo. What is the problem? I will give you two minutes and then I will call upon the Mover to reply.

**Hon. (Dr) Ojiambo Oundo** (Funyula, ODM): Thank you, Hon. Speaker. We have argued that this is a House of debate. We should be allowed to debate matters of national interest without being gagged probably by people who can make more noise than the rest.

**Hon. Speaker:** Hon. Oundo, I have given you the Floor to debate. Why do you want to go into irrelevancies?

**Hon. (Dr) Ojiambo Oundo** (Funyula, ODM): I stand to support the Division of Revenue Bill. In view of the shortened time, allow me to make two important remarks.

Number one, the people who fought for devolution did not intend devolution to be a centre of expenditure. They thought devolution was going to be a centre of production and contribute towards the Exchequer and national development. As we stand, governors spend 99 per cent of their time whining that they have not received any money from the national Government; that they have not done what and what. I have challenged them many times. They never used to receive much from the national Government during the days of local authorities and yet, they used to run their programmes. It is a wakeup call to all county governors and county governments to put in place adequate measures to collect enough internal own-sourced revenue to fund quite a number of activities. For example, the Nairobi City County would surely never require any money from the national Government. They have enough resources. They have land rates and licences. They have many sources of revenue all over. We should stop this habit once and for all.

Secondly, I echo what my colleagues have said, that there is a lot of pilferage. There is a lot of loss of money in counties, probably much more than we lose at the national level. Again, it is a wakeup call again to governors to put in place measures and ensure that devolution funds are felt all over, the way the NG-CDF has been felt in every village in this country.

On pending bills, they should not be a political tool that any new governor who is coming in is punishing contractors who worked under the previous government to settle political scores. Just as we do at the national government, they must be a first charge. Once verified, they must be paid immediately.

Finally, I urge county governments that, once they receive their money, to rid themselves of this big boy mentality of always rushing to the national Government, hobbling from one state department to another looking for the freebies that are called development. They have their money. Let their money work for them. There is no money left here in the national Government to give to county governments. They have the sharable revenue of Ksh385 billion. Let them go and work with that money instead of leaving for Nairobi, spending money taking

flights to Nairobi, and looking for Nairobi *per diems*. Spend in your counties and work for the people with the money you have. Collect money from the various places so that we move forward.

As I conclude and as we prepare, we need to look at the Budget. Unfortunately, the tear gas used nowadays is so diluted. Corruption has entered even in the procurement of tear gas.

*(Laughter)*

**Hon. Speaker:** Hon. Ndindi Nyoro, you may now reply. I said I was giving him the last chance. Therefore, there was no need for a question. However, if you want, I can put the Question that the Mover be called upon to reply.

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

**Hon. Ndindi Nyoro** (Kiharu, UDA): Thank you very much, Hon. Speaker. I thank all the Members for their contribution to this Bill. We have taken a lot of time to evaluate the performance of our counties. As I said when I was moving, many structural issues need to be done to continue strengthening our counties. Like on issues of pending bills, there is a reason it is never found in the NG-CDF. It is because the NG-CDF structure does not allow any kind of pending bills. Progressively, we hope we will have that kind of strength within the structures of devolution.

Lastly and on a light note, I have listened to my sister Ruth, about tear gas. I confirm to this House that we have no allocation in the Supplementary Budget, the BPS, and in what we are considering. Fortunately, we have gone round the country, and we have seen that Kenyan people are peaceful. We were not able to make provisions on that kind of wastage of tear gas. Therefore, the only tear gas available currently is the tear gas we made in 2007, 2013 and the one that remained in 2017. Checking on the expiry dates, some of them could be stale. Therefore, as the people demonstrate, they could be endangering themselves by coming to inhale expired tear gas. That is not very proper. However, if Hon. Ruth's request permits, if this House deems it possible, we can allocate money for tear gas so that we can satisfy Hon. Ruth Odinga.

Thank you, Hon. Speaker. I reply.

*(Question put and agreed to)*

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

**Hon. Speaker:** Order, Hon. Members. You may be up standing.

### COMMITTEE OF THE WHOLE HOUSE

*(Order for Committee read)*

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

### IN THE COMMITTEE

*[The Temporary Chairlady (Hon. Martha Wangari) in the Chair]*

THE DIVISION OF REVENUE BILL  
(NATIONAL ASSEMBLY BILL NO. 9 OF 2023)

**The Temporary Chairlady** (Hon. Martha Wangari): We are now constituted as a Committee of the whole House to deliberate on the Division of Revenue Bill (National Assembly Bill No. 9 of 2023).

*(Clauses 3, 4 and 5 agreed to)*

*Schedule*

**The Temporary Chairlady** (Hon. Martha Wangari): Member for Funyula.

**Hon. (Dr) Ojiambo Oundo** (Funyula, ODM): Hon. Temporary Chairlady, can you compel the Chairperson of the Budget and Appropriations Committee to listen so that he can answer? Or, should I proceed because this is on *Hansard* and he will miraculously hear what I am about to ask.

**The Temporary Chairlady** (Hon. Martha Wangari): Hon. (Dr) Oundo, please continue.

**Hon. (Dr) Ojiambo Oundo** (Funyula, ODM): Hon. Temporary Chairlady, I am interested on further clarification on (d) on equitable share and the explanatory memorandum where they are transferring the library services to the counties to a tune of Ksh425 million. The Chairperson should probably explain to the nation, members of the public and Members of this House, what happens to the Kenya National Library Services as currently constituted? Two, it seems that the Ksh425 million is only payroll related. What happens to other recurrent and development expenditures like the supply of books and other reading materials? He needs to make this explanation so that even the counties and the members of the public understand this because they have continuously been texting me seeking to know what happens to the library services as known now. We need a bit of expounding so that the common *mwananchi* can understand.

Thank you.

**The Temporary Chairlady** (Hon. Martha Wangari): The Chairperson of the Budget and Appropriations Committee

**Hon. Ndindi Nyoro** (Kiharu, UDA): Thank you very much, Hon. Temporary Chairlady. The approximate Ksh430 million is a transfer to the counties. As it is, library services are part of the devolved functions. We are trying to transfer this function gradually and sequentially. We have just started with the salaries and I am sure the other allocations will follow. *Daktari* is aware that devolution is not an event but a process and we are in that process.

Thank you, Hon. Temporary Chairlady.

*(Schedule agreed to)*

*(Clause 2 agreed to)*

*(Title agreed to)*

*(Clause 1 agreed to)*

**The Temporary Chairlady** (Hon. Martha Wangari): Mover of the Bill.

**Hon. Ndindi Nyoro** (Kiharu, UDA): Hon. Temporary Chairlady, I beg to move that the Committee do report to the House its consideration of the Division of Revenue Bill (National Assembly Bill No. 9 of 2023) and its approval thereof without amendments.

*(Question proposed)*

*(Question put and agreed to)*

*(The House resumed)*

IN THE HOUSE

*[The Temporary Speaker (Hon. Peter Kaluma) in the Chair]*

### REPORT AND THIRD READING

THE DIVISION OF REVENUE BILL  
(NATIONAL ASSEMBLY BILL NO. 9 OF 2023)

**The Temporary Speaker** (Hon. Peter Kaluma): Let us have the Chairperson of the Committee of the whole House.

**Hon. Martha Wangari** (Gilgil, UDA): Hon. Temporary Speaker, I beg to report that the Committee of the whole House has considered the Division of Revenue Bill (National Assembly Bill No. 9 of 2023) and its approval thereof without amendments.

**The Temporary Speaker** (Hon. Peter Kaluma): Mover?

**Hon. Ndindi Nyoro** (Kiharu, UDA): Hon. Temporary Speaker, I beg to move that the House do agree with the Committee in the said Report. I also request Hon. Eric Muchangi Karemba, the Chairperson of the Departmental Committee on Labour, to second the motion for agreement with the Report of the Committee of the whole House.

**The Temporary Speaker** (Hon. Peter Kaluma): Hon. Karemba.

**Hon. Muchangi Karemba** (Runyenjes, UDA): Thank you, Hon. Temporary Speaker. I second.

*(Question proposed)*

**The Temporary Speaker** (Hon. Peter Kaluma): You do not want to contribute.

**An Hon. Member** We are done.

**The Temporary Speaker** (Hon. Peter Kaluma): You are done. Is it the mood of the House that I put the Question?

**Hon. Members:** Yes.

*(Question put and agreed to)*

**The Temporary Speaker** (Hon. Peter Kaluma): Mover to move Third Reading.

**Hon. Ndindi Nyoro** (Kiharu, UDA): Hon. Temporary Speaker, I beg to move that the Division of Revenue Bill (National Assembly Bill No. 9 of 2023) be now read a Third Time. I also request, Hon. Rahab Mukami, the Nyeri County Representative, to second.

**Hon. Rahab Mukami** (Nyeri County, UDA): Hon. Temporary Speaker, I second.

*(Question proposed)*

**The Temporary Speaker** (Hon. Peter Kaluma): Any contributions? Is it the mood of the House that I put the Question?

*(Hon. Eric Kahugu raised his hand)*

The Member seated next to the Chairperson, why are you raising your hand? Give him the microphone.

**Hon. Eric Kahugu** (Mathira, UDA): Hon. Temporary Speaker, the Member for Kiharu needs to know that I am the Member for Mathira Constituency and not Murang'a County.

I support that the Bill be read a Third Time.

**The Temporary Speaker** (Hon. Peter Kaluma): Without further mention or ado, and it being the mood of the House that we put the Question, I have confirmed that we have the requisite quorum in the House for purposes of making a decision.

*(Question put and agreed to)*

*(The Bill was accordingly read the Third Time  
with leave of the House and passed)*

**The Temporary Speaker** (Hon. Peter Kaluma): Next Order.

## MOTION

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

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

*(Moved by Hon. Ali Raso on 9.3.2023)*

*(Resumption of debate interrupted on 9.3.2023)*

**The Temporary Speaker** (Hon. Peter Kaluma): This is an interesting debate. Hon. Members, Annex 10 on LGBTQIA+ matters provide conditions upon which we should be signing the ACP-EU Post Cotonou Agreement Protocol. Those Members who are running out should take interest and contribute.

Hon. Eric Muchangi.

**Hon. Muchangi Karemba** (Runyenjes, UDA): Hon. Temporary Speaker, I would wish to add a few more comments to the issue of the Report on the Caribbean and Pacific States and the European Union Joint Parliamentary Assembly. I need to say that if there are any conditions that Kenya is going to be given to be part of this union, then it should not include the requirement that this country supports the issues to do with homosexuality and lesbianism. Kenya is a religious nation and we believe that a man should marry a woman.

Hon. Temporary Speaker, when God created man, Adam, he created a woman from his rib. If God desired that a man marries another man, then he would have created a second man.

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I do not support the idea of imposing conditions for us to be part of this union. Kenya should be left to decide its fate. All religious institutions such as the Muslim Community, the *Akorino* Community, and the Anglican Church of Kenya led by the Archbishop Ole Saito, have indicated that Kenya should not allow men to marry men and women to marry women. We can agree on other issues to do with trade because Kenya has a lot of coffee and tea farming taking place. We have opportunities to sell our coffee and tea in those other countries but we do not have to engage when it comes to whether we should allow homosexuality and lesbianism to continue.

I support.

**The Temporary Speaker** (Hon. Peter Kaluma): Thank you, Hon. Muchangi. Hon. Millie Grace Odhiambo Mabona, Senior Counsel, do you want to contribute to this?

**Hon. Millie Odhiambo-Mabona** (Suba North, ODM): Thank you, Hon. Temporary Speaker. I hear Hon. Rozaah Buyu asking whether I am a senior counsel. I want to clarify to her that there is a senior counsel that is assigned by law but there is one by virtue of practice. By virtue of practice and by the number of years that I have served, I am a senior counsel. I am more senior than some so designated. That is a matter of law and practice.

**The Temporary Speaker** (Hon. Peter Kaluma): Hon. Millie Odhiambo, did you say that Hon. Rozaah Buyu is doubting the wisdom of the Speaker to refer to you as a senior counsel?

**Hon. Millie Odhiambo-Mabona** (Suba North, ODM): Thank you, Hon. Temporary Speaker. I am actually educating her that senior counsel is in two ways. When I go to a courtroom, I will be given precedence over anybody who was admitted after me.

**Hon. Owen Baya** (Kilifi North, UDA): On a point of order, Hon. Temporary Speaker.

**The Temporary Speaker** (Hon. Peter Kaluma): The Deputy Leader of the Majority Party, what is out of order?

**Hon. Owen Baya** (Kilifi North, UDA): Hon. Temporary Speaker, at one time the military clarified that Major Waluke is not a captain and Captain Didmus is not a captain; and that it was wrong for them to use such titles in this House. It was made very clear. If the Member, who I have a lot of respect for, has not officially earned the title of “Senior Counsel” which is provided for in statutes of this country, then she should wait for her time so that she can get there.

Sweetheart, I would love to call you senior counsel because you deserve it but wait for your time.

**The Temporary Speaker** (Hon. Peter Kaluma): Hon. Owen Baya, you are being smart. You are contradicting the Speaker while pretending to be addressing Hon. Millie Odhiambo. You should remember that it is the Speaker who recognised Hon. Millie Odhiambo as senior counsel for the experiences particularly on matters children, family and the issue she is proceeding to address us on. Do not bring the judgement of the Speaker to question. It is not allowed.

Hon. Millie, you will proceed and take your time.

**Hon. Millie Odhiambo-Mabona** (Suba North, ODM): Thank you, Hon. Temporary Speaker. I want to thank Hon. Owen Baya for calling me sweetheart and I will respond by calling him sweeter heart. Having called him sweeter heart, I will take the opportunity to educate him: In the legal profession, you become senior by virtue of when you signed the Roll of Advocates. Anybody who signed the Roll of Advocate after me is my junior. To that extent, I am a senior advocate *vis-a-vis* anybody who signed after me. Those are very many lawyers. By that virtue alone, I am a senior counsel. However, in the last few years, the Law Society of Kenya deemed it fit to select a few people and designate the title of “Senior Counsel”. That does not preclude me from being a senior counsel. I am still senior to a number of people even

within this House who are designated as senior counsel. As a matter of fact, they are still my juniors.

Hon. Temporary Speaker, having said that, I want to state that I support that report but I want to avoid your pet subject which is LGBTQIA+. I will avoid that subject because it has no impact on litmus paper in relation to my life.

I want to speak to the issue of the treaty of the Africa, Caribbean Pacific- European Union (ACP-EU). I have been a member of the Pan-African Parliament and in this session, I was hoping to be a member of the ACP-EU Parliament. One of the reasons that I am not pursuing it is because of the issue of the expired treaty that I was hoping will be designated along the lines of the Pan-African Parliament. The Pan-African Parliament is designated in such a way that once we have a new parliament, the Parliament of Kenya will elect five people that we pass on this Floor. You then serve that parliament for five years. You are able to contribute meaningfully in that Parliament for five years. However, looking at the structure of the ACP-EU, we only have two members who you could say are permanent and those are the Speakers. When I requested to be designated there, I was told that I could attend some sessions. As the so-called senior lawyer that I am, I do not want to attend a conference. I want to be a Member of a Parliament. I do not want to be in a conference.

I am very happy and want to thank the Members of this Parliament and the Senate, across the Floor, who in absentia elected me to the Inter Parliamentary Union (IPU) Committee on Human Rights of Parliamentarians. By that designation, I stand to sit in the IPU Parliament for two years. So far, we have had two sessions. It is a very powerful and important committee that deals with issues of human rights of parliamentarians. I want to say that one of the things that I want to thank God for as a country is that we have made serious progress in terms of human rights. I am hoping that this country does not go back on the mileage that we have had in terms of human rights. Recently, my committee in IPU dealt with an issue of a woman parliamentarian who was shot dead because she could not agree to marry an army general. We have had cases of women Members of Parliament gang-raped because they did not agree with the Executive. We have had people being stopped from being Members of Parliament in the middle of their term. Recently, one of the friendly countries, which I would not mention, had the police in uniform getting into Parliament. Those are the things that we hope we would never see in this Parliament or something close to what we saw in 2014 when we were dealing with the Security Laws (Amendment) Bill.

I would want to encourage you... That is why some of us come on very strongly when we see indications of violations of human rights or things that look like dictatorial tendencies that are emerging in this Government.

I want to encourage that even as the Government of Kenya is negotiating over the new Organization of Africa, Caribbean and Pacific States and the European Union Treaty, our main focus should be the structure and powers that we have within it. I have talked to some of the Members who have served in the ACP-EU and their concern is that the power tilts more towards Europe than it does to the Pacific or African countries.

I would also want to encourage ourselves to find a way of creating connections without making it an appendage of the Pan-African Parliament. One of the things that I have heard being said is that they want to see how they can make ACP-EU sort of an appendage. In the meeting that we attended in Manama, Bahrain on the Inter-Parliamentary Union, I have seen that it gives us opportunities despite our diverse cultures to discuss issues that are of concern to us as the world, globe, Africa and Kenya so that we put forth our issues. The tragedy from African perspective is that we never seem to speak with one voice. I am hoping Kenya can take leadership which it already does very well.



I want to congratulate our Hon. Speakers for the leadership that they have shown. Kenya is a very strong showing in the IPU and our voice on various issues is being heard strongly.

Recently, we spoke about the issue of climate change that is bringing a lot of crises and I regretfully say that one of the aspect is that this afternoon one person from my village called Mr. Richard Ndege was killed by a Hippopotamus because they are now invading homes. I am calling upon the Kenya Wildlife Service to create balance even as we deal with the issues of climate change.

Hon. Temporary Speaker, some of the things that we must be negotiating as a country even in the new ACP-EU Agreement is to ensure there is inclusion of women and that their voices are heard and entrenched in the treaty; the number of women who will be permanent members of the ACP-EU.

I support and thank you.

**The Temporary Speaker** (Peter Kaluma): Thank you, Hon. Millie Grace Akoth Odhiambo. You are always very informative on matters that we overlook as Parliament.

Hon. (Dr) Wilberforce Oundo, Member for Funyula.

**Hon. (Dr.) Ojiambo Oundo** (Funyula, ODM): Thank you, Hon. Temporary Speaker.

Legislation transcends national boundaries. It must bring some form of cooperation and pursue the endless form goal of globalisation such that there must be some uniform sets of rules, regulations and laws that wherever you go, if it is an offence of murder, it remains a uniform offence. It is important that whenever we have an opportunity, Kenya, Africa and all other countries can join an association where cross-cutting legislative and emerging issues can be deliberated.

I stand here to note and make comments on this Report that was tabled in the House late last year. Perusing through this Report, it briefly touches on quite a number of issues in the main body but more tellingly, when you look at it, the common principles that are supposed to be a basis of discussion are democracy and human rights; sustainable economic growth and development; climate change; human social development; peace and security; migration, and mobility.

I have heard quite a number of comments from my colleagues and other participants. They basically have an issue based on Annex 10. The Report seems to have analysed and highlighted some extremely disturbing issues in the African Continent and among Christians, I included. I do not know what religion the Hon. Temporary Speaker professes. Occasionally, I see him as a Christian and I believe he is one. After Cotonou Agreement towards a new agreement with the Africa, Caribbean and Pacific (ACP) States...

**The Temporary Speaker** (Peter Kaluma): Hon. Oundo, did you ask about my religion?

**Hon. (Dr.) Ojiambo Oundo** (Funyula, ODM): Yes, so that we are on the same page.

**The Temporary Speaker** (Peter Kaluma): I am a Christian and a practising Catholic.

**Hon. (Dr.) Ojiambo Oundo** (Funyula, ODM): Thank you, Hon. Temporary Speaker.

I can now speak on a matter that the Speaker appreciates the importance. There is an attached analysis that the Cotonou Agreement has ended. There is now a discussion of a new agreement. When you look at the analysis, you will allow me to pick a few issues here and there. I will read verbatim even though I am fully aware that we are not supposed to when making a general contribution on the Floor of the House.

On examples of Government structure and funding changes, it emerges that the African Union will be the one having dominance in each of the three protocols. It is scaring; yes, we might not be as developed as European Union, we might not have exploited our resources as effectively and efficiently as the EU but to treat ACP-EU as second-rate participant in the agreement is truly to take away the meaning of a treaty. From my very basic understanding, a treaty is a negotiated document that gives each party to the document equitable powers and

authority to make decisions and participate. On that score alone, it seems that this post-agreement is extremely lopsided.

We stopped being colonised by the Europeans and it is important they allow us to move forward. In contrast, the pending treaty will demand compliance with a variety of numerous alleged human rights that the EU is pushing including abortion, the controversial and comprehensive sexual education for young children and special LGBTQIA+ rights. That antithesis is unacceptable for Kenya, Africans and to many right-thinking people of God. It is important that whoever is charged...

**The Temporary Speaker** (Peter Kaluma): Please, add Hon. Oundo two minutes.

**Hon. (Dr) Ojiambo Oundo** (Funyula, ODM): Thank you, Hon. Temporary Speaker.

It is a controversial, comprehensive sexual education for young children and special LGBTQIA+ rights. This generation is going through too many problems and we are only looking upon the young people to salvage this generation. When you go to European countries and countries in the north generally, the social fabric of a family is broken. They should not let the stress of broken families be transferred to us. We are not the cause of their broken families and they should leave us with our strong family values. Probably, that is the only thing that we have pride in and what we need to have to ourselves. We are Africans and Africa is our business. We must protect the sanctity and character of the family because we do not have strong social welfare programmes in Africa.

We depend on these children. Some of us would die of heart attack if it ever came across our mind that any of our children are members of the LGBTQIA+. We should not, in any way, allow the Parliament of Kenya and the current Government to institutionalise the demolition of family values at this particular moment. I would, therefore, urge our colleagues who are privileged to participate in the negotiation of this post-Cotonou Agreement to stamp their authority firmly, squarely and without fear to stipulate that the agreement majorly focuses on trade issues. Let us redefine human rights in the context of Africa. Otherwise, we are dragging our continent and country to ape values, culture and traditions that are extremely alien to us and are going to destroy whatever values we have with us.

Hon. Temporary Speaker, with those very few remarks and being aware that time is up, please allow me to mention a bit on the issue of climate change. It is the industrialised world that has damaged the climate. The negative impacts of climate change are a direct consequence of the unbridled push to destroy the natural environment for purposes of industrialisation. The European countries and the countries in the north should be at the forefront of providing resources for mitigating climate change. Yesterday I watched briefly a documentary on *Al Jazeera* where they were telling us that the window to save the globe and earth is slowly closing. Unless the European Union and those industrialised countries can address carbon emissions, we are likely to destroy this world. Let them destroy their part but allow us to have whatever little is left with us.

Thank you, Hon. Temporary Speaker for the opportunity to contribute to this Motion.

**The Temporary Speaker** (Hon. Peter Kaluma): Who is the Member greeting Hon. Kosgei? The Member whose necktie looks like the top worn by Hon. Millie Grace. Who is the Member? I saw you talking to Hon. Millie Grace. I know the Constitution has a special place Hon. Jared Okello, for our senior Members like Hon. (Dr) Kosgei but that does not permit you to cross the Floor in the manner that you have done. So, why not do as is the norm then we continue. After you do it correctly... Thank you very much. Do you wish to say something about that conduct? Give him a minute.

**Hon. Jared Okello** (Nyando, ODM): Thank you, Hon. Temporary Speaker. I was also quite interested in the topic of discussion and I was placing myself on a seat because I understand this is your pet subject, Hon. Temporary Speaker. First, I want to apologise for crossing the Floor unnecessarily, but the Hon. Bishop here is a very good friend of mine dating

back several years and when I see him, sometimes we are overtaken by positive emotions. That is why I did that, but I apologise. As a Seventh-day Adventist member, your pet subject sits at the core and is central to my values and considerations. I wish that even as you debate and go through the muddy waters on this, take into consideration that there are very many organisations out to sponsor and pour money so that we can devalue our moral standards as a nation.

**The Temporary Speaker** (Hon. Peter Kaluma): Hon. Jared Okello you are making very good contributions, but did I ask you to contribute? You were to apologise, which was a discretion on your part. If you comply, the Standing Orders do not require that you verbalise your apology. Is it within your intent to contribute to the Motion? I am worried that beyond apology, you are now contributing. Do you intend to contribute to the Motion?

**Hon. Jared Okello** (Nyando, ODM): Hon. Temporary Speaker I may want to contribute to the Motion if time will allow.

**The Temporary Speaker** (Hon. Peter Kaluma): You want to contribute?

**Hon. Jared Okello** (Nyando, ODM): I will want to comprehensively contribute to the Motion.

**The Temporary Speaker** (Hon. Peter Kaluma): Yes, so, if the apology is ended and done with, I would request that you take your seat. I want to recognise and give you a chance to contribute.

**Hon. Jared Okello** (Nyando, ODM): I stand guided, Hon. Temporary Speaker.

**The Temporary Speaker** (Hon. Peter Kaluma): We allow Hon. Okuome Adipo, who was the next one in line to contribute. Hon. Jared Okello I am being told that you had contributed to this Motion, you need to confirm because the Standing Orders may restrict my allowing you to contribute, which will be my best wish. Hon. Andrew Okuome, the Member for Karachuonyo.

**Hon. Adipo Okuome** (Karachuonyo, ODM): Thank you, Hon. Temporary Speaker. I am happy you have given me a chance. Regional organisations such as the ACP-EU are very important. Therefore, I have to contribute to it. One thing I must say is that if you have ACP-EU and strengthen it even more in the new renewal, it will help us more especially Kenyans who are in the lower stage of development. I urge my colleagues to support this Motion and emphasise that this will help us in strengthening human relations and dignity. This is important because we know, for example, the rights of humanity have been interfered with by several people.

Climate change is another very important factor affecting the world over. When we have a regional body like the ACP-EU, our voice will be heard much more than if we were speaking alone as Kenyans. Therefore, I feel that we should give support to this Motion. I have in mind LGBTQIA+, which needs collective action from all the countries of goodwill to godliness. If we join together as ACP-EU and oppose that kind of thing, we will be contributing positively to humanity. I realise that many things come along in the world for which we need unity and a collective voice and ACP-EU is very important for us in this matter. Human value has been downgraded on several occasions. The LGBTQIA+ I was talking about is another factor that derails humanity. In support of human values, trade and communication, I support this Motion.

Thank Hon. Temporary Speaker.

**The Temporary Speaker** (Hon. Peter Kaluma): Thank you, Hon. Andrew Okuome. Let us have Hon. Jackson Kosgei, nominated Member of Parliament.

**Hon. (Dr) Jackson Kosgei** (Emgwen, UDA): Thank you, Hon. Temporary Speaker.

Regional cooperation is necessary to the extent of nations and communities sharing common interests. The problem that develops over time is when some nations try to impose their will on other nations in the name of cooperation with conditions. The reason why

countries in the East have risen up of late in terms of trade and influence in Africa is because they encourage cooperation without conditionality that affects the fibre of every society.

I am of the opinion that Africa should be understood within its own context. We have a history of other cultures being imposed on us through cohesion. In recent history, we had the Berlin Conference in 1884 and 1885 where countries and powers of the world shared Africa amongst themselves without consultation. Africa was not part of it. There were two dimensions. One was the territorial acquisition of the African Continent and sharing it amongst themselves. The second one was a genomic expansion which was about dominating others in terms of culture and religion. They were very clear. They spoke and agreed that Africa must be conquered in terms of territory and culture through religion. Africa survived all those years. Our fathers stood firm and maintained our culture in terms of moral values.

As we discuss this subject today, we are concerned, not because some people would like to engage in it and others may not like them for that, but because it affects the very important institution of the family that has helped Africa survive all tests and challenges of history. Over 4 million of our people were enslaved, but Africa survived because of family. We have had malaria, diseases and civil wars but we have been held together as a continent because of family. We may not be perfect but we thank God that we have families. Anything that redefines or reduces the meaning of our families is an enemy of Africa. We cannot subject ourselves and our children to any process that can kill and finish our people. Whereas we agree with regional cooperation and its noble intentions such as trade, we must be respected in terms of diversity. If human rights are inclusive, diversity is a human right and we must be respected for what we believe.

I support the Motion as long as the part which talks about interference with our family values as Africans is expunged. I support the rest.

**The Temporary Speaker** (Hon. Peter Kaluma): Dr. Kosgei, I hope that you did not need more time because it is always very refreshing to listen to you on matters of morals and Africa. I hope that you did not curtail your time because time was up. You did not need additional time.

Hon. Joseph Kahangara, Lari Member of Parliament.

**Hon. Kahangara Mburu** (Lari, UDA): Thank you, Hon. Temporary Speaker, for giving me the opportunity to also contribute to this treaty. The original treaty took care of a number of issues that affected people within Caribbean and African countries. Originally, the agreement addressed issues of human rights but as many Members have said, whatever is being introduced talks about explicit sexual education for children. Most African countries belong to different cultures which have their own way of doing things.

In Kenya, one can only get married after attaining the age of 18 years. We will not agree if anybody wants to introduce a proposal to expose our children to sexual education when they have not attained the adult age of 18 years. The LGBTQIA+ movement, which is about men marrying men and women marrying other women, is un-African. As we all know, we have never heard of anything of that sort in the African society. We all know that from the beginning, a man was meant to marry a woman for purposes of reproduction. Even if you go back to the Bible, when God created a man and eventually created a woman, they were meant to be co-creators. They were meant to work together with God for purposes of creation. You can only bring forth a human being when there is consummation between a man and woman. There will be no reproduction when a man marries another man or a woman marries another woman. Besides our African culture, I profess the Catholic faith like the Speaker and even in our own faith, that is unacceptable. We all know that a man and a woman are supposed to come together to reproduce and to bring forth life which cannot happen when a man marries a man or a woman marries a woman.

If we allow abortion at any moment, we are giving man an opportunity to go ahead and murder whatever God has created. That is the way I would put it as a Catholic. I believe that whatever is being introduced by Europeans in this treaty is un-African, is against our religion, and is not even in the original treaties that were signed by Caribbean and African countries. It is now being introduced.

Reading through the Report, I understand that even parliamentarians or Members of the Caribbean Parliament were not consulted on the matter. It is just something that is being covertly introduced. The treaty is acceptable as it was originally. However, I definitely and vehemently oppose whatever is being introduced now.

**The Temporary Speaker** (Hon. Peter Kaluma): Thank you, Hon. Kahangara. Hon. Rozaah Buyu, do you want to contribute to this Motion? The Member of Parliament for Kisumu West is recognised.

**Hon. Rozaah Buyu** (Kisumu West, ODM): Thank you, Hon. Temporary Speaker, for this opportunity. From the outset, I support the Motion. I have also had an opportunity to attend one of the meetings of the ACP-EU. The greatest thing about it is that it brings different nations together and they contribute to and discuss issues that affect them. With the expiry of this treaty, it is an opportunity for Africa, Caribbean and Pacific States and the European Union to take the advantage and become a more structured organisation. The reason I say this is because there is no permanency in membership of ACP-EU. I attended one meeting and I was never invited for the next one. Other Members attended. It kills continuity of discussion and implementation of some of those wonderful ideas that come up. If we agree as a Parliament to renew this treaty, we must take that opportunity to have a more structured organisation.

Hon. Temporary Speaker, if you compare the membership of ACP-EU with the membership of Pan-African Parliament, you will find that PAP is more impactful on our issues because members, for example, are able to serve for five years. So, they are able to introduce a topic or an idea and see it through to implementation because of the five years' length of time which misses in this ACP-EU. I know that we must sit as a Parliament to agree as to whether we should go on and renew this treaty. I would urge Parliament that if it becomes a more structured organisation, it will be useful and helpful to our cause.

Thank you and I support.

**The Temporary Speaker** (Hon. Peter Kaluma): Thank you, Hon. Rozah Buyu, for that contribution and good point. I hope those who are participating will note those concerns. Hon. (Dr.) Eve Obara, do you want to contribute to this? Please do. You are recognised.

**Hon. Eve Obara** (Kabondo Kasipul, ODM): Thank you, Hon. Temporary Speaker. I also support the Motion. Hon. Millie, Senior Counsel, has just reminded me that you can be married and still not reproduce. That aspect of being married for reproduction is what she was trying to correct. Thank you very much.

We are aware that the ACP-EU Treaty has expired. It is an opportunity for member states to restructure it along the Pan-African Parliament in particular, which happens for five years. With the current structure, there is lack of permanency and having different people coming in at a given time does not work well for the organisation.

I also have reservation on certain aspects of the treaty on areas that member states are forced to sign on; areas that might be foreign to their culture. For instance, areas like LGBTQIA+. We know the controversy around it and as a people, the African people, we do not support that culture. Issues such as those should be open to members to decide on what is good for them and what they should not support or append their signature on.

With those few remarks, so that I do not repeat what other Members have said, thank you very much. I support.

**The Temporary Speaker** (Hon. Peter Kaluma): Hon. John Kiragu, Member for Limuru.

**Hon. (Eng) John Kiragu** (Limuru, UDA): Thank you, Hon. Temporary Speaker, for the opportunity to contribute. At the outset, I support the Report. I note that the 1975 Cotonou Agreement gave directions of how the treaty should move but we see another one of the year 2000, the Lomé Convention, which gave the treaty another 20 years and I can see that it has been renegotiated to end this June, 2023.

It is good to have this treaty but when you look at Africa and Caribbean states, you find that these are countries that have been colonised, have undergone slavery and sometimes sitting with our former masters to help us to chart our future is sometimes not the best thing to do. I realise that in fact, in the same period, the Asian countries have moved and have left us behind. They have liberated themselves, grown economically and I see that one of the key things in this treaty was to eradicate poverty. If you look at the 20 years, I do not think much has happened. We are in partnership with some of the strongest countries in Europe. The countries that for some years have impoverished the African countries, taken our minerals and have given us some democracy and leadership that has not helped the African countries. I believe that, as a continent, and particularly with our brothers in the Caribbean, we must ask ourselves what it is that we need to put into our leadership so that we can truly get independence economically. We appreciate the effort and the assistance that has been given to us as the developing countries but there is a problem because the assistance that has been given does not seem to help the nations that are in this agreement to make a breakthrough.

Mine is to say that it is okay to have this treaty and it is okay for people to meet, but there must be positive things that come out of these treaties. For the Africans and the Caribbean to again be taken through another phase where we lose our moral position, particularly on the matter of LGBTQIA+, it is not acceptable. We know how to lead ourselves. We have suffered long enough and we have no time now to cry over colonialism or slavery. What we need to do is to look forward and look at the East Asia and see how they have been able to liberate themselves. Some of them were colonised almost at the same time with us, but they have left us behind and we should not be spending so much time on discussions and submitting ourselves to moral standards of others. We must chart our way forward. I believe when we meet in these international forums, we must not lose sight of who we are and must also work to make sure that we chart a new direction to liberate Africa.

Thank you.

**The Temporary Speaker** (Hon. Peter Kaluma): Thank you, Hon. Kiragu. Hon. (Dr.) Naomi Waqo, do you want to have a bite at this?

**Hon. Naomi Waqo** (Marsabit County, UDA): Thank you, Hon. Temporary Speaker, for allowing me to add my voice to this Motion on the Report of Sessions of the Organisation of Africa, Caribbean and Pacific States and the European Union Joint Parliamentary Assembly. This is a very important Assembly and it has been in existence for years, but it is coming to expiry. I support the Motion as I begin and pray that the suffering or the challenges that the African and Caribbean states have gone through because of our background and what has happened in the past should end.

The other thing is that the meetings should be promoting our businesses and progress, not doing any negative impact on us. That brings me to the issue of LGBTQIA+ that has been debated in our nation for the last many months and days. This is almost bringing division to our country. It is simply because LGBTQIA+ promotes the idea of women marrying women and men marrying men. It is against our African culture because that has never been heard of and practised in the history of Africa. When you hear anything promoting that, then that also takes us from the grace of God. It is unchristian. I know even the Islamic religion does not condone this. It is against God's will because he created Adam and Eve to marry and procreate. This idea denies that and goes against the will of God. Sodom and Gomorrah were destroyed because of the sin they were committing. God destroyed that entire city and replaced it after

that. We talk of it as an ungodly practice, especially in Kenya where we are 85 per cent Christian. It is high time people saw how best we can turn our face to God and do things that please God. The people promoting this are the same that colonised us, people in whose hands we as African countries suffered. They have moved us from our culture, traditional dresses, and mode of doing things, our way of handling disputes, and everything. They are now trying to bring conflict between God and us. That is unacceptable. We, as a nation, should be careful and keen about those bringing money to mislead our young people. Any ungodly source should be rebuked and rejected.

Hon. Temporary Speaker, this practice might be happening in our schools, prisons and other places. It is high time we controlled it. Parents, it is high time we have serious dialogue on sexual matters with our children. That is so that we guide and lead them into godly behaviour. When a nation is influenced in many ways that do not please God, we will be punished when the time comes.

I support the Motion but I am against LGBTQIA+.

**The Temporary Speaker** (Hon. Peter Kaluma): Add one minute to her.

**Hon. Naomi Waqo** (Marsabit County, UDA): Thank you, Hon. Temporary Speaker.

I am saying that I am a strong believer and I am against the practice of LGBTQIA+. I will always fight it. The Bible says God loves the sinners but he hates sinful practices. Therefore, we will, as the leaders of this nation, always try to lead our people in the right direction. It is my prayer that Kenya, as a country, will overcome this challenge.

Thank you.

**The Temporary Speaker** (Hon. Peter Kaluma): Hon. Joshua Mwalyo, the Member of Parliament for Masinga.

**Hon. Joshua Mwalyo** (Masinga, Independent): Thank you very much, Hon. Temporary Speaker.

I would just like to say something on this critical analysis of the postcolonial agreement, significant governance structure changes, and the controversial treaty provisions. Although I have not read the whole document, the few pages I have read are very controversial. The changes that are now being introduced have hidden agenda. The hidden agenda does not favour African countries. The document says:

‘In contrast, the pending treaty would mandate compliance with variant new alleged human rights.’

This name, “human rights”, is where the sexual, abortion controversies and sexual education for the young children is now hidden. If we sign this treaty, our children would be forced to learn the bad habits of the European countries. This treaty says that any African State that ratifies this treaty will need to abide by the unspecified international norms. These international norms are changing our culture. Although we need some aid, this is going to force us to enter into unspecified agreements unwillingly as it is being forced down our throats. The treaty says that young children would be taught in schools their own sexual rights so that they can choose by themselves their oriented gender identity.

How can a person be born and not know whether he or she is a male or female? Do you have to be told? Since the orientation is there, you are going to be oriented to find yourself and discover which gender you are. In the beginning, even God created a man and woman...

**The Temporary Speaker** (Hon. Peter Kaluma): Hon. Mwalyo, by the Standing Orders, your time is up and we have to call the Mover to reply.

**Hon. Joshua Mwalyo** (Masinga, Independent): Hon. Temporary Speaker, can I just finish. What I would like to say is that this is a controversial treaty and for me, I see a lot of hidden agenda which I do not agree with.

Therefore, I do not support.

**The Temporary Speaker** (Hon. Peter Kaluma): Thank you, Hon. Mwalyo. The Motion is for noting, not supporting or opposing. I have seen Hon. Muriu Mungai. Sorry, Hon. Muriu Wakili not Mungai. The late Nani Mungai is your former partner, under whose tutelage and yourself, I learnt law. I hope you are not interested in contributing because time is up.

I am now mandated by the Standing Orders to call the Mover to reply. However, the Mover may graciously donate you time within the time he has if he wills.

**Hon. Owen Baya** (Kilifi North, UDA): Thank you, Hon. Temporary Speaker. I would want to give him two minutes to speak on this as part of replying and then I will close.

**The Temporary Speaker** (Hon. Peter Kaluma): Do you intend to be gracious to that Member or that Member is not intending to contribute?

**Hon. Owen Baya** (Kilifi North, UDA): Would you like to contribute to this?

**Hon. Wakili Edward Muriu** (Gatanga, UDA): Yes.

**Hon. Owen Baya** (Kilifi North, UDA): So, I will give him two minutes. He will start, then I will finish.

**The Temporary Speaker** (Hon. Peter Kaluma): Yes, the Mover is very gracious.

**Hon. Owen Baya** (Kilifi North, UDA): You can start; two minutes.

**Hon. Yussuf Farah** (Wajir West, ODM): Thank you, Hon. Temporary Speaker. I support this Motion. This treaty is very important because it allows this country to be part of other countries, and express and look at their own interests. As much as we want to be part of others, we should try to advance our interests. However, there are other limitations that we need to look at. There are unspecified issues that we are forced to sign every time without knowing. They must be cleared first for us to sign an agreement with other countries or members.

Most importantly, I want to talk about the issue of LGBTQIA+ which has brought a lot of outcry in this country. It is against the norms, culture and all religions in this country. It is something that we need to say “no” to in all forums, including this one we are talking about. God created man and a woman for a purpose. We cannot revert or reverse the roles.

With those few remarks, I support the Motion with that exception, *In sha'Allah*.

Thank you.

**The Temporary Speaker** (Hon. Peter Kaluma): Hon. Wakili Muriu.

**Hon. Wakili Edward Muriu** (Gatanga, UDA): Hon. Temporary Speaker, I support this Motion, particularly the 61<sup>st</sup> Session of the Organisation of Africa, Caribbean and Pacific States (OACPS) Parliamentary Assembly and 42<sup>nd</sup> Session of the ACP-EU Joint Parliamentary Assembly. Matters of international treaties need to be looked at by this Parliament with a toothcomb. Some of the things these treaties propose are against our norms. There is LGBTQIA+ issue. Kenya is a Christian and Muslim country. There are minorities in Hinduism and other religions. There is no single religion which subscribes to LGBTQIA+.

We, as leaders, have a responsibility to support the generation which is coming. When the Whiteman brought religion to this country, he told us too many wives were bad and we should have only one. He forgot that he was supposed to bring religion to save our souls but not our bodies. The western countries have come again now. They are saying that we leave that single woman they told us to support and be married to. A man should marry another man and a woman should marry another woman.

We stand at a very critical time in the history of this country. We need to have a serious conversation in all instances in our churches, Parliament and *barazas*, and say “no” to LGBTQIA+. A man shall leave his parents, join his wife and become one. That is the canon law that cannot change.

I support this Motion. However, if there is any element of LGBTQIA+, I will oppose it. Thank you very much, Hon. Temporary Speaker.

**The Temporary Speaker** (Hon. Peter Kaluma): Thank you very much. Mover.



**Hon. Owen Baya** (Kilifi North, UDA): Thank you very much. I would like to reply. This House was supposed to note the Report of the 61<sup>st</sup> Session of OACPS Parliamentary Assembly. I know that there have been many words that have been used to support the Motion. I thank all those Members that contributed to noting the Report of the 61<sup>st</sup> Session of the OACPS Parliamentary Assembly and the 42<sup>nd</sup> Session of the ACP-EU Joint Parliamentary Assembly.

The role of the Joint Parliamentary Assembly as set out in Article 17 is very clear. It is to promote democratic processes through dialogue and consultation, facilitate greater understanding between people of the EU and those of ACP states, raise public awareness of development issues, discuss issues pertaining to development and the ACP-EU partnership and adopt resolutions, and make recommendations to the Council of Ministers with a view to achieving the objectives of this agreement.

There are very many fundamental and important aspects of the ACP-EU and the JPA. They focus on very important things. First, is the access to energy and food security. They also focus on technology transfer and Millennium Development Goals (MDGs) – which many African countries have struggled to achieve – security in the Sub-Saharan region and free and independent media. Those are the important facets that form discussions around the JPA.

I know that many Members focused on discussions about the LGBTQIA+. They were probably taking their cue from the Hon. Temporary Speaker because that is his pet subject. He has moved debate towards that topic but there are other fundamental issues.

**The Temporary Speaker** (Hon. Peter Kaluma): Deputy Leader of the Majority Party, you know the Hon. Temporary Speaker's pursuits. You and your people from the Pemba Community know that we never quite fell out of the chair.

**Hon. Owen Baya** (Kilifi North, UDA): Yes. I thank you and congratulate you for the effort that you are making. I look forward to supporting your Motion on the LGBTQIA+ subject. This is a Christian country. It is a religious country and there are certain values that are purely African which we must uphold. We must always reject foreign values that are being imposed on us by other sovereigns. I will stand with you to reject this new thinking and ideas that are being introduced.

In view of the JPA and the ACP-EU, there are important things that we need to cooperate and collaborate on with other countries, especially on access to energy. Today, almost 60 per cent of Kenya is underserved when it comes to energy. We need to cooperate with other people to see how we can resource this country and others to ensure that Africa gets enough energy for people to use in their homes and for industrialisation so as to reduce the cost of production.

I note and thank everybody, including you, Hon. Temporary Speaker, for supporting this Motion. We look forward to the new agreement so that the ACP-EU can continue.

**The Temporary Speaker** (Hon. Peter Kaluma): For the convenience of the House and for good reasons, putting of the Question relating to this Motion will be deferred to next time it will be scheduled by the House Business Committee for consideration.

*(Putting of the Question deferred)*

Next Order.

**Hon. Yussuf Farah** (Wajir West, ODM): On a point of order, Hon. Temporary Speaker.

**The Temporary Speaker** (Hon. Peter Kaluma): What is out of order? Give Hon. Yussuf the microphone.

## QUORUM

**Hon. Yussuf Farah** (Wajir West, ODM): I rise under Standing Order 35 to indicate that there is lack of quorum to consider that specific Motion.

**The Temporary Speaker** (Hon. Peter Kaluma): Is it your observation that the House appears not to have quorum? Ring the Quorum Bell so that we confirm.

*(The Quorum Bell was rung)*

The bell only rung for six minutes. It should be rung for four more minutes in line with our Standing Orders.

*(The Quorum Bell was rung)*

Order, Hon. Members. The House has fallen short of the requirements of Standing Order No. 34. It will, therefore, be adjourned in accordance with Standing Order No. 35.

## ADJOURNMENT

**The Temporary Speaker** (Hon. Peter Kaluma): The time being 6.10 p.m. the House stands adjourned until Wednesday, 22<sup>nd</sup> March 2023 at 9.30 a.m.

The House rose at 6.10 p.m.

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