



REPUBLIC OF KENYA

THIRTEENTH PARLIAMENT

NATIONAL ASSEMBLY

THE HANSARD

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THE HANSARD

Thursday, 23rd 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, kindly, ring the Division Bell.

(The Quorum Bell was rung)

Order, Hon. Members. We now have quorum to transact business. Hon Members at the back, take your seats.

COMMUNICATIONS FROM THE CHAIR

RECOGNITION OF MEMBERS OF THE EAST AFRICA WOMEN'S LEAGUE

Hon. Speaker: Hon. Members, I wish to introduce to you a delegation from the East Africa Women's League, who are seated in the Speaker's Gallery. Do I see them? Oh, they are there.

The East Africa Women's League was established in 1917, initially to press for voting rights for women and women's participation in legislation affecting women and girls, which was granted in 1919. The League now has a membership of over 1,000 women of all races, cultures, and religions grouped in branches across Kenya.

In 1964, members of the East Africa Women's League presented to the Government of Kenya beautiful tapestries that they created. These tapestries were thereafter passed on to the Legislature to be permanently displayed.

These beautiful works of framed tapestries are displayed along the walls of the walkways of the National Assembly outside Committee Rooms 7, 8 and 9, where they have remained for years. They not only remind us of our past but also of our role as the country's supreme law-making body in fostering welfare and unity among the people of the Republic of Kenya. The women present here today are the descendants of those women of valour who fought relentlessly for the democratic rights of women to participate in political processes in this country.

On my own behalf and that of the National Assembly, I welcome them to Parliament and wish them fruitful engagements during their visit. I thank you.

(Applause)

Hon. Speaker: The second Communication is on the manner of processing of Questions for response by Cabinet Secretaries before the House.

Hon. Members at the back, take your seats. Those whispering to each other, I have given you an opportunity to take you seats.

MANNER OF PROCESSING QUESTIONS FOR RESPONSE
BY CABINET SECRETARIES BEFORE THE HOUSE

Hon. Speaker: Hon. Members, as you are aware, on Thursday, 9th March 2023, the House adopted the Report of the Procedure and House Rules Committee and passed amendments to the Standing Orders on the manner of processing Questions.

The passage of the amendments to the Standing Orders clears the way for Cabinet Secretaries to appear in the House to respond to Questions and to provide Reports to the House pursuant to the general investigatory mandate of the House and the requirements of Articles 153(2) and 153(4)(b) of the Constitution.

The House also resolved that the amendments shall take effect from today, Thursday, 23rd March 2023. In this regard, I wish to guide the House on the new procedure in which Questions shall be dispensed with.

As is the practice, a Member will be required to deliver a signed copy of the proposed Question to the Clerk, who shall process it in line with the provisions of the Standing Orders before the final version is submitted to my office for approval. Thereafter, the Clerk shall transmit the approved Questions to the relevant Ministries for response by the respective Cabinet Secretaries.

With regard to the manner in which Cabinet Secretaries shall respond to Questions, the Leader of the Majority Party shall inform the House of the date, time, and order in which Cabinet Secretaries shall appear to reply to Questions and provide Reports to the House. In so doing, the Leader of the Majority party shall take into consideration the urgency of each Question.

To this end, on a regular basis, the Clerk shall prepare and publish on the parliamentary website a tentative list of Cabinet Secretaries scheduled to reply to Questions and provide reports to the House on the advice of the Leader of the Majority Party. A Cabinet Secretary shall provide both physical and electronic copies of the reply to a question, at least one day before the said appearance. Once Questions are scheduled to be responded to, a Member shall ask his or her Question on the day it is scheduled on the Order Paper. Questions shall be dispensed with in the sequence they appear in the Schedule of Questions to be appended to the Order Paper.

Notably, I shall allow a Cabinet Secretary to reply to a Question on the day it is scheduled for reply, notwithstanding the absence of the Member who raised it. I want to repeat this: file your Question. If it is listed and the Cabinet Secretary is here, I will allow him or her to answer the Question, whether you are here or not. Additionally, the Speaker may vary the order in which Questions shall be disposed of or defer a Question scheduled to be responded to.

Further, a Member may request the Speaker to defer a Question to a later date or withdraw it all together. For greater flexibility, a Member whose Question is listed in the Order Paper may, with prior written notice to the Speaker, depute another Member to ask the Question in his or her absence.

Hon. Members, in keeping with the existing practice, Questions directed to a constitutional commission or an independent office shall be replied to before the relevant committees of the House. Where a Member prefers a written reply to his or her Question, I shall direct that a written reply be provided. The Clerk shall forward the Question to the relevant Cabinet Secretary, commission or independent office and the reply, once received, shall be provided to the Hon. Member.

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You may have noticed that the amendment to Standing Order 40(3A) gives priority to Questions and reports by Cabinet Secretaries every Wednesday afternoon for a period not exceeding three hours. In this regard, and in order to allow adequate time for Members to dispense with Questions and compensate for the time set aside for Questions during the sitting, the amended Standing Order 32 has varied hours of sitting on Wednesday afternoon from 7 p.m. to 9 p.m.

(Several Members walked into the Chamber)

Hon. Members, take the nearest available seats. For clarity, notwithstanding the provisions of Standing Order 30(2)(c), the House may adjourn at 7 p.m. on Wednesdays during the afternoon sitting, in the event the House concludes the business scheduled for the sitting in addition to any Questions scheduled for reply. Pursuant to the amendment of Standing Order 25A(b), I have designated the place adjacent to the public servants' bench on the right of Hon. Speaker, as the appropriate place in the Chamber where a Cabinet Secretary shall expound on Government policy, reply to Questions and provide reports concerning matters under his or her control. This is the usual place where the Cabinet Secretary for National Treasury presents Budget highlights annually.

After a Cabinet Secretary has responded to a Question, the Standing Orders allow the Speaker the latitude to:

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

Hon. Members, I encourage Members of the Chairperson's Panel to be flexible. If a Question is of national interest, they should not limit it to one or two supplementary questions. They should allow a few Members who have similar issues to ventilate on the Question.

(Applause)

It has also been brought to my attention that amendments considered and passed by the House on Thursday, 9th March 2023, in relation to the processing of Questions contain some minor errors. In this regard, I invoke the provisions of Standing Order 152(3) and direct the Clerk to correct the errors. I direct him further to publish and circulate to the Members an addendum to the Standing Orders as a reference guide in the consideration and processing of Questions by the House.

Hon. Members, it is my hope that this new procedure will enhance Executive's accountability to the National Assembly. I urge Members to take time to familiarise themselves with the new procedure well in advance of the resumption of the House after the short recess. The House is guided accordingly.

Further to that, Hon. Members, it should be made very clear, at the outset, that only Cabinet Secretaries are allowed under the amended Standing Orders to come and answer Questions on the Floor of the House.

(Applause)

The Leader of the Majority Party may take the opportunity to communicate to the Cabinet Secretaries that there will be no room for delegation of anybody to come to this House to answer Questions on their behalf. Each Cabinet Secretary is obligated under the Constitution to come to the House in person and answer Questions or expound policy in their docket in response to Questions raised by Members.

Hon. Members, on the Communication on the Members of the East Africa Women's League, if there are any Members— particularly our women Members— who want to make a comment, I will give them 15 minutes. I encourage you to laud the East Africa Women's League. I wonder why we have only 1,000 Members since 1917!

(Laughter)

Leader of the Majority Party.

Hon. Kimani Ichung'wah (Kikuyu, UDA): Thank you, Hon. Speaker. On my behalf and the people of Kikuyu Constituency, allow me to welcome members of the East Africa Women's League to the National Assembly and laud them for the great work they have done to fight for women's voting rights in this country, more so those who preceded them. As you have indicated, these are descendants of the first founding members of the Women's League. Besides the low number of about 1,000 members, we should note that women not only have voting rights in this country but also they constitute the most important voting bloc in our Republic. Therefore, we encourage not only the Women's League but also the women of Kenya.

As we embark on the process of realising the two-thirds gender rule, in terms of representation in this House and the Senate, we will work with all women. I say this as a father of four very beautiful girls. I know when we fight for women rights, we not only do it for them but also for the society at large. Therefore, I commend the Women's League for the work they have done over the years. I also encourage them to work with the male legislators back in their constituencies to ensure that we pass the two-thirds gender rule to see that women not only vote but also represent the greater population of Kenyans—women.

Thank you, Hon. Speaker.

Hon. Speaker: Hon. Martha Wangari. Those who want to comment on the Women's League, press the intervention button.

Hon. Martha Wangari (Gilgil, UDA): Thank you, Hon. Speaker. I rise to help you in welcoming the East Africa Women's League to this Parliament and also assure them that the fight that started in 1917 was not in vain. Women here are no longer just voters but they run for elective positions. We have entrenched affirmative action in the Constitution. In fact, in this Parliament, we boast of 102 women who represent their population in different parts of Kenya, both in the Senate and the National Assembly. This visit could not have come at a better time because just today, the Kenya Women Parliamentary Association (KEWOPA), which cuts across political parties and the bicameral House, held its elections. We now have KEWOPA Chairperson, Hon. Leah Sankaire, Member for Kajiado County, leading an able team. It will steer the agenda of women in this House and even internationally. We welcome them. We hope that as women leaders in this House, we can have some time to interact with them. Also, as we fight to ensure that we attain the two-thirds gender rule in the Constitution, we hope that this will go a long way to ensure that our girls from the villages, in Africa, and in the world can learn from Kenya. They will learn to be at the forefront in terms of ensuring there is gender parity in leadership not just as voters, but also as leaders.

Thank you, Hon. Speaker.

Hon. Speaker: Hon. Gitonga Murugara

Hon. George Murugara (Tharaka, UDA): Thank you, Hon. Speaker. Allow me to also welcome the Women's League. It is a society that has been on for many years now, slightly over 100 years. The numbers raise a little bit of questions. Some of us have not heard about them in our rural constituencies. As we welcome them, I will be looking up to seeing their representative from Tharaka who has come to observe the proceedings of the House. It is vitally important today.

Let us also congratulate the ladies who have been elected to lead KEWOPA in this House. It shows that women are continuing to climb the ladder of leadership, especially as we talk about the two-thirds gender rule, where essentially it applies to women. We hope that with the time, it will also apply to men as women continue taking up more and more of seats in the two Houses of Parliament.

Welcome, the Kenya Women's League. Let us have more of you in the rural constituencies because women there are waiting to hear and be mentored by you, so that they can also climb the ladder as you have.

Thank you, Hon. Speaker.

Hon. Speaker: Jared Okello!

Hon. Jared Okello (Nyando, ODM): Hon. Speaker, thank you for the opportunity. I join my colleagues in welcoming the Women's League in the House. It has been over a century now since our women started fighting for what I would term as their birth right. I am very perturbed that the process of democratisation within our womenfolk has been too gradual. A hundred years down the line, fighting for what is due to them is way too long but they are not losing hope. We know that at one given time of their lifetime, they will have equal rights.

Hon. Speaker, there are inscriptions all over the place on the just government of men. We wonder what happened to the womenfolk who play a very pivotal role in the economic and democratisation processes of our nations. I remember when the former United States of America (USA) President Barack Obama, visited Kenya, he said that if we would give our women equal opportunity as men, this nation would be much better because then it is akin to having one side of your football league participating in a match.

I hope that together we shall make our women come to the realisation of all the rights that they have been fighting for. Once again, I welcome the Women's League in the House.

I thank you, Hon. Speaker.

Hon. Speaker: Member for Kilifi County.

Hon. Gertrude Mwanjanje (Kilifi County, ODM): Thank you, Hon. Speaker. May I take this opportunity to welcome the Women's League in the House. The future is female. I congratulate our team KEWOPA. We had election today morning and I congratulate the new team. We want to work together, especially towards the two-thirds gender rule in this House. We are firm.

Hon. Speaker, we need your help. As the 47 Women Representatives, we have heard that women representatives do not come back after one term. Out of the ones who were elected in 2013, only 13 came back. Out of the ones who were elected in 2017, only 16 came back. We need your help. We need the help of the male Members of Parliament to make sure we work together on the ground so that the 47 women representatives who are here come back again in 2027.

Hon. Speaker, thank you. I welcome the Women's League. Learn from us. I am a second term women representative and I want to come back as a single constituency Member from Kilifi North. Thank you, Hon. Speaker.

Hon. Speaker: Florence Jematiah!

Hon. Jematiah Sergon (Baringo County, UDA): Thank you, Hon. Speaker, for the opportunity. At the outset, I thank and welcome the Women's League to Parliament. I want to

take this opportunity again to say that women in this country and the world have been on the move to change this country and the world respectively.

As we speak now, we celebrate the late Grace Onyango who was our trailblazer. May she rest in peace. Kenyan women have taken the first step in all the areas. We will work so hard. We thank the Women's League for giving us the steps. We are always focused to build and bring a difference in our communities. What a man can do, a woman can do better.

Thank you.

Hon. Speaker: *Mbunge wa Changamwe.*

Hon. Omar Mwinyi (Changamwe, ODM): Thank you, Hon. Speaker. May I also join my colleagues in welcoming the Women's League in the House. I encourage them to try and go back to the history of this country where we had women who were tough fighters of our democratic space. Women who shone in the various institutions they were serving. You still have room for that, and we will encourage you. We will work with you in the constituencies to ensure you reclaim your seats. For those who also want to become Members of Parliament, you should also be assured that we are going to assist you. There is room for you to compete.

I want to emphasise here that in society today, women play a very important role. They are the ones who attend meetings in schools, they are the ones who take care of the children, and they are the ones who even fend for the children in society. I think it is high time they raised the bar and came to the national limelight to serve this nation with distinction.

I welcome the Women's League and I encourage you to work hard so that you take your seats at the table of this nation.

Thank you, Hon. Speaker.

Hon. Speaker: Member for Thika Town

Hon. Alice Ng'ang'a (Thika Town, UDA): Thank you, Hon. Speaker. I also rise to welcome the Women's League. As a woman of Kenya, I congratulate the KEWOPA leadership. We have come from far. The women of this nation have come from far. As you celebrate all the women in the National Assembly and even our Governors, it is because of this movement that the women of Kenya have been given equal opportunity with our male counterpart. That is why we are here today.

Hon. Speaker, we would like to remind everyone of us that these are the same women we went to school with in primary school, in secondary and shared university classes with. That is why even in leadership, we are saying we want to be on the table making decisions. We celebrate every woman who has taken a step to make a difference in this country and in the entire world.

Thank you, Hon. Speaker.

Hon. Speaker: The last on this one, Member for Marsabit.

Hon. Naomi Waqo (Marsabit County, UDA): Thank you, Hon. Speaker, for allowing me to also say something. I take this opportunity to welcome the Women's League to our Parliament. I congratulate them for the far they have come. I also want to congratulate the KEWOPA because we have this morning elected our leadership which is to be led by our sister, Hon. Leah. We know how far the women of Kenya have come from. The future is bright because our Government is so determined to support women and see how best they can be included in almost every sector of this country. We know women are the pillars of the society. As women in leadership, we are now committed to encourage others so that they can also get into leadership.

Moving forward, the future with women will be brighter and more comfortable.

Thank you.

Hon. Speaker: Hon. Members, I wish to acknowledge the following schools seated in the Speakers' Gallery:

1. Metkei Girls High School, Keiyo South, Elgeyo Marakwet.

2. Kabarak High School, Rongai, Nakuru.
3. Kondabilet Secondary School, Marakwet West, Elgeyo Marakwet.
4. Kilimo High School, Njoro, Nakuru.
5. Kibutha Girls High School, Kangema, Muranga.

I have been requested by Hon. Murugara to be given a minute to say something. He alleges that he is an alumnus of Kabarak

Hon. George Murugara (Tharaka, UDA): Thank you very much, Hon. Speaker. I am not alleging. It is a fact.

Hon. Speaker: It is with a light touch.

Hon. George Murugara (Tharaka, UDA): Thank you, Hon. Speaker. I understand. Allow me to welcome Kabarak High School in Rongai in Nakuru and the other students who are in the Chamber of the National Assembly. I am an alumnus having joined Kabarak High School in 1986 and did my A levels in 1987. In that year, Kabarak High School was top in the Republic during the Kenya Advanced Certificate of Education (K.A.C.E). It was not a mean feat. I want to tell the students to learn from what they see. These are leaders who are supposed to be their role models and that if they study well and excel in academics, they are also likely to come to this House. They will be better citizens and are likely to scale the heights of professionalism in the country. Therefore, as they observe these proceedings, they should know that their role models are here. As Members of Parliament, we must execute that role because they are observing and will learn from us.

Welcome Kabarak and all the schools that are here this afternoon to observe the proceedings. Thank you very much, Hon. Speaker.

Hon. Speaker: Member at the back, I cannot see you clearly. Member for Turkana Central, Hon. Emathe. Are you also an alumnus of Kabarak High School?

Hon. Joseph Emathe (Turkana Central, UDA): Thank you, Hon. Speaker. I am also an alumnus of Moi High School Kabarak and a parent in the same school. I finished in the year 1997 and my daughter, Michelle, is in Form Three. Please, pass my greetings to Michelle Emathe.

(Laughter)

Hon. Speaker: She may be in the Gallery.

Hon. Joseph Emathe (Turkana Central, UDA): Hon. Speaker, Moi High School Kabarak has a slogan: “On Earth, we Rise”. I want to encourage the students from Moi High School, Kabarak to keep it there. We still need you here. We have Hon. Kitur of Nandi Hills and Hon. Daniel Nanok of Turkana West who are both alumni. I want to thank you and encourage you to keep it up. I know you are disciplined and you work hard. You will make it in life.

Thank you, Hon. Speaker.

Hon. Speaker: Thank you, Hon. Emathe. Hon. Robert Mbui.

Hon. Robert Mbui (Kathiani, WDM): Thank you, Hon. Speaker. I rise under Standing Order No.1 which basically provides that in the absence of something that is not expressly provided in the Standing Orders, we can seek that you help to give direction.

Yesterday, we received your decision to return the request for Chief Administrative Secretaries (CASs) to be vetted by the House. You communicated that there is absence of constitutional statutory provisions that would have been used to do that. I am asking this because you have just pointed out that Cabinet Secretaries would be allowed to come to answer Questions in the Chamber in a designated area. The practice has been that when dealing with committees, most times Cabinet Secretaries have sent either the CASs or their Principal Secretaries (PS).

Hon. Speaker, I would like you to advise us. How do we interact with the CASs when it comes to committees in view of the fact that you have indicated theirs is not a constitutional office?

Thank you, Hon. Speaker.

Hon. Speaker: Hon. Robert Mbui, I think the Communication was very clear. Cabinet Secretaries will come here to answer Questions. In committees, I do not know what the Chairpersons do. However, while serving in the Committees of Finance, and Defence and Foreign Relations in the Senate, we never allowed a Cabinet Secretary to send CAS or PS on their behalf. We only dealt with Cabinet Secretaries. I leave it to the chairpersons of committees to decide what they want to do. At some point, I will ask the Leader of the Majority Party to give a Statement on the Floor of the House. However, I need to make it clear that the appearance of Cabinet Secretaries in plenary is not a closure of their appearance in committees. There will be Questions that will be inadequately prosecuted on the Floor and the discretion of the Speaker may direct them back to committees for further inquiry and investigations. There may also be Questions that in the opinion of the Speaker and on advice of the Clerk require in-depth investigations and may be sent directly to committees. I also know that Question time is the sweetest time for Members of Parliament in the plenary. For every Member who will file a Question, I will allocate them their day. If it is inadequately answered, I will send you to prosecute it in committee as it has been done in the past. I think that would satisfy you for now.

Leader of the Majority Party, if you will have any additional information when we resume, I will give you an opportunity to make a Statement because all these will be coming via your office.

Next Order.

PAPERS

Hon. Speaker: Hon. Members, before the Leader of the Majority Party presents the Papers, I have been asked by Hon. (Dr) Nyikal to remind you that when you eulogised the doyen of feminist politics in Kenya, Hon. Grace Onyango, we indicated that you may exercise your generosity at your own discretion. But it is good to do some form of check-off to support the family. I have been requested to remind you that the funeral of the late will be this Saturday. For those of you who would wish to do so, I will direct the Whips from both sides to speak to you and you can sign off whatever you can to support the family.

Thank you. Leader of the Majority Party.

Hon. Kimani Ichung'wah (Kikuyu, UDA): Thank you, Hon. Speaker. I beg to lay the following Papers on the Table of the House:

1. Report of the Auditor-General and Financial Statements on Forensic Audit on Procurement and use of heavy fuel oils for the period covered 1st July 2018 to 30th June 2021 by the Kenya Power.
2. Report on performance of the special groups (youth, women and persons with disability) from Public Procurement Regulatory Authority.
3. Report of the Auditor-General and Financial Statements in respect of the institutions for the year ended 30th June 2022:
 - (a) Kenya Electricity Expansion Projects (OFID CR. NO. 1487P), Rural Electrification and Renewable Energy Cooperation.
 - (b) Power Transmission System Improvement Project (ADF Loan No.2100150023752), Kenya Electricity Transmission Company Limited.
 - (c) Petroleum Development Levy Fund, Ministry of Petroleum and Mining.

- (d) Arusha – Holili– Taveta – Voi Road Corridor Development Road Project Phase One (Loan No. 2100150028894), Kenya National Highways Authority.
- (e) Merille – Marsabit Road Rehabilitation Project (KE/001/09) Loan Agreement No. KE/FED/2009/021- 655 Kenya National Highways Authority.
- (f) Study and Capacity Building Fund Project (Grant Numbers CKE 6015 01K, CKE 1043 01F and CKE 1047 01K), The National Treasury.
- (g) Upgrading of Gilgil – Machinery Road Project, Kenya Rural Roads Authority.
- (h) Multinational Kenya Section of Interconnection Project of Electricity Grids of Nile Equatorial Lakes Countries (ADF Loan No. 2100150022643), Kenya Electricity Transmission Company Limited.
- (i) Eastern Electricity Highway Project (IDA Credit No. 5148-KE), AFD Loan No. CKE 1030 01B and ADF Loan No.2100150027845), Kenya Electricity Transmission Limited.
- (j) Bogoria Silali Geothermal Project - Geothermal Development Company (GDC).
- (k) Kenya Off – Grid Solar Access Project for Underserved Counties (IDA CR. NO. 6135-KE), Ministry of Energy.
- (l) National Treasury Capacity Strengthening Project (Grant No. 5500155013902 ID. NO. P-KE-K00-011), National Treasury.
- (m) National Agricultural and Rural Inclusive Growth Project (IDA CR. NO. 5900KE), State Department for Crop Development and Agricultural Research.
- (n) Small Scale Irrigation and Value Addition Project (ADF Loan No.2000130014530 and Grant No.557015000751) State Department for Crop Development and Agricultural Research.
- (o) Kenya Marine Fisheries and Socio- Economic Development Project (IDA Credit NO. 65400-KE), State Department for Fisheries Aquaculture and the Blue Economy.
- (p) Kenya Youth Employment Opportunities Project (Credit No. 58210 KE), State Department for Labour.
- (q) Kenya Youth Employment Opportunities Projects (IDA Credit No. 5812-KE), National Industrial Training Authority.
- (r) 220kv and 132kv Transmission Lines and Substations (Exim Bank of India Funded) Projects, Kenya Electricity Transmission Company Limited.
- (s) Capacity Development Project for Enhancement of Rice Production in Irrigation Schemes in Kenya (Project Grant/Credit Number 1161001009) under the Estate Department of Crop Development and Agricultural Research.
- (t) Kenya Vision 2030 Delivery Secretariat.
- (u) Judicial Performance Improvement Project (IDA Credit No. 5181-KE), The Judiciary.
- (v) Youth Empowerment Programme (Grant Credit No. B4210) State Department for Youth Affairs.
- (w) Strengthening Fertiliser Quality and Regulatory Standards in Kenya Project (AGRA Grant No. 2013 SHP 001) State Department of Crop Development and Agricultural Research.

- (x) Kenya Citizens and Foreign Nationals Management Service.
- (y) Kenya Development Solar Power Plant in Garissa Project (GCL No.2015(10), Rural Electrification and Renewable Energy Corporation.
- (z) The Regional Pastoral Livelihood Resilience Project (IDA Credit No.53880-KE) State Department for Livestock.

Thank you, Hon. Speaker.

Hon. Speaker: Thank you, Leader of the Majority Party. Chairperson, Departmental Committee on Transport and Infrastructure.

Hon. George Kariuki (Ndia, UDA): Hon. Speaker, I beg to lay the following Paper on the Table:

Report of the Departmental Committee on Transport and Infrastructure on its Consideration of the National Transport and Safety Authority (Amendment) (National Assembly Bill No. 43 of 2022)

Thank you, Hon. Speaker.

Hon. Speaker: Chairperson, Departmental Committee on Labour, Hon. Muchangi Karemba.

Hon. Muchangi Karemba (Runyenjes, UDA): Hon. Speaker, I beg to lay the following Paper on the Table:

Report of the Departmental Committee on Labour on the Inquiry regarding Sexual Harassment of Female Workers in Tea Estates in Kericho County.

Thank you, Hon. Speaker.

Hon. Speaker: Thank you. Before we go to the next Order Hon. Members, allow me to welcome in the Public Gallery, Acacia Green Primary School from Kabete in Kiambu. On your behalf and on my behalf, I welcome the school to the House of Parliament.

Next Order. Hon. Karemba Muchangi.

NOTICE OF MOTION

SEXUAL HARASSMENT OF FEMALE WORKERS IN TEA ESTATES

Hon. Muchangi Karemba (Runyenjes, UDA): Hon. Speaker I wish to give notice of the following Motion:

THAT, this House adopts the Report of the Departmental Committee on Labour on the Inquiry regarding Sexual Harassment of Female Workers in Tea Estates in Kericho County, laid on the Table of the House on Thursday 23rd March, 2023.

Hon. Speaker: Thank you Chairman. Next Order.

QUESTIONS AND STATEMENTS

ORDINARY QUESTIONS

Hon. Speaker: Question No. 1 by the Member for Machakos County, Hon. Joyce Kamene.

Question 018/2023

CONSTRUCTION OF FOOTBRIDGES ALONG MOMBASA ROAD

Hon. Joyce Kamene (Machakos County, WDM): Hon. Speaker, pursuant to the provision of Standing Order 42A (5) I wish to ask Question No.018/2023 to the Cabinet Secretary for Roads and Transport:

What measures has the Ministry put in place to provide for pedestrian footbridges along an approximately two kilometres stretch of Mombasa Road, especially the crossing at Hilton Garden Inn and Syokimau Railways Station/Nairobi SGR Terminus and the stretch between KAPA Industries and Mastermind?

Hon. Speaker: Hon. Members you will note that Questions being asked today are the first batch that will be asked when we resume after the short recess.

Question No. 069, Member for Elgeyo Marakwet, Hon. Caroline Ng'elechei.

Question 069/2023

BAN ON MAIZE CULTIVATION IN PLANTATION ESTABLISHMENT
AND LIVELIHOOD IMPROVEMENT SCHEME AREAS

Hon. Caroline Ng'elechei (Elgeyo Marakwet County, Independent): Hon. Speaker, I rise to ask Question No. 069/2023 to the Cabinet Secretary for Environment, Climate Change and Forestry. Could the Cabinet Secretary:

- (a) Explain the rationale behind the ban on maize cultivation in Plantation Establishment and Livelihood Improvement Scheme (PELIS), popularly known as PELIS areas.
- (b) Explain why there is a massive decrease in forest cover percentage in Elgeyo Marakwet County despite the ban on maize cultivation under the PELIS system.
- (c) Explain the pros and cons of maize cultivation under the PELIS system and clarify whether the area residents can revert to the initial maize cultivation in PELIS areas.

Hon. Speaker: Thank you, Hon. Member. Your Question will be answered after recess by the Cabinet Secretary for Environment, Forestry and Mining. I thought Mining, Leader of the Majority Party, is with the Blue Economy. Is it with Environment and Forestry? The Leader of the Majority Party, is mining under Blue Economy or under Forestry? Next is Question 070/2023 by the Member for Lunga Lunga, Hon. Chiforomodo Mangale.

Question 070/2023

PAYMENT OF HARDSHIP ALLOWANCES TO PUBLIC
SERVANTS IN LUNGA LUNGA SUB-COUNTY

Hon. Chiforomodo Mangale (Lunga Lunga, UDM): Thank you, Hon. Speaker. Pursuant to the provisions of Standing Order 42A (5), I rise to ask the Cabinet Secretary for Public Service, Gender and Affirmative Action the following Question:

Could the Cabinet Secretary expound on the status of approval of payment of hardship allowances to public servants in Lunga Lunga Sub-County given the extreme working conditions in the area?

Hon. Speaker: Thank you. That Question will be answered by the Ministry of Labour and Social Protection. The next Question is by the Member of Parliament for Kaiti, Hon. Joshua Kimilu

Question 071/2023

NON-PAYMENT OF DUES TO DEALERS BY SAFARICOM

Hon. Joshua Kimilu (Kaiti, WDM): Thank you, Hon. Speaker for this opportunity. I rise to ask Cabinet Secretary for Information, Communications and Digital Economy:

- (a) Considering that the Government of Kenya is the largest shareholder in Safaricom PLC, could the Cabinet Secretary explain why the Company has not been paying residues to its dealers according to the contractual terms, as is the case for non-payment of dues for the period from January 2023 to date?
- (b) What steps is the Government taking to ensure that Safaricom PLC provides its employees with a conducive working environment that is compliant with fair labour practices, including checking on sudden change of work stations without adequate notice which is disruptive?

Hon. Speaker: Thank you, Hon. Kimilu. The Question will be answered by the Minister for Communication, Information and Innovation.

The next Question is by the Member of Parliament for Rongo, Hon. Paul Abuor.

(Question 072/2023 withdrawn)

The next Question 073/2023 is by the Member of Parliament for Teso South, Hon. Mary Emasse. Since there is no information about her presence, the Question is hereby dropped.

(Question 073/2023 dropped)

The next Question is by the Member of Parliament for Gilgil, Hon. Martha Wangari.

Question 074/2023

SHORTAGE OF BIRTH REGISTRATION MATERIALS (B1 FORMS)
IN HEALTH FACILITIES ACROSS THE COUNTRY

Hon. Martha Wangari (Gilgil, UDA): Thank you Hon. Speaker. I rise to ask Question 074/2023 to the Cabinet Secretary for Interior and Co-ordination of National Government:

- (a) Could the Cabinet Secretary explain why there is a shortage of birth registration materials, also known as B1 forms, in health facilities across the country?
- (b) Could the Cabinet Secretary explain why mothers in public hospitals, especially those on the National Government Linda Mama Programme, are subjected to unnecessary detention after discharge as a result of unregistered births of their babies due to the above-mentioned shortage, yet it is a duty of the Government to provide the B1 forms?
- (c) What steps has the Ministry taken to ameliorate the situation and ensure that mothers who are due for discharge are not forced to incur additional bills due to unjust detention in hospitals owing to the Government's incapacity to promptly register births as a result of lack of birth registration forms?

Thank you, Hon. Speaker.

Hon. Speaker: Thank you, Hon. Wangari.

Sorry Hon. Members. The Clerk informs me the Member of Parliament for Rongo had actually sent an apology that he is unable to attend the House today. I, therefore, rescind the dropping of his Question and schedule it to the first sitting day when the House resumes.

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(Question 072/2023 deferred)

Let us proceed with the next Question 075 /2023 by the Member of Parliament for Kabuchai, Hon. Kalasinga.

Question 074/2023

DELAYED PAYMENT OF ELECTION OFFICIALS

Hon. Majimbo Kalasinga (Kabuchai, FORD-K): Thank you, Hon. Speaker. I rise to ask the Independent Electoral and Boundaries Commission the following Question:

- (a) Could the Commission explain why payments to Presiding Officers, Deputy Presiding Officers and Clerks that oversaw the Bungoma by-election for the senatorial seat in December 2022 have delayed up to date?
- (b) What plans does the Commission have to compensate the Presiding Officers, Deputy Presiding Officers and Clerks whose payments are long overdue given the high cost of living?

I thank you, Hon. Speaker.

Hon. Speaker: The Question will be forwarded to the Justice and Legal Affairs Committee for answering.

Hon. Members, that brings us to the end of Questions. Next Order.

STATEMENTS

CONSIDERATION OF BUSINESS FOR THE
WEEK OF 11TH TO 14TH MARCH 2023

Hon. Speaker: The usual Thursday's Statement by the Hon. Leader of the Majority Party is not included in the Order Paper.

Hon. Kimani Ichung'wah (Kikuyu, UDA): Thank you, Hon. Speaker. I rise under Standing Order 44(2)(a) to make a Statement on behalf of the House Business Committee which met on Tuesday, 21st March 2023 to prioritise the business for consideration during the week.

Allow me to commend the leadership of both sides of the House and Members for the dedication and cooperation exhibited in the Session so far. Indeed, we have certainly set a good pace and met the statutory timelines in respect of all matters that were before the House in the first part of this Session. This includes the Budget Policy Statement and the Debt Management Strategy Paper Approval. We are now due for a short break commencing after today's session going by our calendar of regular sittings.

Hon. Speaker, Members will recall that on Tuesday this House resolved to alter its calendar for the second regular Session by varying the period for the short recess so that it commences tomorrow Friday, 24th March 2023 and ends on Monday, 10th April 2023 which is Easter Monday. The break will, therefore, be two weeks instead of one week. The House is scheduled to resume its regular sittings on Tuesday, 11th April 2023 at 2.30 p.m. to continue with the first part of the Session.

Hon. Speaker, the House still awaits reports on various items of business. This period gives Committees ample time to expedite their pending business and finalise their reports on Bills, treaties, approval hearings, inquiries and response to Statements which will be brought to the House upon resumption.

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Hon. Speaker, upon resumption, the House will continue with debate on the Reports of the 144th and 145th Assemblies of the Inter Parliamentary Union, the general debate on proposals to amend the Constitution under Standing Orders, and the Statute Law (Miscellaneous Amendments) Bill 2022 should they not be concluded today.

Further, the House is also expected to begin debate on the ratification of the African Union Treaty for the establishment of the African Medicines Agency (AMA) and ratification of the agreement between Kenya and the United Kingdom of Great Britain and Northern Island on Defence Cooperation. The House Business Committee shall reconvene on Tuesday, 11th April 2023 to schedule business for the rest of the week.

Hon. Speaker, in conclusion, I want to wish all our Muslim brothers and sisters in the House and around the country *Ramadhan Mubarak* as we begin observance of the holy month of *Ramadhan* today. I also note that the Easter holiday falls during the recess period. Therefore, on behalf of the House Business Committee, myself, and the great people of Kikuyu Constituency, I wish Members a happy Easter and a restful recess period as they spend time with their families. I wish them well as they discharge their constituency obligations noting that these two weeks will be a working recess for the committees to complete work that they would otherwise not do during regular sittings.

I now wish to lay this Statement on the Table of the House. When we resume after the short recess of two weeks immediately after Easter, we expect that the Annual Estimates will come towards the end of that month. Therefore, the House will be very busy. So, take your time to engage with your constituents and your families during this short recess. As you take time to be in your committees, spend a little more time with your families because the Session after will be very busy.

Thank you.

Hon. Speaker: Thank you, Leader of the Majority Party. Next Order.

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

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

POINT OF ORDER

RULE ON ANTICIPATION OF DEBATE/DRESS CODE IN COMMITTEES

Hon. Kimani Ichung'wah (Kikuyu, UDA): Thank you, Hon. Speaker. I rise under Standing Order 85 on anticipation of debates. We are a House of procedure and rules. There are two minor issues that I have noted that are good to apprise Members on for the good of housekeeping. One is on anticipation of debate. I noted yesterday – as much as I am yet to get the Privatisation Bill – that the Leader of the Minority Party and a number of Members addressed the media within the precincts of Parliament on a Bill that had only been reported in the media to have been sent to the National Assembly. Maybe, it will be good if you guide all our Members. Some of those small things may mislead our new Members to assuming that it is right and okay to anticipate debate on Bills that are before the House or that have been scheduled. In fact, any Bill that is gazetted... If you read Standing Order 85(1) it says:

“It shall be out of order to anticipate the debate of a Bill which has been published as such in the Gazette by discussion upon a substantive Motion or an amendment, or by raising the subject matter of the Bill upon a Motion for the adjournment of the House.”

Just for guidance, guide the House on this. I know the Leader of the Minority Party is not here, but the *emeritus* Leader of the Minority Party, Hon. John Mbadi, is sitting here. Maybe, he can guide the Leader of the Minority Party and Members within their coalition. As much as they could be eager to incite members of the public and the country on what is bound

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to come before the House, we have an opportunity as Members of Parliament to interrogate whatever proposals that come to us from the Executive in form of Bills. We have an opportunity on this Floor to challenge, support, oppose and decide on what to do with whatever proposal that comes to the House. I, therefore, found it out of order for the House leadership to be leading other Members to anticipate debate of Bills that are already published. That Bill was only reported in the media to have been approved by the Cabinet. That is an assumption that it has been gazetted.

Two, I have noticed that there is constraint of committee rooms. That is why I said that it will be good if committees make use of the coming short recess to schedule their meetings even at a time when the House would otherwise be sitting so that they can utilise the rooms within the precincts of Parliament. It is also worth noting that when a committee sits outside the precincts of Parliament, the room becomes an extension of either our committee rooms within the precincts of Parliament, or even this Chamber.

I have noticed that the mode of dress that Members appear in before committees, especially when they have invited witnesses and other people from outside Parliament – I will not name any particular committee – is such that Members have no jackets. Some chair those committees without their jackets and some roll up their sleeves. We need to restore the dignity of committees, whether they sit within the precincts of Parliament or outside.

I, therefore, beg that you also advise all our Chairs and Vice-Chairs or any other Member who may be designated by a Chair or a Vice-Chair to chair a committee on their behalf. Whether a committee sits in a hotel around town or in one of the Government institutions where parliamentary committees are accommodated, we should carry ourselves with dignity just as we do when we appear in the plenary and committees, including the mode of dressing. I saw some Members removing their shoes in those well-carpeted rooms. We have a number of new young Members. I know the weather has not been very kind, but that is why Parliament spends money to ensure that we sit in committee rooms that are well ventilated and air conditioned. Therefore, do not get tempted to remove your jacket and to roll your sleeves or, at times, remove shoes – I do not know for what reason.

Thank you.

Hon. Speaker: Yes, Hon. John Mbadi.

Hon. John Mbadi (Nominated, ODM): Thank you, Hon. Speaker. For clarity, I am not speaking for the Leader of the Minority Party but as a senior Member of the Minority side. I want to make quick comments on the point of order raised by the Leader of the Majority Party. I agree with him entirely on the second point, on the mode of dressing, because our committees are extensions of plenary. We must dress appropriately. There is already a Communication to that effect from the Speaker. That is nothing new. For example, in the Committee that I chair, the Public Accounts Committee, I do not allow any Member to sit in when we are transacting business – even if it is in-house – without dressing appropriately. You must be in a tie and a suit except Hon. Otiende Amollo, who dresses in a manner that the Speaker allowed, but I am not comfortable with. However, since the Speaker allowed it in the Chamber, I also allow it in the Committee.

(An Hon. Member Spoke off-record)

The same applies to Hon. Didmus Barasa.

On the first point that Hon. Ichung'wah raised as the Leader of the Majority Party regarding anticipating debate under Standing Order No.85, that Standing Order is one of the provisions that have been there for donkey years.

Hon. Speaker, you have been in this House longer than many of us, if not all of us. That provision has been there. It talks about published Bills. I am not aware if there is any Bill on

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Privatisation that has been published. I guess the comments that came from those political leaders was as a result of what was reported to have come out of a Cabinet sitting. We expect Kenyans to comment when there is a report coming from a Cabinet meeting. It is our Cabinet. As a matter of fact, the people of Kenya have to hold their Cabinet accountable. So, anything that comes from the Cabinet must be questioned and criticised if there is need to criticize it.

Finally, we need to look at this Standing Order properly. It has never been amended, but it is high time it is amended. The reason why I say so is because it is contradicting our Constitution, which allows public engagement on legislative agenda before the House. We need public participation. There is no way I can engage in public participation without talking about a Bill with the public. This is one of the provisions of our Standing Orders that has been there before the Constitution of Kenya, 2010. These are some of the things that we need to change. If you look at other jurisdictions, they discuss legislative agenda that is before their Parliaments everywhere. We are called to media houses. For example, when the budget estimates and the Appropriation Bill are brought here, I will be invited by *Citizen Television* and the *Nation Television* to discuss them, as an expert on matters finance. As a Member of this House, how should I behave? Will I be accused of anticipating debate? The Committee that deals with proposed amendments to the Standing Orders needs to look at that particular Standing Order and find it to be behind our times. It should amend it so that whether you are a Member of Parliament or a fisherman along the shores of Lake Victoria, you are allowed to discuss a legislative agenda before the House. I am sure Hon. Chepkong'a, a renowned lawyer in this country, agrees with me on this. There is no way that we can discuss legislative agenda with the public without discussing it.

Thank you, Hon. Speaker.

Hon. Speaker: Hon. Chepkong'a.

Hon. Samwel Chepkong'a (Ainabkoi, UDA): Thank you, Hon. Speaker. Hon. John Mbadi has spoken very well. He has, in fact, admitted that he has commented on the Standing Orders as a layman and not a lawyer. The only exception is that he is a lawmaker. He cannot say that the Standing Order that has been referred to by the Leader of the Majority Party is not applicable and neither is it outdated. The Standing Orders have been amended from time to time.

I agree with the Leader of the Majority Party. When I hear the comments that people have been making in the Press outside Parliament, I keep asking myself which Bill it is that has not been given to us. It is important that when you are an MP, you do not anticipate debate. You have time to come and debate the Bill. In fact, a Bill is just a Bill. That is what it means in plain English. It is not the law. You should not demonstrate against a Bill. Once it comes to this House, we can even reject it. I have tabled regulations that have been published, some ministries have used them, but we have annulled them in their entirety. There is nothing this House cannot do, particularly with a Bill. A Bill is just a published legislative proposal. It is the intention of the Government that the Bill be passed. However, it is incumbent upon us, as MPs, to decide.

Secondly, I would like to comment on dressing. I know that all chairpersons of committees are an extension of the Speaker. It is important and pertinent for chairpersons to rule when a Member is improperly dressed. If you go to court and you are not well-robed, you will be thrown out. We expect chairpersons to throw out Members who are not properly dressed, particularly those who sometimes come to committee sittings in open shoes and with their shirts and ties open to expose their chests. Those ones should be thrown out of the committee sittings and asked to go and dress properly. We expect chairpersons to administer the Standing Orders of the House.

Thank you, Hon. Speaker.

Hon. Speaker: Thank you, Hon. Members. As Hon. Chepkong'a has rightly said in buttressing what the Leader of the Majority Party and Hon. Mbadi have said, wherever committees sit, even if they are sitting on the moon, they are an extension of this Chamber. Rules of etiquette, dress code and conduct expected of Members under the Standing Orders extend to committees. Chairpersons of Committees, you have a duty to ensure observance of the rules of etiquette, dress code and conduct of Members and witnesses who appear before your committees. Of course, the Chair will only get to know when you bring it to his or her attention that a certain Member is lax and not observing the etiquette and expected conduct in a committee, in which case the Chair will take the necessary steps to correct the situation.

Next Order.

PROCEDURAL MOTIONS

EXTENSION OF PERIOD OF CONSIDERATION OF A LEGISLATIVE PROPOSAL TO AMEND THE CONSTITUTION

Hon. Speaker: The Co-Chairperson of the Joint Parliamentary *ad hoc* Committee on Proposal to Amend the Constitution to Entrench Certain Specialised Funds.

Hon. Samwel Chepkong'a (Ainabkoi, UDA): Thank you, Hon. Speaker. I am the Co-Chairperson; it is just that it is not indicated on the Order Paper.

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

THAT, in furtherance to the Resolution of the House of 24th November 2022 on the Establishment of a Joint Parliamentary *ad hoc* Committee on a Proposal to Amend the Constitution to Entrench certain Specialised Funds, (namely NG-CDF, Senate Oversight Fund and NGAAF), this House further resolves to extend the timeline for consideration of the proposals by a period of 90 days from Tuesday, 11th April 2023.

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

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

That is the day we resume our Sittings from recess. The import of this Motion is to seek to expand the timeframe within which those specialised funds would be considered. We had assumed that we would be able to complete those proposals within the 90 days. Unfortunately, they became a little bit complex because of the process and the negotiations therein.

Therefore, we are seeking an extension of time by a further 90 days to enable the Joint *ad hoc* Committee composed of the National Assembly and the Senate to conclude discussions and come up with the relevant constitutional amendment Bills to entrench into the Constitution those issues that affect Kenyans outside this House.

Hon. Temporary Speaker, I beg to move and ask Members to support this Procedural Motion. I would like to request Hon. Stephen Mule to second.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Please proceed to second the Motion.

Hon. Stephen Mule (Matungulu, WDM): Thank you very much, Hon. Temporary Speaker. I urge Members to agree with the Chairperson of the Joint *ad hoc* Committee. We thought that we would get this moving and finish the work which was expected of us within the timeframe that we had. When we met yesterday, we realised that we still needed more time

to ensure that we do our best regarding the Bill and carry everybody on board so that, at least, for the first time, Parliament would amend the Constitution without going to a referendum.

As we go on recess, we make a kind request to all Members of single-member constituencies and Women Representatives to see whether they can meet with the public, conduct public participation on this amendment to the Constitution, and give us a report once we come back from recess to enable us to shorten the time and move forward. You know very well that when the Bill will be read for the First Time, we will still need 90 days before we can go to the Second Reading. I believe that if we work together as a team and each constituency conducts public participation on these proposals together with their National Government Constituencies Development Fund (NG-CDF) chairpersons, we will close the door on public participation in a shorter time than we expect. I urge Members, both inside and outside the Chamber that, as you go on recess, make that provision for public participation, and give us a report when we come back from recess. We will then be able to move this forward and finalise on the amendment of the Constitution.

I beg to second.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Thank you very much, Hon. Mule.

(Question proposed)

Hon. Members: Put the Question!

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Is it the mood of the House that I go ahead and put the Question?

Hon. Members: Yes.

*(The Temporary Speaker (Hon. (Dr) Rachael Nyamai)
consulted the Clerks-at-the-Table)*

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Hon. Members, I see some interest in this subject. I would like to give a few Members an opportunity to contribute. This is a very important subject and so, I would like to give an opportunity to a few Members to comment. Those Members who are interested in contributing to this, please, press your intervention buttons. I will give the first opportunity to the Whip of the Minority Party, Hon. Owen Baya.

(Loud consultations)

I would like to retake that. It is extremely important. That mistake cannot be made, especially from this seat. The first opportunity goes to the Whip of the Majority Party, Hon. Owen Baya.

Hon. Owen Baya (Kilifi North, UDA): Thank you very much, Hon. Temporary Speaker. I support this Procedural Motion. It is important that we take our time as a House...

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Hon. Owen Baya Yaa is the Deputy Leader of the Majority Party in the National Assembly. You may proceed.

Hon. Owen Baya (Kilifi North, UDA): Thank you. It is important we continue to gather information on this Motion so that we involve everybody and do a lot of public participation. That is so that we say what Kenyans have said as we come to this Chamber. One of the fundamental principles of this Constitution is that public participation is core in everything that we do. Therefore, I support this and urge other Members to support so that we give it more time before we come back to the debate.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Very well, Hon. Baya. The next opportunity goes to Hon. John Mbadi, Nominated Member.

Hon. John Mbadi (Nominated, ODM): I also want to support the request by this Joint Committee to extend time and allow them more time to look at this matter. A constitutional amendment is a weighty issue. This is probably going to be the first successful constitutional amendment in this country since 2010, when we enacted the present Constitution. Therefore, we need to get it right. The funds we need to entrench in the Constitution are very important to this country. The National Government Affirmative Action Fund (NGAAF) and the National Government Constituencies Development Fund (NG-CDF) are two important funds that have made a difference in the lives of Kenyans. We need to make sure that there is no loophole when we are entrenching them. Therefore, this Committee needs more time to tighten up and bring to this House a comprehensive constitutional amendment that is touching on those funds. I agree that they need more time. This time round, make sure the 90 days are sufficient for you, as a Committee. The longer we take in entrenching these funds, the more we expose them to possible court actions that may be at the detriment of the people of Kenya.

Thank you, Hon. Temporary Speaker.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Thank you very much, Hon. Mbadi.

Hon. Joseph Emathe, Member for Turkana Central.

Hon. Joseph Emathe (Turkana Central, UDA): Hon. Temporary Speaker, thank you for allowing us to ventilate on this Motion. As much as we need to support the Motion as moved, as a first time Member in this House, the manner in which the NG-CDF and the NGAAF are performing is not pleasing at all. It is very discouraging. As at now, we have only received 31 per cent out of the allocation that we are required to receive. We are now in the fourth quarter, and we have only three months before the end of the financial year. We may understand that there are issues here and there. However, I thought even 50 per cent disbursement will help us.

I have just heard the Mover saying that we go and do public participation during recess. The question is: From which coffers are we going to do public participation? Do we have funds in our bank accounts to do public participation? Yes, the period of 90 days granted is okay for the law-making process to take place as required. However, it is important for us to discuss why we are stalling in the disbursement of those funds. If so, what could be the problem, even as we discuss about these funds to constituencies?

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Thank you very much. Hon. Geoffrey Ruku, Member for Mbeere North.

Hon. Ruku GK (Mbeere North, DP): Thank you, Hon. Temporary Speaker. The NG-CDF is an extremely important fund that has implemented quite a number of projects, especially in education, security and in supporting the talent development of our young people. When it comes to the constitutional amendment to ensure that this fund is well guarded and entrenched in the sovereign law of this country, it is important that the Joint Committee considering this amendment ensures it is not only anchored in the Constitution, but also increased in allocation. That is so that the impact of this fund is felt across this country and we increase the areas where the NG-CDF implements projects. We know the problems we are having in this country as far as water and irrigation projects are concerned. We can only change the lives of the citizens of this country if we work on education, water, security and the health sector. It is important to increase the allocation to this fund. The 90 days given to this Joint *ad hoc* Committee are important for this House to have a holistic entrenchment of those funds in our Constitution.

I support this extension.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Thank you very much, Member for Mbeere. The Hon. Catherine Omanyoo, Member for Busia County.

Hon. Catherine Omanyoo (Busia County, ODM): Thank you, Hon. Temporary Speaker. I am supporting, but not to do things haphazardly or in a hurry. Many-a-times, we have gotten ourselves in a quagmire because somebody somewhere pushed for something to go through, and they did not look into future generations. The Committee should be given ample time to come up with a tangible thing that will hold water for a long time, even way after we are dead and gone. We should be mentioning the NGAAF any time we mention the NG-CDF. They go in tandem.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Very well, Hon. Member.

Hon. Rebecca Tonkei (Narok County, UDA): On a point of order, Hon. Temporary Speaker.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): I see a point of order from Hon. Rebecca Tonkei, Member for Narok.

Hon. Rebecca Tonkei (Narok County, UDA): Thank you, Hon. Temporary Speaker. I rise under Standing Order 95. Considering the mood of the House, would I be in order to request you to call upon the Mover to reply?

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Thank you very much. Hon. Members, I would like to establish whether it is the mood of the House that I call upon the Mover to reply.

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

I call upon the Mover to reply.

Hon. Samwel Chepkong'a (Ainabkoi, UDA): Hon. Temporary Speaker, I reply.

(Laughter)

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Thank you very much.

(Question put and agreed to)

Next Order.

PROCEDURAL MOTION

EXTENSION OF PERIOD OF CONSIDERATION OF A NOMINEE FOR APPOINTMENT TO A PUBLIC OFFICE

The Temporary Speaker (Hon. (Dr) Racheal Nyamai): Chairperson, Departmental Committee on Social Protection. Hon. Alice, you may proceed.

Hon. Alice Ng'ang'a (Thika Town, UDA): Hon. Temporary Speaker, I beg to move the following Procedural Motion:

THAT, pursuant to the provisions of Section 13 of the Public Appointments (Parliamentary Approval) Act, 2011 relating to extension of period of consideration of nominees for appointment to a public office, this House resolves to extend the period for consideration of the nominee submitted by His Excellency the President for appointment as a member of the National Gender and Equality Commission by a period of 10 days from 5th April 2023.

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The reason is that the House will be on a recess, and even if we would have finished vetting, we would not be able to table the report. That is why we have asked for an extension of time.

I call upon Hon. Kwanjiku from Kiambaa Constituency to second the Motion.

Thank you.

The Temporary Speaker (Hon. (Dr) Racheal Nyamai): Member for Kiambaa.

Hon. Njuguna Kwanjiku (Kiambaa, UDA): Thank you, Hon. Temporary Speaker.

Considering that we are going on recess, it is paramount that we be considerate of time.

I second.

(Question proposed)

Hon. Members, is it the mood of the House that I put the Question?

Hon. Members: Yes!

(Question put and agreed to)

Next Order.

MOTIONS

ADOPTION OF REPORT ON APPROVAL OF NOMINEES TO TWO NG-CDF COMMITTEES

The Temporary Speaker (Hon. (Dr) Racheal Nyamai): Chairperson, please proceed.

Hon. Musa Sirma (Eldama Ravine, UDA): Hon. Temporary Speaker, I beg to move 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, 21st 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 two Constituency Committees of the National Government Constituency Development Fund:

1. SAMBURU EAST CONSTITUENCY (*Replacement*)

No.	Name	Category	Statutory Provision for Assumption of Position
1.	Lalaigwanani Mathew Lkaaso	<i>Male Adult Representative</i>	Appointment, pursuant to Sec.43(2)(b)

2. KANDARA CONSTITUENCY

No.	Name	Category	Statutory Provision for Assumption of Position
1.	Timothy Ng'ang'a Ndung'u	<i>Male Youth Representative</i>	Appointment, pursuant to

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			Sec.43(2)(b)
2.	Samuel Kagwa Gichuru	<i>Male Adult Representative</i>	Appointment, pursuant to Sec.43(2)(b)
3.	Sarah Nyanjuki Kamandi	<i>Female Youth Representative</i>	Appointment, pursuant to Sec. 43(2)(c)
4.	Roselynn Nduta Gitau	<i>Female Adult Representative</i>	Appointment, pursuant to Sec.43(2)(c)
5.	Anthony Mwangi Kiguru	<i>Representative of Persons with Disability</i>	Appointment, pursuant to Sec. 43(2)(d)
6.	Sammy Mburu Chege	<i>Nominee of the Constituency Office (Male)</i>	Appointment, pursuant to Sec.43(2)(e)
7.	Esther Muthoni Kinuthia	<i>Nominee of the Constituency Office (Female)</i>	Appointment, pursuant to Sec.43(2)(e)

Members, these are the two last constituencies we are approving because they have brought their names. We are ready and we ask them to do good work in their various constituencies because it is their responsibility and that of the Committee which is there.

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

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Leader of the Majority Party, what is out of order?

Hon. Kimani Ichung'wah (Kikuyu, JP): Hon. Temporary Speaker, I am sorry to interrupt the Chair of the NG-CDF Committee, who was doing a very good job. However, when I look around the House, I do not see the Members for Samburu East and Kandara constituencies.

From the 11th and 12th Parliament, the two Houses I have been a Member, it has been a tradition that when we are approving the names of NG-CDF Committee Members, the Members of those constituencies should be in the House. This is because they are the ones involved in the public participation and the approval process right at the sub-county level. I, therefore, request that we drop this particular Motion until such a time when the two Members will be present in the House.

Again, we cannot be slaving for people to pass their names and they are not even in the House. We are all sent here by our constituents to represent them. If the Member for Kikuyu is not in the House, the business of the people of Kikuyu should pause until I come back.

I, therefore, request you, Hon. Temporary Speaker, that you indulge me so that we drop this Motion until such a time when the two Members will be in the House.

If you notice, the Member for Samburu East's list is actually a replacement and will, therefore, be dangerous to replace members when he is not here to appraise the House on why there is a replacement; and for the Member for Kandara to tell us whether these are the people who were elected and nominated at the sub-county level.

It also encourages Members to be present during the business of the House. If we get into the custom of approving things that relate to a Member who is not in the House, then, no Member has any business being in the House, unlike some Members here who are always in

the House. They include: Hon. (Dr) James Nyikal, Seme Constituency; Hon. Peter Kaluma, Homa Bay Town Constituency; Hon. (Dr) Ojiambo Oundo, Funyula Constituency; Hon. Agnes Mantaine, Narok South Constituency; Hon. Memusi Kanchory, Kajiado Central; Hon. Alice Ng'ang'a, Thika Town Constituency; Hon. Kassim Tandaza, Matuga Constituency; Hon. Catherine Omanyoo, Busia County and, of course, the Member for Kikuyu, Hon. Kimani Ichung'wah.

(Loud consultations)

When you are here, you are being accountable to your constituents. And when you serve in a risky position like mine, it is also good to be seen here and to be heard.

On Tuesday, I was here the whole day up to the time the House rose in the evening. This afternoon, I have seen the Former Prime Minister, Rtd. Hon. Raila Odinga purporting that I was in a meeting somewhere with the Deputy President and the Member for Kiharu. It is allowed to hallucinate at some age but, please, do not do it with me. I want to request the Former Prime Minister that in as much as he may hallucinate, please, do not hallucinate with me. I was in the House up to the time the House rose. And when I went home, I found my three-year daughter who sleeps late like me, because we sleep around the same time. Actually, I dozed off holding on to my three-year-old daughter.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Leader of the Majority Party, you have made your point.

Hon. Kimani Ichung'wah (Kikuyu, UDA): I will send Mr. Odinga and the people he was with at that Press conference to my three-year-old daughter to just inform him where I was on that particular Tuesday and see his hallucinations.

(Laughter)

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

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Leader of the Majority Party. Hon. Members, there are so many points of order but, there is a very important matter that has been raised by the Leader of the Majority Party on this subject.

Hon. Nyikal on my left.

Hon. James Nyikal (Seme, ODM): Thank you Hon. Temporary Speaker. First of all, my point of order is...

The Temporary Speaker (Hon. Rachael Nyamai): What is out of order first of all Hon. Nyikal?

Hon. James Nyikal (Seme, ODM): What is out of order is this: He is mentioning people's names who are not in the House and in a negative way. Yesterday, your counterpart, Hon. Temporary Speaker Farah said that is out of order. I think he mentioned Standing Order No. 87. You can exactly say what they did, but you cannot go on to say somebody is having hallucinations. That is not a fact. You can say he said this and he said that, but you cannot proceed to make those allegations.

I respect the Leader of the Majority Party, but we must remember that we have leaders and people respect their leaders. And when you mention leaders negatively, you raise unnecessary tension in the House. Therefore, you defeat the purpose of the debate. With that, I am still saying he is out of order and actually he should withdraw that statement. What he has raised, I support and is important but, he is out of order in the contribution he made.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Very well Member for Seme. Hon. Members I would like you to desist from mentioning individuals negatively in your debate. Leader of the Majority Party, I would like to give you a chance to clarify on that matter

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and if you did not mean it, then you may wish to withdraw especially on the part of hallucinations.

Hon. Kimani Ichung'wah (Kikuyu, UDA): You know Hon. Temporary Speaker, Hon. Nyikal knows because he has been in the Government that Standing Order No. 87(3), says:

“It shall be out of order to use offensive or insulting language, whether in respect of Members of the House or other persons”.

It does not even say other persons who are not in the House. It is any other person. That is why I am very cautious with what I say and how I say it.

I said it is normal at a certain age to hallucinate. Hon. (Dr) Nyikal is a medical doctor of repute and he knows it, it is actually proven medically that it is normal to hallucinate at a certain age. Therefore, if somebody out there hallucinates about me being present somewhere that I am not or organizing things that I may not have organized, what do you call that? If I say someone of the age of Hon. Nyikal is likely to hallucinate, those are two different issues. That is all I stated.

(Loud consultations)

Hon. Peter Kaluma (Homa Bay Town, ODM): On a point of order, Hon. Temporary Speaker.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Hon. Members, if you say point of order and I cannot see your name on the intervention, what do I do? Hon. Kaluma, Member for Homa Bay Town.

Hon. Peter Kaluma (Homa Bay Town, ODM): I thank you, Hon. Temporary Speaker. You know when you make a ruling as the Speaker, we should be led in respecting it, beginning by the Leader of the Majority Party. I think our good friend is forgetting himself at times.

Leader of the Majority Party, you are the leader of this entire House and, by the way, you are the fourth in Government ranking. So, when a side of the House requests you to show respect, whether you hate our leadership to whatever extent, in fact, I think you are the one who is hallucinating over Hon. Raila and Hon. Uhuru. Withdraw it so that with dignity, Parliament can transact business. When you do so, we go into irrelevant things and we distract the business of the House.

I would request Hon. Temporary Speaker that when you make a ruling like that, there is either an unequivocal apology or a withdrawal so that we move as a unit under the leadership of the Leader of the Majority Party.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Hon. Members, I do not wish to continue with these points of order. We will not be able to transact the business that we were transacting, and I would like to request you Hon. Members to be led by our Standing Order No. 87(3) which says: “It shall be out of order to use offensive or insulting language, whether in respect of Members of the House or other persons.”

Hon. Members, the guidance that I would like to give you is that, let us proceed without using offensive and insulting language because if we do so, we are not going to transact business that has brought us to this honourable august House.

Hon. Members, allow me now to go back to the matter that was raised by the Leader of the Majority Party concerning Procedural Motion No. 9. Hon. Members, I withdraw that. I realise that it is Motion No. 10 on Approval of Nominees to Two National Government Constituencies Development Fund Committees.

Hon. Members, I know that you really want to contribute to this, but I would like to guide you. That, indeed, it has been practised. We have perused documents and confirmed that

we can discuss the matter of NG-CDF when Hon. Members of the concerned constituencies are not in the House. Hon. Members, I order that, that business is dropped.

(Motion No.10 dropped)

It will be scheduled again by the House Business Committee. Let us proceed. Next Order.

Thank you very much. Hon. Tonkei, you may proceed.

NOTING OF REPORTS OF THE 144TH AND 145TH ASSEMBLIES
OF THE INTER-PARLIAMENTARY UNION

Hon. Rebecca Tonkei (Narok County, UDA): Thank you, Hon. Temporary Speaker. I beg to move the following Motion:

THAT, this House notes the Reports of the Kenya Delegations to the 144th and 145th Assemblies of the Inter-Parliamentary Union and related Meetings held in Nusa Dua, Indonesia from 20th to 24th March 2022 and in Kigali, Rwanda from 11th to 15th October 2022, laid on the Table of the House on Tuesday, 7th March 2023 and Thursday, 2nd March 2023, respectively.

The 144th Assembly of the Inter-parliamentary Union (IPU) took place from 20th to 24th March, 2022 at the Bali International Convention Centre in Nusa Dua, Indonesia. The theme of the general debate at the 144th Assembly was: “Getting to Zero, Mobilising Parliaments to Act on Climate Change”.

The IPU is domiciled in the Senate and the Kenyan Delegation to the 144th Assembly comprised of the following:

1. Rt. Hon. Sen. Kenneth M. Lusaka, EGH, MP – Speaker of the Senate and Leader of the Delegation then;
2. Sen. Susan Kihika, MP – Delegate/ Immediate former President of IPU Forum of Women Parliamentarians, and now Governor Nakuru County;
3. Hon. Sophia Abdi Noor, MP – President, IPU Standing Committee on UN Affairs;
4. Hon. Prof. Jacqueline Oduol, MP – President, IPU High-Level Advisory Group on Countering Terrorism and Violent Extremism;
5. Hon. John Waweru Kiarie, MP – Member, IPU Committee to Promote Respect for International Humanitarian Law, and he is still the President to date.

I would like to highlight that the IPU was founded in 1889 to promote inter-parliamentary dialogue and diplomacy between nations. Since then, the IPU has become a unique global convening power for parliamentary networking, especially through its Assemblies. The Assemblies is the IPU’s main political body through which the IPU’s member Parliaments adopt Parliamentary resolutions on global issues. It plays a pivotal role in addressing the issues which threaten peace, democracy and sustainable development including through its four thematic standing committees.

At the Assembly, Members of Parliament from around the world come together to exchange good practice and build bridges at the parliamentary level. The National Assembly’s delegation to the Assembly and related meetings played significant roles in their various capacities. In her capacity as the President of the Standing Committee on United Nations Affairs, Hon. Sophia Abdi Noor, chaired the meeting of the Committee and presented its Report to the Assembly.

Hon. Prof. Jacqueline Oduol, having served as Vice-President was elected President of the IPU High Level Advisory Group on Counter Terrorism and Violent Extremism. In this

capacity, the Hon Member chaired meetings of the committee and presented its Report to the Assembly.

Hon. Waweru Kiarie, in his capacity as a member of the IPU Committee to Promote Respect for International Humanitarian Law chaired meetings of the committee in the absence of the substantive President and had the honor to present his Report to the Assembly. In fact, as we speak, Hon. Kiarie is the President of that committee, he took over in our last IPU meeting in Rwanda.

It is noteworthy that during the 144th Assembly, delegations from 101 member parliaments took part. In this regard, of 778 delegates who attended the Assembly, 404 were Members of Parliament, 393 from member parliaments and 11 from associate members delegations. Those parliamentarians included 30 presiding officers, 28 deputy presiding officers, 154 women Members of Parliament which made up 38.1 per cent and 110 young Members of Parliament which is a representation of 27.2 per cent.

The inaugural ceremony was graced by His Excellency Mr. Joko Widodo the President of the Republic of Indonesia. Others present included Mr. Duarte Pacheco President of the IPU and Mr. Martin Chungong Secretary General of the IPU.

With regard to the agenda of the Assembly, in addition to the theme of the general debate, the Assembly further considered and approved a request for the inclusion of an emergency item in the agenda. The proposals submitted by delegation of New Zealand were entitled: “Peaceful Resolution of the War in Ukraine, Respecting International Law, the Charter of the United Nations and Territorial Integrity.” Having obtained the required two thirds’ majority and the largest number of positive votes cast, the agenda was added to the agenda of the Assembly.

Usually when the IPU meet, when the agenda is presented, it is adopted and presented as it is. May I inform the House that on 24th March 2022 the Assembly endorsed the Nusa-Dua Declaration on getting to zero, mobilising Parliaments to work on climate. Furthermore, the 144th IPU Assembly adopted by consensus the resolution on peaceful resolutions on the war in Ukraine respecting international law, the Charter of the United Nations and territorial integrity.

At the 145th Assembly of the IPU which took place from 11th to 15th October 2022 at the Kigali International Convention Centre in Kigali, Rwanda, the theme of the Assembly was: “Gender Equality, Gender Sensitive Parliaments as Drivers of Change for a More Resilient and Peaceful World”.

We held our elections today as KEWOPA. I thank the KEWOPA Members for electing Hon. Leah Sankaire as the Chairperson and for holding a peaceful election. These are issues of gender.

The Kenyan delegation to the Assembly comprised the following members:

- | | | |
|----------------------------------|---|----------------------|
| 1. Hon. Amason Kingi, EGH, MP | - | Leader of delegation |
| 2. Sen. Dr. Bonnie Khalwale, CBS | - | Member |
| 3. Sen. Catherine Mumma | - | Member |
| 4. Hon. John Kiarie, | - | Member |
| 5. Hon. Gonzi Rai | - | Member |
| 6. Hon. Rebecca Tonkei | - | Member |
| 7. Hon. Naisula Lesuuda, OGW | - | Member |
| 8. Hon. Paul Abuor | - | Member |

The 145th Assembly was attended by delegations from 119-member countries, associate members, observers and other institutions. It was officially opened by His Excellency Paul Kagame, the President of the Republic of Rwanda.

Other dignitaries who graced the inaugural ceremony included:

- | | | |
|-------------------------|---|------------------------------------|
| 1. Mr. Antonio Guterres | - | Secretary General - United Nations |
| 2. Mr. Duarte Pacheco | - | President IPU |

3. Mr. Martin Chungong - Secretary General IPU

I wish to inform the House that on 14th October 2022, the Assembly considered and adopted the Kigali declaration committing Parliaments to be drivers of change for a more resilient and a peaceful world, to celebrate the 10th Anniversary of the IPU's plan of action for gender sensitive Parliaments and to re-commit to advance gender equality in all spheres of society.

The 144th and 145th Assemblies of the IPU also considered and adopted the Reports of the Committees of the Assembly, including;

1. The Standing Committee on Peace and International Security,
2. The Standing Committee on Sustainable Development,
3. The Standing Committee on Democracy on Human Rights,
4. The Standing Committee on United Nations Affairs, which I am a member,
5. The Committee to Promote Respect for International Humanitarian Laws,
6. The Forum of women Parliamentarians, and
7. The Forum of Young Parliamentarians.

On behalf of the Members of the National Assembly Delegation to the 144th and 145th Assemblies of the IPU, I beg to move that this House notes these Reports as presented.

I thank you and request Hon. Cynthia Munge to second.

Thank you.

The Temporary Speaker (Hon. (Dr) Racheal Nyamai): Hon. Cynthia Muge, please proceed to second the Motion.

Hon. Cynthia Muge (Nandi County, UDA): Thank you. I rise to second the Motion that the House notes the Report of the Kenya Delegation to the 144th and 145th Assemblies in Indonesia and Rwanda respectively.

The IPU is a great association that gives Members of this House an opportunity to benchmark and see what happens in other countries and other Parliaments. It is one of the organisations, unions or associations that has given the Members of this House who have attended an opportunity to benchmark since it started.

It has diverse issues that it looks at, it gives a global view to many of the issues that we are facing as a nation in Kenya and in Africa as a continent. I have had an opportunity to attend one of the IPU conferences. I must say that the number of parliaments that this particular body brings together is very good. It brings different kinds of experiences that parliamentarians have had in their countries. This is the only platform that allows Members of Parliament to be heard, air their views and issues, and speak on matters that affect them in the discharge of their duties in their various Parliaments.

Attending one of its conferences opened my eyes on issues of security. It is a platform that you do not just get to hear and read about Ukraine and Russian war but you actually hear testimonies from Members of those particular parliaments.

It is the same association that brings to light the plight of Members of Parliament in different countries. Some Members have had a rough time dealing with the opposition and the governments in power. Some Members have been manhandled and mishandled by their governments for standing for the truth or being the true oversight authority in their parliaments.

This particular Report is an eye opener to this House. It actually tells this House that the kind of problems that we are going through are not domesticated in Kenya alone. They are actually happening all over. Further, it is also a platform that has been used to send a rallying call on several issues that are of importance to the people of Kenya and all the nations in the world. Some of the issues relate to environment, human rights and many others that have been handled under IPU.

Therefore, I want to urge the House to also adopt the Report as it has been tabled because it is a very important one and an eye opener. I also want to encourage Members to go

through it. It is in this report that you get to see the kind of issues that other parliamentarians are going through and you can draw strength from there. As a Member of Parliament, you can also get new experiences in regard to the responsibilities and duties that you have by reading and going through the things that other parliamentarians are going through in the world. Therefore, I support this particular Motion and request the House to adopt it.

Hon. Temporary Speaker, I second.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Thank you very much.

Hon. Njuguna Chege (Kandara, UDA): On a point of order, Hon. Temporary Speaker.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Member for Kandara, are you on a point of order? You may proceed.

Hon. Njuguna Chege (Kandara, UDA): Thank you, Hon. Temporary Speaker. I would like to bring to your attention the Motion on NG-CDF that was deferred because I was not present in the House though I was still within the precincts of Parliament.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Member for Kandara, you may take your seat. The House Business Committee (HBC) had scheduled the matter for approval of nominees to NG-CDF and indeed, it is true that your constituency is one of those that were scheduled, but the matter was dropped! I would like to encourage you to make sure that you are in the House. I am aware that you were engaged in other parliamentary duties. Please make sure that you are here next time so that the matter can be transacted in your presence. Thank you.

Hon. Beatrice Kemei (Kericho County, UDA): On a point of order, Hon. Temporary Speaker.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Hon. Kemei, before you speak, I would like to propose the Question.

(Question proposed)

I can see a point of order by Hon. Kemei. You may proceed.

Hon. Beatrice Kemei (Kericho County, UDA): Thank you, Hon. Temporary Speaker. First, before I talk about the point of order, I am concerned that yesterday there was a ruling by the Speaker that such a Report should be referred to our Committee on Regional Integration. Let that go on record so that next time we do not discuss before it is referred. I want to believe that is on Standing Order No. 212.

Allow me to again...

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Hon. Member, you are not allowed to raise two points of order.

Hon. Kemei, the matter that you have raised and the one that was raised yesterday are different. The matter that was raised yesterday was on Organisation of African, Caribbean and Pacific States Report (OACPS) which is different from the matter that is being discussed now. Additionally, that matter is still under consideration. The substantive Speaker will be able to rule on that matter. I, therefore, desist from making any ruling.

Hon. (Dr) Ojiambo Oundo (Funyula, ODM): On a point of order, Hon. Temporary Speaker.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Hon. Wilberforce Oundo, are you also on a point of order? What is out of order?

Hon. (Dr) Ojiambo Oundo (Funyula, ODM): Hon. Temporary Speaker, I wanted to rise on a point of order. However, looking at the faces in the House, especially of the first-time Members, I would like to hold my point of order for the next 20 minutes. Once the rains subside, we can know what to do.

The joy of coming to Parliament is to speak on the Floor of the House. Even if you are speaking to empty seats, it is still worth it because it will go on record that you made contribution on the Floor of the House. That is why I never tire to encourage the first-time Members, especially the young ones that whatever the condition you are in, always take all the time you can to come to the Floor of the House. You can do this especially when the veterans and the House leadership have left. You will have all the time to say all that you want so that you can learn the art of debate and putting across points of national importance.

Thank you, Hon. Temporary Speaker.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Hon. Oundo, have you decided to let the Speaker imagine the point of order that you wanted to raise?

(Laughter)

Hon. (Dr) Ojiambo Oundo (Funyula, ODM): No, Hon. Temporary Speaker. I am not leading you to imagine anything. I am just giving a fatherly advice to the young parliamentarians to learn about how we do our things. Hon. (Dr) Nyikal and I are veterans here and we know how things go but for now, I will patiently wait for my time to contribute to the Motion. However, if there will be any need, I will raise the point of order at the appropriate time.

Thank you, Hon. Temporary Speaker.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Okay, so then we proceed with debate. Can we have Hon. Florence Jematiah, Member for Baringo County? Hon. Harrison Kombe, Member for Magarini?

Hon. Members, I am just relying on the screen that is here. Hon. Shakeel Shabbir, Member for Kisumu East. Hon. Eric Kahugu, Member for Mathira.

Hon. Members, I would like to say that I have actually lost it on the screen. I think it is a matter that may need some noting.

Hon. Wilberforce Oundo, Member for Funyula.

Hon. (Dr) Ojiambo Oundo (Funyula, ODM): Hon. Temporary Speaker, probably I am not a good reader of the mood of the House, but looking at the faces, all Members being called to contribute do not seem to want to do so. Allow me to make a few comments so that I leave the rest to proceed from there.

Hon. Temporary Speaker, the IPU is an important body that allows Members of Parliament from various parts of the world to assemble and ventilate on many issues. I am encouraged that the theme of the last two Assemblies has been the issue of climate change. As we mentioned earlier, the issue of climate change is central to the survival of planet Earth. We hope that during the deliberations, the Members who attended the Assembly appreciated the impact of climate change in several countries in the world. I hope that when they go back to their countries, they will become champions of climate change. I also hope that our Members, both from the National Assembly and the Senate, who attended the 145th Assembly carried enough information from that meeting and they are going to be on the forefront in championing for climate change.

Before the rains started the other day, we had experienced one of the worst droughts ever seen in this country. For over 50 years I have been in this planet this was one of the worst droughts that I have witnessed. When you watch television and listen to news, some parts of this country in North Eastern and Upper Eastern were devastated. You could not imagine that those parts were still part and parcel of Kenya. Therefore, I hope that when these Members sit in the Departmental Committee on Environment, Forestry and Mining to review the Budget Estimates, they put enough emphasis on mitigating the negative impacts of climate change.

Paradoxically, the rains have started and we are going to hear of floods sweeping away homes, plantations and even drowning animals. It is a shame that we have never had any mitigation factors in place to ensure that we harvest the rain water so that we can use it in subsequent dry seasons to avoid such kind of cases.

I also hope and believe that our colleagues who sit in these Assemblies put forth a very strong case for the respect and protection of family values especially for Africans. I hope they are not going to be coerced or intimidated to come and support the LGBTQ agenda and other alien practices that are being introduced here. As we continuously say, this is a House of debate and Members must be allowed to debate.

With those few remarks, I support the Motion and hope that the findings will find their way in various activities, be it legislation or policy in this country and in the Member countries.

Thank you, Hon. Temporary Speaker.

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

Hon. Adipo Okuome (Karachuonyo, ODM): Thank you very much, Hon. Temporary Speaker, for giving me an opportunity to contribute to this Motion.

I thank our Members of Parliament who attended this meeting in Rwanda. The information they have given us is useful. I appreciate them. There are many common problems to parliamentarians in their different countries. They go through similar problems like us. When our Members of Parliament meet other parliamentarians, they exchange views and some of those views become solutions to our problems. I have in mind climate change which is a global issue and economic issues which is a big problem especially for a country like ours. I also know that socially, we have common problems like what happened on Monday, 20th March 2023. This is also a problem in other countries. For example, South Africans were also picketing and demonstrating on the same day.

One thing I admire about South Africa is that they held peaceful demonstrations without anyone getting killed. This is something we should admire. We also need to question ourselves and search our souls as to why people lose their lives when they are picketing and demonstrating. We must admit of our deficiencies and identify those areas for corrective purposes. If you ask me who was on the wrong, I will clearly say that our police need to check themselves. The solution is not in killing your own brothers. You cause harm to those who defend themselves with stones because that is the only available weapon to them. When demonstrators throw stones to defend themselves, they are deemed to be on the wrong whereas those who use guns to kill those who are exercising their democratic rights are deemed to be on the right. We tend to turn to the other side.

If I was one of the delegates, I would have exploited their presence in Rwanda to know how they handle such cases. We honestly need to know how to handle those who are aggrieved and are exercising their constitutional and democratic rights. We should not kill them.

A meeting of the minds is important. What happened in Rwanda during the Assembly of the IPU was exchange of ideas which is important. From the Report tabled here, I urge our Members of Parliament to check where we lack so that we can improve ourselves.

Hon. Temporary Speaker, with those remarks, I support.

Thank you.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Hon. Eric Kahugu, the Member for Mathira.

Hon. Eric Kahugu (Mathira, UDA): Thank you very much, Hon. Temporary Speaker, for giving me an opportunity this evening to comment on the Reports that have been brought by the Hon. Member in regard to the Members who travelled to Rwanda and other countries.

In this country, we have the best Reports and unfortunately they end up on shelves. Most of them are not implemented. It is my wish that some of these Reports are going to be

utilised for the benefit of this country. Since these Members travelled to Rwanda and other countries, I hope they learnt of how Rwanda went through a lot of pain during the genocide. From what we are experiencing today in *maandamano* I hope we can learn how a country can burn as a result of something as little as *maandamano*. I would wish to tell those who are participating in *maandamano* that there are so many ways we can solve the issues surrounding the country. We are done with the elections. If it is a must for someone to be listened to after elections, especially someone who lost the elections, it is not through *maandamano*. We have lost a life and Rwanda lost lives. It is a learning process and we should learn that it is not a must we do *maandamano*, throw stones, or insult each other. If we are done with elections and we have lost, it is a good way to accept that elections have been completed and we move on.

Hon. Temporary Speaker, most of those who are calling for *maandamano* were at the centre stage when this economy was being run down and the prices of *unga* went up. During that time, they did not speak about the price of *unga* going up. It is only that the shoe has turned, that they are telling us that the price *unga* has gone up. It is my plea that we learn something when we go on those trips. We know what happened in Rwanda, for example. South Africa is also having *maandamano* but in a peaceful manner.

The Temporary Speaker (Hon. (Dr) Racheal Nyamai): Hon. Member for Mathira, you are debating very well but please stick to the rule of relevance which is in Standing Order 106. I know you are still learning.

Hon. Eric Kahugu (Mathira, UDA): Hon. Temporary Speaker, I was only asking that when we go to some of these countries, we learn and implement those reports. We can also learn what happened to those countries when they had genocide and fought each other. So, we implement those reports amicably and not just shelve them.

Thank you, Hon. Temporary Speaker for this opportunity.

The Temporary Speaker (Hon. (Dr.) Racheal Nyamai): Well-spoken Member for Mathira. Hon. Betty Maina, Member for Murang'a.

Hon. Betty Maina (Murang'a County, UDA): Hon. Temporary Speaker, my microphone is as short as I am, probably I can use the next one if you do not mind.

The Temporary Speaker (Hon. (Dr.) Racheal Nyamai): Kindly make available a better microphone. The one she has is too short for her.

Hon. Betty Maina (Murang'a County, UDA): Thank you so much, Hon. Temporary Speaker. When the Member for Mathira was speaking, he consistently repeated the word "Mr Speaker," this is to kindly remind him that we have a Madam Speaker and the leadership of this House is coming to terms with the fact that women can be in leadership positions. I wish to appreciate the Members who have visited several countries and brought back a report here. I echo the sentiments of my colleague that in this nation we are good at keeping reports on our shelves. As a way of good practice, it is prudent for us to be learning from the nations that we visit. A good case study is South Africa where they arrested and put in jail a former president. These are the good practices we should be learning from these nations that we visit. In Rwanda, we have learned about the genocide and many things that happened due to bad politics. These are the things that we should be learning as political leaders. They should guide political leaders when practising bad politics.

Thank you, Hon. Temporary Speaker for giving me this chance. We appreciate the good job you are doing and we urge our fellow Parliamentarians to learn about the good practices when we visit other countries and learn what not to emulate. To comment more about the Rwanda genocide, when we talk about the *maandamano*, I am only talking about the things that happened in this nation. When we talk about *maandamano* as a bad practice, this nation is going through so much and especially in the capital city. We are losing a lot when people just wake up and decide to go for *maandamano*. As a good practice, we respect the Constitution of

this nation whereby when people are elected, they should be allowed to lead. Those who lost should allow the winners to lead as a way of respecting our Constitution.

I thank you, Hon. Temporary Speaker.

The Temporary Speaker (Hon. (Dr.) Racheal Nyamai): Very well, Member for Murang'a. Hon. Beatrice Elachi, Member for Dagoretti North.

Hon. Beatrice Elachi (Dagoretti North, ODM): Thank you, Hon. Temporary Speaker. Before I contribute to the Motion, I want to send my condolences to many of my families in Dagoretti North Constituency. Some of their kids were swept away by floods this morning. When I look at what we are debating, I am wondering whether we are looking at that disaster caused by these rains. We have a Government that does not have the machinery to save children from flooding rivers. It has been very sad today.

Even as we speak of all these and we speak about the trips that we go, I want to congratulate Rwanda because they are taking over from Kenya, because of our own corruption and because of what we have done to this country that God blessed us with. A country that God blessed to be the hub of Africa, today our young people are languishing and have no jobs. All the jobs have gone to Rwanda. We have NBA and another hub coming up in Rwanda. It is so sad that it is Kenyans who have built Rwanda which is flourishing but here, because of the 10 years of losing money and people thinking only of themselves, we have killed Kenya. We, as leaders, in this House do it as if it is a joke. We just play around. I was a victim who was taken to The Hague, something I have never spoken of. That is why, it is not that I cannot do *maandamano*, but I have seen what it can bring to a family. I have seen how a family can go to hell. You have to pray and fast to come out of the things you never did. Yet, it was men who appended my signature and not myself.

As we speak about that, I want us to focus on Kenya. I want to speak to my Government because it is the Government of the day. Sometimes you need to be a David. You must be a David that looked at Saul and did what was right for Israel. Sometimes pride can take you in the wrong direction. Therefore, if we do not have leaders in this House who can face the President and the former Prime Minister and tell them that there is Kenya beyond all of them, then we will be fearing to do what is just for this country. We need a third force that comes out and points out what is right. We are joking about these things we are talking about. Yesterday it was a joke! When it will come to dividing us in Nairobi, that is when you will see young people, some defending their properties and those who do not have properties being "eaten" and "eating" each other alive. Those of us who are laughing here trying to get a ticket for the 2027 elections and those trying to please the Kalenjins about how they can speak for their President, they will come for us as well.

Hon. Eric Kahugu (Mathira, UDA): On a point of order.

The Temporary Speaker (Hon. (Dr) Racheal Nyamai): What is out of order, Member for Mathira? Would you like to state the Standing Order?

Hon. Eric Kahugu (Mathira, UDA): Thank you, Hon. Temporary Speaker. The Standing Order that says you need to substantiate the statement you are making on the Floor of the House. Is it in order for Hon. Elachi to insinuate that His Excellency William Ruto is the President of the Kalenjins only? She stated that there are those who try to please Kalenjins by purporting to speak for their President. I do not find it in order when Hon. Elachi says that His Excellency William Ruto is the President of Kalenjins only.

The Temporary Speaker (Hon. (Dr) Racheal Nyamai): Hon. Beatrice Elachi, please respond to the matter that has been raised by the Member for Mathira.

Hon. Beatrice Elachi (Dagoretti North, ODM): I did not say on *Hansard* that the President is a Kalenjin President. I said, and I want to repeat it on *Hansard* that by joking and playing games here, we are trying to please the President—that if I am a Kalenjin, I speak for the President and if I am a Luo, I speak for Raila. That is what I mean. Thank God I was given

one grace. I would wish to tell the President he is right when he is doing right. I would wish to tell my party leader what is right and what is wrong. May God give me the grace to remain that way. I will never allow myself to come and say something that I know as women of Kenya we are going to suffer. These are our children; they are not the children of any other person. The way a *mama* from Baringo is crying due to banditry is the same way a *mama* of Nairobi is crying for *unga* and the same way *mama* of Central Kenya is crying for her *unga*. It is the same mother and same pain.

All I am saying is, as leaders, even as we speak and appreciate the trips we go, our country...

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Hon. Beatrice Elachi, you seem to be continuing with debate. Since this is a House of records, the clerks have reviewed the statement you made. You have not said...

Hon. Beatrice Elachi (Dagoretti North, ODM): Hon. Temporary Speaker, if that is the issue, I withdraw the statement. If it will please us, I withdraw it. I did not say it. I gave an example of how we debate. We debate for people to see us. That is all I was saying.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Hon. Beatrice Elachi, according to the record, you did not say that. The records are clear, so, you do not need to withdraw. The explanation that you have made already explains. I believe that the Member for Mathira is satisfied.

Proceed.

Hon. Beatrice Elachi (Dagoretti North, JP): I can never say that. I know the president is the President of Kenya. I am not crazy. I do not play such kind of politics.

I was saying that we can bring back Kenya. We can make Kenya survive. We can bring it back if we are willing as leaders to tell the Executive the truth when it is not doing things right.

As I finalise, we were supposed to have a debate on NG-CDF in this House. The Government gave us Ksh14 billion and the balance is Ksh33 billion. We need the resources. We only have 11 weeks to the end of financial year after recess. The Government will not be able to disburse that money. The National Government Affirmative Action Fund (NGAAF) got only Ksh1 billion and we need it increased to Ksh2 billion.

With that, I beg to support.

Hon. Beatrice Kemei (Kericho County, UDA): On a point of order, Hon. Temporary Speaker.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): I see a point of order by Hon. Beatrice Kemei, Member for Kericho County.

QUORUM

Hon. Beatrice Kemei (Kericho County, UDA): Thank you, Hon. Temporary Speaker. I rise on Standing Order 35. Looking around, I do not think we have quorum.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Hon. Members, I order that the Quorum Bell be rung for 10 minutes.

Hon. Members, kindly be guided that you cannot leave the Chamber when the bell is ringing.

(The Quorum Bell was rung)

ADJOURNMENT

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Hon. Members, 10 minutes is over. Standing Order 35(2) states:

“If on the count under paragraph (1) a quorum does not appear to be present, the Speaker or the Chairperson shall cause the division bell to be rung as on a division, and if no quorum is present at the expiration of the ten minutes—

(a) if the Speaker is in the Chair, the Speaker shall adjourn the House until the next sitting without question put”

Hon. Members, the time being 5.07 p.m., this House stands adjourned until Tuesday, 11th April 2023, at 2.30 p.m.

The House rose at 5.07 p.m.

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