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THIRTEENTH PARLIAMENT

NATIONAL ASSEMBLY

THE HANSARD

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THE HANSARD

Wednesday, 22nd November 2023

The House met at 2.30 p.m.

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

PRAYERS

(The microphone went off during Prayer)

Hon. Wanami Wamboka (Bumula, DAP-K): On a point of order, Hon. Speaker.

Hon. Speaker: The House is not yet fully constituted and so you cannot have a point of order.

(Hon. Speaker consulted the Clerk-at-the-Table)

For a change, we are starting with full quorum. Congratulations, Hon. Members. This is how it should be.

(Applause)

Hon. Gathoni Wamuchomba (Githunguri, UDA): On a point of order.

Hon. Speaker: Hon. Wamboka, what was your point of order then?

Hon. Wanami Wamboka (Bumula, DAP-K): Thank you, Hon. Speaker. I am really concerned that when you were praying electricity was on, but your microphone went off! You are the senior most leader in this House. Was it by design or someone was trying to sabotage our Speaker? We need an explanation from whoever is concerned on why the head of one arm of Government should be embarrassed. That was my concern.

Hon. Speaker: Hon. Wamuchomba, what was yours?

Hon. Gathoni Wamuchomba (Githunguri, UDA): Hon. Speaker, it is very serious when the leader of this House is on the Floor executing a very noble duty of praying and bowing to our Lord the maker, then electricity just disappears.

An Hon. Member: It is the microphone that went off.

Hon. Gathoni Wamuchomba (Githunguri, UDA): The microphone power just disappeared. We need a very serious explanation as to what is happening. Could somebody be sabotaging your prayer? We know you are a man of prayer and that is why we call you *Papa wa Roma*.

(Laughter)

Hon. Speaker: Let us end it there. The Clerk-at-the-Table tells me that the machines have been malfunctioning and I direct the Information, Communications and Technology (ICT) team to re-look at the equipment and ensure that they work.

Hon. Members, I want to assure you that I did not feel sabotaged neither did I feel embarrassed. Thank you.

Clerk-at-the-Table.

(Hon. Jared Okello spoke off the record)

Hon. Okello, *ni nini?* We leave it there.

PETITIONS

Hon. Speaker: Hon. Members, we have two Petitions. The first one is to be presented by Hon. Ken Chonga and the second one by the Speaker.

Is Hon. Ken Chonga in the House?

Hon. Ken Chonga (Kilifi South, ODM): Yes.

Hon. Speaker: Go ahead and present. I will present the one that came through the Speaker. We can then give Members a few minutes to comment if they will be interested.

HARDSHIP ALLOWANCE AND AFFIRMATIVE ACTION FOR TEACHERS IN CHONYI SUB-COUNTY

Hon. Ken Chonga (Kilifi South, ODM): Thank you, Hon. Speaker. I rise to present a public Petition on the hardship allowance and affirmative action for teachers in Chonyi Sub-County.

I, the undersigned, on behalf of teachers in Chonyi Sub-County, Kilifi County, draw the attention of the House to the following:

THAT, despite the provisions of Article 27 of the Constitution against inequality and discrimination, teachers working in Chonyi area have endured hardship hurdles since Independence;

THAT, the teachers travel long distances without access to medical services, proper housing, food, and other essential social amenities which are only available in Kilifi Town, the headquarter of Kilifi County which is 30 kilometres away. Further, even the Teachers Service Commission (TSC) offices are located in Vipingo area where a teacher from Chonyi area spends about Ksh1,000 to access their employer's office;

THAT, hardship allowance was introduced as an incentive to teachers and other public officers working in remote areas to compensate for lack of basic amenities such as hospitals, improved infrastructure, harsh climatic conditions and communication access;

THAT, the aforementioned challenges have caused many teachers working in Chonyi area to seek transfers to other areas with better working conditions leading to insufficient number of teachers in the area;

THAT, a countrywide data collection exercise aimed at reviewing hardship areas was led by an inter-agency committee with representation from different ministries, State agencies and commissions. The committee concluded its report on 17th September, 2021 and listed Mbita, Lunga Lunga, Suba, and Chonyi areas to be gazetted as hardship areas to allow for enhanced allowances of public servants including teachers;

THAT, despite the proposal, Chonyi has never been gazetted as a hardship area. In a collective bargaining agreement (CBA) signed between TSC and the teachers' unions, the Commission promised to embark on promotion of teachers serving in arid and semi-arid lands (ASAL) and revealed 18 new hardship areas in the 2021-2025 CBA;

THAT, Kilifi County is an ASAL area, but only had two sub counties of Magarini and Ganze being declared ASAL while other sub counties were left out

including Chonyi. Further, most of the administrators in schools in Kilifi County are in acting capacity thus lowering their morale;

THAT, efforts made to have this matter addressed by the TSC have not resulted into any satisfactory response;

THAT, the issues in respect of which this Petition is raised are not pending before any court of law, or any constitutional or legal body;

Therefore, your humble Petitioners pray that the National Assembly through the Public Petitions Committee—

1. Engages the TSC to ensure teachers working in Chonyi area are paid hardship allowances;
2. Inquire into the matter and recommends that the entire Kilifi County be gazetted as a hardship area, be granted ASAL status as a hard to staff area to allow the teachers to benefit from all the affirmative action, promotion and hardship allowance going forward; and,
3. Makes any other recommendation or action it deems fit in addressing the plight of the Petitioners.

And your Petitioners will forever pray.

Hon. Speaker: Thank you, Hon. Chonga.

(Hon. David Kiplagat stood in the gangway)

Order, Hon. DK. Take your seat. Hon. Members, take the nearest seats. I have a Petition.

DELAY IN RESETTLEMENT OF SQUATTERS IN KOIBEM VILLAGE IN NANDI COUNTY

Hon. Speaker: Hon. Members, Article 119 of the Constitution accords any person the right to petition Parliament to consider any matter within its authority. Further, Standing Order 225(2)(b) requires the Speaker to report to the House any Petition other than those presented by a Member.

In this regard, I wish to report to the House that my Office has received a Petition from Messrs Joel Songol, ID No.5277747, and five others, of Koibem Village, Chepkumia Location, Nandi County, representing Koibem Vilage squatters.

Hon. Members, the Petitioners are raising concerns regarding inordinate delay in the issuance of new title deeds to residents of Koibem Village. The residents were moved in 1996 following excision of 1170 hectares in Yala Block of South Nandi Forest to allow resettlement of 351 people who were to be evacuated from the hilly and rocky Koibem area measuring 989.7 hectares.

The Petitioners state that until late 1990s, the larger Chepkumia Location was surrounded by South Nandi Forest and the vast Kaimosi Tea Estates, leaving an entry road near the Yala River through thick and sometimes quite insecure forest with robbers running amok, spreading terror, killing people and raping women. Koibem Village was rocky and hilly and located right by the forest.

The Petitioners claim that in 1996, the Government of Kenya undertook to relocate the people of Koibem Village from their original land to a block in South Nandi Forest along the Yala River west of Nandi County in exchange and to convert and gazette the original land vacated by the community into a forest.

Hon. Members, the Petitioners aver that the excision process began with the authority granted by the then Minister for Environment and Natural Resources to resettle Koibem people on excised forest land with equal acreage.

On 2nd October 2015, hearings on land formalisation and regularisation were conducted by the National Land Commission and the County Government of Nandi. The exercise entailed acceptance of existing developments, securing public utilities and verifying ownership of land allottees. All persons claiming rights to any parcel presented documents as proof of ownership.

During the Historical Land Injustices Hearing No:NLC/HCLI/435/2018 undertaken on 25th June 2018, the National Land Commission determined that:

1. The Kenya Forest Service (KFS) had authorised an excision of 910.6 hectares which include 186 ha for public utilities, 266.86 hectares for the Koibem Community. The survey had not provided the map for the perimeter of the land excised and that is why the de-gazettement had not been completed;
2. Koibem Community's claim was valid and that new title deeds be issued upon handing over of the title documents held by the residents of Koibem;
3. The KFS to facilitate the de-gazettement of the excised area from Nandi South Forest to enable issuance of title deeds to Koibem community on land-to-land basis;
4. The director of survey, together with Nandi County Government, to expedite the excising of the forest area that KFS excised from the Nandi South Forest and hand over to Koibem Community.

The Petitioners aver that since the concerned residents were moved out of their land and homes 29 years ago, the land they left behind has a mature dense forest cover. However, most of the original title owners have died due to natural attrition, with many survivors suffering from depression. The lack of title deeds has exacerbated poverty due to lack of access to credit facilities from banks, inability to sell land and uncertainty associated with doubtful ownership.

The Petitioners, therefore, pray that the National Assembly engages relevant State agencies to ensure that all the squatters are settled.

Hon. Members, having established that the matter raised in the Petition is well within the authority of this House and it is not pending before any court of law or constitutional or legal body, I hereby commit the Petition to the Public Petitions Committee for consideration pursuant to Standing Order 208(A).

The Committee is required to consider the Petition and report its finding to the House and petitioners in accordance with Standing Order 227(2). I equally commit the Petition presented by Hon. Ken Chonga to the Public Petitions Committee which will report back within the same 90 days.

Hon. Josses Lelmengit.

Hon. Josses Lelmengit (Emgwen, UDA): Thank you, Hon. Speaker. I rise to highlight an additional dimension on the ongoing Petition by Koibem villagers. We have another nearby village adjacent to Koibem called Ngerek which shares the same grievances. I ask for a collaboration of these two communities, so that the Public Petitions Committee can look at this problem as a unified one. This issue needs to be addressed because the same community in the same villages has a similar issue. I request you to ask the Public Petitions Committee to consolidate these two Petitions for Ngerek and Koibem villagers, so that they can have a holistic approach in solving this problem once and for all.

I agree with the Petition that you have just read. The villagers in Emgwen Constituency, Chepkumia Ward, Koibem and Ngerek villages, have had problems since 1996 which is almost three decades now. People live in fear. They can no longer build permanent houses. They do

not have collateral for accessing loans. I ask this honourable House to join hands and assist these people from Nandi County to solve this issue once and for all.

I thank you, Hon. Speaker, and hope that justice will be done.

Hon. Speaker: Thank you, Hon. Lelmengit. You can take time and attend the Committee when they will deal with the Petition and give your views as well.

Hon. Melly Paul.

Hon. Julius Melly (Tinderet, UDA): Thank you, Hon. Speaker. I rise to support the Petition.

Hon. Speaker: Sorry, I called you Hon. Paul, but you are Hon. Julius.

Hon. Julius Melly (Tinderet, UDA): Yes, I am Hon. Julius.

Hon. Speaker: There was another Hon. Paul Melly I knew.

Hon. Julius Melly (Tinderet, UDA): Hon. Speaker, I rise to support the Petition. The issue affecting the people of Koibem and Ngerek villages in Chepkumia Ward is a historical one of injustice and unfairness. Government agencies, more specifically the NLC and the Ministry of Lands, Housing and Urban Development, have really failed to address the issue of the landless people. The people of Koibem gave out their land, which was very rocky and uninhabitable. Government officials, through the KFS, asked them to move to an excised area out of the Nandi South Forest. When they reached there, they were not issued with title deeds. The Public Petitions Committee should visit the site and look at the predicament of these people in Ngerek and Koibem villages and get first-hand information, so that this issue is settled once and for all.

Nandi County has so many squatters. This is a county which bore the brunt of colonialism. Many people were moved away from their land. We have thousands of squatters in Chemelil. As a Member of Parliament, I have been appealing to the Ministry of Lands, Housing and Urban Development and the NLC to ensure that all these people are settled.

I thank you, Hon. Speaker. As Members of Parliament, we shall attend the Public Petitions Committee. We also want them to visit the people.

Hon. Speaker: Hon. Martha Wangari.

Hon. Martha Wangari (Gilgil, UDA): Thank you, Hon. Speaker. I rise to support Hon. Ken Chonga's Petition. We committed another one from Nyatike Constituency recently on a similar issue. The frequency of this issue demonstrates that it will keep on coming in this Parliament. It was also there in the last Parliament. As this Petition is being considered on its merit, I request that the first one the Public Petitions Committee churns out, outlines the requisite parameters. That direction is very important, so that we do not have questions being directed to the Ministry of Education and the TSC and the same problem persists.

On the second Petition, there is the issue of the NLC which has happened in many other areas, apart from Nandi. In my area in Oljorai, we still have the same question of what was done by the NLC. Visiting the area is very important. When we get the outputs and reports, they will have a general bearing on the position they will take. The NLC messes up some of these processes.

I support the Petitions. Thank you, Hon. Speaker.

Hon. Speaker: Hon. Jared Okello, Member for...

Hon. Jared Okello (Nyando, ODM): Nyando.

(Laughter)

Hon. Speaker: Member for Nyando.

Hon. Jared Okello (Nyando, ODM): I thank you very much, Hon. Speaker. Out of the twin Petitions, I want to delve into Hon. Ken Chonga's one in Kilifi South Constituency. I support it. As my sister, Hon. Wangari has alluded, we discussed a similar matter last week

touching on Nyatike Constituency that was brought forth by their Member of Parliament, Hon. Tom Odege. There is a likelihood that in the days to come, we may receive a litany of such petitions. Therefore, even as the Public Petitions Committee sits down to write reports on these Petitions, as Members of Parliament, we need a remedy.

As I said, my two neighbouring constituencies, Nyakach and Muhoroni, benefit out of the hardship allowance. With the real hardship and prevailing floods cutting across our nation at the moment, Nyando seems to be domiciling them, yet it was curved out of that scheme. No public officer wants to serve in a place where there is no hardship allowance, yet in the neighbouring constituency, under the same topography and climatic conditions, people are benefiting. If it is Ksh10,000 over and above their pay, as a Parliament, we may have to reconsider this and pay the money to all public servants in the entire republic so that these back-and-forth requests do not come before us every time.

I have lost more than 200 teachers this year to other constituencies without replacement. This is a tragedy that my people of Nyando are experiencing. At the end of the day, we disenfranchise these students who go to these schools. We must look at this matter comprehensively.

I thank you for giving me the opportunity to contribute.

Hon. Speaker: Member for Aldai. Give her the microphone.

Hon. Marianne Kitany (Aldai, UDA): Thank you, Hon. Speaker. I rise to support the Petition that you have read today on the resettlement of the residents of Koibem Village in Nandi County. This particular issue also affects an area in my constituency. The Nandi South Forest which is being talked about borders my constituency and the neighbouring constituency, Emgwen, where these people were resettled. I also have a group of people who were resettled from Bonjoge Forest and taken to the same Nandi South Forest in an area called Bonjoge. At the time of resettling them, some of them were not resettled. As we speak today, some of them still live in Bonjoge forest or the demarcated land that is called a forest.

As this Petition goes before the Public Petitions Committee, it is important for the Ministry of Lands, Housing and Urban Development to realise that they need to implement all the pending re-locations that were supposed to have been done for the people, especially for ones who were supposed to go to Nandi South Forest. Few people who lived in the rocky areas were removed from Bonjoge Forest and taken to Nandi South Forest. However, their portion of land has never been allocated to them. As this Petition is looked at, I will appreciate it if they can widen it and ask the Ministry of Lands, Housing and Urban Development to fully implement all the re-locations that have been requested.

As you can see and hear from all Members here, we have so many Petitions on land matters, especially on re-location of people which are still pending within the Ministry of Lands, Housing and Urban Development. We wish they can also amalgamate all the pending resettlements and resettle them once. My headquarters is in Kobujoi which is land that was excised from Nandi South Forest. However, up to today, it has never been degazetted and given to the various ministries or Government entities that occupy it. We wish the Ministry of Lands, Housing and Urban Development and Ministry of Environment and Forestry will fast-track the proper excise of the land and relocation of the people living in the forest.

I thank you, Hon. Speaker.

Hon. Speaker: Thank you. Member for Kesses.

Hon. Julius Rutto (Kesses, UDA): Thank you so much, Hon. Speaker, for this moment to also weigh in on the issues touching on the education sector. The way hardship allowance is administered is so selective. Some areas have extreme ends in the locality, but with different geographical treatment.

A case in hand is Kesses Constituency. We have Timboroa, Oleinguse and Ndugulu Locations. These are the ends with extreme weather conditions. The cold situation is majorly

high in Timboroa Location. The survival of teachers who are posted in that area is at risk. When we reversed delocalisation, schools around that area suffered much. Teachers moved back to where they came from. The number of staff who are teaching children in that area has reduced. Schools are suffering because the weather condition is not humane enough for these particular teachers who were brought up in different warm areas. I dare say that we need to have a clear definition of the word “hardship”. At some points, hardship regards terrains and aspects of aridity. At times it is not arid, but the situation is dire. Therefore, I call upon the Ministry of Education and the Teachers Service Commission to reconsider and look at teachers. We have a scenario where Tinderet Constituency is enjoying hardship allowance while neighbouring locations such as Timboroa, which is on the same border, are not enjoying hardship allowance. Therefore, teachers are suffering and moving from one end to the other end. The students, pupils and learners around that area are not given fair treatment like pupils from the other areas.

Hon. Omboko Milemba (Emuhaya, ANC): On point of order.

Hon. Speaker: There is a point of order. Yes, Hon. Omboko Milemba.

Hon. Omboko Milemba (Emuhaya, ANC): This is very rare and without any prejudice. We were doing the budget here two or three days ago and most of these honourable Members were in the House. I pleaded with them. We pleaded with them that these teachers are spread all over your constituencies. We pleaded with them that all these would come back to them. Even if we speak about the TSC, the budget was here recently. We pleaded with you to increase that budget so that those teachers would get the house allowances and hardship allowances, including confirming the permanent and pensionable ones. Members were not serious about that. It really is in the House here. This is where the rubber meets the road. We have to allocate.

Thank you, Hon. Speaker.

Hon. Speaker: Member for Kesses, I think you are done.

(Hon. Julius Rutto spoke off the record)

Okay. Give him the microphone. You are giving the microphone to somebody behind him.

Hon. Julius Rutto (Kesses, UDA): Thank you so much.

It is good to remind my senior that policy dictates the direction of the budget. When we sort out policy issues on hardship allowances, it will inform the budget direction. I submit this in earnest. Let us create fairness in the sector so that the children of the Republic of Kenya receive fair treatment in access to education.

Hon. Speaker: Member for Narok North, Mama Pareyio.

Hon. Agnes Mantaine (Narok North, JP): Hon. Speaker, thank you for giving me this opportunity to add my voice to the issue of education.

Narok North Constituency has really been hit by the shortage of teachers. I remember I brought a Question before this House three months ago asking the TSC to consider Narok North as a hardship area. I have not received any response from the TSC up to today while we have schools that have a population of about 600 pupils with two teachers. The neighbouring constituencies are beneficiaries of hardship allowances.

I would like to know why I have not received any response from the TSC yet schools in my constituency are really understaffed. Teachers cannot deliver to pupils as they are supposed to.

Hon. Speaker: Mong'ina.

Hon. Jerusha Momanyi (Nyamira County, JP): Thank you, Hon. Speaker, for giving me this opportunity to support the Petition from Mhe. Chonga.

In Kenya, we say that education is free to every student. That is, indeed, just a fallacy. There are no teachers in some areas where students are supposed to get free education. The reason is that teachers are always moving away, especially from hardship areas. We as Parliament seriously need to look into what is really happening. Who are these demarcating hardship areas and areas that are not hardship? How come teachers in very hardy areas are never given hardship allowance? My point is that Kenya must be appraised as a country without free education. Our students are not getting that education in some areas because we are not saying exactly where hardship areas are and what is supposed to be remunerated to those who are teaching there. Therefore, they always move out when posted.

Hon. Speaker: Hon. Beatrice Elachi, we should wind up on this.

Hon. Beatrice Elachi (Dagoretti North, ODM): Thank you, Hon. Speaker. I also just want to raise my voice on the hardship that teachers are faced with.

When you look at Nairobi, you will realise that a teacher walks into a class of 200 students waiting to be taught. The same teacher will perhaps teach nearly all subjects. When it comes to hardship allowances, Nairobi should take bigger chunk of it. Please, consider rent, the very high cost of fuel, and where the teacher is coming from to get to school. They go through a lot.

Even as we speak about all these things, there is one thing we need to ask ourselves as a House. The President added more teachers. We just need to see how they were spread. Let us see how we are balancing all counties before we even start talking about hardship. Can we see the numbers across the board so that we can know which county has the highest number of TSC teachers? We should see which county has the highest number of Board of Management (BOM) teachers and schools that do not have enough teachers under the TSC. From there, we can ask ourselves questions due to this high cost of living. Does it mean all counties are hardship areas so that teachers do not get transferred all over? That way, we will have helped the country balance this issue of teachers. We will still have a scarcity of teachers no matter how many we employ.

As I finalise, we need to get junior secondary schools right as we move on together so that we do not go back to the same challenges we are facing.

With those few remarks, I support.

Hon. Speaker: The Chair of the Public Petitions Committee.

Hon. Nimrod Mbai (Kitui East, UDA): Thank you, Hon. Speaker.

I want to speak first as a Member of Parliament for Kitui East and maybe say something as the Chair of the Public Petitions Committee.

Hon. Speaker: You have no business saying anything here as a Member of the Public Petitions Committee. The Petitions are coming to you. Speak for your constituency.

Hon. Nimrod Mbai (Kitui East, UDA): Thank you for the guidance.

I want to go back to my initial assertions. Most of these Petitions touch on the lives of the common mwanachi whom we are representing here. Members bring Petitions on behalf of the public looking for ways of getting the Petitions to your desk, Hon. Speaker. Eventually, you give them to us. Most of them have been worked on. My concern in this House is administrative.

As much as we discuss the Petitions, there are recommendations on reports. Some reports never manage to get to the Floor of the House to be discussed. They go straight to the Committee on Implementation. I do not know whether the Standing Orders do not allow the Committee on Implementation time to give reviews to Members on how far the Committee has gone with regard to certain reports and their implementation status. Hon. Speaker, you can help us here. Through your directive, the Committee on Implementation can get some slot in the hours provided to give feedback on how far they have gone in following up on the implementation of these proposals.

Secondly, I have heard so many Members and I share the same sentiments. Members, it is the Public Service Commission (PSC) that has the mandate of declaring hardship areas and municipalities to benefit from enhanced house allowances. The public sector service boards like the TSC and the Judicial Service Commission (JSC) cannot... It is the preserve of the PSC to communicate to relevant sector services and commissions.

Hon. Speaker: In fact, Chairman, what you are complaining about is authority already vested in you and your Committee. Standing Order 227(2) reads, “The Public Petitions Committee may recommend that a report on a Petition be considered for debate in the House”. The discretion lies with you. When you are done with the Petition, you communicate to the Petitioner and send a copy to the Clerk. You recommend to the Clerk if, in your opinion, you believe the matter is sufficiently important to be debated by the House. Then, it will find its way to the Floor for debate. The authority is vested in your Committee.

As I commit these Petitions to your Committee, I am sure the Chairman of the Departmental Committee on Education is taking judicial notice of the avalanche of Petitions on matters of hardship that are within your competence. You would, *suo moto*, move to deal with this matter even as it is running through the Public Petitions Committee. If you listened to the Member for Nyando, he replayed exactly what he said on another Petition last week; as well as many other Members. That should trigger you, on your own Motion as granted by the Standing Orders, to engage the TSC and the Ministry on this matter and bring a report to the House or do whatever you can to alleviate the complaints we are getting on a daily basis.

Yes, Hon. Melly.

Hon. Julius Melly (Tinderet, UDA): I am well guided, Hon. Speaker.

I think the Committee has got seized of this matter severally. It affects the whole country. When we took it up with the TSC one time, the TSC said that the department that is vested with the power of allocating hardship areas lies in the Office of the President. The TSC only implements what the Directorate of Personnel Management has done to them. I have been consulting with my colleague here, the Chair of the Public Petitions Committee. I also guided him that the Cabinet Secretary (CS) for the Ministry of Interior and National Administration is the right person to come before this House to answer this issue. That particular CS will be in a position to declare several parts of the republic hardship areas or not and the circumstances under which every other place is going to be gazetted.

Thank you, Hon. Speaker. We shall do as guided.

Hon. Speaker: Chairman, the questions being raised by the Member for Nyando include why Muhoroni should be a hardship area and not Nyando. Why should Nyakach be a hardship area and not Nyando? That is your neighbourhood. You live in that area. You know the difference.

Hon. Julius Melly (Tinderet, UDA): I know Nyando is more of a hardship area than Muhoroni.

Hon. Speaker: You should have some rationale in declaring hardship areas. Deputy Leader of the Majority Party.

Hon. Owen Baya (Kilifi North, UDA): Thank you, Hon. Speaker.

Hon. Melly has pre-empted what I wanted to say. We need to call the CS for Public Service, Performance and Delivery Management to this House. The new CS, Moses Kuria, should come and give us a programme on how he will demarcate hardship areas. Apart from teachers, many Government officers and police officers suffer. They are people who work in Government ministries that have been posted to these areas. It is not just teachers. The same way teachers suffer is the same way civil servants and even county government officers suffer.

We need to have a comprehensive review of hardship areas. I think the new CS has displayed energy on this matter. You need to give direction that he be summoned here to give

Parliament a programme on when and how he will make sure that these areas are declared hardship areas so that it is not just an issue of the Ministry of Education.

I thank you.

Hon. Speaker: Hon. Members, allow me to acknowledge the following in the Speaker's Gallery: Kenyatta University students pursuing political studies from Roysambu Constituency in Nairobi. We also have Maasai Mara University students from Narok North Constituency in Narok County in the Public Gallery. On my behalf and that of the House, I welcome them to the House of Parliament.

Next Order.

PAPERS

Hon. Speaker: Deputy Leader of the Majority Party.

Hon. Owen Baya (Kilifi North, UDA): Thank you very much, Hon. Speaker. Before I lay the Papers, I would like to remind Members that we have a sitting tomorrow morning. We do not usually have a sitting on Thursday morning, but we will have one tomorrow and on the next two Thursdays, as we agreed in the Procedural Motion.

Secondly, kindly allow me to also acknowledge my alma mater, Kenyatta University, whose students are here. I and many other Members were once students there as well.

Hon. Speaker: Deputy Leader of the Majority Party, I have given you authority to lay Papers.

Hon. Owen Baya (Kilifi North, UDA): Alright, I will do exactly that.

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

1. Report of the 16th Meeting of the Bureau of East African Community (EAC) Speakers of the National Legislatures and the East African Legislative Assembly (EALA) held on 16th November 2023 in Juba, South Sudan.
2. Reports of the Auditor-General and financial statements for the year ended 30th June 2023 and certificates therein in respect of—
 - (a) Kenya Electricity Generating Company PLC.
 - (b) Global Fund Tuberculosis Project Grant/Credit No. KEN-T-TNT-2067 – Ministry of Health.
 - (c) East African Portland Cement PLC.
 - (d) Centre of Excellence in Sustainable Agriculture and Agribusiness Management (Credit No.5798-KE) for Egerton University.
 - (e) Integrated Programme to Build Resilience to Climate Change and Adaptive Capacity of Vulnerable Communities in Kenya – National Environment Management Authority.
 - (f) East Africa Skills Transformation and Regional Integration Project (Credit No.6334-KE) – Kenya Coast National Polytechnic (KCNP).
 - (g) Kenya Transport Sector Project (Credit No.4926-KE and No.5410-KE) – Kenya National Highways Authority.
 - (h) Multinational Arusha-Holili/Taveta-Voi Road Corridor Development Project Phase 1 – Loan No.2100150028894 – Kenya National Highways Authority.
 - (i) Nuno-Modogashe Road Project.
 - (j) National Information Platform for Food Security and Nutrition Project (Food/2017/393-022) – Kenya National Bureau of Statistics.

Thank you, Hon. Speaker.

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

Next Order.

QUESTIONS AND STATEMENTS

Hon. Speaker: Hon. Wanjala, the Order Paper indicates that Hon. Wamuchomba is supposed to give the Statement.

Hon. Raphael Wanjala (Budalangi, ODM): I was equally wondering, Hon. Speaker.

Hon. Speaker: Go ahead.

GENERAL STATEMENT

STANDARDISATION AND PRODUCTION OF SCHOOL UNIFORMS

Hon. Raphael Wanjala (Budalangi, ODM): Thank you, Hon. Speaker. I rise to reply to the request for Statement by Hon. Gathoni Wamuchomba on the development of a policy on standardisation and production of school uniforms in Kenya.

The Select Committee on Implementation is established in consonance with the National Assembly Standing Order 209. Standing Order 209(2) states:

“(2) The Committee shall scrutinise the resolutions of the House (including adopted committee reports), petitions and the undertakings given by the national Executive and examine—

(a) whether or not such decisions and undertakings have been implemented and where implemented, the extent to which they have been implemented; and whether such implementation has taken place within the minimum time necessary; and,

(b) whether or not legislation passed by the House has been operationalised and where operationalised, the extent to which such operationalisation has taken place within the minimum time necessary.”

Pursuant to Standing Order 47, Hon. Gathoni Wamuchomba moved a notice of Motion in regard to development of a policy on standardisation and production of school uniforms. This resulted in a resolution being passed on 8th March 2023. The Member elucidated in her Motion that she was concerned about the cost of uniforms, which has continued to escalate, thus becoming prohibitively expensive for the poorest within the community, with some schools demanding that parents pay money for uniforms to specific school accounts, a move that locks out many children whose parents cannot afford the expensive uniforms as listed by schools.

On 5th October 2023, the Member further requested for a Statement from the Chairperson of the Select Committee on Implementation regarding the implementation of the resolution on standardisation and production of school uniforms in the country. As per the dictates of Standing Order 209, the Committee summoned the Cabinet Secretary for Education, Hon. Ezekiel Machogu, on 24th October 2023, to follow up on the operationalisation of the resolution. He stated that it was during consideration of the resolution that His Excellency the President constituted the Presidential Working Party on Education Reforms with a wide mandate to review various aspects of Kenya’s education system on financing of basic education. The views of stakeholders on school uniforms were captured, which stated that school uniforms are expensive for parents because school administrations collude with suppliers and force parents to purchase uniforms from specific suppliers identified by the school administration.

The Cabinet Secretary duly informed the Committee that the Working Party recommended that the Ministry of Education should provide guidelines to regulate and liberalise school uniforms in basic education institutions. The Ministry is currently working to

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implement those recommendations which will address the concerns that were noted in the resolution by the House.

The Ministry of Education has put in place measures to further the edicts of Article 53(1)(b) which provides for the right of every child to free and compulsory basic education. Through a Circular dated 30th May 2023, which is attached here under Reference No. MOE/HQS/3/13/3, regional and county directors of education were directed to do as follows:

1. Ensure the stoppage of practices where schools stock uniforms and compel parents to buy them, or direct parents to purchase uniforms from specific dealers; and,
2. Process the names of non-compliant schools for necessary action within the provisions of the law.

The Cabinet Secretary accentuated the importance of the same by highlighting Regulation 67(3) of the Basic Education Regulations, 2015, which stipulates that no institution shall prescribe a specific supplier of school uniforms or any other materials for a parent or guardian. The Cabinet Secretary also issued a directive in preparation for the Form One intake in 2024 to the effect of:

1. No school will direct parents to any particular outlet for the purpose of purchasing uniforms.
2. No school will stock any uniforms and boarding related items whatsoever.

The letter is attached. As the Chairperson of this formidable and highly regarded Committee, we would like to summon various school heads that have abrogated the stipulated rules by the Ministry to serve as an example to the rest.

I hereby submit and remind Members that this is a core issue for our poor parents. You must guard against it. I table this Statement so that you photocopy it and tell parents not to allow that nonsense to happen again.

Hon. Speaker: Hon. Wamuchomba, do you have anything to say? You were erroneously listed on the Order Paper.

Hon. Gathoni Wamuchomba (Githunguri, UDA): The listing of my name on the Order Paper just tells you how many people have fallen in love with me.

(Laughter)

Hon. Speaker, I want to recognise and acknowledge the Statement that has been read out by the Chairperson of the Select Committee on Implementation, Hon. Wanjala, who is also my senior and friend. I appreciate that he has taken time to come up with that very weighty Statement. I also appreciate that he understands that there is a lot of pressure coming from our parents, who have suffered for a long time at the hands of school administrators, principals and teachers, who dictate where to buy uniforms, which uniforms to buy, how much to buy and when to buy, which is against competition laws which govern market forces.

However, while I appreciate the Statement that has been laid on the Table of the House this afternoon, I am still not satisfied as a parent. My prayer through this House...

(Loud consultations)

Hon. Speaker, please protect me from the Members who are in front of me.

Hon. Speaker: Order, Members. One has sat down and the other is walking away. You are now safe.

Hon. Gathoni Wamuchomba (Githunguri, UDA): Hon. Speaker, my prayer to this House in the Motion that I tabled, and which we debated and passed unanimously, was to ask the Ministry of Education to come up with a policy. Instead of them coming up with a policy,

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which is a binding document such that any teacher who contravenes it can be taken to a court of law, they have taken a shortcut and issued a circular. Will a parent in Budalangi Constituency who has been suffering due to exploitation of uniform purchases know that there is a circular? A circular is used for internal communication by school administrators and managers, but parents are unaware of its existence. Come January, the same problem of exploitation that I have been fighting will recur. Why is the Ministry running away from coming up with a policy, which can be tabled anywhere and used in a court of law should a parent be exploited and feel that their rights have been violated?

Article 53 of the Constitution provides for the rights of...

(Hon. Raphael Wanjala stood in the gangways)

Hon. Speaker: Order, Hon. Wanjala. What are you doing?

(Hon. Raphael Wanjala spoke off the record)

Even if she was, you have no right to stand up and pretend that you want to contribute to the matter. You are totally out of order. She correctly described you as her senior. You know the rules better in my estimation. Carry on, Wamuchomba.

Hon. Gathoni Wamuchomba (Githunguri, UDA): Thank you, Hon. Hon. Speaker, for protecting me. Hon. Wanjala should be informed that the woman for the job is holding the microphone.

It is our duty as lawmakers and representatives of the people to defend the Constitution of Kenya on behalf of the children of Kenya who have no voice. We have a voice and that is why we are in this House. In line with Article 53 of the Constitution which provides for the rights of all children to access free basic education, equality in uniforms, and be protected from exploitation, I am not satisfied with the response that I have received from the Ministry of Education as the Mover of the Motion. I still insist that my prayer, which was supported by this honourable House, be honoured, and a policy on uniform regulation and standardisation be made and put in place.

Thank you, Hon. Speaker.

(Hon. Wakili Muriu spoke off the record)

Hon. Speaker: Yes, who do you want to inform?

Hon. Wakili Muriu (Gatanga, UDA): Thank you, Hon. Speaker. I want to inform the Chairperson of the Committee on Implementation.

Hon. Speaker: Just make a comment because he is not on the Floor. You only inform a Member who is on the Floor.

Hon. Wakili Muriu (Gatanga, UDA): Most advised, Hon. Speaker. I wish to inform Hon. Wamuchomba that the matter she has prosecuted this afternoon is before court. I heard the Chairperson of the Committee on Implementation citing circulars by the Ministry of Education, purporting to stop head teachers from getting uniforms from suppliers.

I wish to inform the House that pursuant to a High Court Petition No.5 of 2023, before the High Court of Chuka, a conservatory order was issued restraining the Ministry of Education, from implementing the circular that was issued by the Ministry of Education. The matter is active before court and, therefore, it is *sub judice*.

Hon. Speaker: Thank you Wakili. Yes, Elachi.

Hon. Beatrice Elachi (Dagoretti North, ODM): Thank you, Hon. Speaker. While I appreciate that information, I do not think the order was meant for Parliament. This is a matter

of very serious public interest. This is because the last 8-4-4 students will be joining high school in January. You can only imagine how many they are. We already know the cost of living is high. As we speak about school fees and uniforms, parents should not be told to buy from shops they cannot afford. Parliament is saying that parents should afford buying uniforms for their children. Therefore, the Ministry of Education should ensure that every child has a right to go to school and afford uniform. As a House, we must agree that school uniform should be made affordable to all parents, including those living in the slum areas in Nairobi.

Thank you, Hon. Speaker.

Hon. Speaker: Chairperson of Committee on Education.

Hon. Julius Melly (Tinderet, UDA): Thank you, Hon. Speaker. I support what the Chairperson of the Committee on Implementation has put across. That school uniform has become inhibitive to learning to an extent that school principals and some officials in the education sector have formed a cartel system. They direct parents to specific stalls or shops to buy school uniforms where they get their cut. School uniform should not stop a child from attending classes.

Hon. Speaker: Chairperson, that is a very serious allegation against head teachers. Do you have evidence?

Hon. Julius Melly (Tinderet, UDA): Thank you, Hon. Speaker. I am talking tough. I do not have evidence although I have seen parents being directed to specific shops to buy uniform. Why not allow parents to buy uniform anywhere, for their children? Allow them to buy uniforms from where they like. The shops selling uniforms have specific price tags like Ksh12,000, Ksh13,000 or Ksh20,000 for two pairs. This is quite expensive. Let us follow the Report by the Committee on Implementation and let parents buy affordable uniforms for students.

Thank you, Hon. Speaker.

Hon. Speaker: Lilian Gogo.

Hon. (Dr) Lilian Gogo (Rangwe, ODM): Thank you, Hon. Speaker, for this chance. As a by the way, probably the Chairperson is mentioning this because he was an immediate former school principal and he may have been... That is just a by the way.

Hon. Speaker, in the first place, where did the idea of school uniforms come from? Why not scrap school uniforms from our schools because they are making life so difficult for our parents? School fees are high so in the first place. Why are we letting our children put on uniforms when going to school?

Hon. Speaker, I propose we should scrap off this story of school uniforms so that our parents are left to only pay school fees. The next debate we will have here is the raised school fees. National schools are supposed to pay Ksh53,000, but it has gone up to Ksh83,000 or Ksh90,000 in some schools. There are no standard school fees. So, as a Member of this House, I propose that we should scrap all this circus of school uniforms and our children be allowed to go to school in peace.

Thank you, Hon. Speaker.

Hon. Speaker: Lilian, are you saying that if you scrap uniforms, children will go to schools without clothes?

(Laughter)

Hon. (Dr) Lilian Gogo (Rangwe, ODM): Thank you, Hon. Speaker. They will not go to schools without clothes. They also do not stay at home naked. Somehow, parents will devise ways and means of taking their children to school. This is a headache and the reason why I raised it is because life is already so expensive and unbearable for parents. So, if we could remove the Ksh15,000, Ksh20,000 or Ksh30,000 for uniforms from the school fees, I think it will get the burden off from the parents.

Thank you, Hon. Speaker.

Hon. Speaker: I do not want to escalate this. So, can we end here? The Chairperson of the Committee on Implementation has given a Report and you know what to do with it. I do not understand why Members are turning themselves into a House of lamentation. You run your NG-CDF and have women and youth in your constituencies. Why not set for them businesses to knit uniforms for schools within your jurisdiction, at affordable rates and create wealth within your own areas? It is within your powers to make these decisions. So, I do not understand why you are lamenting. Let the chips lie where they fell.

(Hon. Raphael Wanjala stood in his place)

Wanjala what is it?

Hon. Raphael Wanjala (Budalangi, ODM): I thought you asked me to respond.

Hon. Speaker: Pardon.

Hon. Raphael Wanjala (Budalangi, ODM): Have you asked me to respond?

Hon. Speaker: There is nothing to respond to. You gave a Report and Members have made comments. It was not debate to call you to reply so we leave it there. It will journey to the next level in the ordinary manner. I will now give the Floor to Senior Counsel Otiende Amollo to say something different.

Hon. (Dr) Otiende Amollo (Rarieda, ODM): Thank you, Hon. Speaker. The Deputy Leader of the Majority Party tabled various reports and among them was a Report of the 16th Meeting of the Bureau of East African Community (EAC) Speakers of the National Legislatures and the East African Legislative Assembly which has 34 pages.

Hon. Speaker, it bears comment because it has provisions relevant to Members in barely ten days. So, with your permission, let me first congratulate you and the rest of the Speakers for the 16th Meeting of the Bureau of EAC Speakers, held on 16th of this month in Juba. Allow me also on behalf of this Parliament to congratulate the Speaker of the National Assembly of the United Republic of Tanzania, who is the incoming Chairperson of the Bureau of EAC Speakers.

Recently, she has also been re-elected as the President of the Inter-Parliamentary Union (IPU). As a Member of the East African Community (EAC), we are proud of that. Allow me to indicate to the Members as contained in the Report, that the next set of the East African Legislative Assembly (EALA) games will be held from 7th to 18th December 2023.

(Hon. Julius Melly and Hon. Gathoni Wamuchomba consulted loudly)

Hon. Speaker: Order, Hon. Melly and Hon. Wamuchomba! There are rooms behind the Speaker's chair. If you want to have a conversation, you are free to do so.

Hon. (Dr) Otiende Amollo (Rarieda, ODM): Thank you, Hon. Speaker. Hon. Wamuchomba and Hon. Melly are encouraged to make use of those rooms.

(Laughter)

Hon. Speaker, allow me to repeat to the Members for preparations purposes.

Hon. Speaker: Members who are keen on going to Rwanda for EALA games, you better listen to what Hon. Otiende Amollo is saying.

Hon. (Dr) Otiende Amollo (Rarieda, ODM): Thank you, Hon. Speaker. These games will be held between 7th and 18th of December in Kigali, Rwanda, under the theme 'For a progressive, peaceful and all-inclusive East African Community'.

Two things that Members should note that are different from prior games is that: One, all the disciplines except athletics will only have the participation of Members without staff. That is the resolution that is contained in this Report.

Secondly, all Members will be electronically identified. As we speak, through the Speaker and the Clerk's Office, they have already complied as a Legislative Assembly, and all the electronic and biodata details of all the Members have already been shared for those purposes. This is to ensure that the complaints we have had before of there being some member States who bring non-members to play, will never happen again.

In addition, it is important to tell the Members that it was resolved that after Kigali, the 14th session of these games will be held in Kenya next year.

(Applause)

We will obviously have a discussion around that in terms of how it will be. I urge that when we have that discussion, we consider two things. One, that although this 13th session is Members only except for athletics, and we will talk about that, from the 14th session, it has been recommended that we hold Members-only games and staff-only games. It means that as a country, we will have to deliberate around that proposal. We will also deliberate on the venue. I think decentralisation encourages us to move from Nairobi. We will decide on the venue. Hon. Owen Baya will be highly welcome to the Kavirondo area, for example, which he has rarely visited.

Hon. Members, this is important because the purpose of these games is to deepen and widen co-operation.

Hon. Member: Strengthen.

Hon. (Dr) Otiende Amollo (Rarieda, ODM): Okay. Deepening, widening and strengthening.

Hon. Speaker: It is deepening, widening and tightening. That is the slogan.

(Laughter)

Hon. (Dr) Otiende Amollo (Rarieda, ODM): I am duly corrected by the Speaker.

(Loud consultations)

Strengthening, widening, deepening and tightening. The whole purpose of this is that, this familiarity will actually encourage us to reduce hostilities within the region and enhance unity towards an East African Union. Therefore, we do not take them for granted.

In that respect, I am quite happy reading Page 21 of the Report, that Kenya as a country has done very well. Of all the member countries, Kenya is the one country that does not owe any money to the East African Community kitty. That is something to be commended.

Lastly, I am very happy that as Parliament of Kenya, we are sending 14 different disciplines. We have always had the strongest delegation and won the trophies. We intend to keep winning. I urge the Members who are not involved in any discipline in my capacity as the captain of the football team, to get something to do. If not volleyball, do netball. If not netball, do basketball. If not basketball, do football. If none, Hon. Owen Baya, get to the tug of war.

Thank you, Hon. Speaker.

(Laughter)

Hon. Speaker: Hon. Muhia.

Hon. Wanjiku Muhia (Kipipiri, UDA): Thank you, Hon. Speaker. Senior Counsel has put it very well, but just for the record, the mission of the community is to widen and deepen the economic, political, social and cultural integration. But one Member in Juba indicated that it is also to tighten, which I have no problem with. We can tighten and strengthen.

Having said that, the overall objective of the East African games is to foster the regional integration of the community. The regional integration is not only based on trade, one-stop border post and the like. The social and cultural aspect is key to regional integration considering the four pillars. And the utmost goal of the Community is the political federation. Time and again, when we integrate through sports, we get to learn our Community's culture and understand each other.

Hon. Speaker, in regards to this and as the custodian of regional integration, the Committee on Regional Integration is requesting your office to let many Members of this Committee attend these sports in Rwanda. As much as I encourage them to join me in the field, I play volleyball and they play with me, I request that you direct that this year, a number of Members are allowed to attend. In the future, we shall encourage most of them to join us in the field. The reason is that, I have learnt that Uganda and Tanzania have side sessions within the games. I already spoke in this House that come next year, we intend to have a conference for seven partner States comprising the Regional Integration Committee, with each country's budget chairperson, so that we resolve the matters of budget in East Africa once and for all. It will, therefore, be a good opportunity for you to consider the Members of the Committee on Regional Integration.

Hon. Speaker: Can you write to the Speaker to that effect?

Hon. Wanjiku Muhia (Kipipiri, UDA): Thank you, Hon. Speaker. I will do that letter immediately.

Hon. Speaker: Okay. Member for Chepalungu Constituency, you want to say something on this or something different?

Hon. Victor Koech (Chepalungu, CCM): It is the same. Thank you, Hon. Speaker. As I make my points and comments on what Hon. Otiende Amollo talked about, that this year we will allow only Members. I was simply wondering what will happen to the young Member of Parliament who sits next to me. How will he make his talent be of good use if he wants to widen, deepen and tighten? I was just wondering if we could allow a few of the staff members to accompany Members. It will be of great fun.

Thank you, Hon. Speaker.

Hon. Speaker: That is a very invalid argument.

(Laughter)

Yes, Hon. Jayne Kihara. Is that Jayne Kihara? Give her the microphone. Member for Chepalungu, just go and play.

Hon. Jayne Kihara (Naivasha, UDA): Hon. Speaker, I rise to support the remarks of the Senior Counsel. I have had a chance of travelling to Commonwealth Parliamentary Association (CPA) where we meet people from this region. This integration tells me that when I see somebody from Uganda, that is my brother. In fact, when we are voting, we vote together so that when Europeans talk about lesbian, gay, bisexual, transgender, queer, intersex, and asexual (LGBTQIA), we identify with ourselves from the region.

Hon. Speaker, about the sports, I am in the tug of war team and I can put it here that....

Hon. Speaker: And rightly so.

(Laughter)

Hon. Jayne Kihara (Naivasha, UDA): I am the anchor of the ladies' team. I challenge male Members of Parliament. I do not think they will have a full team if they are not helped by the staff. Please, Hon. Members, let us fill these teams and engage with Members of Parliament from the region and get to know them and they get to know us. It will enhance friendship and enable us to understand our cultural differences which leads to strengthening the Community.

Thank you, Hon. Speaker.

Hon. Speaker: Yes, Hon. Musa Sirma.

Hon. Musa Sirma (Eldama Ravine): Thank you, Hon. Speaker. Having been a Minister in the Ministry of East African Community, I urge the Hon. Speaker to give Kenya the opportunity to participate. We are the biggest economy in the region. We need to be seen as the biggest not only in terms of figures, but even in persons. We want to join up with other East African communities so that we can deepen these relations and have all other countries also benchmark on us being great people of the Republic of Kenya.

I thank you, Hon. Speaker.

Hon. Speaker: Members, you have heard the Communication. It was also decided at the Bureau that even as our staff will participate in athletics, their performance will not aggregate the overall performance of any country team. The overall performance will only be judged on the participating teams of Members only. So, those of you who are not in any teams, it is up to you to join and play. I believe my friend, Hon. Makilap, will be in the tug of war.

Next Order.

(Laughter)

BILLS

Second Reading

THE ASSISTED REPRODUCTIVE TECHNOLOGY BILL (National Assembly Bill No.61 Of 2022)

(Moved by Hon. Millie Odhiambo-Mabona on 18.10.2023 – Afternoon Sitting)

(Debate concluded on 8.11.2023 – Afternoon Sitting)

Hon. Speaker: Order, Hon. Members. Order, Hon. Member walking out, take the nearest seat. Those Members on their feet, can you take your seats. Order, Hon. Members! Take your seats. Is that KJ?

Hon. Members, I am satisfied that there is Quorum to put the Question.

(Question put and agreed to)

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

Hon. Speaker: Next Order.

First Readings

THE APPELLATE JURISDICTION (Amendment) Bill (National Assembly Bill No. 49 Of 2023)

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THE EMPLOYMENT (AMENDMENT) BILL
(National Assembly Bill No.62 Of 2023)

*(The Bills were read a First Time
and referred to relevant Committees)*

Hon. Speaker: Thank you. As we go to the next Order, the Speaker will be delivering a ruling on your attire and the etiquette in the House and in committees. What will be ruled on how you dress and conduct yourself here will bind you in committees as well. As the Speaker will enforce the rules here, every chairman of committee will be enjoined to enforce the same rule in the committees.

(Applause)

Hon. Speaker: Next Order.

MOTION

CONSIDERATION OF THE CONSOLIDATED FUND SERVICES EXPENDITURES
FOR THE SUPPLEMENTARY ESTIMATES I FOR 2023/2024

Hon. Speaker: Chairman, Public Debt and Privatisation Committee.

Hon. Abdi Shurie (Balambala, JP): Thank you, Hon. Speaker. I beg to move:

THAT, this House adopts the Report of the Public Debt and Privatisation Committee on its consideration of the Consolidated Funds Services (CFS) under the Supplementary Estimates I for FY 2023/2024 laid on the Table of the House on Thursday 16th November 2023.

Hon. Speaker, this is the fourth report of the CFS expenditures to be tabled in this House.

I want to thank the Members of the Public Debt and Privatisation Committee who have continued to work diligently since this Committee was formed and for the good recommendations that have been adopted by this House on the management of CFS expense. The CFS constitute mandatory expenditures that are a direct charge to the Consolidated Fund and do not form part of the Appropriation Bill subject to Article 221 of the Constitution.

The CFS expenditures are expected to increase to Ksh2.08 trillion in the revised estimates from Ksh1.84 trillion in the approved estimates. It represents an increase of Ksh242.52 billion. This is also the first time the CFS expenditures have exceeded the Ksh2 trillion mark. The CFS expenditures are the largest expenditure component of the national Government budget. There is a need to enhance the oversight capacity of the National Assembly over these expenditures in order to promote transparency and accountability. This may require the enhancement of the National Assembly Standing Orders to provide for adequate reporting requirements, audits, reports and setting procedures for processing CFS expenditures once budget estimates are submitted to the National Assembly for consideration.

Due to the increase effected by the Supplementary I Estimate, total CFS expenditures will increase by 33 per cent, translating to Ksh2.08 trillion comprising the following:

1. Public debt servicing expenditures Ksh1.87 trillion.
2. Pension expenditures Ksh189 billion.
3. Salaries and allowances Ksh4.74 billion.
4. Miscellaneous services Ksh60 million
5. Guaranteed debt Ksh18.9 billion.

Hon. Speaker, it is important to note that the increase in the CFS expenditure indicates the increase of expenditures that are largely non-productive and decrease the fiscal space available to implement other critical Government activities. A reduction of CFS expenditure, primarily debt servicing expenditures, will be key in ensuring that budgetary outlays have an increased role in economic development.

The increase in CFS expenditures is driven by increase in public debt servicing expenditures which constitutes Ksh1.87 trillion or 90 per cent of the expenditures under the CFS. This increase was a result of broad currency depreciation that increased the debt servicing bill. It is against this background that the Committee recommends that the National Treasury submits to this House, within 90 days, a report proposing measures to reduce public debt servicing expenditure by Ksh500 billion over a five-year period and open up fiscal space for increasing development expenditure by a similar amount.

During the consultations with stakeholders, it was noted that there is need to stabilise the exchange rate and prevent or slow down further currency depreciation through increasing the amount of foreign direct investment, increasing economic output targeting export markets and increasing both donor and grant financing and the efficient utilisation of the same.

The Committee, therefore, recommends that there is need for:

1. Enhancement of the five key priorities of the Bottom-Up Transformation Agenda (BETA) (Agriculture, Micro-, Small and Medium-sized Enterprises, Affordable Housing, Digital and Creative Economy and Health) by including: a) export driven manufacturing, b) mining sector and c) financial and insurance sector, in order to enhance their contribution to Gross Domestic Product (GDP) growth.
2. These sectors are critical in generation of foreign exchange earnings and ordinary revenues, required to meet public debt servicing expenditures.
3. Review and enhance policies designed to boost Kenya's tourism industry.
4. Propose new policy interventions that will increase diaspora remittances and the role of the diaspora in promoting economic growth.
5. Undertake economic reforms and establish domestic environment to attract foreign direct investment and international investors.

Hon. Speaker, on salaries and allowances for holders of constitutional and independent offices, we continue to observe that there is a consistent overbudgeting of the salaries which are reduced during subsequent supplementary estimates. This is a matter that the Committee has raised in its Report. The Committee has, therefore, recommended that the Auditor-General undertakes a special audit of the salaries for State officers over the past five years and submit a report to this House. Similarly, the National Treasury will be required to submit a report to this House detailing actual expenditure over the past five years and to ascertain the actual status of that expenditure.

Hon. Speaker, other recommendations made by the Committee include:

1. That, the National Treasury submits to the National Assembly regulations guiding the sustainable use of the overdraft facilities since the Committee noted that it was being operated as a long-term facility, leading to incurrence of high interest costs and lack of flexibility of the liquidity threshold.
2. That, within 90 days, the National Treasury and the Office of the Attorney-General submit to the House amendments to the Finance Act of 2012 and measures to prevent incurrence of commitment fees. The Committee noted that part of the cost of all the loans was commitment fees on undisbursed loans, which were increasing the debt service bill.

With those remarks, I beg to move and ask Hon. Omboko Milemba to second.

Hon. Omboko Milemba (Emuhaya, ANC): Hon. Speaker, you always speak about issues of foreign debt even in meetings held in the constituency. Speaking of increasing foreign debt, since Hon. Mwai Kibaki's presidency in 2013, our foreign debt has increased from about Ksh1.89 trillion to about Ksh8.588 trillion in the 2022/2023 Financial Year, which we are currently paying.

The CFS expenditure accommodates a direct charge on foreign debt payments, pensions and salaries of constitutional offices, which have increased. The payments have increased to Ksh2.08 trillion, which is very high. The Committee discussed how we can reduce this because an increase in payments from CFS expenditure reduces money for development and recurrent expenditure.

There are three factors that lead to increased CFS expenditure. We currently have external loans that have imposed commitment fees prior to getting the facility. A recent study shows that the commitment fees on these loans has increased to about Ksh500 million, which is very expensive. Remember we have not yet taken the loans. We have only negotiated through the MDAs. We do not have the money yet we are already paying commitment fees. That is why the Committee has recommended that a report on payment of those loans be provided.

The Chairman of the Budget and Appropriations Committee indicated that the Supplementary Budget was based on education and the exchange rate. The exchange rate took a whopping Ksh200 billion, simply because the Kenya Shilling's value has depreciated against the US Dollar. We are now paying more towards our debts both internally and externally. A majority of foreign debts are paid in either Euros or US Dollars. In fact, the US Dollar forms about 67 per cent while the Euro forms about 19 per cent of all foreign debt. When the Kenya Shilling weakens, we pay more, hence the recommendation to acquire foreign currency. How do we do that? We can enhance the model of the Government to make it a BETA-plus Government. It can only be done through enhancement of our foreign currency reserves through exports. Currently, we only depend on agriculture for foreign currency. The Committee recommended expansion to not only include agriculture, but also affordable housing, the creative economy, the financial sector and export-driven manufacturing. This will enable us to get the foreign currency that is required for stabilisation of the Kenyan shilling. We further indicated that the National Treasury needs to come up with hedging mechanisms, which are allowed in such economic situations. We should borrow in a currency that we can control, like the Kenyan shilling instead of the US dollar, which depreciates leading us to such situations.

I also want to flag out the amounts allocated to constitutional offices, like salaries paid to former presidents. Recently, the Auditor-General indicated some form of budgeted corruption, which this Committee is addressing. At one point, money allocated to these constitutional offices was about Ksh4.7 billion, but through the Supplementary Budget, this figure has been reduced to about Ksh3.7 billion, saving a whopping Ksh1.7 billion. Ordinarily, it would be difficult to reduce salaries by such a big margin because of their elastic nature. That means this expenditure item was over-budgeted for. That is why Parliament should be very keen. The Committee recommended that the Auditor-General conducts a special audit to provide details on what warranted this reduction yet salaries are elastic.

We have also dealt with issues of pensions, some of which are being paid to pensioners of the colonial crown based in Britain. They signed an agreement in 1973 that Kenya would continue paying their pensions to date. We are not sure whether these pensioners exist or not. The CFS must become an important topic for Kenyans. That is why the Mover has recommended regular reports to citizens. We should also improve citizen participation in CFS expenditure and publish financial reports regularly to enlighten Kenyans on how we are dealing with foreign debt. I thank the Mover for highlighting the measures the Committee has proposed to this House in order for us to manage our foreign debt in a more transparent way than we have been doing before.

I urge the Office of the Auditor-General to undertake special audits on allocations and disbursements over the last five years. We have also advised that Parliament gets regular reports from the National Treasury not only to see the foreign debt, but also to know how much we have paid in loans, how many loans we have taken on a quarterly basis and the projected payments that we have made in respect of those loans.

I urge this House to contribute very freely on this Report so as to enable this country to have a stable economy and manage its debts. Education was previously the most urgent thing to Kenyans. Currently, foreign debt and revival of the economy are extremely urgent.

With those few remarks, I second.

(Question proposed)

Hon. Speaker: Hon. Njeri Maina, are you queuing to speak on this Motion?

(Hon. Njeri Maina spoke off the record)

No. Hon. Lilian Gogo, are you queuing for this Motion?

(Hon. Lilian Gogo spoke off the record)

No. Hon. Beatrice Kemei, are you queuing for this debate?

(Hon. Beatrice Kemei spoke off the record)

No. Hon. Joseph Makilap are you queuing for this debate?

Hon. Joseph Makilap (Baringo North, UDA): Yes, Hon. Speaker.

Hon. Speaker: Go ahead.

Hon. Joseph Makilap (Baringo North, UDA): Thank you, Hon. Speaker. I rise to support the Report of the Public Debt and Privatisation Committee as presented by our Chairman.

This is an area that has been ignored for many years even though it affects the debt stockpile for this country. Consolidated Fund Services expenditure is critical for repayment of our debt, pensions, salaries and allowances of commissions and other miscellaneous services. When we were preparing this Report, we realised that there was a big error that requires investigation. When we looked at the budgets for constitutional offices, we realised that they were extremely exaggerated. The estimates were higher in every Vote. In fact, over 90 per cent of the Votes for salaries and allowances of the constitutional offices were higher. A case in point is that of the offices of the Controller of Budget, the Auditor-General, the Teachers Service Commission, among other constitutional offices, whose resources were enhanced astronomically without due explanation on what had happened.

Hon. Speaker, looking at the proposals that we gave to the National Treasury, it tells you that this country's loans keep on ballooning because of exchange rates. Many Members do not know that a change in one Kenya shilling to the US Follar has a resultant force of Ksh46 billion debt. This debt will be paid by many generations to come. There is need for us to come up with ways of managing the public debt or the rising exchange rate between the Kenya shilling and the US Dollar. Two things are very fundamental. The exchange rate of the Kenya shilling to the US Dollar is going up every day because oil marketers earlier in the year experienced a shortage of US Dollars to the tune of Ksh500 million. As demand for the US dollars increased, and interest the rates in the United States of America shot up and became

attractive, it caused what we currently call ‘artificial shortage of US Dollars’ thus impacting on the exchange rate in favour of the US dollar.

How do we bring it down? We have put some proposals in place. We need to revamp our tourism industry to attract more tourists, who will come with many dollars to pump into our economy. This will ensure that whenever anyone wants to do business or import goods and services, dollars are available. Tourism is the most strategic area that will bring in a lot of resources in dollars. Today, many tourists are running away from this country to our neighbouring countries, especially Tanzania. When the County Government of Narok raised the access fees and many other levies for Maasai Mara National Park, tourists went to our neighbouring country and took their dollars there, thus creating a shortage of dollars in our country. There is need for us to make a lot of effort to attract direct investment, especially in the tourism sector.

Secondly, we need to increase production in agriculture so as to enhance our exports to generate dollars. That is the only way we can grow our economy. We can also promote manufacturing. We must retain our investors rather have investors running away to our neighbouring countries only for us to bring in processed goods yet the raw materials are sourced from our country. We must encourage industrialisation. Investors should put up industries to bring in more money in form of dollars as we export our goods. We have made some proposals geared towards making repayment of our debts easier. That is why we are saying we want to run away from domestic borrowing...

Hon. Speaker: Can you give the microphone to Hon. Makilap?

Hon. Joseph Makilap (Baringo North, UDA): Hon. Speaker, at the moment, we need to attract dollars to our country. What plan do we have for the National Treasury? We are telling them to run away from expensive loans; domestic borrowing. Let us go for concessional loans that have long periods of repayment and long grace period that will help us restructure our loans, pay and reduce our fiscal deficit. We have just passed the Supplementary Estimates I. Members do not know that it was an increase. Why? Because we are trying to accommodate the shocks occasioned by the fluctuating exchange rates. The dollar is putting this country in a quagmire. It is also the responsibility of Parliament to ensure that the country lives within its means. The moment we prepare a balanced budget for Kenya, we shall run away from the Bretton Woods Institutions. I want to challenge the Members and this country. Which country in the world has survived because of loans from the World Bank and International Monetary Fund (IMF)? The IMF and World Bank will always use their loans to colonise Africa – to ensure that the economies of Africa do not match the bigger economies of the west. It is only what comes out from our country that will change Kenya. It is not what is borrowed from the Bretton Woods Institutions. There is no country in the world that has ever grown its economy on loans because they will always hook a chain on the dollar, like the Americans are doing. Whenever they have an issue of inflation in their country, they create a problem for all of us.

Hon. Speaker, when the dollar problem is created, and it has a multiplicity effect we call ‘multicollinearity’ in Mathematics. This is the effect of one independent variable resulting in a problem for many other independent variables. That is what is happening in our country. We encourage production in agriculture and tourism to attract more tourists in our country. We also ask the Ministry of National Treasury and Economic Planning, and the CBK, to come up with a raft of policies to tame the continuous rise of the US dollar against the Kenya shilling, so that our currency can stabilise. The cost of importing fuel in Kenya, Tanzania and other countries in the region is the same. What makes the difference among Kenya, Tanzania and Uganda is the number of taxes and levies imposed on the petroleum products.

As a Committee, we have made recommendations that will turn around the economy, if the Ministry of the National Treasury and Economic Planning, and the CBK, implement them. We shall live within our means. We are asking Members to avoid putting so much

pressure on the President when he visits their constituencies to an extent that he makes so many pledges thus creating a bigger hole in our country's budget. We make the budget and we know what is there. Let us not put pressure on the President to create a bigger hole on our country's budget. I propose that going forward, we need a balanced budget for Kenya, so that we can live within our means. We should do away with loans that create multicollinearity problems.

Thank you, Hon. Speaker.

Hon. Speaker: Thank you, Hon. Makilap. Hon. Emmanuel Wangwe.

Hon. Emmanuel Wangwe (Navakholo, ODM): Thank you, Hon. Speaker. I rise to support the Report on the Consolidated Fund Services Expenditures for the Supplementary Estimates No.1 of Financial Year 2023/2024.

Before I even go to the substantive debate, allow me to thank the 12th Parliament for having thought it fit to come up with this very good Committee that now brings out issues of Consolidated Fund Services expenditures as a stand-alone report. My colleagues who have joined us in the 13th Parliament might think that it is normal. This used to be an annexure in the main report. We never used to debate it. It is a good thing that the 12th Parliament thought it wise to have it. Indeed, I appreciate what happened.

Allow me to appreciate the Committee for highlighting the salient issues that touch on the Consolidated Fund Services Expenditure. I want to be very particular and appreciate the level at which both the microeconomic and macroeconomic features are playing into the market today. We looked at the President's Speech and he confirmed to the House and the nation at large that he intends to settle the Eurobond. What are we trying to look at? It has a figure of about Ksh241 billion. In these Supplementary Estimates, the Eurobond has been allocated Ksh330 billion, which is a big increase. That means we must see some good light at the Consolidated Fund Services Expenditures, so that we can tell where we are going.

I appreciate the Committee, especially for considering it wise to tell Kenyans what is happening to the expenditures on salaries. Look at what the media talks about. It talks of some budgets which do not exist and some salaries which are beyond what has been budgeted for. The Committee considers it wise to invite the Office of the Auditor-General, which is the only institution that can give us the true numbers and ascertain whether they are negative or positive. He can look at the figure of not only for this financial year, but for the last five years and tell us whether they reflect what was budgeted for. He can compare and contrast the various sets of figures.

Hon. Speaker, we need to look at what is happening to the Consolidated Fund Services Expenditure. Where are our funds going? They are getting depleted out of the forex. The Principal Secretary for the National Treasury, in the recent past, said that the Kenya shilling is unable to stabilise because it was protected in the previous regimes. He is a State person, and he is a very educated doctor. We thank him for that. However, I invite him to also make sure that he puts in place measures to protect our shilling, which is the only thing we know. He should not let it continue with the free fall trajectory. Let it be resistant, stable and trade among other exchange currencies in the world where we can appreciate. If we allow the shilling to continue with the free fall, it will be too bad. This is an issue that should concern us, as Kenyans. We invite him to the table to look at it and not allow the shilling to fall further.

After all these considerations, we must also appreciate the level at which we should support or oppose the Government. When it comes to the exchange rate, we must produce what to sell outside the country. We are an agricultural country. Let us support it in terms of what we can export and earn foreign exchange. Let us also look at how we can get resources. We want to see more budget allocations going to agriculture. Are we able to produce enough sugar and maize to consume and export part of it? That should be the position. If we do that, we will increase our foreign exchange earnings and the balance of payment will shift in favour of our country.

Let us support the budget when it comes to the issues of...

Hon. Speaker: Hon. John Mutunga.

Hon. (Dr) John K. Mutunga (Tigania West, UDA): Thank you, Hon. Speaker, for giving me the opportunity to also add my voice to this Motion.

From the look of things and the historical perspective, countries have grown and developed through borrowing. It is not abnormal for a country like Kenya to borrow money from international organisations and even other countries. Debt is inevitable. Countries across the world have been able to manage their debts. We, as a country, are called upon today to look at how we can manage our debt in the best way possible. Kenya expresses debt in various ways. Initially, we were expressing it in terms of percentage of the GDP. Later on, we were convinced that it is also possible to look at debts in terms of absolute figures. We re-calculated our debt in absolute figures. We went back to percentages of GDP a few months ago.

What matters is not the way we express our debt portfolio, but its management aspect. It must be managed. I support the adoption of this Report by the Committee. The Report has recommended a few ways through which as a country we can make money and pay our debts. We are constrained right now. Failure to manage debts means failure to develop an economy. With our shilling losing value, it means that the debt portfolio grows, which can be amazing sometimes. Let us edge a lot more on generating resources for effective debt management. Kenya has opportunities for generating resources in many ways.

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

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

We organised our agriculture in the past. We used to have a coffee quota of 130,000 metric tonnes in the world market, which brought us foreign exchange. We can barely sell 40,000 metric tonnes of coffee in the world market today. That means we have a loss of revenue or foreign exchange that would have assisted us in containing the strength of our shilling.

We used to have a thriving pyrethrum industry. Kenya was leading in pyrethrin sales across the world. We used to supply 70 per cent of the world's pyrethrin, which is the active ingredient in pyrethrum. Today, we can barely talk about supplying 10 per cent. Countries that were far behind us have bypassed us and they are doing even better. Our coffee used to sell in larger quantities than what we have right now. What then do we need to do? We have a few opportunities. One of them is the floriculture industry. Can we, as a country, try to *kenyanize* this industry? I particularly want to say this without any fear of contradiction. We need to do a lot more *kenyanize* our horticulture, and specifically the floriculture industry, because there is a capital flight out of this country. Yes, farming is already happening. We have provided the environment for farming to occur. We have allowed individuals and corporations from other countries to come and undertake farming business in this country. Unfortunately, the money that is generated goes away. Some of these companies have been assisted by their mother countries to invest.

We need to focus a lot more on reducing the losses. I laud the Government, and especially the President, for considering providing some money in the last budget for purchase of dryers. Dryers will reduce post-harvest losses, which have stood at up to 40 per cent in this country. Once you contain farmers to have their revenue, then you reduce the need...

Hon. Deputy Speaker: Just give him another minute to finish. I can use this opportunity to correct you. Kenya produced 90 per cent of the world's pyrethrum in the 1970s. We were producing 90 per cent, not 70 per cent.

Hon. (Dr) John K. Mutunga (Tigania West, UDA): We were producing 90 per cent, okay. Thank you very much for the correction.

We need to focus a lot more on reducing the cost of production. Today, we are doing a little bit on soil health. We are trying to do something about the provision of water. We have done something about good quality seed. Those three factors determine what you can get from farming processes. The factors are quality seed, soil health and water provision.

We are complaining and lamenting because of the *El Nino* rains. Kenya would be another well-watered country if we had structures to contain this water in this country. We have not invested in that direction. We need to do that. We shall increase production and productivity, feed our people effectively and contain the losses from the importation of food the moment we do that. We shall not lose our foreign exchange in that respect.

We need to focus a lot more on organising our farmers. Smallholder farmers are scattered across the landscape of this country. They have not invested in storage facilities. We need to focus on investing in storage facilities and aggregation. The more we aggregate, the more we realise the potential for industrialisation. The Government's focus on industrial parks is a move in the right direction. We will soon realise the potential we have. But we have to be very careful not to allow middlemen alone to use these industrial parks or the storage capacity the Government is creating. We shall perpetuate the middlemen aspect instead of supporting those who are in production.

We need to reduce imports of oil crops or oil products because we have the capacity to produce oil in this country. Kenya has a great potential to produce edible oil. At the moment, we produce these crops and the waste material goes to manufacturing livestock feed. That reduces importation and, therefore, the use of hard currency. We, as a country, have options that we can take. Focus on agriculture is key. It has built many countries, not just Kenya. Let us put more money into agriculture and we shall build this country out of the trouble it is in and contain a growth path that is sustainable and reliable.

With those remarks, I support.

Hon. Deputy Speaker: Hon. Njeri Maina, Member for Kirinyaga. She is not here. I have Hon. Lilian Gogo, Member of Rangwe. Hon. Members, please press the intervention button if you wish to debate.

Hon. (Dr) Lilian Gogo (Rangwe, ODM): Thank you so much, Hon. Deputy Speaker. Thank you for the very wonderful presentation that you made today at a forum I attended on matters concerning women leadership and governance. I really appreciate you.

I rise to add my voice to the debate on the Report on the expenditure of the Consolidated Fund Services under the Supplementary Estimates for the 2023/2024 Financial Year.

It is not a crime to borrow money or to be lent money. As a nation, Kenya has to run its services to the noble people of Kenya. Kenya can get money to run its systems of governance. As we stand, we have had issues with the freefall of the shilling. Proposals to tame the same should warrant our positive contribution to the extent that, as it were, we hang around and see how to fix this country. About Ksh200 billion goes to servicing the difference in the exchange rate.

It is important that we increase foreign income to the country. As has already been well elucidated by those who have spoken ahead of me, a raft of issues needs to be done. I would also just want to overemphasise what they have talked about. We should encourage remittances from the diaspora. Kenyans who live abroad, work abroad or who are outside this country, try so much to get us money to invest back home. There should be no impediment to these initiatives. The Government should put in place systems to encourage this investment and this will draw foreign currencies into our country.

Tourism activities is another area that we should look at. When I was going to the African Parliamentarians' Network Against Corruption (APNAC) meeting in Arusha recently, two weeks ago, I happened to have boarded the same plane with a raft of tourists who had just transited through Kenya to Kilimanjaro. The tourism industry was very vibrant at one point in

time. I think we should do whatever it takes. We should conduct ourselves in such a manner that we rethink our story. We should rethink our system. We should look at where the rain started beating us and that our neighbours are now able to get more tourists than us. Even if they are not more, they prefer going there. We really need to do something. I should think we have places in Kenya here where these tourists can go hiking. We need to revamp our tourism industry.

We should also undertake to increase our exports. Most people abroad like Kenyan products. If you go out of the country, you cannot afford a pair of jeans made in our Kenyan Export Processing Zones (EPZs). We should encourage activities that allow us to export more goods. This country is agriculture-based and more often than not, we do not put many chemicals in our produce. We should have systems that allow for more exportation of our agricultural produce. We should encourage exportation of more minerals, increase the share of grant financing of the national budget and safeguard the usage of the same.

Hon. Deputy Speaker: Hon. Wanjiku Muhia, Member for Kipipiri.

Hon. Wanjiku Muhia (Kipipiri, UDA): Thank you, Hon. Deputy Speaker, for allowing me to add my voice to this matter. I once said in this House that we need to re-look at the Public Finance Management (PFM) Act. We may need to amend the Act so that anytime the country decides to borrow funds, the House analyses and debates the amount of debt to be incurred. That will require experts who advise the Government on borrowing to be professional and patriotic.

You will see several buildings if you travel by the Standard Gauge Railway (SGR) from Nairobi to Mombasa, I am not sure whether they are offices or houses, but they are not in use. The SGR debt arose from funds that were not wisely spent, but were misused. If the House had had an opportunity to discuss the SGR debt, instead of our country incurring a debt of several billions of shillings, we would have said that we do not need many offices as Members, representatives, and custodians of the people's interests. Due to their appetite for money, lenders give us any amount of money that we ask for, we sign off on it, and end up paying back too much if we are not careful, keen, and patriotic.

Some Members have spoken about production. Nyandarua County was known for producing pyrethrum in tonnage. We would earn foreign exchange from that avenue of production. It is up to our Government to look at our production capacity and find avenues of earning foreign exchange so that we can continue to increase our “pot” instead of leaving it empty.

From a regional perspective, the issue of foreign exchange will come to an end when we have a common currency. Some years back, Kenya felt like the region’s “big brother” when we brought up the subject of a common currency. Kenyans thought about who will carry countries A and X. I do not think that conversation is still ongoing today. If we have a common regional currency, we can negotiate on debts from a stronger position. Some countries like China have an appetite for lending. If we have a common regional currency, there is no way they will lend to us in US dollars. They will have no choice but to lend to us in our common currency.

We postponed the timeframe for getting a common currency from 2019 to 2024. We currently estimate to have a common currency by 2030. Times and interests are changing. A common currency will help us in international trade, particularly in the cost of conversion. Developing countries cannot grow with an unstable currency. Stabilising a foreign currency is impossible. It is only possible with our currency. We may be unable to control the world's macro and micro economics alone as a country, but we can do so as a region. We boast about having seven partner States within our region. We are still growing. Somalia is coming on board, and Ethiopia may come on board in future. A block of 10 countries will be big enough to dictate regional economic growth under a common currency.

With those remarks, I support the Motion.

Hon. Deputy Speaker: Member for Kwanza, Hon. Ferdinand Wanyonyi.

Hon. Ferdinand Wanyonyi (Kwanza, FORD-K): Hon. Deputy Speaker, thank you for allowing me to contribute. We are lamenting about our problems, but you will agree with me that 90 per cent of the problems we face today are of our own making. I will be very clear, but if you do not agree with me, let me know.

First, our country has attracted a lot of investment from all over the world over the years. I remember that Europeans would come over to see what they could do because our country was a green area for investment. That was a problem of our own making because we were not aggressive. We have let things go such as tourism. Tourists are no longer attracted to our country because we no longer do what we used to do. I was told that we were the leading tourist attraction in the region apart from South Africa. Many of our tourist sites have become dilapidated. One example is Fort Jesus, which used to be very attractive. You will not believe what you see if you travel to Fort Jesus today.

I was recently in Istanbul and I was impressed to see a mosque that was built in 1415 AD still attracting tourists. I had an opportunity to visit that site together with other Members that I travelled with. The mosque had many visitors. One of the local guides from the embassy, who was taking us round, told us that the visitors were neither locals nor predominantly Muslims. They were people from different religions such as Christianity and Buddhism. They were attracted to that site. Fort Jesus is gone. People would come and pay to be taken round the Fort. That loss of revenue from tourism is a problem of our own making.

We used to export tea. I remember I once had an opportunity to go to China and the Chinese were complaining that more tea companies were being established in Kenya compared to China. I was recently in China and I was surprised that we are nowhere to be seen. What is happening in the coffee sector? This is a tropical country yet we are importing rice. I was recently told that we are importing maize seeds for planting. Those problems are of our own making because somebody somewhere is sleeping on their job.

Hon. Deputy Speaker, please, give me a few minutes. Pyrethrum was one of the leading export products in this country. What happened? Why did farmers give up on producing pyrethrum? It is because we neglected that cash crop and we are not even interested in it. We used to export pyrethrum and get a lot of foreign exchange.

We must have debts. However rich anybody is, they must have manageable debts. We have to wake up as a country. If we do not do that, our great-grandchildren will one day ask us how come we have done so poorly, and why we are where we are. When we had opportunities, we did not do very well as...

Hon. Deputy Speaker: Give him half a minute.

Hon. Ferdinand Wanyonyi (Kwanza, FORD-K): Debt is something that we cannot do without. As Kenyans, let us do something on agriculture because we are blessed. God gave us good climate conditions. As we speak, livestock is being washed away in North Eastern. If we had managed livestock well, we could be exporting hides and skins. When you go to Europe, you will not find cattle. Today, we are losing animals because we are not careful about livestock.

So, as much as we are saying what needs to be done, we should form a commission in this House or a team that will look at each of these things so that we can move forward. People who are in the Executive have been put there to...

Hon. Deputy Speaker: Thank you. Member for Siaya County, Hon. Ombaka.

Hon. (Dr) Christine Ombaka (Siaya County, ODM): Thank you, Hon. Deputy Speaker for giving me this opportunity. A country that continues to have debts all the time and the debts continue to increase year by year, gets poorer and poorer. Over the years, we have seen how Kenya has taken loans and more loans. Kenya started with a small amount and now

it cannot afford to repay loans and we are beginning to see how it is affecting us. We cannot eat because everybody in this country is hungry. The Government cannot pay salaries for doctors, teachers, police men and women and other civil servants on time. That is a pointer to the fact that we are performing very badly economically. I keep on lamenting that the sad thing is that – as it has already been said by other people - Kenya was a shining country in the past. Many countries admired Kenya. It was a tourism destination and a place to admire because it has great athletes, beautiful animals and wonderful sites to visit and see. We have really fallen down and deteriorated so fast and miserably to the extent that Kenyans are wondering where we are going as a country.

There are no jobs for our young people who are educated. Where are we headed as a country? We have collapsed the system that would have generated funds for us. We have collapsed the sugar industry and we do not have sugar. We are importing it. We do not have tea yet our tea is supposed to be the greatest in the world; we are no longer great in that area. We have collapsed the cotton that we used to grow in Nyanza. Our fish industry is collapsing. Everything is collapsing. Where is the future for this country? Are we not going to be marooned with debts upon debts? I keep on wondering why foreign countries that give us money keep on giving a poor country like Kenya more money. How are we going to pay back those loans? Why can they not ask themselves how is Kenya going to manage the loans that it continues to borrow. Time has come for them to refuse giving loan. Kenya should be punished for stealing and corruption. We are creating poverty ourselves. We know very well that if we continue to steal and corrupt very big institutions that bring us money and industries like cotton and sugar, then we should expect the worst for ourselves.

I blame the administration of this country. It does not see ahead. It is ready to sink the country and keep on mourning, saying how the world is broke and inflation has gone up. Inflation will go up because we do not want to take care of ourselves economically. We are not planning.

Hon. George Sunkuyia (Kajiado West, UDA): On a point of order, Hon. Deputy Speaker.

Hon. Deputy Speaker: What is your point of order, Hon. Sunkuyia

Hon. George Sunkuyia (Kajiado West, UDA): Thank you, Hon. Deputy Speaker. I stand on a point of order concerning the corruption that has been mentioned by the Member. She should not blame the current Government of Hon. William Ruto at all. What made the country go down was the handshake. It brought everything to a standstill. She should not blame this Government at all. When this Government took over after the handshake, all the coffers were empty and all the projects were stalled. They took everything. Give this Government time to correct your mess.

Hon. Deputy Speaker: I will rule that as a point of information.

(Hon. Ferdinand Wanyonyi spoke off the record)

Hon. Deputy Speaker: Hon. Wanyonyi, you had an opportunity to contribute. Let Hon. Ombaka proceed.

Hon. (Dr) Christine Ombaka (Siaya County, ODM): Thank you for that, Hon. Deputy Speaker. I am only blaming Kenya. I did not mention anybody's name or Government. I simply said that over time, we have taken loans without planning how to repay them. We are mourning wondering what to do with the kind of loans that we have had over time. So, the argument that I have is that we have ourselves to blame for messing this country economically. We have collapsed all the industries that used to bring us money to make us better economically. We are poorer because of our own making. We are the people who have collapsed the country. The

future does not look bright as far as I am concerned. If we do not manage our loans and continue to be corrupt, we should be prepared to go hungry and to die early.

I can see my time has run out. The message is that we have to manage our own resources if we want to create wealth for this country.

Hon. Deputy Speaker: Member for Makueni, Hon. Suzanne Kiamba.

Hon. Suzanne Kiamba (Makueni WDM): Thank you, Hon. Deputy Speaker. I also wish to add my voice on this particular Report and thank the Committee for the comprehensive highlights. I also thank the 12th Parliament for having created such a committee that can give the House some feedback on economic issues and debt in our country. However, I hope such kinds of presentation in committees will not be a ritual or a presentation that will not change our realities. As I sat, I listened to the issues raised by Members and they were all mourning. Everybody is saying very clearly that debt is not bad, but mismanaged debt imprisons everybody and that is where we are in this country. I sat down and wondered, if in this country we have so many economists, how come we do not know our comparative advantage? What is it that we can do well and excel? We seem to be doing everything and almost nothing. Our economists should have sat down and identified what we are good at that can add value and earn us the foreign exchange that we need. It is time we woke up. I realise that the 13th Parliament is not awake because we are still talking about a high level of debt and being broke.

Looking at our major projects like the Universal Health Care (UHC) and housing, they do not grow the economy. I am not saying Kenyans should not get treatment, but we are spending a lot of money on projects that do not grow the economy. So, we are still asleep. I expected us to be talking about investment in agriculture, which can bring foreign exchange. The cotton, sugarcane and rice industries are completely dead. What is alive? The best idea we have is building houses for Kenyans so that they can be comfortable. What will they be eating? How will they seek treatment? They will be sick every day because of not eating well.

Hon. Deputy Speaker, I do not think the 13th Parliament has woken up. We should wake up to the reality because only a few of us can come to this House. Let us make very strategic decisions which will change our mourning to prosperity so that Kenyans can thrive. One thing which has led us to cycles of not prospering is party politics. While they are very important, when we start making our parties to be like religions without a clear agenda on what to deliver in this country, I think we are getting it wrong. Parties should have ideologies that will advance the welfare of all Kenyans. When they resort to religious rituals and movements without having their people in mind, they make us continue mourning in poverty without clear strategies on how to move this country forward.

Looking at the manufacturing industry, we are still importing matchboxes. How can we import matchboxes and expect to have foreign exchange? We better sleep in shelters and have matchboxes to sell to South Sudan and get foreign currency. I am challenging our economists and all planners that we need to be honest with ourselves. We need to sit down and look at how to make this country prosper. Given our geo-positioning, Kenya should be a very prosperous country because we can easily get produce which we can...

Hon. Deputy Speaker: I will let you finish because you are speaking eloquently.

Hon. Rose Mumo (Makueni County, WDM): Thank you, Hon. Deputy Speaker. This country is destined for prosperity. What we should stop is corruption. I think we sit here to budget, supervise and implement corruption. With this kind of spirit, we will continue mourning instead of changing this country for our betterment. Otherwise, I thank the Committee because this is insightful.

Thank you, Hon. Deputy Speaker. I really support.

Hon. Deputy Speaker: Member for Kirinyaga, Hon. Njeri Maina.

Hon. Njeri Maina (Kirinyaga County, UDA): Thank you, Hon. Deputy Speaker. Our expenditure as a share of GDP has been an average of 26 to 30 per cent for the last 10 years,

with revenue as a share of GDP around 16 to 20 per cent. If all these factors remain constant, the Government will never be able to match.

Since 2020, the Kenyan shilling has lost 25 per cent of its value against the dollar. I am glad that most of my colleagues have raised these concerns, as we sit here to budget, is there traceability of the monies we are borrowing to ensure implementation of the same? The projections of money to be paid and what cost will be felt by Kenyan taxpayers must be held to account.

We have seen various State departments for example, the State Department for Youth Affairs having a budget for youth empowerment programmes. I can say without any doubt that there is no program being run by the State Department for Youth Affairs in Kirinyaga County. We must be accountable, as the 13th Parliament, to the Kenyan people. We must ensure what we budget for is seen and felt on the ground by the Kenyan taxpayer.

It would be an injustice to be sent here as representatives of the people and fail to ensure the money that are borrowed are properly accounted for. Today as I speak, the women of Mwea are unable to access Ngurubani Market because Thiba River has flooded. This House allocated a budget for *El Nino* management in county governments. We must come up with stringent monetary policies that will ensure the expenditure by the national Government and county governments is minimised to ensure that we focus more on funding development projects.

On a brighter note, we have spoken and raised issues of reviving local industries. I am glad that Kirinyaga County is one of the beneficiary counties of the industrial parks. We will put in more than Ksh500 million for an export processing zone in the main budget. This will be a game changer as it will create employment for the populace of Kirinyaga County. In terms of agriculture, this Government has put in more than Ksh5 billion for subsidised fertiliser. I can confirm that the same has reached the farmers of Kirinyaga County. The tourism sector needs to be relooked and this House will be accountable to the Kenyan people. What I ask and urge Members of Parliament not to do is to let the 13th Parliament be laughed at.

Thank you, Hon. Deputy Speaker.

Hon. Deputy Speaker: Member for Butula, Hon. Joseph Oyula.

Hon. Maero Oyula (Butula, ODM): Thank you, Hon. Deputy Speaker, for giving me an opportunity to also add my voice to this very important Motion. I want to start by thanking the Committee for bringing out the problems that the country is facing under debt management and CFS.

The CFS should be the easiest part of the Government's expenditure to manage particularly, when it comes to constitutional salaries. For them to come up with a Report indicating there are excesses under the salaries, there must be something wrong which must be followed very strictly. There must be a lot of hidden expenditure under CFS and I think our offices need to be rechecked. Contribution to international organisations is also part of the consolidated fund expenditure. These should also be managed properly. The budget, under CFS, is very manageable and there should be no doubt.

Hon. Deputy Speaker, the other area that we need to look into as far as public debt is concerned is the domestic interest. If domestic borrowing is not contained, we can talk a lot but we will never see any change. Domestic debt should be controlled since it looks as if most of it goes to consumption, which is not appropriate for this country.

The Committee has done a good job in bringing out some of those problems, and it is now upon this House to ensure that the records of public debt and other Consolidated Fund Services are properly maintained. If we do not do that, we will be getting figures that vary from time to time.

As I support the Committee's Report, I would urge this House to ensure that these records are properly looked into and managed properly. Thank you.

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

[The Temporary Speaker (Hon. Farah Maalim) took the Chair]

The Temporary Speaker (Hon. Farah Maalim): Give the microphone to Hon. Beatrice Kemei. Hon. Beatrice Kemei? Let us have Member for Kitui Rural, Hon. David Mboni.

Hon. David Mwalika (Kitui Rural, WDM): Thank you very much, Hon. Temporary Speaker, for giving me this opportunity to support the Report. From the outset, I want to thank the Committee and its Chairman for the good work they have done. It is very important if we can be looking at this CFS and I think we need a report quarterly because this is a Fund which is being misused under Article 223.

Supplementary Estimates I for this financial year has proposed significant changes under CFS expenditure to cater for the debt service. Because of the depreciation of the Kenyan shilling, the debt service has gone up. Debt is not a very bad thing because there is no country or person who can develop without debt. When we talk about countries with the highest debts, Japan has the highest debt to GDP at 256 per cent, USA is at 133 per cent and our neighbour Sudan, has 186 per cent debt to GDP ratio, while Kenya is at 67 per cent.

Those countries are not complaining. Why are we complaining? Debt is not a bad thing. What matters is how you utilise the debt, and that is where the rain started beating us. What impact did the loans we borrowed bring to this country? That is what we need to be asking ourselves. Which regions did the debts go? In economics, there is what we call the law of diminishing returns. You can do something in one place thinking that you are going to increase production, but at the end of the day, the production goes down.

Hon. Temporary Speaker, at one time, I was a consultant on the Lamu Port, South Sudan, Ethiopia Transport Corridor Project (LAPSSET). That is where you come from. Implementation of LAPSSET project was increasing the GDP of this country by 2 per cent, which is a very significant increment, but have we really started doing those projects? Is what we did in Lamu productive? That is money lying there, and it is wasted. Those are the issues we need to address. At times I ask Members of Parliament what the role of Parliament on public debts is. Most of us may not be knowing, but we are playing a significant role by increasing the debt owed by this country. When we approve budgets estimates with deficits, we are already telling the Government to borrow. Yesterday, we passed Supplementary Budget 1 for this financial year with a deficit of Ksh718 billion. We are simply telling the Government to go to the market and borrow that money. We should not say that we are not part and parcel of debt creation in this country. What we need to do as Parliament is to approve a balanced budget where our revenues and expenditures are the same. That way, we are not going to have significant borrowing in this country.

It is true that the Kenyan shilling has depreciated. During COVID-19, the Americans spent a lot of money on social welfare and they have been mopping that money because of the resultant inflation. That is why our shilling is depreciating. Most of the investors in the world prefer to invest in the USA, which is a stable economy, than in an African economy that is not very stable. To handle these things, we need to increase our production. I thank Members. We need to increase our agricultural production to have new products for exports. Vision 2030 was proposing that we set up a leather city in Kinanie. We need to ask ourselves what happened to that proposal. Can we produce leather and export it?

(Hon. David Mwalika spoke off record)

The Temporary Speaker (Hon. Farah Maalim): Yes, indeed, you can have one more minute.

Hon. David Mwalika (Kitui Rural, WDM): We need to ask ourselves why we are not implementing that project. We need to reduce our imports of food. I thank the Government because, at least, they are doing something on the fertiliser program. But how is that fertiliser being distributed? In Lower Eastern where I come from, we have not seen the fertiliser. Are we saying that we are not farmers? The Government should also distribute the fertiliser to Lower Eastern.

Tourist numbers have been going down. In fact, hotels in Mombasa are being supported by local tourists. Tourist numbers from outside have dwindled. When you go to Dubai, they only have two sites: Desert safari and the Burj Khalifa. Why can we not have our desert safari in the Chalbi Desert?

The Temporary Speaker (Hon. Farah Maalim): Member for Kitui Rural, the Chair has the magnanimity to give you one more minute. Proceed, I see you have a lot of good ideas.

Hon. David Mwalika (Kitui Rural, WDM): Thank you, Hon. Temporary Speaker. This idea of us only wanting people to come and see animals, how many times can someone see animals? You have seen a lion and you know it. You do not want to come here to see a lion again. But if you can have Chalbi Desert Safari, you will see tourists coming.

The other issue is the misuse of Article 223. We need to come up with legislation that restricts the use of Article 223, especially during transition period because that is the time it is overused.

Thank you very much for giving me two additional minutes. I support.

The Temporary Speaker (Hon. Farah Maalim): Member for Voi, Hon. Abdi Chome. Proceed.

Hon. Khamis Chome (Voi, WDM): Thank you, Hon. Temporary Speaker. I rise to add my voice to this matter, which is of national importance. As you realise, we find ourselves in this situation because of the rising debt and our apparent inability to service it. Most importantly, is the issue of what I might call domestic debt and in particular the matter of contribution to pending bills, which is very key. You will find that most of it is the money that we expect to circulate within our communities to rejuvenate the economy, sustain jobs and give opportunities to the youth of this country.

This is a matter that needs to be taken with a lot of seriousness and urgency because it has brought down a lot of businesses and made people unable to do business with both the national and county governments.

On the issue of external debts, this is a matter that needs controls and looking at what the Committee has brought up in the Report, it is something that is enlightening. I really support the Report that they gave.

I thank you, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Farah Maalim): Hon. Mwalyo, Member of Parliament for Masinga.

Hon. Joshua Mwalyo (Masinga, Independent): Thank you very much Hon. Temporary Speaker, for the opportunity that you have given me. I want to say that the budgeting process is good. Every time we put in the budget what we want Kenya to be tomorrow and where we want it to reach, it turns out to be excellent. The only thing that is now pulling us down is the debt that has been accrued in this country. It is a big burden to the economy of this country. It is a burden for the President to manage to pay this debt. What I want us to think as Kenyans is to produce more and export more so that we can have foreign income in terms of foreign currency. We should not keep on buying food from abroad... The other day we were importing rice, sugar and edible oil. All these things we are paying with our foreign exchange. That means you are draining the foreign money by paying those commodities using our foreign reserves.

Instead of that, we should put money in tea, coffee and cotton so that the cotton that we import today can be produced locally. This way, the local manufacturers like Rift Valley Textiles (Rivatex) East Africa Limited can have the raw materials to use locally instead of importing yarns from abroad, which is paid for with the foreign exchange.

I would like us to rethink in terms of producing locally what we import from abroad. We should plant a lot of rice so that in the future, we do not import rice. We should empower our production in the edible oils from our local manufacturers so that the raw local materials can be produced locally. We can do so many things as a country to save our foreign currency.

The other thing is we need to control our debt. Our appetite for borrowing now should be minimised. It is important for us to rethink as a country, where we need to cut? Where do we need to minimize our expenses so that we do not borrow every now and then so as to decrease waste of resources? The other day I saw industrial parks being built in every county where we have no consultants to be seeing the kind of work that is being done nor the quality of work being supervised for the industrial parks. We have the project manager from the public works who are not being utilized in those industrial parks because the county government is saying they have the capacity to supervise the industrial parks construction, which is not true. Therefore, we need to direct money where we can earn a lot of foreign exchange.

We need to encourage anybody that is growing food for export like the horticultural crops for example French beans and flowers or anything that goes abroad and earns us foreign exchange. That is where the Government needs to give them more subsidy and tax holidays. Anybody starting an export company should be given some tax holidays so that they can pay taxes after earning and getting some profits. This way we will have some reserves in our foreign currency.

With those few remarks, I support what we are doing as a country for production of local products. We need to put money into this, and more so in the coffee and tea industries.

The Temporary Speaker (Hon. Farah Maalim): Next is Hon. Jane Kagiri, the County Women Representative for Laikipia.

Hon. Jane Kagiri (Laikipia County, UDA): Thank you, Hon. Temporary Speaker, for giving me an opportunity to contribute to this debate. It is good to start by stating that as a country, we need to start telling ourselves the truth. The levels at which our public debt is at requires each one of us to make effort to ensure that we lower our public debt. Currently, I would wish that we all support the Government, which I served in, because we can see they are trying to manage the public debt that we have. By this, I believe that the President has been monitoring how our public debt is behaving. We are trying to avoid any situation where we would find ourselves incurring more costs.

I add a rejoinder and state that as this Parliament, we need to pass a motion or a requirement that six months to the election, the outgoing President or the Government that is before the election, to state in this House the status of our public debt. A lot that has been said on the excessive borrowing that was done in the previous regime. However, we would all have been better positioned if we had known what the exiting Government had left as our public debt.

Secondly, we see the same happening in county governments where we have incoming governors finding pending bills which nobody told them about. This takes back a county many steps backwards because they cannot progress and plan.

Thirdly, a time has come where we need to question ourselves as a country. We cannot keep complaining on the exchange rate, yet we are doing nothing about it. It is time we all go back to the drawing table and ask ourselves how we are going to improve on our exports. We have the diaspora community outside the country who are bringing in a lot of foreign exchange. Last year, they brought in around Ksh483 billion. We need to ask ourselves how we can make

it to move to a trillion. This is because with that exchange rate, we can strengthen our shilling back here at home and this is what is going to cushion us as a country.

Fourthly, we have looked at our horticulture and tourism. A time has come where we need to stop talking about tourism, on people coming to see our wildlife. It is time we make Kenya a country where people want to visit. If you look at a city like Nairobi, we need to make it so clean that everybody wants to come and visit and be in Nairobi. It needs to be the Dubai of Africa. We need to ask ourselves how good is our lighting that anybody will be assured of security when they are visiting our country.

With those few remarks, I support the Report.

The Temporary Speaker (Hon. Farah Maalim): Next is the Member for Mwea Constituency. Please, give her the microphone.

Hon. Mary Maingi (Mwea, UDA): Thank you, Hon. Temporary Speaker, for giving me an opportunity to support this important Motion. Particularly, I would like to support the increase in allocation for debt repayment. This will salvage the country from the verge of defaulting on loans. A positive credit score will earn this country a good opportunity to secure more funding from international financial institutions.

There is also need to increase budgetary allocation to various State departments in execution of the President's BETA. There is need to increase the allocation for State departments in the following ministries: Agriculture and Livestock Development; Co-operatives and Micro and Medium Enterprises Development; Health, Mining, Blue Economy and Maritime Affairs; Lands; Public Works, Housing and Urban Development, and Education. Increasing the budget allocation to the Ministry of Agriculture, for example, would help the government to subsidise production in agriculture. Agriculture is the number one direct employer to Kenyans. So, this will employ many jobless Kenyans. It will also contribute to this country's food security and direct employment.

In matters health, an increased budgetary allocation will help the Government to execute social healthcare for the aged Kenyans and those who cannot afford to pay hospital bills. We are all aware that a healthy workforce equals to a wealthy nation. A healthy workforce will contribute to this country's economic growth and GDP.

With those few remarks, I support the Motion and congratulate the Committee for their Report.

The Temporary Speaker (Hon. Farah Maalim): Member for Sotik, Hon. Francis Sigei.

Hon. Francis Sigei (Sotik, UDA): Hon. Temporary Speaker, I thank you for giving me this opportunity to also contribute to this very important Motion. First of all, I thank the Budget and Appropriations Committee for the work they did on the Supplementary Budget. Further, I thank the Government, especially His Excellency the President, for targeting agriculture. If we concentrated on agriculture in this country, we would have addressed the big problem of food insecurity. Previously, most of the foreign exchange earned has been used to buy food because of food shortage in this country. I laud the Government for allocating Ksh8.5 billion for fertiliser. The impact of this amount may not be felt by many. But as the Member for Sotik, I understand what that means. This year we will have bumper harvest in this country. That will reduce the problem of food shortage and the issue of cost of living will also be addressed, squarely.

I also thank the Government for taking up reforms in sectors like tea, coffee and cotton. These are the leading foreign exchange earners. I urge the government to look more critically into the tea sector. I come from a tea-growing area. Therefore, I request the government to address this sector. I am happy that the government also looked into the issue of dairy farming. I come from a place of dairy farming. This is an industry that has had a lot of problems, especially during the rainy season when milk production is high. Processing companies like the New Kenya Co-operative Creameries lower prices when there is a high supply of milk.

This causes suffering to farmers. When the President visited Sotik last Sunday, he said that he would support the farmers by allocating Ksh500 million. I thank the President for that gesture.

Additionally, I thank the Government for the effort to find jobs for Kenyans in the diaspora. The Ministry of Labour and Social Protection is now enrolling Kenyans to go to Saudi Arabia, Canada and other countries. I am optimistic that if more Kenyans migrate to those countries, we will get more oil and the dollar will stabilise.

Foreign debt is an issue which we are grappling with. We thank the President because he is going around the world trying to convince International Monetary Fund (IMF), the World Bank and other friendly countries to support Kenya in development. Additionally, we must encourage Kenyans to buy Kenyan-made products. This will help stabilise the dollar which is currently trading high as a result of us importing many goods into the country. The other issue that we must address is insecurity in this country. If insecurity is contained, we will encourage tourism.

Hon. Temporary Speaker, I support. Thank you.

The Temporary Speaker (Hon. Farah Maalim): Member for Kilifi North, Hon. Owen Baya.

Hon. Owen Baya (Kilifi North, UDA): Thank you, Hon. Temporary Speaker, for giving me an opportunity to contribute to this Motion. The question of debt in this country has pre-occupied Kenyans on television shows and various forums for many years. The amount of money we pay in foreign debt is a serious issue. During the State of the Nation Address, the President talked about debt. He said that Kenya is now paying approximately Ksh300 billion. The question then is: What did the money that was borrowed do? What did Eurobond do? In the other report on debt presented by Hon. Shurie, there were organisations in this country whose portfolio showed that they had borrowed but when asked they were not aware that money was borrowed for their organisation. So, where did that money go? How was that organisation contracted to procure a loan which never went into its books? We found out from that report that loans had been borrowed on their behalf. For example, every Cabinet Secretary whose Ministry had, say, three parastatals used the opportunity to take loans on behalf of those parastatals from whichever country they visited. But we do not know where the money went to.

Today, we are saddled with a debt portfolio almost getting to Ksh10 trillion. Recently, a debt anchor Bill was passed in this House and was signed into law by the President, because we have no more headroom for borrowing. We moved from a headroom of about Ksh10 trillion to a percentage of GDP. That means debt has become unmanageable. When that happens, we will have a problem of repaying that debt. Further, when we start repaying that debt we will have a liquidity problem because all the money that we have will be paid to other people. When a country starts having a liquidity problem, it experiences what we are currently experiencing. We cannot meet our internal obligations, like paying basic bills and salaries, which get delayed. This is why we close the Integrated Financial Management Information System (IFMIS). We only open it to pay salaries and then close it. We then come up with a Supplementary Budget. This Supplementary Budget does not cure the fundamental issues. It only cures one liquidity issue. One wonders where the liquidity goes. The National Treasury has to collect all the money and pay debts.

Hon. Temporary Speaker, as a country, we need to rethink. Where do we get our forex? How do we generate dollars? One area which I am sure Hon. Shurie will recommend is tourism. Growing up, we were told that tourism was the highest foreign exchange earner. Coffee was number two, but all these are now under. Tourism does not rank anywhere because we do not invest in marketing it. The people mandated to manage tourism are not doing it. The Cabinet Secretary has become the tourist. He is not bringing any foreign exchange. The Cabinet

Secretary for tourism needs to market this country so that more foreigners come and bring in foreign exchange.

Hon. Temporary Speaker, please, add me two or three more minutes for me to expound on this point. Today tourists come to this country, but they make all the payments in their countries. So, they only come here and spend a few dollars with one credit card. We have restricted how much money tourists bring into the country because we are pandering to the money laundering policies of the International Monetary Fund (IMF). So, a tourist who would have spent US\$5 million has been restricted to only Ksh200,000 in the country. How do we get foreign exchange if we restrict how much money tourists can bring into the country? Now, we are saying that we are protecting the country from money laundering...

(Hon. Owen Baya's microphone went off)

The Temporary Speaker (Hon. Farah Maalim): I add you two minutes.

Hon. Owen Baya (Kilifi North, UDA): We are told that we are protecting the country against terrorists, but it is to our detriment. If I want to use tourism to leverage my economic problems, then I should allow tourists to bring in as much money as possible into the country. A tourist should be able to withdraw as much money from their account as possible. However, tourists now have to sign documents, giving reasons for withdrawing Ksh1 million. A tourist staying in Kenya for only five days is not allowed to withdraw Ksh2 million to buy Maasai artefacts as gifts for their families and friends.

There are very many curio shops from Voi to the Tsavo National Park, but tourists cannot buy anything from those traders because the vendors do not have PDQ machines. They only operate with cash. If a tourist is restricted from bringing currency into the country, how are they going to transact business? How are we going to ensure that we have enough foreign exchange reserves in the country, if we cannot leverage on tourism? People love Kenya. If we open it to tourism, the issue of dwindling foreign reserves will be cured. Managing our foreign currency reserves will help us to manage our debt. If we do not do that, we are going to have more problems.

I read in yesterday's newspaper that Dar es Salaam has opened a coffee auction which is a big competition to the Mombasa Auction. Where will we get foreign currency reserves if we still restrict people on how much they spend at the tea and coffee auction in Mombasa? I thank the Chairperson of this Committee and the person who came up with the idea of splitting these reports and giving this mandate to the minority. Today, we can discuss debt and withdrawal from the Consolidate Fund in this House so that every Kenyan knows what we are doing. Without anticipating debate on the next Motion Hon. Shurie is going to move, I am happy that transparency will help us move forward.

The Temporary Speaker (Hon. Farah Maalim): Member for Kwanza, Hon. Ferdinand Wanyonyi.

Hon. Ferdinand Wanyonyi (Kwanza, FORD-K): Hon. Temporary Speaker, I have already spoken on this Motion. I just want the Deputy Leader of the Majority Party to clarify...

The Temporary Speaker (Hon. Farah Maalim): Have you contributed to this Motion?

Hon. Ferdinand Wanyonyi (Kwanza, FORD-K): Yes. I have. I am on a point of order. The Deputy Leader of the Majority Party has brought up two issues, on which I would like to seek clarification. One of them is that tourists are not allowed to bring money into the country. That means a tourist from the UK will leave their money there and come here without it. Secondly, he has said that even when tourists arrive in Kenya, they are restricted from making large withdrawals at the bank. Can he clarify this? We need to summon the Ministry of Tourism to explain why.

The Temporary Speaker (Hon. Farah Maalim): Ordinarily, you rise on a point of order or a point of information when the Member is on his feet. You cannot do that when the Member has concluded speech.

(Hon. Ferdinand Wanyonyi consulted loudly)

Order! The only way the Member can clarify that is to seek a point of order if he has been misquoted and he will explain what he meant. I am trying to find a way around this procedure. Let me grant someone else an opportunity to speak and then you can rise on a point of order. Where is Hon. Omboko Milemba?

(Hon. Omboko Milemba spoke off the record)

If you have already contributed, why does your name appear here? Let us have Hon. Andrew Okuome, the Member for Karachuonyo. Please, give him the microphone.

Hon. Timothy Kipchumba (Marakwet West, Independent): On a point of order.

The Temporary Speaker (Hon. Farah Maalim): What is your point of order?

Hon. Timothy Kipchumba (Marakwet West, Independent): Hon. Temporary Speaker, reading the mood of the House, it seems that this matter has been discussed exhaustively. I call upon the Mover to reply to this Motion.

The Temporary Speaker (Hon. Farah Maalim): Order! Are you the Member for Karachuonyo? Proceed with your contribution, Member for Karachuonyo.

Hon. Adipo Okuome (Karachuonyo, ODM): Thank you, Hon. Temporary Speaker for giving me this chance.

Public debt is a serious issue in this country. We get frustrated even talking about it. I know we moved the debt ceiling to Ksh10 trillion some time back, but the public debt is still so high and is still increasing. During campaigns, the current regime told us that this would be their priority. They promised that public debt would be a matter of the past. They were against increasing it, but as we speak, they have increased it by more than Ksh1 trillion within the short time they have been in office. This trajectory would make somebody feel that by the time the five years are over, we will be in a big problem. Many times, public debt is blamed on the increase of the cost of living, but in this case, the high cost of living is caused by our way of doing things such as increasing fuel prices and all that. Public debt should not be an excuse for us.

A large amount of public debt has been caused by the depreciation of the Kenya Shilling which caused an adjustment that left us with a debt of over Ksh143 billion. This means that whatever we had as public debt before this devaluation significantly increased by Ksh143 billion: Ksh143 billion is a huge amount. We are still going out and increasing the amount that we are borrowing. I am concerned about leaving the Kenya Shilling to the market forces. This is an economic policy that some countries like ours adopt but if it is weakening the Kenya Shilling to an extent of giving us debt and causing disturbance to our economy, why should we retain it? The last regime did a good thing; it supported the Kenya Shilling through subsidies and the rest. I personally agree that they managed the economy better than what is happening today. We must control public debts by managing our shilling as well as our economy. In doing so, we will one day say that we got it. If we ignore doing that, we will be facing a lot of danger.

Thank you, Hon. Temporary Speaker, for giving me an opportunity.

The Temporary Speaker (Hon. Farah Maalim): I noticed the Member for Homa Bay raising her hand. I will give you an opportunity to contribute to this, but I want to remind Members of Parliament to keep their cards in the intervention slot so that I am able to read

them here. Clerks-at-the-Table have problems trying to identify which microphone to give Members.

Member for Homa Bay, am I right?

Hon. Atieno Bensouda (Homa Bay County, ODM): Yes.

The Temporary Speaker (Hon. Farah Maalim): Proceed. You have a microphone next to you. Just move to where it is, but please come with your card next time.

Hon. Atieno Bensouda (Homa Bay County, ODM): I have my card.

The Temporary Speaker (Hon. Farah Maalim): Does it have a problem? Please sort out the problem with the Clerks Department. Proceed.

Hon. Atieno Bensouda (Homa Bay County, ODM): Thank you for giving me this opportunity. I rise on behalf of Homa Bay County to support what is being debated now. I want to add my voice to a section of the Bill on Public Debt. Public debt management in this country is becoming a big headache. We have lost track as leaders on whether we really have people who can accurately advise on policy making and debt strategy management.

I want to call upon the Public Debt and Privatisation Committee to come up with implementable strategies which can help curb this otherwise if this is not done, the Government manifesto is not going to be realised. I believe you equally watched, over the television, when the Deputy President mentioned that this country is in serious debt that was brought about by the previous regime. I was shocked when it was mentioned that we have a debt of Ksh9 trillion, and Ksh900 billion under pending bills. He also mentioned other debts. That was in a function. In my view, the issue of debt in this country is not something to politic with, especially by the ruling Government.

They need to sit down and provide solutions. The common mwananchi is suffering because of increased taxes. I believe that the advisers or economists around the Government are not doing a good job. Why am I saying so? The other day, the President mentioned that the money being collected in this country in form of taxes goes to payment of debt. When we talk about tourists running away to other countries like Uganda and Tanzania, when are we going to do our local infrastructure? Parks are not in urban areas but in rural areas. When are we going to ensure that the money collected is equitably distributed so that we balance what goes into paying debts and what manages these parks? We should not be a country that champions and points out blame games forgetting the local mwananchi who is suffering.

It seems we are looking for every little thing to tax. Somebody recently made a joke by telling me that I am a legislator but we are soon going to tax dogs and cats that we keep in our homes so that we can pay debts. This is a painful situation. When we talked about affordable housing, what were we told? We were told that youths are going to be empowered and employment is going to be available. We seem to be singing more music into various voices than action. The Public Debt and Privatisation Committee should take this responsibility to advise and give workable strategies which can curb this, otherwise we shall continue to talk about debts. We have debts in trillions. We are blaming the county and the national Government that no work is happening forgetting that Wanjiku is suffering.

I want to state that strategies must be put in place because Kenyans elected us to come into this Parliament to make them have a sigh of relief. This needs speedy action; it does not require us to be reluctant in our positions. Everything is now dilapidated. We now have *El Nino* rains, and the focus has shifted from development. This was even confirmed in the news that governors must stop the issues of development and focus on *El Nino* rains. Did we have to wait for *El Nino* rains to come? We need to be serious as a nation. There are dykes which could have been built. Relocations should have been done so that we do not waste resources. When we have donor funding, there are strategies that the Government should look for other than taxing the common mwananchi so as to pay and manage the debts. If we are not careful, this country will come to a standstill.

Thank you, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Farah Maalim): The Member of Parliament for Kisauni, Hon. Bedzimba.

Hon. Rashid Bedzimba (Kisauni, ODM): Hon. Temporary Speaker, I am waiting to contribute to the next Order.

The Temporary Speaker (Hon. Farah Maalim): What are you waiting for?

Hon. Rashid Bedzimba (Kisauni, ODM): The next Order.

The Temporary Speaker (Hon. Farah Maalim): Okay. How about Hon. Stephen Mogaka, Member of Parliament for West Mugirango? Proceed, learned counsel. There is a microphone next to you.

Hon. Stephen Mogaka (West Mugirango, JP): Thank you for this opportunity to talk about a topic that is extremely close to my heart having been a credit director in several banking institutions. I want to state that no enterprise or country can live without debt. The question is not about taking a debt or not, but how to manage it. A debt is managed very scientifically. In Kenya, the debt is denominated in foreign currency and that means it mutates and grows on its own. The Public Debt and Privatisation Committee needs to come up with a policy of placing the management of Kenyan debt in the hands of experts.

Hon. Temporary Speaker, where a currency like ours will always depreciate vis-a-vis the currency under which the debt is denominated, a country is required to hedge against its depreciation and triplication without extra borrowing. I know that the Government is receiving a beating today, allegedly, because of more borrowing. There is no borrowing that has been done. Because of the depreciation of the Kenyan currency vis-a-vis the currency with which we borrowed, the debt is growing on its own each day. Lay people think that the country has undertaken more borrowing. This is why as a nation, particularly from this House of records, we need to make it clear so that our citizenry is not deceived by cheap propaganda that the country is engaging in additional borrowing. Let us face and tell the truth and it shall set us free.

I urge the National Treasury to create a corporate desk that communicates with Kenyans and advises the country on how our debt situation is behaving daily from the original amount borrowed and the exchange gain or loss that have been lumped on the debt that was originally taken, so that we explain continuously how its level is increasing because of depreciation. Ultimately, this country encourages inflows of foreign exchange from the diaspora, tourism sector or agricultural produce that we export. We must be an exporting country for our debt situation to be managed.

We need to stabilise our currency vis-a-vis the foreign currencies, particularly the greenback and Euro which are international currency denominations with which we trade. Unless we do that, which is not very easy at the moment, we will continue receiving a beating. Our debt book will continue ballooning without extra borrowing. Our revenues that are meant to be spent on developing this country will obviously be diverted because debt payment takes priority, before we finance our development and recurrent expenditure. Therefore, it is not a wonder that there are delays from the Exchequer in fulfilling or servicing anything in this Republic.

I thank you, Hon. Temporary Speaker, for giving me this opportunity to contribute.

The Temporary Speaker (Hon. Farah Maalim): The Woman Representative for Migori County.

Hon. Fatuma Mohammed (Migori County, Independent): Thank you, Hon. Temporary Speaker, for giving me this opportunity to contribute. I rise to support the Bill on Consideration of the Consolidated Fund Services Expenditures for the Supplementary Estimates No. 1 of Financial Year 2023/2024. The problem with this country is that we are not honest with ourselves.

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

Hon. Fatuma Mohammed (Migori County, Independent): Sorry, I corrected. It is not a Bill but a Motion. Thank you.

Hon. Temporary Speaker, we, as Kenyans, are not honest right from the leadership to *wananchi*. We cannot talk about debts while we are spending on unnecessary things. We are talking about debts while our President is partying in some country somewhere. He told us that he was going to sign agreements and get employment opportunities for us in Saudi Arabia. Do we have ambassadors who can do this? When I travel out of the country, it is more expensive than when my househelp travels. In that case, why are we talking about debts instead of talking about the unnecessary expenditure that we are going through? We had the Supplementary Budget here. I understand that State House and the Presidency topped up their budget with Ksh200 million for *chai* and *mandazi*. I understand that they do not drink alcohol. What do they spend this money on? We have *El Nino* rains now. Instead of allocating the money in areas where people are dying, homeless and sick because of *El Nino* rains, your President is flying out to spend an equivalent amount of his budget that he has just topped up for tea and luxury in State House. We are not honest. If we do not work on our expenditure, then there is no need of talking about our debts because we borrow to spend.

Hon. Omboko Milemba (Emuhaya, UDA): On a point of order, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Farah Maalim): What is your point of order, Hon. Omboko Milemba? Order, Hon. Fatuma.

Hon. Omboko Milemba (Emuhaya, ANC): It is not very common to rise on such a point of order. I wish that the Member substantiates clearly because this is a House of records. It is very important for her to be sure that the President is out partying, and taking tea and *mandazi*. Since this is a House of records, can you substantiate that you are sure that you are speaking about a Head of State who is partying?

Hon. Fatuma Mohammed (Migori County, Independent): May I inform you that I have never been to State House? I do not know what they spend that money on. However, I know there are *El Nino* rains. I also know that people are homeless and hungry in Nyatike where I come from. What I am trying to put across to our country men and women is the unnecessary expenditure that we have. You can question the Presidency on what the Ksh200 million top-up on his State House expenditure was meant for. We should cut down unnecessary expenditure.

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

Hon. Fatuma Mohammed (Migori County, Independent): Allow me to contribute. Why are you raising points of order when I am saying the truth? The truth shall never be changed.

The Temporary Speaker (Hon. Farah Maalim): Order, Member for Migori. What is your point of order, Hon. Owen Baya?

Hon. Owen Baya (Kilifi North, UDA): There is a Standing Order in this House that says that you need to be factual. I listened to the Chairman of the Budget and Appropriations Committee when he presented. He said that the President's operations are more in State House than in Harambee House. The amount of money that was allocated in the budget of State House is the money that has been removed from Harambee House. There is no additional funding of Ksh200 million that you are talking about for the President. It is nice to be present in the House and listen, when the Chairman of the Budget and Appropriations Committee is presenting to get the facts.

(Applause)

Nothing was added. Money was just moved from Harambee House which is the seat of the presidency and taken to State House. There was no addition.

Secondly, it is on the President's trips. When he addressed the European Union (EU), they gave the country a grant of over Ksh300 billion but not a loan. They are not in vain. We, as a country, have achieved a lot. Today, we have around Ksh1 trillion that has been given to this country as a grant. They have been threefold in importance and contributing to reduce the national debt.

I thank you, Hon. Temporary Speaker.

(Hon. Fatuma Mohammed spoke off-record)

The Temporary Speaker (Hon. Farah Maalim): Order, Member for Migori. It is always not such a powerful issue, if you discuss the Government in a kind of generality, by saying it spends this and that. When you get so specific, the Standing Orders provide for that. Standing Order 87(1) says:

“Neither the personal conduct of the President, nor the conduct of the Speaker or of any judge, nor the judicial conduct of any other person performing judicial functions, nor any conduct of the Head of State or Government or the representative in Kenya of any friendly country or the conduct of the holder of an office whose removal from such office is dependent upon a decision of the House shall be referred to adversely, except upon a specific substantive Motion of which at least three days' notice has been given.”

You cannot discuss the conduct of the President. You cannot refer to him adversely. You can do it generally as the Government but not the conduct of the President. Standing Order 91(1), which I hope is the same as it used to be when I was here last time, says:

“A Member shall be responsible for the accuracy of any facts which the Member alleges to be true and may be required to substantiate any such facts instantly.”

This accuracy is dependent upon a Member fulfilling the conditions of Standing Order 87, therefore, all of you should desist from that. I have seen quite a bit of references to the President as a liar and all sorts of things. The Standing Orders do not allow that. You should all desist from that except through a substantive Motion in which case you give a three days' notice. When you talk about these things whether in his personal capacity or official capacity, you have to fulfil certain conditions before you cast aspersions on the conduct of the President and the offices I have indicated right now. Including the leadership of a friendly country and the representative of that country in our own country. Thank you.

Proceed, Member of Parliament for Migori. Please maintain that.

Hon. Fatuma Mohammed (Migori County, Independent): I stand guided, Hon. Temporary Speaker. Thank you.

I will find a way to refer. Maybe I will use the word “government”. However, Hon. Temporary Speaker, my intention was to put across that we are not majoring on majors. Rather, we are majoring on minors. I agree that Ksh200 million was removed from one pocket and moved to another pocket. That is just as I would remove from my left to my right or vice versa. The message I am passing is that something more important and crucial is happening. It is called the *El Nino* phenomenon.

The Temporary Speaker (Hon. Farah Maalim): Order, Hon. Member. What if any Member rises and asks you to substantiate the Ksh200 million you are talking about? You are supposed to substantiate that instantaneously. At the same time, with proof. Therefore, be very careful about all these things. Proceed.

Hon. Fatuma Mohammed (Migori County, Independent): I am tongue-tied. I do not know how to proceed any further. He asked something and I thought I was answering to what he asked. Now I do not know how to do it. However, my statement that money is not being used carefully and money is being borrowed every single day remains. When we borrow, we should use what we borrow in the right way instead of using it in the wrong way. What is the need for borrowing? I will not change my mind on that, that money is not being used well. I do not know the softest way to sugar-coat it. The truth is that Kenya is borrowing and spending unnecessarily. I rest my case.

Thank you, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Farah Maalim): You are absolutely in order to mention “government”. The only thing the Standing Orders restrict is when you get personal and on the personal conduct of a President himself or a judge or the Speaker of the House.

Hon. Dorothy Ikiara.

Hon. Dorothy Muthoni (Nominated, UDA): Thank you, Hon. Temporary Speaker. I want to contribute to the next agenda.

The Temporary Speaker (Hon. Farah Maalim): Okay. There being no other Member, we will call the next Order.

(Hon. Japheth Nyakundi raised his hand)

The Member raising your hand, are you on a point of order? Do you want to contribute? Do you not have a card?

(Hon. Japheth Nyakundi spoke off the record)

Your card is not working. Okay, proceed and contribute. Give him the microphone. You have one next to you.

Hon. Japheth Nyakundi (Kitutu Chache North, UDA): Thank you, Hon. Temporary Speaker. I also want to contribute to this Motion on the Report of the Public Debt and Privatisation Committee.

For sure, our debt as a country has injured us in so many ways. I know we have made so many cuts even in the current Supplementary Estimates I for the 2023/2023 Financial Year that we have passed. This is because our debt has increased due to exchange rates against the dollar. The CFS in the current Supplementary Estimates I have increased by about Ksh145 million because of the increase in the dollar.

The second point is this country’s debt in the previous regime. A lot of debt accumulated in the previous regime because of taking loans that were very expensive for the people of Kenya. These loans were not used properly. An example is the subsidy on fuel. We are currently paying Ksh60 billion that the previous regime used for fuel subsidies and *unga*. We are also paying money for Telkom Kenya Limited and Helios Investment Partners. Those are debts by the previous regime and we do not know where they went.

As a country, we should create proper mechanisms to manage our debt. As we speak, most businessmen have not been paid pending bills. Most businessmen are dying because they have not gotten their money. As a country, we know we depend on the government for the circulation of money so that the mwananchi down there has this circulation.

I support this Motion on public debt. As a country, we need to live according to our means. We need to live according to what we have. We should not budget for resources that are beyond what we get as a country. I support this Motion and I encourage that we, as a country, should live according to our means.

Thank you, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Farah Maalim): I shall now call upon the Mover to reply.

Hon. Abdi Shurie (Balambala, JP): Thank you, Hon. Temporary Speaker. I thank Members for their contributions and support for this Motion. Debt today is one of the most spoken issues in Kenya. I am glad that Parliament, in its wisdom, formed this Committee to deal with matters of debt. I am sure we will be bringing so many Reports to this House. We will always be seeking the support of the Members and the House.

Hon. Temporary Speaker, I beg to reply.

The Temporary Speaker (Hon. Farah Maalim): The Chair has certain discretions, indeed quite powerful. Therefore, the putting of the question will be deferred to the next Session.

(Putting of the Question deferred)

Next Order.

BILLS

Second Readings

THE LAND LAWS (AMENDMENT) BILL (National Assembly Bill No.65 of 2023)

The Temporary Speaker (Hon. Farah Maalim): Where is he? He has just been here now. Yes, proceed.

Hon. Owen Baya (Kilifi North, UDA): Hon. Temporary Speaker, the First Reading of the Land Laws (Amendment) Bill was done on 14th November 2023.

The Temporary Speaker (Hon. Farah Maalim): This is the Second Reading.

Hon. Owen Baya (Kilifi North, UDA): Yes, the First Reading was done on the 14th November 2023. It was published in the papers for people to bring memoranda and petitions within that week.

The Temporary Speaker (Hon. Farah Maalim): Do you need more time for it?

Hon. Owen Baya (Kilifi North, UDA): It is still within public participation time, therefore, the Report has not been done. If you allow, we would like to stand that down.

The Temporary Speaker (Hon. Farah Maalim): We will stand down Order No.12 for another day.

(Bill deferred)

Order No. 13.

THE NATIONAL DISASTER RISK MANAGEMENT BILL (National Assembly Bill No.24 of 2023)

The Temporary Speaker (Hon. Farah Maalim): Deputy Leader of the Majority Party.

Hon. Owen Baya (Kilifi North, UDA): Hon. Temporary Speaker, we are the Movers of this Motion but the Report is not ready. I think the Committee has done its work but they have not yet done the Report. I would request that we give them time to bring the Report.

Therefore, my request is that we stand it down.

The Temporary Speaker (Hon. Farah Maalim): Fair enough. Your request is assented to.

The Temporary Speaker (Hon. Farah Maalim): Yes, Order No. 13 has also stood down for another day.

(Bill deferred)

Order No.14.

THE PUBLIC PROCUREMENT AND ASSET DISPOSAL (AMENDMENT) BILL
(National Assembly Bill No.62 of 2022)

The Temporary Speaker (Hon. Farah Maalim): The Deputy Leader of the Majority Party.

Hon. Owen Baya (Kilifi North, UDA): I have had a conversation with Hon. Benjamin Gathiru because this is a Private Member's Bill. He has told me that he is not ready to proceed with this Bill. Therefore, he requested that we step it down.

The Temporary Speaker (Hon. Farah Maalim): He is indisposed. I have a feeling that this information was also communicated to the Hon Speaker. Under the circumstances, this one also is stood down to another day.

Hon. Owen Baya (Kilifi North, UDA): Okay. Yes, thank you.

(Bill deferred)

The Temporary Speaker (Hon. Farah Maalim): Order No. 15.

THE ANTI-CORRUPTION AND ECONOMIC CRIMES (AMENDMENT) BILL
(National Assembly Bill No.30 of 2023)

Hon. Owen Baya (Kilifi North, UDA): I have had a conversation with Hon. Kaluma on this matter. He is still consulting with certain Government ministries and departments on the same. He will put his thoughts together to either move forward with the Bill or withdraw it completely. He is of the view that the Bill be stood down for the moment.

The Temporary Speaker (Hon. Farah Maalim): Order No.15 is stood down to another day.

(Bill deferred)

Order No.16.

THE WILDLIFE CONSERVATION AND MANAGEMENT (AMENDMENT) BILL
(National Assembly Bill No.3 of 2023)

The Temporary Speaker (Hon. Farah Maalim): Mover, Hon. (Capt) Ruweida Obo.

Hon. Ruweida Mohamed (Lamu East, JP): Hon. Temporary Speaker, I beg to move that the Wildlife Conservation and Management (Amendment) Bill (National Assembly Bill No.3 of 2023) be now read a Second Time.

The Bill seeks to amend the Wildlife Conservation and Management Act to include compensation as a result of death and injury from sharks, stonefish, whale and the stingray, among the wildlife species listed.

The Bill will ensure that any person who lives along water bodies is compensated as a result of death or injury because of marine wildlife species.

The Bill promotes equality by providing a remedy for the prevailing discrimination and compensation from attacks by land-based wildlife in exclusion of victims of attacks by marine-based wildlife. The Bill seeks to promote compliance with Article 27 of the Constitution by promoting equality and freedom from discrimination through compensation of all victims of attacks.

The Bill seeks to amend Part A of the Third Schedule to the Wildlife Conservation and Management Act, 2013 by inserting the following new words: “Sharks, stonefish, whale and stingray”, immediately after the word “Buffalo”.

The enactment of this Bill will not occasion additional expenditure of public funds. The Fund already exists and we just want to include marine animals. The Third Schedule lists wildlife species in respect of which compensation may be paid in case of death or injury. These are the elephant, lion, leopard, rhino, hyena, crocodile, cheetah and buffalo. In case of destruction or damage to property, livestock or crops, the wildlife species in respect of which compensation may be paid are elephant, lion, leopard, rhino, hyena, crocodile, cheetah, buffalo, hippopotamus, zebra, eland, wildebeest, snake, and wild dog. Not even one marine animal is included in that list. Marine animals were previously included in the Third Schedule before a few individuals sat in a board room and removed them, without knowing that there are people who live on islands surrounded by water.

I compared and contrasted the compensation paid to Lamu of Ksh5 million in 2018 with that paid to Meru of Ksh66 million. I am saying this in order to show Members that not many people are supposed to be compensated.

Many people at the Coast have been affected by marine animals. It would be prudent if this House agrees to include those animals. We are not requesting for any more funds. We should be able to cater for everyone with the funds that we have. We should share what we have if the funds are few.

I take this opportunity to invite Hon. Chome Abdi, Member for Voi Constituency, to second.

The Temporary Speaker (Hon. Farah Maalim): Hon. Abdi Chome. Member for Voi.

Hon. Khamis Chome (Voi, WDM): Thank you, Hon. Temporary Speaker. I rise to second the Bill.

The addition of marine animals to the list of animals which should be considered for compensation in the case of death or injury is very important. It brings fairness and equity to Kenyans. With the promotion of the blue economy, many people living along the Coast use the sea for transportation and as a support for their livelihoods.

I had an opportunity to visit Lamu for public hearings as a Member of the Departmental Committee on Tourism and Wildlife. We came face-to-face with those who have been injured and maimed by marine animals. It was sad to see people in their prime, who had been attacked by marine animals, but could not do anything about it. It was my opinion and that of other Members of the Committee that compensating them will give them an opportunity to get an alternative means of livelihood.

Several counties share Kenya’s coastline. This Bill will give an opportunity to those in Lamu, Tana River, Kilifi, Mombasa and Kwale counties to feel adequately covered when they go to look for their livelihoods in the ocean.

The Bill is also important for those who go to the sea for recreation. Payment of compensation for those who have been hurt by land-based animals has taken quite a long time. I would also like to touch on the issue of compensation in general. We need to look at it so that it can be timely and adequate. That will enable a timely response to injury or death.

I second this Bill and support the amendment of the Wildlife Conservation and Management Act, 2013.

(Question proposed)

The Temporary Speaker (Hon. Farah Maalim): Hon. Bedzimba.

Hon. Rashid Bedzimba. (Kisauni, ODM): Asante sana, Mheshimiwa Spika wa Muda kwa kunipatia fursa hii ili niweze kulizungumzia swala hili.

Nimesimama kuunga mkono kuongezwa kwa viumbe wa baharini katika orodha ya wanyama ili watu walipwe fidia wakati viumbe hao wamewadhuru, au kuleta madhara, majeruhi au vifo. Hapakuwa na usawa hapo mwanzoni kwa sababu karibu wanyama pori wote wa ardhini, walikuwa wameorodheshwa ili watakapoleta majeruhi, madhara au kifo, watu walipwe fidia.

Mnyama mmoja wa ardhini ambaye ametolewa kwa orodha hiyo, na ambaye nitaomba oangezwe, ni nyoka. Nyoka pia anadhuru wananchi. Hakuna kiumbe mmoja wa baharini ambaye alikuwa amewekwa katika orodha hiyo ili akimdhuru binadamu au kumtoa maisha, binadamu alipwe fidia. Kuna sehemu ambazo misitu yao ni bahari iliyo karibu na wao. Ukiangalia papa, huwa ni wanyama ambao wanakuja kwa bahari ya maji madogo. Wanafuata meli kubwa zinapokuja wakitafuta chakula. Meli ikifika wanatembea katika maji madogo na watu wengi wamekatwa miguu na kupoteza maisha yao, ila hawalipwi fidia. Wanaambiwa viumbe vya baharini havilipiwi fidia, ilhali wale viumbe wanalindwa na sheria. Kwa sababu ukimchukua papa ukamlee nyumbani utafungwa. Kama huyo ni mnyama pori, kwa nini akifanya madhara mtu asilipwe? Kwa hivyo, ni vyema kuwaongeza wanyama kama papa, samaki wa mawe, nyangumi na samaki ambaye akikudunga mwiba wake, mpaka ukatafute sindano ya *tetanus* ama mguu utaoza.

Nasimama hapa kuhakikisha kuna usawa katika sehemu kama Lamu, Mombasa, Shimoni na nyingi ambazo maji ndiyo yamechukua nafasi kubwa. Lazima watu walipwe fidia wakati wanyama hawa wataleta madhara. Ikiwa halipwi basi tupe ruhusa tufuge papa kwa nyumba zetu. Tutengeneze maji na tumlete akae pale. Na ikiwa ni makosa kisheria, basi tulipeni wakati mtu amepatikana na hiyo shida. Juzi kuna mtu ambaye amekatwa mguu katika sehemu ya *ferry* kivukoni, saa zingine papa huleta madhara pale. Papa wenyewe sio lazima waende kwa maji makubwa, wanakuja pia kwa maji madogo ambapo wanatatiza wavuvi kwa kupindua dau zao. Kwa hivyo, ni lazima watu walipwe fidia ikiwa mtu amepata madhara ama ameaga dunia kwa sababu ya wale viumbe wa baharini. Kwa hayo mengi naunga mkono Mjadala huu.

Asante sana, Mhe. Spika wa Muda.

[The Temporary Speaker (Hon. Farah Maalim) left the Chair]

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

The Temporary Speaker (Hon. Peter Kaluma): Hon. Jane Kagiri, Member of Parliament for Laikipia County.

Hon. Jane Kagiri (Laikipia County, UDA): Thank you, Hon. Temporary Speaker, for giving me an opportunity to contribute on this amendment Bill. I hail from Laikipia County and our problem is mainly water. Once in a while, the rain favours us and we are able to grow crops but when they are just about to be harvested, elephants, hippopotamus and monkeys invade our gardens and take away our harvest. This makes it impossible for us to speak about food security in Laikipia.

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I have listened to my colleagues from other parts of the country and heard them speak about animals they would like to be included in this amendment Bill. I totally support because I have seen the pain my people go through, when wildlife invades their gardens and harvests their crops. As we speak today, a meeting is going on in my county Laikipia in Njorua. The discussion is about the human-wildlife conflict.

It will be unfair for me not to support my colleagues who feel the need to include other animals for compensation by the Government. We also need to remind KWS that compensation is not compensation unless done timely. These people lose their lives, their produce and ways of earning a living. So, compensation should be done effectively. Equally, we should consider fencing around the forests to avoid elephants from getting out. I wonder what will be done to the ocean? We need to have preventive measures rather than solving problems when they occur.

Finally, I also request KWS to be responding very quickly, when our people call out for help especially, in areas where animals attack them. I also think they need to use technology like satellite or other methods of monitoring human-wildlife conflict so they can protect our people and ensure they are safe wherever they are.

Thank you, Hon. Temporary Speaker. With those few remarks, I support this amendment Bill.

The Temporary Speaker (Hon. Peter Kaluma): Thank you, Hon. Kagiri. This is a very straightforward Bill; it is seeking to add shark, stone fish, whale and stingray to the list of animal injuries to be compensated. Hon. Beatrice Kemei.

Hon. Beatrice Kemei (Kericho County, UDA): Thank you, Hon. Temporary Speaker, for giving me an opportunity to support this amendment Bill, concerning wildlife conservation and management. From the outset, human-wildlife conflict is something which has given us a lot of issues.

I come from Kericho County and Mau Forest surrounds us. Elephants destroy property and at the same time they are dangerous. So, when we have a Bill concerning marine animals, I support compensation. This is because men are the ones who are mostly injured but the women suffer the most. When the men are hurt, their wives and children face many problems.

To me, compensation is key and there should be equity because some people are compensated more than others. The KWS should not take very long to compensate because justice delayed is justice denied. It does not make sense for somebody not to be compensated for many years. This should be done immediately. The marine animals are at the coast and we have lakes in the Rift Valley like Lake Baringo, Nakuru, Naivasha, Turkana and others. They also have dangerous animals and reptiles. I remember a case where a woman went to fetch water in Lake Baringo and she fell in it. It was such a difficult time.

I am also concerned about civic education and sensitisation of the public on the dangers caused by these wild animals, so that our people may not get into serious problems. Not forgetting that sometimes our students go for tours, they need to take care so they are not harmed. Otherwise, I support this very important amendment Bill.

Thank you, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Peter Kaluma): Hon. Beatrice Kemei, looking at page 13 it appears that injuries from animals in fresh water lakes is already covered except from these ones. I can see injuries from hippopotamus which live along fresh water bodies, snakes and crocodiles are covered. I do not know whether the Chairperson of the relevant Committee is in the House to explain why these other dangerous category of sea animals was left out. Hon. Moses Kirima, Member for Central Imenti.

Hon. Moses Kirima (Central Imenti, UDA): Thank you, Hon. Temporary Speaker, for giving me an opportunity to contribute to this important amendment Bill. I support it taking into account that human life must be valued at all costs compared to our natural resources. This is because animals both on land and aquatic areas are our natural resources. In as far as we are

considering this amendment, we should not forget that human-animal conflict is mainly caused by human being activities. If you come to areas where we have wildlife, we have blocked their corridors of migrating from one place to the other. The Government is doing nothing about it. The Government is not compensating the farmers who are in those corridors so that at least those animals can be left freely to be migrating from the places where they give birth and where they live or to migrate at the time when they need to feed, especially when it comes to dry and wet seasons. These animals are very sensitive and they move from one place to the other. At no time Hon. Temporary Speaker, can one be injured unless and until one ventures into those areas where those animals are.

In addition, we must also warn ourselves that these animals are a necessity within us. This is because, they bring foreign revenue and so they must be taken care of. It is necessary to include the sharks, whales and those other bigger aquatic animals to be part of the bill. Our people go to the ocean to fish because it is part of human activity and it really improves on our economic value. Sometimes they even cause injuries to our people without being provoked. I understand that there are sharks which follow the travelling ships from the deep ocean to the shallow areas where we have ports. I think compensation is necessary.

We have marine officers and marine rangers who should be careful and give warning to people who are in the ocean fishing. The people are not aware and they do not have those gears or items which can warn fishermen in advance such that when they are fishing and getting in, there are those sharks which pursue or follow the cargo ships to eat the drops of foods which are being dropped in the ocean. Our officers have those gadgets which they can warn people in advance that there is looming danger.

I remember when there was the ocean backlash; the Tsunami. If it was not for the warning which came from foreign countries, a number of our people could have died in the Indian Ocean, I included because I was in the waters that time. However, because of the warning that came from these advanced countries that have the ability to learn about the weather in advance, many people in Kenya were saved. I am saying that the Government has the responsibility to warn our fishermen that when you are fishing in a certain place, it is safe or it is not safe because there are animals under the water or animals that are approaching from another quarter.

Hon. Temporary Speaker, it is necessary to include these animals, especially the big ones in the ocean, which end up hurting people instead of being of value to the people. They should be included in this Bill so that when they hurt a person, that person must be compensated. It is true if you travel to Mombasa today, if you have a friend especially those who frequent the waters of the Indian Ocean to fish and so on, or even Lake Victoria and other places. You will be hearing that one has been devoured by a crocodile; one has been attacked by a shark; one does not have a leg or something like that because sincerely there is no prior warning to that effect.

In essence, I support this Bill wholly because it has come at the right time when all animals which affect our people should be included in the Bill. If they cause any injury to a human being, he must be compensated.

I support the same. Hon. Temporary Speaker, thank you.

The Temporary Speaker (Hon. Peter Kaluma): The Deputy Majority Leader. Hon. Owen Baya.

Hon. Owen Baya Yaa (Kilifi North, UDA): Hon. Temporary Speaker, I thank you for giving me this opportunity. I also congratulate the Hon. Captain Ruweida, for introducing this Bill. Hon. Temporary Speaker, I think it was unfair to remove these animals from the list. I serve in a constituency with the longest sea shore and my people go to the sea. They are always affected by these animals but when they come to me, you know they cannot be compensated. Sharks attack, you know, when you go to the Watamu side of the beach, we have sharks,

dolphins and stone fish. We have all manner of creatures in the sea and my people keep on being attacked all the time. When it comes to compensation, they cannot be compensated and families loose. You have people whose limbs are cut. They cannot have any gainful employment or gainful activities after that because of something that happened at the sea and yet they cannot be compensated.

I like the position that she has taken. We are not adding any more funds. The money is already there. What we want is equity. A person who is attacked by an elephant and a person who is attacked by a shark gets equal compensation and it is possible. I think a law that is a quick gain and a quick win is welcome so that people do not get scared to go to sea.

Hon. Temporary Speaker, when you are in that sea, you have a vessel, a boat, a dhow and a shark comes and cuts it in the middle. You have spent 2 million to build a boat. However, when that accident happens, it is been caused by an animal, you are not compensated but in another event somebody gets compensated. I think this is a law that brings equity. We say that when we come to seek equity, we are coming with clean hands. Help our people get the compensation that they deserve. Fishing is one of the contributors to this economy. We are encouraging very many people to go to the sea and fish. Today I have many cases in my constituency, where a lot of our young people are embracing fishing out there. The KRA officers come and arrest them and they tell them to pay tax before they go to fish and they have to have a licence. I keep on wondering, if I want to go to my farm to farm and get maize, I am not asked for a licence but when I want to go to the ocean, which is actually the farm of the local people there, they are told they must get licences.

When they get injured inside the ocean they do not get compensated. When you actually leave your home and go to the park and get injured, you get compensated. When I go to the sea for an economic activity and get injured, I do not get compensated. Is that fair Hon. Temporary Speaker? It is not. This law is very important so that we can encourage more fisherfolks to go out there without fear and get to build this economy through fishing.

So, I support this amendment that Hon. Ruweida has brought. It will be a game changer on matters fishing and building this economy. I thank you, Hon. Temporary Speaker.

The Temporary speaker (Hon. Peter Kaluma): Thank you, Hon. Owen Baya. For Members who do not know, up to 37 kilometers into the sea is part of Kenya's territory because that is 20 nautical miles which is part of our territorial sea. It is part of the land of Kenya.

(Inaudible)

Just a minute and then up to 200 nautical miles, which is 370 kilometers into the sea is part of our exclusive economic zone and indeed continental shelf also. You can understand how far our entitlement in terms of resource exploitation in the sea goes and how limited you make citizens when you say they can be venturing economically to that extent, but injuries around that area may not be covered.

Hon. Kimani Kuria, I know yours is going to be very brief than Hon. Farah.

Hon. Kimani Kuria, you will follow sir.

Hon. Kuria Kimani (Molo, UDA): Asante Mheshimiwa Spika wa Muda kwa kunipa nafasi hii kuchangia mjadala huu. Kwanza ningeanza kumpongeza nahodha ama ni rubani? Ninampongeza Rubani Ruweida Mohamed Obo kwa kuja na mjadala huu na sheria hii kuja kumpongeza wale wanyama pori wengine wakiwemo nyangumi na papa.

Wakati kuna ile shida ya mgongano kati ya wananchi na wale wanyama pori, papa na nyangumi, watakaoathirika na hizo ajali watasaidika kwa kufidiwa kama ilivyo na wale wengine wanavyoathirika na ndovu na wanyama wengine. Hii inaonyesha kwamba lazima tuendelee kuzingatia mambo ya mazingira yetu na vile tunaishi. Kama ni wale ambao wanaishi

katika sehemu ambazo ziko na bahari, kama kule Lamu na Mombasa, utangamano kati yao na hao wanyama pori uweze kuzingatiwa ili tuweze kuzizuia hizi ajali.

Nawahimiza wahusika wote ambao wanalinda wanyama pori, haswa hao ambao wanakaa karibu na mito, kuhusisha jamii ambazo zinaishi katika hayo maeneo. Mara nyingi kutafuta watu kwengine kulinda wale wanyama pori ilhali kama tungeweza kuwachukua wale wanaoishi pale, wangeweza kufanya kazi bora zaidi. Kwa mfano, maafisa wa kulinda misitu walichukuliwa juzi. Natumai kwamba wale ambao watachukuliwa baadaye ni wale wanaokaa karibu na misitu kwa sababu wao ndiye wanauelewa, wameishi karibu na hiyo misitu kwa muda mrefu na hata wengine wanaweza kuwaongelesha wanyama wengine wa porini. Wamaasai wengine wanapitana na simba hivi hivi tu na wanaelewana lugha. Lakini ukinachukua mimi kutoka Molo niende niwe askari wa kulinda simba, pengine nikimwona simba ametokea, jambo ambalo nafikiria la kwanza ni kumpiga risasi. Sio vile ambavyo tunaweza tangamana. Kwa hivyo, nahimiza tuzingatie wale ambao tayari wanakaa kati ya wanyama pori kuawalinda kwa sababu wataweza kufanya kazi bora zaidi kuliko hao wengine. Hongera kwa Mswada huu mzuri na nauunga mkono.

Asante Mhe. Spika wa Muda.

The Temporary Speaker (Hon. Peter Kaluma): Hon. Farah Maalim.

Hon. Farah Maalim (Dadaab, WDM): Hon. Temporary Speaker, I rise to also support this Motion by Hon. (Capt) Ruweida Obo. One of the very grotesque impunities that have been perpetuated in this country from Independence is that the political and ruling class replaced the white settlers who were here. Consequently, the Coastal people suffered in every imaginable way. Their resources were all taken away. They were not promoted. Even when we had the Sessional Paper No. 10 of 1965 on intensification of government investments in high potential areas, marine resources were not considered high potential areas. The only areas that were considered high potential were the tea and coffee-growing areas. Consequently, after Independence, within the shortest possible time, our beach lands, except a few public beaches, were grabbed by the political elite of the time – from Vanga all the way to Kiunga. The indigenous people who were there were left with nothing. The Mijikenda and the Bajuni were left with basically nothing.

We have seen for the longest time people leaving other parts of this country and going to Lamu and getting any size of land allocated to them and title deeds are issued to them in the shortest time possible. But the actual indigenous people take the longest time for them to be given title deeds to their own land. In our case, the livestock sector was basically our mainstay. The livestock sector does not even have a Livestock Development Authority today. The Marine and Fisheries Development Authority does not exist. They brought up the Coast Development Authority, which was poorly funded and it basically did nothing. But if you go to the tea sector, coffee sector or maize sector, they have everything. This sector has a bigger potential. If I say it has a bigger potential than the agriculture sector in this country, you will not believe me.

Hon. Temporary Speaker, as you had put it, being a lawyer yourself, we have the 12 nautical miles which is the territorial waters of this country. For your information, a nautical mile is 1.6 of a road-made mile. A road made mile is 1.6 kilometres. It comes to about 37 something. We also have an exclusive economic zone of 220 nautical miles, and a continental shelf of 370 nautical miles from our coastline, where everything under there belongs to us.

In our exclusive economic zone and our territorial waters today, there are all sorts of ships from the Western world — from Japan, China and everywhere. Our marine resources are getting depleted at a rate you cannot imagine. If I give you a figure of US\$200 million a day, it is a conservative figure. From our coastline and Somalia's coastline, there are ships from Europe. One of the reasons why they do not want us to have stability in this part of the world is because they are making billions and billions of dollars from our coastline. This is because they are the ones who are harvesting our marine resources.

This so-called blue economy is a very powerful economy. But because the rest of us do not know how to fish, and the ones who know how to fish are those who we consider to be lesser humans and do not matter to us at all; the Bajuni, Mijikenda and the rest who are out there, in subsequent governments over this period of time, then we fail to invest there until we begin picking up ideas and begin investing there. I hear and I understand that there are a number of bigwigs who are investing in trawlers out there. The licenses for all those trawlers there have been issued and money paid for them. It hardly goes into the pockets of the coastal people there or coffers of the national Government in the manner it should.

This is a very good Bill. It is a very small thing to say that when somebody is eaten by a shark, you compensate him. That is hardly much. The bigger devil is the inability for us to harness that massive, hundreds of billions of dollars' worth of marine resources that are there for us. We would not be talking about any debts if only we managed it properly. We can only manage it properly by supporting, protecting and giving all the facilitation to our Kenyans living around there. Not me coming from Wajir, Garissa and going out there to do fishing. Or somebody coming from Kiambu, or you coming from Migori. No. It is those Bajunis, Mijikendas, and those who are there. That is why in this country we have historical injustices that do not just go back to when our land was taken away from us by the white folks. The most important thing that happened in the history of this country is the Mau Mau struggle. It was over land and resources. How come when we got our own independence, we forgot about the real Mau Mau and all the people of the mountain region? Not just for the few individuals owning big chunks of land and the rest of it, replacing the white settlers.

We should go back and develop this fisheries sector for our Kenyan brothers and sisters who live in those regions.

Right now, the whole of North Eastern is cut off because of the rains. We only had one tarmac road of 100 miles. That is it. Even that one is now broken down. A section of it has been washed away. People in Garissa cannot get food because a big section of the road from Nairobi to Garissa has been washed away. The rest of the country is now out there. I heard none other than our own Deputy President saying, 'let the county governments deal with the floods'. Floods? For God's sake. When things like typhoons, hurricanes, floods and *El Nino* happen in the States, it is not left to California or Texas or Florida to deal with, even if the economy of Florida is probably 20 times the economy of Kenya. The Federal Emergency Management Agency (FEMA) from Washington DC is the one which goes in there. There is nothing these governors who have got a paltry sum of money where 70 or 80 per cent goes into recurrent expenditure can do in terms of mitigating the effects of *El Nino*. The Central Government must walk in with all its assets, take food to the people, take helicopters, mobilise the military, call it a national disaster and then call for the international community to come and assist us.

You wonder sometimes whether the leadership in this place considers all Kenyans to be Kenyans who should be treated equally and we should do everything that needs to be done for them. All the coastal boys that go and join *Al Shabaab*, do so because of grievances because they feel the Government has not taken care of them. They do not have land, they do not have the investments of government in there. Their mainstay of the economic sector has not been promoted the same way other sectors like tea, coffee, pyrethrum and flower sectors have been promoted. The Government has put in massive resources in those sectors. You people are young. I remember how much money used to be put into it. I remember one time we pushed for the cancellation of the coffee debts and we ended getting Ksh5.3 billion written off to support our farmers. I am still a member of the coffee and tea caucus here and we want to give the right prices to our own coffee farmers and develop the coffee sector.

For God's sake, let us develop the marine sector for the coastal people and let us start right now. This is a very small thing. This Bill is asking for the least but we need to do much

more than that. I was about seven years old when Kenya gained independence, I am now almost 70. Do you want to have a cycle like this when Kenyans feel aggrieved? There is no nationhood like the one Tanzania has.

Can I have one or two more minutes?

The Temporary Speaker (Hon. Peter Kaluma): Two more minutes to Hon. Farah.

Hon. Farah Maalim (Dadaab, WDM): Tanzania is a nation. You do not ask them what tribe they are. You do not do that. They feel for one another. The ones in the north, south, west have a single identity because the founding father or what you would say the first president of the country, President Nyerere pushed hard for that. You understand where Nyerere came from; he was a Zanaki, a sub-tribe of the Kuria. They are hardly 100,000 in numbers. Mkaapa was from a subsection of what they call the Makonde, they are hardly 200,000. Kikwete, his community is less than 15,000 in Bagamoyo. For your information, right now, the Deputy Chair of Chama Cha Mapinduzi (CCM) is a Somali. And, the president of CCM is from Zanzibar. Can we do that? Do you expect any day a Kuria will become a president in our country, in the manner that we are dealing with things? No!

We have to build a nation. We have to create a nation by making sure that we feel for all Kenyans wherever they are. I do not have to feel more for a Somali, I have to feel exactly the way I feel. I go to Meru, Kiambu, Lodwar, Kisumu, those are my brothers and sisters. That is why we need to have a nation so that we care for one another. Not to say “those ones *achana nao*”, those ones are like this or that.” Everyone has a label. We go for elections then it becomes an alliance of tribes. It is not an ideological situation. How many big tribes can you bring together? How much of a winning coalition can you create of tribes not ideology, not a future, nothing of tribes and regions and the rest, and that is how we transact our politics here? And eventually go there and say that we are shareholders in that. Too sad.

So, let us deal with this as a beginning. It is a pity that the House is not that big now, I mean we do not have so many Members of Parliament but we need to focus on the marine resources of our country.

The Temporary Speaker (Hon. Peter Kaluma): Your time is up. Hon. Fatuma Masito.

Hon. Fatuma Masito (Kwale County, ODM): Asante sana, Mhe. Spika wa Muda, kwa kunipatia nafasi hii kuunga mkono Mswada ulioletwa katika Bunge hili na Mhe. Ruweida kutoka kule Lamu Mashariki. Kwanza, ningependa kumpatia dadangu Mhe. Ruweida kongole kwa kuweza kufikiria na kuona kuwa wakaazi wa Pwani wanaangamia. Pwani ni sehemu ambayo imepuuziliwa mbali pakubwa sana kwa miaka mingi. Ndio maana kila siku wanalia wakisema ‘Pwani si Kenya’. Tunaweza kupinga maneno haya kama viongozi lakini mwisho tunayapiga msasa na kuyakubali. Uchumi wa Pwani unategemea bahari. Kama viongozi wangetilia maanani uchumi wa bahari, wakaazi wa Pwani wangeweza kulisha taifa hili kwa jumla. Wapwani wana uwezo wa kuleta mapato ya kulisha taifa lote la Kenya.

Hoja hii ni kwamba mkaazi wa Pwani anategemea kwenda baharini kufanya uvuvi lakini iwapo atapata ajali ama kuumwa na samaki walio baharini, hatambuliwi wala kudhaminiwa. Bahari lile ni kubwa. Sio ziwa. Lina viumbe vingi vya maana kama nyangumi, papa, taa, samaki wa mawe, pweza, ngisi, tafi na changu. Kuna samaki ambaye ni kitoweo lakini akikuuma ana sumu ambayo inaweza kuharibu viungo vya mwili kama roho. Inaweza kumfanya mtu kupooza mwili. Serikali bado haijaona umuhimu wa kuhakikisha usalama wa wavuvi baharini.

Tunaomba Hoja hii iwekwe kama mabadilisho katika Mswada wa sheria ya wanyama pori ili kuongeza tija ya wavuvi. Wanapoumia baharini, wapate malipo. Hivi karibuni nilimskia Rais akitangaza kuwa angependa kupeleka Wakenya katika mataifa ya nje ili wapate kazi. Hii ni kwa sababu Wakenya hawajajua thamani ya Bahari Hindi la Kenya. Likitambuliwa na kuthaminiwa, litaweza kulisha taifa hili. Bahari hili limenyooka kutoka Lamu, Mombasa hadi Tanzania na lina viumbe wengi walio na thamani kubwa.

Naomba kuunga mkono Hoja hii. Tuwape kipaumbele na thamani wavuvi wetu wanaoishi maisha ya uchochole na umaskini na maisha duni. Wana mapato ya leo tu.

Asante, Mhe. Spika wa Muda.

The Temporary Speaker (Hon. Peter Kaluma): Hon. Dorothy Ikiara.

Hon. Dorothy Muthoni (Nominated, UDA): Thank you, Hon. Temporary Speaker. I thank Hon. (Capt) Ruweida, Member for Lamu East, for bringing this very important Bill to the House. It is important for all of us to acknowledge that life is very precious. One life lost in whichever way is a loss to the family and country. This Bill seeks to amend the Wildlife Conservation and Management Act, 2013 to include conservation and compensation as a result of death and injury from sharks, stonefish and whales, among other wildlife species. These are species that are found in our waters. We are talking about this Bill when this country is wading towards fishing in our deep seas and waters. All of us must appreciate the efforts that the Kenya Kwanza Government is putting up in fishing. We acknowledge that fishing contributes immensely to the economy of this country. This Bill will address the gaps that exist in matters of compensation.

When we talk about compensation of fishermen, we do not talk about them in isolation; our waters are also used as a means of transport in areas like Lamu where people crisscross islands. They are also victims of these animals in the deep seas. We must, as a Government, invest in bringing confidence to our fishermen and all people using our waters to feel they are part and parcel of us. The Bill will also promote equality by providing remedy in the prevailing discriminatory compensation for attacks by wild animals in the sea. I say discriminatory because in other areas with wild animals people are compensated. In areas where there are elephants, people are compensated when attacked. This Bill is coming in handy.

I recognise efforts that the Government is making in investing in our deep seas. The Government has come out to invest in 22 landing sites across the country. These sites cannot work without fishermen going into the deep seas. When that happens, it means more people will be used to this fishing trade. For that reason, it is high time the Government sought ways and means of ensuring fishermen are properly compensated. If possible, the Government should make sure that all bodies and persons involved have an insurance to ensure these people gain more confidence and work tirelessly towards improving the economy of the coastal people.

I support this Motion. It is long overdue and timely. We should have this Bill like yesterday.

Thank you, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Peter Kaluma): Hon. Shakeel Shabbir.

Hon. Shakeel Shabbir (Kisumu East, Independent): Thank you, Hon. Temporary Speaker. I rise to support this, Bill.

To bring sea fish species like the shark, stonefish, whale and stingray into the list of wildlife where compensation may be paid is a good thing. I support it wholeheartedly. On a light note, one of the dangerous species in the sea has not been included, that is the pirate. The pirate is one of the most dangerous species in the sea. However, that was on a lighter note.

The Temporary Speaker (Hon. Peter Kaluma): Hon. Shabbir, which species did you say has not been included?

Hon. Shakeel Shabbir (Kisumu East, Independent): The pirate.

The Temporary Speaker (Hon. Peter Kaluma): The pirates?

Hon. Shakeel Shabbir (Kisumu East, Independent): The one who comes and steals from you in the sea. You know I am being facetious, Hon. Temporary Speaker. But I would like to expound on what I have been saying.

Before I proceed, let me declare that in this House, I must be one of the very few, if not the only honorary warden of the Kenya Wildlife Service. So, I am speaking from a position

of knowledge. One of the problems that we have in the Conservation and Management Act with respect to compensation is that there are not enough funds for compensation. The compensation is greatly delayed, sometimes for years on-end. One of the issues we need to deal with is to ring-fence that compensation fund so that it is rightly used for the purpose of compensating death and damage.

Coming to the issue of our sea border, meaning the continental shelf and our nautical sea border, I facetiously talked about that dangerous “animal” called the pirate. When piracy was rife from Somalia, our fish were saved for many reasons. Many of the fishing vessels from Europe, China and wherever were scared to come into certain levels. Despite that, much of our fish has been going to Mauritius and Seychelles. We feel that as much as we are looking at the compensation, our fishermen are the ones who get hurt the most through this illegal action of piracy.

As much as we are talking about the blue economy, and the sea shelf, there is still a pending matter. Our neighbours have demanded and claimed 80 per cent of our seashore, what our sea rights are, nautically and across. That is one thing in the triangle they are talking about, that has a lot of oil and other fish. I was in Mombasa when we were talking about sea fishing. The fisheries department told me that we take less than 5 per cent of fish that is fished in our territorial waters. The remaining goes elsewhere. That is one thing we need to work on. If Nairobi National Park or one of our national parks, like the Maasai Mara or Serengeti are closed... Let us say Tanzania wants to take over part of Serengeti. We are very particular. Hon. Farah Maalim was very vocal on the issue of sea borders and what we could get from the blue economy, but he forgot to tell us that 80 per cent of it is claimed by somebody else. What are we doing about it? That is one thing that we must most importantly move on from.

Finally, Hon. Temporary Speaker, I wholeheartedly support this. However, there are other fish called *mbuta*. I said I would move this during the amendment. Those who jokingly say *mbuta* is not a dangerous fish, I assure you that it is very dangerous. I also see that crocodiles are there in the deaths and injuries, but alligators are not there. There is a very distinct difference when you are killed by the alligator and not the crocodile or any other larger fish in the fresh water. Those can upset a boat and even attack fishermen. Those things must be included in this list. I will propose that inclusion by way of amendment.

Thank you for the time you have afforded me.

The Temporary Speaker (Hon. Peter Kaluma): Thank you. Hon. Joshua Mwalyo.

Hon. Joshua Mwalyo (Masinga, Independent): Thank you very much for giving me this time to put my voice on the amendment of the Third Schedule of the Wildlife Conservation and Management Act of 2013.

By amending this Bill, we will bring equality in the way we take care of our people. We need to take care of our people while they are fishing, when they are in the coastal lines and wherever they are, so that there is no discrimination in taking care of the people that are inland and not taking care of the ones in the sea.

There is one species called stingray that is written here. It has a long sting. When it stings a man, researchers say he will not function for six months. This is a very dangerous animal in the sea. If you do not compensate a man who has been stung by those species, then you have denied him everything. You have denied him his manhood. You have denied him compensation. You have rendered him useless for six months.

(Applause)

If it is a young man, he cannot even bear children. He will be there watching his wife just lie on the bed for six months. If he is given some compensation, he will have been comforted because there is something he can lean on.

Therefore, it is very important for us to balance all the compensations that are done. That is because of animals in the bushes and even the ones that are out there in the sea. For example, you are saying that crops destroyed by elephants, lions or leopards will be compensated. However, the family of a fisherman who is fishing and is eaten by a shark is not compensated anything. There should be equality, because all of us are human beings and Kenyans. The Government is one that is able to compensate them.

I support the amendment of this Bill to add damages by all the species. Any animal that lives in the sea and its environment should be taken care of in the compensation. People go to the sea day in, day out, where they earn their living. We need to bring all those things together, especially now that we are promoting the blue economy and trying to achieve food sufficiency by harvesting fish in the sea. That includes compensation so that whoever goes into the sea is confident that the law protects him or her, and his or her people can be compensated if anything happens to him or her.

Many have talked about how those people should be insured. They insure themselves. A person may only have one boat, goes into the sea and is attacked by a shark and yet, he has no insurance. If compensation is anchored in law, that person, his children, wife and relatives will enjoy the benefits. People living at the Coast should feel secure because they also voted for the Government, which is supposed to take care of everyone in the sea, in the air and on the mainland.

I wholly support this Bill. Let us enact it so that we can protect our people.

The Temporary Speaker (Hon. Peter Kaluma): Hon. Simon King'ara.

Hon. Simon King'ara (Ruiru, UDA): Thank you, Hon. Temporary Speaker, for allowing me to support this timely amendment Bill by Hon. Ruweida. The fundamental obligation of any Government is to protect its citizens, which should be universal and not one-sided.

It is an oversight to include certain animals in matters of compensation and leave out others. The Government is embracing the growth of our economy, especially the blue economy. That means that a large segment of the population is now going out to the sea. Is that segment of the population protected? As we grow maize up-country, other people depend on seafood. Therefore, they go to the sea for their food. We are protected through compensation if we fetch firewood in the forest and we are attacked by animals. Are the people who go out to the sea to get food protected?

It is good to remind one another that we are growing our ports. We now have the Lamu Port, which was not there before. When it came into being, many people were put there to manage it, and hence became exposed to animals which are not covered under the current compensation plan. We should include species of animals that are not included. It is important to have the species that are not included in the Wildlife Conservation and Management (Amendment) Bill included in the Bill during the Committee of the whole House through an amendment.

Another exposure is tourism. In other parts of the world, communities protect people who visit them for tourism. Since tourism brings in income to this country, I assume that the income is enough to compensate whoever is injured by water species. When it is known that we take care of anybody within our waters, it will encourage many people to invest and work in our waters.

There is oil mining that is supposed to come soon. A high number of people are expected to be working in the sea. The question then will be: Will they be protected through compensation?

If you go to the Port of Mombasa lately, you will note that the berth for the big ship to offload oil is in the sea. This berth needs to be maintained. That means that Kenyans with small boats that are high risk will forever be working around the berth, where the big ships that cannot

dock in the normal berth will be operating from. Are the small boats protected in matters of compensation? When it is known that we are taking care of our citizens and our visitors, it will improve the use of the Port, and that will make our economy grow.

It is important to mind the low-income people. Most of the people at the sea-line are low-income earners. When they are attacked, we do not expect them to have enough funds for medication? If they are not taken care of, they are doomed. I support the Wildlife Conservation and Management (Amendment) Bill. It is timely and it will bring equality to our people and sense to human nature.

Thank you.

The Temporary Speaker (Hon. Peter Kaluma): Thank you, Hon. King'ara. You know, the dimension you should take is the confidence that it will give Kenyans to go out into the sea. If you can remember, the President signed the Economic Partnership Agreement with the European Union in June. You can imagine if he gave our people the courage to fish 200 nautical miles deep into the sea. We will take salmon and tuna to the European Union because we have that agreement. Their economic value will be great. This is a dimension that you will want to look at beyond mere compensation. Thank you very much for your contribution.

Hon. Daniel Karitho, the Member of Parliament for Igembe Central

Hon. Daniel Karitho (Igembe Central, JP): Thank you, Hon. Temporary Speaker. I stand to support the Wildlife Conservation and Management (Amendment) Bill that was brought to the Floor of this House by *Mheshimiwa* Ruweida. I happen to have worked in the sea, and I know how risky it is. I know that in the sea, we have animals that are more dangerous than lions. Therefore, this Bill has come at the right time. It is very unfortunate that for many years, the people who have been working out in the sea have not been enjoying the compensation that is enjoyed by other Kenyans. They have been denied this right. It is good that we are coming to a time when we feel everybody should be taken care of and should feel equal being a Kenyan.

On the issue of compensation, as much as we talk about it, it should be timely. It should not be a situation whereby a person is injured in 2023 and gets compensated in 2029. Compensation should be timely. The Government should take responsibility of making sure that the KWS is always funded to compensate those who are injured.

Hon. Temporary Speaker, the blue economy cannot grow when everybody knows risks are not taken care of. When Kenyans know they will be compensated in case of anything, they will be encouraged to go for it. We should not leave it to the people living along the coast only, because it is a national resource which should be shared by all Kenyans. I come from Meru, where we have the Meru National Park. Our people are also having compensation problems because wildlife surrounds them. Most times, they invade our farms and eat the crops, while others devour our animals. But compensation is never forthcoming.

I have cases of people who recorded claims in 2014 and have not been compensated to date. Yet, they were assured they will be compensated. When you have a farm, you develop it and keep animals so that you can benefit from them as soon as possible. When the wildlife come over and destroys all that you have worked for many years, then it takes years before you are compensated. That is justice delayed; which is justice denied. As much as we talk of compensation in the sea and farms, it should be timely. It should not take many years to be compensated.

Thank you, Hon. Temporary Speaker. I support.

The Temporary Speaker (Hon. Peter Kaluma): Hon. Geoffrey Mulanya, Advocate of the High Court.

Hon. Geoffrey Mulanya (Nambale, Independent): Thank you, Hon. Temporary Speaker, for allowing me to contribute to this Motion. I rise to support the Wildlife Conservation and Management (Amendment) Bill, (National Assembly Bill No. 3 of 2023).

I have perused the proposed amendments and listened to my colleagues contribute to this Motion. I thought that is what normally happens when people get injured by wildlife. We are limiting compensation to animals or species that are listed here. In the sea, we normally have pythons or what is commonly called *omieri* in our area, which is a very lethal snake. When one is found with a python's skin, which is very precious because it makes very beautiful women's handbags and men's belts, their jail term is very severe. However, it is unfortunate when someone dies as a result of an attack by that reptile. They are not compensated. For a very long time, we have heard the hue and cry about deaths arising from attacks by wild animals. We have limited compensation to the very few wildlife species and yet, we know people are suffering out there.

Besides the listing of animals, I also want Parliament to look into the details of the period within which the affected families should receive their compensation. Two months ago, I received a phone call from someone in Isiolo. Their family member had been mauled by a hyena, and they only found bones in the morning. They are still being taken round in circles. So, they are looking for a lawyer. The moment you hire my learned colleagues, the share of compensation to the family reduces. Although I know this is an earning to my professional colleagues, but we must also think of the deceased families.

If indeed we treasure those animals because of the income we receive from tourists, then we should treasure the life of human beings more because they take care of them and should benefit from the revenue that we get. We must have timelines within which the deceased families are supposed to receive their dues from the KWS. I believe this Bill has been brought to this House at the appropriate time. If time allows, I will move amendments to ensure that we broaden the list and also include the period within which compensation is supposed to be done to the family.

I, therefore, support this particular Bill. Thank you.

The Temporary Speaker (Hon. Peter Kaluma): Hon. Makali Mulu

Hon. (Dr) Makali Mulu (Kitui Central, WDM): Thank you very much, Hon. Temporary Speaker, for giving me this opportunity. At the outset, I want to thank Hon. (Capt) Ruweida for bringing this important amendment. When I look at this proposed amendment, I see what we call effective representation.

Hon. Temporary Speaker, I do not know whether you have had a chance to visit *Mheshimiwa's* constituency. This is a constituency where I have done a bit of work, and I know where it is. I want to confirm to you that the mainstay of that local economy is fishing. I am sure even your own constituency has a bit of fishing, but hers is purely fishing. Actually, there is nothing much to do with agriculture.

On that basis, you realise that almost 90 per cent of Hon. Ruweida's voters are either fishermen or those who eat fish. There could be a few who go to the deep sea, and a few who are waiting for the outcome and then eat. It is, therefore, important as a legislator to appreciate what your people go through. When I see this proposed amendment, I really want to associate myself with it, because the Hon. Member is trying to champion the interests of her people.

At the same time, you realise that the blue economy as a sector now, is one of our main areas where we want to venture into as a country. We are doing that because it is one of the sectors that have not been exploited to the maximum. You realise that we have not been investing in this area in terms of budget, equipment and even trained human resource. That is why most of the people who go for deep sea fishing, our own sons and daughters, have had no training at all. They just want to venture there and try, and in the process, because of lack of protective equipment or gear, sharks and whales see a meal in them and in most cases, they feed on them.

It is very important that we include them in the list of those who should be compensated, as has been proposed by *Mheshimiwa*. I will be rallying behind her in terms of supporting this

amendment, and I want to associate myself with the other Members who have said that Kenyans are being taken round by the Kenya Wildlife Service (KWS) in terms of compensation. To some extent, it is because of the low budget allocation.

I want to challenge Hon. Members of this House that budgeting is in our hands, as a House. So, even as we lament about people not being compensated because there are no funds, we need to know that the power to allocate resources for the compensation is in our hands. We need to take up that challenge and make sure that when we are doing the budget here, we provide enough resources for compensation of Kenyans who have either been harassed by wildlife or things like sharks and the rest out in the sea. It is important that we have sufficient budget and ensure that there is timely compensation. There are people who have been harassed by those sharks and, at the end of the day, they are taken round and never benefit. Some give up on the process because of the delay and the long process. We need to make sure that, as we amend this Bill, we have some timelines in the Bill so that if you are a victim, you should be compensated within a certain timeframe, and if the resources have been exhausted, you can wait for next year but with clear timelines on when to be compensated.

As I conclude, where I come from, which is the southern part of this country, is generally a hot area. Our climatic conditions are hot and warm, which attracts many snakes. You realize even as we are discussing this, at some point, injuries or deaths from snakes were supposed to be compensated. If you get a snake bite and die or you get maimed, you could be compensated. However, around the year 1986 or so, we removed snakes from that list of those to be compensated. I will also be proposing an amendment so that as we amend to include those sharks and whales, and we also include snakes. Where I come from, snakes are killing our young people day-in, day-out.

Snakes are such a nuisance that some people get bitten when they are sleeping in their beds. You go and find a snake under your bed and by the time you try to turn around, you get a snake bite. This is very common in our area. This is not something of our own making. It is because of the climatic condition in our area. It is very unfortunate that someone decided to remove snakes from the list of those animals or reptiles where you can be compensated in case you are bitten by one. I will be pushing for that amendment so that we bring snakes into that list as we include the sharks, whales and all the other animals which are dangerous in our seas so that Kenyans can feel encouraged.

I like what you, the Hon. Temporary Speaker, have just said. If Kenyans are assured of their security when they go out to the seas that, in case I die when I am trying to do deep sea fishing, my family will be compensated. I can tell you for sure that we will have many more Kenyans going in there. We will be promoting our export of fish to other areas, which will be good for this economy, which seems to be really struggling to stand. This is an area we need to invest in, and I do support. Once more, I thank Captain for this good amendment.

Thank you, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Peter Kaluma): Thank you very much Hon. (Dr) Makali Mulu. When you look at the Bill on page 13, snakes are mentioned in part B. You are saying that you want them included in part A in terms of compensation for death and injury arising from snakes, because part B is dealing with compensation for damage to crop livestock and property. I do not know who put snake under here, but not for killing human beings. We are seeing very strange things.

Thank you, Hon. Captain Ruweida, for bringing this matter to Parliament. I want to give the opportunity to Hon. John Kaguchia, as the last speaker on this Bill, now that I see no further interest. Then call the Mover to reply.

(Hon. Kassim Tandaza spoke off the record)

I notice that there is a very important Bill which this House has spoken about for very long. It is being moved by Hon. Malulu Injendi under Order No. 17. The Bill concerning some reasonable compensation to those serious Kenyans we call village elders. I imagine all the Members of Parliament here are waiting to contribute to that Bill. I urge even those who have contributed to stay around, because this is very important. I mean the one which will be following.

Hon. John Kaguchia, proceed.

Hon. Kaguchia John (Mukurweini, UDA): Thank you very much, Hon. Temporary Speaker. I stand in support of Hon. (Capt) Ruweida's Bill regarding the amendment on the issue of compensation for people who may suffer loss from the wildlife/human conflict, particularly where the person is hurt, injured or suffers death.

As I support this Motion, I would like to point out that we still need to study further the economic and environmental impact of the introduction of this kind of programme in a small economy like Kenya. We need to look at it in view of species preservation, local welfare and habitat conversion. Kenya, being a growing economy, would still have challenges with compensation for all the people who may suffer loss from wildlife-human conflict. Even as we support this amendment, we still need to find ways in which we can support our fishermen and other people whose livelihoods depend on the sea. We need to supply protective gear to the people to defend them against attack by some of those sea animals. The venom from some sea fish like stingrays would easily be kept off from getting into humans, if we had good protective gear. That would save the economy so much regarding the issue of compensation. Nevertheless, should we have that challenge, then we must come up with a way of addressing those issues. That is why I support that we should add more animals to the list that will require compensation, if they attack human beings.

I am aware that this Bill looks at human-wildlife conflict in terms of the destruction of crops and other livelihood items for human beings. I will give an example of how velvet monkeys have been detrimental to the farms of the people of Mukurweini. Once the farmers plant their crops, the velvet monkeys attack the farms and destroy all the maize, beans, sorghum, coffee and other crops that are grown in some of those highland areas. This is a candid discussion that we must have as a country. There are people who have put so much into their farms, but do not harvest eventually because those velvet monkeys destroy the crops in the farms. I believe that this is one of the areas that we must address. I have held many meetings in areas like Kihuti, Karundu, Gikondi, Rutune and Mutundu. From the meetings, the entire Mukurweini is now under a very serious attack by velvet monkeys. This is something that we must address. We also have interesting dynamics in those areas. During the day, there are attacks by velvet monkeys and at night, there are wild dogs that attack animals. Many people have had their goats and calves killed by wild dogs at night. Somehow, the KWS has not handled those issues. One is left with questions as to why KWS cannot trap those wild dogs that have killed so many of our animals in our constituencies, particularly in Mukurweini.

I do not want to add much on this, but I insist that we need to widen the scope even more. As we look at this matter, we also need to examine the impact of the actions taken. There was a time when we had a human-wildlife conflict in Kieni, and many elephants were transferred from that area to another locality. The impact of this is that we lost tourists who visit that area because of the attraction of the elephants. So, trying to prevent this conflict might cause a net welfare loss to our people at some point. We need to look at the general overview of this, especially the compensation aspect, and see how it can be effected. This is not only to people who are killed, hurt or injured by those animals, but also the crops that are destroyed.

Hon. Temporary Speaker, I recently visited Mfangano Island. It is a beautiful place. Once we protect our people, we boost their confidence that when they go to the deepest parts of the ocean, they can be compensated in case of any happenings. In Mfangano Island, the

water has not been fully exploited. I saw a lot of potential there. That island can attract serious tourists and other economic activities like fishing. We need to boost those areas by having skilled fishermen who can use automated boats to get to the deeper waters to catch fish. That way, we are going to empower our people economically.

I support this.

The Temporary Speaker (Hon. Peter Kaluma): Hon. Kassim Tandaza.

Hon. Kassim Tandaza (Matuga, ANC): Ahsante sana, Bwana Spika wa Muda kwa kunipatia fursa hii. Kwanza, nampongeza dada yetu, Mhe. *Captain* Ruweida, kwa kuleta Mswada huu. Ni ajabu kuwa kwa muda mrefu sana, hatukufikiria kuwa kama vile watu uuawa na ndovu au kuuliwa na simba, basi watu wa pwani pia wako na simba na ndovu wao baharini. Nazungumza nikijua kuwa nina wavuvi katika eneo Bunge langu la Matuga kuanzia Likoni, Ng'ombeni, Tiwi, Waa na sehemu nyinginezo. Watu hao hutegemea uvuvi na bahari ili kujikimu kimaisha. La ajabu ni kuwa ni kupitia Mswada huu sasa ndio wataweza kupata fidia iwapo watapambana na wanyama hatari wanapotafuta riziki baharini.

Mnyama moja ambaye wengi wetu tukienda pwani hatukosi kunywa supu yake ni pweza. Sitaeleza ni kwa nini tunapenda supu yake, lakini pweza amepata umaarufu sana. Ukienda pwani na usinywe supu yake, basi labda hujafika pwani. Lakini wengi hawajui kuwa pia pweza ni hatari, haswa anapovuliwa. Yeye ni hatari hata kwa wapiga mbizi ambao humtafuta, na pia huvua aina zingine za samaki kama vile kamba na kamba-mti. Pweza anaweza kumfunga mpiga-mbizi kutumia mikono yake hadi ashindwe kuogelea. Hii inamaanisha kuwa hata uwe hodari wa kukaa chini ya maji dakika 10 au 15, unapozuiliwa pale ndani ya maji na pweza, unaweza kukosa hewa na kuaga dunia. Pia pweza ana ujuzi wa kutoa ile mikono yake na kuziba mvuvi pua. Ukizibwa pua, utachanganyikiwa na kukosa hewa, na hatimaye kuangamia majini.

Waswahili husema, wavumao pwani ni papa, lakini wengi wamo. Ni kweli kuna wanyama wengi zaidi katika bahari mbali na hao ambao mwenye kuuleta Mswada huu amewataja. Mbali na papa, kuna bocho. Bocho ni aina ya samaki anayeweza kudhuru kila mtu. Unapotembea ufuoni mwa bahari, huwezi kumtambua. Kwani anafanana na jiwe na ana sumu kali sana. Kwa hivyo, mbali na wavuvi, ni hatari pia kwa yeyote ambaye anatembea sehemu ile. Ukimkanyaga na akudunge na kukutia ile sumu, unachukua muda mchache sana kupoteza maisha yako.

Kuna samaki mwingine anayeitwa mkunga. Ni samaki na anavuliwa lakini anapokupata na kukukaribia vizuri na kugusa ngozi yako, inabambuka moja kwa moja. Inapobambuka, katika hali ya taharuki, unaweza kubaki majini upoteze maisha, na ukijiokoa, utakuwa na maumivu makali na vidonda hatari. Ni samaki ambao wangepaa kuorodheshwa katika nakala hii kama samaki hatari. Mtu akiweza kupambana nao, apewe ruzuku yake.

Taa ni samaki mwingine hatari, kwani anaweza kumchapa mtu. Anapokuchapa, anakukata na kukupasua. Katika hali hii, taharuki hutokea na watu wanaweza kupoteza maisha yao. Mbali na samaki ambao nimewataja, kuna wengine kama chunusi, bunju na yavuyavu ambao ni hatari kwenye bahari. Katika kuhakikisha kwamba Mswada huu unakamilika, ipo haja ya kufanya marekebisho kuongeza hao samaki, kwa sababu wanapatikana katika ufuo wa kanda ya Bahari ya Hindi.

Suala lingine ambalo linaenda zaidi ya Mswada huu ni muda ambao watu wanafaa kulipwa ruzuku. Je, ni wakati gani na ni hela ngapi? Katika sheria ambayo ipo kwa sasa, utapata kwamba mtu anapoteza maisha, analipwa takriban shilingi elfu thelathini. Hii ni pesa finyu sana na haitoshelezi hata mtu kusema atagharamia kuitafuta. Licha ya kuwa inachukua muda mrefu, pia kuna zile taratibu za kutoa ripoti na kuona daktari. Katika hali hii, pengine kuwe na mazungumzo kwamba mtu anapathiriwa na mnyama wa nchi kavu au samaki wa baharini, basi watolewe zile gharama za daktari; ajaziwe pesa ili apate matibabu kwa sababu sio kwa

makusudio yake. Lakini labda mtu ni mvuvi na anatafuta riziki yake, au ni mtu anayetembea au kujivinjari katika sehemu hizi za Pwani.

Kama watu wa Pwani ambao tunategemea bahari, Mswada huu umekuja wakati mwafaka, hasa katika ile azma yetu ya kuongeza utalii. Itakuwa muhimu watalii wakijua kwamba wanyama hatari baharini wanatambulika na kuorodheshwa kisheria, na kwamba endapo hatari itatokea, mbali na bima ambayo watakuwa wanaitumia, pia wanyama hao wanatambulika Kenya. Hili ni jambo ambalo litatuongezea katika sekta ya utalii.

Wizara ya Madini na Uchumi Samawati imetilia mkazo sana jinsi tutaweza kunufaika na zile rasilimali za baharini. Mswada huu umekuja wakati mwafaka na utaweza kuendeleza azma hio. Wametoa boti, lakini ni zile ndogo ambazo ni wazi, na mara nyingi inabidi mvuvi ashuke. Tusisahau kwamba tuna uvuvi wa aina mbalimbali, nyavu na juya. Moja kwa moja, mtu analazimika kutoka kwa boti lake hata kama ana ile chombo, lakini aweze kushuka kwa maji ya bahari apige mbizi. Katika hali kama hizi, ndio watu wanakumbana na samaki hatari. Naunga mkono Mswada huu.

Pia, kama nilivyotanguliza, nina azma ya kuongezea aina nyingine ya samaki ili bahari zetu ziwe salama. Endapo mtu ataathirika, awe na imani kwamba ataweza kupata ruzuku kulingana na Katiba, ratiba na sheria zetu za Kenya kupitia Mswada huu.

Ahsante sana, Mhe. Spika wa Muda. Naunga mkono Mswada huu.

The Temporary Speaker (Hon. Peter Kaluma): Lastly, Hon. Toroitich.

Hon. Timothy Kipchumba (Marakwet West, Independent): Hon. Temporary Speaker, I will just take a minute to contribute to this very important Bill. I thank the Member for Lamu East, Hon. (Capt) Ruweida, for this progressive legislation.

I wish to speak to two things. Firstly, there was an amendment to the Wildlife Conservation and Management Act 2013 in 2019, which removed sharks, whales, starfish, stingray and snakes as animals in which compensation is paid. As you correctly noticed, the same was relegated from group A to Group D. What Hon. (Capt) Ruweida has done today is to reinstate an amendment that was expunged from the principal Act of 2013, to appear in this new amendment of 2023. It is unfortunate that snakes were removed from Group A on death and injury, and placed in Group B. I support this Bill. When it comes to the Committee of the whole House, I will move an amendment so that snakes can be reinstated to Group A, as was previously provided under the Act of 2013.

The strangest reason those animals, including snakes, were removed was compensation; to bring down the pay-out claims. The KWS was unable to pay the claims. If a Kenyan kills an elephant or a snake today, the KWS will be very fast to prosecute that particular individual. However, it will never compensate a Kenyan who has been killed by an animal, which is ironical. Even the timeline for paying Kenyans who suffer from those killings must be limited by this particular Bill. It is prudent for the amendment to be introduced to provide for specific timelines.

Finally, even as we pass these amendments, we must have proper budgetary allocations. Members of this House must know that the KWS does not compensate out of nothing. This House must appropriate enough money so that Kenyans who suffer from those consequences are compensated properly. Where I come from, Marakwet West, we have a problem with elephants and snakes. However, the last person was compensated in 2017. Justice must not only be done, but also seen to be done.

I rest my case. Thank you, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Peter Kaluma): Thank you, Hon. Timothy Toroitich. You have reminded me that I lost my grandmother to a viper bite. I did not see her because of that. I pray that you follow through your proposed amendment. There being no further interest, can the Mover reply now?

Hon. (Capt) Ruweida Mohamed (Lamu East, JP): Thank you, Hon. Temporary Speaker. I want to take this opportunity to thank all the Hon. Members who have contributed to this Bill.

Hon. Temporary Speaker, all the animals mentioned here by Members, including the snakes and the monkeys, affect all of us in one way or the other. However, this amendment is meant to correct the discrimination whereby only land animals are compensated for, while marine animals are left out. If they want to include snakes or even monkeys in case the budget allows, it will help all of us. What we want to amend is the little money that we have for compensation should include marine animals too.

I support what one Member has said about the need for a bigger budget. If we have more money, many victims will be compensated and if we have less, it should include compensation for all animals, both marine and land.

Hon. Temporary Speaker, on 4th September 2006, an Australian zookeeper Mr. Steve Irwin, was killed by a stingray while filming in the Great Barrier Reef. That shows that it is not only people from the coastal region who are affected. In Lamu, we have engineers; and one of our engineers is from the Kalenjin ethnic community. We also have captains from the Kikuyu ethnic community who are working in Lamu. So, this Bill will help everyone.

Hon. Temporary Speaker, women at the coastal region are affected, and one Member here has mentioned about it. It is true that women in the coastal region are affected both economically and mentally. Some organs do not function well when a man is bitten by the stingray. It can even take six months for the man to start functioning fully again. This has led to increased divorce cases in the coastal region.

I have seen the President of this country talking passionately about the issues of blue economy. This amendment will give confidence to the fishermen, hence improving our economy.

Hon. Temporary Speaker, children are also affected in Lamu and the larger coastal region. As we speak, there is a child in Shanga area who was bitten by the stingray.

This Bill will also help improve tourism. We can have a package for tourists to visit National and Marine Parks on the same day. It is very possible to do it in the coastal region. We have promoted swimming lions. This Bill will help and give confidence to the tour guides and the tourists to go and see the swimming lions.

I would like to give a point of information. A member mentioned earlier about deep-sea fishing, but I can tell you that stingrays can come to the shore. Therefore, it can bite you while at the shore. I urge Members to support this Bill because it is going to help us economically and grow our blue economy.

I beg to reply.

The Temporary Speaker (Hon. Peter Kaluma): Thank you very much. Congratulations! You have brought business which has kept Parliament glued for the whole afternoon. It is a good one.

Next Order.

Hon. Kaguchia John (Mukurweini, UDA): On a point of order, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Peter Kaluma): I can see Hon. John Kaguchia is on a point of order. What is out of order?

Hon. Kaguchia John (Mukurweini, UDA): Yes, Hon. Temporary Speaker. I have requested to intervene on a point of order under Standing Order 53. I want to note that Hon. (Capt) Ruweida here is still requesting people to support the Bill instead of thanking all the Members who have remained here until so late in the night to support the Bill. I think the Member is still in awe that this amendment has gone through.

Hon. Temporary Speaker, Standing Order 53(3) states:

“(3) Despite paragraph (2), the Speaker may, on the request of a Member, defer the putting of the question to the following day in which case the Speaker shall thereupon nominate a time at which the question shall be put.”

Hon. Speaker, I hereby request that you postpone the putting of the Question on the Bill from this evening to another date that you might nominate.

The Temporary Speaker (Hon. Peter Kaluma): Hon. John Kaguchia, your request under Standing Order 53(3) is acceded to. Putting of the Question on the Bill by Hon. (Capt) Ruweida will be done on the next occasion when the Bill will be scheduled for consideration by the House Business Committee in future.

(Putting of the Question deferred)

Next Order. Mover.

THE NATIONAL GOVERNMENT COORDINATION (AMENDMENT) BILL
(National Assembly Bill No.25 of 2023)

Hon. Malulu Injendi (Malava, ANC): Hon. Temporary Speaker, I beg to move:

THAT, the National Government Coordination (Amendment) Bill, (National Assembly Bill No.25 of 2023), be now read a Second Time.

Hon. Temporary Speaker, the main point of this amendment Bill is to ensure that village elders and the units that they represent are legally recognised in the National Government Coordination Act. I am moving this amendment Bill because village elders continue to perform important functions without any pay or allowances. This is unlike other officers who work for the Government, while doing work that is not as crucial and critical as that of village elders. The current National Government Coordination Act only recognises national Government coordination officers up to the rank of assistant chief.

The Temporary Speaker (Hon. Peter Kaluma): Hon. Malulu Injendi, I have been reminded that you are debating the Bill before moving it in the manner that the House requires it to be moved. Could you please repeat the procedure? You know how we do it. Do so before you proceed to debate. This is so that it can be properly captured in the *Hansard*. I know that you are doing the right thing and proceeding well, but for purposes of procedure and good capturing, kindly move the Bill again.

Hon. Malulu Injendi (Malava, ANC): Hon. Temporary Speaker, I beg to move:

THAT, the National Government Coordination (Amendment) Bill, (National Assembly Bill No.25 of 2023), be now read a Second Time.

(Hon. Malulu Injendi spoke off the record)

The Temporary Speaker (Hon. Peter Kaluma): You can now proceed and tell the House what the Bill is about in the manner that you were doing before.

Hon. Malulu Injendi (Malava, ANC): Hon. Temporary Speaker, I had actually moved the Bill in that manner and format.

I will repeat, because it seems like I was not being recorded. I am moving this amendment Bill to ensure that village elders and the villages they represent are recognised in the National Government Coordination Act. Village elders perform critical functions in this country, but no one recognises them either through some payment or appreciation through an allowance. The current National Government Coordination Act only recognises national Government coordination officers up to the rank of assistant chiefs. For the assistant chief to perform effectively, he mostly relies on the village elders. I may not enumerate their functions

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in the community. For purposes of my amendments, Members should know that village elders are the persons who provide intelligence on national security in this country. They normally handle most domestic issues which societies or families have. They tackle all land issues, and when it comes to identification of criminals in our community, they are the ones who identify them. So, you can see the kind of risks they expose themselves to and yet, no one has ever bothered since 1963 to appreciate their work through any form of payment.

It is very interesting that those people perform the roles I am mentioning and no one in this country has ever thought or considered to pay them. As I mentioned earlier, they have been in operation since 1963 up to this particular point and yet, no one is paying or giving them any attention for what they go through. Those people are leading the poorest life in this country. They are leaders in their own right, but they live demoralising and degrading lives and yet, they are performing functions for the national Government. No one is recognising them.

Hon. Temporary Speaker, strangely in the County Government Act of 2012, they had a similar structure up to the village level, and from 2016 to 2021, they managed to operationalise all the structures as envisaged in the Act up to the village level. County governments are paying those village elders according to their format. When you look at their functions and roles, this is not equivalent to the amount they are paid by the county governments. They only oversight county government developments in the villages. I mentioned earlier the kind of work village elders at the national Government level perform. I thought the only way to appreciate them is by having legislation like the one I am proposing so that it can be anchored in law, and they can be considered for some form of remuneration.

We are going through hard economic times and some of us may think that if we remunerate or give them some allowance, it will be a lot of money to the exchequer. I want to give an example of what I have in mind. Currently, an assistant chief relies on three village elders for a small area, and a maximum of five for large areas.

Hon. Temporary Speaker, let me give you a scenario, where we have only three village elders and an assistant chief. Currently in this country, we have 9,045 assistant chiefs. Suppose each assistant chief has three village elders, for those who are good in mathematics, when you multiply 9,045 assistant chiefs by three village elders, you will find in the entire country, we have 27,135 village elders.

Those are people who have not been earning anything but are performing so much in this country. Suppose we give Ksh3,000 as an allowance to the 27,135 village elders, the total for those who are good at mathematics will be Ksh81,405,000. This is roughly Ksh82 million per month. When you convert this into an annual expenditure from the exchequer; Ksh82 million times 12 months is Ksh984 million, which is below Ksh1 billion.

Hon. Temporary Speaker, my plea to this House is we support those persons to start earning something for the work that they do for this country. Something interesting which this House needs to note about the same is that Community Health Volunteers, now being Community Health Promoters (CHPs), are persons who are offering free services, but the Government has come in. Those persons are dealing with health at the local level in the villages. They were not receiving anything but, currently, the national Government and county governments are considering them for some payment.

As a Government which is considerate to hustlers, it is only good and fair to consider that group of persons who are hustlers or the lowest group of workers in the country so that they can receive something like chiefs for the work they perform.

Another reason why I am pushing this Bill to go through is that many years back, in the 9th or 10th Parliament, Hon. Eugene, then a Member of Parliament, came up with a Motion. It received massive support on the Floor of this House, although nothing happened to the village elders. All the Members supported it at that time.

In 2013 when I joined the 11th Parliament, I came up with a Motion on the same. Most Members spoke to it and no one opposed the recognition and remuneration of village elders. Since that time, nothing has happened to the village elders. No one has paid them and yet, the Motion received massive support on this Floor.

Hon. Temporary Speaker, I also had a Bill on the same in the 12th Parliament, since this is something that I have held with a lot of passion. Unfortunately, it died a *sine die* death. When we came back in October 2022, I began drafting this Bill. When it was in the process, Hon. Mutuse also came up with a Motion on the same in November 2022. Again, it received overwhelming support on the Floor. In spite of all our talking on the Floor, that those persons must get some pay, nothing has happened to date. Others, like community health volunteers or promoters and those who fall under the county governments receive some remuneration except that particular group. When you look at the situation of those persons and the kind of money that I am asking for to start with, it is very little. When the economy improves, we can increase this amount. I plead with the House to favourably consider this Bill for this group of persons.

I saw in the media – that was K24 TV in particular – and this is besides what I am talking about, stories that Malulu Injendi is opposing the remuneration of village elders even before the Bill came to the Floor. I do not know where they get this information from. I urge the media to be accurate with the information they report. Why could they not just call me to verify why I am opposing the remuneration of village elders, when I am actually the author of this Bill?

I may not want to speak so much because I know Members will make contributions on this. I move, and ask Hon. Timothy Kipchumba Toroitich, Member for Marakwet West, to second.

The Temporary Speaker (Hon. Peter Kaluma): Hon. Toroitich Timothy.

Hon. Timothy Kipchumba (Marakwet West, Independent): Thank you, Hon. Temporary Speaker, for allowing me to contribute on this very important Bill. I rise to second this Bill.

At the outset, I thank and congratulate the Member from Malava Constituency, my friend Hon. Injendi, for bringing this progressive piece of legislation that is meant to protect a cadre of people who have worked so hard for this nation, but have never been compensated. I am here to make a case for the village elders in Kenya. They have served this country with honour and dedication since time immemorial. Those are people whom many people think they are in Government. Actually, most Members of Parliament rely on village elders to get some information more than even the other gazetted administrative officers. Most intelligence agencies get information from those village elders. It is absurd, unfortunate and regrettable that village elders in this country do not receive any monetary compensation. It is time we rise up, as a House, and protect this particular group of people by passing this progressive amendment to the National Government Co-ordination Act that is in place.

We have done some mathematics. At the ceiling, the highest amount per year that can be allocated to village elders so that they can get a minimum of Ksh7,000 is Ksh1 billion. We are losing a lot of money in this county through dubious ways. I am very sure that if this House can appropriate Ksh1 billion annually for the remuneration of village elders, then we shall assist this cadre of people who have suffered since time immemorial in this country. The estimated number of village elders is 72,000. If we pay them Ksh5,000, then the amount of money to pay them cannot be more than Ksh1 billion per year.

Hon. Temporary Speaker, Article 159 of the Constitution of Kenya provides that the State shall promote alternative means of dispute resolution to decongest our courts because of the backlog of cases. One of the Alternative Dispute Resolution (ADR) mechanisms is traditional means of dispute resolution mechanism. Those village elders have been resolving disputes wherever they are.

Hon. Temporary Speaker, so that we decongest our courts, let us give the village elders a face. Thereafter, they can handle matters that are within their purview. That is a perfect way of decongesting our courts. So that I can give my colleagues time to contribute, I support this Motion and pray that this Honourable House adopts this particular piece of legislation that provides for the remuneration and compensation of village elders who have served this country with honour, dedication and distinction since time immemorial.

Hon. Temporary Speaker I rest my case.

The Temporary Speaker (Hon. Peter Kaluma): Did you say you second? Just say I wish to second.

Hon. Timothy Kipchumba (Marakwet West, Independent): Hon. Temporary Speaker, I second this Bill.

The Temporary Speaker (Hon. Peter Kaluma): Thank you.

(Question proposed)

The Temporary Speaker (Hon. Peter Kaluma): Hon. Sigei, people do not know you are a former county commissioner in no lesser place than Nairobi, when a provincial commissioner was a provisional commissioner.

Proceed.

Hon. Francis Sigei (Sotik, UDA): Hon. Temporary Speaker, tell them! I stand to support this amendment, but I want to state my interests. I am a member of the Administration and Internal Security Committee but today, I am standing here as the Member of Parliament for Sotik.

Secondly, I am also standing as a respected member of the society. I have been a district officer for seven years; a district commissioner for 14 years, and a provincial commissioner for four years. I will not brag if I say I am a consummate and pragmatic administrator. I also want to say I support Hon. Injendi and thank him. He is talking on behalf of many Kenyans who have suffered for a long time.

I have worked with those people. There are no better patriotic Kenyans who serve this country with distinction and without payment. Those are the people who have served this country and all the regimes, right from Independence from the late Hon. Mzee Kenyatta, to the late Mzee Moi, to *Mheshimiwa* Kibaki, *Mheshimiwa* Uhuru and currently *Mheshimiwa* Ruto.

This is the artery of the nation security. Those people are everything; they are jacks of all trade, they do virtually everything. Every morning, Kenyans go to them. I have been lamenting in my area because when they go in the morning, they take their own issues, even domestic and family issues. Some of the families have even fought the night before. They are given a cup of tea. Those people have suffered. So, I stand here to support those Kenyans who have suffered, and I want to support the Mover of this Motion, Hon. Injendi; a loyal Kenyan. What he is asking is simple, that this Act be amended so that those people who have worked for this country are recognised by law, simple. The funds they are asking for are not much. How much went to KEMSA? Recently, we were told that this country was losing Ksh2 billion every day. We are not asking for too much by giving those Kenyans Ksh1 billion.

I do not want to dwell on those issues, but those village elders play a key and critical role in this country. This House has not put its foot down when it comes to the allocation of that money. We have previously budgeted and appropriated money to many institutions which do not play such a critical role. If we support this, we will attract a lot of court cases. You are aware of the land cases in this country. Village elders have been magnanimous in solving them. Those cases could have cost this country a lot of money. Why can we not allow those people to enjoy Ksh5,000 in the current economy? It is little money.

I ask this House to rise and support those suffering Kenyans. I am always in my constituency. Village elders are the people who have supported Members of Parliament during campaigns. They are very honest people. I passionately support this Motion. This House has the authority and the capacity to appropriate money for the betterment of the lives of those Kenyans.

As I conclude, I ask old Members of Parliament to support this amendment. I thank Hon. Injendi for his patriotism. Let us push on. We will succeed. This is the way to go. Recently, we gave health promoters in every village some remuneration. However, when it comes to people who have suffered for so long, we look away. I am sure that Members will support this amendment. The most important part is implementation. How do we move from this amendment and convince the Executive to appropriate money? This House has the power to allocate funds. I support.

Thank you.

The Temporary Speaker (Hon. Peter Kaluma): Member for Emgwen, Hon. Josses Lelmengit.

Hon. Josses Lelmengit (Emgwen, UDA): Thank you, Hon. Temporary Speaker, for giving me this opportunity to support this Bill on the remuneration of village elders. First, I congratulate the Member for Malava, Hon. Injendi, for coming up with this important Bill. I support giving village elders a stipend or salary every month.

Secondly, I appreciate all the village elders in this country, especially from Emgwen Constituency, for the wonderful job they are doing. In my constituency, I have close to 330 village elders, and the kind of service they offer to the public and Government is immense. I do not see any reason why we cannot give them a stipend to enable them deliver services properly.

The village elders have been entrusted by the community because of attributes such as honesty, fair judgment, sacrifice for the sake of the community, and on humanitarian grounds. They always volunteer for any difficult jobs within the community. They have, however, been reduced to look like beggars or opportunists. They have been taken for granted all this time. I urge this honourable House to consider remunerating them. We still need to use those village elders for economic empowerment within our communities. This is the kind of work that they do because they understand problems that every family has. Whenever we do bursary allocations, or administrative duties at the grassroots, village elders are the very important people who are always present within our communities.

In fact, that Ksh7,000 is not enough. In this digital era, we have to empower them with smartphones and airtime to communicate easily and reach out to the people. We have members of our villages who are in the diaspora and would be willing to support the community on Corporate Social Responsibility (CSR) activities. Village elders must bring those people from the diaspora together. So, they must have smartphones.

As I conclude, I want to urge village elders back at home to not only do administrative duties, but also empower people economically. If this Bill goes through, which is my prayer, they also have to be part and parcel of economic empowerment in our regions. Since they understand economic issues within the regions, they should chart the way forward in bringing together the community, people in the diaspora, civil servants and people of goodwill in empowering the community.

I support the Bill. Thank you.

Hon. Temporary Speaker (Hon. Peter Kaluma): Hon. Rutto.

Hon. Julius Rutto (Kesses, UDA): Thank you so much, Hon. Temporary Speaker, for giving me this moment to also support my senior brother, Hon. Malulu Injendi, and to appreciate that he is the leader of the moment. He resonates well with what the population of Kenya is talking about at the moment.

This Bill has come at a time when Kenya, after the promulgation of the new Constitution of inclusivity, sought to ensure that everybody is brought on board and, more so, the actors of the same Constitution who ensure that the spirit, agenda and mission is adjudicated to the letter. Our village elders aid this Government at large and far beyond what the Cabinet Secretary for Interior and National Administration is doing at Harambee House. At such a moment when we are experiencing serious rains, the *El Nino*, and at night floods are reported, the first person to be in contact with the affected is not the chief, sub chief, the assistant county commissioner or the cabinet secretary. It is the village elder. The person who will be called to give a feedback report that the national Government and National Intelligence Service (NIS) will use is the village elder.

Hon. Temporary Speaker, the Judiciary has come up with a model of Alternative Dispute Resolution. It has worked well for them to reduce the workload that had stayed for long and justice had been denied. We say that justice delayed is justice denied. Those people we are talking about today have managed to sort out petty issues. When it comes to issues on two people, there are no petty issues. They play a pivotal role by ensuring such problems are sorted out amicably, and peace or tranquillity is restored in our society.

We all understand leadership. Recognising those people by virtue of acting within the law, through this Bill, is a milestone in this Republic of Kenya. I will not speak much about political persuasion that I come from, the Kenya Kwanza Government. On our campaign trails, we preached that we would bring out inclusivity of all Kenyans at the bottom to ensure that they participate in decision making, and sharing of the resources and opportunities in this Government. This Bill addresses the bottom-up economic agenda adequately. It ensures that the people who matter most in our villages, unite the society together and sort out our family challenges are the village elders. When there are disagreements in our families between parents and children, the first people to know are the village elders. They give out factual information to the Republic and other security agents. Therefore, I support this Bill.

As we are prosecuting this matter at the second stage of this particular Bill, I ask my brother, Hon. (Prof.) Kindiki, to prepare to table, in his work plan, the budget proposal for remuneration of those people. Nobody in this particular structure of administration should question us on where the money will come from. In any case, achieving the objective of the Constitution and uniting Kenyans is so expensive to the extent that you cannot weigh it in terms of allocation of our resources.

We all understand that we represent constituencies. Part of the National Government Constituencies Development Fund (NG-CDF) is geared towards supporting bursaries and the less fortunate in the society. You will appreciate the role that is played by the same people. The unfair side of this; is that they are not paid anything. They have children, but because they are perceived to be the leaders who are privy to information, the society does not allow them to get advantage or share the bursary by virtue of the role that they play. Therefore, compensating the little effort they give with those particular resources which are proposed in this Bill will equalise their families with the rest.

I support this Bill. The budget of the next financial year is being prepared. The Budget Policy Statement (BPS) will be brought to the House very soon. I expect that its content will include remuneration of village elders.

Lastly, the Bill has few introductions of village administrator and village council. Regulations should also follow quickly so that we understand the definition of a village council. Who are those people? Who is a village administrator? I am aware that the county governments are working on establishing their own village administrators. This will ensure that we do not create confusion and we implement it effectively without creating conflict. We will ensure that the people we put in those capacities have good faith and utmost good character. They should have the confidence of the people.

Thank you so much, Hon. Temporary Speaker. I support the Bill.

The Temporary Speaker (Hon. Peter Kaluma): Hon. John Kaguchia.

Hon. Kaguchia John (Mukurweini, UDA): Thank you very much, Hon. Temporary Speaker. I truly appreciate this opportunity. Once again, I stand to support this amendment that has been moved by Hon. Injendi. Indeed, we need to compensate our village elders. As we all understand, they have an extremely important role in the society we live in today. We will all appreciate the fact that village elders are the people who help us in community policing. They help a lot in intelligence collection. If the intelligence they collect is properly utilised, we know very well that we can prevent insecurities in our villages, communities, society and country.

The same village elders are also helping the Government to ensure that we have 100 per cent transition of our children from primary school to secondary school. They are playing a very important role in our society. Village elders are also helping us a lot with ensuring that we have Alternative Dispute Resolution (ADR). As per Article 159 of our Constitution of Kenya 2010, so many disputes we have today would end up in court if we did not have village elders. Today, village elders handle most of the disputes at that low level in the village. The disputes have to do with land and domestic issues. They have helped our country in a very big way.

We also have succession cases, where families cannot agree on how to handle succession in their families. Village elders have also come on board to help us a lot in resolving those. All this saves the country's human resources, money and a lot of emotional turmoil that our people would suffer. Village elders also act as a repository of knowledge and information. They have acted as institutional memory in our villages. When we cannot remember what and where boundaries for our shopping centres and our public and community land are, those people come forward to help us understand and map out. You know how much this eases this country.

The other reason we must compensate them and budget for them is the risk they suffer. You can imagine the kind of exposure they have whenever they are engaged in unearthing insecurity plans by our enemies in villages and the country. They suffer some risk. We need to compensate them. Remember they also suffer some costs. They carry quite a number of costs. They have to listen to the radio, and they must have televisions to watch and understand what is happening in the country so that they can explain Government policies to the people. That is to help people understand what is happening in the country. They have to buy credit and airtime. Sometimes, they have to pay *boda bodas* to move from one place to another. They also have to buy torches and batteries when they have to move at night to help ensure that they settle some cases. Indeed, they deserve to be paid and compensated.

For this reason, I stand here and support that we compensate village elders and the people who are dealing with the community security in our areas. I know how useful and important they are to us, and the community in Mukurweini Constituency.

I support.

Hon. Temporary Speaker (Hon. Peter Kaluma): Hon. Geoffrey Mulanya, Senior Counsel.

Hon. Geoffrey Mulanya (Nambale, Independent): Thank you, Hon. Temporary Speaker, for giving me this opportunity to contribute to this noble amendment to the National Coordination Act (No. 1) of 2013.

I beg to start by analysing the definitions in the National Government Coordination Act (No. 1) of 2013. My colleague and good friend, Hon. Malulu Injendi, seeks to amend to include village elders. The Act refers to the coordination of national Government functions. The people at the centre of coordination of those national Government functions are those village elders. At this particular juncture, we should not be thinking about the cost of paying them a stipend.

Rather, we should look at the cost of compensating them for the *pro bono* work that they have done for our society by coordinating with the National Government.

The Hon. Member for Sotik has said that with his experience in the provincial administration, as it was then before the 2010 Constitution, this was the artery of coordination of the Government services. It is true all of us Members of Parliament who attend funerals in our respective constituencies. Before the final rites are practised, you will hear the master of the ceremony ask: “Where is the national Government?” The person who will come forward is the village elder.

The question is: Are we misusing those fellow Kenyans? Are we taking them for a ride? Hon. Temporary Speaker, as my colleagues have said before, we flip the coin and remove the village elders and then see the number of cases that will be taken to courtrooms. There are many petty cases that village elders solve by filtering through. For instance, a case like a breach of peace, just a mere abuse from a neighbour is an offense under the penal code, one is supposed to be prosecuted. But the village elders normally intervenes and restore peace, and neighbours continue living together.

We keep on saying the Judiciary wants allocation of more funds and yet, there are people down there who are doing their work without pay. Supposing those village elders down their tools and then all the petty cases end up in the courtroom, where will we find money to hire judges, magistrates, prosecutors and police officers? Those are the questions you should pose.

Colleagues have also said that those are the intelligent gathering team, even to the police officers. When you walk to police stations in our constituencies, the first list you will see posted on the walls and the reporting desk is the list of village elders and their telephone numbers. Again, I ask myself: Are those Kenyans being misused? The police depend on them to detect crimes in their respective areas of operations, and then we come here and say we do not have money.

The Temporary Speaker (Hon. Peter Kaluma): Order, Hon Mulanya and Hon. Members. Hon. Mulanya, you will have six minutes to contribute to this Bill when this matter will be scheduled in the future for further consideration.

ADJOURNMENT

The Temporary Speaker (Hon. Peter Kaluma): Hon. Members, the time being 9.03 p.m., this House stands adjourned until Thursday, 23rd November 2023 at 9.30 a.m.

The House rose at 9.03 p.m.

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