

**PARLIAMENT OF KENYA****THE NATIONAL ASSEMBLY****THE HANSARD****Tuesday, 18<sup>th</sup> February 2020**

The House met at 2.30 p.m.

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

## PRAYERS

**COMMUNICATION FROM THE CHAIR**

## GUIDANCE ON CONSIDERATION OF TWO SENATE BILLS

**Hon. Speaker:** Hon. Members, you may recall that on 12<sup>th</sup> November 2019, I conveyed to the House a Message from the Senate regarding the passage of the Commission on Administrative Justice (Amendment) Bill (Senate Bill No.6 of 2019) and the Natural Resources (Benefit Sharing) Bill (Senate Bill No. 31 of 2018).

Hon. Members, following the First Reading of the two Bills on November 13<sup>th</sup>, 2019, I did forward the Bills to the technical offices, pursuant to Standing Order 143(2) which provides as follows:

“Following First Reading, the Speaker shall, within reasonable time, pronounce his or her opinion contemplated under Article 114(2) of the Constitution.”

Hon. Members, having received a brief on the matter from the relevant technical offices, among them the Budget Office, I have made the determination that the said Senate Bills are Money Bills within the meaning of Article 114 of the Constitution. The two Bills, therefore, stand referred to the Budget and Appropriations Committee (BAC) for consideration and advice on the manner in which the House ought to proceed with them, pursuant to provisions of Articles 109 (5) and 114 of the Constitution, as read together with Standing Order No.143.

Hon. Members, the House is thus accordingly guided.

I thank you.

Next Order.

**PAPERS LAID**

**Hon. Aden Duale** (Garissa Township, JP): Hon. Speaker, I beg to lay the following Papers on the Table of the House:

Treasury Memorandum on Public Accounts Committee Report for the Financial Year 2015/2016 from the National Treasury.

The National Government Budget Implementation Review Report for the First Quarter for the Financial Year 2019/2020 from the Office of the Controller of Budget.

Recommendation on the Third Basis for revenue sharing among County Governments for the Financial Years 2020/2021-2024/2025 from the Commission on Revenue Allocation.

Reports on the deployment of the Kenya Defence Forces in West Pokot County from the Ministry of Defence.

The Annual Reports and Financial Statements in respect of the following institutions for the year ended 30<sup>th</sup> June 2018:

- (a) Kenyatta National Hospital
- (b) Kibabii University
- (c) University of Nairobi
- (d) National Communications Secretariat
- (e) Tom Mboya University College
- (f) Privatisation Commission.

The Annual Reports and Financial Statements in respect of the following institutions for the financial year 2016/17:

- (a) Kenya Accountants and Secretaries National Examinations Board (KASNEB), and
- (b) Anti-Counterfeit Authority.

I thank you, Hon. Speaker.

**Hon. Speaker:** Hon. Members, Report on Treasury Memorandum on Public Accounts Committee Report for the Financial Year 2015/2016 from the National Treasury should go to the Public Accounts Committee (PAC). This is traditionally known as the Treasury Memorandum on Implementation. Therefore, I would be keen to hear from the PAC, especially their report on how the National Treasury has implemented the recommendations of that year. It will be useful even as the PAC continues to consider the current Report.

With regard to the National Government Budget and Implementation Review Report for the First Quarter of the Financial Year 2019/2020, there should be sufficient copies to go to each Departmental Committee because this is a crucial period. You are considering the Budget Policy Statement (BPS) and I am sure many ministries and departments will be appearing before you. It is important to look at how they have implemented the First Quarter even as they come before you seeking more resources.

With regard to the third report - the Third Basis for Revenue Sharing among county governments for the Financial Years 2020/2021-2024/2025 from the Commission on Revenue Allocation (CRA) is laid on the Table of this House for purposes of information for the time being.

Hon. Members, if you look at the provisions of Article 217 of the Constitution, it is the Senate that ought to have the first bite of these recommendations so that whatever decisions they arrive at, they will present them to you. If you look at that Article, you will realise that if you are to disagree with the recommendations or the report from the Senate, you will need two-thirds of yourselves. I am sure Hon. John Mbadi is comfortable with this because he knows... He has argued in the past that after this report is adopted, it means that maybe the CRA will not be doing much, unless it is doing research only, until 2025.

Hon. Members, this is just for your information. Our Committees should not start looking at these recommendations. This is because as per the Constitution, the Senate should bring their Report to us, so that we can see what they have said regarding the recommendations of the CRA.

Next Order!

**NOTICE OF MOTION FOR ADJOURNMENT  
UNDER STANDING ORDER No. 33**

THE EFFECTS OF LOCUST INVASION TO THE COUNTRY

**Hon. George Gitonga** (Tharaka, DP): Hon. Speaker, pursuant to Standing Order No.33 (1), I rise to seek leave for the adjournment of the House for purposes of discussing a matter of urgent national importance on the recent locust invasion and incursion in the country.

Hon. Speaker, as we speak, Kenya has experienced the worst locust invasion in the last 70 years. These are creatures that have invaded the country and can now be found in more than 20 counties throughout the Republic. The locusts have caused untold loss, great suffering to the people and we anticipate that very soon there will be acute shortage of food and pasture for our livestock.

Hon. Speaker, it is for this reason that the Government and its agencies must put in place measures to ensure that further spread of these insects and the total eradication of the same is actuated.

Hon. Speaker, allow me to seek leave so that we can adjourn the House in order to deliberate on these very weighty matters and also come up with formulation of solutions and chart a way forward, including what will happen to those farmers who have already suffered loss and damage.

I beg to move.

**Hon. Speaker:** Well that will require you to have support.

*(Several Hon. Members stood in their places)*

**Hon. Speaker:** Yes, you have the support Hon. Murugara. I only hope that the solution you will come up with does not include taking photographs of the insects.

**Hon. George Gitonga** (Tharaka, DP): No! We will come up with the best solutions because our people across the country are crying. They should also be compensated and this includes prayers as the Leader of the Majority Party is saying.

**Hon. Speaker:** Very well. Having raised the requisite numbers in support, even though it is not a notice of Motion; I direct that you be around to move the House to adjourn and debate the matter at 5.30 p.m. or, such earlier time as the House may find itself capable, in view of the other business that may be there. Certainly not later than 5.30 p.m., but should the House conclude the other business appearing in the Order Paper, then the House can rise to discuss this.

Next Order!

**QUESTIONS**

*Question No.001/2020*

DELAY IN CONSTRUCTION OF CHANGAMWE ROUNDABOUT ALONG KIBARANI

**Hon. Joshua Kandie** (Baringo Central, MCCC): Thank you, Hon. Speaker. I stand to ask Question No.001/2020. It is directed to the Cabinet Secretary for Transport, Infrastructure, Housing and Urban Development.

(i) Could the Cabinet Secretary explain the cause of delay in construction of the Changamwe Roundabout along Kibarani – Mombasa Road in Mombasa County whose completion has been pending for over three years?

(ii) What measures have been put in place by the Ministry to ensure that the said project is completed considering its importance to the tourism sector?

I am a national leader.

*(Laughter)*

**Hon. Speaker:** I believe the Member for Changamwe will be available to assist you in discussing the matter. But it is okay for Hon. Kandie to help the Member for Changamwe. If he has not realised this, then somebody has come to his aid.

Hon. Mwinyi you want to say something. Why are you moving away from where you were seated?

**Hon. Omar Mwinyi** (Changamwe, ODM): Thank you, Hon. Speaker. Indeed, the Hon. Member is a national leader but courtesy demands that, if he has such intention he should have informed me as well. But, anyway, it is true that there has been some delay in the construction of the said road. We appealed to the relevant ministries and they came to inspect the ongoing roadworks. We are not very satisfied that the work is moving at the right pace but at least there is some improvement at the moment. The work is going on...

**Hon. Speaker:** Hon. Mwinyi that is okay. The Member for Baringo Central is helping you so you can relax. Next Question which indeed is resubmission is by the Member for Lamu County, Captain Ruweida.

*Question No.002/2020*

#### REPORT OF THE SUBDIVISION EXERCISE FOR VUMBE AREA OF LAMU EAST CONSTITUENCY

**Hon. (Ms.) Ruweida Obo** (Lamu CWR, JP): Thank you, Hon. Speaker for giving me this opportunity to ask Question No. 002/2020...

**Hon. Speaker:** Sorry, the first Question will be responded to before the Departmental Committee on Transport, Public Works and Housing. Yes proceed.

**Hon. (Ms.) Ruweida Obo** (Lamu CWR, JP): The Question is directed to the Cabinet Secretary for Lands.

Following a land survey carried out by the Ministry in January 2019 and later reviewed on 20<sup>th</sup> August 2019 in Vumbe area of Lamu East Constituency, Lamu County, could the Cabinet Secretary provide the Report of the sub-division exercise and the number of plots arrived at?

Thank you, Hon. Speaker.

**Hon. Speaker:** Very well. That Question will be replied before the Departmental Committee on Lands.

Next Question by Nominated Member Hon. Osotsi.

*Question No.003/2020*

#### UNDISCLOSED FUNDS HELD IN FOREIGN BANK ACCOUNTS OUTSIDE KENYA

**Hon. Godfrey Osotsi** (Nominated, ANC): Thank you, Hon. Speaker. I beg to ask Question No.003/2020 directed to the Cabinet Secretary National Treasury and Planning.

(i) Could the Cabinet Secretary provide the latest update on undisclosed funds held in foreign bank accounts outside Kenya including in Switzerland, Japan and United Kingdom, the details of the accounts, the principal amounts held and interest earned?

(ii) In view of the numerous past undertakings made by various Government Agencies regarding recovery, when will the Government publish the names of persons with undisclosed and illicit money held in foreign bank accounts?

(iii) What is the progress of the tax amnesty issued to Kenyans with undisclosed and illicit monies in foreign bank accounts by the Cabinet Secretary for Treasury in the 2017/18 Budget Statement?

(iv) What tangible measures is the Government putting in place to stop any future illicit money transactions in secret foreign accounts?

Hon. Speaker, this is the second time I am asking this question. You remember mid last year I raised this Question and I have never received any response from the Executive. I would like your intervention given that there are so many other cases of such questions which have been ignored by the Government. It is important for us to get replies to the Questions that we ask in this House.

Thank you, Hon. Speaker.

**Hon. Speaker:** The Question will be responded to before the Departmental Committee on Finance and National Planning. I can see the Chairman is present in the Chamber. You just need to prioritise and keep reminding him. Hon. Limo is here. Pursue him. If it is not responded to as you allege then you raise it on the Floor of the House so that the House can then help.

Yes, Leader of the Majority Party.

**Hon. Aden Duale** (Garissa Township, JP): Hon. Speaker, I will talk to Hon. Limo and the CS, but if you look at that Question, he is saying “undisclosed”. So, they are not even disclosed. How do you find a list of undisclosed funds? I have looked at the Question and we will tell the CS if he has a way of finding undisclosed funds. I will sit with Hon. Osotsi so that we agree before the CS comes. This is because they are undisclosed.

**Hon. Speaker:** I am sure what kind of answer Hon. Osotsi should expect since you have said it is undisclosed. Maybe it has been disclosed to him or he has a way of peeping into those accounts. Nevertheless, I do not possess the facts or any ideas about where those undisclosed accounts are, but you appear to say that they are in Switzerland, Japan and the United Kingdom. You will deal with it when the CS appears.

The last Question is by the Member for North Imenti, Hon. Rahim Dawood.

*Question No. 004/2020*

STATUS OF ROAD CONSTRUCTION IN MERU COUNTY

**Hon. Rahim Dawood** (North Imenti, JP): Hon. Speaker, I rise to ask the Cabinet for Transport, Infrastructure, Housing & Urban Development the following Question:

(i) Could the Cabinet Secretary provide details on the number of roads in Meru County under the National Government, whose construction has been completed to bitumen standard, including cost and length, in the last three years?

(ii) Could the Cabinet Secretary also state the number of roads that are under construction to bitumen standard and those under procurement costing more than fifty (50) million shillings in Meru County under the National Government, and in particular in North Imenti Constituency?

(iii) Could the Cabinet Secretary also list the road contracts that have been finalised including the variations if any, in Meru County?

(iv) What is the progress of construction of the Meru town bypass and when is it expected to be completed?

Hon. Speaker, I asked this Question last year, but I never got a reply. So, I am repeating it and I hope by the time I get the reply, the Meru by-pass would have been finished.

Thank you, Hon. Speaker.

**Hon. Speaker:** I indicated that the last three Questions were resubmitted at the commencement of the Fourth Session. Therefore, it is true that this is the second time you are asking the Question. The Question is to be responded to before the Departmental Committee on Transport, Public Works and Housing.

Within that same order, I allow Hon. Kolosh.

### REQUEST FOR STATEMENT

#### TRANSFER OF NON-LOCAL TEACHERS FROM THE NORTH EASTERN REGION BY THE TSC

**Hon. Ahmed Kolosh** (Wajir East, JP): Hon. Speaker, pursuant to Standing Order No. 44(2) (c), I wish to request for a Statement from the Chairperson of the Departmental Committee on Education and Research, on the transfer of non-local teachers from the North Eastern Region by the Teachers' Service Commission.

Hon. Speaker, Article 53(1) (b) of the Constitution provides that every child has a right to free and compulsory basic education.

Further, Article 55 (a) of the Constitution provides that the State shall take measures, including affirmative action programmes to ensure that the youth access relevant education and training. Since January 2020, the TSC has transferred more than three thousand non-local teachers from the counties of Wajir, Mandera and Garissa.

Hon. Speaker, it is of great concern that the TSC is acting in negligence of duty and continues to infringe on the constitutional rights of thousands of pupils in North Eastern Kenya. The transfer of teachers has led to delayed implementation of the Competence Based Curriculum, low primary school to secondary school transition rates and delayed implementation of important policies in the education sector in the region.

Hon. Speaker, it is on account of these ongoing challenges occasioned by transfers of non-local teachers from North Eastern Region that I seek a Statement from the Chairperson of the Departmental Committee on Education and Research on the following:

1. What measures has the Ministry of Education and Research put in place to address the teacher's crisis in the Region?
2. To provide a list of the teachers transferred from the North Eastern Region and the criteria used.
3. What were the reasons for the withdrawal and transfer of the non-local teachers and whether the Office of the Inspector General had issued security instructions to the TSC Board for withdrawal of teachers from the region?

4. To provide the TSC Board's deliberations with regard this matter including the Minutes and other records available.

Hon. Speaker, it is my wish that the Committee inquires into the matter and tables a report to this House. Thank you, Hon. Speaker.

**Hon. Speaker:** Hon. Members, I can see some of you with hands raised up. There is no debate. It is a request for Statement. If you carefully listened to Hon. Kolosh, the statement is under Standing Order No.44(2) (c). Ordinarily, such statements are supposed to be sought on Thursdays afternoons not later than 3.00 p.m. but Hon. Kolosh approached me and given the issues that he has raised in that request, I considered that it was necessary that the matter be addressed with the urgency that it deserves and, therefore, waived the provisions of Standing Order No. 44(2) (c) so that the Statement may be sought today being a Tuesday.

Therefore, having done that, I cannot go beyond to allow comments by Members who are rising up their hands. What I would want to do is to direct that this is a serious matter. I am happy that the chairman for Departmental Committee on Education and Research, Hon. Melly, is in the Chamber. It is something that requires urgent resolution. Hon. Melly, how soon do you think this can be done?

**Hon. Julius Melly** (Tinderet, JP): Thank you, Hon. Speaker. This is a matter of national concern. It is a very emotive issue and it is an issue that concerns the children of this country and the lives of our teachers. I will ask the relevant agency, the TSC, to appear before the Committee by next week. I will be able to table it.

**Hon. Speaker:** Hon. Members, as indicated, this is a serious matter. It requires urgent resolution because one agency of Government cannot purport to say that there is insecurity without the coordination of the others. Therefore, Hon. Melly, I direct that the following institutions and/or persons heading them appear before your Committee:

- (i) the Cabinet Secretary (CS) for Education;
- (ii) the Secretary to the Teachers Service Commission (TSC); and,
- (iii) the Inspector-General of Police.

Those three must appear before your Committee by Tuesday at the latest so that you can come and brief the House and the country. The persons directed are not supposed to send representatives. They should appear in person. This is a very serious matter. The CS, the CEO of the TSC and the Inspector-General of Police should appear before the Departmental Committee on Education and Research to explain those circumstances. It is only fair that the three of them appear before Members of Parliament (MPs) because one of the key functions of Parliament, under Article 95, is to deliberate and resolve issues of concern to the people.

Hon. Melly, are you comfortable with Tuesday?

**Hon. Julius Melly** (Tinderet, JP): Yes. We are comfortable because this is a very serious matter which we need to resolve as soon as possible.

**Hon. Speaker:** Hon. Melly, do not answer that question because you have not heard them.

**Hon. Julius Melly** (Tinderet, JP): Hon. Speaker, we shall communicate immediately as per your directive. Therefore, we will ask the representative officers of the three institutions to appear before our Committee.

**Hon. Speaker:** Very well. It is so ordered.

Hon. Members, before we proceed, allow me to recognise the presence of students and pupils from the following institutions:

- (i) Aldai Girls High School from Aldai Constituency, Nandi County

- (ii) Peponi School from Ruiru Constituency, Kiambu County
- (iii) Theta Secondary School from Juja Constituency, Kiambu County, and
- (iv) Ole Sultan Primary School from Gilgil Constituency, Nakuru County.

They are all welcome to observe the proceedings in the National Assembly this afternoon.

Hon. Members, I wish to recognise staff of the Parliament of Uganda seated in the Speaker's Gallery. They are on a study visit to Kenya and to the Parliament of Kenya. They too are welcome to observe the proceedings in the National Assembly.

*(Applause)*

Next Order.

## PROCEDURAL MOTION

### LIMITATION OF DEBATE ON BILLS SPONSORED BY PARTIES/COMMITTEES

**Hon. Speaker:** Sorry, before you move, I can see the “father” of the House is almost on his knees. I see the Member for Nyando has an intervention.

**Hon. Jared Okelo** (Nyando, ODM): Thank you, Hon. Speaker. I seek your direction on a matter that is very important to the Members of this House. We are facilitated by the Liaison Department to have those who also facilitate our work in the ground. In the last quarter, the Kenya Revenue Authority (KRA) introduced another punitive requirement that before returns are submitted, the KRA certificate or compliance certificate must be annexed. Even though most constituencies are in line with that requirement, it takes forever to receive that certificate. Up to now, most constituencies have not been paid so that they can - in retrospect - pay their workers. That delay has occasioned lots of problems to the people who serve and work for us. They have children to take to school. They have food to buy. They have families to take care of. Up to now, we are heading into a new quarter when money for the current quarter has not been paid.

Hon. Speaker, we need your direction. It is not constituencies that delay submission of those returns. It behoves the KRA to provide certificates to constituencies that do the right thing in good time. Our people are suffering because of a problem that lies with KRA. We seek your direction and assistance because all the Members in this House know exactly what I am talking about. They have become victims to this prevailing circumstance.

**Hon. Speaker:** Very well. Hon. John Olago Aluoch, do you also want to weigh in on this one? It is administrative.

**Hon. Olago Aluoch** (Kisumu West, FORD-K): Hon. Speaker, I know it is administrative. What the Member for Nyando has said is the truth but not the whole truth. There are some constituencies like Kisumu West that complied and brought certificates early this month but up to now, they have not received the funds for the second quarter. In fact, this morning, I was talking to the Director of Finance and I asked why. Even for those who have complied, the problem is the Exchequer remittance to the Parliamentary Service Commission (PSC). It is a serious problem. We have staff in our constituencies who are being evicted. Some of their children are being sent away from school. Some have been reported to Credit Reference Bureaus (CRB) because they are not able to pay their loans on check-off. It is a serious issue.

**Hon. Speaker:** Hon. Members, I am sure the Clerk of the National Assembly, who is not in the Chamber, has heard you. I am aware that that matter had been raised by one of the

Commissioners this morning and is being addressed. I direct the Clerk to give me a brief on the matter so that I am able to report tomorrow afternoon. There is no need for a *kamukunji*. You are dealing with the Budget Policy Statement (BPS). The answer is in your hands, Hon. John Mbadi. This is the right time to deal with these matters once and for all. It is good to also know the issues in advance. Somebody should write them down so that when we come for the *kamukunji* we know what we will discuss.

Do all of you want to discuss this matter? It is not good to discuss things in futility. I know my directive will be implemented. The Clerk will deal with this matter. By the time I leave the Chair, I am sure I will get an answer. My attention was drawn to those matters just this morning. Many of you have ways of communicating and some of those things reached me only this morning. Hon. Members, let us deal with the substantive business.

Leader of the Majority Party, you are moving the Motion.

## PROCEDURAL MOTIONS

### LIMITATION OF DEBATE ON BILLS SPONSORED BY PARTIES OR COMMITTEES

**Hon. Aden Duale** (Garissa Township, JP): Hon. Speaker, I beg to move:

THAT, notwithstanding the provisions of Standing Order No. 97(4), this House orders that, each speech in a debate on Bills sponsored by a Committee, the Leader of the Majority Party or the Leader of the Minority Party be limited as follows: A maximum of 45 minutes for the Mover in moving and 15 minutes in replying, a maximum of 30 minutes for the Chairperson of the relevant Committee (if the Bill is not sponsored by the relevant Committee), and a maximum of 10 minutes for any other Member speaking, except the Leader of the Majority Party and the Leader of the Minority Party, who shall be limited to a maximum of 15 minutes each (if the Bill is not sponsored by either of them); and that priority in speaking be accorded to the Leader of the Majority Party, the Leader of the Minority Party and the Chairperson of the relevant Departmental Committee, in that order.

Hon. Speaker, this is what we usually do. I am sure that we need to spend less time today. What we are doing from Order No.8 all the way to Order No.16 is just to set the rules of this Session on how we shall deal with the Bills, Motions and statutory instruments that come before the House. This Motion deals with the Bills. I am sure that those of us who served in the 10<sup>th</sup> Parliament like Hon. Mbadi can recall that debate on Bills and Sessional Papers was not limited during that time. The House could discuss a Bill until we could not get somebody who is ready to contribute. Some Members like the late Hon. Martin Shikuku from Butere Constituency could speak for a week or more on a Bill. He was a very active and robust Member of Parliament. If you go to the *Hansard*, you will see that Hon. Martin Shikuku could speak for a whole week. He would begin from Tuesday to Thursday and still had a remaining balance of time in the next week. I found this in the *Hansard*.

The *Hansard* has a very rich history. If you want to hear the voices of the late Hon. Tom Mboya and Jaramogi Oginga, go to the Hansard Department. Sometimes, when we are not busy in the House, it is good for the Members to go to the Hansard Department and tell them that you

would like to listen to the late Mzee Jomo Kenyatta on what he said on a certain date. You can even listen to brilliant people like the late Hon. Robert Ouko, Hon. Seroney and the rest.

I found out that the late Hon. Martin Shikuku would speak for a week on a Bill. Parliament had few Members then. What was amazing is that those Members still found substance to debate for long without repeating themselves. It is good we start on a very good note. We have agreed that we have researchers and personal assistants. It is in your interest to make sure that you speak in the Chamber. That is why this is called a debating Chamber. It is not a Chamber for anything else. So, you can use the Research Department of Parliament, Committee Clerks, Directorate of Legal Services and Directorate of Legislative and Procedural Services to prepare notes so that at the end of the day, you do not contribute by repeating what others said. You find here that a Member contributes, like Hon. Baya from Kilifi North Constituency, and then I repeat what he said. Hon. Baya is different from Hon. Duale.

The public is watching. There is a lot of interest in the National Assembly. When the Speaker of the National Assembly of Tanzania came, he said that Tanzanians love watching the National Assembly of Kenya more than their Parliament because this is a very vibrant House. Because of that, let us make sure that we give very good food for thought. We have a very vibrant Hon. Speaker. So, our House should be very lively. We are setting the rules. You must speak in the Chamber.

I will only move this Procedural Motion. I have given all the other Motions to different colleagues here. Let us spend less time this afternoon. From here, it is good to know when there will be a Bill next week, how much time will be allocated to the Chair, Mover in replying and the leadership. There will be 10 minutes for Members, a maximum of 45 minutes for the Mover in moving and 15 minutes for replying.

There is another thing which I have seen. You cannot donate replying time. When you meet your colleagues in the Chairperson's Panel, you must enforce this. There is no way in the Standing Orders where when I am called upon to reply, I say that I want to donate my time. We should stop that culture this year. Instead of donating time, please, let us all debate that Bill before the Mover is called upon to reply. When he replies, he should bring a harmonised view of what the Members said.

With those very many remarks, this is just a Procedural Motion on the Limitation of Debate on Bills Sponsored by Parties or Committees. I beg to move and ask my Deputy, Hon. Jimmy, to second.

**Hon. Speaker:** Hon. Angwenyi.

**Hon. Jimmy Angwenyi** (Kitutu Chache North, JP): Thank you, Hon. Speaker. I rise to second the Motion. I want to say a word or two about my experience in this Parliament.

When I joined the 7<sup>th</sup> Parliament that is when Hon. Shikuku and Hon. Orengo could speak for even two weeks. There is one time I really wanted to contribute on a major Motion touching on coffee production in the country, but Hon. Shikuku spoke for the entire week. He started again the following week. I complained to Hon. Speaker, Kaparo, on how one person could speak for two weeks when I wanted to put my input, but I was told that I was a mono. Therefore, I should not raise that kind of a question.

With those few remarks, I beg to second the Motion.

*(Question proposed)*

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

**Hon. Speaker:** Is it the desire of the House that I put the Question?

**Hon. Members:** Yes.

*(Question put and agreed to)*

**Hon. Speaker:** Hon. Washiali, before you move the Motion, I see here Members have placed interventions. I can see Hon. Member for Igembe South, John Paul Mwirigi. Do you have an issue?

**Hon. John Paul Mwirigi** (Igembe South, Independent): Thank you, Hon. Speaker. I want to ask for your guidance. In the House, we have the Leader of the Majority Party and Leader of the Minority Party. In the Constitution, we have Independent candidates. Where are the Independent candidates counted, Hon. Speaker?

**Hon. Speaker:** You are Independent.

*(Laughter)*

**Hon. John Paul Mwirigi** (Igembe South, Independent): In relation to leadership. The ruling political party has the Leader of the Majority Party and the minority political party has the Leader of the Minority Party.

**Hon. Speaker:** Hon. Mwirigi, there cannot be a Leader of Independents because each of the 14 of you are on your own.

*(Laughter)*

But you can be adopted. In parliamentary practice, the Independents are at liberty to vote in whichever way they choose. But, if you choose to be adopted like baby oryx, then you can. The Independents are independent. Each Independent is independent on their own. So, you cannot lead any other person. There cannot be a Leader of the Independents because that is like forming another political party. You are independent in your own right.

Sorry, Hon. Mwirigi. If you wanted to have a leader of the 14 of you, it is not possible. You can vote whichever way you choose on any Bill because you are Independent, including choosing not to vote at all and go to relax in the lounge. It is a way of representation as well. So, there will not be any such position of Leader of Independents.

Hon. Washiali.

#### LIMITATION OF DEBATE ON INDIVIDUAL MEMBERS' BILLS

**Hon. Benjamin Washiali** (Mumias East, JP): Hon. Speaker, I beg to move the following procedural Motion:

THAT, notwithstanding the provisions of Standing Order 97(4), this House orders that, each speech in a debate on Bills NOT sponsored by a Committee, the Leader of the Majority Party or the Leader of the Minority Party be limited as follows: A maximum of three hours and thirty minutes, with not more than thirty (30) minutes for the Mover, in moving and ten (10) minutes in replying, a maximum of thirty (30) minutes for the Chairperson of the relevant Committee and a maximum of ten (10) minutes for any other Member speaking,

except the Leader of the Majority Party and the Leader of the Minority Party, who shall be limited to a maximum of fifteen Minutes (15) each; and that priority in speaking be accorded to the Leader of the Majority Party, the Leader of the Minority Party and the Chairperson of the relevant Departmental Committee, in that order.

Hon. Speaker, as usual, I want to remind Members what the Leader of the Majority Party said that whenever we start a Session like this one, we have to do procedural Motions. I invite Members to look at the titles of the procedural Motions that we are moving. We are limiting Members from speaking beyond a certain period. That is why the title of the Motion is limitation. We are limiting. I emphasise this because we have had Members who have not had enough material to cover the entire period of moving. I inform such Members that they can use ten minutes to explain the details of their Motion, then that is acceptable to the House. Even any other Member who would want to support a Motion, the Member does not have to speak the whole ten minutes. They can squeeze their message or plan and speak for even one minute as long as Members get the message as clearly as the Motion demands.

Therefore, Hon. Speaker, as my leader said, these are procedural Motions and this specific one, unlike Order No.8, Order No.9 is for Private Members' Bills. It is important to note the difference between Government Bills, which are usually sponsored by Committees, the Leader of the Majority Party and the Leader of the Minority Party and Private Members' Bills.

They have been limited to three hours and thirty minutes because usually Bills sponsored by Private Members are not as voluminous and that is why we have limited them to three hours and thirty minutes for debating.

Hon. Speaker, I beg to move and invite the deputy Whip of the Minority Party, Hon. Chris Wamalwa to second.

**Hon. Speaker:** Hon. Wamalwa.

**Hon. (Dr.) Chris Wamalwa** (Kiminini, FORD-K): Hon. Speaker, I beg to second.

For clarity, when we talk about Private Members' Bills, we mean business that comes on Wednesday mornings. I know it is very critical because many Members do a lot of research and at times they get disadvantaged when we come to the Floor of the House and priority is given to Government or Committee work. So, this is something that is very critical.

I beg to second. Thank you.

**Hon. Speaker:** Hon. Members, I will be proposing the Question but before that, I agree with Hon. Wamalwa. Please, let every Member familiarise themselves with the Business of the House. This is very critical because there are very many Private Members' Bills. Notwithstanding Standing Order No.97(4), this Motion seeks to specify the time limitations. Let Members also know that before commencement of debate, after any Motion has been moved, should the House desire to do any further limitations, including even extending the time, you are at liberty to move another procedural Motion at commencement. That is important. I am saying this, Hon. Members, with tremendous respect because there are many Members who keep asking what is happening. I then wonder whether we are in the same House. Please, this is very important.

*(Question proposed)*

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

**Hon. Speaker:** If it is the desire of the House that I put the Question, I will proceed to do so. This is for you. It is your own business on Wednesday morning. As I have explained, the House is at liberty to make any amendments to this resolution. All you need to do is frame a Motion which shall until this Session is over, commence by saying “notwithstanding the resolution of the House passed on 18<sup>th</sup> February 2020”, and then the rest as you desire.

*(Question put and agreed to)*

#### LIMITATION OF DEBATE ON MOTIONS

**Hon. John Mbadi** (Suba South, ODM): Hon. Speaker, I beg to move the following Motion:

THAT, notwithstanding the provisions of Standing Order 97(4), this House orders that, each speech in a debate on any Motion, including a Special Motion be limited in the following manner:- A maximum of three hours with not more than twenty (20) minutes for the Mover and ten (10) minutes for each other Member speaking, except the Leader of the Majority Party and the Leader of the Minority Party, who shall be limited to a maximum of fifteen (15) minutes each, and that ten (10) minutes before the expiry of the time, the Mover shall be called upon to reply; and that priority in speaking be accorded to the Leader of the Majority Party, the Leader of the Minority Party and the Chairperson of the relevant Departmental Committee, in that order.

This House is permitted by our rules of procedure to impose a limit in respect of debate on any particular Motion or a Bill by allotting a limited period of time for such debate or by limiting the time during which Members may speak in such debates or by imposing such limitations as we are seeking the concurrence of this House this afternoon. It is for this reason that I am proposing three hours for ordinary or special Motions with not more than twenty (20) minutes for the Mover and 10 minutes for each other Member speaking, except the Leader of the Majority Party and the Leader of the Minority Party both of whom shall have a maximum of 15 minutes and that 10 minutes before the expiry of the time, the Mover shall be called upon to reply.

It is not about how much time a Member is allocated to speak, it is about preparation. When you want to make a contribution to a Motion, Bill or any form of a debate, it is important that you first prepare yourself very well to deliver whatever speech you want to deliver. Ten minutes is sufficient enough if you are well prepared and organised. Sometimes when I see my colleagues talking in political rallies, I ask myself whether we understand our roles as Members of Parliament. This afternoon, if we move quickly, there is a very important Bill coming which has been generated from the Senate on tea matters. This is Tea Bill. I have been hearing many of my colleagues in political rallies, funerals and Harambees asking what the President is doing for tea farmers in their regions and what Building Bridges Initiative (BBI) contains in support of tea farmers.

This afternoon is a perfect opportunity for these Members to demonstrate that they mean well and they truly represent the tea farmers who come from their constituencies. But you will find that when that debate comes about, this House will be near empty and majority of those Members who have been shouting loudest will not be found here. Even if they are here, many of them are not even aware that the Bill is coming up for debate. Those who will be here, when you

give them opportunity to speak, they will speak like John Mbadi who has never ever come close to a tea plant apart from drinking the already processed tea. This is the time these Hon. Members need to know that they have a duty. They are the policy makers. The President and BBI are not policy makers. We are the policy makers. This is the time to speak for those tea farmers that you have been speaking for in funerals, church Harambees and many other things.

I beg to move.

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

**Hon. Kimani Ichung'wah** (Kikuyu, JP): I second.

**Hon. John Mbadi** (Suba South, ODM): I cannot ask *Tanga Tanga* to second. I ask Hon. Hon. Chris Wamalwa to second.

*(Laughter)*

**Hon. Speaker:** Proceed, Hon. Wamalwa.

**Hon. (Dr.) Chris Wamalwa** (Kimini, FORD-K): Thank you, Hon. Speaker. I rise to second in terms of the limitation of time to three hours. From practice and trend, three hours are enough as long as you have planned well. There is a great philosopher who said that failing to plan is planning to fail. Indeed, when you are given an opportunity to speak and you have the logical flow of your points, I have no doubt that three hours are good enough.

I second. Thank you.

*(Hon. Clement Kigano walked towards the exit)*

**Hon. Speaker:** Member for Kangema, you come from a tea growing area but I can see you are making your way out.

*(Laughter)*

I am sure you have looked at the Order Paper. Hon. Members, we are likely to finish this quickly so that we can go to the Tea Bill. Come to the Chamber now and debate it.

*(Question proposed)*

**Hon. Speaker:** Hon. Kaluma, I can see you want to contribute. It is a valid thing, Hon. Kaluma.

**Hon. Peter Kaluma** (Homa Bay Town, ODM): I thank you, Hon. Speaker. I stand to support the Motion in terms of timing. There is an observation I made one time when we went to benchmark on other issues in Parliament of Philippines which I wanted to bring to the attention of the House to have the Motion improved.

I found a procedure there where, if a Motion is being moved, there is a desk outside Parliament where a Member who really desires to speak to a Motion records himself, whether opposing or in support. If there is no such record, the Motion is just read by the Speaker and the Speaker confirms it is passed. The manner in which the current Motion is couched secures too much time for Motions which may otherwise not be opposed.

I support because I do not know whether there is room for amendment. However, we must think of bringing in such procedure in future so that we do not consume time to debate a Motion that has the agreement of the House.

Other than that, I support that limitation.

**Hon. Speaker:** Hon. Owen Baya, do you want to comment? Hon. Members, Hon. Kaluma is just informing the House that it happens in some jurisdictions, as he has indicated. In apprising the best route to go about that is to put in the Standing Orders. It may be useful that those Members desirous of speaking to a Motion give indication in a neutral manner so that all that the person on the Chair has to do is go to the list and see the Members who have indicated interest. Any other coming by the roadside saying “I have heard something exciting being spoken” is told to go and get excited on the streets. That is so that we do not waste time saying “like it was said by so and so and was said by so and so and the other so and so...” The House could do better. It is a proposal or idea that the Procedure and House Rules Committee could adopt. I do not know if Hon. Kaluma sits in the Committee. However, I think Hon. Chris Omulele is a Member, and a few other Members are also here.

It is not for now, Hon. Members. Hon. Kaluma has merely informed the House. It is up to you to make a decision whether that will be included in our Standing Orders. It is not that way. That is an idea. He supports the Motion as it is, but has just given the House food for thought.

Therefore, I will put the Question.

*(Question put and agreed to)*

Next Order!

#### LIMITATION OF DEBATE ON REPORTS OF COMMITTEES

**Hon. (Dr.) Chris Wamalwa** (Kimini, FORD-K): Thank you, Hon. Speaker. I beg to move:

THAT, notwithstanding the provisions of Standing Order 97 (4), this House orders that each speech in debate on Reports of Committees, including a Report of a Joint Committee of the Houses of Parliament or any other Report submitted to the House for which limitation of time has not been specified, be limited as follows: A maximum of sixty (60) minutes for the Mover in moving and thirty (30) minutes in replying, and a maximum of ten (10) minutes for any other Member speaking except the Leader of the Majority Party and the Leader of the Minority Party, who shall be limited to a maximum of fifteen (15) minutes each; and that priority be accorded to the Leader of the Majority Party and the Leader of the Minority Party, in that order.

Hon. Speaker, we are proposing to limit speaking time for the Mover, the leadership and individual Members. The total time for debate on a Report of a Committee may vary depending on the content and volume of the Report. Therefore, the House will be at liberty to use other provisions of the Standing Orders to limit debate on Committee Reports. I am not proposing an upper limit on the total debating time for debate of a Committee.

I move and request Hon. Mbadi to second.

**Hon. John Mbadi** (Suba South, ODM): I second.

**Hon. Speaker:** Hon. Members, I am sure those of you who have been here for some time would recall that it is usually a very exciting moment, especially for a Chairperson of a Committee. If you are given an opportunity to speak for one hour, remember you have colleagues in that Committee. So, do not take everything. When we chaired Committees, we used to enjoy speaking for one week so that our colleagues had very little to say other than to second. I think there is wisdom in this because, as explained by Hon. Wamalwa, it is not prescribing the upper limit.

*(Question proposed)*

*(Question put and agreed to)*

#### LIMITATION OF DEBATE ON SESSIONAL PAPERS

**Hon. Amos Kimunya** (Kipipiri, JP): Hon. Speaker, on behalf of the Leader of the Majority Party, I beg to move:

THAT, notwithstanding the provisions of Standing Order 97 (4), this House orders that each speech in a debate on any Sessional Paper shall be limited as follows: A maximum of two and a half hours, with not more than twenty (20) minutes for the Mover in moving and five (5) minutes for any other Member speaking, including the Leader of the Majority Party and the Leader of the Minority Party and the Chairperson of the relevant Committee (if the Sessional Paper is not moved by the Chairperson of the relevant Committee), and that ten (10) minutes before the expiry of the time, the Mover shall be called upon to reply; and further that priority in speaking shall be accorded to the Leader of the Majority Party and the Leader of the Minority Party, in that order.

As you will appreciate, Sessional Papers provide the overarching framework for policy issues which then guide the legislation and operation of the affected departments and all that hence very important. I just want to also mention that Sessional Papers will first of all come to the House through the route of having gone through a Departmental Committee or the relevant Committee. Hence, the detailed debate and appearances of the stakeholders should be taking place in a Committee. That is so that by the time it is brought to the House, it is with a Report hence Members use this time only to highlight any issue that needs to get into the *Hansard* for purposes of showing why the House did or did not approve a certain Sessional Paper.

These sessional papers, once approved, could well guide future direction for many years to come. For example, the Sessional Paper No.1 of 1965 guided the economic policy of this country for so many years. So it is important that we do that, but also know that the time we have granted within this limitation is not unrealistic; it is possible to actually put on record all the issues contained within a sessional paper, provided detailed debate and presentations have actually taken place within the framework of the committee.

Against that background, I beg to move and ask Hon. Pukose to second.

**Hon. Speaker:** Hon. Pukose.

**Hon. (Dr.) Robert Pukose** (Endebess, JP): Thank you, Hon. Speaker. I second.

*(Question proposed)*

**Hon. Members:** Put the question.

*(Question put and agreed to)*

**Hon. Speaker:** Hon. Members, I want to call for the next order. I want to alert Members to listen carefully to what is stated in it, because those chairpersons whose names appear must then take note henceforth. That is what we shall expect.

Next Order!

#### LIMITATION OF DEBATE ON PRESIDENTIAL ADDRESS

**Hon. Speaker:** Hon. Pukose.

**Hon. (Dr.) Robert Pukose** (Endebess, JP): Hon. Speaker, on behalf of the Leader of the Majority Party, I beg to move the following Procedural Motion:

THAT, notwithstanding the provisions of Standing Order 97(4) and in furtherance to the provisions of Standing Order 24(6), this House orders that, debate on the Motion on the Address by the President be limited to no more than 30 minutes for the mover in moving, 20 minutes for the Leader of the Minority Party, and 10 minutes each to the Chairperson of the Departmental Committee on Justice and Legal Affairs to speak on the Report submitted under Article 132(1)(c)(i) of the Constitution relating to the realisation of the national values; the Chairperson of the Departmental Committee on Defence and Foreign Relations to speak on the Report submitted under Article 132(1)(c)(iii) of the Constitution relating to the progress made in fulfilling the international obligations of the Republic; and the Chairperson of the Departmental Committee on Administration and National Security to speak on the Report submitted under Article 240(7) of the Constitution relating to the state of the security of the country; and five minutes for any other Member speaking, and that 10 minutes before the expiry of the time, the Mover shall be called upon to reply.

As the House is aware, the Address by the President to this House is one of the most important functions in our calendar for each session. This Procedural Motion provides time for the Chairperson of the Departmental Committee on Justice and Legal Affairs to speak on the reports submitted under Article 132(1) (c) (i) of the Constitution relating to the realisation of national values, as well as the Chairpersons of the Departmental Committee on Defence and Foreign Relations and the Departmental Committee on Administration and National Security. For the first time, this is now captured. You realise, that in the last session this was not provided for. So this is a very major change in terms of how we will be able to transact the Address by the President. The three reports which are usually tabled by the President during the State of the Nation Address are captured. That is why we are making a provision for various Chairs to be able to debate.

With those few remarks, I move and ask Hon. Kimunya to second.

**Hon. Speaker:** Hon. Kimunya.

**Hon. Amos Kimunya** (Kipipiri, JP): Hon. Speaker, I second.

**Hon. Speaker:** Now that you are through with shaking hands, Hon. Kizito, you want to shake hands here and there. Hon. Jaldesa, can you take a seat? You can sit even where you are,

not necessarily in front. You are in the House. What is wrong? Surely, that must be the Member for Siaya County. All these seats are the same, but I know you have preference for that particular one and you do not feel comfortable sitting elsewhere.

I hope everybody has listened to the Mover moving. Let me propose the Question.

*(Question proposed)*

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

**Hon. Speaker:** Hon. Kajwang’.

**Hon. T.J. Kajwang’** (Ruaraka, ODM): Hon. Speaker, I rise to agree that the thematic arrangement of this new approach is very good because it will allow departmental committee leaders to go to the depth of the subject matters in their thematic areas.

However, if I were given the opportunity, I would have amended this Motion. Judging from all the Motions that we have passed before, we have been giving the Leader of the Majority Party and the Leader of the Minority Party so much opportunity to address the House. We give them so much opportunity that we kill free speech and contribution by Members. This is one of those areas where I think we should have just allowed the Mover and everybody else to take 10 minutes each, including the Leader of the Majority Party and the Leader of the Minority Party. Really, what is it that the Leader of the Majority Party or the Leader of the Minority Party would want to say more than the Chair of the Departmental Committee on Justice and Legal Affairs? Who is more prime and has done research well and will be delivering his or her issues according to that thematic area? If we dressed down the timing here, we would probably save some 50 minutes which can easily be given to Members so that as many Members as possible are able to express themselves. After all, a debate on a presidential Motion is when somebody even from Turkana would have an opportunity to come and say that they love their President and how he or she thinks he has done well - and he would have spoken. However, if we do not have an opportunity by being Members of this House... I am not a Chair of a Departmental Committee neither am I the Leader of the Minority Party. It would seem that we have left *Bunge* or National Assembly to these big people who sit in front of us. I think this is one of the issues which need to be re-looked at so that *Bunge* belongs to everyone who has been voted to be here.

**Hon. Speaker:** Yes, Hon. Kajwang’. Although, you may have also noticed that there is no upper limit. You can debate this even for a period of three weeks. It is most likely that the Leader of the Majority Party will be the Mover. If you look at the wordings, it will actually... That is why the provision for 20 minutes alone is given to the Leader of the Minority Party. However, the Mover, who is most likely to be the Leader of the Majority Party, is the one who has been limited to 30 minutes. However, the House is not limited to any period. For someone to say they love their President in five minutes as you said, I am sure that needs less than a minute.

Hon. Makali Mulu, the Floor is yours.

**Hon. Makali Mulu** (Kitui Central, WDM-K): Thank you, Hon. Speaker. My worry is with the five minutes. I have looked at most of the Motions which are limiting time. When you are aware that you will speak for only five minutes, this is likely to kill the spirit of research. I do not think I will take two hours researching on a topic and then come here to get five minutes to articulate my issues. I do not know how we are going to balance. For those who have interest in a specific matter for example, the Sessional Papers which are very important, imagine if I were to do proper research and I know I will only talk for five minutes! I would rather say: “Let me just

relax and it would pass.” In future, we might need to think of those people who might want to do research on a particular topic, and whether it can be considered and they be given more time to present.

Thank you.

**Hon. Speaker:** Like I said earlier, it is open to Members to propose any changes, especially before the commencement of any debate. Hon. Makali Mulu, as you know, from time to time, I do allocate... The Char really has the discretion and that should be encouraged. If I say the Member for Funyula may rise to speak on a matter to do with properties, even if the resolution was to say that every Member speaks for five minutes, I can use discretion. When I say the Member for Nambale and the Member for Kipipiri, then I am able to tell. If we give a certain Member even 10 or 20 minutes, you would do the business on the Order Paper justice. It is very useful as Hon. Duale said earlier on. When you look at the HANSARD, you can see that there was stuff. However, we should also be careful so that we do not give 30 minutes for somebody to say they love, adore and many other words. However, I am sure the House is at liberty. That is a thing that we have always done and encouraged. Should the House feel that this particular special Motion requires more time for each Member contributing, the House is at liberty. I am sure there is an agreement always in appropriate cases. Hon. Mbadi, you wanted to say something.

The Floor is yours.

**Hon. John Mbadi** (Suba South, ODM): Hon. Speaker, let me also support this Motion. I think as Hon. Members, we need to learn the tricks of debate. When it comes to the President’s Speech, it is practically impossible to speak on each item that the President presents. It is important that you pick on a specific issue. If it is national values, then pick, emphasise and talk about it in a manner that exhausts it. Another Member should pick the steps taken in meeting international obligations and also expound on it, while the other picks on something on matters of national security. You will realise that five minutes is not a short period of time to deliver what you want to deliver. However, the problem is when you want to speak on every aspect of the President’s Speech. Then five minutes, 20 or even 30 minutes would not be sufficient. However, to my friend Hon. T.J. Kajwang’, really, you know the Leader of the Majority Party is supposed to spell out on behalf of the majority on matters that have been addressed by the President - mostly, issues supportive of the President’s Speech. When it comes to the Leader of the Minority Party, I know our circumstances are a bit different now but practically, the Leader of the Minority Party is supposed to critique. Ideally, 20 minutes would not be sufficient for the Leader of the Minority Party to speak on behalf of the Minority Party. Hon. Speaker, rarely would you find... That is why the leadership of the Minority and Majority is given to some senior people in those political parties as well.

*(Laughter)*

If you come to the minority party, the Chairman of the Minority Party before we even go to a coalition, is the one leading the minority party in this House. I am the Chairman of ODM. If you come to the constitution of our party, the Chairman only consults with the party leader on matters of policy in the party. So, on matters of policy, the only person who can override what I speak is the party leader. Therefore, when I am given an opportunity and I have spoken, Hon. T.J. Kajwang’ cannot contradict that unless he wants to violate and disobey our constitution.

That also includes Hon. Owen Baya, who sits in the National Executive Council (NEC) of our party.

*(Laughter)*

Hon. Speaker, I know I am here for a period and most certainly, in the 13<sup>th</sup> Parliament, if this position will still exist, chances are I will not sit here. Most likely, Hon. T.J. Kajwang' may find himself here because we know he is a very serious Member of our party, very senior, very eloquent and very able. I will wish him well when that day comes. However, while I am still sitting here, he just needs to respect that and allow me to serve. In fact, he should call for more time for the Office of the Leader of the Minority Party. If you look at the debates in the American Congress, look at the Leader of the Minority Party and the Majority Party and the time they are allowed to speak on behalf of both sides of the aisle. Those are the few things that I wanted to talk about. That is with all due respect and love to my friend, T.J. Kajwang' – someone we have been friends from our school days.

Thank you, Hon. Speaker.

**Hon. Speaker:** For the first time this afternoon, I can see the other gender. Is that the Hon. Member for Suba North?

**Hon. (Ms.) Odhiambo-Mabona** (Suba North, ODM): Thank you, Hon. Speaker, I wish to support but, as I do that, I want to comment on some of the issues that have been raised. Parliament goes not just by our rules which are written but, by practice especially in the Commonwealth.

One of the things that has been of concern to me... I am happy that we recognised the issue of the Hon. Leader of the Majority Party and the Hon. Leader of the Minority Party. I personally have no problem with them having time because that is the practice. My concern is the issue that I once raised and gave up. I was raising it as a matter of practice, but people thought it was self-serving. That is the issue of ranking. We have not institutionalised the issue of ranking even within committees. When you are going in committees, there are always ranking Members who are given priority. In Kenya, we have failed to do that. I have raised it many times and given up. Perhaps, that is one of the things that we need to do. We should send a delegation - and I can be absent from it - because we need to institutionalise what is practised according to the system of governance that we have.

My other concern is the amount of time that we give Hon. Members to contribute in this House. We always insist and say that we are the superior House and yet, *de-facto*, we have made ourselves an inferior House to the Senate. That is because if the Senate is debating the same issues like we are, they have sufficient time. They sound like they are wise because they have researched and have more time to input. But here, we push ourselves and after we have voted for 10 minutes which is not sufficient for a person who has researched, we further come and bring Motions to reduce our time to two minutes. Hon. Speaker, what serious legislator is going to be contributing on a serious issue of national interest for 10 minutes? Unless we just come here to be flower girls and boys in this House.

We are definitely more than the other House, but we need to find a way of balancing so that we make this House the serious House that the Constitution intended it to be. The Senate hardly has much business to do and that is, perhaps, one of the reasons. However, we are also self-limiting by coming and reducing the time that has been allotted here today. Perhaps, one of

the ways that we can do - and I know it is normally a challenge to do balancing - is allocating more time on Thursday mornings because we have a lot of work.

Hon. Speaker, going forward, you could guide us to see how we can do that. At times, I come here with researched work and I go back with it. I know of a Bill that came before this House and because the name was misleading... I wanted to contribute to it because I did that for my thesis. We completely went off-track and passed a law completely off-track. Why? Because there was no time. It was a different Speaker on the Floor. Perhaps, if we gave more time to an accountant who has more expertise in accounting, then he or she would guide us. However, at times, even people who have expertise on an area are not allowed.

Hon. Speaker, that has been my concern and we can find a way of creating that balance so that we can give value. I am doing my third term now and this House has some of the youngest and most educated Hon. Members and yet, we will never know because we never get a chance to even hear them. How do you ever know that Hon. Members are informed? I thank you, Hon. Speaker

**Hon. Speaker:** Well, Hon. Members, what Hon. Millie has just said is right. However, the Standing Orders are framed in such a way that you can propose amendments to them even midstream. Looking at our sitting days and hours, the jurisdictions that you have made reference to do not operate like us. It is just the other day I saw in the United Kingdom, people sitting on a Monday morning at 9.00 a.m. and later even after 11.00 p.m. the House was still sitting. So, we just have to think through that because on one hand, committees also have to meet. So, on that Tuesday morning, if you take it and make it for plenary, then you also deny committees the chance to also interrogate the businesses that are before them in the kind of depth that would be expected of them. So, if you think that it is appropriate, you can propose additional sitting days or sitting time.

It is doable and happens in a number of jurisdictions. When we extended our sitting time to 7.00 p.m. in this country to date, not many people - even those who cover Parliament - think that the House actually sits up to 7.00 p.m. They still think that, that is outlandish. That is because we have been socialised that people work between the hours of 8.00 a.m. and 5.00 p.m. If somebody finds you coming to work at 6.00 a.m., they could think that you could be a night runner who may have missed their way in the course of running in the night. When you say that you want to sit up to even 10.00 p.m., there is also all manner of reasons. I do not want to preempt what you as a House may want to propose, but there are all manner of excuses. That some of you are suckling, have babies to look after, have homework for your children to go and attend to even though most of the time when I move round town, I still find you looking after those children in other places.

*(Laughter)*

So, Hon. Millie, it is a good thing that you have said, but it is a conversation that we need to have quite robustly so that we agree on what it is that we need to do. I fully agree with you that, sometimes, the five, 10 or 30 minutes may not be sufficient. It is for that reason that whoever presides, sometimes, should be allowed to exercise discretion without the House beginning to again say that somebody is being favoured. No! You can always tell a person who has researched. I do not want to mention names because many of you research and come here prepared.

The proposal from Hon. Kaluma earlier on one of the Motions is something we need to think seriously about. Is it possible we can put it in our Standing Orders that Hon. Members should be giving indications somewhere at some desk as they enter that they will be contributing to this or that? So that whoever is in the Chair can have an easy time. That way, others who have come for general appearance do not have to spend too much time here. We could at that time allow our committees - which we do from time to time - to concurrently sit. Like I have allowed for tomorrow and Thursday even as the House is sitting.

This is something we need to discuss and think through but we do not need to leave it to a Motion. We ought to put whatever agreements that we shall have reached in the Standing Orders. If we could think through that, we could always find a middle ground. I know Hon. Chris Wamalwa has young children who he likes doing homework with in the evenings, although I often find him in the corridors after 8.00 p.m. So, we must get a balance. Hon. Millie, you have raised a good point just like the one raised by Hon. Kaluma. Let us put all our ideas somewhere and if need be, we can have a *kamukunji* to discuss them. In fact, that will be an important thing to discuss instead of holding a *kamukunji* for some other things. Hon. Wamalwa.

**Hon. (Dr.) Chris Wamalwa** (Kiminini, FORD-K): Thank you, Hon. Speaker. We support what we are debating today. I want to bring a point home that the success of every debate has a positive correlation to who is in the Chair. We call upon the Members of Speaker's Panel to be in the House to learn and benchmark. At times, when there is critical Bill coming on the Floor of the House as leadership, we discuss and say we wish the Speaker was on the Chair. I am not saying they have been doing poorly, but they can also pull up their socks.

Many a times when some are on that seat, you find the level of discipline in this House goes down. Yet, they enjoy similar benefits to yours Hon. Speaker. So, we want them to be firm when they are on the seat because success depends on the Chair. On matters to do with relevance, you find somebody taking a lot of time speaking on irrelevant matters. Yet, relevance is clearly stated in our Standing Orders. Also, there are many repetitions.

Hon. Speaker, today I am happy because I can see three Members of the Speaker's Panel here. I do not know where the other one is. *Ametoka!* So, as we put rules and regulations regulating debate, it is important for us to discuss the conduct of our Speaker's Panel because they play a critical role. There was a time we were debating and I do not want to name who was in the Chair. It was very difficult for that person to control the House. So, the way they carry themselves in terms of firmness and decision-making has a positive correlation to the success of the debate.

So, as we move forward because today, we are discussing the dos and don'ts, it is important for them to go for more benchmarking training programmes. So far, they have been doing very well but there is room for them to do better and pull up their socks. As Hon. Kajwang' mentioned, debate on the Motion on the Presidential Address is very critical.

I agree with Hon. Mbadi that the Leader of the Minority Party in this House is like the official opposition leader and he is supposed to provide a critique. How I wish that when the Leader of the Majority Party is moving, he is given 30 minutes. Then the Leader of the Minority Party should also be given 30 minutes because he is supposed to critique, provide options and solutions. That is because in most cases, he is speaking on behalf of the coalition. So, if my leader speaks on something, I do not have to repeat.

To me, this is very important because when the Speaker is in the Chair, he can exercise discretion. So, if we are discussing a medical matter, we can value expertise, for example, from Hon. Pukose because we know he is an expert on those matters. You can exercise discretion and

add him more time. When it comes to matters of accounting, Hon. Mbadi is here. I think discretion is provided for under Standing Order No.1. That discretion can always be practised so as to improve the value of debate.

Thank you, Hon. Speaker.

**Hon. Speaker:** Very well. As I said, there is need for a *kamukunji* to discuss some of these important issues. Hon. Members, I will propose the Question. Sorry! I proposed and should be putting the Question. I remember giving Hon. Kajwang' a chance to contribute.

*(Question put and agreed to)*

Next Order!

LIMITATION OF DEBATE ON REPORTS OF CONSTITUTIONAL COMMISSIONS  
AND INDEPENDENT OFFICES

**Hon. David ole Sankok** (Nominated, JP): Hon. Speaker, I beg to move the following Procedural Motion:

THAT, notwithstanding the provisions of Standing Order 97(4), this House orders that, each speech in debate on Reports of Constitutional Commissions and Independent Offices be limited as follows:

A maximum of four hours with not more than thirty (30) minutes for the Mover in moving and ten (10) minutes in replying, a maximum of thirty (30) minutes for the Chairperson of the relevant Committee, and a maximum of ten (10) minutes for any other Member speaking, except the Leader of the Majority Party and the Leader of the Minority Party, who shall be limited to a maximum of fifteen (15) minutes each; and that priority be accorded to the Chairperson of the relevant Committee, the Leader of the Majority Party and the Leader of the Minority Party, in that order.

Hon. Speaker, the HBC is cognisant of the fact that reports of constitutional commissions and independent offices have not been given their rightful place in the House. This is the second time ever to have such a Motion. It seeks to ensure that those reports become part of matters for debate in the House. Previously, those reports were referred to departmental committees for consideration. They include:

- (i) The Reports of the Controller of Budget;
- (ii) The Reports of the Ethics and Anti-Corruption Commission (EACC); and
- (iii) The Reports of the Commission on Administrative Justice (CAJ), among others.

Hon. Millie has alluded to the fact that the Senate normally has enough time. Comparing to our numbers here, we are many. Most of us want to contribute especially when the Speaker is in the Chair so that we can learn more from him. I regularly refer to him when it comes to our Constitution as a mobile encyclopaedia. It is true some of us want to learn more and contribute.

I beg to move and call upon the saviour of the Mt. Elgon Maasai, Hon. Charles Kamuren, to Second. Thank you.

**Hon. Speaker:** Hon. Kamuren, you saved Mt. Elgon?

**Hon. Charles Kamuren** (Baringo South, JP): Thank you, Hon. Speaker. I beg to second the Motion.

**Hon. Speaker:** Hon. Members, once again, you notice that there is something new on this. Hon. Sankok has tried to give just a few of the commissions. We have too many constitutional commissions whose reports have been filed with us. It cannot be that those reports are filed with us to come and enjoy. We need our respective relevant committees to also tell us. When we get a report on the state of the Judiciary, what was that state? We need to be told. The mechanism we have is through our committees. If you look at the way priority has been given here, it is to the chairperson. The chairperson will be given priority. The Leader of the Majority Party and the Leader of the Minority Party come second. You can see there is a reversal here so that we get to know more.

If we are being told the report has come from the Independent Electoral and Boundaries Commission (IEBC), we need the chairman of the Justice and Legal Affairs Committee to come and lead that debate and tell us what it is that, that Commission has been doing for the last one year. What are they capable of doing, if at all, and how will the Committee suggest that this House handles that Commission? They are several. There is even one on gender and equality. The Commission on Administrative Justice was hived under Article 59 of the Constitution. Hon. Millie Odhiambo will recall this. About three other commissions were created out of the only one that was created in Article 59 of the Constitution. So, we need to get all those reports being debated. The way to go about that is as the Motion is framed. It is to allow the chairperson and the members of those respective committees more time. If it is a report from the Office of the Auditor-General - but not the report of the Auditor-General on accounts of government and other constitutional bodies... There is a Report on the Office of the Auditor-General. They file their reports here. There is the Controller of Budget. We need to be able to debate, on behalf of the people of Kenya, those offices and the reports that they present to us because we are supposed to be the eyes of the public.

*(Question proposed)*

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

*(Question put and agreed to)*

**Hon. Speaker:** Next Order!

LIMITATION OF DEBATE ON THE ANNUAL  
ESTIMATES AND COMMITTEE OF SUPPLY

**Hon. Maoka Maore** (Igembe North, JP): Hon. Speaker, I beg to move the following Procedural Motion:

THAT, pursuant to the provisions of Standing Order 97(4), this House orders that, each speech in a debate on the Report of the Budget and Appropriations Committee on Budget Estimates contemplated under Standing Orders 239 and 240 be limited as follows:

(i) General Supply Debate: A maximum of three (3) sitting days with thirty (30) minutes for the Mover in moving and fifteen minutes (15) in replying; a maximum of ten (10) minutes for each of the Chairpersons of the Departmental Committees and a maximum of five (5) minutes for any other Member speaking,

except the Leader of the Majority Party and the Leader of the Minority Party, who shall be limited to a maximum of ten minutes (10) each; and that priority in speaking be accorded to the Leader of the Majority Party, the Leader of the Minority Party and the respective Chairpersons of the Departmental Committees in the order that they appear in the Second Schedule to the Standing Orders; and,

(ii) Committee of Supply: A maximum of six (6) sitting days for consideration of the proposed allocations to the respective Votes/Programmes in the order specified in the Schedule submitted by the Budget and Appropriations Committee.

Hon. Speaker, Members are aware that we started this process during the Second Session. This, indeed, enabled Members time to consider the report of the Budget and Appropriations Committee on budget estimates in general supply debate and a committee of supply comprehensively. You will notice the issue raised by the Member for Suba North when we follow the normal traditions of the Commonwealth. We may have to just do a reminder as again raised by the Member for Kiminini. It is necessary that you do some periodic reminders to your panel about the issue of ranking. It may not sound very fashionable to the majority who happens not to be falling in that category, but it may enrich the House and the traditions of the others in the Commonwealth jurisdictions that if you are debating, for example, the Finance Bill, after you have done the moving and the seconding and the Leader of the Majority Party, any normal chair of the panel in charge of the proceedings of the House would give, for example, Hon. Kimunya, the first priority. He happens to have been a Minister for Finance and he knows quite a lot more than the others.

I would like to just give an example of myself. I remember my first days in this Parliament. All your panel members were actually in school, including one of them whose dad I was with here. So, it is normal or natural when we indicate we want to speak, you do not take two hours before you can notice that the Chair is disregarding the issue of the ranking. When we legislated this, as raised by Hon. Angwenyi as well, in the 1990s, there are those who could speak for one week and actually cause a lot of anger. So, this limitation was actually legislation out of anger. When you legislate in anger, you do not perpetuate that anger or hold it in perpetuity. It is good that we change some of these traditions. You noticed last week on Monday Members were given one minute to speak in honour of somebody who had served this country for nearly 50 years. At least three minutes would have been the best discretion. Hon. Speaker, we also wish to invite you to use your own judgement to make sure that, in future, we shall never have any Member speaking for a minute on whatever topic it might be. That is a ridicule of the entire parliamentary proceedings. There is not much you can say in one minute. There is no guarantee that every Member has to speak so that you give them one minute each. Even if it is only 30 or 40 Members who will go on record, at least, let them make some sense by giving them three to five minutes. Anything to do with one or two minutes should never be allowed to be part of the judgement of the Chair in any debate in this House.

With that, I beg to move and request to be seconded by Hon. Kioni.

**Hon. Jeremiah Kioni** (Ndaragwa, JP): I do not know what is making this Member look a bit funny.

Hon. Speaker, as I second, I agree with the Mover that it is good to limit how much time one can use. Without dwelling on the one minute that we were given last week, at times, even five minutes do not make a lot of sense especially when you are dealing with people who are very knowledgeable in some areas. You feel like it is time wasted. It is not good to feel wasted

when you come to the Floor. It is important that we look at those provisions, as you indicated earlier, with a view of improving the quality of debate in the House and the usefulness of the time that we get when we come to this House.

Without a doubt, there are quite a number of Members who benefit us in a big way when we listen to them. I keep talking about Hon. Makali Mulu. He and *Mheshimiwa* Kimunya are so knowledgeable in finance that listening to them also helps you improve your articulation of some of those areas. There is also the Chairman of ODM. He is also useful in certain topics. It may not be quite often but he is interesting to listen to. There are quite a number of such Members on the Floor. It is good for us to appreciate them. When you are a first-timer, you learn more from those who have been there before and you become a better debater in the coming days.

I second the Motion and urge that we continue looking at these provisions with a view to making them even better than they are today.

**Hon. Speaker:** It is up to you Members because the Standing Orders are not made by the Speaker. It is good that we keep educating one another or just reminding each other that the only requirement or obligation placed on the Speaker is at the tail-end of a particular Parliament. As we adopt a fresh set of Standing Orders for the next House, there is a requirement that the Speaker has to be in the Chair throughout, which is an extremely onerous responsibility because you sit for too many hours. I am not complaining. Hon. Millie, even as you make those proposals, try to also look into that.

Honestly, what you are saying makes a lot of sense. It is something that we can think of even now. We do not have to wait until we do a general review of the entire Standing Orders. Even for orderly conduct particularly with respect to the issues that you have raised, how do we rank Members? Nobody should feel that others have an advantage over them merely because they rank higher. If it is a fact, why would you want to quarrel with facts? Maybe, if you are lucky to make it to the next House, you will be ranked higher. By now, everybody should feel comfortable with such a proposal. Again, that is your decision. It is your decision to make but I encourage that we discuss it at some point.

We are now going into the Budget cycle. This is something that Members need to be familiar with.

*(Question proposed)*

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

**Hon. Speaker:** I notice that nobody desires to speak to this. That is the point I implore Members to understand. When you are dealing with the Committee of Supply, I hope we will call upon Hon. Kimunya, Hon. John Mbadi, Hon. Mbalu and others to educate Members on what those terms mean. I can see some who are already at sea. They are wondering what we are supplying. There is general supply and Committee of Supply. General supply debate is limited to three sitting days. This has a bearing on what Hon. Millie was speaking to.

On Tuesday, the House sits at 2.30 p.m. and rises at 7.00 p.m. That is one day. When we are considering this business on Wednesday, Private Members' business is done away with. So, Wednesday, 9.30 a.m. to 1.00 p.m. is the second day. On the same Wednesday, 2.30 p.m. to 7.00 p.m. is the third day. It is important for all of us to understand and follow so that when you go out there on weekends, you can say that you are supplying. You can tell people that you are supplying. I was somewhere with Hon. Mariru last weekend. We heard people saying that their work is to bring resources. I do not know from where.

Again, Members, make a distinction when you get to Committee of Supply which will now last six days. In the General Supply debate, priority is given to the respective chairpersons of departmental committees because they make reports of what has come from the various ministries. We want to avoid a situation whereby everybody rises in his place and claims that he is being discriminated. If we start with the Departmental Committee on Administration and National Security, the Chairperson speaks on the various votes and programmes that he or she oversees. When we go to the Departmental Committee on Agriculture and Livestock, again, the Chairperson will speak on issues to do with the votes and programmes that he or she oversees in that order. We have tried to improve this process because we noticed that, sometimes, some of the Chairs, notwithstanding that they have taken so much time listening to what is being presented to them by the various ministries and Semi-Autonomous Government Agencies (SAGAs), do not end up speaking on the Floor of the House. Those whom you oversee think that you did not understand what they presented to you. So, they only wait for what the Chair of the Budget and Appropriations will say. We are trying to improve on this so that, at least, there is great clarity. The chairperson, vice chairperson or even a member of a committee, preferably a ranking Member, should contribute. I will leave that to you, as committees, to make your decisions.

There being nobody desirous of contributing to this Motion, I put the Question.

*(Question put and agreed to)*

Next Order.

LIMITATION OF DEBATE ON THE SENATE AMENDMENTS  
TO BILLS ORIGINATING IN THE NATIONAL ASSEMBLY

**Hon. George Gitonga** (Tharaka, DP): Hon. Speaker, I beg to move the following Procedural Motion:

THAT, pursuant to the provisions of Standing Order No. 97(1), this House orders that, each speech in the general debate contemplated under Standing Order No.146 (Consideration of Senate Amendments to Bills Originating in the National Assembly) be limited as follows:

A maximum of one hour and thirty minutes, with not more than 15 minutes for the Mover in moving, 15 minutes for the Chairperson of the relevant Departmental Committee, and five minutes for any other Member speaking, including the Leader of the Majority Party and the Leader of the Minority Party (if the Bill is not party-sponsored), and that five minutes before the expiry of the time, the Mover shall be called upon to reply; and further that priority in speaking shall be accorded to the Leader of the Majority Party, the Leader of the Minority Party and the Chairperson of the relevant Departmental Committee, in that order.

This is a new Motion that was never provided for in the previous Sessions. The HBC is cognisant of its importance in guiding the House on consideration of Senate amendments to Bills originating in the National Assembly. We all know that there are Bills which must be passed by the two Houses. Those that originate from this House have to go to the Senate and the Senate

may return them with proposed amendments. It is in respect of those proposed amendments that we now have this limitation Motion on the debate regarding the proposals.

With those remarks, I beg to move and seek secondment from Hon. Kabinga Wathayo Wachira, Member for Mwea.

**Hon. Speaker:** Member for Mwea.

**Hon. Josphat Kabinga** (Mwea, JP): Thank you, Hon. Speaker. I beg to second the Motion.

*(Hon. (Ms.) Jerusha Momanyi consulted loudly)*

**Hon. Speaker:** Member for Nyamira, you are still in the House.

*(Question proposed)*

Hon. Oundo, do you want to say something?

**Hon. (Dr.) Wilberforce Oundo** (Funyula, ODM): Hon. Speaker, thank you for giving me this opportunity to contribute. As we conclude Order No. 8 to 16, there are pertinent issues that have been ventilated here. I would like to seek your indulgence and guidance on how to proceed in this Session. In the last three Sessions which I have been around, I have noticed that many a time when Movers move a Motion, Bill or report, they do not sit in the Chamber to listen to the views and comments of the Members as they debate here. That is why you find many a time when they come to reply, they simply say that they reply or concur with the views of the Members without putting into consideration Members' views. You find that the final report or the amendments which are moved in the Committee of the whole House do not incorporate the views raised by Members.

Many a time, the Movers are the Leader of the Majority Party and occasionally the Leader of the Minority party, chairpersons of various committees and Members when they are moving Private Members' Motions or Bills. It should become incumbent upon them to spare time and be patient enough to sit those long hours to listen to Members' views because we do not debate here in vain. We do it to enrich Motions, Bills and whatever comes in this House.

Secondly, Hon. Millie Odhiambo and Hon. Maoka Maore have raised the issue of ranking. Indeed, it is a practice all over that there is a form of ranking to enable enriching of any debate. However, the question we need to put here in mind is whether the ranking is merely based on the number of terms you have served in this House. Does that mean that merely serving here for five terms makes you an expert literally in everything being debated on the Floor of the House so that you are given the ranking? However long I serve here, it will be a disservice to this community and Kenya for me to purport to be an expert in finance matters more than Dr. Kimunya and more than Makali Mulu. Honestly speaking, we need, as we debate the issue of ranking, to look at competence, experience and area of interest. I remember the first day we came here, we were given a form and filled in it our areas of expertise and interest. That should, indeed, inform the ranking.

As I conclude, many of us know that leadership in many committees, probably, was never done in a democratic manner. That is a fact that everybody knows. Many a times, committee chairs are imposed by the so-called tyranny of numbers and many a times, you would notice that even the debates that happen here and the reports presented here leave a lot to be desired in the way they are done. That includes even the vice-chairs and membership. Probably,

that is a debate we need to have, as we have clearly said, in a more relaxed manner or in a *kamukunji* to debate and understand.

When the House leaders exit the House, as my Chair has said - and it will be sad that we might not see him around in the next Parliament - there must be a form of induction or training on the job so that those who take over their positions are able to do as much as they have done, if not better.

Thank you, Hon. Speaker.

**Hon. John Mutunga** (Tigania West, JP): Thank you, Hon. Speaker. I just want to shed some light on something that has been disturbing me a lot, especially when it comes to debates on matters professional and the quality of debate that we finally carry out in this House.

Hon. Speaker, if we go by ranking and years in the House, some of us... We do not know what Building Bridges Initiative (BBI) might come up with. It might propose that we serve for two terms each and that is it. That means that some of us might remain muted forever. We need a *kamukunji* so that we are clear on matters debate. Sometimes, we may realise an issue has been mishandled, but you can never have a chance to contribute because the leadership and ranking has not been completed.

Thank you, Hon. Speaker.

**Hon. Speaker:** Before I put the Question, Hon. Members, it is good for us to appreciate that there are ideas that have been bandied around. One is the proposal that the Standing Orders could be amended to provide a situation in which, for instance, after Order No.17, we have Order No.18 - the Tea Bill... There should be a mechanism provided that shows the Members in the order they place their requests, indicating that they want to contribute to the debate on this Bill. That is one of the proposals. I do not think Hon. Oundo and Hon. Mutunga should worry. Do not have a lot of worry. We should incorporate both ideas.

As you know, Hon. Members, the excessively eloquent President Obama, when he served in the Senate of the United States of America, he was a junior Senator. But that did not stand in his way. You remember, and I do not want to go to that, when he visited Kenya, he was hosted in Parliament by the Leader of the Official Opposition and the then Whip of the opposing party, none other than yours truly.

*(Laughter)*

That is why he was being referred to as a junior senator. But, the two ideas will go hand in hand. Even if we were to discuss them, we should not ignore that aspect. There are Members who have interest in speaking generally. Even those, you do not deny them the opportunity to speak generally because there are people who like speaking generally. They will have their opportunity by placing a request like any other Member. We would have to balance those two ideas. Our sheer numbers and the number of hours we sit are things we need to look into. We could say that in Kenya, we are too busy so that after 7.00 p.m. we are incapable in Parliament. How is it that it happens in other Houses in other parliaments of other jurisdictions? How is it that in other parliaments, they are able to hold sittings on Monday morning? I am sure if we were to say that we have a sitting here on Monday morning, I would receive a lot of protest. That is because over 95 per cent of Members will say that they will be very busy in the constituencies. Those are the days you meet your constituents. Some of these things are realities of our country. It is a kind of a political socialisation that we have been given over the years. When we discuss these issues, let us discuss all of them, Dr. Oundo. None of the proposal is new.

Ranking is not new in parliamentary democracies and placing requests. In fact, in several parliaments that I have visited, requests are placed with the Speaker. I am quite attracted to the one Hon. Kaluma has talked about, so that the Speaker is kept out of the fray. If there is a way those kinds of requests could be placed so that the Speaker merely gets the list, it would be good. In fact, the Speaker can come and read upfront the Members who have indicated that they want to contribute to a particular business and when it is concluded, in the next business, the Members who have placed their request in the order they come are revealed.

Of course, in all those, there is always the question of, depending on the system of governance you have, if it is presidential, there is no way we will do away with the position of Leader of the Majority Party and Leader of the Minority Party. Indeed, even within the Commonwealth parliamentary system, again, there is the place of Leader of Government Business and the Leader of Opposition. Some of them, like the position of whip is much more critical than I have seen here. The leader does not have to deal with a Member. That is the work of the whip. When you deal with the leader, you would be in trouble. Why would you be dealing with the leader. He is high up there. You deal with the whips and their deputies or their assistants. Sometimes, by the time you get to the whip, Hon. Sankok, maybe, you would have committed such a grievous crime. Maybe, you would have dealt with his assistants and they would have tried to correct you. All those are all documented. In fact, some of them are contained in the reports that are in the library of this Parliament. I have gone through them.

Hon. Mutunga and Hon. Oundo, do not worry. Like I said, before we get there, there is always the discretion of the Chair. That is also important. If, for instance, you have prepared something, feel free to approach the Chair and say: "I have made this preparation. I think the 10 minutes that is there for this Motion may not be sufficient for what I have prepared." I am sure the people presiding are not impervious to reasoning. They will listen to you and give you the necessary consideration. For the time being, before we get to any of those proposals being put in our Standing Orders, let us live with what we have.

*(Question put and agreed to)*

I hope Members understand that the reason the time on this one is so limited is that this Bill will have originated here. This House will have dealt with it. That is why the time is limited.

Next Order.

## MOTION

### APPROVAL OF THE CALENDAR OF THE HOUSE FOR THE FOURTH SESSION (2020)

**Hon. Benjamin Washiali** (Mumias East, JP): Hon. Speaker, on behalf of the Leader of the Majority Party, I beg to move the following Motion:

THAT, pursuant to the provisions of Standing Order 28, this House approves the Calendar of the National Assembly (Regular Sessions) for the Fourth Session (2020) as contained in the Schedule.

### CALENDAR OF THE HOUSE FOR 2020 (REGULAR SESSIONS)

PERIOD	DAYS
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<b>13<sup>TH</sup> FEBRUARY – 4<sup>TH</sup> DECEMBER, 2020</b>	
<b>FIRST PART</b> <b>A. Sitting Days</b> Thursday, 13 <sup>th</sup> February – Thursday, 19 <sup>th</sup> March, 2020	Tuesdays (afternoon), Wednesdays (morning and afternoon) and Thursdays (afternoon)
<b>B. Short Recess:</b> Friday, 20 <sup>th</sup> March – Monday, 6 <sup>th</sup> April, 2020	
<b>C. Sitting Days</b> Tuesday, 7 <sup>th</sup> April – Thursday, 30 <sup>th</sup> April, 2020	Tuesdays (afternoon), Wednesdays (morning and afternoon) and Thursdays (afternoon)
<b>D. Long Recess:</b> Friday, 1 <sup>st</sup> May – Monday, 1 <sup>st</sup> June, 2020	
<b>SECOND PART</b>	
<b>E. Sitting Days</b> Tuesday, 2 <sup>nd</sup> June – Thursday, 2 <sup>nd</sup> July, 2020	Tuesdays (afternoon), Wednesdays (morning and afternoon) and Thursdays (afternoon)
<b>F. Short Recess:</b> Friday, 3 <sup>rd</sup> July – Monday, 20 <sup>th</sup> July, 2020	
<b>G. Sitting Days</b> Tuesday, 21 <sup>st</sup> July – Thursday, 13 <sup>th</sup> August, 2020	Tuesdays (afternoon), Wednesdays (morning and afternoon) and Thursdays (afternoon)
<b>H. Long Recess:</b> Friday, 14 <sup>th</sup> August – Monday, 7 <sup>th</sup> September, 2020	
<b>THIRD PART</b>	
<b>I. Sitting Days</b> Tuesday, 8 <sup>th</sup> September – Thursday, 15 <sup>th</sup> October, 2020	Tuesdays (afternoon), Wednesdays (morning and afternoon) and Thursdays (afternoon)
<b>J. Short Recess:</b> Friday, 16 <sup>th</sup> October – Monday, 2 <sup>nd</sup> November, 2020	
<b>K. Sitting Days</b> Tuesday, 3 <sup>rd</sup> November – Thursday, 3 <sup>rd</sup> December, 2020	Tuesdays (afternoon), Wednesdays (morning and afternoon) and Thursdays (afternoon)
<b>L. Long Recess:</b>	

Friday, 4 <sup>th</sup> December, 2020 – Monday, 8 <sup>th</sup> February, 2021	
Annual Suspension of Committee Sittings	14 <sup>th</sup> December, 2020 – 29 <sup>th</sup> January, 2021

*Disclaimer: The House may however resolve to hold sittings on other days outside this published Calendar.*

The proposed Calendar was adopted by the HBC on 13<sup>th</sup> February 2020. The proposed number of sitting days is 117. This excludes special sittings and any extra morning as the House may decide to have. The Calendar is informed by the following:

The Budget cycle, the Finance Bill and passage of various legislative business. The first part of the Session is guided by the budget process, which has certain fundamental timelines set by the statutes and the Standing Orders. Members will recall that the Leader of the Majority Party tabled the Budget Policy Statement (BPS) of this year and the Medium-Term Debt Strategy on 13<sup>th</sup> February 2020, which was Thursday last week. This ought to be considered and adopted by the House within 14 days, in accordance with the Public Finance Management Act popularly known as the PFM Act. We expect the Division of Revenue Bill, 2020 to be introduced in the National Assembly by 10<sup>th</sup> March 2020. The Budget Estimates for the Financial Year 2020/2021 for the national Government ought to be tabled by 30<sup>th</sup> April 2020. The Finance Bill, 2020 must also be introduced by 30<sup>th</sup> April 2020 and passed by 30<sup>th</sup> June 2020. This is the new feature in this Calendar. This has an impact on the Calendar because it means that the first and second part of the Session will be dealing with the Budget and finance-related issues. This, however, eases pressure in August and September, which were initially the months when the Finance Bill was considered.

The second part of the Session is guided by the Budget timeliness on public hearings by the Budget and Appropriations Committee and the Departmental Committees, which should be undertaken before the Budget and Appropriations Committee tables its Report on the Estimates for the approval of the House in early June 2020. I hope I am clear on that because it is very important that we understand this bit of the Calendar. We expect the pronouncement of the Budget highlights and the revenue raising measures between 10<sup>th</sup> and 17<sup>th</sup> June, 2020. The Appropriation Bill, 2020 should be introduced and passed by 30<sup>th</sup> June 2020.

Parliaments worldwide are conscious of the school calendars and thus try to align their calendars with those of the schools. It is in this regard that this Calendar has also been synchronised with the school holidays, particularly the August holiday. This will allow Members with school-going children – I know many of us have school-going children – to bond with their children. I am also being reminded by Hon. Chris Wamalwa that it gives them an opportunity to make others. It is also important for Members to note that the days for short recess have been increased from 10 days to 18 days. In the previous Sessions, the short recess has always been 10 days but, in this new Calendar, the number of days in short recess has been increased from 10 to 18 days. In the last Parliament, the short recess was reduced to 10 days because we were still concluding legislation to implement the new Constitution. We continued with this trend in the Second and Third Sessions of this Parliament. Experience has taught us that there is merit in extending the period of short recess, which is the second new feature in this Calendar.

The House Business Committee is cognisant of the 46 Private Members' Bills sponsored in the last Session. In this regard, the Committee has agreed to prioritise those Bills for consideration on Wednesday mornings so as to fast-track them during this Session. Out of the

46 Bills, 14 have been considered by the relevant Committees and Reports tabled in the House. The respective Committees with pending reports are encouraged to expedite their consideration and table Reports.

The last new item in this Calendar is the annual suspension of Committee sittings. Committees should take note of the suspension which will take place from 14<sup>th</sup> December 2020 to 29<sup>th</sup> January 2021. Even with the increase of the days of the short recess, the sitting days still remain the same as those in the last Session.

With those remarks, I beg to move and request Hon. (Dr.) Kimunya, who is a Member of the House Business Committee, to second.

**Hon. Amos Kimunya** (Kipipiri, JP): I second and just highlight that, in addition to what the Whip of the Majority Party has said, that this Calendar is just a guiding framework and that the House is at liberty to alter the sitting days and times, of course, through the House Business Committee. At least, this gives people prior information, for planning purposes, so that we are able to synchronise the activities within the constituencies, holidays and all that so that people are not rushing to be in the constituencies or the House. They will not be absent from here on the excuse that they were going for some committee meeting and yet, the Calendar has been published. It is for people to align all their personal and private matters, affairs of the constituency and committee activities around the Calendar of the House. That is because priority is given to the House. We are elected to be Members of the National Assembly. We are supposed to be in the National Assembly representing the people, not out there in the fundraisers and not in all those public gatherings. Your first priority is to be in the House. Guided by the Calendar, people can now align all those other activities outside or during the short recesses and weekends.

I second.

*(Question proposed)*

**Hon. Speaker:** Hon. Mbadi.

**Hon. John Mbadi** (Suba South, ODM): Hon. Speaker, I want to support this Motion. I just want to point out that, yes, the responsibility of the House Business Committee is to come up with programmes, the Calendar of the House and how the House is supposed to conduct its business, of course, with the support from the technical team. I thank our technical team which has been having very clear attention to detail and making sure that the Calendar is in line with the most important activities of this House.

I just wanted to remind the Hon. Members, again as I said here the other day, that this is the most crucial Session of this House. It is because, after this Session, I am very sure we may not be able to pass as many Bills as we possibly would. The Bills which are ready in this Session alone include - I think - over 46 Private Members' Bills. It is important that we make good use of our time.

One thing that Hon. Members will notice is that the months of May and June are actually the most crowded due to the budget process and an additional responsibility which started from the last part of the 10<sup>th</sup> Parliament, to the 11<sup>th</sup> Parliament and now to the 12<sup>th</sup> Parliament. It is the responsibility of making sure that the Appropriation Bill is passed by 30<sup>th</sup> of June every financial year. We must have an Appropriation Bill in place by 30<sup>th</sup> June. If we do not, the operations of this country will just come to a stop.

Additionally, we now have an added responsibility to make sure that the Finance Bill, which we have always been passing around September, must now be passed before the end of

30<sup>th</sup> June every year. It is going to start this year. We all know the implications of the Finance Bill. It will either impose extra burden on the people of Kenya or reduce their burden. However, it can reduce the burden with an intended repercussion of breaking the economy. So, we have to be very careful. Many a times, Kenyans have been blaming this House, especially on the Finance Bill. They say that we have passed the Finance Bill without giving it due consideration. How I wish we could engage our minds to it this time, especially now that we have to pass it before 30<sup>th</sup> June.

It is my hope that Hon. Members are going to be alive to all these issues and are going to deliver. I am impressed that even though the number at this point in time is not as high as we would wish, it is encouraging to see that there is a good number of MPs in the House on the very first days of the Session. If this spirit can continue, I am sure we are going to do justice to this country by passing legislations and supporting the Budget for the country.

Thank you. I second.

**Hon. Speaker:** Hon. Members, you know there is also a requirement that we must publish our Calendar. So, I encourage that if we pass this Motion and that Calendar is published, you take sufficient copies for those of you who have more than two offices in the constituency. Go and pin them there so that your constituents will know when it is that you will be on recess and when it is that you are having sessions. It is important that everybody knows that there is transparency.

We do this as a matter of requirement. So, I will put the Question.

*(Question put and agreed to)*

So, the Calendar may be published. Next Order.

## BILL

### THE TEA BILL

**Hon. Speaker:** Hon. Members, we only have three minutes to 5.30 p.m. and the House had approved the request of the Member for Tharaka, Hon. Gitonga Murugara. Therefore, even though it is not exactly 5.30 p.m., I think we will enter that business. I can see the Vice-Chairperson of the Departmental Committee on Agriculture and Livestock, the Hon. Injendi is ready. Sorry, it is Member for Navakholo. It is not the Member for Malava. I think he will not be able to do justice to his Bill. It will take priority tomorrow afternoon.

*(Applause)*

So, Hon. Members, I call upon the Member for Tharaka to move his Motion.

*(Bill deferred)*

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

*[The Temporary Deputy Speaker  
(Hon. Patrick Mariru) took the Chair]*

**MOTION FOR ADJOURNMENT  
UNDER STANDING ORDER NO. 33(1)**

THE EFFECTS OF LOCUST INVASION TO THE COUNTRY

**Hon. George Gitonga** (Tharaka, DP): Thank you, Hon. Temporary Deputy Speaker, for allowing me to move this Adjournment Motion pursuant to Standing Order No. 33(1) of our Standing Orders, so that we can discuss this matter of urgent and great national importance relating to the recent invasion and incursion into the country by hordes and swarms of locusts.

My constituency, Tharaka, has had a whole one month of nightmare, with swarms upon swarms of locusts coming to the constituency and into the county from both Garissa and Kitui.

In the past, we hear this from folklore, the worst locust invasion similar to what we have may have occurred about 70 years ago. It is not very certain because we were not as literate as we are during those days and records may not have been properly kept. However, I am told from every community in the country, there is an age set that is identified with that locust invasion. It dates between 1943 to about 1950.

The history we have today is that locusts which have invaded our country originated from Yemen, a desert country in Asia. Locusts are desert insects. That is why we call them desert locusts. It does appear that the locusts flew across the Red Sea into Somalia and Ethiopia, and then slowly crept into our country. Those from Ethiopia attacked counties such as Turkana and Marsabit. Those from Somalia first invaded Mandera and Wajir and then went down to Garissa. Eventually, we have had more than 20 counties under attack by locusts. To name a few, the first one is my county of Tharaka Nithi and my constituency of Tharaka. Then there is Embu, Mandera, Marsabit, Wajir, Garissa, Isiolo, Kitui, Samburu, Meru, Turkana, Machakos, Kirinyaga and Laikipia. Today, I am told Kisumu is under attack in Muhoroni and Nyando areas. These creatures are about to surround the entire country. This is why the matter is very important for this House to discuss means and ways of not only curbing the menace, but also ensuring that in the future, we do not undergo such an attack. The country also needs to know what will happen to the farmers who have been adversely affected. Farmers in the counties I have mentioned are facing countless loss and damage to crops and pasture. The most important are crops. Crops are being mauled and we do not have much left. That has its own repercussions.

Let us talk about pasture. Locusts loathe seeing anything green. Any green pasture is subject to attack. I am happy the locusts are not in Narok, where they may come across my colleague Hon. Sankok, who loves wearing green. I am certain the locusts would think he is a form of pasture and they would attack him. I am still worried how he would wade them off. Be that as it may, I thank God they are not in Narok. I pray that they do not visit that county.

Noting the efforts the Government has put in place to try and control the infestation, there has been little success. I am sorry we had a Cabinet Secretary who was not effective in attacking this menace and he was discharged of his duties. Sometimes what we are told is quite hilarious. He told us to take photographs of the locusts and send them to the Ministry where they would assess the stage of the locusts and devise ways and means of combating them. That did not appear quite attractive and we are told it cost him his job. A new Cabinet Secretary came into office. Again, we have had a lull of about three weeks with the locusts. Recently, when we continued complaining, he informed us that the locusts were too old and were going to die. That may have been the case, but unfortunately, he never told us about the most crucial stage of these

insects, which is that the old ones that are dying are not just dying. It is their lifespan that is coming to an end. The net effect is that they are laying eggs which are going to hatch into some young creatures called nymphs. The nymphs have a big problem because when they start consuming anything, they consume five times more than the adult ones. As I speak, my Tharaka Constituency has been under attack for the last one month. I must single out a sub-county known as Tharaka North, which the locusts have made their bedroom. The two locations of that sub-county, namely, Kathangachini and Maragua, were under severe attack. The locusts have died, but before their death, they lay eggs. The Cabinet Secretary for Agriculture visited the place yesterday. In photographs, you could see him catching the nymphs, which means that we are now more endangered than we were before. This is the reason why we need urgent Government interventions and measures that would bring this menace to an end.

Finally, after the menace is eradicated, we stand to suffer hunger because crops and pasture have been destroyed and what we are left with is possibly nothing to eat and nothing to graze on. So, we need to hear from the Government what compensation measures are being put in place to ensure that the menace does not inflict too much loss and damage on us.

Let me speak about the effects of locusts. First and foremost, we have excessive crop damage. In fact, it is followed by excessive extermination of pastures. What is left behind is similar to a desert. It means life is going to be extremely hard. Hardships, lack of food, lack of pastures and drought are imminent. What do we ask the Government to do? I think the level of preparedness as far as the locusts are concerned, to say the least, was wanting. The Government was not well prepared or ready in spite of the fact that we were warned in November that the locusts had been spotted in Ethiopia and Somalia. So, in future, the Ministry of Agriculture and the relevant Government agencies must put in place measures, so that when locusts are spotted in the neighbouring countries, our country is ready for the attack and therefore, able to thwart that attack.

When the locusts landed in our country and we informed the Ministry straightaway, there was some spirited effort to spray the locusts, but eventually we were told the chemicals were exhausted. Therefore, we had to wait for orders from Japan. As we waited for orders from Japan, the locusts were doing their job, which is to consume everything that is on their way. Eventually, the chemicals are here and we are told that the locusts are too old to be sprayed. I would call upon the Government to ensure that all the areas where the nymphs are spotted immediate action is taken. The Cabinet Secretary has assured us that the whole of the National Youth Service (NYS) will be mobilised and deployed to the areas where the nymphs are found. The NYS will be doing aerial, mechanical and manual spraying. I would also add that the citizens, who are quite used to spraying mechanisms - because the crops we grow, especially in Tharaka, are sprayed - are taught on measures to spray. They should be given hand pumps and the chemicals free of charge, so that whenever the small creatures are detected, we can have them eradicated.

As I move this Motion, it is my humble prayer that we should not politicise this calamity facing our country. I heard the Ministry mention that among other things, they have to support the BBI and do all these things. The BBI is for politicians and not civil servants. Let us deal with this calamity. It does not matter which side of the political divide we are in. We are all Kenyans. We are all taxpayers. May we get adequate compensation when the time comes, especially for my Tharaka Constituency, which is one of the most affected areas by this calamity? I, therefore, wish to move and believe it will be done as we have prayed.

Thank you very much.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Order Members! This is a Motion for Adjournment. As you know, you do not second it. It shall also not be replied to. It is just an opportunity for Members to speak. I certainly think it is a very important issue. There are quite a number of Members who want to speak to this. The Mover had 10 minutes. Any other person who speaks would have a maximum of five minutes. Quite a number of Members want to speak to this, but obviously, it would be good to hear a bit from the Members especially from areas that have been directly affected. That is not to say that those who are not affected would not speak, they would. Of course, we have the likes of the Leader of the Minority Party who are constitutional. However, I am sure the Leader of the Minority Party would like to hear one or two Members especially from the affected areas then the rest would get a chance. Let us start with Hon. Hulufu, the Floor is yours.

**Hon. Hassan Hulufu** (Isiolo North, KPP): Thank you, Hon. Temporary Deputy Speaker for the opportunity to speak to this Motion.

Invasion of desert locusts was predicted last year by the Food and Agriculture Organisation (FAO). Unfortunately, we did not take action in time. It was predicted that because of enhanced rainfall, we were likely to have invasion of desert locusts. The prediction was that they were to migrate to our country from Ethiopia and Somalia. It has been ravaging the rangeland of northern Kenya for the last two months. Unfortunately, it only attracted serious attention after it got closer to agro pastoral parts of this country. I think this has to be stated. In its migratory pattern, it follows the wind. It is the direction of the wind which determines the direction in which the locusts are going to move next.

Effective control of the locusts requires a regional approach. If our Government confines its effort of controlling the pests to our country, within our borders only, then we may not be effective in terms of getting rid of the locusts. The swarms which have come into our country have left their eggs which are hatching in Somalia and part of Ethiopia. That is why our Government, through the Ministry of Agriculture, which is the lead agency with the support of the Desert Locust Control Organisation, has had to seriously think of how the three Governments of Ethiopia, Somalia and Kenya can work together to come up with control measures like the spraying of leaves in Ethiopia. If need be, our Government should support the Government of Somalia with technical inputs including pesticides to spray the areas where the locusts have laid eggs. If you look at what has happened in northern Kenya, it is estimated that almost close to a million acres of rangeland have been devastated. In the agro pastoral areas, the locusts have invaded parts of Meru County, Laikipia County where our Temporary Deputy Speaker, Hon. Mariru, comes from, parts of Ukambani, Makueni and parts of Kajiado. They have also been spotted in Tanzania and have moved into the Karamoja region of Uganda. If the wind continues to blow in that direction, there is no doubt the desert locusts will get to South Sudan. These counties enjoy rain throughout the year and the insects like green plants according to what the Mover has said. We may have serious problems in terms of getting rid of them. Already, looking at what has happened in our country in terms of the acres of pasture which have been destroyed, already in Tharaka Nithi, parts of Makueni and Laikipia are likely to have serious food insecurity.

I would like to support what the Mover has said that our Government needs to seriously come up with a strategy - a regional strategy as I have said - so that we can have effective control of the locusts. Another worrying thing is the fact that we are now using pesticides which are harmful to human beings as well as livestock. It can get to our bodies through food. We also need to think about possibilities of biological controls. They are there and well documented. If

there is a way our Government can probably liaise with agencies like the International Centre of Insects Physiology and Ecology (ICIPE), so that we can think about biological control that will go a long way in helping us to control the locusts.

Thank you, very much for the opportunity. I support the Motion.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Shall we have Hon. Jaldesa. The Floor is yours.

**Hon. (Ms.) Rehema Jaldesa** (Isiolo CWR, JP): Thank you, Hon. Temporary Deputy Speaker for giving me the opportunity to contribute to this Motion.

Isiolo was among the worst hit counties by locust invasion. I want to take this opportunity to thank the Government, through the Ministry of Agriculture, for the intervention. I must admit that for three to four days, a plane was in Isiolo spraying the affected areas. However, it was a very anxious moment for the people of Isiolo when we first saw an army of locusts. I want to take this opportunity to thank the youth and the women of Isiolo County for taking it upon themselves to mobilise all motor vehicles, drums and avenues of making noise to scare the locusts away. I urge my colleagues from Migori and other areas to go to Isiolo for benchmarking. We really took it upon ourselves to ensure that everybody was out prepared with noise and that actually worked.

I am worried with the report that we are likely to get the worst invasion in July. I, therefore, urge the Government to be more prepared than it was this time. I also came across a finding by the FAO, which says that a large desert locust can contain up to 150 million individuals per square kilometre. With half a million locusts weighing a tonne, they can eat as much food in one day as about 10 elephants. You can imagine an elephant that eats both day and night without resting and that equals to about 25 camels. Those of us who rear camels can tell you that one camel can eat a whole rangeland similar to about 2,500 persons and not the normal ones, but those who eat big *Ugali*. Therefore, we are in for a very difficult time. The insects are reported to destroy about 200 tonnes of vegetation per day. The Mover has clearly told us that the locusts are after the green vegetation. Therefore, my worry is that it is the first time northern Kenya witnesses God's blessing of having adequate rain, but now my worry is that all the pastures will be eaten by the locusts. When the pastures are eaten away, it then becomes a catalyst for cattle rustling and intertribal fights.

Therefore, I urge the Government to be prepared. I got scared when I listened to the Cabinet Secretary for Agriculture when he said that the yellow locusts are the old ones and are not as dangerous as the young ones. As many colleagues have said, what are we doing about the eggs that were laid in north eastern Kenya? I would not want to wish anybody bad things, but initially, we thought it was a north eastern problem. We were worried because there is normally slow intervention on issues affecting the northern part of the country. Now that there is equity in the locust invasion, the Government will be focussed.

Thank you.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): You raised a very serious issue, but you have the right to do so. Let us hear the Leader of the Minority Party.

**Hon. John Mbadi** (Suba South, ODM): Thank you, Hon. Temporary Deputy Speaker. First, I thank you for, at least, allowing me to listen to contributions by a few Members, especially, Hon. Jaldessa's contribution had statistics and figures. I was not aware that a locust has the capacity to eat what a normal person eats. I do not know the definition of a normal and an abnormal person. However, she was very clear and eloquent. I probably do not agree with her that there should be equity in locust invasion. What I expect is eradication of the locust invasion

in the entire region and not in Kenya alone. We have to admit that this is a regional problem. The locusts came from the north and obviously northern Kenya was the first target because of its proximity to the northern countries such as Ethiopia, Somalia and others. However, we must admit that now we have a problem in our hands and this problem may not be as small as we may think. Those who are studying the happenings in the environment are saying that we have already started spotting butterflies. This is an indication of possible army worm invasion in a few weeks' time. If you now add the locust invasion together with a possible army worm invasion, our country and the entire region will be so exposed in terms of food security. This is something that we need to address quickly. In this era of technological advancement, it baffles me that we still complain that we cannot easily contain a locust invasion. I wonder whether the world is not interested in helping developing countries like Kenya. The Chinese have been conducting certain experiments that are now backfiring on the human race. Instead of undertaking such experiments, why can they not try to develop technology that can help us manage some of the problems we are certain would occur at one point?

The Mover of the Motion said that this could be the worst locust invasion in about 70 years. In fact, the history I have is that it happened around 1933. That is when my mother was born and she was named after locusts. That is how I got to know about it. That was the time this country ever experienced a locust invasion.

Hon. Temporary Deputy Speaker, as a country, we need to devote resources to managing such calamities. Otherwise, it is going to be catastrophic to us and to our neighbours. The locusts will shortly be invading Uganda and Tanzania and before we know it, the whole of Africa south of the Sahara will be invaded.

I am not superstitious. I am more religious. I must say that it is biblical that a locust invasion always sends a very strong and powerful message. As a country which has been invaded, I do not want to think about other countries, we need to ask ourselves how come this region, this part of the world that has been very habitable and very conducive in terms of weather, is now being subjected to some natural calamities that have been affecting other parts of the world? We received excess rainfall at a time we never expected rainfall at all, and now we have a locust invasion. We need to question ourselves. Probably some of the things happening in our country are contributing to this. We have seen fraudsters using the second-highest office in this country to carry out their fraudulent activities. We must ask ourselves what we are headed to. Next time, we will hear that terrorists have run to those offices for protection.

Right now, it is fraudsters running for protection.

**Hon. (Dr.) Tecla Tum** (Nandi CWR, JP): On a point of order.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Order, Hon. Leader of the Minority Party. What is out of order, Hon. Tum Chebet?

**Hon. (Dr.) Tecla Tum** (Nandi CWR, JP): Kiongozi wa Wachache Bungeni anaongea kuhusu nzige lakini ameendelea kuongea kuhusu ya afisi ya Naibu wa Rais. Sioni vile hao nzige wanahusiana na afisi ya pili.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Hon. Tum Chebet, have you risen on what the Standing Orders call "irrelevance?" Do not respond to that one. Hon. Mbadi is a ranking Member. So, I am sure he knows what to do.

**Hon. John Mbadi** (Suba South, ODM): Hon. Temporary Deputy Speaker, I even had a problem knowing which is the "afisi ya pili". Where is it? Is it in her constituency? Which is this second office? I was just saying that, as a country, we are allowing certain things that are imaginable - things that cannot be imagined to happen. That is probably connected to the

calamities we are going through. Who would imagine fraudsters would have the confidence to go to the Office of the Deputy President of the Republic of Kenya and carry out their activities from there? The worst that can happen is terrorists going to that office for protection. It started with corrupt individuals, like the former Governor of Kiambu, going to that office for protection. Fraudsters have now gone to that office for protection.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Order, Leader of the Minority Party. Even though you are a ranking Member, you are gravitating towards irrelevance. Anyway, you have made your point.

Hon. Wamalwa, you cannot speak before Hon. Muturi King'angi has spoken.

**Hon. Geoffrey Muturi** (Mbeere South, JP): Thank you, Hon. Temporary Deputy Speaker for giving me an opportunity to contribute to this Motion. I thank my neighbour and friend, the Member for Tharaka, for bringing this Motion. As other Members have said, the locusts were predicted in November. They entered Kenya after Christmas, around 28<sup>th</sup> December. On 24<sup>th</sup> January, they reached Mbeere South. Since they entered Mbeere South, there has been a lot of devastation. I have been living with them for the last one month. We have shouted ourselves hoarse. We have tweeted and done all manner of things. The first invasion was by the black locusts. We managed them using all manner of innovations, including using smoke and pepper to smoke them. Some engineers started using snuff in the smoke to ensure they do not even land. Somehow, we managed to wade off the first wave. However, as I speak, the whole of Mbeere South is covered by yellow locusts. I was petrified to hear a Cabinet Secretary making jokes about old locusts. In one of my wards called Kiambere, the whole ground is perforated with holes measuring one inch and less than an inch apart. I understand the yellow locusts are carrying eggs and that is why they are not moving fast. Each one of them is digging about three holes and for every hole, they put 50 eggs. So, every one of them is multiplying itself 150 times. If we had two million locusts, we are looking at over 300 million locusts in another two or three weeks. This is a national disaster. That is why I was transfixed and terrified to hear the Cabinet Secretary making jokes about the locusts.

Hon. Temporary Deputy Speaker, this is a national disaster. We are facing hunger and wiping out of livelihoods. In Mbeere South, we grow millet, sorghum, maize, green grams and legumes called *thoroko*, which have all been wiped away. We are now going to the planting season, the crops will germinate as the new group of locusts will be hatching. We are facing a national disaster.

Hon. Temporary Deputy Speaker, my request is that the Government should declare this phenomenon a national disaster. That way, the National Drought Management Authority (NDMA) will assist since they have just been sleeping on the job. Other organisations like the Kenya National Disaster Operations Centre (NDOC) will join them. The organisation is operated by retired military officers some of whom I know to be very competent people. Before they are activated, they can do nothing.

We need this phenomenon to be declared a national disaster. Parliament can also allocate money and mobilise the whole country against it. We cannot just sit around and be told by the Cabinet Secretary that he has mobilised 700 youth with 700 hand pumps. They cannot even spray one ward. I think Parliament needs to go to Mbeere and see what it means to be invaded by locusts. It is one locust for every inch in the whole constituency. I humbly appeal to the Government.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Very well, Hon. King'ang'i. Let us have Hon. Lomenen.

**Hon. James Lomenen** (Turkana South, JP): Thank you, Hon. Temporary Deputy Speaker for giving me this opportunity. It is comical that many people are still asking where the locusts are. Locusts have been there for almost one-and-a-half years. So, we are asking for a solution and not complaining. Therefore, we should reason together and ensure that we silence them forever.

I am wondering because the national Government has not yet declared this phenomenon a national disaster. Our safety will only be ensured when locusts invade Nairobi. When they see locusts in offices, they will become serious. It takes time for Kenyans to save one another. Every time it is reported that locusts have invaded a certain area, nobody takes it seriously. When there is too much rain or drought, nobody takes it seriously. I do not know how many locusts the Government expects to invade Kenya so that they can become serious.

Last Saturday, I saw swarms of locusts yet we are crying of traffic jam. Suppose there were locusts in the traffic jam, what would we say? This is a serious issue and it should be handled while we cry. Sincerely speaking, as pastoralists, we depend on pasture for our animals. But the locusts feed on grass. So, they have been competing with our goats and sheep. For how long will we wait for a solution? All the time we think of educating our children, but do not mention that locusts are dangerous insects.

We have seen politicians busy with the BBI, *tangatanga*, *kieleweke* and others, but I have not seen any politician taking the issue of locust invasion seriously. Maybe after solving this issue, they will form a party called locusts. I think Members of this House should become serious.

Thank you, Hon. Temporary Deputy Speaker.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): To my left now. Hon. Members, most of you will get a chance. We have a whole hour and the good thing is that the time is limited to an extent that quite a number of Members will speak to this. I appreciate the Members from counties who are directly affected. Hon. Barasa, who gave you the microphone? You will still get a chance. Let us have Hon. Wamalwa.

**Hon. (Dr.) Chris Wamalwa** (Kimini, FORD-K): Thank you, Hon. Temporary Deputy Speaker. I rise to support this Motion and request the Government to move with speed and declare this matter a national disaster. I was reading the Bible in the book of Exodus because this needs some biblical interventions. I will read Exodus 10:4 and it states:

4. "If you refuse to let my people go tomorrow, I will bring the locusts."

Moving to Exodus 10:12 it states:

12. "And the Lord said unto Moses, "Stretch your hand over the land of Egypt for the locusts to come upon the land and eat every herb".

This happened. From the biblical interpretation, locusts are a sign of punishment. Is the Lord punishing this country? This is the time we must seek spiritual intervention as we try to look for biological and scientific solutions. This is the time we should go back to God and repent because this is biblical and we cannot take it for granted.

I have read a lot about Benjamin Franklin. He was one of the management scholars from the United States of America. He said that failing to plan is planning to fail. This is a matter that was raised by FAO. They gave a notice that we are going to have locusts, but the Government of Kenya, that is responsible for the welfare of Kenyans, did not take any action. Now we are reacting instead of being proactive. We have bodies like ICIPE. What are they doing? I am told they had also given a warning before. When you go to the University of Nairobi at the School of Biological Sciences, this is the time we expect scientists to come up with some strategies that can

be able to eliminate the locusts. Locusts come to destroy. They destroy everything that is green. I am told they have reached Kisumu. On the way to Kisumu using the plane, I was told that some landed in the Rift Valley in Kericho. They will come to Kitale, the food basket of this country. When we talk about food security, this is a serious matter. When I listened to the Cabinet Secretary in charge of Agriculture saying that this is a matter that should not be declared a national disaster, I was shocked. Why must you declare it a national disaster? This is so that you can mobilise resources for purposes of trying to control the spread of the locusts. Already we have been told that they are in almost 50 per cent of the counties in the country and in terms of geographical coverage, it is almost 75 per cent. This is, indeed, a serious matter and we are calling upon His Excellency the President as the chief executive officer of this country. This is no longer a laughing matter. It is not an issue of saying that the locusts have reached their lifespan and that at the end of their lifespan, they are doing to die. We are told in terms of multiplication they produce in hundreds. Tomorrow they will even come to Parliament. This is the time we should not wait. This matter should be declared a national disaster like yesterday and we must move with speed to mobilise resources to counter this matter. It is not a laughing matter at all.

When the Cabinet Secretary, Hon. Kiunjuri was sacked, I saw a cartoon in the newspaper of him being carried away by locusts. Maybe very soon, we will see another locust with Kimunya because he has not sorted out the problem. We want this matter to be resolved.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Order, Hon. Wamalwa! Hon. Kimunya is a Member here. Where will the locusts...

**Hon. (Dr.) Chris Wamalwa** (Kiminini, FORD-K): I said Munya. The Cabinet Secretary for Agriculture is not Kimunya. He is Munya. It is high time the Government moved with speed. We should look for emergency funds. In this country, we have emergency funds. What is that emergency fund doing? It is lying at the National Treasury. We should deploy the funds to counter the locusts. If not, Kenya is going to have a problem. We call upon spiritual leaders to come in terms of spiritual nourishment so that we can save this country from the calamity that is going to come very soon. I thank you.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Hon. Mutunga.

**Hon. John Mutunga** (Tigania West, JP): Thank you, Hon. Temporary Deputy Speaker, for the opportunity to add my voice to the debate. I thank the Mover of this Motion because the locust invasion is a serious problem in this country.

We have a desert locust control centre in Isiolo, which is established and funded by the Government every year to monitor the movement of desert locusts and nothing else. So, they should have known that the locusts were just about to cross the border. Locust invasion occurs as a result of increased rainfall and the length of the rainy season. We were, therefore, not caught unawares. We were only negligent.

I would like to put a few facts to rest. First of all, mature locusts are yellow, but they are not yet in copulation stage. Copulation means they are not ready to lay eggs. They feed gregariously. A gregarious feeder is one which can feed as much as the body weight in a day. So, if you see a locust that can feed its body weight in a day, it means if you have swarms of kilometres - because we have square kilometres of 15 kilometres by 30 kilometres - that is what we are experiencing. When locusts get bright yellow, that is the signal for copulation or laying eggs.

That is the point they will take up to two months to lay eggs. So, we cannot wait for two months for them to die. They will have caused a lot of damage.

Secondly, a mature locust can feed for between 35 and 50 days. On average, they can feed for 40 to 45 days which means they are very destructive at this stage. I am trying to say that we have a serious problem. Luckily, I was incorporated in the group that is controlling locusts and I have been monitoring this. So, I will tell you the depth of the truth. Locust invasion has not had the commensurate control or support that is expected. The private sector moved in because their farms were threatened. Therefore, it was a private sector affair initially before the Government put in the efforts it has already put. So, we would like to thank the private sector for coming in, donating their planes, fuelling the planes and using their chemicals. Initially, the first chemical was not effective. They were using Malathion, which is not effective until when they realised that Phenitrothion is effective.

We can delay solving this problem and be in a more serious situation than we are right now. I would like to join my colleagues who are calling for a declaration of a national disaster because locust invasion at this point in time should be looked at as a national disaster. We need to mobilise resources from the strategic resources that have been kept for emergency response. To declare it a national disaster, we need to assess the levels of destructiveness which they have done over time. We need to know the intensity and the effect thereafter since we are facing a crisis. We are a food insecure country. Locusts will eat all our food and our fences. They have eaten all our pasture. Animals and people will die at the same time. So, we do not want to face a food crisis while we could control this by declaring the locust invasion a national disaster early enough and using the resources to control the locusts.

When locusts get into cropland, they decimate it. So, there are key issues that we need to look at in this particular respect and advise the Government. Whoever advises the Government on the national disaster declaration process should do so immediately. They should advise the Government to declare the locust invasion a national disaster, put effort into quantification of what the losses are and start the process of helping people. We need to move with speed. Otherwise, we will not be able to support our people when the locusts ravage everything. When locusts get into areas that have trees and a lot of population, we shall be risking the lives of the people. The chemicals that are being used are at ultra-low volume rates. It is possible for the mixing of the chemicals to be mistaken and somebody can use higher volumes which will, therefore, lead to susceptibility where people are concerned and we might have other crisis coming in, in the process of trying to control the desert locusts.

Let the locust invasion be declared a national disaster. Thank you, Hon. Temporary Deputy Speaker.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Next will be Hon. Leshoomo Maison.

**Hon. (Ms.) Maison Leshoomo** (Samburu CWR, KANU): Asante sana, Mhe. Naibu Spika wa Muda kwa kunipatia nafasi hii. Nampa Mheshimiwa hongera kwa kuleta Hoja hii ya nzige. Kulingana na jinsi wenzangu walivyoongea, nzige hawajaanza kuja leo. Nzige walikuja kitambo sana. Kuna wakati walikuja wakati wa ukoloni. Wakati walipoingia Kenya enzi za ukoloni, nzige wana madhara mengi ya kula miti, matawi na nyasi. Baada ya hapo, kuna ugonjwa wa ng'ombe. Kwa hivyo, tunalia kwani hili ni janga baya zaidi. Hili ni jambo ambalo limetushtua sisi ambao tuna wanyama kama ng'ombe. Tunajua baada ya nzige kuisha na dawa ama kuisha kwa njia yoyote, wataleta ugonjwa wa ng'ombe. Tumetembea upande wa kwetu East, North Horr wakati waliingia upande wa Marsabit. Nzige hao ni wengi sana. Pia vile wenzangu wamesema, wanazaa kila baada ya masaa mawili. Wakati wanamwaga mayai, hata ukisimama wakati wanapita wanamwaga kinyesi chao na wewe mwenyewe unakuwa mweusi

kama makaa. Huwa wanamwaga mbegu zao na wanawacha hapo chini. Saa hii tumeshtuka sana kwa sababu nzige hawa wana ugonjwa ambao tunaogopa hata sasa. Mara ya kwanza walipomwaga dawa hiyo, haikuwaua wale nzige. Badala ya kufa, wakaanza kushuka chini na kufagia kila kitu vile ambavyo trekta hufagia. Hutaona nyasi hata moja. Ni jambo ambalo litaleta shida katika Kenya nzima kwa sababu nzige wanahama na yale mayai yamemwaga pale ndiyo yanaamka.

Naomba Serikali iamke na kuangalia ile dawa inamwagwa kwa sababu isipopimwa vizuri, tunaogopa kuwa italeta shida. Pahali ambapo dawa inamwagwa hapa chini panakauka. Nyasi inakauka. Tuna shida na ni lazima iangaliwe. Hao nzige watatembea kila pahali ambapo kuna joto. Tuna hakika watafika Turkana na pande zingine kwa sababu wanatambaa pahali kuna joto.

Naomba jambo hili lichukuliwe maanani kabisa. Serikali ijue kuwa hili ni jambo baya zaidi. Mbeleni, baba zetu walitueleza kuwa wakati nzige walikuja, mahali walilala palichomwa kwa sababu ilijulikana mavi yao italeta madhara kwa ng'ombe na watakufa kutokana na ugonjwa. Jambo hili linafaa liangaliwe badala ya kusema tunangoja dawa itoke sijui wapi. Hawa nzige wanatambaa tu. Hawasimami. Ningependa jambo hili lichukuliwe kama jambo baya litakaloleta maradhi pande zote.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Let us have Hon. Ochanda.

**Hon. Gideon Ochanda** (Bondo, ODM): Thanks a lot, Hon. Temporary Deputy Speaker. We are a casual country. Both the people and our Government are very casual. We deal with things as though they do not matter much even when they touch on the core of our livelihoods. There is a big problem in the country.

I do not understand why we get warnings. I do not understand why we have institutions for purposes of early warning because they are never taken seriously. I do not understand why we need to place resources in those kinds of institutions. We never take them seriously. When there is an outbreak like what we are seeing in parts of the country, when you check on social media, people in the rest of the country are just marvelling. They do not know what is happening. Some think that this will never get to them. When they see it in Embu or Tharaka, to them it is for "Tharakas". They do not believe that this thing can extend to their areas.

The Government that is supposed to help everybody understand what this thing is all about, have some level of preparedness and coordinate some of the useful and needed activities for purposes of control is not doing anything. Right now, we are talking about spread of the locust to other places. Somebody talked about Muhoroni and Kisumu. For the last two months, what has been happening in Kisumu? What is the level of preparedness of Kisumu County? What is the Government doing to ensure that the locusts do not spread to other places? Look at the way the Cabinet Secretary is responding to some of those things. Today, I saw in the newspaper that the National Youth Service has been taken to destroy locust eggs in Marsabit. You wonder how the locusts laid eggs in Marsabit yet the Government did not declare that locusts were in Marsabit. There is a big problem.

We are warned of rain, famine, terrorists and other things, but nobody takes care of this until it is too late and we have wasted a lot. There will not be any food in this country. The rains have caused havoc and now locusts are causing havoc. There is no food anywhere because the food basket is under the weight of the rains that have been drenching the country. They did not harvest maize properly because the maize was drenched. There is no food. The cost of food in this country is making everything else impossible. The cost of all manner of commodities is getting higher and higher. Where will we go as a country? There is a big problem that we need to

tackle. If the Government cannot do it, there needs to be some private efforts so that some of those things are looked at. We are in a big mess. The locusts will spread out of Marsabit, Embu and Mbeere where they have exhausted the green matter and move to places where there is green matter. What will we have in the end?

The Government needs to recheck its relation with the early warning institutions and think those things through properly. This idea of fighting and engaging when disasters are in sight is costing this country too much. We cannot wait for this forever.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Let us have Hon. Kimani Kuria.

**Hon. Kuria Kimani** (Molo, JP): Thank you, Hon. Temporary Deputy Speaker for giving me this chance to address this matter that has been raised very well by our honourable colleague.

I take this as a constitutional matter. Chapter 14 of the Constitution provides that it is the responsibility of Government to protect its citizens and people against internal and external threats to Kenya's territorial integrity and sovereignty, its people, their rights, freedoms and property. If a country cannot protect its people from any invasion of their property, then that Government is not fulfilling its mandate as outlined in the Constitution.

An even bigger threat is that we have an invasion of locusts in the country. We seem to be saying that we have not been able to deal with it. We tried taking photos, but it did not work. We tried spraying them, but now they are too old. What does that mean for the confidence that Kenyans should have in their Government to protect them? The world is dealing with the Corona Virus from China. Kenyans are saying God forbid that virus makes it to Kenya. If we cannot deal with locusts, if we got something in the magnitude of such a virus, what will happen? Will we be told that we should not worry because we are too old and so we will die from the virus?

The most important reason why Kenyans contribute taxes is because the Government is supposed to provide services that people are not able to provide for themselves. The services that the private sector is not able to provide are the major concern of the people. That is one of the basics why people pay their taxes. If we cannot, therefore, protect that, then we do not even have a basis of collecting taxes from Kenyans.

One of the biggest items in our budget is recurrent expenses. About 80 per cent of the recurrent expenditure of the Government goes to payment of salaries. I dare say that we have the most qualified professionals in the public service. If you want the best engineers, experts in pest control or whatever field you choose, you will find them in the public service. The fight against the locusts is more of a fight of the cabinet secretaries. Whether it is the former Cabinet Secretary or the current one, every time they speak, you even wonder whether there was any consultation with or advice from a professional before they gave their views. This, therefore, begs the question whether there is engagement with professionals in our ministries.

Is there a time when the opinion of the scientists who are doing research at the Kenya Agricultural Research Institute (KARI), the Kenya Plant Health Inspectorate Services (KEPHIS) or in other institutions is sought? Are discussions held where they are expected to give their opinions? We allocated the Ministry of Agriculture, Livestock and Fisheries around Ksh52 billion in this financial year. I looked up some of the Semi-Autonomous Government Agencies (SAGAs) that can help in this fight against the locusts and I saw SAGAs like the Agricultural Development Corporation (ADC), the Agro-Chemical and Food Company (ACFC), the Kenya Agricultural and Livestock Research Organisation, KEPHIS, the Pest Control Products Board and many other Government agencies which can easily form inter-governmental response to this. However, we have not seen that. We have just seen people flying with helicopters around the

affected areas and purporting to spray the locusts. Serious questions have been raised on the actual cost of the spray. There are allegations that some of the owners of the ranches in Nanyuki were renting the helicopters at Ksh60,000 an hour, but that has since increased to more than Ksh200,000.

I end by saying that we have a responsibility to protect the property of our people. As a Government, we need to give the people that confidence. If we do not do that, we have no business being in Government and collecting taxes from them. I thank you, Hon. Temporary Deputy Speaker.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Hon. Mutua Barasa.

**Hon. Didmus Barasa** (Kimilili, JP): Thank you, Hon. Temporary Deputy Speaker, for giving me this opportunity to contribute. I want to state clearly that I support this Motion which is very good.

Kenya is not the first country in the world to be invaded by locusts. Definitely, there are other countries that were first invaded by them. The Government has spent colossal amount of money on benchmarking trips that are irrelevant. Even at times, we go on benchmarking to learn how to cook. However, we cannot find it very necessary that the Government takes a trip to countries where the locusts are said to have migrated from, so that we can know how they dealt with them. It is disheartening when a Cabinet Secretary says that the locusts are now yellow and are only waiting to lay eggs and die. It is only God who knows whether the eggs that the locusts lay will hatch or not. One locust has the capacity to lay over 80 eggs. If these eggs hatch, we are looking at a scenario where the locusts will invade every part of this country. The interests of Kenyans are ventilated through this House. It is the interest of this country that the locusts are combated once and for all.

This country relies on agriculture. If these locusts find their way into the agricultural parts of this country, then that will be a disaster. I know you have power, Hon. Temporary Deputy Speaker. Maybe this country will be saved from the locusts by your direction. At the end of this Motion, I want you to order the Cabinet Secretary for Agriculture, Livestock and Fisheries to appear before this House to tell Kenyans what plans he has put in place to ensure that the locusts are killed and we save this country from the locusts. From the time the locusts were reported to have arrived in this country, we have not been told any success stories. Does this mean that the interventions that are being implemented are not workable and we must change tact? We expect a more reasonable statement from the Cabinet Secretary only when he appears before this House. He is a politician. Maybe he was carried away by the people he was addressing to tell them that Kenyans should not worry because the locusts are yellow and they are waiting to lay eggs and die. What about if the eggs hatch. Research has not been done on the environment where the locusts are going to lay eggs to come up with a conclusion that the eggs are going to hatch.

If the agricultural economy of the country is going to be destroyed by locusts, I would like to tell the Cabinet Secretary and his team who have the responsibility of safeguarding the country against the locusts that his predecessor left riding on locusts and for him, he may be a candidate for impeachment if he fails to combat the locusts.

Thank you, Hon. Temporary Deputy Speaker. I support the Motion.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Hon. Barasa, you have raised a very serious point. This is a serious matter. I expect and it is expected that the relevant committee should have picked up this matter if they have not and have the Cabinet Secretary

appear before them to deal with this issue. I expect that probably that is happening and if it has not happened, it is expected that the relevant committee should have picked the matter.

Contribution of Members on the Floor just speaks to the reality and seriousness of this matter.

Let us have Hon. Mizighi Mnene.

**Hon. (Ms.) Haika Mizighi** (Taita Taveta CWR, JP): Shukrani Mhe. Naibu Spika wa Muda kwa kunipatia fursa ili nichangie suala la nzige.

Kweli mvua ilinyesha na kawaida mvua ni baraka. Tunajua kama Wakenya tumepitia kipindi kigumu awali cha ukame ambapo ilibidi watu wetu waishi kwa kutegemea chakula cha msaada. Basi wakati mvua ilinyesha, watu walijitupa mashambani wakalima kwa bidii. Inaleta wasiwasi sana wakati tunasikia kwamba mazao ambayo tulikua tunatarajia yatavamiwa yataliwa na nzige. Wengine wetu hapa tunatoka sehemu ambayo mvua hiyo ambayo ni baraka iliwadhuru watu kwa sababu kulikuwa na mafuriko na mimea mingi tuliokua tunatarajia ilisombwa. Nikisimama hapa, nzige hawajafika Kaunti yangu ya Taita Taveta lakini sipati usingizi kwa sababu tunatarajia chakula kutoka wenzetu ambao wamevamiwa na nzige. Ndiposa tunasema kwamba jambo hili lichukuliwe kwa dharura kubwa sana. Inatakikana suluhu mwafaka ipatikane kusuluhisha jambo hili la nzige.

Naunga wenzangu mkono ambao wameongea awali. Huu ni wakati suala la nzige litangazwe kuwa janga la kitaifa nchini Kenya kwa sababu kupitia mifano nimetoa awali vile watu wamekua wakikosa chakula na vile mvua ilinyesha na hakuna suluhu mwafaka, basi ni vizuri kama nchi tuseme kwamba ni janga la kitaifa ili idara husika ziweke vichwa pamoja ili tuweze kupata suluhu thabiti la kutusaidia kupambana na janga hili.

Asante Mhe. Spika wa Muda kwa kunipatia fursa hii ili nichangie. Nampongeza mwenzangu ambaye amelea Hoja hii ili tuijadili.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Hon. Ibrahim Sahal.

**Hon. (Ms.) Nasri Ibrahim** (Nominated, Ford-K): Thank you, Hon. Temporary Deputy Speaker for giving me this opportunity. I rise in support of the Adjournment Motion to discuss the locust invasion in the country. The ongoing invasion of millions of locusts in parts of the country is causing terrible destruction and massive land degradation, damaging rangelands, croplands and most families are losing their livelihoods. Experts have warned that East African countries should brace themselves for a second round of invasion by the desert locusts in the next two months since the swarm of locusts which had spread to seven East African countries have been laying eggs along their migratory path, which are expected to hatch between March and April. While standard procedure calls for fumigation by spraying chemicals in the air, this strategy creates another problem to animals and other important insects that complement the ecosystem. Thus the use of poisonous air pesticides model is highly discouraged. We call upon the Government to embrace an alternative idea which is practically safe, secure, sound and environmentally friendly. Secondly, it should conduct a damage assessment with a view of compensating the affected farmers.

I, therefore, support. Thank you.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Next is Hon. Muchangi.

**Hon. Eric Njiru** (Runyenjes, JP): Thank you, Hon. Temporary Deputy Speaker, for the opportunity to add my voice to this very important Motion from Hon. George. Tharaka County borders Embu County. From Runyenjes Constituency, we can hear about how the desert locusts have badly hit our neighbours. It is time the Government declared this a national disaster, so that it is given the attention it requires.

This is a threat to the economy. It is a problem in the region. It cannot be a small matter for this country. We would like to see the Government assuring Kenyans that enough is being done to cushion the rest of the country from the invasion. I have seen the Cabinet Secretary for Agriculture moving from one invaded area to another and even taking photos of the locusts. It is time the Cabinet Secretary undertook a trip to one of the countries where there is a success story about fighting locusts, so that he can come and help the Ministry and the country to end this menace. Soon, we are going to have a big problem in our country. We urge the Government and even the President to urgently assure Kenyans that enough is being done, so that our people do not suffer in the near future.

Locusts, as I have said, are in the two of the four constituencies in Embu. They are not choosy. They are eating everything. I do not want to imagine what is going to happen if the locusts move into every other constituency. It is a problem that is so big that the Government should move with speed so that we do not have a bigger problem in future.

I support this Motion. Thank you.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Shall we have Hon. Nakara Lodepe.

**Hon. Lodepe Nakara** (Turkana Central, ODM): Thank you, Hon. Temporary Deputy Speaker. I join my fellow Members to say that this is a calamity. We need to solve it before it clears all our vegetation in this land.

According to scientists, these insects belong to the kingdom of animals in the class of Insecta, which is very dangerous. They consume a lot of greens wherever they go. These insects have caused a lot of damage on plants. The locusts have also affected the economy of some of our counties. Recently, the insects invaded Turkana. I was in my constituency yesterday and one of the head teachers told me that the locusts have already invaded the village where his school is. He told me that education in that village called Chobocho has been affected.

I agree with the speakers who have said that the national Government needs to intervene. It is because county governments may not have resources. This is a very big problem and if at all we are going to leave it to the county governments only to deal, they may not have the capacity to solve it. So, we need the CS of the Ministry of Agriculture, Livestock and Fisheries to declare this a disaster. It is not shame to say, "I am defeated. I need assistance from outside". That way, donors will come in. Donors can send experts to combat the insects. They can also give funds so that we try other means of solving the problem. The problem in African countries is that they do not accept when defeated until many lives are lost.

I agree with the Member of Tharaka who has been seriously affected by the invasion of locusts. I know other Members are affected too. We should not use the situation to gain political mileage, for example, by making public pronouncements that we are able to stop the menace. This is about life and death of our people. Today, the price of livestock has gone very low in Turkana. You can now get a goat that used to fetch Kshs5,000 for Kshs2,500 only. It is because of these insects which have cleared all the green pasture. When our communities have no purchasing power they become vulnerable. Even the Government no longer distributes food to the hardship counties. That is another problem. So, these insects have added more problems to the people in those hardship counties.

We need to take this issue seriously. As you have seen, Members are discussing it with heavy hearts. At the end of the day, our people come back to us their leaders and demand from us whenever they lose purchasing power. That also makes us poor. As much as we are trying to run away from the reality, we need to consider this to be a disaster then we look for ways and

means of solving it. We need to act fast before the locusts move to agricultural areas in this country. They are now present in the warmer places like Turkana, Isiolo and others. If they get to the heart of Kenya, there will be no control at all. We will lose many things and our economy will go down. Let us try other means to prevent the locusts from invading the agricultural areas.

I agree with Members who said that we need to have in place effective institutions which give us early warnings. Before we reached this situation, we ought to have been told what is expected and for what period of time. How come we have those institutions in this country and yet we do not get the early warnings? This country needs to wake up. The CS concerned must be called here to tell us what he has put in position to prevent this calamity before it consumes our people.

I support. Thank you.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Shall we have Hon. Tepo Koropu from Isiolo South?

**Hon. Abdi Tepo** (Isiolo South, KPP): Thank you, Hon. Temporary Deputy Speaker, for this opportunity.

Kenya is signatory to an international convention that established the Desert Locust Control Organisation of Eastern Africa. This is a regional pest and vector control organisation with a mandate to promote control of upsurge of desert locusts. Members of this organisation include Ethiopia, Eritrea, Djibouti, Somalia and Sudan. It is important to bring to the attention of this House that the locusts did not originate in Kenya. They migrated from the neighbouring countries of Ethiopia and Somalia. There being in place a regional organisation that is supposed to monitor the insects, we expected the information to have been available to Kenya so that action is taken.

So, the question I beg to ask is whether as a member State, we were advised of the dangers of locust invasion by the Desert Locust Control Organisation? If not, then Kenya needs to look at its position as a member of this organisation. If information was provided, then the question this House and the nation need to ask is what action was taken? How was that information absorbed? How prepared are we about the fact that locusts were invading our country?

In late December when locusts were sighted in my constituency, I brought this to the attention of the regional organisation by calling the CEO. Secondly, I brought the same to the attention of the Cabinet Secretary and the Principal Secretary for the Ministry of Agriculture. At that point, it was unfortunate there was only one aircraft serving Marsabit, Isiolo, Wajir, Mandera and Garissa counties. Only one. On the part of surveillance, we were asked to send out scouts, identify where locusts are and give the GPS location. Note that these are flying animals. We had to provide fuel for motor vehicle and riders to scout around and provide GPS locations. At that particular moment, I asked Government officers why we could not provide a second and third aircraft, because if left unchecked, the insects could move into the bread basket of this country and we will have some devastating effects. I asked why we could not have a surveillance aircraft. Fortunately for this country, there are those of us who come from what used to be called the northern frontier districts. Yes, agriculture-wise and crop-wise, it is not high potential, but with a vast area, if the officers were prepared, then at that particular point we could have acted. It would have been a buffer against the current devastating effects that we are feeling in this country. No action or minimal action was taken. We, as a House, need to interrogate this matter. Investigations need to be done on why action could not have been taken at the stage the insects first invaded this country. As a matter of urgency, the President needs to declare a state of

emergency. This is an emergency that we need to channel all our resources to so that more devastation does not happen.

Thank you, Hon. Temporary Deputy Speaker.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Shall we have Hon. Kigano.

**Hon. Clement Kigano** (Kangema, JP): Thank you, Hon. Temporary Deputy Speaker. I must say I congratulate my colleague, the Member for Tharaka, for bringing this matter. It was long overdue. There are certain factors that point at very serious negligence on the part of our Government regarding the locusts. They cannot claim it is an act of God, because if you Google, you will find that as early as November, FAO gave early warning that with the rains, there was going to be an onslaught of locusts. The US contributed Ksh1 billion to FAO, targeting locusts invasion in East Africa.

Hon. Temporary Deputy Speaker, 40 to 50 years ago, we founded the Desert Locust Control Organisation of Eastern Africa and Kenya contributes about a third of revenue funding to that organisation. There is no question of shortage of funds here. We have FAO and the United Nations Standing Coordinating Committee on Locusts. We have not been told that there was a shortage of funding. It is purely a question of negligence. The first thing we should be looking for is comprehensive remedy either through a committee or commission of inquiry to inquire into this aspect so that it does not recur.

Two, the Government should compensate every individual resident of Kenya who has suffered as a result of this onslaught, so that in future, matters like this are not taken for granted. It is becoming a day-to-day event. Uganda saw it coming about 10 days ago. They have taken remedial precautions. Uganda only contributed to the East African Organisation the other day. A week ago, they were in arrears because they had not contributed. However, to facilitate the assistance by the Desert Locust Control Organisation of Eastern Africa, they paid their dues. Now, they have taken measures to control any possible onslaught. I cannot see why this cannot happen in Kenya. We have a funding outlay to FAO. There is a department and a section in the Ministry of Agriculture specifically targeting locusts and this is not the first time. During my childhood, we used to have them, but they were all eliminated by then East Africa Common Service Organisation (EASCO). That is the body that built the Desert Locusts Control Organisation of Eastern Africa.

Thank you.

**The Temporary Deputy Speaker** (Hon. Mariru): I give the Floor to Hon. Makali, the Member to my left.

**Hon. Makali Mulu** (Kitui Central, WDM-K): Thank you, Hon. Temporary Deputy Speaker. I wish to join my colleagues in thanking the Mover of this Motion.

Kitui County is one of the seriously affected counties. We have suffered locust invasion. What is worrying us is that unlike other areas where they invade once and disappear, the northern part of Kitui County has been invaded three times. The locusts are causing a lot of damage to crops and the environment. The challenge we have is that even though the issue of spraying has been kind of promoted by the Government, it has some adverse effects to the environment. The ecosystem has really been destabilised. I have in mind bees. Kitui County is a honey producing area. In spraying the locusts, we end up killing the bees. There is a lot of damage. I agree with those who are saying that this country needs to move from being reactive to being proactive. If we really took all the early warnings that we got from the experts seriously, as a country, we would not be where we are today. The challenge we want to push to those in charge is that when we get early warnings, it is important that we take action. I think all of us

from Ukambani region will support this. We wish this would be declared a national disaster because people are suffering. The country is pushing one of the Big Four Agenda, the issue of food security, but here we are facing the challenge of locust invasion, which is destroying crops. So, we cannot achieve the Big Four Agenda in terms of ensuring food security.

Hon. Temporary Deputy Speaker, as a country, we need to go that extra mile. We really need to do what it takes to make sure that we control the locust invasion. Unless we do that, we will be doing things in vain in terms of talking about the Big Four Agenda. When we are reactive, it will be expensive to this country. If we go the proactive way, it can be very cheap. I want to encourage all of us to push the Government to go the proactive way. In that case, we will support it.

### ADJOURNMENT

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Order, Hon. Makali. It is 7.00 p.m. I am afraid you did not get your full allocation of five minutes. However, it is 7.00 p.m. and the House must rise.

Hon. Members, that was an important Motion. I am sure quite a number of Members wanted to speak to it, but time is limited. It is also good to note what Hon. Barasa raised earlier about the relevant Committee picking up this matter because it is very important.

Hon. Members, the time being 7.00 p.m., the House stands adjourned until Wednesday, 19<sup>th</sup> February 2020 at 9.30 a.m.

The House rose at 7.00 p.m.