

PARLIAMENT OF KENYA**THE NATIONAL ASSEMBLY****THE HANSARD****Tuesday, 1st March 2022**

The House met at 2.30 p.m.

*[The Speaker (Hon. Justin Muturi) in the Chair]***PRAYERS***(Loud consultations)***Hon. Speaker:** Order, Hon. Members!*(Hon. Joshua Kutuny walked into the Chamber without bowing to the Chair)*

Hon. Kutuny, what did you do? Can you go back? That will not happen when I am on the Chair.

(Hon. Joshua Kutuny went to the Bar and bowed to the Chair)

Yes. You now look like the Member for Cherangany.

PETITIONS**RECLAMATION OF ARID AND SEMI-ARID LAND**

Hon. Members, Standing Order No. 225 (2) (b) requires the Speaker to report to the House any Petition, other than those presented by a Member. Further, Article 119 of the Constitution provides for the right of any person to petition Parliament to consider any matter within its authority, including petitioning the House to enact, amend or repeal any legislation.

Hon. Members, in this regard, I wish to report to the House that my office has received a Petition from Mr. Benjamin Liru Shivina of P.O. Box 293 Turbo calling for the establishment of a special fund and enactment of appropriate legislation to facilitate reclamation of arid and semi-arid land in historically marginalised counties.

In his Petition, the petitioner voices his concerns regarding the huge concentration of people in regions that are traditionally the country's food basket, which constitutes less than 20% of the total land mass. He cites the high population density in agriculturally-productive areas, the continuous subdivision of farm lands and the skyrocketing rate of urbanisation as the prime cause of food production shortfalls in the country. The petitioner is further convinced that it will have become necessary by the year 2040 to relocate people from densely-populated agricultural rural

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counties to the sparsely-populated counties to enable a sustainable number of people to focus on intensive food production in arable lands.

In light of these concerns, Hon. Members, the Petitioner seeks the intervention of this House to:

- (1) Establish a Special Fund to facilitate aggressive reclamation of arid and semi-arid lands in historically-marginalised counties over a period of 50 years;
- (2) Enact legislation aimed at attracting local investors and communities to migrate to reclaimed lands so as to reduce pressure on arable lands; and,
- (3) Enact legislation to reserve the development and extraction of oil and gas in Lamu, Mandera and Anza basins for future generations.

Hon. Members, having determined that the matter raised by the Petitioner are well within the authority of this House. I order pursuant, to provisions of Standing Order 227 (1), this Petition be committed to the Departmental Committee on Lands. The Committee is required to consider the Petition and report its findings to the House and to the Petitioner in accordance with Standing Order 227 (2).

There is also a Petition to be presented by the Member for Kilifi South, Hon. Kiti Chonga. The Member had requested to be allowed to present a Petition regarding persist harassment and unlawful eviction of residents of Kuruwitu village of Junju Ward in Kilifi South Constituency. Member having chosen to be absent, the request for the Petition is dropped for today. Are all the Members who have pressed interventions desirous of commenting on the Petition I have just presented?

(Petition dropped)

Hon. Daniel Maanzo (Makueni, WDM-K): Thank you, Hon. Speaker, the distribution of Special Funds has been a challenge despite having been set up by the Constitution 2010. On the request to make inarable land arable, efforts have been made by the Government of Kenya, for example, through Thwake Dam. It will create alternative food baskets in Makueni, Kitui, Machakos and Kajiado. There is a proposed High Grand Falls Dam in Tharaka which am sure will take water to the northern parts of Ukambani, North Eastern and Tharaka itself.

Some of these initiatives are slow to implement and part of what is causing this problem. I believe such other projects should be done in strategic places in Kenya. This will definitely move people from arable areas with high concentration to places where big agricultural production is likely to take place. For example, the Hoover Dam in Las Vegas made a desert to become a big town and agricultural area. I support the Petition. It is good for Special Funds be utilised in a proper manner.

Thank you, Hon. Speaker.

Hon. Speaker: Very well. I can see the Member coming. Do not plead with me, I have made a decision to drop your Petition, just go back. Hon. Chonga tomorrow is a good day. I hope you will find time to come here at 9.30 a.m. Hon. Members, comments are limited to two minutes. Hon. Sankok.

Hon. David ole Sankok (Nominated, JP): Thank you, very much, Hon. Speaker. I support the Petitioner because there are arable and very fertile lands we are not utilising. As a country, we are lucky to have water which we can easily channel to lower lands using gravity. There is water in Mt. Kenya, Aberdare Ranges, Mau Ranges, Mt. Kilimanjaro and Mt. Elgon.

Hon. Speaker, we can use these special funds to easily channel this water downhill through gravity. However, sometimes the Government is not committed to make sure that we assist those in arid and semi-arid lands, which make up 80 per cent of the landmass occupied by pastoralists

in Kenya. That is why we are not tapping into this important resource that God has given us, namely, water that we can easily channel downhill using gravity without requiring any force.

We only have 247,000 kilometres of Government road, whether tarmacked or non-tarmacked. Installing polyvinyl chloride pipes (PVC pipes) along these roads will be very easy.

Lastly, I wish you all the best, Hon. Speaker, in terms of what is happening in the political sphere. Hon. Maanzo has spoken and said that Kalonzo may join you. Make him your running mate so that we can move forward. You are the best presidential candidate.

I support the Petition.

(Laughter)

Hon. Speaker: Let us have Hon. Oundo.

Hon. (Dr.) Wilberforce Oundo (Funyula ODM): Thank you, Hon. Speaker. I stand to support the Petition in so far as there is a call to create a special fund to make dry lands arable for agricultural purposes. However, Articles 39 and 40 of the Constitution are expressly clear that any attempt to encourage or use any legislative means to move people from one region to another so as to decongest one region might be unconstitutional.

Secondly, the right to property is enshrined in the Constitution and is a basic human right. Therefore, any attempt to encourage or force people to desist from subdividing their land will obviously be challenged.

It is true that this country has many parcels of land and endless kilometres of land that can be put into arable use with irrigation. With our endemic corruption where even money meant for irrigation purposes is stolen, we have a long way to go. I hope that the Petition addresses those issues so that we go back to the right path.

Hon. Speaker: Let us have Hon. Dawood.

Hon. Rahim Dawood (North Imenti, JP): Thank you, Hon. Speaker. I wanted to speak to the next one. However, with regard to this Petition, I do not know how we are going to get the funds that the Petitioner is talking about because the Equalization Fund, which has been there for the past seven years, has not even been implemented. The funds have never been disbursed due to lack of regulations.

Hon. Speaker, it will be very difficult to move people from land that is suitable for farming to areas that they are not used to. It is a tall order. I do not support this Petition because it is not practical. Some things cannot be done just for the sake of doing them. Equalisation Fund needs to be implemented and disbursed to every area that is facing hardship. I do not support this Petition.

Hon. Speaker: Member for Bondo.

Hon. Gideon Ochanda (Bondo, ODM): Thank you, Hon. Speaker. Some of us are misconstruing the whole idea that was brought by the petitioner. He acknowledges that there is a lot of pressure in the potential areas that he is calling arable lands. He is acknowledging that there is a lot of space that is out there in the semi-arid and arid areas. He is trying to encourage that if there are investments that can go into those arid and semi-arid lands, then it will ease the pressure on these potential areas. It is not an idea that you want to displace communities like Hon. Dawood and Hon. Oundo are suggesting. The whole idea is that these are things that are to going to happen naturally. People have moved to Kitale and other potential areas by their own choice. We are saying that we can make these other areas to also be considered potential so that people move there out of their own volition and not through some kind of scheme. Wajir is in one of the areas that have the potential. In fact, in Wajir, you are not allowed by public law to do a pit latrine because

the water table is fairly very high. We need some infrastructural arrangement for that water to be used. It is these potential areas that the petitioner is asking to be utilised. The pressure will be eased by people moving to those low potential areas.

Hon. Speaker: Hon Rasso.

Hon. Ali Rasso (Saku, JP): Thank you, Hon. Speaker. I want to say that this Petition is significant and it raises a matter of national importance. The reasons why population in arid and semi-arid areas is low are because of lack of development, lack of water and insecurity. People will tend to follow development and opportunities. From what the petitioner is posing, once we put resources into those areas, people will automatically go there because opportunities will arise. Although Article 204 of our Constitution on Equalisation Fund has not been realised, putting legislative agenda on this matter is important.

Thank you, Hon. Speaker.

Hon. Speaker: Member for Tongaren.

Hon. (Dr.) Eseli Simiyu (Tongaren, FORD-K): Thank you, Hon. Speaker, I rise to support the Petition. What the petitioner is pointing out to us a nation is that we need to plan for the future. His Petition should not be criticised but should be taken in our stride especially in the National Assembly as we plan for the future of this country. Indeed, the arid and semi-arid areas cover the largest portion of this country and right now, there is a lot of effort to explore oil and we are aware of the effects of oil exploration to land. We should restrict these effects so that we can use the land for the future generation. That having been said, we must admit that once we have sufficient urbanisation, we will free up a lot of agricultural land if we aim at industrialisation and urbanisation for our people.

Hon. Speaker, I support the Petition.

Hon. Speaker: Member for South Imenti.

Hon. Kathuri Murungi (South Imenti, Independent): Thank you, Hon. Speaker. I wish to submit two Petitions from South Imenti Constituency, or maybe you wanted me to talk about the previous Petition?

Hon. Speaker: Sorry, you may submit your Petition.

Hon. Murungi Kathuri (South Imenti, Independent): Thank you, Hon. Speaker. I would like to submit two Petitions from South Imenti Constituency or you want me to speak to the previous Petition?

Hon. Speaker: You may submit your Petitions.

DELAYED SUBDIVISION AND GAZETTEMET OF IMENTI SOUTH SUB-COUNTY

Hon. Murungi Kathuri (South Imenti, Independent): Thank you, Hon. Speaker. This is a Public Petition No.013/2022 regarding delayed sub-division and gazettelement of Imenti South Sub-County in Meru County into three sub-counties.

I, the UNDERSIGNED, on behalf of over 24,493 concerned residents of Imenti South Sub-County in Meru County; draw the attention of the House to the following:

THAT, Imenti South Sub-County was established and upgraded into a District in 2005 *vide* Gazette Notice No. 9143 Vol. CVII-No.79, dated 16th November 2005 and that Imenti South is also an electoral constituency in Kenya spanning an area of 393 km²;

THAT, in its current form Imenti South Sub-County has six wards with a population of 206,506 (as per 2019 census) and 107,406 voters (as per 2017 IEBC register);

THAT, at a meeting of South Imenti leaders held at Kaguru Farmers Training Centre on 25th February 2019, the Deputy County Commissioner reported the Government's decision to split South Imenti into two sub-divisions. The leaders proposed that the Division be split into three sub-counties instead and the resolution was forwarded to the Ministry of Interior and Coordination of National Government;

THAT, on 9th June 2021, Imenti South leaders and general community held another public participation meeting at Kaguru Farmers Training Centre with the Deputy County Commissioner for Imenti South in attendance and resolved that Imenti South be split into two sub-counties. This resolution was forwarded to the Ministry of Interior and Coordination of National Government;

THAT, no issue in relation to sub-division and gazette of Imenti South Sub-County into three sub-counties is pending in any court of law; legal or constitutional body;

THAT, due to delay in sub-division and gazette of Imenti South Sub-County, residents have lost a lot in terms of resource allocations and employment opportunities including recruitments to security and Defence forces.

THEREFORE, your humble Petitioners pray to this House, through the Departmental Committee on Administration and National Security to cause the National Government through the Cabinet Secretary, Ministry of Interior and Coordination of National Government to:

- (i) Uphold the resolution of Imenti South public participation forum held on 25th February 2019 at Kaguru Farmers Training Centre recommending that Imenti South Sub-County be split into three sub-counties namely; Imenti South Sub-County comprising of Nkuene and Mitunguu Divisions with headquarters at Nkubu; Imenti West Sub-County comprising of Igoji East and West Divisions with headquarters at Igoji and Imenti East Sub-County comprising of Abogeta East, Igoki and Abogeta West Divisions with headquarters at Kanyakine; and,
- (ii) Split Imenti South Sub-County, immediately gazette and post permanent Deputy County Commissioners (DCCs) to the three new sub-counties.

And your PETITIONER will ever pray.

Hon. Speaker, I will try to shorten the second Petition and capture one or two sentences because it is long and we have a lot of business to transact this afternoon.

DELAYED GAZETEMENT OF IGOKI DIVISION IN IMENTI SOUTH SUB-COUNTY

I, the UNDERSIGNED, on behalf of over 6,257 concerned residents of Imenti South Sub-County in Meru County; draw the attention of the House to the following:

THAT, Igoki Location - now Division - was created in 1914 by the colonial Government alongside Nkuene, Abogeta and Igoji, forming the then South Imenti Division;

I will skip a few sentences, Hon. Speaker.

THAT, from 1988, the region remained autonomous and elected their representatives to the then Meru County Council for 23 years until the year 2012;

THAT, in 2012, Igoki was discreetly subdivided again without public participation and against the will and consent of the Igoki community.

THEREFORE, your humble Petitioners are seeking the intervention of this House, through the Departmental Committee on Administration and National Security, to:

- (1) Inquire into the circumstances under which the Ministry of Interior and Coordination of National Government has inordinately delayed in the gazette

- of Igoki as a Division since 2019 yet it has so far posted two Assistant County Commissioners (ACC) to the Division;
- (2) Intervene in the matters raised in the Petition and cause the national Government, through the Cabinet Secretary for Interior and Coordination of National Government, to immediately gazette Igoki Division and post a permanent Assistant County Commissioner (ACC) to serve residents of Igoki in the new Division; and
 - (3) Make any other recommendations deemed necessary in addressing the concerns of the Petitioners.

Your Petitioners will ever pray.

Thank you, Hon. Speaker, for your indulgence. I wish you the best in your political career.

Hon. Speaker: Thank you. Let us have Hon. Nyamai.

Hon. (Ms.) Racheal Nyamai (Kitui South, JP): Thank you, Hon. Speaker. I would like to comment on the Petition regarding improving arid and semi-arid areas, which you had read earlier.

This is a very important Petition. It will be very difficult for the relevant Committee to handle this Petition without making reference to the Equalisation Fund, so that they check on the counties that it was supposed to benefit, the ones it has benefited so far, the challenges that were faced and what needs to be done. This is so that this Petition does not also face the same challenges.

Identification of these counties will be very important because I realise that the current special funding to semi-arid areas seems to leave out very important counties like Kitui, Machakos, Makueni and Garissa. I think Garissa is part of it. There are several rivers flowing through Kitui County and all that water goes to the Indian Ocean. This matter needs to be taken seriously. I would like the Committee to take that into consideration.

Also, it will not be about pushing people to those arid and semi-arid areas. It is about ensuring that they make those areas more attractive for targeted investors to go and invest there, so that people can move there to look for jobs or to be part of the investment opportunities. It will also ensure that those areas are secure because they are the same ones where there is insecurity like at the border of Kitui and Tana River counties. The same is likely to happen in the north and north eastern counties.

If properly handled, this Petition can make a difference in ensuring that more resources are allocated to arid and semi-arid areas and that we are able to plan for the future of our country because the population is growing and we will require places where people can live and areas which are economically viable.

Thank you, Hon. Speaker, for the opportunity.

Hon. Speaker: Fortunately, the Petition is directed to the Committee which you chair, Hon. Nyamai. I am happy that you have already begun addressing yourself to the issues in the Petition.

Let us have Hon. Pukose

Hon. (Dr.) Robert Pukose (Endebess, JP) Thank you, Hon. Speaker. I wish you well in your career. As a presidential candidate, I hope you are able to marshal enough support to win that coveted seat.

From the outset, I support the Petition on reclamation of arid and semi-arid lands. This can be done through proper irrigation. When you look the Kibbutz farms in Israel, they have done a lot on them and we can copy that.

Unfortunately, the Galana-Kulalu Project was not done in a proper way. We instead turned it into an embarrassment to this country.

I want to support the second Petition by Hon Kathuri Murungi, Member for South Imenti. Given the dynamics that he has presented here, splitting his Constituency will take services closer to the people and it will be for the betterment of the people of South Imenti. He needs all the support. He should be given a chronology of events, including the failure to gazette sub-counties that were created. This is because that denies the people of South Imenti the crucial services like police and army recruitment, teachers' employment, among many other issues. It is important when these services are taken closer to the people. The other day, I was in Kwanza Constituency visiting my friend Hon. Ferdinand Wanyonyi and it is unfortunate that his people have to come all the way to Endebess for registration to get a birth certificate. I hope that the administration will work on it to make sure that birth certificates are issued in Kwanza and not in Endebess so that people do not have to walk all the way. I think it is very unfair to the people of Kwanza and South Imenti who need those services.

Thank you, Hon. Speaker.

Hon. Speaker: Member for Tharaka.

Hon. George Gitonga (Tharaka, DP): Thank you, Hon. Speaker. I also support the first Petition on the grounds that we need to reconsider our position regarding availability of arable lands in the country and especially when we have huge tracts of land which are said to be arid and semi-arid. Those lands are found everywhere including in my county, Tharaka Nithi and in my own constituency. I believe this is the time when the Government should address itself to a form of reclamation of the arid and semi-arid land so that they become arable and are used for agricultural purposes. We understand that once we attained Independence, there was a mass movement of people especially from Central Kenya to the Rift Valley. One was to pave way for large scale farming so that we could sustain our economy. The other one was to actually open up the arable land in the Rift Valley and somewhere else in the Coast so that they would be used for agricultural purposes. I believe this is what this Petition is seeking to do and we should support it. I also support the two Petitions by my neighbour, Hon. Kathuri Murungi. Let us have units of administration moved with speed, gazetted and actualized so that our people can receive services from the nearest distances.

Thank you, Hon. Speaker.

Hon. Speaker: Member of Dagoretti South.

Hon. John Kiarie (Dagoretti South, JP): Thank you very much, Hon. Speaker. My short comments are on the Petition on irrigation of arid lands so that they can become productive. We have been held hostage by decisions that were made very many years ago at the sunrise years of this nation to invest in certain places of this country. However, as the Committee takes up this matter, I hope that they will look beyond the funding of such projects. They should look at some of the plans that had been made even before this country became a nation.

It is in public knowledge that before the colonialists left this country, they had an elaborate plan on how we can irrigate the entire country. This was by ensuring that there was sufficient water that could have actually reached every corner of the country using gravity. As they address this Petition, it would be good for them to go back into the archives and see where some of this impressive plans are so that we are able to do what countries like Egypt are doing. Egypt is said to be a dessert but we are importing fruits from them. Israel is not arable like some parts of this country that we call arid areas. I think there is a lot of work to be done by the Committee on this Petition. If they get it right, we can make this country not only food sufficient, but also capable of producing enough food for export. I object the forced movement of people to allow for this

arrangement. I believe the Committee is up to task and will attend to this Petition. I also thank the Petitioners for bringing it.

Hon. Speaker, on your part, I congratulate you. You have brought up a good national discussion about sanitising our politics and bringing political hygiene. You should be credited for raising such an issue on sanitising and making our politics a bit more hygienic. There should be no political conmanship or taking-off with political parties monies when you get into a coalition with them and play the smaller brother.

Thank you, Hon. Speaker.

Hon. Speaker: Member for Lamu.

Hon. (Ms.) Ruweida Obo (Lamu (CWR), JP): Ahsante Mhe. Spika, kwa kunipa nafasi nichangie. Moja kwa moja naunga mkono hili ombi. Naomba wenzangu hapa Bunge tukipata Ardhilhali kama hii tufikirie kama Wakenya. Tusianza kufikiria ukabila, maanake imekuwa desturi hapa kile kinachopangwa ni kwa sababu ya walio wengi.

Kwa mfano, hili ombi limesema gas haipatikani Lamu. Lakini kampuni inayoitwa Zarara ilikuja wakatafuta gas na kuikosa lakini iko na kampuni nyingine ikija itapata. Mkubwa wa Zarara alikuwa Mr. Nduru na sio Mbajuni. Watu wote Kenya nzima na sio Lamu peke yake watafaidika kwa hivyo, inafaa tufungue sehemu hizi. Kule kuna changamoto, unatumia lisa limoja na dakika ishirini kutoka Lamu mpaka Ndau kutafuta kura mia nane. Unasafiri lisa limoja na nusu kwa boti kutafuta kura mia tatu. Hayo mafuta yanafaa kukupeleka Ndau na kukurejesha Nairobi. Changamoto ni tofauti, msiwe mmekaa hapa Nairobi mkifanya siasa zaidi na hamtaki kuyafanya maendeleo mengine labda---

Hon. Speaker: Relevance!

Hon. (Ms.) Ruweida Obo (Lamu CWR, JP): *On Relevance*, watu ambao ni *marginalised* wasaidiwe, na *areas* ambazo zina ukame zinaweza kusaidia Kenya nzima. Ndio maana nimezungumza mambo ya *gas*. Kule kukifunguliwa sio Wabajuni pekee yao watafaidika lakini Kenya nzima. Watalipa ushuru na kila mtu atafaidika...

Hon. Speaker: Member for Kwanza. Please, be relevant!

Hon. Ferdinand Wanyoyi (Kwanza, FORD-K): Thank you, Hon. Speaker for giving me a chance. I support this Petition. I think this country is experiencing population increase and if we do not take the necessary steps, we will have problems in the next 20 years. Like, Hon. Pukose I have also been to Israel and was so surprised. This is because the place is very dry but they direct water to the right places. In as far as irrigation is concerned it has worked very well and they have no food shortages.

I hope I will be invited by the Departmental Committee on Lands to give my input. This is because arable land is being sub-divided and is becoming smaller and smaller due to population increase. Therefore, we should do as the late President Julius Nyerere suggested, *Vijiji vya Ujamaa*, where families stay in one place and leave other areas for cultivation. I want to ask the Committee to let me give my input when they meet because I do not belong to this Committee.

I support. Thank you.

Hon Speaker: Let us have the Member for Nakuru Town East.

Hon David Gikaria (Nakuru Town East, JP): Thank you, Hon Speaker. First of all, as much as you are telling us not to talk about levels, I have voted for you twice in this House. I will be coming to your office. We were your first voters and constituents. I will appreciate it if you visited Nakuru. *Karibu sana. Na uniite kwa mkutano wako.*

I rise to support Hon Kathuri's Petition. It is important for the Departmental Committee on Administration and National Security to realise the importance of what has been brought up. Hon

Kathuri is seeking some important things which go through public participation. At some point, these resolutions are never adhered to.

Even in my Nakuru Town East Constituency, it is sad to see that divisions and sub-divisions have been gazetted, yet they are not being implemented. However, in Nakuru Town West Constituency, all the divisions and sub-divisions that were passed and gazetted were approved and already the chiefs and sub-chiefs are in place. It is important that as the Committee looks into this Petition, they also need to look into others which have already been gazetted, but have not been implemented.

Thank you, Hon Speaker.

Hon Speaker: Let us have Hon. Sossion.

Hon Wilson Sossion (Nominated, ODM): Thank you, Hon Speaker. I rise to support the earlier Petition on irrigating our arable land. Scientists estimate that by 2050, unless we change our agricultural system, Kenya will not be able to produce food to sustain our citizenry. That Petition is thought-provoking to this House, and particularly the Committee, to make the necessary recommendations to secure this country in terms of food production. We have huge tracts of land - over 80 per cent - that can be converted into useful agricultural production and to feed the entire country.

The other aspect of relocating citizens is a bit controversial. That will be sorted out by the housing flagship project that we have talked about. It is almost time that we rationalised the settlement of people in this country, so that we free up more agricultural space for food production.

You may note that since Independence, we adopted a land tenure system that does not allow for promotion of technology and there is need to focus more on it. Look at countries like Israel and Saudi Arabia where they desalinise seawater for use in agriculture. A lot has been done in terms of agricultural production in Saudi Arabia and Israel. Kenya can do far much better. The agricultural sector needs to be higher funded than the security sector to ensure food...

Hon Speaker: Member for Kilifi South, having appealed to me, I have reconsidered.

HARASSMENT AND EVICTION OF RESIDENTS OF KURUWITU IN KILIFI SOUTH CONSTITUENCY

Hon. Ken Chonga (Kilifi South, ODM): Thank you, Hon Speaker. I stand to present Petition No. 011 of 2022 regarding the persistent harassment and unlawful eviction of residents of Kuruwitu Village of Junju Ward in Kilifi South Constituency.

I, the undersigned, on behalf of residents of Kuruwitu Village of Junju Ward in Kilifi South Constituency, draw the attention of the House to the following:

THAT, Kuruwitu Village in Shariani Sub-location in Junju Ward in Kilifi South Constituency is a pre-colonial village that was established in 1882 by Mr. Alik bin Mohamed and currently constitutes five parcels of land namely LR 268/III/MN measuring 55.37 acres, 269/III/MN measuring 23.5 acres, 276/III/MN measuring 10.99 acres, 299/III/MN measuring 20.14 acres and Plot Number 300/III/MN measuring 9.4 acres;

THAT, Mr. Alik bin Mohamed and his wife passed away childless in 1940, leaving the land under the care of the family of Mr. Saidi Nzai Kombe, who was his business apprentice, with the land being registered under the Land Titles Ordinance of the British Protectorate in Kenya as 6290;

THAT, over the years, the population of Kuruwitu Village increased and expanded exponentially on account of Mr. Alik bin Mohamed's legacy of hospitality by which he welcomed

many people to settle in Shariani, some of whom were seeking safety from the ongoing slave trade in the Coastal region;

THAT, in addition to the original Mijikenda and Swahili communities, intermarriages and commerce created diversification at Kuruwitu that included the Meru, Kamba, Kikuyu, Maasai and other communities;

THAT, currently, the land hosts a wide range of public utilities such as hospitals, schools, petrol stations, garages, mosques, churches, bars, restaurants, public administration offices of the Assistant County Commissioner, chief and assistant chiefs, as well as tourism, agricultural, and fishing activities;

THAT, for many years since Independence, the residents have attempted to secure the regularisation of the ownership of the land for purposes of security of tenure and for realisation of its full economic potential but to no avail;

THAT, in 1947, one Mr. Hassan bin Omar arrived to Kuruwitu from Lamu and upon his request, was given a portion of land to put up a home;

THAT, in 2014, the residents were shocked when a land search revealed that provisional titles to the land had been issued in the names of Mr. Hassan Omar Hassan, Mr. Mohamed bin Ali, Mr. Ali bin Mohamed, Mr. Ali bin Haji and Mr. Mohamed bin Abdul Karim;

THAT, these five individuals have for several years persistently harassed the residents of Kuruwitu, threatened them with eviction, and constantly demolished houses belonging to some of the 10,000 residents;

THAT, efforts by the petitioners to seek the intervention of the Ministry of Lands, the National Land Commission and other offices have been futile,

AND THAT the matters contained in this Petition are not pending before any court of law or before any legal or constitutional body;

NOW THEREFORE, your humble petitioners pray that the National Assembly through the Departmental Committee on Lands in collaboration with the National Land Commission:

- (1) urgently inquires, into the irregular allocation of plots number 268, 269, 276, 299 and 300 in section III/MN Mainland North in Kuruwitu Village to messrs Hassan Omar Hassan, Mohamed bin Ali, Ali bin Mohamed, Ali bin Haji and Mohamed bin Abdul Karim with a view to securing the revocation of this illegal land transaction in order to revert ownership of the land to the residents of Kuruwitu Village who are the rightful owners;
- (2) secures the issuance of certificates of title to the residents of Shariani Sub location to facilitate their realisation of the full economic potential of their land, and
- (3) makes any other order or relief that it deems fit to secure the welfare and rights of the petitioners.

And your Petitioners will ever pray.

Thank you, Hon. Speaker.

Hon. Speaker: Well, I think I will end comments on Petitions since the 30 minutes allocated are over. So, the Petition will go to the Committee and be dwelt with there. Let us move to the next order.

PAPERS LAID

Hon. Speaker: Leader of the Majority Party.

Hon. Amos Kimunya (Kipipiri, JP): Hon. Speaker, I beg to lay the following Papers on the Table of the House:

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Reports of the Auditor-General and Financial Statements in respect of the following institutions for the year ended 30th June 2020 and the certificates therein:

1. Kiambu Institute of Science and Technology;
2. Auctioneers Licensing Board;
3. Kenya Medical Laboratory Technicians and Technologists Board;
4. Kenya Medical Research Institute;
5. Kenya Medical Practitioners and Dentists Council;
6. Kenya Medical Training College;
7. Pharmacy and Poisons Board;
8. National Aids Control Council;
9. National Quality Control Laboratory;
10. Regional Centre on Groundwater Resources Education, Training and Research in Eastern Africa;
11. Meru National Polytechnic;
12. Moi Teaching and Referral Hospital;
13. Kenya Coast National Polytechnic;
14. Pwani University;
15. Ahmed Shahame Mwidani Technical Training Institute;
16. National Mining Corporation;
17. Kenya Water Institute;
18. Public Regulatory Authority;
19. NUU Technical and Vocational College; and
20. Mitunguu Technical Training Institute.

Reports of the Auditor-General and Financial Statements in respect of the following constituencies for the year ended 30th June 2020 and the certificates therein:

1. Kitui East;
2. Mwingi West;
3. Machakos Town;
4. Kangundo;
5. Mbeere North;
6. Belgut;
7. Kitui Central;
8. Kangema;
9. Kaloleni;
10. Mvita;
11. Marakwet East;
12. Magarini;
13. Kari;
14. Lungalunga;
15. Sigor;
16. Kitutu Chache South;
17. Rangwe;
18. Lugari;
19. Kimilili;
20. Bobasi;
21. Budalangi;

22. Wajir East;
23. Shinyalu;
24. Endebess; and
25. Malava.

Hon. Speaker: Let us have the Chairman of the Departmental Committee on Transport, Public Works and Housing.

Hon. David Pkosing (Pokot South, JP): Hon. Speaker, I beg to lay the following Papers on the Table of the House:

Reports of the Departmental Committee on Transport, Public Works and Housing on its Consideration of:

- (i) A Petition on behalf of the residents of South Rift and Nyanza regarding the viability of the Standard Gauge Railway Project by Hon. David ole Sankok;
- (ii) A Petition regarding the compensation of owners of land acquired for construction of St. Mary's Kinooro, access to Igoji TTC and the Gianchuku – Mbogoro Road project by Hon. Kareke Mbiuki;
- (iii) A Petition regarding a proposal to amend the National Construction Authority Act to provide for inclusion of the cost of public-funded projects on project boards by Mr. Boniface Mwangi.

Hon. Speaker: Let us have the Chair or Vice-Chair of the Departmental Committee on Health.

Hon. Joshua Kutuny (Cherangany, JP): Thank you, Hon. Speaker. *Unajua lazima nivae barakoa kwa sababu hiyo sheria iko sasa.*

Hon. Speaker: But you have been doing very well with the two ladies without it.

(Laughter)

Hon. Joshua Kutuny (Cherangany, JP): Hon. Speaker, that means that you have also been keen. You have not just been looking at me, but at the ladies as well. That means your eyes have also been somewhere.

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

Report of the Departmental Committee on Health on its consideration of the Mental Health (Amendment) Bill (Senate Bill No.28 of 2020).

Hon. Speaker: Next Order.

NOTICE OF MOTION

Let us have Hon. Sankok. The Member does not desire to be present.
Next Order.

QUESTIONS AND STATEMENTS

Hon. Speaker: The first Question is by Hon. Gikaria.

ORDINARY QUESTIONS

Question No.056/2022

OPERATION OF GATEIGURU BUS STOP IN NAKURU

Hon. David Gikaria (Nakuru Town East, JP): Hon. Speaker, I rise to ask the Cabinet Secretary for Transport, Infrastructure, Housing, Urban Development and Public Works the following Question:

- (i) Could the Cabinet Secretary explain why the Kenya National Highways Authority (KeNHA) has stopped public service vehicles (PSVs) from using the bus stop commonly referred to as *Gateiguru* Stop located near the Nakuru Town Footbridge along the Nakuru-Nairobi Highway despite it being a recognised bus-stop?
- (ii) Could the Cabinet Secretary consider removing the blockades and reopening the said bus stop?

Thank you, Hon. Speaker.

Hon. Speaker: The Question will be replied to before the Departmental Committee on Transport, Public Works and Housing.

The next Question is by Hon. (Dr.) Robert Pukose.

Question No.059/2022

SUSPENSION OF COMMUNITY FOREST ASSOCIATIONS

Hon. (Dr.) Robert Pukose (Endebess, JP): Hon. Speaker, I rise to ask the Cabinet Secretary for Environment and Forestry the following Question:

- (i) Could the Cabinet Secretary explain the circumstances that led to the suspension of Community Forest Associations that undertook the Shamba System commonly referred to as Taungya System in various forest establishments in the country?
- (ii) What impact has this directive had on the forest cover in the country, and when will the directive be lifted?
- (iii) Could the Cabinet Secretary explain whether the Kenya Forest Service (KFS) maintains roads that serve forests, and particularly the Endebess-Salema and Herman-Kiptogot roads in Endebess Constituency?
- (iv) What plans does the Ministry have to resettle the more than 1,500 families evicted from Sosio Forest on 25th October 2021, and how is the Ministry dealing with the humanitarian crisis as a result of the evictions that were carried out?

Hon. Speaker, people in that area have been suffering since the time they were evicted from the forest and it is very unfortunate that the Government has not taken care of them despite the Kenya Red Cross Society visit and assessment. This is a humanitarian crisis and since the rains are almost here, those people are going to suffer more because their houses were demolished and their food taken away.

Thank you, Hon. Speaker.

Hon. Speaker: I thought you were asking a Question.

Hon. (Dr.) Robert Pukose: I have asked the Question, Hon. Speaker. I just took advantage of your conversation with the Vice-Chair to expound on the issue.

Hon. Speaker: The Question will be replied to before the Departmental Committee on Environment and Natural Resources.

The next Question is by Hon. Wilson Sossion.

Question No.060/2022

UNFAIR LABOUR PRACTICES AGAINST TEACHERS BY TSC

Hon. Wilson Sossion (Nominated, ODM): Hon. Speaker, I rise to ask the Teachers Service Commission the following Question:

- (i) Could the Teachers Service Commission confirm whether the numerous cases of interdictions, suspensions and transfers to far-flung areas away from the homes of teachers who have raised pertinent issues regarding the manner in which the Competency Based Curriculum (CBC) and Teacher Professional Development Programme (TPDP) are being rolled-out, are in accordance with the employment and labour laws?
- (ii) Could the Commission explain why it is promoting workplace intimidation and perpetuating unfair labour practices against teachers whenever they raise concerns over their welfare matters including delayed promotions and upgrading, Collective Bargaining Agreements (CBAs) with no monetary benefits and haphazard implementation of Teacher Performance Appraisal and Development (TPAD), among other concerns?

Thank you, Hon. Speaker.

Hon. Speaker: The Question will be replied to before the Department Committee on Education and Research.

The next Question is by the Member for Sigowet Soin, Hon. Kipsengeret Koros, who wrote requesting for deferment of the Question to Thursday this week. The request was acceded to.

Question No.062/2022

CURRENT FINANCIAL STATUS OF EGERTON UNIVERSITY

So, we will move to the next Question by the Member for Kuresoi South, Hon. Joseph Tonui.

Member for Kuresoi South, Hon. Joseph Tonui, for the second time. The Member being absent, not desiring to be present, the Question is dropped.

(Question dropped)

We will move to the next segment, which is Requests for Statements. I have a Request from Hon. Kassim Tandaza, Member for Matuga.

REQUEST FOR STATEMENTCOMPENSATION FOR DISPLACED RESIDENTS
OF MATUGA CONSTITUENCY

Hon. Kassim Tandaza (Matuga, ANC): Hon. Speaker, I rise to request for a Statement on failure by the Kenya National Highways Authority (KeNHA) to compensate residents of Matuga Constituency.

Pursuant to the provisions of Standing Order No.44(2)(c), I wish to request for a Statement from the Chairperson of the Departmental Committee on Transport, Public Works and Housing regarding the failure by KeNHA to compensate victims of land acquired for expansion of the Mombasa to Lunga-Lunga Road.

Hon. Speaker, a good road network gives impetus to economic development of a country through expanding connectivity and enabling free movement of goods, services and people. The Dongo Kundu Bypass is one of the major flagship infrastructure projects earmarked to turn around the economic fortunes of the Coast region. In order to expand the width of the bypass and other link roads, the Government compulsorily annexed a 10-metre strip of private land and demolished structures on it, particularly along the Mombasa to Lunga-Lunga Road.

Article 40(3) and (4) of the Constitution obligates the State to promptly and justly compensate affected people, including those who may not hold titles to the land, for any land acquired for public use. Sadly, residents of Pungu, Waa, Ng'ombeni, Denyenye and Tiwi locations in Matuga Constituency, whose land was annexed by KeNHA to allow for expansion of the Mombasa to Lunga-Lunga Road, are yet to be compensated.

It is on this background that I seek for a Statement from the Chairperson of the Departmental Committee on Transport, Public Works and Housing on the following:

- (i) The reasons as to why KeNHA has failed to compensate victims of land compulsorily acquired for expansion of the Mombasa to Lunga-Lunga Road, particularly the residents of Pungu, Waa, Ng'ombeni, Denyenye and Tiwi locations in Matuga Constituency.
- (ii) When does KeNHA intend to conclusively compensate the patriotic Kenyans who gave up their private land in good faith, including their structures that had to be demolished in order to pave way for the expansion of the Mombasa to Lunga-Lunga Road and construction of the Dongo Kundu Bypass?

I thank you, Hon. Speaker.

Hon. Speaker: This is related to the Departmental Committee on Transport, Public Works and Housing. Hon. Pkosing, when are you responding?

Hon. David Pkosing (Pokot South, JP): Without anticipating debate or what happens at the end of the week, I commit to take two weeks. It is a very important and good request.

Hon. Speaker: Very well. Yes, two weeks, Hon. Tandaza.
Next Order.

PROCEDURAL MOTION

REDUCTION OF PUBLICATION PERIOD FOR THE DIVISION OF REVENUE BILL, 2022

Hon. Kanini Kega (Kieni, JP): Hon. Speaker. I beg to move the following Procedural Motion:

THAT, notwithstanding the provisions of Standing Order No.120, this House resolves to reduce the publication period of the Division of Revenue Bill (National Assembly Bill No.8 of 2022) from seven days to four days.

Hon. Speaker, this is straightforward because the Division of Revenue Bill is a product of the Budget Policy Statement (BPS). We have extensively and exhaustively dealt with the BPS here

and during public participation. The second issue is that we also need to dispense with this Bill so that it goes to the Senate to pave way for the other processes of the budget to continue.

With those few remarks, I move and request the Leader of the Majority Party to second.

Hon. Speaker: Hon. Kimunya.

Hon. Amos Kimunya (Kipipiri, JP): Hon. Speaker, I beg to second and just alert Members that we have just had very intensive consultation on the BPS, during which this matter was fairly exposed. We discussed it in the House Business Committee this morning and looked at the options available. We agreed that it is in the best interest of the country - county governments and the National Assembly - to process the Division of Revenue Bill within this week, so that we do not have to interrupt our recess for Members to come and discuss it. In any case, since the matter has been widely publicised, the figure was known and included in the BPS, and this House passed the BPS, we can give some time to the Committee responsible for this Bill to go and prepare its report in the course of tomorrow or Thursday. We will then process the Bill. That would then give the National Treasury an opportunity to bring the Estimates.

As we take this decision, it is important to note that the courts have decided that the Printed Estimates cannot be introduced in the House before the Division of Revenue Bill has been assented to and we have the Act in place. It is a matter in respect of which we are being called upon to fulfil our constitutional requirement, that, before we can receive the Printed Estimates, we must have processed the Division of Revenue Bill, after which it must go to the Senate. The Senate will carry further public participation by the time we come back. That will untie the budgeting process. We do not have much time for the budgeting process because of the campaigns. Members need to go out and carry out their nominations. It is in our interest that we clear some of these things, so that we are free to go to our constituents and appeal to the electorate for fresh mandates.

Looking at all those parameters, we thought the best thing would be to appeal to the Members of this House that we shorten the publication period because there already has been public participation. There will be further public participation within the Senate. After that, the most important thing is that we untie the budget-making process and provide the National Treasury with an opportunity to provide us with the Printed Estimates, so that we can interrogate them further, including the financing for our activities within our areas.

I just want to appeal to the Members that on this one, let us be united. Let us have a bipartisan approach to it and avoid our factional issues, so that we think of what is in the best interest of our country at this point, which is processing the budget before we get very busy with the electoral cycle.

With that appeal, I beg to second.

(Hon. Wilson Sossion consulted Hon. (Ms.) Odhiambo-Mabona)

Hon. Speaker: Order, Members. Hon. Sossion, please, take your seat. It is not done that way. Just turn next to Hon. Millie Odhiambo. She is not harmful as you are doing.

(Question proposed)

(Question put and agreed to)

Before we proceed to the next Order, Member for Teso North, you had an issue?

Hon. Oku Kaunya (Teso North, ANC): Thank you, Hon. Speaker. I also want to wish you the best in your quest for the presidency in this country. The question I want to ask is related to legislative proposals. On 23rd August last year, you allowed me to introduce a Bill to amend the Kenya Medical Training College Act to provide for constituent college management and governance. That legislative proposal has been lying with the Budget and Appropriations Committee for determination as to whether it is a draft money Bill or not. I want your guidance on this matter. Given where we are now as a House and where we are heading, I wrote to you last week to request that the Bill be published if the Committee is unable to give a report. We are in March. I submitted the Bill in December last year. I request that the Bill be published, so that we can process it within the available time. I need your guidance because it is an important Bill.

Thank you.

Hon. Speaker: Fortunately, the Chair of the Budget and Appropriations Committee is in the House. Let us hear it from the horse's mouth. The matter is about a legislative proposal to amend the Kenya Medical Training Centre.

Hon. Kanini Kega (Kieni, JP): Hon. Speaker, I beg for your indulgence. I will have the report by tomorrow. I know there are quite a number of legislative proposals that we have processed. I want to check their status to ascertain what became of them. With your indulgence, I can give a report by tomorrow.

Hon. Speaker: Tomorrow afternoon?

Hon. Kanini Kega (Kieni, JP): Tomorrow, Hon. Speaker.

Hon. Speaker: Very well. Hon. Kaunya, the Chair of the Budget and Appropriations Committee will give a report on the status of your legislative proposal tomorrow afternoon.

Hon. David Ole Sankok, you have an intervention. What is the matter?

Hon. David ole Sankok (Nominated, JP): Thank you, Hon. Speaker. I am sorry for having stepped out earlier. Last week, I sought to move a Motion for adjournment to discuss a definite matter of urgent national importance regarding the issue of rising food prices in the country. Pursuant to Standing Order 33(1)...

Hon. Speaker: No! We have just cleared Order Nos.8 and 9 and you have placed an intervention. I do not know what you want.

Hon. David ole Sankok (Nominated, JP): Hon. Speaker, a directive was given that I move the Motion today at Six O'clock. I want to confirm...

Hon. Speaker: By who?

Hon. David ole Sankok (Nominated, JP): By the Speaker.

Hon. Speaker: You should have done that when we were at Order No.6, which is Notices of Motion. So, are you seeking the intervention of the Speaker to allow that we go back to Order No.6, so that I allow you to give Notice of this Motion?

Hon. David ole Sankok (Nominated, JP): Yes, Hon. Speaker. I need your guidance because a directive was given that today at 6.00 p.m., we will have the Motion for Adjournment on a definite matter of urgent national importance. It was allowed by the Deputy Speaker, Hon. Cheboi, who was presiding over the House then. It was slated for 6.00 p.m. today.

Hon. Speaker: I believe the Clerk can confirm if that is the position, so that everybody knows that from the hour of 6.00 p.m., the House will stop business, which will then be in consideration to allow you to move that Motion.

Hon. David ole Sankok (Nominated, JP): Yes, Hon. Speaker. Thank you for your guidance.

Hon. Speaker: Very well. You do not have to give notice again. Today you may not have the numbers.

(Laughter)

Hon. David ole Sankok (Nominated, JP): Yes, Hon. Speaker. That is why you are a presidential candidate. Everyone is supporting you. You are a mobile encyclopedia when it comes to the Constitution.

Thank you.

Hon. Speaker: Very well. Let us proceed to the next business.

MOTION

ADOPTION OF REPORT ON MEDIUM-TERM DEBT MANAGEMENT STRATEGY

Hon. Kanini Kega (Kieni, JP): Hon. Speaker, I beg to Move the following Motion:

THAT, this House adopts the Report of the Budget and Appropriations Committee on the Medium-Term Debt Management Strategy for the Financial Year 2022/2023 submitted by the Cabinet Secretary for the National Treasury pursuant to the provisions of Section 33 of the Public Finance Management Act 2012 and Standing Order 232(4), laid on the Table of the House on Tuesday 15th February 2022; and pursuant to the provisions of Section 15(4) of the Public Finance Management Act, 2012 and Standing Order 232(9) and (10) –

(a) approves the Medium-Term Debt Management Strategy for the Financial Year 2022/2023;

(b) approves the national borrowing strategy as contained in the 2022/2023 Medium-Term Debt Management Strategy, at a level consistent with the fiscal deficit of Kshs400 billion or 3% of GDP, whichever is lower; and,

(c) makes the policy resolutions contained in the Second Schedule to the Order Paper (Policy Resolutions relating to the Medium-Term Debt Management Strategy for the Financial Year 2022/23).

I am aware of some amendments that have been brought by the Leader of the Majority Party, pursuant to what we passed in the BPS.

Hon. Speaker, the 2022 Medium-Term Debt Management Strategy was tabled in the National Assembly on Tuesday 30th November, 2021 pursuant to Section 33(1) of the Public Management Act, 2012 and Standing Order No.232(1). Upon tabling, it was committed to the Budget and Appropriations Committee for review in line with Standing Order No.232(6). It is, therefore, my pleasure and great honour to, on behalf of the of the Budget and Appropriations Committee, table the Report of the Budget and Appropriations Committee on the Medium-Term Debt Management Strategy for the Financial Year 2022/2023 and recommend it to this House for adoption.

This is the first time we are giving a separate Report of the Medium-Term Debt Management Strategy (MTDS) for tabling in the House since the enactment of the Public Finance Management Act, 2012. The decision by the Committee to table a separate Report was necessitated

by the need to broaden the understanding of the effect of borrowing and the accrual of public stock of debt on economic growth, taxation and livelihood.

According to the recent data from the Central Bank of Kenya, the Kenya Public stock of debt has increased in both number and value and it is currently estimated at Kshs8.2 trillion. This calls for enhancement of oversight. The tabling of the stand-alone Report on the MTDS provides a more focused approach in appreciating and deliberating on debt matters. Indeed, the Committee has dedicated to undertaking further engagements with all parties in view of the Kenyan public stock of debt and control of the embedded risk. The stock of debt continues to grow as a result of persistent fiscal deficit

For the Financial Year 2022/2023, the mismatch between the proposed debt ceiling, estimated at Kshs3.34 trillion, and the revenue projection, estimated at Kshs2.4 trillion, has resulted in a fiscal deficit estimated at Kshs846 billion, or 6 per cent of the GDP. This is indicated in the 2022 Budget Policy Statement. The fiscal necessitated borrowing in order to meet the difference. To this extent, for the FY 2022/2023, the MTDS has proposed the following borrowing strategy:

1. Gross foreign financing at 25 per cent and gross domestic financing ratio at 75 per cent.
2. Net foreign financing at 32 per cent and net domestic financing ratio at 68 per cent.

Before arriving at this strategy, the MTDS evaluated various borrowing strategies, considering the inherent risks in the existing debt stock. The aim was to achieve the following debt management objectives:

1. Reduction of the cost and risk.
2. Development of domestic market institutions.
3. Ensuring equitable sharing of burden between the present and future generations as enshrined in the Constitution.

The 2022 MTDS provides a shift from the previous borrowing strategy by bringing the domestic market to the forefront of budget financing. It is expected that this will cushion the debt stock from volatility in the global financial markets. In addition to the borrowing mix, the MTDS proposes a raft of measures to promote the development of domestic markets and institutions in order to enhance the domestic market efficiency and provide sufficient access to credit finance by both public and private sectors. These reforms include:

1. Enhancing market infrastructure through automation of a new central security depository system by CBK.
2. Enhancement of the Treasury Bonds benchmark programmes.
3. Setting up of over-the-counter trading platforms to complement the Nairobi Securities Exchange.

I wish to inform this House that the debt management strategy has also taken advantage of the Debt Servicing Suspension Initiative (DSSI) to create room for the Government to meet critical expenditure needs. To this extent, I would like to take this opportunity to extend gratitude to our creditors and international development partners for their consideration in assisting Kenya to free up to Kshs46 billion, which was redirected to social, health and economic spending in response to the COVID-19 crisis.

As part of the review of the 2022 MTDS, the Committee held extensive deliberations with the National Treasury on the critical aspects of the MTDS and the BPS. During these engagements, the Committee noted with concern that public debt will amount to Kshs8.6 trillion in the FY 2022/2023. The National Treasury made a commitment to the Committee that it is totally in control

of the public debt situation and will be proposing sustainable measures in the near future. Having noted this, it is true that the cost and risk of the debt burden will remain elevated. As such, prudent debt management is very crucial as these risks, coupled with the increasing size of debt servicing, could affect medium-term fiscal sustainability and slow down the pace of economic recovery. It follows, therefore, that the following key policies should be applied:

1. Fiscal consolidation: We need to retire commercial debts in favour of concessional loans.
2. Enhancing transparency: We need to know what has been borrowed and where it is being spent.
3. Increasing effectiveness of resource allocation.
4. Efficiency of use of diminishing resources.
5. Fiscal discipline and fiscal commitment as enshrined in the Constitution.

I want to confirm to this House that the only institution mandated by the law to provide actual figures of the size of our debt is the Central Bank of Kenya. By December, they provided the figures. So, any person, institution or entity claiming that the debt of the country is beyond Kshs8.2 trillion is engaging in hearsay which does not have any merit and is not documented. What we have in our records is that the debt was Kshs8.2 trillion as at December last year. It is projected to be at Kshs8.6 trillion by the end of this financial year.

Hon. Speaker, with those few remarks, I beg to move and request the Whip of the Majority Party, Hon. Wangwe, to second.

Hon. Speaker: Hon. Wangwe.

Hon. Emmanuel Wangwe (Navakholo, JP): Thank you, Hon. Speaker. I rise to second the Motion on the Medium-Term Debt Motion Strategy as ably moved by the Chairperson of the Budget and Appropriations Committee. At the outset, I will give a highlight. Details have been discussed by the Chairperson. I want to make the Members understand that this strategy originates from Article 212(2) of the Constitution which defines public debt. It says that public debt means all financial obligations attendant to loans raised or guaranteed and securities issued or guaranteed by the national Government. That definition is what this document highlights so as to enable the Members to understand where we are as a country in terms of debt.

The strategy highlighted by the Government in this document extends over the medium-term with a view to reducing the cost and risk associated with public debt, and it is anchored on the 2022 Budget. In terms of policy recommendations, the document says that by April 2022 when the national budget is tabled, a full quantification of Kenya's public debt stock as defined under the Article I have just referred to, be undertaken. The Members need to appreciate that we need to know where we are and the amount of our debt. The Report also states that a debt register should be submitted to Parliament on a quarterly basis for scrutiny. The Committee recommends that we keep a debt register, so that any shift is laid on the Table of the House for the Members to understand how much debt the country is servicing or bearing. The same Report recommends that by April 2022 when the national budget is tabled, a progress Report on all externally-funded projects be provided in order to enhance transparency and accountability. When we talk about public debt, it is not an issue of domestic debt alone. We should also appreciate that the Government borrows externally. Therefore, it is the view of the Committee that a full list of public debt be put together.

In terms of financial recommendations, the Committee is of the view that the country's borrowing strategy be approved. There are four strategies that the Government is proposing

through the MDTS as well elaborated by the Chairperson. We request that the MDTS be approved, but consistent with the Kshs400 billion or 3 per cent of the GDP deficit, whichever is lower.

Hon. Speaker, the Committee is cautious that whatever approval we make, we do not exceed the budget by Kshs400 billion. If we exceed the budget by Kshs400 billion, we will surpass the debt ceiling that has been approved by the House. We are cognisant that until this House approves anything extra, we will have to live within the Kshs9 trillion debt ceiling.

With those very few recommendations, I beg to second the Motion.

(Question proposed)

Hon. Speaker: Hon. Members, I have received indication of some proposed amendments. I intend to dispose with them first, so that debate can commence either with the Motion as amended or as it is. The first proposed amendment is from the Leader of the Majority Party.

Hon. Amos Kimunya (Kipipiri, JP): Hon. Speaker, pursuant to the provisions of Standing Order No.48, I beg to move that the Motion be amended as follows:

(i) by deleting paragraph (b); and,

(ii) by inserting the following new paragraph after paragraph (c) –

“(d) delete the second sentence in paragraph 18 (Financial Recommendations) of the Report”.

Members will note on the Order Paper that initially, I intended to delete the entire Paragraph 18. However, I realised that the problem was in the second sentence that has reference to a fiscal deficit of Kshs400 billion. When we discussed the Budget Policy Statement, we agreed in principle that we will only consider exceeding the debt ceiling, when we have the Printed Budget Estimates. Otherwise, it is speculative now. At that point, the National Treasury will be very clear, in terms of the revenue streams, debts and the total expenditure that we expect. We gave them the options of rationalising expenditure, increasing the revenue or even being bold enough to come to this House and say that they want the debt ceiling to be amended. Until those three options have been fully exhausted, it is presumptive to say that we can cap the fiscal deficit to a certain figure.

Further, I note that within the Committee recommendations in the Report in Paragraph 17, they ask that by April 2022, when the national budget is being tabled, the National Treasury should bring a full quantification of Kenya’s public debt as defined in Article 214 of the Constitution. This is supposed to be brought to this House. It is only at that point that we will reasonably put a figure or cap the fiscal deficit when we know for sure what figure accompanies the Budget Estimates that will be brought.

To be consistent with what this House approved in the BPS, I am moving this amendment, so that we can remove the reference to a figure of a fiscal deficit of Kshs400 billion which was premised on the figure that we removed in the BPS. The matter should be resolved at the point when we get the Printed Budget Estimates, which will come with the latest figure, in terms of revenue and debt. At that point, we will make a decision on whether the Budget Estimates exceed the debt ceiling. At this point, the Medium-term Debt Management Strategy and statement of intention tell us the broad policy framework and programmes to be achieved. When we receive the Budget Estimates, the quantification of the figures will come in. That is the rationale of removing the reference to the Kshs400 billion which is in the recommendation in the Motion. Paragraph 18 of the Report of the Committee says that the Medium-Term Debt Management Strategy should be consistent with the fiscal deficit of Kshs400 billion or 3 per cent Gross Domestic Product, whichever is lower.

That figure can change. When it is quantified, it can be Kshs200 billion, Kshs600 billion or Kshs800 billion. Hence, it is unfair to tell the National Treasury not to borrow more than Kshs400 billion. If the National Treasury brings a debt ceiling enhancement Motion to this House and it is passed between now and the Budget Estimates, again, this will become otiose. This amendment allows that flexibility. We are considering the Medium-Term Debt Management Strategy at this point. We considered the BPS. The reference to the figures is misleading at the very least.

That is why I urge the House to amend the Motion and the Committee's recommendation to be in sync with what we, as a House, already passed last week when we considered the BPS. We removed that reference to the Kshs400 billion. Hence, I ask that we do the same. When we get the Budget Estimates, we will make that decision.

Hon. Speaker, I beg to move and ask the Chair of the Budget and Appropriations Committee to second the proposed amendment.

Hon. Speaker: Chair of the Budget and Appropriations Committee.

Hon. Kanini Kega (Kieni, JP): Thank you, Hon. Speaker. I rise to second the proposed amendment. I want to confirm to this House that, that matter came to our Committee. We prosecuted those issues. We were in agreement even when we were making the BPS. It is now in sync with the BPS.

With those very few remarks, I second the proposed amendment. We are in concurrence with the amendment that has been proposed by the Leader of the Majority Party.

(Question proposed)

Should I put the Question for the amendment?

Hon. Members: Yes.

*(Question, that the words to be left out be left out,
put and agreed to)*

*(Question, that the words to be added be added,
put and agreed to)*

Hon. Speaker: Hon. Members, the Motion will be debated as amended. The next proposed amendment, which I intend to dispense with, is the one by Hon. Kimani Ichung'wah, Member for Kikuyu Constituency. He has written to me requesting that I allow the Member for Dagoretti South, Hon. Kiarie, KJ Waweru, to move on his behalf. I have approved that request.

Hon. Kiarie.

Hon. John Kiarie (Dagoretti South, JP): Thank you, Hon. Speaker. It is true that I am holding brief for the Chairman of the Budget and Appropriations Committee emeritus, Hon. Kimani Ichung'wah, who happens to be my neighbor. Hon. Kimani Ichung'wah gave notice that he wishes to move the following amendment to the Motion on the Report of the Budget and Appropriations Committee on the Medium-Term Debt Management Strategy for the Financial Year 2022/2023.

Hon. Speaker, I beg to move:

THAT, the Motion be amended by inserting the following new paragraph immediately after paragraph (b)-

“(ba) That, the House notes that the approval of the 2022/2023 Budget Policy Statement and the 2022/2023 Medium-Term Debt Management Strategy is not to be construed to imply the approval of the increase of the National Debt Limit (Kshs.Nine Trillion) as stipulated under Legal Notice No.155 on the Public Finance Management Act, No.18 of 2012.”

The amendment that Hon. Kimani Ichung’wah is seeking to move is simple. It is seeking to buttress, emphasise and bring to the attention of the House that should we approve the BPS and the Debt Management Strategy, it shall not be construed to be an approval to exceed our debt ceiling of Kshs9 trillion that is stipulated in the PFM Act.

According to Government statistics that everyone is privy to, as at December last year, the debt reported by the National Treasury and the CBK was at around Kshs8.2 trillion. It is further estimated that by the end of June 2022, this figure is going to hit the Kshs8.6 trillion mark. This information is available at the Parliamentary Budget Office. It then says that the fiscal space available from 1st July is only Kshs400 billion. This proposal is simply pricking the conscience of this House that despite the House having approved the amended Motion, which was brought here by the Leader of the Majority Party where he was amending what the Committee had proposed, we should stay within the Kshs400 billion space. As we do so, we shall not be trying to increase the debt ceiling using the backdoor. It, therefore, means that with our debt ceiling being approved at Kshs9 trillion, the fiscal space available for budgeting should still stay at the Kshs400 billion mark. In their Report, the Committee appreciated these facts with the BPS having been moved in its original form before it was amended and that is why Hon. Kimani Ichung’wah is seeking to bring to the attention of this House that even with us moving the BPS as amended and even with the Medium-Term Debt Management Strategy, we are not attempting to increase the debt ceiling in any way. Therefore, the amendment that Hon. Ichung’wah is moving is an insurance that this House is taking. It is also an assurance that we are giving to the public that this House understands that the work of pushing the budget ceiling is stipulated and provided for in delegated regulations that should be coming as a Motion to this House through the Committee on Delegated Legislation. It is clear to the minds of those of us who are in this House that anybody willing to increase the debt ceiling must come before this House and with a specific Motion, seek the approval of the House to increase the debt ceiling in the usual legal and constitutional manner through the Committee on Delegated Legislation and the House shall consider such a Motion on its merit or demerit.

Everybody in this country is worried about our debt levels. We are trying to make sure that nobody will come back here either in April or in May and tell us that the debt ceiling has been busted or we have gone beyond the debt ceiling.

Hon. Kimani Ichung’wah was very keen to move this Motion. In his own words, he says that whenever a Motion of this nature comes to this House in the recent times, there has been a semblance of incentives for people to pass what he sees in his mind as illegal attempts at bringing matters through the backdoor. So, Hon. Kimani Ichung’wah wanted me to rise and give this insurance to the House and an assurance to the people that we will not be expecting to see the debt ceiling increased by having the issue that was brought by the Majority Speaker, where he amended the original Report of the Committee.

Hon. Speaker: Just a minute, Hon. Kiarie, there is a point of order. I also want to inform you that there is no Majority Speaker.

Hon. John Kiarie (Dagoretti South, JP): The Leader of the Majority Party, Hon. Speaker.

Hon. Ferdinand Wanyonyi (Kwanza, FORD-K): Hon. Speaker, I have listened very carefully to the pronouncement by my good brother and he is talking of incentives being brought to this House, so that we could change the debt ceilings. Can he, please, expound on that? I do not want to be part of that. Can he expand on that, please?

Hon. Speaker: What kind of incentives?

Hon. John Kiarie (Dagoretti South, JP): Hon. Speaker, I am a very small man, I have no capacity to threaten anyone and I am not out here to threaten one. My training is in journalism. I am a man of means. I know what happens when there is a critical Motion in this House. If the Member is keen to interrogate me on this, I am a man of means, I could even produce photos of people making a beeline to certain offices after certain Motions have been passed. Being an artist, I can even produce photos. I am ready to even appear before the Powers and Privileges Committee, where I would even present evidence that there are such matters that happen in this House. How I wish the Hon. Member would allow me to prosecute my point so that we can move on and do what needs to be done. I personally witnessed such an incident last week. The Hon. Member must understand that I am talking about something I know.

Hon. Speaker: Hon. Kiarie, Hon. Wanyonyi is not satisfied.

Hon. Ferdinand Wanyonyi (Kwanza, FORD-K): Hon. Speaker, with all due respect, we do not want to be told that some people are being bribed here in order to pass certain information, particularly concerning this very important matter.

Hon. Speaker: The problem with you Members is one. He talked about incentives. What are these incentives?

Hon. Ferdinand Wanyonyi (Kwanza, FORD-K): Yes, that is what I want to know.

Hon. Speaker: But you seem to use a different word.

Hon. John Kiarie (Dagoretti South, JP): Thank you, Hon. Speaker. You understand the matter that I am trying to raise. I would not want the Member to push me to get a bit more specific so that I start talking about Kenya Medical Supplies Authority (KEMSA) incentives that have been pushed in this House. It led to decisions being made in certain ways. I can get more specific.

Hon. Kanini Kega (Kieni, JP): On a point of order, Hon. Speaker;

Hon. Speaker: There is a point of order from the Chair of Budget and Appropriations Committee.

Hon. Kanini Kega (Kieni, JP): Hon. Speaker, the claims by my good friend are preposterous and demeaning to this House. He is saying that Members get incentives to vote in a certain way! We are paid a salary to work in this Parliament. We do not need any other incentive to vote in one way or the other. We have to make it very clear when defeated in terms of numbers. We were here when they asked for a Division. They could not even raise 30 Members. If they are defeated on numbers, let them, kindly, not try to pass the buck and say that there are incentives. I do not think there are any incentives. People can queue for different reasons. I do not understand why my good friend is making such serious unfounded claims.

Hon. David ole Sankok (Nominated, JP): Hon. Speaker, the fact that he has accepted that they queue...

Hon. Speaker: Is there anything wrong with queuing? I thought you queue at the airport. If you queue at the airport to board your plane when travelling to a certain destination...

(Hon. Jimmy Angwenyi spoke off record)

Hon. Angwenyi, you are an old Member. You know the rules. Please, if you want to make an intervention, just press your intervention button. There are very many Members who have pressed their intervention buttons.

Even as you raise this issue, you are not making any particular demand, that is, what you would want the Speaker to do. Hon. Wanyonyi, on two occasions, just said that something had been said. Can I teach you what you should have said? You should have said that the Member should substantiate his remarks or withdraw. You never said anything like that. I am seeing people getting agitated.

Hon. Abdullswamad, you also put in an intervention.

Hon. Abdullswamad Nassir (Mvita, ODM): Thank you. Hon. Speaker, you have rightfully put it. As a two-term Member, it is only right... This is a House of elected representatives. The Hon. Member needs to explain whether he is speaking on behalf of Hon. Ichung'wah or on his own behalf. Failure by him to substantiate that there are any forms of incentives.... The word 'incentive' itself demeans the honour of being called a Member of Parliament. Unless he substantiates, it is only right that the Hon. Member does the honourable thing, that is, withdrawing and profusely apologising to the millions of Kenyans who are listening to him. It is totally wrong and out of order for him to say that!

Hon. Speaker, I heard something else. The problem is that he has not read what is in the Order Paper. He mentioned that people are being given incentives like they were given during the debate on KEMSA Report. As far as I know, matters are on record. I am willing, the same way he mentioned the KEMSA Report... I chair the Public Investments Committee (PIC). I gave a Notice of Motion last week and we renewed because of the fact that we had just come back from a short recess. If we want to politicise this House, then that is very easy.

If he wants to refer to the point that Hon. Ichung'wah wanted to raise, then it is the same thing the Leader of the Majority Party rightly alluded to: that, this Motion has nothing to do with confirming or affirming that the country's debt ceiling is being increased. The Leader of the Majority Party told the Hon. Member that there are ways and means by which Government can bring Motions or anything, including through the Public Finance Management Act, for us to increase the debt ceiling. If it is just an issue of trying to politicise matters, Hon. Speaker, as you rightly put it, we have public platforms and daises out there. If they cannot raise numbers

Hon. Speaker: What do you want him to do?

Hon. Abdullswamad (Mvita, ODM): He needs to withdraw his remarks, Hon. Speaker, or else substantiate. I can say with a lot of confidence that they are saying these things because some of them are looking for positions, including that of Deputy President. They are working hard on that.

Hon. Speaker, he needs to substantiate. He said that he is a journalist of high repute and that he has photos. Failure to substantiate, Hon. Speaker, you have to declare him out of order! Also, if need be, the amendment should be moved by someone else or we just vote on it. He has had his *bonga* points.

An Hon. Member: Point of information, Hon. Speaker.

Hon. Speaker: Who are you informing? Hon. Kiarie, you have been challenged by the Member for Mvita to either substantiate...

(Hon. Ndindi Nyoro raised his hand)

Do not raise your hand, Hon. Ndindi Nyoro. It is not you. It is Hon. Kiarie who made the allegation. Hon. Ndindi Nyoro, you do not just raise your hand then you start speaking on your phone. Surely, has it degenerated to that? Hon. Kiarie has the Floor. He is the one who uttered those words. Please, respond.

John Kiarie (Dagoretti South, JP): Hon. Speaker, the English say that the guilty are always afraid. A great man by the name Leo Mohamed once said that if a stone is thrown in a pack of dogs, the one that barks the loudest is the one that has been hit by the stone.

I, too, I am a Member of this House and I stand for the dignity of this House.

Hon. Speaker: Hon. Kiarie, are you willing to substantiate?

Hon. John Kiarie (Dagoretti South, JP): That is what I am getting to, Hon. Speaker.

Hon. Speaker: No, please, that is not substantiation. Let me remind you to look at Standing Order No.107. I will not allow you to use unparliamentary words. So, please, just substantiate. If you are not able to, withdraw and apologise.

(Hon. Ndindi Nyoro raised his hand claiming a point of order)

There cannot be a point of order. Where did you learn these things? You are almost finishing five years! Someone has just been told to substantiate and Hon. Ndindi Nyoro you are raising your hand saying you are on a point of order. Where on earth does that happen? Certainly, not under my watch.

Hon. Kiarie, proceed.

Hon. John Kiarie (Dagoretti South, JP): Hon. Speaker, my claim, which I am ready to substantiate is that there are times when critical matters are brought here and incentives determine how the matter is decided.

Hon. Speaker: Hon. Kiarie, substantiate. We are on this Motion.

Hon. John Kiarie (Dagoretti South, JP): The charge from Hon. Abdullswamad is false. There is nowhere I referred to the KEMSA Report. My claim is that there are Kenya Medical Supplies Authority (KEMSA) incentives that are influencing decisions in this House. That is the crime that I am ...

Hon. Speaker: Hon. Kiarie, you used the word 'incentives' even much earlier before you referred to KEMSA. So, what are those incentives? That is what you are required to substantiate. If you are not able to, just withdraw and apologise to the House. It is very simple.

Hon. John Kiarie (Dagoretti South, JP): Hon. Speaker, I am well guided. My claim was that, as a journalist, I have witnessed situations where a Motion is passed here and we see people making a beeline in certain offices in this building. What I referred to as 'KEMSA incentives' influence how decisions are made. I further went on to say that I am a journalist...

Hon. Speaker: Hon. Kiarie, I have now given you two opportunities to substantiate what incentives you referred to. Talking about beeline or other things is not substantiating. It is within my province to determine whether you have actually substantiated. Hon. Kiarie, if I determine that you have not, I will proceed to make the next decision. Please, for the last time, if you are not able to substantiate the issue of incentives... Telling me that you have taken photographs is not enough. I am not interested in photographs. Is a photograph an incentive? Hon. Kiarie, I am sure you have been taking very many photographs that do not incentivise you to do anything.

(Loud consultations)

Hon. John Kiarie (Dagoretti South, JP): Hon. Speaker, in English, I understand the word incentive to mean something that motivates or encourages someone to do something. If a photo of people queuing to receive an incentive is not substantiation enough, I am willing to appear before any sitting committee of this House, including the Committee of Parliamentary Powers and Privileges to present evidence that incentives are actually influencing decisions in this House. If I cannot get an opportunity to appear before such a committee, then I will withdraw and apologise.

The bigger issue is that of public debt in this country, which is a thorn in the flesh of Kenyans and who are willing to know whether...

Hon. Speaker: English grammar is quite easy to some of us. Hon. Kiarie said that he is willing, but he has not said that he has withdrawn.

(Hon. David ole Sankok consulted loudly)

Hon. Sankok, you are facing the other way, please, face this way. When you turn, you do not seem to hear what he is saying. He has said that he is willing to withdraw if he is not given a chance to appear before a committee of the House. Who is being given these if-or-what conditions?

Hon. Kiarie so that we can proceed with this matter, just do the simple thing. Withdraw and apologise to the House.

Hon. John Kiarie (Dagoretti South, JP): Hon. Speaker, I greatly benefit from your guidance. I apologise and withdraw. I am doing so because even my attempt at bringing this to light was for the protection of the dignity of this House.

Hon. Speaker: Hon. Kiarie, you have withdrawn and apologised. That is enough. Do you now beg to move your amendment?

Hon. John Kiarie (Dagoretti South, JP): Hon. Speaker, before I was rudely interrupted, I was saying that the debt issue is a major concern in this country. The amendment that has been moved by the Hon. Kimani Ichung'wah is seeking to ensure that we all understand that the passing of the Budget Policy Statement (BPS) and the Medium-Term Debt Management Strategy (MTDMS) in the format that it is, should never be misconstrued to be an effort by this House to increase the debt ceiling of this country through the back door. Kenyans are concerned that we shall soon be approaching the Ksh8.6 trillion mark on debt. The moment we amend the Committee's Report from the Ksh400 billion that we had to Ksh846 billion, this will be illegally and unconstitutionally increasing the debt ceiling by not following the given rules. Such a Motion ought to have come to this House through the Committee on Delegated Legislation as a substantive Motion on its own.

Hon. Speaker, my business here today was simple. My neighbour Hon. Kimani Ichung'wah called me at 2.00 a.m., Washington DC time to make sure that his amendment is moved on the Floor of this House. He is greatly concerned about the hustlers in this country.

Hon. Speaker: Hon. Kiarie, you have ably done that. If you look at Standing Order 107, becoming tediously repetitive is also a disorder. When you say one thing repetitively, sometimes I can see it is to the annoyance of some of your colleagues. You are repeating the same thing. You have done quite well. In fact, you started very well until you veered off to other areas.

Now, can you conclude and tell us who is going to second you.

Hon. John Kiarie (Dagoretti South, JP): Thank you very much, Hon. Speaker. I have a stopwatch in my possession that I have repeatedly been checking because I understand the time I

have been given to move this. My attempt was to move that the Motion that was moved by the Chairman of the Budget and Appropriation Committee be amended as it appears on the Order Paper. I move and ask Hon. Murugara to second.

Hon. T. J. Kajwang' (Ruaraka, ODM): On a point of order.

Hon. Speaker: Hon. Kajwang', what is your point of order?

Hon. T. J. Kajwang' (Ruaraka, ODM): Hon. Speaker, sometimes I do not understand or maybe it is because we are in the last end of this Session. However, a lot of things are happening that make me wonder if really we had an orientation. Something happened last week and it has been repeated this week – that a Member can challenge the Speaker. We can do anything we want on the Floor, but for heaven's sake, let us not get to arguing with the Speaker. Last week, the same thing played out. Someone was held to be out of order and was ordered to withdraw or Standing Order 107 was to be invoked and arguments ensued.

Today the substantive Speaker is asking a Member to withdraw his remarks and we are spending another 40 minutes on arguments! This is bringing this House to disrepute. I would not mind any other issue being out of order on the plenary. However, it is only in this Session that I have seen someone argue with the Speaker.

(Hon. Makali Mulu spoke off record)

Hon. Speaker: Hon. Makali, you do not want the amendment to be seconded?

An. Hon. Member: But they are wasting more time.

Hon. Speaker: Procedurally, for the Motion, because it has been moved, it would be better that you raise your point after it has been seconded. Yes, Hon. Murugara!

Hon. George Gitonga (Tharaka, DP): Thank you very much, Hon. Speaker. I rise to second.

Without having to repeat or reproduce the words that are on the Order Paper, the proposed amendment really seeks to tighten up our position. It is brought to the House out of what is known as abundant caution. The reason we have to cushion ourselves and the country is due to the fact that there has already been a misconstruction out there that this House has already increased the debt ceiling. If you read the press immediately after we passed the BPS, everybody was convinced we had increased the debt ceiling. That is not true. Nothing could be farther from the truth. There is a Statement to that effect. So as to cushion ourselves and ensure that we understand what we passed, we have proposed, out of abundant caution, to bring this proposal and clarify to the country that we are still at a Ksh9 trillion debt ceiling, not a shilling more. It cannot be raised unless we follow the Constitution and the law as is set out in the Public Finance Management (PFM) Act.

The provisions of the Act are that the debt ceiling is to come under a statutory instrument, whether through an order or a Regulation stating that this House does approve an increment in the debt ceiling. Without that, it cannot be otherwise. Therefore, this proposed amendment is timely. We should all back it because it is purely to ensure we are all well-informed.

With those remarks, I beg to second.

(Question of a further amendment proposed)

Hon. Speaker: Just for the information of Members, paragraph (b) has already been deleted by the amendment which has been carried. This amendment just calls the House to note that the approval of the 2022/2023 Budget Policy Statement and the 2022/2023 Medium-Term

Debt Management Strategy is not to be construed to imply the approval of the increase of the National Debt Limit (Kshs9 trillion) as stipulated under Legal Notice No. 155 on the Public Finance Management Act, No 18 of 2012. The Leader of the Majority Party wishes to contribute.

Hon. Amos Kimunya (Kipipiri, JP): I rise to oppose this amendment on a couple of reasons.

One, it is speculative in nature. I have just spent a lot of time here explaining how we will determine whether there is a budget deficit and the amount when we receive the Estimates. The House agreed with me.

The second thing is that it is superfluous. We are basically stating the obvious. We are telling ourselves, as a House, that we note that the National Treasury will not bring us here... That what we have done should not be construed to be some increase in the debt ceiling. It amounts to casting aspersions on ourselves in this House, that we actually do not know what we are doing. That is what the amendment is trying to do. Really? That this House does not understand or know what it is doing? That we could actually be, indirectly, increasing the debt ceiling and that we need one of our Members to remind us that we need to note that what we have done should not be construed to be an increase? It is an insult to this House to end up with something like this!

I am sure the Hon. Kiarie himself has used these words in our discussion. We are basically like the night nurse waking up a patient to tell them to take sleeping pills. We are basically stating the obvious hence it is a waste of our time. It may be good out there, politically, to talk about people who are confused and do not understand when we make decisions in the House. We do not legislate in vain. We do not put words on paper just for purposes of people listening and thinking that the House just did these things yet it did not imply that. That is subject to interpretation out there. For Hon. Kiarie and Hon. Kimani Ichung'wah to come and try to interpret what we did and remind us that based on what we did, people out there should not think that this House did a, b, c and d, it is totally ridiculous, to say the least.

We should not be wasting a lot of time. Let us just remove this from our records by deleting it. Let us object to it. Let us defeat this amendment. It is very obvious that this House will not approve Estimates that go beyond the debt ceiling. We do not need to be reminded of that. That is our duty. We are bound by the Constitution. I think the whole Motion was brought more for the cameras than the intention to be included in the Report.

I beg to oppose.

Hon. Speaker: The honourable Leader of the Majority Party has indicated that you do not caution a patient that this is not cure for Malaria when you give them sleeping pills. Let me hear Dr. Makali Mulu.

Hon. Makali Mulu (Kitui Central, WDM-K): Thank you, Hon. Speaker.

The reason I wanted to raise a matter before the Motion was seconded is that I thought we were wasting the House's time.

(Loud consultations)

Just listen to me. Hon. Speaker, if you listened very carefully to the amendment by the Leader of the Majority Party, the issue Hon. K. J. is raising is the same as what was being addressed by the amendment of the Leader of the Majority Party. Actually, I sought to get your guidance because I understand Hon. K. J. confesses he is a communication expert. I am sure that if it was Hon. Kimani Ichung'wah moving this thing himself and he had listened to the Leader of the Majority Party, he would have withdrawn this amendment. The matter was already addressed.

Even though it looks like we are going to say no to it, I thought it is already addressed by the amendment of the Leader of the Majority Party which we have, as a House, approved. I just wanted to make that point clear.

Hon. Members: Put the question.

Hon. Speaker: Can I get a sense of the House? Hon. Members, let me get the sense of the House that I put the question.

(Question put and negatived)

Hon. Speaker: The amendment is defeated. Did I hear somebody talk about a division? You do not sit and shout that you want a division. You rise in your place and claim for it. I do not think the House intends to carry out another orientation at this late point in the life of the 12th Parliament. So, debate on the Motion continues as amended.

I will now go back to the ordinary list. Hon. Sakwa Bunyasi.

(Question of the Motion as amended resumed)

Hon. Sakwa Bunyasi (Nambale, ANC): Thank you, Hon. Speaker. I will restrict my discussion at this particular point because we have a substantive Bill before the House that takes care of all these things that have been raised. One thing I am happy with is that there is an increased awareness, not only in the public but also in this House that the consequences of what we approve need to be looked at carefully, particularly in respect of the levels of deficit. Forget breaching; we are not breaching the debt ceiling. But, the levels of deficit have become a matter of concern. That is a great achievement. We have got where we have because within the debt ceiling, we have allowed the debt stock to rise consequentially.

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

[The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu) took the Chair]

Now that we have reached the debt ceiling, we are rightly debating the merits of where it may be. There will be a lot more to be said when the request for the ceiling to go above Ksh9 trillion will come up. It will come up soon and that is with certainty. This is a dry run of what those arguments may turn out to be.

If we get to a point of soberness and allow discussions around debt matters with or without ceiling – because sometimes it is not a ceiling matter but a question of deficit level – Parliament will help to manage the economy and add to the efforts whatever those efforts, say, by the Executive. It is obvious that Parliament's active participation in discussion and decision-making will not only help to guide the Executive but it will also contribute to sound economic management. Debt is like a thermometer; it tells you many things.

Without pre-empting debate for tomorrow, there are issues that should be thought about deeply. We talk about strengthening domestic markets, which is something that has been

mentioned by the Chairman of the Budget and Appropriations Committee. There are issues of how debt is raised on the domestic market. Who are the ones that give that debt and how is it paid? There are governance issues in there too. I hope that we will continue with this spirit of inquisitiveness and alertness when the substantive Bill comes up, hopefully during the Third Reading tomorrow. Being a Member of that Committee, I do not want to open up new issues on this one. With those few remarks, I support.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Hon. Njiru Muchangi, Member for Runyenjes, you have the Floor. Order, Members!

Hon. Eric Njiru (Runyenjes, JP): Thank you, Hon. Temporary Deputy Speaker. I intend to speak on the next matter.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Very well. Let us have Hon. Gichimu Githinji.

Hon. Gichimu Githinji (Gichugu, JP): Thank you, Hon. Temporary Deputy Speaker. I am on queue for the next Order, that is, the Coffee Bill.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Let us have Nominee 001, Hon. ole Sankok David.

Hon. David ole Sankok (Nominated, JP): Thank you, Hon. Temporary Deputy Speaker. As I rise to support this Motion, I want to caution this House that debt is a cancer that will eat our future. Kenyans are overburdened by the debts that we have incurred left and right and have not invested wisely. Those sitting at the apex are dynasties who have never known how to invest but only know to ingest. “*Hawajui kutafuta, wanajua kutafuna.*” Why are we not getting value for our money?

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Hon. Sankok, this is to guide you. You have been in this House for long. You cannot use two languages at once. If you start debating in English, you use it to the end. How I wish I was not the one directing you on this matter. If you start with Kiswahili, use it to the end. For that matter, you are out of order for using two languages. Carry on.

Hon. David ole Sankok (Nominated, JP): Thank you, Hon. Temporary Deputy Speaker. I did not get your attention. I said: “*Wanajua kutafuna hawajui kutafuta.*” I put the quotes in air.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): You never did it, Hon. Sankok. You are out of order.

Hon. David ole Sankok (Nominated, JP): Thank you, Hon. Temporary Deputy Speaker. I accept. Protect me from Hon. Fatuma Gedi. She has said that I do not have manners. If there is somebody who does not have manners, it is well known it is Fatuma Gedi. It is on record. So, she should try and avoid... For us as pastoralists, we rarely argue with women. It is because of respect. We respect women. We do not argue with them.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Order! Which women did you argue with?

Hon. Fatuma Gedi (Wajir CWR, PDR): On a point of order, Hon. Temporary Deputy Speaker.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Let us hear Hon. Gedi.

Hon. Fatuma Gedi (Wajir CWR, PDR): Hon. Temporary Deputy Speaker, is Hon. Sankok in order to call me a woman? First, I am not a woman. I am a leader and a Hon. Member elected by the people of Wajir. Second, he said that I told him he has no manners. Can he substantiate? I did not tell him that. He should stop lying. That is his behavior. Can he substantiate and prove that, indeed, I told him he has no manners? I did not say those words.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Hon. Sankok, from where I seat you are out of order.

Hon. David ole Sankok (Nominated, JP): Hon. Temporary Deputy Speaker, I did not call her a woman. I said we do not argue with women in our culture. We respect them because they are our mothers, sisters...

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Order, Hon. Sankok! Can you resume your seat? For your information, you are out of order. In this House they elect both men and women, and persons with disabilities. So a woman would be in this House. A disabled person would be in this House. A man would be in this House. I am just trying to be soft spoken to you. You are out of order to address Hon. Gedi the way you have done. We come from different regions and we respect where you come from. This House has Members from different regions. I am sure you have a woman in your house. Please, carry on and be in order.

Hon. David ole Sankok (Nominated, JP): Thank you, Hon. Temporary Deputy Speaker. Where I come from, we still respect women so much because they are our wives, mothers and sisters. I did not call any honourable Member a woman. If they want us to call them men, well and good.

I am saying increasing the debt ceiling is a burden to the Kenyan citizen. We should be wary. Kenyans are now promoting the hashtag #LowerFoodPrices. You can trace the increase in food prices to the burden of debt that we have in this country. So, as we pass these Bills, I implore the leadership of the House, led by the Leader of the Majority Party, to be sensitive to Kenyans. Let us listen to their cries. They sleep hungry. They are unable to pay rent. They are unable to pay school fees. Let us be sensitive to them.

I support.

The Temporary Deputy Speaker (Hon. Jessica Mbalu): Very well. Can I have the Member for Kitui Central, Hon. (Dr.) Makali Mulu?

Hon. Makali Mulu (Kitui Central, WDM-K): Thank you, Hon. Temporary Deputy Speaker. I rise to support this important Motion. The MDTS is a very important document basically because, as a country, we are operating in an environment where we spend more than we are able to generate locally. This document is a three-year medium plan. The expenditure is projected for the next three years. The reason it was important for the Leader of the Majority Party to move the amendment and make changes to the Committee report is that we had put specific figures and a percentage in the report.

What is critical to note is that whatever figures are in the report, whatever figures are in this document and whatever figures were in the BPS, they are all projections. As at now, the officially reported public debt of the country is Ksh8.2 trillion. This House, in our own wisdom, did put the ceiling at Ksh9 trillion. There is a projection to borrow an additional Ksh400 billion by June. So the reason it was important that we do away with the figure of Ksh400 billion is that we may get to 30th June but we may not have borrowed the projected Ksh400 billion. If we will have borrowed an additional Ksh200 billion only, then there will still be a legroom of about Ksh600 billion. There is an existing law saying the debt ceiling is pegged at Ksh9 trillion. We should leave it to the Executive to do their work of borrowing so long as it does not exceed the ceiling. That is why the other day we were saying the Executive has a number of options. The first one is that it can become more aggressive and collect more revenue. That means it can still operate within the ceiling. The second option is to decide to drop some programmes and projects and defer them to the next financial year. It will have created some room to be within the Ksh9 trillion ceiling.

The other option is that the Executive might decide to engage in cost-cutting or expenditure-reduction. It can go through the Budget, look at the projected Recurrent Expenditure and see areas where it can make savings. If you analyse the Budget, there is a lot of money on training, entertainment and other areas where you could cut cost without anybody getting hurt. What we are saying is that the work of deciding what to do to reduce borrowing is the work of the Executive. It is not the work of this Parliament. What we should be keen on is that as we move to the future, we will ensure that the ceiling does not go beyond Ksh9 trillion. For it to go beyond, we will expect a Motion proposing amendment of the ceiling. I support this and look forward to a situation where this House becomes very keen in scrutinising the Budget that will be presented to us so that the Ksh9 trillion figure is not breached unless the existing law is amended.

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

The Temporary Deputy Speaker (Hon. Jessica Mbalu): May I have the representative of the people of Emuhaya, Hon. Milemba Omboko.

Hon. Omboko Milemba (Emuhaya, ANC): Thank you, Hon. Temporary Deputy Speaker, for this opportunity to make a few comments on this report on the MDTS and everything else on the issue of debt. One, I want to appreciate the earlier debate we had on the amendments, which brought light to the sensitivity of Kenyans. We are now conscious about debt because it is in the public domain. Every Kenyan is conscious that we should manage the debt ceiling. At the same time, we should manage how we borrow and how we use the money we borrow so that borrowing does not affect economic recovery of the country, having come from the Covid-19 pandemic.

This report talks about relieving expensive debt in favour of cheaper debt. This is very good. We know that some of the debts that we have are very expensive, having been borrowed from institutions that do not give favourable rates. That is the way this country needs to go. We need to go back to the old regime where we borrowed from the World Bank, the IMF or the London Club or Paris Club. These are known international lenders who do not charge high interest rates. I love the proposal that we shall be able to retire expensive debt and replace them with cheaper debts, and even possibly elongate the time within which we shall repay the debts. We know of countries in history that ended up over-borrowing and were auctioned by those who had given them the money. The very earliest was the leader of Egypt called Khedive Ismail who ended up auctioning Egypt as a country. In the recent history, there is Greece, which lost its internal independence because of extreme borrowing.

This report also talks about reduction of the cost and risk of debt, which I want to support so that we do not put our country on wire because of high debt. This report talks about the need to consider the present generation as well as the future generation while borrowing. This is very important and is provided for in the Constitution. As we borrow, we should not do it recklessly so that we leave those who will live in the future with such high debt when we will have gone away.

Therefore, this is something that we need to emphasise because as it stands today, those young Kenyans who are being born and those living have a very high debt of over Kshs.250,000 that they will have to pay. It is very important that those of us who are borrowing now consider those who will live in future so that they can also live in a better Kenya.

Finally, this Report talks about consideration of foreign debt versus local borrowing. I caution that as we borrow locally, we should do it in a manner that we do not make the local banks stop giving Kenyans loans. We need to go back to the economics of President Mwai Kibaki, who actually made very many Kenyans access loans, in particular teachers and other workers in this country. The Government should not borrow all its money locally so that the local *mwananchi* can get loan facilities.

Thank you, Hon. Temporary Deputy Speaker, for giving me this chance to contribute. I support the Motion.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Very well. Let me have Hon. Jeremiah Kioni, the Member for Ndaragwa.

Hon. Jeremiah Kioni (Ndaragwa, JP): Thank you, Hon. Temporary Deputy Speaker. I do not know whether I will contribute or raise a point of order.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): You are in my request list.

Hon. Jeremiah Kioni (Ndaragwa, JP): I rise on a point of order pursuant to the provisions of Standing Order No.95. However, let me make my contribution, because I can see protestation coming from my senior, Hon. Nyikal.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): For records purpose, you are making your contribution.

Hon. Jeremiah Kioni (Ndaragwa, JP): Thank you. I want to support the Motion. When we have Motions of this nature, it is important that we avoid propagating lies on the Floor of the House, even if we want to have populist positions. We should not use this opportunity as a way of pushing propaganda. This has been done for the last four and a half years; and Kenyans have been misled and lied to. When we have Motions before us, some Members lie about money issues and raising the debt ceiling. This informs the public in the wrong way. It is true that Kenyans have a problem because of the high food prices that are there. The Government has made its intervention measures. It is important that we continue having interventions that can help the public. We should avoid using this Motion for populist reasons.

We have been here before. Those who choose to go the populist route find it very short in Parliament. You exit very quickly because people get to know of how you lie. I support the Motion and ask that we approve it. It is well-thought-out. We thank the Budget and Appropriations Committee for the work that they have done. We are waiting for the other papers that they will bring so that we can make better contributions on these issues.

Hon. Temporary Deputy Speaker, I support the Motion.

Thank you.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Very well. You support.

Can I have the Member for Seme, Hon. Nyikal Wambura, who is the next one on my request list?

Hon. (Dr.) James Nyikal (Seme, ODM): Thank you, Hon. Temporary Deputy Speaker for giving me this opportunity to contribute to this Motion and I rise to support it. Before I go to the merits and demerits of debts, I want to comment about the amendment that was brought by the Leader of the Majority Party. I support it, except I want to make one point. Instead of basically removing that first line which has Ksh400 billion, it should have been better as a policy statement. This should be consistent with the fiscal deficit, which should be determined at the time when we have the Budget Estimates. In that case, it will then be a policy statement and we remove figures. When you are making policy statements, it is not safe to have figures.

With regard to the amendment about the debt ceiling, it is not really fair to purposely misinterpret issues that are in black and white so that we can create an impression. We even go on to say that those inflations are in the Press, which can always say anything. The Committee's observation No. 3 in the Report is clearly cognisant of the fact that there is need not to tamper with the debt ceiling. The recommendation is that the fiscal deficit should be brought down. So how do we say that passing this Motion will imply that we have actually increased the debt ceiling? That

was exactly the same argument last time when we were discussing the Budget Policy Statement (BPS). I just wanted to raise that issue.

Having said that, Hon. Temporary Deputy Speaker, I further support this Motion because it meets the requirement that has always been there. The BPS should come with the Medium-Term Debt Management Strategy. This is so important because we need to keep track of our debts. When we are making the BPS every year, we must look at what our debts are, how they have been used and the fiscal space that they leave us. Development must take place. Debt is always important for development. However, it is important to have a clear balance among the debts, service provision and the general well-being of the country. That is what this Medium-Term Debt Management Strategy does. It actually brings us the prudent use of loans. We know that we have taken loans, but sometimes we do not get the results that we need.

If you look at the observations of the Committee, you will find that the Report of the Committee is quite conscious of the need to have a sustainable level of debt. They clearly say that between domestic borrowing and foreign borrowing, there is definitely a clear margin to look at because you can crowd out domestic borrowing. We have made the Medium-Term Debt Management Strategy for the first time. As the law requires, it must be something that we do every time that we have the BPS. It is a good start. I once again say that we should not have speculation as a basis of discussion. The members of the Press say whatever they want any time. However, we should go by the facts and the letter of the statements which are in the document that we have.

With those remarks, I support the Motion.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Very well, you support.

Next on my request list is the Member for Suba North, Hon. Odhiambo Millie.

Hon. (Ms.) Odhiambo-Mabona (Suba North, ODM): Thank you, Hon. Temporary Deputy Speaker, for giving me this opportunity to contribute. I support the Motion on the Medium-Term Debt Management Strategy for the Financial Year 2022/2023 as amended.

From the outset, I wish to state that I do not agree with Hon. Sankok when he says that debt is a cancer. It is not a cancer because even the big nations have debts which help them to manage their economies. The cancer is how we manage our debts. That is why we actually have the Mid-Term Debt Management Strategy here.

Article 201 of the Constitution 2010 is very clear about the enhanced role of Parliament, so that we can have effective debt management. Article 201 of the Constitution provides that there shall be openness and accountability, including public participation, in financial matters. It also provides that financial management shall be responsible, and fiscal reporting shall be clear. One which is of very special interest to me, as a child rights advocate, is the burden and the benefits of the use of resources and public borrowing. This shall be shared equitably between the present and the future generations. Due to that, I am very clear and concerned when we are talking of exceeding debt ceilings. I want to confirm what the Leader of the Majority Party has said and, indeed, what we moved in the BPS that was passed last week. As a House, we have not approved any new debt ceiling. It is a fallacy.

I am disappointed with my good friend, Hon. John Kiarie. He comes to the House to create alarm and give false information to the public, then he purports to bring a Motion to correct his own misinformation to the public. I just want to indicate, as Budget and Appropriations Committee, even with the amendments that we brought last week, we have shown concern to the National Treasury and we have told them that they need to note that the trajectory they are taking is of concern to us. We, therefore, want them to know that they must take certain measures. One

of the measures that we want them to take is, of course, the need to look at an enhanced revenue generation. They need to have effective resource allocation and cost-cutting or saving measures.

One of the very low hanging fruits is unnecessary trips such as the ones that have been taken by Hon. Kimani Ichung'wah. We are seeing that they have gone to visit Governors in other parts of the world when Kenyans are crying of food. He is the one who has generated that hashtag of food, yet he can afford to fly business or first class and, with the same hand, come here and say how people are dying of lack of food.

I also want to indicate that I am also disappointed with my good friend, Hon. John Kiarie, when he indicates that he is a journalist. Journalists, just like lawyers, try to get their facts correct. In future, when you want to talk about incentives and such issues, be very clear about your facts so that in terms of populism, we do not bring into disrepute, especially the National Assembly. The kind of things that we say in this House, would hardly be heard being talked about in the Senate. We shoot ourselves on the foot by making innuendos about ourselves. When you do that, the four fingers are pointing back at you. Remember, the Member who stood here with a cup of tea telling the media how he was bribed with Kshs5,000, he found himself in court and the courts listened and he was jailed. So, let us not set ourselves up with very careless statements against ourselves.

With those few remarks, I support the Motion as amended. Thank you.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Very well; you support. Thank you for reminding the House.

Hon. Members, we are debating the Motion on Order No. 10. That is the Report on the Medium-Term Debt Management Strategy for the Financial Year 2022/2023 as amended.

Can I have the Hon. Member for Kiharu Constituency, Hon. Ndindi Nyoro?

Hon. Ndindi Nyoro (Kiharu, JP): Thank you very much, Hon. Temporary Deputy Speaker. I rise to oppose. From where I sit and even in terms of the general population of the people of Kenya, I would not be comfortable sitting here to debate any Bill that seeks to increase debt and, therefore, increase the burden to the Kenyan people. I say so because currently, we are debating about increasing or giving a leeway for the Treasury to borrow to the tune of Kshs 400 billion.

However, as we seek to borrow Kshs 400 billion, no one in this House is sure about the debt levels in this country. What we get are conflicting figures. When you go to the Budget Office here in Parliament, the figure you will get is different from the figure you get from the National Treasury. We are already in excess of the limit that we have set here, when you aggregate what is reported by the CBK, the debt in terms of PPPs, guarantees and others, our country needs fiscal and financial prudence. The kind of figures that we have been seeing from Treasury, and especially through the debate that we will have this afternoon, shows a lot of imprudence in so far as budgeting for this country is concerned. We have actually over borrowed beyond the limits set here in this Parliament. I was actually seated here wondering on the earlier debate on how to punish people who have made this country borrow beyond the legal limits. Therefore, as I oppose.

Madam Temporary Speaker, it is good for us to know that currently, every human being in this country, including a child born in Kiharu, is born with a debt worth Kshs 255,000 around their neck. This is a person who has never used any public service, yet he/she is already born with debt; a debt that has been channelled into making the livelihoods of people of Kenya better. Unfortunately, the Kshs 255,000 per capita debt that every citizen of Kenya carries is not commensurate to the meagre development that we have seen from this regime. Majority or the biggest proportion of the monies we have borrowed has been stolen. More than half of the Kshs

400 billion that we are borrowing will be stolen, judging by history of the recent past. That is why, I cannot support anything that adds on to the burden to the Kenyan people.

Madam Temporary Speaker, we need to be mindful of a few things even as we talk about public debt. The first is the issue of cost. The kind of money we borrow in this country currently, even by eliminating the guarantees, is about Kshs.4 billion domestic borrowing and about Kshs.4 billion foreign borrowing. The cost at which we borrow is way beyond sustainable levels. The ten-year yield given by the Government of Kenya is more than ten per cent. If you compare the same to other countries, you will find that it is much lower.

The other thing is, even as we talk about domestic borrowing, over Kshs.4 billion borrowed locally by the Government of Kenya would actually be more appropriately allocated if it is in the pockets of the private sector. What you have been doing is crowding out---

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Order, Member for Kiharu; we have an intervention by the Hon. Member for Kilome, Hon. Nzambia Kithua.

Hon. Thuddeus Nzambia (Kilome, WDM-K): Thank you, Hon. Temporary Deputy Speaker. As I rise to support the Motion, pursuant to Article 95---

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Are you on debate or an intervention?

Hon. Thuddeus Nzambia (Kilome, WDM-K): I am on an intervention.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Okay; proceed.

Hon. Thuddeus Nzambia (Kilome, WDM-K): Thank you, Hon. Temporary Deputy Speaker. As I rise to support the Motion, pursuant to Article 95, I am requesting you to you call upon the Mover to reply.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): First, let us allow, Hon. Ndindi Nyoro to finish his debate, then I will prosecute your intervention.

Hon. Ndindi Nyoro (Kiharu, JP): Hon. Temporary Deputy Speaker, the kind of borrowing we have been doing domestically is crowding out our private sector. That is why even our revenue collection is not commensurate to our GDP figures, because the private sector in this country has been bartered. The money that they should be borrowing at favourable rates to channel into the productive sector and what they do is being borrowed by the Government of Kenya. Unfortunately, the private sector allocates resources more prudently than the Government of Kenya. That is why I rise to oppose the proposals and any other that will be brought in terms of increasing the debt levels in this country. This is primarily because what we borrow is stolen by our leaders, and a good example is actually the Express Way that we are building here.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Hon. Ndindi Nyoro, out of my discretion, I add you one more minute.

Hon. Ndindi Nyoro (Kiharu, JP): Thank you, Hon. Temporary Deputy Speaker. I was trying to make a point that even as we debate about borrowing Kshs.400 billion, there are glaring examples of how imprudently public debt has been used. One is just outside Parliament here; a road that President Kibaki would have built at around Kshs.25 billion, President Uhuru Kenyatta is building the exact same road---

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Be relevant.

Hon. Ndindi Nyoro (Kiharu, JP) Yes, Hon. Temporary Deputy Speaker. It is relevant because this road is under Public Private Partnership (PPP) and the guarantee is the Government of Kenya and therefore essentially it is debt. A highway that was to be built at a cost of Kshs.25 billion now costs in the excess of Kshs.80 billion. That money is stolen just like the other majority proportion of our public debt.

Hon. Odhiambo-Mabona (Suba North, ODM): On a point of order, Hon. Temporary Deputy Speaker.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Hon. Ndindi Nyoro, there is point of order by the Member for Suba North. When you say it is stolen, are you able to substantiate? But, let me hear from the Member for Suba North, who is on an intervention.

Hon. Odhiambo-Mabona (Suba North, ODM); Thank you, Hon. Temporary Deputy Speaker. Is the Hon. Members in order to infer improper motive on a person who is not in the House by suggesting that money is stolen? Can he please substantiate or withdraw? In substantiating, you do not substantiate by innuendos, you present the standards in this House. He should present documentation of theft and not just innuendos.

I just want to raise the same concern the Hon. T.J Kajwang' has raised, that we are giving too much leeway for people to make innuendos and cast aspersions without taking any stern action against them. They are not doing very well in the Opposition.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Hon. Millie Odhiambo, you are doing very well as a Member on intervention. This is a House of debate.

Hon. Ndindi Nyoro, having listened to you, please can you substantiate in terms of presentation of documents or you withdraw that the road was stolen?

Hon. Ndindi Nyoro (Kiharu, JP): Respectfully, Hon. Temporary Deputy Speaker, what I stated before this House is that there is public---

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Hon. Ndindi, Nyoro, you cannot rely on public information. Can you substantiate? In fact, I added you one minute.

Hon. Ndindi Nyoro (Kiharu, JP): Hon. Temporary Deputy Speaker, with all due respect, kindly---

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Hon. Ndindi Nyoro, please, can you substantiate about the stealing? You cannot come to this House--- Hon. Members, we will be very firm on this. You must not do politics. If you are able to substantiate the House will look at it. Can you substantiate that the road or whatever it is was stolen? The word, stolen, is in the *Hansard*.

Hon. Ndindi Nyoro (Kiharu, JP): Hon. Temporary Deputy Speaker, that is what I am doing.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): You either substantiate through presentation of papers, or you withdraw and apologise.

Hon. Ndindi Nyoro (Kiharu, JP): Hon. Temporary Deputy Speaker, I am doing it very respectfully. The Cabinet of President Mwai Kibaki---

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Let me guide you where and what I want you to substantiate. Just one sentence and you make us make progress. Hon. Ndindi Nyoro, I even added you one more minute. This is a House of debate and from all sides, the Temporary Deputy Speaker is non-partisan. Hon. Ndindi Nyoro, please, can you substantiate about the stealing? You used the word, "stolen". Just substantiate to the House. If you can prove that, very well. But if you not able to prove it now, please withdraw. Proving is about presenting papers or presenting documentation and any information to this House that we can take.

Hon. Ndindi Nyoro (Kiharu, JP): Hon. Temporary Deputy Speaker, how better will I do it without speaking? Because I am trying to do exactly what you have requested. I request respectfully, kindly, let me do it. I was trying to say---

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): You are doing very well. But, can you please present the documentation for substantiation, before I give you time?

Hon. Ndindi Nyoro (Kiharu, JP): Hon. Temporary Deputy Speaker, can I do it without speaking, honestly?

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Can you present your substantiation by tabling some papers? You can present it to the Clerk-at-the-Table.

Hon. Ndindi Nyoro (Kiharu, JP): Hon. Temporary Deputy Speaker, I respect the Chair, but at no time will I ever be boxed into debating in this House just to praise anyone. I will have to debate the way I came here to do, and I am doing exactly that.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Hon. Ndindi Nyoro---

Hon. Ndindi Nyoro (Kiharu, JP): I will never be boxed into a singing choir to this regime! I will never be boxed into singing praises to the President! He has stolen our money. That is the fact!

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Hon. Ndindi Nyoro, do not push the Temporary Deputy Speaker.

Hon. Ndindi Nyoro (Kiharu, JP): I am willing to pay any cost!

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Hon. Ndindi Nyoro, as a matter of procedure---

(Hon. (Ms.) Odhiambo-Mabona stood in her place)

(Loud consultations)

Order, Hon. Millie Odhiambo! Hon. Millie Odhiambo, please, resume your seat. The Temporary Deputy Speaker is so guided. I will not allow Members not to follow procedure. Hon. Ndindi Nyoro, in your own words, please, can you substantiate?

(Hon. Millie Odhiambo consulted loudly)

Hon. Millie Odhiambo, I will get back to you. You are on a point of order, but let me order, Hon. Ndindi Nyoro, can you substantiate about stealing? Can you present documentation? Present the evidence, as we call it in law. Can you present before you talk? I can only listen to you if you have presented the evidence. Can you produce evidence on the same, otherwise I will rule you out of order. If there is evidence. I will listen to you. Hon. Ndindi Nyoro, you either withdraw or substantiate the same.

Hon. Members, let us not use this Chamber--- For as long as I am here, I will not allow it, as the Temporary Deputy Speaker. I am sure all the Chairpersons of the Speaker's Panel and the Deputy Speaker will not allow politics in the House. We are demeaning ourselves, Hon. Members. This is a House of honourable Members.

Hon. Ndindi Nyoro, I do not know whether to persuade you, but I want you to substantiate by presenting evidence. You can present and I will look at the documents and evidence and we will still continue. Present.

(Loud consultations)

(Hon. David ole Sankok consulted loudly)

Hon. Sankok, you are not on the Floor.

Pursuant to Standing Order No.91, Hon. Members---

Hon. Sankok, I can hear you from where I am. I do not know what is happening to you of late. I do not know what is happening to you. You are not the only Member in this House. Remember, in this House as much as I respect you, when I speak, you should not be making noise. You had your time. You are actually out of order. Hon. Sankok, I know you are vying for a seat, and I am sure your people are watching. You are out of order!

Hon. Sankok, you are not Hon. Ndindi Nyoro. Please, allow Hon. Ndindi Nyoro, the Member for Kiharu, to exercise his mandate of why he is in the House. He has the Floor to speak. When he is so directed, do not advise him. He is doing well. I do not want to say that he is clever than you, but he is the one who has Floor to talk. So, please do not look like you are advising Hon. Ndindi Nyoro.

On the responsibility for statement of fact, Standing Order 91 states that –

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

As the substantive Speaker, I have quoted Standing Order 91, and hence I am ordering Hon. Ndindi Nyoro, who is on the floor, to substantiate the facts on the same instantly.

Hon. Ndindi Nyoro, can you substantiate your statement? We are guided by our own Standing Orders.

Hon. Ndindi Nyoro (Kiharu, JP): Hon. Temporary Deputy Speaker, I am doing this with a lot of respect. Given a chance, I am willing to bring documentation on President’s Kibaki’s Cabinet that met and budgeted on the Express Way to a tune of around Kshs.25 billion, as it is public information. This regime is constructing the same road to a tune of Kshs.80 billion. Therefore, I am not trying to play games; you know I have a lot of respect for you. Given time, I can table the evidence.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Very well. I had added you one minute, which is over.

Hon. Ndindi Nyoro, with all due respect, I order that you either substantiate the allegations now, as this is a House of records, or not later than the next Sitting. Failure to which, you will be deemed disorderly within Standing Order 107 on disorderly conduct. You may choose to withdraw your allegations and apologise to the House as required.

Your minute is over. I order that before the next Sitting, please present your evidence on the same. If you do not apologise, your matter will be looked at and pursuant to Standing Order 107, Hon. Ndindi Nyoro, you will be deemed to have disorderly conducted yourself. This is for you and not for any other Member to advise you. Every Member represents a different constituency. Do not allow the other Members to mislead you. My order is on record. Hon. Ndindi Nyoro, your time is over and you stand ordered.

Can I have the Member for Tigania West?

(Hon. Odhiambo-Mabona spoke off record)

Yes, there was a point of order that I am still consulting on. I interrupted the Member for Hon. Ndindi Nyoro to complete his debate. We had an intervention on Standing Order 95, calling upon the Mover to reply. The Member for Kilome was orderly as per our Standing Orders and procedures on calling upon the Mover to reply.

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

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I now call upon the Mover to reply

Hon. Kanini Kega (Kieni, JP): Thank you very much, Hon. Temporary Deputy Speaker. From the onset, I want to thank all the contributors. We have heard your sentiments and these are some of the issues that we will take into consideration when we will be bringing the annual estimates.

I want to confirm to this House that we are a responsible Committee and House and will make sure that nothing is done against the law. Some Members insinuated that we have altered the debt ceiling. The debt ceiling can only be altered in this House through the proper channels. If it ever happens, it will follow the proper channels. We will make sure that we remain within the ceiling and within the law.

Hon. Temporary Deputy Speaker, I also want to give my appreciation to the Members of the Budget and Appropriation Committee, who have taken a lot of time to go through this Medium-Term Debt Strategy (MTDS). For the first time since 2012, we have presented it as a separate Motion. In the past, it was combined with the Budget Policy Statement (BPS).

With that, I beg to reply.

Thank you.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Very well.

(Putting of the Question deferred)

Next Order.

BILL

Second Reading

THE COFFEE BILL

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): On this, let me have the Chairperson of the Departmental Committee on Agriculture and Livestock to move for Second Reading. Is he in the House?

Hon. Silas Tiren (Moiben, JP): Thank you, Hon. Temporary Deputy Speaker, for the opportunity. I beg to move that The Coffee Bill 2020 (Senate Bill No. 22 of 2020) be now read a Second Time.

By way of introduction, the Coffee Bill 2020 (Senate Bill No. 22 of 2020) sponsored by Senator Njeru Ndwiga, the Chairperson of the Senate Standing Committee on Agriculture, Livestock and Fisheries, was passed by the Senate with amendments on 5th August, 2020, and transmitted to the National Assembly.

The principal object of this Bill is to provide for development and regulation of the coffee industry in Kenya. The Bill proposes and reorganises the coffee industry by transitioning the regulatory and commercial roles currently undertaken the Agriculture and Food Authority (AFA) to the Coffee Board of Kenya. The Bill further seeks to transition coffee research currently undertaken by Coffee Research Institute under the Kenya Agriculture and Livestock Research Organisation (KALRO) to the Coffee Research Institute (CRI).

The House also had a similar Bill, The Coffee Bill 2021 (National Assembly Bill No. 17 of 2020) sponsored by the Leader of Majority Party, Hon. (Dr.) Amos Kimunya, which was read for the First Time on 8th June, 2021, and was committed to the Committee. The principal object of

the National Assembly Bill was to provide for the development, regulation and promotion of the coffee industry to provide for establishment, powers and functions of the Coffee Board of Kenya.

The Committee conducted public participation on the Coffee Bill (National Assembly Bill No. 17 of 2021). Invitation to submit comments on the Bill was placed in the newspapers on 12th June, 2021. The Committee then conducted public hearings on the 3rd and 4th September, 2021, in Machakos, Nandi, Kericho, Kirinyaga and Bungoma counties.

In Machakos County, the Committee conducted public hearings and received written submissions from the following stakeholders. The National Coffee Cooperative Limited, Machakos Cooperative Union Limited, Musuiini Farmers Cooperative Society, Kwa Matingi Farmers Cooperative Society, Kilalani Farmers Cooperative Society, Kailani Farmers Cooperative Society, Mwatati Farmers Cooperative Society, Itheni Farmers Cooperative Society, Kamathanga Farmers Cooperative Society, Kakunyi Farmers Cooperative Society, Kitwii Farmers Cooperative Society, Kikima Farmers Cooperative Society, Mathwenzoni Farmers Cooperative Society, Mubati Farmers Society, Musulili Farmers Cooperative Society, Tendolanyi Farmers Cooperative Society, Musokari Farmers Cooperative Society, Kasinga Farmers Society, Misikawani Farmers Cooperative Society, Kithangini Farmers Cooperative Society, Mungarana Farmers Society, Mulilini Farmers Society, Kwa Kinywa Farmers Society and the Kenya Coffee Production Society.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Hon. Tiren Kipkoech, Member for Moiben, we have an intervention on a point of order by the Hon. Millie.

Hon. (Ms.) Odhiambo-Mabona (Suba North, ODM): Thank you, Hon. Temporary Deputy Speaker. I apologise to the Hon. Member that I am interrupting him when he is moving a very important Bill.

You know a lot of people in this country survive on coffee. You know a lot of people even in this House were raised on coffee. That is why it is very sad and regrettable that we have Members from those coffee-growing areas who should create quorum out of the country when we are raising such an important Bill. We do not have quorum. I am raising a quorum issue under Standing Order No. 35. We do not have quorum.

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): You are right on the issue of quorum. We do not know who is out of the country, unless you want me to have you substantiate. We are not aware who is out of the country. Now, before I head there, what I hear is the quorum issue. On the same Standing Order, please, the Clerks-at-the-Table, can you establish that we do not have the quorum before I call upon the Bell to be rang.

(The Clerks-at-the-Table counted the Members in the Chamber)

From the Clerks-at-the-Table and the Serjeants-At-Arms, I confirm that we only have 24 Members. So, Hon. Millie Odhiambo is right to rise on that Standing Order to say that we have no quorum. So, I order the Quorum Bell to be rang for 10 minutes. The Whips and Serjeants-At-Arms should be advised on the Quorum Bell being rang. We send the Whips who are allowed to move out of the Chamber. The Quorum Bell will be ringing for 10 minutes. Again, as a matter of procedure, guided by our Standing Orders, Members in the House are not allowed to leave the Chamber.

Order, Serjeants-At-Arms, no Member is allowed to leave the Chamber unless he or she is a Whip.

(The Quorum Bell was rung)

(Hon. (Ms.) Odhiambo-Mabona crossed the Floor)

Hon. Millie Odhiambo, you are out of order. You are a senior Member of this House. Please, do the necessary. You are not allowed to cross over.

(Hon. (Ms.) Odhiambo-Mabona bowed to the Chair)

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Order, Members! Hon. Sankok, resume your seat. The quorum Bell has been rung for 10 minutes. Some Members were inquiring why they cannot leave the House. As the Temporary Deputy Speaker on the Chair, it is important that I guide you. You are not allowed to leave the House because we are guided by Standing Order 35(3) that you may wish to refer to. Part (3) Reads:

“Whenever the Speaker or the Chairperson, as the case may be, is engaged in counting the House or the Committee respectively, the doors shall remain unlocked, but no Member shall be allowed to leave the Chamber, except a party whip who may be permitted to leave the Chamber to seek the Members required to raise a quorum.”

Mhe. Sankok anasema amekazwa na mkojo.

(Laughter)

I can hear him. Hon. Sankok, *kama umekazwa na mkojo*, I can use my discretion to allow you to go out. But you are okay now.

I want to report to the House that we have not been able to get the requisite numbers for us to proceed with the sitting. Therefore, I will adjourn the House based on the same.

ADJOURNMENT

The Temporary Deputy Speaker (Hon. (Ms.) Jessica Mbalu): Hon. Members, the time being 6.08 p.m., this House stands adjourned until tomorrow, Wednesday, 2nd March, 2022, at 9.30 a.m.

The House rose at 6.08 p.m.