



**REPUBLIC OF KENYA**

**THIRTEENTH PARLIAMENT**

**NATIONAL ASSEMBLY**

**THE HANSARD**

**VOL. II NO. 19**

## THE HANSARD

Wednesday, 15<sup>th</sup> March 2023

The House met at 2.30 p.m.

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

PRAYERS

QUORUM

*(The Quorum Bell was rung)*

**Hon. Speaker:** Leaders of the Majority and Minority Parties, in the old days, when the Division Bell was rung, you could see the Whips racing out to go and look for Members.

*(Laughter)*

We now have Quorum to transact business. I did not say anybody to race out though. Clerk.

MESSAGE

APPOINTMENT AS MEMBER OF THE NATIONAL  
GENDER AND EQUALITY COMMISSION

**Hon. Speaker:** Hon. Members, pursuant to the provisions of Standing Order 42, I wish to convey the following Message from His Excellency, the President, regarding the nomination of a person, for appointment as a member of the National Gender and Equality Commission.

In the Message, His Excellency the President conveys that in exercise of powers conferred on him by Article 252(b) of the Constitution and Section 11(6) of the National Gender and Equality Commission Act, 2012, as read together with Sections 3 and 5 of the Public Appointments, (Parliamentary Approval) Act, No.33 of 2011, he has nominated Dr. Margaret Karungaru for appointment as a member of the National Gender and Equality Commission.

The President now seeks approval of the Nominee by this House. Standing Order No. 45 provides that upon receipt of the notification of a nomination for appointment, such nomination shall stand committed to the relevant departmental committee for consideration.

In this regard, I hereby refer the Message from His Excellency the President, together with the Curriculum Vitae, a Report of the Public Service Commission and other testimonials of the nominee to the Departmental Committee on Labour, for consideration. It is important to note that Section 8 of the Public Appointments, (Parliamentary Approval) Act, 2012, provides that the Committee to which such nomination is referred shall consider the matter and table a report in the House within 28 days.

Notably, Section 11(6) of the National Gender and Equality Commission Act 2012, provides for a lesser period being; 21 days.

In this regard, the Committee should undertake approval hearings and submit its report within 21 days as provided for in the National Gender and Equality Commission Act. The law, however, allows for an extension of this period, should need arise. In view of the foregoing, Hon. Members, the Committee is expected to immediately commence the approval process, notify the nominee and the general public of the time and place for holding the approval hearings. Thereafter, upon conclusion of the hearing, table its report on or before Wednesday, 5<sup>th</sup> April 2023 to enable the House to consider the matter within the stipulated timelines.

I thank you.

## PAPERS

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

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

Report of the Auditor-General and financial statements in respect of the following institutions for the year ended 30<sup>th</sup> June 2018 and the certificates therein:

- (a) Institute of Human Resource Management.
- (b) Maasai Mara Technical and Vocational College.

Report of the Auditor-General and financial statements in respect of the following institutions for the year ended 30<sup>th</sup> June 2019 and the certificates therein:

- (a) Runyenjes Technical and Vocational College.
- (b) The Institute of Human Resource Management.

Report of the Auditor-General and the financial statements in respect of the following institutions for the year ended 30<sup>th</sup> June 2021 and the certificates therein:

- (a) Tana Water Works Development Agency.
- (b) Laikipia University.
- (c) Kenya Industrial and Development Institute.
- (d) Bandari Maritime Academy.
- (e) South Eastern Kenya University.
- (f) Machakos University.
- (g) IDB Capital Limited.
- (h) Kenya Nuclear Regulatory Authority.
- (i) Samburu Water and Sanitation Company Limited.
- (j) The University of Nairobi Enterprises and Services Limited.

Report of the Auditor-General and financial statements in respect of the following institutions for the year ended 30<sup>th</sup> June 2022 and the certificates therein:

- (a) Kisii Water Supply and Sanitation Project ORI011/KE/21.
- (b) Trilateral Development Corporation in Kenya, Water and Sanitation sector Project Credit Number BMZ201365352 - Lake Victoria South Water Works Development Agency.
- (c) Kenya Livestock Commercialisation Project Loan Number 20000003565 and 20000003566 - State Department for Livestock.
- (d) Microfinance Sector Support Credit Project Credit Number CKE300401E and CKE601001E - the National Treasury.
- (e) Nairobi Sanitation Output Based Aid (OBA) Projects IDA Grant Number TF014251 and Number TF0A5607 Nairobi City Water and Sewerage Company Limited.
- (f) Financing locally led Climate Action Programme Credit Number IDA690TFB680-KE P173065.

- (g) Financial sector Support Project IDA Credit Number 5627 – KE - the National Treasury.
- (h) Support Water and Sanitation Services in peri-urban area Loan Number BMZ2013.6543.6 Athi Water Works Development Agency.
- (i) Nairobi River Basin Rehabilitation and Restoration Programme, Sewerage Improvement Project Phase Two AfDB Loan Number 20000200003407 and AfDB Loan Number 2100150040550 - Athi Water Works Development Agency.
- (j) Nairobi Water Distribution Network Project Credit Number BMZ Number 2020.82.527/KV26833 - Athi Water Works Development Agency.
- (k) The Northern Collector Phase One Additional Rehabilitation and Development of the Network Athi water Works Development Agency.

Thank you, Hon. Speaker.

**Hon. Speaker:** Thank you. Hon. Beatrice Elachi, Select Committee on the National Government Constituencies Development Fund.

I do not see her. Is there any Member of that Committee who is present, so that he can lay the report on the Table? Leader of the Majority Party, in the interest of time, you can do that for them.

**Hon. Kimani Ichung'wah** (Kikuyu, UDA): Thank you, Hon. Speaker. It is important that we mention all chairpersons and vice-chairpersons of committees should be in the House at 2.30 p.m. This is only out of respect for the Office of the Speaker.

**Hon. Speaker:** They should actually be here five minutes to 2.30 p.m.

**Hon. Kimani Ichung'wah** (Kikuyu, UDA): Yes.

**Hon. Speaker:** I should find them in the House.

**Hon. Kimani Ichung'wah** (Kikuyu, UDA): The Speaker cannot be sitting waiting for chairpersons and vice-chairpersons of committees, or even Members. The House starts at 2.30 p.m. So, let notice be served to all our chairs, so that those who are not available can relinquish their positions to those who have time to commit to the House.

**Hon. Speaker:** Before you lay the document, Hon. Ichung'wah, Hon. Wandayi, what is it?

**Hon. Opiyo Wandayi** (Ugunja, ODM): Hon. Speaker, I just want to agree with Hon. Ichung'wah, the Leader of the Majority Party, on the matter of the attendance of House sittings by chairpersons and vice-chairpersons of various committees. It has always been a tradition in this House, at least, since the advent of the new Constitution, that they must be physically present in the chamber when the House commences its sitting.

It is now taking a new direction. These committees are being left to fend for themselves. The committee Members can only get direction from their chairs. If a chair is not prepared to lead his or her committee, he should say so and give room to others. Otherwise, this idea of abdicating responsibility every now and then will leave a very bad precedent in this House. I want you to put your foot down, Hon. Speaker. All chairpersons, including those who chair oversight and audit committees from my side of the coalition, have to be here. They have no excuse.

Thank you, Hon. Speaker.

**Hon. Speaker:** Thank you, Leader of the Minority Party. To all chairs, the French say *noblesse oblige*. Nobility carries obligation. When you are given a responsibility, it has attendance obligations. If the chairpersons of committees were responsive to the time of the House, we would never be ringing the Quorum Bell because they constitute more than enough Members that make up a quorum. So, proceed. I advise you to crack your whip where necessary.

*(Loud consultations)*

**Hon. Kimani Ichung'wah** (Kikuyu, UDA): Thank you, Hon. Speaker.

**Hon. Speaker:** Order! Go on, Leader of the Majority Party.

**Hon. Kimani Ichung'wah** (Kikuyu, UDA): Hon. Speaker, we shall indulge our chairs. Today, being the last time, we indulge them. I sometimes come late because I also have other responsibilities for my constituency. For instance, I was not in the House this morning. The Deputy Leader of the Majority Party and the Whip of the Majority Party were also not there. I made sure I asked a chair of another committee, in this case Hon. Chepkonga, to lay Papers on my behalf, since I was going to give bursaries to the people of Kinoo Ward. They told me to pass their greetings to the House, and to say that they are firmly behind this Government. They shall not be intimidated by anybody.

Hon. Speaker, I beg to lay the following Papers on the Table, on behalf of the Chair of the National Government Constituencies Development Fund:

Report of the Select Committee on National Government Constituencies Development Fund on the list of nominees to the National Government Development Fund Committees for three Constituencies.

Thank you, Hon. Speaker.

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

**Hon. Charles Kamuren** (Baringo South, UDA): On a point of order, Hon. Speaker.

*(Several Members spoke off the record)*

**Hon. Speaker:** Hon. Kamuren, what is out of order? Can you give him the microphone?

**Hon. Charles Kamuren** (Baringo South, UDA): Thank you, Hon. Speaker. I think it is in order when you are accused, you are given a chance to defend yourself. Hon. Speaker, being the chair and vice-chair, it is good to be heard because we have been present, but nationally, it appears as if we have not been present.

**Hon. Speaker:** Hon. Kamuren, we know you are present. The rollcall does not have to be physical. Every time you enter the chamber, your presence is automatically recorded. The rollcall is with these clerks. We know who is here and who is not here.

Next Order.

## NOTICES OF MOTIONS

### CHAIRPERSON, SELECT COMMITTEE ON NATIONAL GOVERNMENT CONSTITUENCIES DEVELOPMENT FUND

**Hon. Speaker:** Hon. Leader of the Majority Party, you will have to go the whole hog.

**Hon. Kimani Ichung'wah** (Kikuyu, UDA): Thank you, Hon. Speaker. On behalf of the Chair of the Select Committee of the National Government-Constituencies Development Fund, I beg to give notice of the following Motion:

THAT, this House adopts the Report of the National Government Constituency Development Fund on three (3) Constituency Committees laid on the Table of the House on Wednesday, 15<sup>th</sup> March 2023, pursuant to the provisions of Section 43(4) of the National Government Constituencies Development Fund Act, 2015 and paragraphs 5(2) and (10) of the National Government Constituencies Development Fund Regulations, 2016, approves the list of nominees for appointment to the following three (3) Constituency Committees of the National Government Constituency Development Fund.

1. Garissa Township Constituency
2. Mbeere North Constituency
3. Narok East Constituency

Hon. Speaker, it is customary for this House that if a Member whose list of nominees is being approved by the House is not in the House, that matter stands dropped. We cannot pass your list and you are not present in the House. Notice be served to the Member for Mbeere North who is not in the House now that at the time we get to this Motion, should he not be in the House, then his list will stand dropped.

**Hon. Speaker:** Thank you.

Let us have Hon. Mark Mwenje.

PROGRAMME FOR VOLUNTARY REGULARISATION OF LAND  
OCCUPIED BY SQUATTERS FOR A PRESCRIBED PERIOD

**Hon. Mark Mwenje** (Embakasi West, JP): Hon. Speaker, I beg to give notice of the following Motion:

THAT, aware that lack of access to ownership of productive assets, in particular to land, is one of the very serious sources of economic and social insecurity for Kenyans; further aware that many communities particularly in rural areas and informal settlements in the urban areas depend on land for their production and livelihood and, therefore, landlessness affects the ability to secure basic needs such as food, clothing and shelter; concerned that for the urban low income dwellers, the only way of accessing land to put up their dwellings has been to take up residence on land that is unfit for human habitation; aware that the Bill of Rights in Chapter Four of the Constitution guarantees every citizen the right to adequate housing and reasonable standards of sanitation; noting that there are very many squatters who have settled on land that belongs to either absentee landlords, un-adjudicated land, public land or community land for long periods of times, with some disputed while others are undisputed; concerned that the issue of land settlement in many urban areas particularly in the informal settlements has remained unresolved, with numerous persons remaining squatters; further aware that Section 7 of the Limitation of Actions Act, 2010 provides for the right to claim for settlement on certain land after the prescribed period; while Section 134, the Land Act 2012 empowers the national Government implement settlement programs and provide for process for doing so; recognising the need for the Ministry of Lands to hasten the process of identifying parcels of land occupied by squatters where there are no disputes from any party, this House resolves that the Government develops and implements a policy for regularisation of the settlement of squatters within a period of two years in accordance to the provisions of Part 9 of 2012 of the Lands Act land to address the challenges facing the said squatters.

**Hon. Speaker:** Thank you, Hon. Mwenje. Before I go to the next Order, Hon. Members, I wish to acknowledge in the Hon. Speakers Gallery, the presence of four staff members from Makueni County Assembly. You may stand to be acknowledged. You are welcome to the House of Parliament. In the Public Gallery, I wish to acknowledge the presence of the Star Sheikh Academy from Mavoko Constituency, Machakos County.

*(Applause)*

I welcome our visitors to the House of Parliament.

Next Order!

## QUESTIONS AND STATEMENTS

## ORDINARY QUESTIONS

*Question 23/2023*

## REVIVAL OF MWEA COTTON GINNERY

**Hon. Speaker:** We start with the Question by Hon. Mary Maingi, Member for Mwea Constituency.

**Hon. Mary Maingi** (Mwea, UDA): Thank you, Hon. Speaker for giving me this opportunity to ask my first Question in this August House.

**Hon. Kassait Kamket** (Tiaty, KANU): On a point of order.

**Hon. Speaker:** Yes, Hon. Kamket, what is out of order?

**Hon. Kassait Kamket** (Tiaty, KANU): Hon. Speaker, we recently passed amendments to the Standing Orders. When are we likely to get the cabinet secretaries to come and answer these Questions?

**Hon. Speaker:** Hon. Kamket, if you have passed, then you should have known the effective dates.

*(Laughter)*

The Motion had an effective date which is later this month. We forgive you for not knowing, but you are presumed to know everything you pass here.

Hon. Member, proceed to ask the Question.

**Hon. Mary Maingi** (Mwea, UDA): Hon. Speaker, pursuant to the provisions of Standing Order 42(A)(5), I rise to ask the Cabinet Secretary for Agriculture and Livestock Development the following Question:

- (a) Could the Cabinet Secretary provide details on the status of implementation and specify the timelines within which the Ministry intends to revive Mwea Cotton Ginnery following legalization of commercial cultivation of genetically modified pest resistant BT Cotton variety in 2019 after trials at Kenya Agricultural and Livestock Research Organisation (KALRO) Centre in Mwea?
- (b) What steps has the Ministry taken to ensure that when the Ginnery begins active production, locals of Mwea Constituency will directly benefit in terms of employment opportunities and Corporate Social Responsibility (CSR) initiatives?

I thank you, Hon. Speaker.

**Hon. Speaker:** Question to be replied to before the Departmental Committee on Agriculture and Livestock.

Thank you, Hon. Mary Maingi.

Next Question is by the Member for Kibwezi East. Hon. Jessica Mbalu.

*Question 40/2023*

CONNECTION OF PUBLIC UTILITIES IN KIBWEZI EAST CONSTITUENCY  
TO THE NATIONAL ELECTRICITY GRID

**Hon. Jessica Mbalu** (Kibwezi East, WDM): Hon. Speaker, I rise to ask the Cabinet Secretary for Energy and Petroleum the following Question: Could the Cabinet Secretary -

- (a) Provide details of the number of public utilities, including primary and secondary schools in Kibwezi East Constituency that are not connected to electricity and the steps being undertaken to connect them to the national grid?
- (b) Outline the measures that the Ministry has put in place to either service or replace faulty and obsolete Solar PV systems that were installed to supply uninterrupted power to various public institutions in Kibwezi East Constituency, particularly primary schools where power is critical for implementing digital learning programmes?
- (c) Provide a status report on electrification projects for other areas in Kibwezi East Constituency that are not connected to electricity and plans being undertaken to ensure that the areas get connected to the national grid?

I thank you, Hon. Speaker.

**Hon. Speaker:** Question to be replied before the Departmental Committee on Energy. Thank you, Hon. Jessica. Next is Question 044 by the Member for Teso North, Hon. Oku Kaunya.

*Question 44/2023*

INCORPORATION OF COMPETENCY-BASED  
CURRICULUM INTO 8-4-4 CURRICULUM

**Hon. Oku Kaunya** (Teso North, ODM): Thank you very much, Hon. Speaker. I rise to ask Question 044/2023 to the Cabinet Secretary for Education. Could the Cabinet Secretary:

- (a) Consider incorporating the Competency Based Curriculum (CBC) into the 8-4-4 curriculum as a way of addressing the challenges that have affected smooth transitioning from 8-4-4 to the CBC system?
- (b) Confirm whether the Ministry will meet the full costs of implementing the CBC, particularly the purchase of resources necessary for carrying out CBC lessons?
- (c) State the measures the Ministry is taking to ensure that all the 1.2 million Grade Seven learners transition to junior secondary school?
- (d) Explain the fate of infrastructure that was earlier established in secondary schools using public funds in readiness for junior secondary schools, which are now domiciled in primary schools?

**Hon. Speaker:** Thank you, Hon. Kaunya. Question 045, Member for Yatta, Hon. Robert Basil.

*Question 45/2023*

DEPLOYMENT OF PRINCIPALS TO  
JUNIOR SECONDARY SCHOOLS

**Hon. Robert Ngu** (Yatta, WDM): Thank you, Hon. Speaker. I rise to ask Question 045 to the Cabinet Secretary for Education:

- (a) Could the Cabinet Secretary explain the criteria applicable to deployment of principals in junior secondary schools?



- (b) When will the teachers who have served as principals or deputy principals in acting capacities beyond the statutory six months be substantively appointed in those positions?

Thank you, Hon. Speaker.

**Hon. Speaker:** Thank you Hon. Basil. Question 046/2023, the Member for Bahati, Hon. Irene Njoki.

*Question 46/2023*

ERADICATION OF ILLICIT BREWS IN BAHATI CONSTITUENCY

**Hon. Irene Njoki** (Bahati, JP): Thank you, Hon. Speaker. Pursuant to the provisions of Standing Order 42(a)(v), I rise to ask my Question to the Cabinet Secretary for Interior and National Administration:

- (a) Could the Cabinet Secretary explain the steps the Government has taken to fight against the proliferation of illicit brews in Bahati Constituency, including steps being taken to eradicate their production and sale?
- (b) Could the Cabinet Secretary explain mechanisms put in place to enforce proper disposal of illicit brews nabbed by police during swoops to ensure that the product does not find its way into circulation?

**Hon. Speaker:** Thank you, Hon. Njoki.

**Hon. Speaker:** Next is the Statement by the Member for Kitui Central, Hon. Makali Mulu.

**MEMBERS GENERAL STATEMENT**

COMMONWEALTH DAY 2023

**Hon. (Dr) Makali Mulu** (Kitui Central, WDM): Thank you very much, Hon. Speaker. Pursuant to Standing Order 43 on behalf of the Commonwealth Parliamentary Association Kenya Branch, I wish to make a Statement regarding Commonwealth Day, 2023.

Hon. Speaker, Commonwealth Day, 2023 was marked on Monday, 13<sup>th</sup> March 2023 throughout the Commonwealth across the Commonwealth Parliamentary Associations (CPAs) in nine regions, 180 parliaments and legislatures. The day is the annual celebration of commonwealth nations often held on the second Monday in March and aims to unite 2.5 billion Commonwealth citizens in celebration of their shared values and principles in pursuit of a common future centred on sustainability and peace. The theme of the Commonwealth Day 2023 was forging a sustainable and peaceful common future which combines the active commitment of the commonwealth to support the promotion of peace, prosperity and sustainability. Especially through climate action to secure a better future for the young people and to improve the lives of all commonwealth citizens.

In addition, Hon. Speaker, the year 2023 has been designated the commonwealth year of the youth and, therefore, the Commonwealth Day focus was on delivering opportunities for the people, parliaments, governments and institutions of the commonwealth to connect and work together at many levels through a deep-rooted network of friendship and goodwill. This is the first Commonwealth Day since the passing of Her Majesty, thus the first presided over by His Majesty King Charles III as king and head of the commonwealth. Further, Commonwealth Day 2023, marked the 10<sup>th</sup> anniversary of the signing of the Commonwealth Charter which was signed by Her Majesty, the late Queen Elizabeth II, on 11<sup>th</sup> March 2013.

As I conclude, I urge all of us that moving forward, Kenya adheres to the theme of the Commonwealth Day 2023 and commits to supporting the promotion of peace, prosperity and sustainability especially through Climate Action so as to secure a better future for our young people and improve the lives of all our people. I take this opportunity to inform the House that one of the top issues on the agenda of the CPA is through the change of legal status of the association from being a charity registered under British law, to adapting a new legal status as an international inter-parliamentary organisation. This change of legal status seeks to enable the CPA to continue to achieve its ambitions for the future.

This statement is signed by yours truly, Hon. (Dr) Makali Mulu, Kitui Central, Member of the CPA Executive Committee and senior representative, African Region.

Thank you, Hon. Speaker.

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

## MOTIONS

### REPORT ON CONSIDERATION OF 2023 MEDIUM-TERM DEBT MANAGEMENT STRATEGY

**Hon. Speaker:** Order Hon. Members. This Motion was debated and responded to. What remained was putting of the Question.

THAT, this House adopts the Report of the Public Debt and Privatisation Committee on its consideration of the 2023 Medium Term Debt Management Strategy (MTDS), laid on the Table of the House on Thursday, 9<sup>th</sup> March 2023 and pursuant to the provisions of Section 15(4) of the Public Finance Management Act, 2012 (PFM) and Standing Order 232A (7) and (8):

- (a) approves the 2023 Medium Term Debt Management Strategy; and,
- (b) makes the Policy and financial resolutions contained in the schedule.

## SCHEDULE

### POLICY AND FINANCIAL RESOLUTIONS RELATING TO THE 2023 MEDIUM TERM DEBT MANAGEMENT STRATEGY

#### A. POLICY RESOLUTIONS

1. THAT, any borrowing undertaken by the National Treasury in FY 2023/24 should not exceed the approved debt ceiling set by Parliament.
2. THAT, to enhance liquidity management and to help reduce unnecessary shortterm domestic borrowing occasioned by Government's inability to access surplus funds held in numerous Ministries, Departments and Agencies (MDAs) bank accounts, the National Treasury spearheads the integration of MDA banking arrangements into a single treasury account system as provided for in the Public Finance Management (PFM) Act, 2012 and regulations.
3. THAT, as indicated in the Committee's report on the Consolidated Fund Services (CFS) expenditures for supplementary estimates No. 1 of FY 2022/23, the National Treasury should within six months, table regulations for the establishment of a sinking fund dedicated to public debt servicing as provided for under section 50(8) of the PFM Act, 2012.

4. THAT, in order to safeguard against exchange rate fluctuations, the National Treasury should consider hedging mechanisms on foreign exchange risks and/or negotiating lending agreements in Kenya shillings.
5. THAT, the National Treasury undertakes a review of all undisbursed loans amounting to Kshs1.179 trillion and submits to the National Assembly within one month, a report with information on terms, status, reasons for non-disbursement and proposals on any loans that can be cancelled to save spending on commitment fees.
6. THAT, in adherence to the Accra Agenda for Action 2018, donor support MUST be aligned to the country's budget cycle to facilitate proper planning by the implementing agencies and reduce occurrence of undisbursed loans.
7. THAT, within two months, the National Treasury submits to this House, a strategy for resolution of non-performing loans linked to various State-Owned Corporations (SoEs) including Kenya Airways.
8. THAT, the Office of the Auditor-General expedites the audit of project loans under the water sector and the Ksh9.9 billion loan borrowed on behalf of Kenya Power and Lighting Company (KPLC) and submits this report to the House.
9. THAT, in the next budget cycle, the National Treasury aligns the borrowing strategy proposed in the Budget Policy Statement with the borrowing strategy in the Medium-Term Debt Strategy (MTDS) in order to ensure credibility of the Government's planning documents.
10. THAT, in the next budget cycle, the National Treasury must undertake public participation on the MTDS in line with Article 201 of the Constitution.
11. THAT, going forward, the MTDS should live up to its expectation as a medium-term document by showing consistency in proposed debt management strategies on a three-year rolling framework, from one MTDS to another.
12. THAT, the National Treasury undertakes a sensitivity analysis on the 2023 MTDS and submits to this House, within two weeks, a contingency plan on measures to be undertaken in the event of revenue shortfalls or underperformance of loans.

#### B. FINANCIAL RESOLUTIONS

1. That, the fiscal deficit target for the medium term is approved and set at 4.4% of Gross Domestic Product (GDP) for FY 2023/24; 3.9% of GDP for FY 2024/25 and 3.6% of GDP for FY 2025/26 in line with the fiscal consolidation path.
2. That, the country's borrowing strategy is approved at 50 percent net external borrowing and 50 percent net domestic borrowing as contained in the 2023 Medium-Term Debt Management Strategy.
3. That, any deviation from the approved borrowing strategy will require the approval of the National Assembly.

*(Moved by Hon. Abdi Shurie on 14.3.2023)*

*(Debate concluded on 14.3.2023)*

*(Question put and agreed to)*

**Hon. Speaker:** Next Order.

REPORT ON THE BUDGET POLICY STATEMENT FOR  
2023/24 AND THE MEDIUM-TERM

**Hon. Speaker:** Chairperson, Budget and Appropriations Committee, Hon. Ndindi Nyoro.

**Hon. Ndindi Nyoro** (Kiharu, UDA): Thank you very much, Hon. Speaker, The Report on the Budget Policy Statement for Financial Year 2023/2024.

THAT, this House adopts the Report of the Budget and Appropriations Committee on the Budget Policy Statement (BPS) for the financial year 2023/2024 and a compendium of departmental committee reports...

**Hon. Speaker:** Hon. Chair, I am told you should start by saying you seek to move the following Motion, then you move on.

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

THAT, this House adopts the Report of the Committee on Budget and Appropriations Committee on the Budget Policy Statement (BPS) for the Financial Year 2023/2024 and a compendium of Departmental Committee Reports on the 2023 BPS, laid on the Table of the House on Wednesday, 15<sup>th</sup> March 2023 and pursuant to the provisions of Section 25(7) of the Public Finance Management Act, 2012 and Standing Order 232(9) and (10) –

- (a) approves the Budget Policy Statement (BPS) for the financial year 2023/2024;
- (b) makes the following Financial Resolutions with respect to the BPS-
  - (i) approves the National Government's Budget ceiling for the year 2023/2024 at Ksh2,252,577,400,000- of which:
    1. Executive: Ksh2,189,181,400,000 of which  
Office of the Auditor General: Ksh7,698,700,000
    2. Parliament: Ksh40,402,000,000
    3. Judiciary: Ksh22,994,000,000
  - (ii) resolves that, the allocation to the County Government Equitable Share be approved at Ksh385,424,616,047;
  - (iii) approves the Equalization Fund at Ksh7,867,000,000;
  - (iv) approves the Conditional Grants at Ksh44,316,798,386 as per the Fourth Schedule of the Report of which an allocation of Ksh4.5 billion to the Managed Equipment Services (MES) will be subject to the submission of the Evaluation Report as per the resolution of the House on non-financial matters as contained in the Report (Recommendation No.32);
  - (v) orders that, the Second Schedule to the Order Paper forms the basis for the ceilings for the Financial Year 2023/24 Budget Estimates; and,
  - (vi) resolves that, the financial resolutions form the basis for the 2023/2024 Budget Estimates.
- (c) makes the Policy Resolutions contained in the Third Schedule to the Order Paper (Non-financial recommendations relating to the Budget Policy Statement for the Financial Year 2023/24).

**FIRST SCHEDULE****POLICY AND FINANCIAL RESOLUTIONS RELATING TO THE 2023  
MEDIUM TERM DEBT MANAGEMENT STRATEGY****A. POLICY RESOLUTIONS**

1. That, any borrowing undertaken by the National Treasury in FY 2023/24 should not exceed the Ksh10 trillion approved debt ceiling set by Parliament.
2. That, to enhance liquidity management and help reduce unnecessary short-term domestic borrowing occasioned by governments inability to access surplus funds held in numerous Ministries, Departments and Agencies (MDAs) bank accounts, the National Treasury spearheads the integration of MDA banking arrangements into a single treasury account system as provided for in section 28(2) of the Public Finance Management (PFM) Act, 2012 and the PFM regulations. This should be submitted to Parliament within six months.
3. That, as indicated in the Committee's report on the Consolidated Fund Services (CFS) expenditures for supplementary estimates No. 1 of FY 2022/23, the National Treasury should within six months, table regulations for the establishment of a sinking fund dedicated to public debt servicing as provided for under section 50(8) of the PFM Act, 2012.
4. That, in order to safeguard against shocks with regard to external interest payments, the National Treasury adopts hedging mechanisms on foreign exchange risks and/or negotiates lending agreements in Kenya shillings.
5. That, the National Treasury undertakes a review of all undisbursed loans amounting to Kshs1.179 trillion and submits to the National Assembly within one month, a report with information on terms, status, reasons for non-disbursement and proposals on any loans that can be cancelled to save spending on commitment fees.
6. That, in adherence to the Accra Agenda for Action 2018, donor support **MUST** be aligned to the country's budget cycle to facilitate proper planning by the implementing agencies and reduce occurrence of undisbursed loans.
7. That, within two months, the National Treasury submits to this House, a strategy for resolution of non-performing loans linked to various State-owned Enterprises (SoEs) including Kenya Airways.
8. That, the Office of the Auditor General expedites the audit of project loans under the water sector and the Ksh9.9 billion loan borrowed on behalf of KPLC and submits this report to the House within the next two months.
9. That, in the next budget cycle, the National Treasury aligns the borrowing strategy proposed in the Budget Policy Statement with the borrowing strategy in the Medium-Term Debt Strategy (MTDS) in order to ensure credibility of the Government's planning documents.
10. That, in the next budget cycle, the National Treasury undertakes public participation on the MTDS in line with Article 201 of the Constitution.
11. That, going forward, the MTDS should live up to its expectation as a medium-term document by showing consistency in proposed debt management strategies including deficit financing on a three-year rolling framework, from one MTDS to another.

12. That, the National Treasury undertakes a sensitivity analysis on the 2023 MTDS and submits to this House, within two weeks, a contingency plan on measures to be undertaken in the event of revenue shortfalls or underperformance of loans.

#### B. FINANCIAL RESOLUTIONS

1. That, the fiscal deficit target for the medium term is approved and set at 4.4% of Gross Domestic Product (GDP) for FY 2023/24; 3.9% of GDP for FY 2024/25 and 3.6% of GDP for FY 2025/26 in line with the fiscal consolidation path.
2. That, the country's borrowing strategy is approved at 50 percent net external borrowing and 50 percent net domestic borrowing as contained in the 2023 Medium-Term Debt Management Strategy.
3. That, any deviation from the approved borrowing strategy will require the approval of the National Assembly.

### SECOND SCHEDULE

#### CEILINGS FOR THE FY 2023/24 BUDGET ESTIMATES

VOTE CODE	VOTE	PROGRAMME CODES & TITLE	FINAL BUDGET CEILINGS FOR FY 2023/24		
			GROSS CURRENT ESTIMATES	GROSS CAPITAL ESTIMATES	GROSS TOTAL ESTIMATES
1011	Executive Office of the President	0702000 Cabinet Affairs	6,857,500,000	1,281,000,000	8,138,500,000
		0703000 Government Advisory Services			
		0704000 State House Affairs			
1012	Office of the Deputy President	0734000 Deputy President Services	4,391,300,000	250,400,000	4,641,700,000
1013	Office of the Prime Cabinet Secretary	0753000 General Administration Planning and Support Services	2,048,700,000	-	2,048,700,000
		0754000 Public Service Performance Management & Delivery Services			
		0755000 Government Coordination and Supervision Services			

VOTE CODE	VOTE	PROGRAMME CODES & TITLE	FINAL BUDGET CEILINGS FOR FY 2023/24		
			GROSS CURRENT ESTIMATES	GROSS CAPITAL ESTIMATES	GROSS TOTAL ESTIMATES
		Parliamentary Liaison & Legislative Affairs			
1023	State Department for Correctional Services	0623000 General Administration, Planning and Support Services	34,670,700,000	1,165,000,000	35,835,700,000
		0627000 Prison Services			
		0628000 Probation & After Care Services			
1024	State Department for Immigration and Citizen Services	Programme 1: General Administration and Support Services	7,939,700,000	2,710,100,000	10,649,800,000
		0605000 Migration & Citizen Services Management			
		0626000 Population Management Services			
1025	National Police Service	0601000 Policing Services	106,179,900,000	1,747,900,000	107,927,800,000
1026	State Department for Internal Security & National Administration	0603000 Government Printing Services	27,228,400,000	1,312,900,000	28,541,300,000
		0629000 General Administration and Support Services			
		0630000 Policy Coordination Services			
1032	State Department for Devolution	0712000 Devolution Services	1,375,100,000	293,000,000	1,668,100,000
		0732000 General Administration, Planning and Support Services			
		Management of Intergovernmental Relations			

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VOTE CODE	VOTE	PROGRAMME CODES & TITLE	FINAL BUDGET CEILINGS FOR FY 2023/24		
			GROSS CURRENT ESTIMATES	GROSS CAPITAL ESTIMATES	GROSS TOTAL ESTIMATES
1041	Ministry of Defence	0801000 Defence	139,124,200,000	32,606,000,000	171,730,200,000
		0802000 Civil Aid			
		0803000 General Administration, Planning and Support Services			
		0805000 National Space Management			
1053	State Department for Foreign Affairs	0714000 General Administration Planning and Support Services	17,746,200,000	1,871,000,000	19,617,200,000
		0715000 Foreign Relation and Diplomacy			
		0741000 Economic and Commercial Diplomacy			
		0742000 Foreign Policy Research, Capacity Development and Technical Cooperation			
1054	State Department for Diaspora Affairs	0751000 General Administration, planning and support services	1,114,000,000	-	1,114,000,000
		0752000 Management of Diaspora and Consular Affairs			
1064	State Department for Technical, Vocational and Technical Training	0505000 Technical Vocational Education and Training	20,283,400,000	7,081,000,000	27,364,400,000
		0507000 Youth Training and Development			
		0508000 General Administration, Planning and Support Services			

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VOTE CODE	VOTE	PROGRAMME CODES & TITLE	FINAL BUDGET CEILINGS FOR FY 2023/24		
			GROSS CURRENT ESTIMATES	GROSS CAPITAL ESTIMATES	GROSS TOTAL ESTIMATES
1065	State Department for Higher Education & Research	0504000 University Education	111,509,500,000	5,388,000,000	116,897,500,000
		0506000 Research, Science, Technology and Innovation			
		0508000 General Administration, Planning and Support Services			
1066	State Department for Basic Education	0501000 Primary Education	115,219,000,000	19,704,000,000	134,923,000,000
		0502000 Secondary Education			
		0503000 Quality Assurance and Standards			
		0508000 General Administration, Planning and Support Services			
1071	The National Treasury	0717000 General Administration Planning and Support Services	73,570,600,000	50,505,900,000	124,076,500,000
		0718000 Public Financial Management			
		0719000 Economic and Financial Policy Formulation and Management			
		0720000 Market Competition			
		0740000 Government Clearing services			
1072	State Department for Planning	0706000 Economic Policy and National Planning	3,800,300,000	58,072,900,000	61,873,200,000
		0707000 National Statistical Information Services			

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			GROSS CURRENT ESTIMATES	GROSS CAPITAL ESTIMATES	GROSS TOTAL ESTIMATES
		0708000 Monitoring and Evaluation Services			
		0709000 General Administration Planning and Support Services			
1082	State Department for Medical Services	0401000 Preventive, Promotive & Reproductive Health	61,609,100,000	33,148,000,000	94,757,100,000
		0402000 National Referral & Specialized Services			
		0403000 Health Research and Development			
		0404000 General Administration, Planning & Support Services			
1083	State Department for Public Health and Professional Standards	0401000 Preventive, Promotive & Reproductive Health	18,644,200,000	38,990,000,000	57,634,200,000
		0403000 Health Research and Development			
		0404000 General Administration, Planning & Support Services			
		0405000 Health Policy, Standards and Regulations			
1091	State Department of Infrastructure	0202000 Road Transport	74,492,000,000	161,319,000,000	235,811,000,000
1092	State Department of Transport	0201000 General Administration, Planning and Support Services	13,743,400,000	47,233,000,000	60,976,400,000
		0203000 Rail Transport			

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			GROSS CURRENT ESTIMATES	GROSS CAPITAL ESTIMATES	GROSS TOTAL ESTIMATES
		0204000 Marine Transport			
		0205000 Air Transport			
		Programme 5: Road Transport Safety and Regulation			
		Programme 6: Transport Master planning and Coordination			
1093	State Department for Shipping and Maritime	0220000 Shipping and Maritime Affairs	2,247,200,000	1,050,000,000	3,297,200,000
1094	State Department for Housing and Urban Development	0102000 Housing Development and Human Settlement	1,234,700,000	25,488,000,000	26,722,700,000
		0105000 Urban and Metropolitan Development			
		0106000 General Administration Planning and Support Services			
1095	State Department for Public Works	0103000 Government Buildings	3,514,400,000	1,144,000,000	4,658,400,000
		0104000 Coastline Infrastructure and Pedestrian Access			
		0106000 General Administration Planning and Support Services			
		0218000 Regulation and Development of the Construction Industry			
	State Department for Irrigation	Programme 1: General Administration,	1,376,000,000	23,001,000,000	24,377,000,000

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VOTE CODE	VOTE	PROGRAMME CODES & TITLE	FINAL BUDGET CEILINGS FOR FY 2023/24		
			GROSS CURRENT ESTIMATES	GROSS CAPITAL ESTIMATES	GROSS TOTAL ESTIMATES
		Planning and Support Services			
		1014000 Irrigation and Land Reclamation			
		1015000 Water Storage and Flood Control			
		1022000 Water Harvesting and Storage for Irrigation			
	State Department for Environment and Climate Change	Programme 1: General Administration, Planning and Support Services	4,231,000,000	1,923,000,000	6,154,000,000
		Programme 2: Environment Management and Protection			
		Programme 3: Meteorological Services			
		Programme 4: Water Towers Rehabilitation and Conservation			
	State Department for Water & Sanitation	1001000 General Administration, Planning and Support Services	5,245,000,000	62,874,000,000	68,119,000,000
		P2. Water Resources Management			
		P3. Water and Sewerage Infrastructure Development			
1112	State Department for Lands and Physical Planning	0101000 Land Policy and Planning	3,237,000,000	3,675,000,000	6,912,000,000

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			GROSS CURRENT ESTIMATES	GROSS CAPITAL ESTIMATES	GROSS TOTAL ESTIMATES
1122	State Department for Information Communication and Technology & Innovation	0207000 General Administration Planning and Support Services	2,571,300,000	12,775,000,000	15,346,300,000
		0210000 ICT Infrastructure Development			
		0217000 E-Government Services			
1123	State Department for Broadcasting & Telecommunications	0207000 General Administration Planning and Support Services	6,112,200,000	791,000,000	6,903,200,000
		0208000 Information and Communication Services			
		0209000 Mass Media Skills Development			
		0221000 Film Development Services Programme			
1132	State Department for Sports & Arts	0901000 Sports	3,011,400,000	16,207,100,000	19,218,500,000
		0903000 The Arts			
		0904000 Library Services			
		Programme 4: General Administration, Planning and Support Services			
1134	State Department for Culture and Heritage	Programme 1: Culture Development	2,750,400,000	127,200,000	2,877,600,000
		0905000 General Administration, Planning and Support Services			
1152		0211000 General Administration	7,793,400,000	69,563,000,000	77,356,400,000

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			GROSS CURRENT ESTIMATES	GROSS CAPITAL ESTIMATES	GROSS TOTAL ESTIMATES
	State Department for Energy	Planning and Support Services			
		0212000 Power Generation			
		0213000 Power Transmission and Distribution			
		0214000 Alternative Energy Technologies			
1162	State Department for Livestock	0112000 Livestock Resources Management and Development	8,870,700,000	9,190,000,000	18,060,700,000
1166	State Department for Fisheries, Aquaculture & the Blue Economy	0111000 Fisheries Development and Management			
		0117000 General Administration, Planning and Support Services	2,680,100,000	6,629,000,000	9,309,100,000
		0118000 Development and Coordination of the Blue Economy			
1169	State Department for Crop Development & Agricultural Research	0107000 General Administration Planning and Support Services			
		0108000 Crop Development and Management			
		0109000 Agribusiness and Information Management	15,057,300,000	23,093,000,000	38,150,300,000
		0120000 Agricultural Research & Development			
1173	State Department for Cooperatives	0304000 Cooperative	1,617,400,000	309,000,000	1,926,400,000

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VOTE CODE	VOTE	PROGRAMME CODES & TITLE	FINAL BUDGET CEILINGS FOR FY 2023/24		
			GROSS CURRENT ESTIMATES	GROSS CAPITAL ESTIMATES	GROSS TOTAL ESTIMATES
		Development and Management			
1174	State Department for Trade	Programme 2: Regional Economic Integration Initiatives	2,119,300,000	180,100,000	2,299,400,000
		0309000 Domestic Trade and Enterprise Development			
		0311000 International Trade Development and Promotion			
		0312000 General Administration, Planning and Support Services			
1175	State Department for Industry	0301000 General Administration Planning and Support Services	2,531,300,000	3,140,400,000	5,671,700,000
		0302000 Industrial Development and Investments			
		Programme 3: Standards and Quality Infrastructure and Research			
1176	State Department for Micro, Small and Medium Enterprises Development	0316000 Promotion and Development of MSMEs	1,813,000,000	11,079,200,000	12,892,200,000
		Programme 2: Product and Market Development for MSMEs			
		Programme 3: Digitization and Financial Inclusion For MSMEs			
		0319000 General Administration,			

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VOTE CODE	VOTE	PROGRAMME CODES & TITLE	FINAL BUDGET CEILINGS FOR FY 2023/24		
			GROSS CURRENT ESTIMATES	GROSS CAPITAL ESTIMATES	GROSS TOTAL ESTIMATES
		Planning and Support Services			
1177	State Department for Investments Promotion	0301000 General Administration Planning and Support Services	1,280,700,000	5,682,000,000	6,962,700,000
		0302000 Promotion of Industrial Development and Investment			
		Programme 3: Branding and Export Development			
1184	State Department for Labour	0910000 General Administration Planning and Support Services	2,754,800,000	689,000,000	3,443,800,000
		0906000 Promotion of the Best Labour Practice			
		0907000 Manpower Development, Employment and Productivity Management			
		Workplace Readiness Services			
		Post Training Information Services			
1185	State Department for Social Protection, Pensions & Senior Citizens Affairs	0908000 Social Development and Children Services	32,509,100,000	3,567,400,000	36,076,500,000
		0909000 National Social Safety Net			
		0914000 General Administration, Planning and Support Services			
	State Department for Mining	1007000 General Administration Planning and Support Services	1,445,200,000	542,000,000	1,987,200,000

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			GROSS CURRENT ESTIMATES	GROSS CAPITAL ESTIMATES	GROSS TOTAL ESTIMATES
		1009000 Mineral Resources Management			
		1021000 Geological Survey and Geoinformation Management			
	State Department for Petroleum	0215000 Exploration and Distribution of Oil and Gas	343,000,000	3,303,000,000	3,646,000,000
1202	State Department for Tourism	0313000 Tourism Promotion and Marketing			
		0314000 Tourism Product Development and Diversification	8,075,900,000	147,200,000	8,223,100,000
		0315000 General Administration, Planning and Support Services			
1203	State Department for Wildlife	1019000 Wildlife Conservation and Management	9,603,000,000	1,592,000,000	11,195,000,000
1212	State Department for Gender	0911000 Community Development			
		0912000 Gender Empowerment	1,369,400,000	3,427,800,000	4,797,200,000
		0913000 General Administration, Planning and Support Services			
1213	State Department for Public Service	0710000 Public Service Transformation			
		0709000 General Administration Planning and Support Services	22,926,400,000	1,078,100,000	24,004,500,000
		Public Service Human Resource			

VOTE CODE	VOTE	PROGRAMME CODES & TITLE	FINAL BUDGET CEILINGS FOR FY 2023/24		
			GROSS CURRENT ESTIMATES	GROSS CAPITAL ESTIMATES	GROSS TOTAL ESTIMATES
		Management and Development			
		0747000 National Youth Service			
1214	State Department for Youth Affairs	Youth Empowerment Services	1,256,200,000	698,800,000	1,955,000,000
		Youth Development Services			
		General Administration, Planning and Support Services			
1221	State Department for East African Community	0305000 East African Affairs and Regional Integration	807,700,000	8,000,000	815,700,000
	State Department for ASALs, Regional & Northern Corridor Development	1013000 Integrated Regional Development	4,072,700,000	8,718,800,000	12,791,500,000
		Programme 1: Accelerated ASALs Development			
		Programme 2: General Administration and Support Services			
1252	State Law Office and Department of Justice	0606000 Legal Services	6,017,000,000	210,500,000	6,227,500,000
		0607000 Governance, Legal Training and Constitutional Affairs			
		0609000 General Administration, Planning and Support Services			
1271	Ethics and Anti-Corruption Commission	0611000 Ethics and Anti-Corruption	3,723,600,000	128,100,000	3,851,700,000

VOTE CODE	VOTE	PROGRAMME CODES & TITLE	FINAL BUDGET CEILINGS FOR FY 2023/24		
			GROSS CURRENT ESTIMATES	GROSS CAPITAL ESTIMATES	GROSS TOTAL ESTIMATES
1281	National Intelligence Service	0804000 National Security Intelligence	43,801,000,000	-	43,801,000,000
1291	Office of the Director of Public Prosecutions	0612000 Public Prosecution Services	3,585,000,000	155,000,000	3,740,000,000
1311	Office of the Registrar of Political Parties	0614000 Registration, Regulation and Funding of Political Parties	1,972,500,000	-	1,972,500,000
1321	Witness Protection Agency	0615000 Witness Protection	725,900,000	-	725,900,000
1332	State Department for Forestry	1018000 Forests and Water Towers Conservation	7,524,000,000	4,255,000,000	11,779,000,000
2011	Kenya National Commission on Human Rights	0616000 Protection and Promotion of Human Rights	542,000,000	-	542,000,000
2021	National Land Commission	0116000 Land Administration and Management	1,498,600,000	106,000,000	1,604,600,000
2031	Independent Electoral and Boundaries Commission	0617000 Management of Electoral Processes	4,348,300,000	77,000,000	4,425,300,000
		0618000 Delimitation of Electoral Boundaries			
2061	The Commission on Revenue Allocation	0737000 Inter-Governmental Transfers and Financial Matters	416,500,000	-	416,500,000
2071	Public Service Commission	0725000 General Administration, Planning and Support Services	2,673,500,000	45,300,000	2,718,800,000
		0726000 Human Resource			

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			GROSS CURRENT ESTIMATES	GROSS CAPITAL ESTIMATES	GROSS TOTAL ESTIMATES
		Management and Development			
		0727000 Governance and National Values			
		0744000 Performance and Productivity Management			
		Administration of Quasi-Judicial Functions			
2081	Salaries and Remuneration Commission	0728000 Salaries and Remuneration Management	562,200,000	-	562,200,000
2091	Teachers Service Commission	0509000 Teacher Resource Management	321,535,600,000	1,139,000,000	322,674,600,000
		0510000 Governance and Standards			
		0511000 General Administration, Planning and Support Services			
2101	National Police Service Commission	0620000 National Police Service Human Resource Management	1,193,500,000	-	1,193,500,000
2111	Auditor General	0729000 Audit Services	7,209,000,000	489,700,000	7,698,700,000
2121	Office of the Controller of Budget	0730000 Control and Management of Public finances	666,900,000	-	666,900,000
2131	Commission on Administrative Justice	0731000 Promotion of Administrative Justice	682,500,000	-	682,500,000
2141	National Gender and Equality Commission	0621000 Promotion of Gender Equality and Freedom from Discrimination	468,900,000	-	468,900,000

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			GROSS CURRENT ESTIMATES	GROSS CAPITAL ESTIMATES	GROSS TOTAL ESTIMATES
2151	Independent Policing Oversight Authority	0622000 Policing Oversight Services	1,052,700,000	-	1,052,700,000
-	<b>Sub-Total: Budget Ceiling for the Executive</b>		<b>1,416,203,600,000</b>	<b>772,977,800,000</b>	<b>2,189,181,400,000</b>
1261	The Judiciary	0610000 Dispensation of Justice	19,897,400,000	2,200,000,000	22,097,400,000
2051	Judicial Service Commission	0619000 General Administration, Planning and Support Services	896,600,000	-	896,600,000
-	<b>Sub-Total: Budget Ceiling for the Judiciary</b>		<b>20,794,000,000</b>	<b>2,200,000,000</b>	<b>22,994,000,000</b>
2041	Parliamentary Service Commission		461,000,000	-	461,000,000
-	Senate	0722000 Senate Affairs	6,859,000,000	-	6,859,000,000
2042	National Assembly	0721000 National Legislation, Representation and Oversight	24,452,000,000	-	24,452,000,000
2043	Parliamentary Joint Services	0723000 General Administration, Planning and Support Services 0746000 Legislative Training Research & Knowledge Management	6,565,000,000	2,065,000,000	8,630,000,000
-	<b>Sub-Total: Budget Ceiling for Parliament</b>		<b>38,337,000,000</b>	<b>2,065,000,000</b>	<b>40,402,000,000</b>
-	<b>Total Budget Ceiling for FY 2023/24</b>		<b>1,475,334,600,000</b>	<b>777,242,800,000</b>	<b>2,252,577,400,000</b>

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### THIRD SCHEDULE

#### **POLICY RESOLUTIONS RELATING TO THE BUDGET POLICY STATEMENT FOR THE FY 2023/24 AND THE MEDIUM-TERM**

##### **General Resolutions**

1. That, by 30<sup>th</sup> September 2023, the National Assembly proposes amendments to the Public Finance Management Act, 2012 and attendant regulations to extend the timelines for consideration of the BPS by Parliament from 14 days to 28 days.
2. That, before submission of the annual estimates to the National Assembly, the National Treasury should ensure that Ministries, Departments and Agencies (MDAs) have aligned their budgets, projects and key performance indicators to the proposed value chain approach under the Bottom-Up Economic Transformation Agenda (BETA) within the approved ceilings.
3. That, the deficit financing strategy and public debt mix be undertaken in accordance with the resolutions of the National Assembly based on the Report of the Public Debt and Privatization Committee on the 2023 Medium Term Debt Management Strategy.
4. That, during the submission of the 2023/24 annual estimates, the National Treasury should provide a list of all projects to be completed in FY 2023/24 for all MDAs reconcilable with the development budget; with a view to consolidating thinly spread allocations to high impact priority projects to ensure completion.
5. That, before submission of the 2023/24 annual estimates, the National Treasury reviews donor funded projects including the existing financing framework and develops a strategy to fast-track their implementation and review the terms of the facilities.
6. That, within the next three months, the National Treasury spearheads a review of the State Corporations and Semi-Autonomous Government Agencies (SAGAs) with a view of rationalization to remove overlaps, duplication and redundancies.
7. That, before the submission of the 2023/24 Annual Estimates, the National Treasury in collaboration with national Government Constituencies Development Fund (NG-CDF), comes up with a framework for implementation of national Government initiatives at the constituency level such as construction of administrative offices, police stations and national tree planting through grants to the NG-CDF.
8. That, by April 2023, the national Government reviews taxation levied in the aviation industry and addresses the heavy taxation on purchase of spare parts in the aviation sector. This should be submitted to the National Assembly during consideration of the Finance Bill, 2023.
9. That, beginning FY 2023/24, the National Treasury through the Public Sector Accounting Standards Board should start preparations for migration from the cash basis accounting system to an accrual system in line with sections 81 and 164 of the Public Finance Management Act, 2012.
10. That, the allocation to various MDAs through the Sports, Arts and Social Development Fund be channelled towards Government value chain priorities in line with the Bottom-up Economic Transformation Agenda. A list of these projects should be submitted alongside the estimates by 30<sup>th</sup> April 2023.
11. That, the National Assembly proposes amendment to the Public-Private Partnership Act to require regular submission of project lists by the National Treasury which are under consideration for funding through the Public Private Partnership (PPP) framework before the end of the FY 2023/24.

### Devolution

12. That, the National Treasury in consultation with all relevant stakeholders develops a framework of collaboration between the county and the national Government with regard to implementation of policy proposals that are devolved and shared functions and report to the National Assembly by 30<sup>th</sup> September 2023.
13. That, the National Treasury and the State Department for ASALs and Regional Development undertakes a review of the mandate of the Regional Development Authorities, their contribution to the national development agenda and options for their revitalization. This should be reported to the National Assembly by 30<sup>th</sup> December 2023.
14. That, by June 2023, the National Treasury develops a framework for governing conditional grants to the county governments to ensure that they meet their intended objectives. This should include the role, criteria and counterpart contribution by the counties to ensure the initiatives take off.

### Education

15. That, before the submission of the 2023/24 Annual Estimates, the National Treasury in coordination with the Ministry of Education should develop a framework for administration of the school infrastructure improvement funds as a conditional grant to NG-CDF to support school infrastructure development in all constituencies.
16. That, the State Department for Shipping and Maritime Affairs develops a policy framework with the Ministry of Education to ensure Bandari Maritime Academy students access capitation like their counterparts in other TVET institutions.
17. That, the State Department for Basic Education initiates and spearheads process of reviewing the capitation policy at the basic level of education to ensure adequate funding to schools. A report should be submitted to the National Assembly within six months.
18. That, in the next cycle of placements (2023), the State Department for Higher Education and research, through the Kenya Universities and Colleges Central Placement Service (KUCCPS), should not place new government sponsored students in private universities.

### Energy, Infrastructure and ICT

19. That, the fees/charges on digital services offered through the e-Citizen platform be reviewed with a view of optimizing revenue collection and service delivery.
20. That, before finalization of the FY 2023/24 Estimates, the State Department for Roads engages contractors and other stakeholders to negotiate on rationalization of commitments made in the roads sector and propose a framework for contracting new road projects to curtail escalation of pending bills.
21. That, the Geothermal Development Corporation (GDC) should prioritize connecting the steam generated from wells with capacity totalling 206MW to the national grid starting with the 35MW expected from the Menengai geothermal project by 30<sup>th</sup> April 2023 in order to afford the country access to cheaper renewable sources of energy.

22. That, before submission of the annual estimates for FY 2023/24, the development of community small hydro power projects be transferred from the Ministry of Energy headquarters to the Rural Electrification and Renewable Energy Corporation (REREC) to enable fast-tracking of these projects.
23. That, the ICT Authority in collaboration with the State Department for ICT and Digital Economy as well as key stakeholders in the Education and Energy sectors, establishes an implementation strategy for the digital learning programme and submits it to this House for review by 1st May 2023.
24. That, the State Department for Broadcasting and Telecommunication develops a strategy for the coordination of the various youth empowerment programmes. These agencies should include Ajira Digital Programme, Presidential Digital Talent Development, Jitume and others. The strategy should be submitted to this House for review before 15th April 2023.

### **Social Protection**

25. That, to reduce expenditure on bank charges with regard to bulk transfers by Government Agencies including transfers under the Cash Transfer Programme, the bank charges be renegotiated by the relevant agencies with the assistance of the National Treasury. This should also consider adoption of alternative technologies for cash disbursement including mobile money transfer. This should be implemented within the next three months, pending the establishment of the Treasury Single Account.
26. That, the State Department for Social Protection and Senior Citizens reviews the Inua Jamii cash transfer programme incorporating lessons learnt so far and report to the National Assembly by 30th September 2023. The review should include an assessment of the adequacy of the stipend, the current outreach, mechanisms for continuous registration, exclusion of those who have exited through natural attrition and modalities of the cash transfer to beneficiaries.
27. That, within six months, the State Department for Wildlife establishes a wildlife compensation insurance scheme to cater for wildlife related damages.
28. That, within the next one month, the Attorney General's Office introduces a Bill to give effect to the merger of the National Fund for the Disabled of Kenya (NFDK) with the National Council for Persons with Disabilities (NCPWD). This will unlock both physical and monetary resources to the NCPWD as well as ensure parliamentary oversight for accountability to the NFDK.

### **Reorganisation of Votes**

29. That, the Parliamentary Service prepares a sector report in line with the Medium-Term Expenditure Framework (MTEF) process in a participatory manner across the four votes, conduct public participation, and submit the same to the Budget and Appropriations Committee by end of January in every financial year.
30. That, to enhance service delivery and streamline operations of the two principal secretaries assigned to the Office of the Prime Cabinet Secretary in line with the Executive Order no. 1 of 2023, the Office be split into the following two votes: performance management and delivery services; and legislative affairs in order to enhance service delivery. This should be undertaken before submission of the estimates for FY 2023-24.



31. That, to streamline service delivery within the Parliamentary Service, a new vote - Senate Affairs - be established by carving it out from the existing Parliamentary Service Commission vote. This should be done before submission of annual estimates for FY 2023-24.
32. That, before submission of the estimates, the National Treasury facilitates the Office of the Auditor General to have a single line budget to enhance their efficiency in responding to emerging audit needs.

### **Trade and Industry**

33. That, the State Department for Trade fast-tracks conclusion of the ongoing agreement between Kenya and the USA on Strategic Trade and Investment Partnership and reports the progress to the National Assembly by the end of FY 2023/24.
34. That, the Ministry of Agriculture and Livestock in collaboration with the Ministry of Industry, Trade and Investments develops mechanisms of liberalizing the market for cotton seeds to ensure availability and affordability and report to the National Assembly by 1st September 2023.

### **Sports**

35. That, by the end of the FY 2023-24 the State Department for Sports establishes a World Anti-Doping Agency (WADA) accredited laboratory in the country to reduce the cost of testing and analysing of anti-doping tests.

### **Health**

36. That, the State Department for Medical Services presents a report to the National Assembly on the assessment and evaluation of the Managed Equipment Services (MES) project and the negotiated contracts with county governments before publication of the County Conditional Additional Allocations Bill for FY 2023-24.

### **Security**

37. That, the National Security Council reviews the policy of centralising air services for security agencies under the Kenya Defence Forces and works towards returning the police air wing back to the National Police Service with corresponding funding in order to make it more effective. This should be undertaken before 30<sup>th</sup> June 2023.

Hon. Speaker, first, I want to take this opportunity to thank all the departmental committees which appeared before us last week to bring forth the recommendations from various MDAs that they oversee.

We have been working long hours to make sure that we meet this deadline. For avoidance of doubt, before I go to the main body of today's Motion, we have been in a sprint inside a marathon. We have been working very fast, but also long hours. I am sure majority of the Members who belong to departmental committees have been in the same rush.

Because law is made for man not man for the law, we have decided in one of the recommendations that we have to take consideration of BPS with the seriousness it deserves because this is one of the main elements that we handle in this House. At the outset, I want to make it very clear to all Members that one of the recommendations is to amend the PFM Act

so as to increase the consideration of BPS from 14 days to 28 days. This will give departmental committees ample time to query budget ceilings and estimates of MDAs they oversee.

Also, we have noted that when the departmental chairs appear before Budget and Appropriations Committee, we usually allocate them around 30 to 45 minutes. Some of the departmental committees are overseeing very monumental departments and SAGAs. Therefore, it is improper that chairs appear before us and we afford them only 30 minutes. The reason for amending the PFM Act is so that going forward, especially next year, we will only be allocating not more than six departmental chairs to appear before the Budget Committee in a day so that we have serious interrogations because this is a very serious exercise. Therefore, we will be seeking to do that so that we can take enough time to make our budget.

With regard to this BPS, we are now in the process of budget making and there are several considerations that we made as the Committee. One of those issues that we considered is on the basis of how countries grow especially using the evidence that is there – using countries have ascended to economic growth. From ages to the modern economy, one of the elements that make a country grow is for a country to exploit all agricultural resources they have and make sure it cultivates every cultivatable acre. In the same breath, economies grow when they realise the potential they have in terms of natural resources. In the allocation of the ceilings that we have done, we have taken cognisance of the fact that our country is endowed in terms of agricultural resources and arable land. Generally, as a continent, we are endowed massively. Also, we have a lot of natural resources which are primary in nature. We have done nothing to deserve them. We got them as natural resources.

The second element that make a country grows is value addition of every raw product that cannot be consumed in its primary form. We have to add value to the products that we cultivate in our farms and add value to the minerals that we get almost for free either underneath or over the soil like forests. That is one, and two, in terms of exploring and exploiting natural resources and also agricultural resources, we also do value addition. That process requires human resource. That cannot happen when we do not have a healthy and skilled human resource. That is why in this BPS, we have gone ahead to make sure that we take care of healthcare. Healthcare in economic terms is the maintenance cost of labour, that is, human capital. That is what on the health side is called healthcare.

On the same side, for this human capital to be improved, a raw person must go to school and acquire skills. In the same breath, we have made sure that we have allocated enough ceiling to add value to the human resource that we have in the country by adding tangible practical skills. That is why we have given cognisance to higher education, especially Technical and Vocational Education and Training (TVETs). Their main domain is to make sure that we polish our human capital even as the healthcare sector maintains the same human capital.

Hon. Speaker, many developed countries limit their extravagance and taste to products produced within their countries. Many stable economies including South Korea, Vietnam and others make sure that they match the expenditure aspirations of their citizenry by having production lines that satisfy local demand. A country which must import commodities because of necessity must compensate the same with equivalent exports, so that it does not become an economy that haemorrhages foreign currency. In fact, economically speaking, it is more plausible to pay Ksh20 for a locally produced item where money remains within the country, than to pay Ksh10 for a similar item that is imported, in which case money leaves the country. Therefore, this speaks to what we were considering as the Budget and Appropriations Committee of this House. We have to ensure that we open up production in our country and satisfy local demand. We should also look for markets far and wide to export whatever we produce as surplus.

I just want to give a few figures in regard to expenditure in the current Budget Policy Statement that we are considering. I want Members to move with me. The Budget is

approximately Ksh3.6 trillion, out of which Ksh2.19 trillion is going to the Executive. Approximately Ksh40 billion is coming to Parliament to cover Development Expenditure and Recurrent Expenditure. We have also allocated approximately Ksh22 billion to the Judiciary. The remainder of approximately Kshs385 billion goes to the counties.

There is another element of expenditure that we call the Consolidated Fund Services (CFS), the bulk of which goes to repayment of debts – servicing our debts and especially interest rates, without factoring in net capital borrowing. In the 2023/2024 Financial Year, we are talking of an unprecedented figure of approximately Ksh991 billion. We are almost crossing the Ksh1 trillion mark in terms of the CFS, majority of which goes towards payment of interest rates. It also includes other areas like pensions and payments to commissions.

Hon. Speaker, on the revenue side, we envision collecting around Ksh2.56 trillion in terms of ordinary revenue. We also look forward to collecting approximately Ksh330 billion for the CFS. To be precise, around Ksh323 billion will come from Appropriation-in-Aid (A-in-A). Those are amounts that various Government agencies receive by offering services. On the same breath, we look forward to getting grants of around Ksh48 billion. We look forward to borrowing the balance, which is about Ksh720 billion. We look forward to borrowing 70 per cent internally. I know that there will be a net effect of crowding out small-scale borrowers and ordinary Kenyans but currently, the international financial markets have “a cold”. When financial markets have “a cold”, they become jittery. When they become jittery, they respond by imposing very high interest rates. That is why we are looking more inwardly than outwardly. The global rates that we would fetch out there may not be very favourable for our economy.

There are a few areas which we considered that I want to highlight. I mentioned some of them when we were considering the Supplementary Estimates. That is why I will not over-emphasise them today. Currently, we are still reeling from the effects of the COVID-19 pandemic that has ended, but whose effects have not. Our country is facing a very severe drought and famine, which definitely compounds the issue of inflation. There is also another global trend of the strengthening of the US Dollar, which has made other foreign currencies lose ground in comparison to the greenback. The fourth factor is what is happening in Europe in terms of the Russia-Ukraine war. Those are fundamental factors.

Hon. Speaker, as we all know, the economy deals with facts. Some of those issues may seem like repetition because the economy we discussed a month ago is the same economy we are confronting today. Some of those realities have not changed. As the Budget and Appropriations Committee, as a House and as a country, we need to be cognisant of the fact that when we have prolonged shocks like the ones that I mentioned earlier, sometimes interventions may not work. Sometimes only policies can work. When you have prolonged shocks, they cease to be shocks and can no longer be tackled through interventions. We then have to create policies that will confront those kinds of prolonged shocks because they cease to be actual shocks. That is what we tried to do by setting the current debt ceilings.

I do not want to take so long today. I will just highlight a few things. First, we foresee an economy that will grow at around 6 per cent in 2023. That is a good thing, especially given the fact that the global economy will be growing at a paltry 2 per cent. Another fundamental thing that I want to bring to the attention of the House is that as we consider the ceilings, we are also considering linkages among various sectors within the economy. That is why we are considering agriculture; micro, small and medium-sized enterprises (MSMEs); housing, healthcare and digital highways. I see the red light is flashing.

On the implementation of the BPS, we looked at the priorities, the sequencing and also the funding priorities, some of which will be borrowing, raising funds internally and through public-private partnerships (PPPs).

As I wind up, I want to mention eight things which Members should take note of. One, we considered aggregation across all value chains in the Budget because we are not just looking at the Budget in terms of items but we are also looking at the value chains. Aggregation and....

**Hon. Speaker:** Give the Chairperson three minutes.

**Hon. Ndindi Nyoro** (Kiharu, UDA): Thank you, Hon. Speaker. One is aggregation, which is both in agriculture and SMEs in terms of production. Second is skill development – which I mentioned before – in terms of making sure that our TVETs are well-equipped to impart skills to Kenyan youths. Third is the issue of junior secondary schools and the Competency-Based Curriculum (CBC), to which we have allocated enough ceilings to cater for capitation and filling of the gaps in terms of infrastructure development.

After consultations even with the Executive—I want Members to give a keen look at this—one of the recommendations we have made, which is in tandem with the Executive, is that going forward, this bit of implementation will always be channelled through the NG-CDF to implement infrastructure projects using the funds that are usually given to the Ministry of Education. On these current ceilings, we have added Ksh1 billion towards the NG-AAF to take care of the funds that our Women Representatives oversee.

There is also something very interesting that this House should take note of. The current NG-CDF stands at approximately Ksh44 billion. We have gone forward to raise that base to approximately Ksh53 billion in the 2023/2024 Financial Year. This means every constituency will be getting an additional average of between Ksh20 million and Ksh30 million to take care of the many needs in our constituencies.

Hon. Speaker, we have also reviewed the ceiling of road infrastructure. The ceiling that was brought forward in this House was by the National Treasury. We represent constituencies that have stalled roads. We amended the ceiling of pending bills on roads so that our contractors can go back to the sites. On top of the money we appropriated through the Supplementary Estimates, the ceiling that was capped by the National Treasury was about Ksh55 billion to go into roads. We amended that to about Ksh70 billion by adding Ksh15 billion to go to road construction. There are many other issues touching on our constituencies and our areas of representation. I beseech my colleagues to go through our Report and the annexures to see what we have recommended.

I thank you, Hon. Speaker, and the Hon. Members of this House. We are enriched out of the output you give us on a daily basis.

**Hon. Speaker:** Thank you, Hon. Chairman. Who is seconding you?

**Hon. Ndindi Nyoro** (Kiharu, UDA): Hon. Speaker, I call upon another very deep Member of the Budget and Appropriations Committee, a holder of Doctor of Philosophy (PhD) in Economics, Hon. Makali Mulu, to second.

**Hon. Speaker:** Hon. Makali Mulu.

**Hon. (Dr) Makali Mulu** (Kitui Central, WDM): Thank you, Hon. Speaker. Let me start by thanking my Hon. Chairman for ably moving this Motion. This Report is very detailed. I urge Hon. Members to take time and read it because we will not be able to say all that is contained therein within the limited time allocated for moving and seconding of the Motion. We will highlight a few things.

Hon. Speaker, Members will realise that we are working under very difficult economic times. The micro environment in which we are working is shaky. There are a number of things we ought to note on how we prepared this Budget. It is important that, as a House, we keep our eye on the things we are saying. I will just add a few from what the Hon. Chairman has said.

As we looked at the Budget Policy Statement, we realised that the Ministries, Departments and Agencies (MDAs) are duplicating efforts. One of the things we recommend, as we prepare the Annual Estimates, is that this House, and more so the Departmental Committees, should ensure that we do not have cases of duplication of efforts. Departments

should undertake stand-alone projects. We should not have two or three departments dealing with a similar programme.

Another issue we have picked from our analysis of the BPS is a proposal on fiscal consolidation. The Medium-Term Expenditure Framework (MTEF) gives a projection of 4.4 per cent for the current year, 3.6 per cent for the next year, and 3.4 per cent for the subsequent year. Looking at the history of the BPS, these figures have always been there in the rolling plan but we hardly adhere to them. Moving into the future, this being a new government, it would be important for us to stick to the figures projected in the MTEF. If we continue doing things this way we will, every time, have a rolling figure and we will never plan well.

Hon. Speaker, another important thing to note is that there is a proposal to the effect that the national Government will be co-funding programmes with the county governments through conditional grants or through other arrangements. It is important that we have a very clear implementation framework where there is co-funding by the national Government and the county governments. Due to lack of a clear implementation framework, we have not been able to implement most of the projects that have been undertaken with the aid of conditional grants. It is important that we have such framework in place as we approach the Annual Estimates, so that implementation of such projects can kick off immediately monies are allocated.

It is also important to note from this Report that we have all along been talking about funding students who joined private universities through the normal placement procedure by the central body that places students in public universities. We have realised that our public universities have excess capacity. A review of Budgets over the years shows that the Government has sent a lot of money to students who have been admitted in private universities. One of the recommendations we have put forward is that, from this financial year, no more money should be sent to private universities unless public universities have reported that they have no capacity to cater for all the students who have qualified for admission.

Hon. Speaker, we all know what is happening with pending bills. It is important that, as a country, we seriously discuss pending bills. The people who are adversely affected by pending bills are our brothers and sisters who voted for us. You will be surprised to know that people have died, and some have their properties auctioned, because of pending bills. Some end up dying because of high blood pressure. It is important that, as a House, we help this country and arrest the problem of pending bills. Unless we do so, we will continue having a problem. I see that my time is running out.

Another important issue is human-wildlife conflict, where a lot of damage happens. We have always been talking about the compensation programme. In this policy, we have said it is important that resources be allocated this year. That is so that we have a Wildlife Compensation Insurance Scheme to compensate people who have problems or conflict with wildlife.

Last but not least regards the medical equipment leasing programme. We are saying it is important that we have a clear framework to guide the county governments and the national Government before allocating resources. This programme has been there for many years...

**Hon. Speaker:** Thank you, Hon. (Dr) Makali.

*(Question proposed)*

Hon. Members, before we open this debate, allow me to deliver some message from His Excellency the President. I am sorry, it came late.

## MESSAGE

### APPROVAL OF NOMINEE FOR APPOINTMENT AS CHAIRPERSON

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## OF ETHICS AND ANTI-CORRUPTION COMMISSION

**Hon. Speaker:** Hon. Members, this is a Message from the President on nomination of a person for appointment as the Chairperson of the Ethics and Anti-Corruption Commission.

Hon. Members, pursuant to the provisions of Standing Order 42, I wish to convey a Message from His Excellency the President regarding the nomination of a person for appointment as Chairperson of the Ethics and Anti-Corruption Commission.

In the Message, His Excellency the President conveys that in exercise of powers conferred on Him by Article 250 (2) (b) of the Constitution and Section 10 (2) of the Ethics and Anti-Corruption Commission Act, 2011 as read together with Sections 3 and 5 of the Public Appointments (Parliamentary Approval) Act No. 33 of 2011, he has nominated Dr David Adang' Oginde for appointment as the Chairperson of the Ethics and Anti-Corruption Commission. The President now seeks the approval of the appointment by this House.

Hon. Members, Standing Order 45 provides that upon receipt of notification of a nomination for appointment, such nomination shall stand committed to the relevant Departmental Committee for consideration. In this regard, I hereby refer the Message from His Excellency the President, together with the curriculum vitae, the report of the Public Service Commission...

*(An Hon. Member stood in his place)*

Order, Hon. Member! Can you take your seat! It is actually out of order for one of you to be on your feet when the Speaker is on his feet, and to continue conversing loudly when a Message as important as this one is being conveyed to the House.

I hereby refer the Message from His Excellency the President together with the curriculum vitae, the report of the Public Service Commission and other testimonials of the nominee to the Departmental Committee on Justice and Legal Affairs for consideration.

Hon. Members, Section 8 of the Public Appointments (Parliamentary Approval) Act, 2012 provides that the Committee to which such nomination is referred shall consider the matter and table a report in the House within 28 days. In this regard, the Committee should undertake approval hearings and submit its report within 28 days as provided for in the said law.

Hon. Members, in view of the foregoing, the Committee is expected to immediately commence the approval process and notify the nominee and the general public of the time and place for holding the approval hearings. Thereafter, upon conclusion of the hearing, table its report on or before Tuesday, 11<sup>th</sup> April 2023 to enable the House to consider the matter within the statutory timelines.

I thank you.

We now go back to the Budget Policy Statement. I give the first bite to the Leader of the Majority Party.

*(Debate on the Motion resumed)*

**Hon. Kimani Ichung'wah** (Kikuyu, UDA): Thank you, Hon. Speaker. I rise to support this Report by the Budget and Appropriations Committee on the BPS for the Financial Year 2023/2024 and the Medium Term.

As the Chair and the seconder noted, there is nothing much to say on this because, first, this is a very important process. We have since debated the Debt Management Strategy. This now forms a basis for preparing the Annual Estimates for the next financial year. As we mentioned, this is among the most important businesses that this House will transact within

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this Second Session of Parliament – consideration of the Annual Estimates and approval of the BPS.

Hon. Speaker, allow me to thank all the Members of the Budget and Appropriations Committee and, indeed, those who also served in the Public Debt and Privatisation Committee because they have worked under very strenuous circumstances to ensure that we have this Report ready for approval by the House.

Hon. Speaker, you will see very good recommendations in this House, some of which have been mentioned, especially with regard to monies being appropriated to schools, police posts, police stations and administrative offices in our constituencies – money that is going to the sub-county level as conditional grants under the NG-CDF. This is indeed very encouraging and commendable. We will be overseeing the actual implementation of those projects. It has been noted, and those in government agree, that implementation of projects by NG-CDF committees is more efficient and the value realised for money is better when we implement projects through NG-CDF.

Hon. Speaker, Hon. Makali Mulu served with me in the Budget and Appropriations Committee in the last regime. We tried to prevail upon the then Government to allow construction of what they called “the 10,000 classrooms” to be undertaken through NG-CDF but there was a lot of resistance. These stalled projects today can be seen all over the country. Some are under 30 per cent while others are at 60 per cent completion, and the best performing of the lot are probably at between 80 and 85 per cent completion. Most of the projects are not complete. The quality of workmanship in many of the classroom projects implemented under the Ministry of Education Infrastructure Programme is not as good as the classrooms that Members of Parliament supervise under the NG-CDF Committees. Therefore, I encourage that even for police stations, administrative offices for our regional commissioners and our county commissioners, it is better when the money goes there through the NG-CDF. I note that the Committee has made that recommendation.

Hon. Speaker, Hon. Members who served with me when I was the Chair of the Budget and Appropriations Committee, like Hon. Sarah Korere, who is still here with us will bear me witness that we successively, in all our reports from October 2017, indicated that there were no resources that were being committed to the Big Four Agenda. That is how the Big Four Agenda initiative died a natural, slow and painful death. I am glad that the Kenya Kwanza Administration, under President William Ruto, is not just about talk. When we talk about the bottom-up economic transformation agenda, through the Office of the President, they have been able to narrow down to the value chain that will actualise the agenda. They have identified the value chains, and that is why the Committee is now asking the MDAs to ensure that they work together with the National Assembly. They should ensure that the Annual Estimates that have come in are value chain-oriented. If I dare mention, some of those value chains are in areas that touch the lives of the people at the bottom of the pyramid. Those industries include leather, dairy, textiles, ginning and processing of cotton, tea, rice, edible oils that have become largely out of reach for many Kenyans and building materials sector that has a huge ripple effect on the economy. We also have mining.

I also saw the Cabinet Secretary responsible for mining talk about support for mining at the very local level. This will ensure that those people that you see every now and then being buried in Nyanza and parts of Western in mines that people work in, that are not safe, are supported. Of course, there is also the blue economy that will go to support many of our people that work around our lakes...

**Hon. Speaker:** I will add you one minute to wind up.

**Hon. Kimani Ichung’wah** (Kikuyu, UDA): I need just one minute, Hon. Speaker, to conclude. Our lakes and oceans are a huge and rich resource for our country that has not been exploited and we shall now focus on those areas. I want to support. I also urge the House to

support this Report and be keen as we engage with our MDAs during the Annual Estimates towards the end of April and start of May. We must ensure that indeed the National Treasury and MDAs abide by this resolution so that our estimates are oriented to those value chains.

As I speak to my colleagues, I want to encourage the people back in our yards to now identify projects within the Annual Estimates that will also be beneficial to their areas. For example, those who are keen on business know where to direct their attention with these value chains. The same applies if you are a prospective investor because you will now know the focus that Government is on and focus on those areas.

With that, Hon. Speaker, I support.

**Hon. Speaker:** Hon. (Dr) Rachael Nyamai, Kitui South. She is not here yet she is top on the list. Hon. Omboko Milemba.

**Hon. Omboko Milemba** (Emuhaya, ANC): Thank you, Hon. Speaker, for this opportunity to speak on the Budget Policy Statement. I must first congratulate the Budget and Appropriations Committee for a job-well-done. More so, I want to appreciate the Government of the day for one thing; every Wednesday, we have Private Members' Motions which come to the Floor of the House and many times, there is a tendency for the House to feel that it is just a talking show. However, that is not the case because I see some of the proposals that have been put in this budget are the ones that were brought on the Floor by Private Members during Wednesdays' Motions.

There is one that regarded the fact that there was so much money left in the Ministry of Education for infrastructural development which was later used as per the interest of the Cabinet Secretary. I am happy to hear the Chairperson of the Budget and Appropriations Committee note that particular area has been restructured. With the agreement of the Executive itself, that money will be channelled through the NG-CDF. I remember that in the last Parliament, I brought a Motion to this House concerning that matter because that money was not used properly. They had a bigger allocation of about Ksh1 million per classroom during the tenure of the late Prof. Magoha, and classrooms were constructed across the country. However, the construction of those classrooms remain incomplete to date, as the Leader of the Majority Party has said. Therefore, that is a very good step.

One other good policy brought forward is one that increases the NG-CDF itself in terms of the amount that will be allocated. This is a challenge to the House that if we have been given that mandate to carry out this, then we have to work very hard so that we showcase. Remember, this is an area where we have many distractors outside that do not believe in our work. Therefore, I would like to urge the House that as this happens, we have to go back to our constituencies, God willing, and do a very good job. That way, we will prove to any doubting Thomas that this is a better channel of getting money to the ground, especially money that comes from the National Government, for effective and efficient use.

There is also a very good policy made on the issue of roads. The money for roads has been increased and that increment should facilitate construction of our roads back home. All these, including the monies that have been allocated to several value chains, is supposed to trigger the economy to start working. This is because if there will be construction works going on in roads, school infrastructure and other areas, then we should see more money circulating within the economy and the country. This should then excite the economy so that we start growing once again and people can start feeling that there is flow of money within the system.

Another policy that I must laud is the special attention that has been given to junior secondary schools (JSS) which are currently grappling with many problems that concern taking off. We have been told by the Chairperson that enough money and good ceiling has been allocated for the JSS and CBC so that children, who are in school and languishing without teachers, materials and capitation, can now enjoy their education. In Article 53 of the



Constitution, we note that education is not only compulsory but is also free to be provided by the Government.

More so, just like I mentioned on the issue of what the Private Members' Motions always do to urge the Government, this was a fantastic one. We are finally removing students from the private universities. I want to state that many of our public universities are dying yet we are taking a lot of public money to private universities that are owned by individuals who are making profits. I am happy to hear that these private universities will not get students who are otherwise absorbed by public universities and therefore, growth of the public universities.

With those very few remarks, Hon. Speaker, I thank you and support.

**Hon. Speaker:** Hon. Charles Onchoke, Member for Bonchari.

Hon. Members, when you log in to seek the permission of the Chair to speak and you decide to walk out, it is better for you to disengage your card so that you do not clog the screen against Members who are legitimately in the House.

Hon. Robert Mbui.

**Hon. David Gikaria** (Nakuru Town East, UDA): On a point of order, Hon. Speaker.

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

**Hon. David Gikaria** (Nakuru Town East, UDA): Hon. Speaker, I want to seek your guidance because I was seated at the same spot in the morning and I logged in very early. I was just checking with the Clerks-at-the-Table and I was told that I am number six on the request list but it has just disappeared. I am now on intervention and it is not showing. Hon. Ichung'wah said that we should be coming here by 2.30 p.m. and I want to say that I was here five minutes before that. It becomes hard when you do not get an opportunity to speak. Of course, we really want to support this agenda. Therefore, it is important for the Clerks-at-the-Table to check if the cards are working. If they are not, then we should be told so that...

**Hon. Speaker:** You are nowhere on the screen, Hon. Gikaria!

**Hon. David Gikaria** (Nakuru Town East, UDA): Hon. Speaker, it is actually on because it is blinking.

**Hon. Speaker:** You should probably relocate to a different seat.

**Hon. Robert Mbui** (Kathiani, WDM): On a point of order, Hon. Speaker.

**Hon. Speaker:** I will take your point of order as a constructive solicitation to speak and consider you in that regard.

*(Laughter)*

Hon. Robert Mbui!

**Hon. Robert Mbui** (Kathiani, WDM): Thank you, Hon. Speaker. I hope my time has not been consumed because we have very little time and so much to say. First and foremost, I just want to say that this House has powers given to it by the Constitution. I think it is important that Kenyans note that today we are dealing with the BPS. Later on, we will come and deal with the Budget of the country. I am saying this because there seems to be some of us who forget that the power of the purse is actually vested in Members of the National Assembly. There is no one outside this House we can go to solicit for development apart from fighting for development ourselves and providing for the same in the Budget. I say so because those who are out there are the ones who should be begging us for opportunities for development, and not the other way round. Our strategies, as a House, must be *Wanjiku and Mueni* friendly. I say so because we have been elected as representatives of the people. We have the opportunity of dealing with the Budget and, therefore, we must ensure that the Government prioritises activities that are beneficial to all our voters.

Hon. Speaker, it does not matter which part of the country one comes from. All Kenyans have the same challenges. When the economy is bad, it does badly in the north, south, east

and west of Kenya. We must, therefore, rise and work together to ensure that we hold this country together.

It is unfortunate that in January last year, the inflation was at 5.4 per cent. In January this year, it was at 9 per cent, and it is rising. Sometimes I wonder when they talk about 9 per cent increase. If that was the case, a commodity that was selling at Ksh100 then would be costing Ksh109 today. The truth is that the inflation rate is almost 50 per cent, in my estimates. Commodities that were retailing at Ksh100 last year are now retailing at Ksh150 today. We have a problem of inflation, and that is something we need to deal with.

I have looked at the strategies contained in this Report. I have been asking myself why the common *mwananchi*'s problems are not being addressed. Where has the cost of living been brought down? Where has the cost of *unga* been brought down? That is probably why we have a date with destiny on Monday, 20<sup>th</sup>, which is next week. It is because we are not dealing with the problems of the people. We must ensure that we deal with the problems of the people.

I have looked at the five pillars that are touted as the bottom-up economic strategy. It is a replica of the Big Four Agenda. One of the pillars is agriculture, which in the Big Four Agenda strategy was called Food Security. The other one is Housing and Settlement, which they call Affordable Housing. Another pillar in this strategy is Healthcare, which in the Big Four Agenda was called Universal Healthcare.

*(Hon. Ndindi Nyoro rose on a point of order)*

**Hon. Speaker:** Order, Member. There is a point of order from the Chairman of the Committee.

**Hon. Ndindi Nyoro** (Kiharu, UDA): Hon. Speaker, is it in order for the Member to eloquently state that this House has the power of the purse and, therefore, we can do anything around the Budget and the economy? He is a Member of this House and that responsibility is actually on his shoulders, him being a leader. The same mouth within a second says he has a date with destiny on 20<sup>th</sup> to seek justice for Kenyans through *maandamano*. Is it proper for the Member to mislead Kenyans? Is he in order?

**Hon. Robert Mbui** (Kathiani, WDM): Hon. Speaker, I will ignore him and continue. That was the kingpin of Central Kenya speaking. I do not want to answer him.

Hon. Speaker, let me just go straight to the Second Schedule, which has all these figures set out. I want to go to the one that talks about basic education. In this schedule, the amount of money set aside for basic education – comprising of primary education, secondary education, and junior secondary school, is Ksh19.7 billion for capital expenses. I am wondering how this money can be enough for building classrooms and laboratories for science, art, home science, technical, sciences and ICT. I think there is a big problem in junior secondary schools. That problem has not been addressed. That is something I thought this Government would, at least, try to do. We will keep talking about it because we have the opportunity to talk on the Floor of this House but when it comes to voting, the majority will always have their way. However, Kenyans must know that the issue of junior secondary school has not been addressed in this Budget. If it is not addressed now, it will continue to haunt our children, and they will continue to suffer. Even the teachers...

## COMMUNICATION FROM THE CHAIR

CORRIGENDUM ON PRESIDENT'S MESSAGE ON NOMINEE  
FOR NATIONAL GENDER AND EQUITY COMMISSION

**Hon. Speaker:** Hon. Robert Mbui, your time is up. Hon. Members, before I give the Floor to the next Member, there is Corrigendum No.006 of 2023 on the Message from the President on the nominee for National Gender and Equality Commission.

I am advised that we inadvertently committed the nominee to the Departmental Committee on Labour instead of the Departmental Committee on Social Protection. It is, therefore, now ordered that the nominee be referred to the Departmental Committee on Social Protection.

*(Debate on the Motion resumed)*

The next Member will be Hon. Joseph Emathe.

**Hon. Joseph Emathe** (Turkana Central, UDA): Thank you so much, Hon. Speaker for giving me an opportunity to give my input on the BPS for Financial Year 2023/24. I want to congratulate the Chairman for the Committee for bringing us up to speed on the ceilings, priorities, performance and the projections in the BPS.

I want to thank him so much for considering the fact that the NG-CDF has lowest allocations in this country, knowing that it is one of the vehicles of physical development in this country.

Hon. Chairman, I would like to thank you for...

*(Hon. Nelson Koech rose on a point of order)*

**Hon. Speaker:** Yes, Hon. Member, what is out of Order? Give the Member the microphone.

**Hon. Nelson Koech** (Belgut, UDA): Hon. Speaker, I would like to know the difference and why you ceased being the Speaker and became the Chairman. I need to be guided.

**Hon. Speaker:** The difference is like day and night.

*(Laughter)*

The Speaker is not the Chairman of this Session. He is the Speaker of this House.

**Hon. Joseph Emathe** (Turkana Central, UDA): Hon. Speaker, thank you so much for the guidance. I think my colleague was asleep. I was referring to the Chairman of the Budget and Appropriations Committee.

**Hon. Speaker:** Hon. Emathe, for your future guidance, when you debate you do not address anybody other than the Speaker. The Chairman of the Committee has his accolades but you address him through the Speaker.

**Hon. Joseph Emathe** (Turkana Central, UDA): I am fully guided, Hon. Speaker.

I rise with regard to Section 15 (2) (a) of the Public Finance Management Act. There is need for the Chairman of the Budget and Appropriation Committee to help us understand how much of the Budget has gone to Development Expenditure. The PFM Act provides that a minimum of 30 per cent of the total expenditure must go to development. I say so with the understanding that Recurrent Expenditure is unsustainable. In that regard, the 14 days given to the Chairman to look at the BPS is a short period. Maybe, we could give him 28 days, so that he can help us to understand how much of the Budget has gone to Recurrent Expenditure. That will help us in terms of giving us much impetus on understanding what goes to Recurrent Expenditure and what goes to Development Expenditure. That is what I wanted to give as an input.

I want to support the Report.

**Hon. Speaker:** Thank you, Hon. Member. Hon. Christopher Wangaya of Kwhisero Constituency.

**Hon. Christopher Wangaya** (Khwisero, ODM): Thank you, Hon. Speaker. Let me join my colleagues in supporting the BPS for the Financial Year 2023/2024.

The BPS lays the framework of the Government of the day on critical matters including revenue projections, sharing of revenues between the national Government and the county governments, and how the national Government intends to grow the economy.

Let me thank the Departmental Committees which made their input to this Report. I also want to thank the Budget and Appropriations Committee for highlighting the strategies contained in this BPS. One of the strategies is on agriculture transformation. In this regard, the BPS intends to ensure that production of food is scaled up to secure the country from food insecurity. The Budget Policy Statement says that the Government wants to ensure that farm inputs and market for agricultural products are available to farmers. It wants to promote value addition to specific items. The Report talks about rice farming, production of edible oils, tea and coffee, and to add value to those commodities so that farmers can get value for money.

The BPS also talks about healthcare. In this regard, it focuses on the National Hospital Insurance Fund (NHIF) to ensure that it is based on households rather than on individuals. It talks about construction of specialized hospitals like the cancer centres and equipping them appropriately in order to help Kenyans who are suffering to reduce their cost of medication from moving from rural areas to seek specialized care in towns.

The BPS also talks about digital infrastructure. The Government wants to automate its services to ensure that they are under one platform for efficient and effective service delivery. By doing this, there are challenges that the people who are dealing with these matters must also be aware of. We have erratic weather conditions that may affect our intent to produce enough food. The Meteorological Department has given warnings on erratic weather conditions. Rainfall may not be enough. As much as we are looking at increasing production, we must also focus more on irrigation to ensure that we attain the general objective of having food-secure Kenya.

There are also issues with depleted foreign exchange, which will affect the economy. This must be addressed to ensure that the stability of our shilling is guaranteed.

Lastly, looking at the allocations for basic education and NG-CDF, it gives us hope that going forward, the transition from the 8-4-4 System of Education to the Competency-Based Curriculum that is being implemented will be seamless.

Thank you, Hon. Speaker.

**Hon. Speaker:** Hon. David Gikaria.

**Hon. David Gikaria** (Nakuru Town East, UDA): Thank you, Hon. Speaker for giving me this opportunity to contribute.

First of all, let me thank the Chairman of the Budget and Appropriations Committee for the good work that he has done. Sometimes I feel for the Members of the Budget and Appropriations Committee. They sit for so many hours continuously, listening to over 20 Chairpersons of Departmental Committees who have been given various timelines to consider their requests. I thank the Chairman. Last term, we started with Hon. Ichung'wah as the Chairman of the Budget and Appropriations Committee. Hon. Ndindi Nyoro is equal to the task. His team is doing a very good job.

The first thing that the Chairman correctly commented on was the timelines. I sit in the Departmental Committee on Environment, Forestry and Mining. We have never had a chance to visit the projects that have been mentioned in the budget of the Ministry of Environment and Forestry, and the Ministry of Mining, Blue Economy and Maritime Affairs. So, even as we review the BPS, as a Committee, we have no rough idea of what the Ministries we are supposed to be overseeing are talking about. As the Chairman indicated, it is important for Members to

have enough time to interrogate their Ministries effectively. That way, when a Departmental Committee is asked to allocate some more resources to a certain project, the membership of the Committee can confidently say that it requires some additional funding because they visited the project.

We are a new Parliament. The Committees are new. They have not visited some of these projects. That is why the Chairman was talking about wastage. There is wastage because the Committees do not have enough time to visit projects being undertaken by various Ministries under their purview. Maybe after a year or two, once the Committees are properly settled, we can fully interrogate some of the projects in respect of which the various Ministries and Departments have requested for funding.

The other bit is on matters contained in the BPS. For example, mining has been mentioned. Mining can be the game changer in this country in terms of revenue collection, employment creation and economic development. When we had an opportunity to sit with the Cabinet Secretary for Mining, Blue Economy and Maritime Affairs, Hon. Mvurya, he mentioned that in the past his Ministry was referred to as “licensing Ministry.” They just issued licences to mining companies. They then sat back and were unable to do anything more. I agree with Hon. Mvurya that if enough money is given to the Ministry to first of all undertake....

Hon. Speaker, the previous Government spent over Ksh7 billion on geological surveys in order to understand how much minerals we have in this country. We spent a staggering Ksh7 billion. The reports of that survey are out, showing that we have over 970 different minerals scattered across the country. If we can set aside some resources to follow the circuit, this country will be the biggest beneficiary. We will go on record as one of the greatest mining countries in the world. Out of the 970 minerals discovered, we have only one mine in the country, which is very expensive.

As it has been indicated in the BPS, I agree with the value addition proposals. However, we are at the same time requesting the Budget and Appropriations Committee to consider it because that is where every government goes wrong. You identify a value chain and then we request to give it enough financial resources for them to achieve the potential that is within the Ministry.

Lastly, about forestry...

**Hon. Speaker:** Next is the Woman Representative for Trans Nzoia County. Give her the microphone.

**Hon. Lillian Siyoi** (Trans Nzoia County, UDA): Thank you, Hon. Speaker for giving me an opportunity to appreciate and support this Report that has been brought by the Budget and Appropriations Committee.

I also want to appreciate our President. I felt it would be so bad if we end debate on this Motion without somebody appreciating the President, especially from this group of Women Representatives because we have been allocated Ksh1 billion extra – which is very important. As you can see, it has been very difficult for Women Representatives to come back to the House just because the amount we have been allocated is very little. At times when we undertake projects, they cannot be seen on the ground because what we have is very little. I want to take this chance to appreciate the President and the Budget and Appropriations Committee for the work they have done.

Thank you very much.

**Hon. Ruku GK** (Mbeere North, DP): On a point of order, Hon. Speaker.

**Hon. Speaker:** Next is Hon. Anthony Oluoch. What is out of order, Hon. Ruku? Hold on, Hon. Anthony Oluoch.

**Hon. Ruku GK** (Mbeere North, DP): Hon. Speaker, I rise under Standing Order 95 because Members are repeating themselves. It is high time we called upon the mover to reply.

*(Loud consultations)*

**Hon. Speaker:** I have given the Floor to Hon. Anthony Oluoch. Let him finish and then I will see if I can call the mover to reply.

Hon. Anthony Oluoch, you have the Floor.

**Hon. Anthony Oluoch** (Mathare, ODM): Thank you, Hon. Speaker. I thank the Budget and Appropriations Committee for coming up with the Budget Policy Statement. Allow me to first comment on and agree with the Chairperson on the question of timelines. As we were engaging with our respective committees, I do agree that the timelines involved in the exercise ought to be expanded from 14 days to 28 days.

One of the experiences that we had in our respective Departmental Committees is that the respective SAGAs focus too much on the Budget at the expense of policy and for these reasons other than the recommendation of expansion of time, I think this Committee should have gone a step further and said that we need to unbundle BPS from the Budget ceiling so that these issues can be considered separately. This is to enable them to be processed in a manner that allows policy to be determined as the anchor for the Budgets. The Budget ceiling and the crunching of numbers should be done separately.

Secondly, I agree that the Medium-Term Debt Management Strategy that was adopted yesterday should be attached to the budget-making process. The House resolved so yesterday. I think that is important. I do recognise that the Budget and Appropriations Committee has given recognition to the fact that the Medium-Term Debt Management Strategy should be attached to the BPS.

Hon. Speaker, on a point I wished to have raised yesterday, this Committee should have gone a step further. It ought to have noted that in attaching debts to how public debt is defined, we should have gone further and recommended that public debt should be reopened with consideration to its definition. The prioritisation of foreign debt as one of the things that we need to offset from our Budget every year at the expense of, for instance, pending bills is something that we ought to look at. In my view, public debt should be redefined in a way that we are able to look at debt that is incurred in the course of government engagement. This includes public pending bills which if unlocked would go into the economy. The manner in which we have defined public debt right now allows us to send foreign exchange to foreigners at the expense of what we do in our country today.

I also support the resolution that the Budget and Appropriations Committee should engage the NG-CDF when administration blocks and police stations are being built. Looking at what has happened in the social interventions and the stimulus package during the last administration, billions of shillings were spent by the Government in putting in place very sub-standard school infrastructure and purchase of desks, which should have been attached to the NG-CDF. The NG-CDF is so circumscribed in the manner in which procurement is done and how projects are isolated that it goes beyond what the national Government and the county governments do in undertaking and implementing their projects. I, therefore, make this recommendation.

Hon. Speaker, lastly, on the question of equity, when we engage in public debt and foreign debt, there should be an understanding and appreciation that when we incur foreign debt, the payments are done by every Kenyan. Foreign debt that is incurred ought to go into development in all corners of this country, and not just in Nairobi and its environs. Areas like Turkana and Wajir should have 50 per cent of the money that we borrow as foreign debt while other counties that are already developed, starting from Nairobi to Kiambu, Mombasa, Kisumu...

**Hon. Speaker:** Your time is up. Hon. Members, I will seek your concurrence from Hon. Ruku's request that the Mover be called upon to reply.

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

Proceed, Hon. Ndindi.

**Hon. Ndindi Nyoro** (Kiharu, UDA): Thank you, Hon. Speaker. I thank all the Members, through you, Hon. Speaker, for the various contributions we have had, including the positive criticism. This tells us that there is room for improvement. So, I thank all the Members for their contribution. We have noted all the comments and concerns.

Hon. Speaker, I beg to reply.

*(Hon. Raphael Wanjala and Hon. Jayne Kihara rose to leave the Chamber)*

**Hon. Speaker:** Hon. Wanjala and Hon. Jayne Kihara, it is not very decent to walk out when such an important Question is about to be put. Please, resume your seats.

*(Question put and agreed to)*

Hon. Wanjala and Hon. Kihara, you may now proceed to where you were going.

*(Hon. Raphael Wanjala and Hon. Jayne Kihara took their seats)*

*(Laughter)*

*(Hon. Joseph Makilap rose on a point of order)*

**Hon. Speaker:** Yes, Hon. Member. Under what Standing Order is the order of intervention?

**Hon. Joseph Makilap** (Baringo North, UDA): I am rising on a point of intervention as a matter of concern. This Budget Policy Statement is among other important Motions that come to this House. It has become a routine that Members rise to call upon the Mover to reply based on the mood of the House, even on an important matter that requires proper debate. Some of us are loyal; we come to this House wanting to debate but are cut short by Members who do not come to this House. We need to respect debate time so that we can discuss matters affecting our country. Also, we need to build those of us who are new so that they can become great debaters. We cannot achieve that by calling on the Mover to reply on the basis of the mood of the House. That can only mean cutting short debate. These shenanigans will actually limit our faculties with regard to the issues that we need to debate in this House.

We require guidance on these matters.

**Hon. Speaker:** Hon. Joseph, nobody will curtail the growth of your faculties. I can assure you.

*(Laughter)*

You know when the Hon. Speaker is asked to call upon the Mover to reply, the resolution lies with the House. That is why I put the question. I heard you say “aye” for the Mover to respond. You cannot have your cake and eat it.

*(Laughter)*

Have you called the next order? The Chairperson of the Departmental Committee on Environment Forestry and Mining, Hon. Gikaria.

### MOTION

#### NOMINEES FOR APPOINTMENT AS MEMBERS OF NATIONAL CLIMATE CHANGE COUNCIL

**Hon. David Gikaria** (Nakuru Town East, UDA): Hon. Speaker, taking into consideration the findings of the Joint Committee of the...

**Hon. Speaker:** Hon. Gikaria, start by saying, "I beg to move the following Motion."

**Hon. David Gikaria** (Nakuru Town East, UDA): Hon. Speaker, I beg to move the following Motion:

THAT, taking into consideration the findings of the Joint Committee of the National Assembly Departmental Committee on Environment, Forestry and Mining and the Senate Standing Committee on Land, Environment and Natural Resources in its Report on the Vetting of Nominees for Appointment as Members of the National Climate Change Council, laid on the Table of the House on Tuesday, 14<sup>th</sup> March 2023, and pursuant to Article 132 (2)(f) of the Constitution, Section 7(4) of the Climate Change Act, Sections 3 and 8 of the Public Appointments (Parliamentary Approval) Act, 2011 and Standing Order 216 (5) (f) of the National Assembly and the Senate Standing Order 228 (4)(f)-

- (a) approves the appointment of the following persons as members of the National Climate Change Council –
  - (i) Ms. Emily Mwendu Waita;
  - (ii) Mr. John Kioli Kalua; and
  - (iii) Prof. George Odera Outa.
- (b) rejects the appointment of Ms. Umra Omar as a member of the National Climate Change Council.

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

*[The Temporary Speaker (Hon. Omboko Milemba) took the Chair]*

Hon. Temporary Speaker, on Tuesday, 14<sup>th</sup> March 2023 as indicated, you issued a Communication from His Excellency the President regarding the nominees as I have read. Pursuant to Standing Order 45(1) and the Fourth Schedule of the Standing Order, the names and the Curriculum Vitae (CVs) of the four nominees were referred to the Departmental Committee on Environment, Forestry and Mining, jointly sitting with the Senate Standing Committee on Lands, Environment and Natural Resources.

On Friday, 17<sup>th</sup> February 2023, pursuant to Section 8 of the Public Appointments (Parliamentary Approval) Act No.33 of 2011, the Clerk of the National Assembly and the Clerk of the Senate, in writing, invited nominees for a vetting hearing indicating the time and place for holding the approval hearing.

Pursuant to the provisions of Section 6(9) of the Public Appointments (Parliamentary Approval) Act No.33 of 2011, the Clerk of the National Assembly and the Clerk of the Senate placed an advertisement on the print media on Monday, 20<sup>th</sup> February 2023 inviting the public

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to submit memoranda by way of written statement on oath/affidavit, contesting the suitability of the nominees. The advertisement indicated that the submissions were to be received by Monday, 27<sup>th</sup> February 2023 at 5.00 p.m. By close of business that day, the Committee had not received any written statement of oath contesting the suitability of any of the nominees.

The Clerk of the National Assembly and the Clerk of the Senate wrote to the respective agencies: The Ethics and Anti-Corruption Commission (EACC), Kenya Revenue Authority (KRA), Directorate of Criminal Investigations (DCI), Higher Education Loans Board (HELB) and the Registrar of Political Parties requesting for reports with respect to the nominees on matters touching on integrity, tax compliance, political affiliations, and loan repayments. We received clearance reports for the nominees from KRA, the DCI, EACC, HELB, and the Registrar of Political Parties.

The National Assembly Departmental Committee on Environment, Forestry and Mining, jointly sitting with the Senate Standing Committee on Lands, Environment and Natural Resources, conducted approval hearings on Tuesday, 7<sup>th</sup> March 2023. The nominees were vetted in accordance with provisions of the Constitution, the Public Appointments (Parliamentary Approval) Act, 2011, and the National Assembly Standing Orders on their suitability or otherwise for appointment as members of the National Climate Change Council.

Pursuant to Section 7 of the Public Appointments (Parliamentary Approval) Act, 2011 and Section 7(1) of the Climate Change Act No.11 of 2016, the Joint Committee considered various issues during the approval hearing. First, the Joint Committee considered the procedure used to arrive at the nominee. The Joint Committee observed that pursuant to Section 7(2) (f) (g), (h) and (i) of the Climate Change Act, 2016, the President is required to nominate a person for appointment to the National Climate Change Council if that person has expertise and experience in matters of climate change, economic finance, law enforcement, public administration, is a citizen of Kenya, fulfils the requirements of Chapter Six of the Constitution, and has at least 10 years' experience in the relevant field. Additionally, the Joint Committee observed that the four persons nominated must be representatives of:

1. Private sector nominated by a body representing the largest number of institutions in the private sector.
2. The civil society nominated by the most representative registered national umbrella association of civil societies working on climate change.
3. Marginalised community within the meaning of Article 260 of the Constitution who has knowledge and experience in matters relating to indigenous knowledge.
4. The academia nominated by the Commission for University Education (CUE).

The Joint Committee, in determining the suitability of the nominee, took into consideration the provisions of leadership and integrity as outlined under Chapter 6 of the Constitution. Further, the Committee observed that the suitability of the nominee should be evaluated holistically taking into account their academic credentials, professional training, experience, background, and personal qualities as well as the performance of the nominee during the approval hearing, which is very key.

The National Assembly Departmental Committee on Environment, Forest and Mining jointly with the Senate Standing Committee on Lands, Environment and Natural Resources, having vetted the nominees, made the following general observations:

1. That, in accordance with Article 78(1) of the Constitution and Section 7(2) of the Climate Change Act, 2016, the nominees are Kenyan citizens.
2. The nominees satisfied the statutory requirements on leadership and integrity having been cleared by the Directorate of Criminal Investigations, KRA on tax compliance, and the Higher Education Loans Board.

3. The nominees satisfied the requirements of Chapter 6 of the Constitution on leadership and integrity.
4. The nominees have never been convicted in a court of law for criminal offences in the past five years as stipulated in Article 75(1) of the Constitution.
5. The nominees have no potential conflict of interest.
6. The nominees do not hold offices in any political party hence satisfy the requirement of Article 77(2) of the Constitution with exception of one nominee, Umrah Omar who at the time was a member of Safina Party. There was production of evidence indicating she was a member of the party.
7. The nominees have never been dismissed from office under Article 75 of the Constitution for contravening Article 75(1) on conflict of interest, Article 76 on financial probity, Article 77 on restriction of state officers, and Article 78(2) on dual citizenship.
8. The nominees were nominated in accordance to Section 7(2) (f), (g) and (i) of Climate Change Act No. 11, 2016.

The three nominees, that is, Emmy Mwende Waita, John Kioli Kalua, and Professor George Odera Outa, demonstrated knowledge on topical, technical and administrative issues touching on climate change and have the requisite abilities, qualifications, and experience to serve as members of the National Climate Change Council.

However, Umrah Omar did not demonstrate knowledge on topical, technical and administrative issues touching on the indigenous knowledge contrary to Section 7(2)(h) of the Climate Change Act, 2016. Consequently, the nominee lacks the requisite ability and experience to serve as a representative of the marginalised communities of the National Climate Change Council.

Lastly, I urge Members to read the Joint Committee Report of the National Assembly Departmental Committee on Environment, Forest and Mining, and the Senate Standing Committee on Lands Environment and Natural Resources comprehensively in order to fully appreciate and enrich the debate. I further ask the Members to adopt the recommendations of the Committee as contained in the Report.

Just to highlight, this was a joint Committee between us and the Senate. The Senate will be discussing the same matter in plenary. It is true that when the four nominees appeared before us, each of them was given ample time of two hours. We sat from eight in the morning until eight in the night. As indicated, all the three nominees – Emmy Mwende Waita, Mr. John Kioli, and Professor Odera– demonstrated knowledge of climate change issues.

Currently, issues to do with climate change are trending all over the world. If climate change is not handled properly, the situation that this country finds itself will prevail. It is going to get worse if we do not address it. If we get members into the National Climate Change Council who understand climate change issues, they will bring meaningful change. The three nominees told us that climate change occurrences are man-made. It is humans who affect the environment. It is us who have destroyed the environment to a point where today you cannot predict anything about the climate. They told us that if this is not addressed properly, particularly the emissions by industrialised countries, we will end up suffering.

One of the things that this country has excelled in very well is earning carbon credit. We have planted too many trees. Trees are recipients of the carbon dioxide emissions as they give out oxygen. Being a recipient of the emissions from the industrialised world, we are supposed, as a country, to be... In Africa, we are the second biggest earners of carbon credit after Congo because of the trees and the vegetation cover that we have. Unfortunately, the Government does not benefit at all. The Government can be the biggest earner of carbon credit but at the moment we do not earn anything because that was taken up by individuals. It is

unacceptable. Individuals can encourage communities to plant more trees so that they can be earners of the carbon credit. However, the Government needs to play a bigger role in earning whatever is received from the carbon credit so that it can re-invest the proceeds to check the climate and handle environmental issues that happen in this country.

On forests, we were pleased. When we put across some questions to the nominees, for example, we had a question about planting the 15 billion trees, Professor Odera said it is okay but advised that Parliament should be informed by science when it comes to decision-making. Let us not just make decisions based on our hearts and heads. We should allow science to also guide us when we are making decisions.

One of the issues that he spoke to was that it is a good idea to have 15 billion trees. However, planting 15 billion trees means that you have already covered half of your country with trees. Where will you take your people? That is a question that we need to ask.

Secondly, he said that if we manage to plant the 15 billion trees that we so ambitiously want to plant, what would happen in case of forest fires? Currently, almost half of our forests have been destroyed because of fires. Forest fires are started by human beings. We will become the biggest emitters of the same thing that we are trying to avoid. He was telling us that as we plant the 15 billion trees, we must put in place enough measures to address forest fires.

The President is the Chairperson of the National Climate Change Council and his Deputy is the Vice-Chairperson. You can imagine how important that is. That is why one of the nominees did not prove to us that they could go along in that direction.

With those few remarks, I beg to move and call upon Hon. Charles Kamuren, my Vice-Chairperson, to second.

**The Temporary Speaker** (Hon. Omboko Milemba): Hon. Charles Kamuren, proceed.

**Hon. Charles Kamuren** (Baringo South, UDA): Thank you, Hon. Temporary Speaker. I rise to second this Motion.

As it has been very well said by my Chairperson, climate change is serious and it affects us. What is going on in the entire Republic in terms of banditry...

*(Hon. Beatrice Elachi consulted loudly)*

**The Temporary Speaker** (Hon. Omboko Milemba): Order, Hon. Elachi. Who are you consulting with loudly over there? Please, Hon. Kamuren, you may proceed.

**Hon. Charles Kamuren** (Baringo South, UDA): Thank you, Hon. Temporary Speaker. The challenges that we are facing in this country at the moment are as a result of climate change. I thank Members of this House for what they did in 2016 by coming up with the Climate Change Act, 2016, which established the Council with the purpose of mitigating challenges of climate change. This is our future. This is our economy. Climate change is affecting our economy and it will also affect future generations.

These Council members are relevant and went through the right procedures. They went through vetting. We followed due process in the Joint Committee with the Senate. The Report that we have tabled is clear and fair. Each nominee got an opportunity to express themselves and answer questions.

I beg to second. Thank you.

*(Question proposed)*

**The Temporary Speaker** (Hon. Omboko Milemba): This being a Special Motion to approve nominees, and having been told that the Chairperson of the Council is the President himself and the Vice-Chairperson is the Deputy President, I will allow a few Members to contribute.

Therefore, number one on my list is Hon. Kibet Komingoi of Bureti. In his absence, I will give the chance to Hon. Francis Sigei of Sotik. Some Hon. Members are out of the House or are not willing to speak on this Motion. I would like to advise that if you want to speak on this Motion, press the intervention button. Therefore, I call on Hon. Kuria Kimani of Molo.

**Hon. Kuria Kimani** (Molo, UDA): Asante sana, Spika wa Muda, kwa kunipa muda huu kuchangia Ripoti hii ambayo imeandaliwa vilivyo na rafiki yangu Mbunge wa Nakuru, Mhe. Gikaria.

Hii Hoja Maalum ni ya kupitisha wanachama wa Baraza la Nchi la Mabadiliko ya Tabianchi, ama ukitaka, *climate change*. Mambo ya tabianchi yanahusisha unyevuanga, ama ukitaka kwa kimombo, *humidity*; mambo ya kanieneo angahewa, ama ukipenda, *atmospheric pressure*; mambo ya upepo; mambo usimbishaji, ama ukitaka *precipitation*; na masuala mengine yanayoathiri mambo ya hewa.

Mambo mengi yamebadilika katika nchi yetu ya Kenya. Mahali ambapo natoka katika Eneo Bunge la Molo, hatujawahi kukaa miezi minne bila kupata hata tone moja la mvua. Tunamshukuru Mwenyezi Mungu kwamba leo asubuhi na jana usiku kumenyesha mvua kwa mara ya kwanza baada ya miezi minne. Haya masuala ya tabianchi yalizungumziwa kule Marekani na aliyekuwa Rais Barack Obama na watu wengi walisema kwamba ni stori tu na mambo ambayo hayatakuja. Lakini tunapoangazia yale mambo ambayo yamebadilika wakati huu, kama vile mifugo wetu kufa kwa sababu ya kukosa nyasi na chakula, ni thibitisho kwamba haya masuala sasa yako pamoja nasi.

Nashukuru Kamati hii kwa sababu ya kumkataa huyu mama, Umra Omar. Wakati nilijaribu kuzungumza na wanachama wa hii Kamati na kuwauliza ni kwa nini wanapendekeza tuwapitishe Emily Mwendu Waita, John Kioli Kalua, na Prof. George Odera lakini tusimpitishwe Umra Omar, waliniezeza kwamba kabisa hakuonekana kama alielewa mambo ya tabianchi hata kidogo. Alipoulizwa kuhusu mambo ya hali ya fedha – kwa sababu ili uweze kuongoza Baraza kama hili, lazima uwe na uzoefu na ujuzi wa masuala ya uongozi na fedha – Mama Umar Omar hakuwa tayari kujibu. Hata zile karatasi ambazo alistahili kuleta kutoka kwa mashirika mbali mbali ya serikali ya uchunguzi, hakuwa nazo. Hivyo, itakuwa funzo kwa wote wanaoletwa katika Bunge hili kwamba haitoshi jina lako kupeanwa lipitishwe na Kamati yoyote kwa jukumu lolote katika nchi yetu ya Kenya. Kwamba Bunge la Kumi na Tatu ni Bunge ambalo litaangazia wote na kuangalia wale ambao wamehitimu kupitishwa katika hili Bunge. Kwa wale ambao hawatahitimu, hatutasita kamwe kuhakikisha tumewarudisha kwa raia ili tutafute Wakenya walio na ujuzi unaohitajika kufanya kazi ambazo wanapewa.

Kwa hayo machache, naunga mkono Ripoti ya Kamati hii ambayo inaongozwa na Mhe. Gikaria. Asante Spika wa Muda.

**The Temporary Speaker** (Hon. Omboko Milemba): Next is Hon. Jessica Mbalu, Kibwezi East.

**Hon. Jessica Mbalu** (Kibwezi East, WDM): Thank you for the opportunity. I rise to support the Report of the Joint Committee—the Departmental Committee on Environment, Forestry and Mining and the Senate Standing Committee on Lands, Environment and Natural Resources.

From the onset, I must say that I am a Member of the National Assembly Committee on the same. I am a Member of the Joint Committee. I want to appreciate and thank my Chairperson, Hon. Gikaria, for moving the approval Report on the nominees sent to us. He has highlighted every procedure according to our Standing Orders. The recommendations are of the Committee.

I am a woman Member of Parliament from Kibwezi Constituency. I am serving my third term. We really felt for the lady, Umrah Omar, who my Chairperson has explained why she was not picked. I really cried for her to be given a chance, but she demonstrated to us that she did not very well understand the issue of climate change. She also lacked interest in the

subject matter. We tried to persuade that she be given time to put things in place. Being a woman is not easy. Maybe she had issues concerning, say, cooking for the babies and serving the family. However, being a woman does not mean you do not take your work seriously.

Mr. John Kioli Kalua did very well in the presentation of papers, as the Chairperson has said. He seemed knowledgeable. He demonstrated in the interview that he understands climate change and how it is affecting Kenya and the continent. One lady who also did very well and I was happy with, is Ms. Emily Mwendu Waita. She really demonstrated her expertise through the experiences she related to us. Her communication was good and she answered our questions well. We were all satisfied.

In conclusion, it was unanimously agreed by all Members of the Joint Committee chaired by both Chairpersons—the National Assembly and the Senate—that we approve the three nominees. We agreed that either we are given another member to replace Umrah or, maybe, we allow her more time. That is not a recommendation; it is my feeling now. Since we are working on the two-thirds gender principle, maybe, we should allow Ms. Umrah Omar to come back for the interview. I request that because I know the Chairperson is here. I know the appointing bodies needed four nominees. The other one to be appointed should be a lady.

On the work needed in the Climate Change Council, it is going to give us a lot of answers to our questions. In fact, one of the questions is how we are prepared as a country to mitigate adverse effects of climate change. So, these four council members are very important. The necessary qualifications were required of them. Being a lady, I want to be on record that it was unanimously agreed by all Members that the three nominees—Emily Mwendu Waita, Mr. John Kioli, and Prof. George Odera—be approved, and Ms. Umrah Omar not be approved. I feel for her. I urge women to take matters very seriously when called to meetings.

**The Temporary Speaker** (Hon. Omboko Milemba): The Hon. Ndindi Nyoro.

**Hon. Ndindi Nyoro** (Kiharu, UDA): Thank you very much, Hon. Temporary Speaker. Definitely, I rise to support and give my comments.

First, I congratulate the Committee, especially the very knowledgeable Chairperson, Hon. Gikaria, for a very elaborate Report. I have been going through the Report and I can clearly see intense hours put into the work to generate this Report. As you ruled before, this matter is very serious. I thank you for giving Members an opportunity to ventilate and contribute to this Motion because the National Climate Change Council is in a class of its own.

Previously, the President of Kenya was the Chancellor of all public universities. That is no longer the position in the current situation of modern institutions. The point I am driving home is that it is very unlikely and scarce that you see a President chairing any board in Kenya. Especially a sectoral body. Therefore, this is just to show the kind of importance we give to issues to do with our climate and our natural resources in terms of sustainability and any other associated agenda. None other than His Excellency the President, deputised by the Deputy President, chairs the National Climate Change Council. The Secretary is the Cabinet Secretary responsible for that docket. This shows that we appreciate the situation we are in as a country and globe. There is great room for improvement.

When we talk about climate change, it goes together with any other associated natural resource, especially forestry. That is why the Chairperson and this Committee are responsible for the issues... Even when singularly looking at natural resources, sometimes we think only about what is under the earth and mining. Looking at the quantifiable natural resources of countries like the Democratic Republic of Congo (DRC), the US, and Russia, you see that the value of natural resources over and not just underneath is quantifiably monumental. Forestry provides a great asset to any country, especially if it is harvested in a sustainable manner. If you look at the current Budget Policy Statement (BPS), we have taken cognisance of the importance we should give our environment by allocating enough resources. As we also look forward to advertise that people harvest mature trees, we expect to generate a lot of

appropriation. We are going to generate a lot of Appropriations-in-Aid from our natural resources, not in terms of just going to forests to cut trees, but harvesting mature trees and consequently replacing them. The current situation we are in as a country and as a globe is associated with how we treated the environment before. Nature can be unforgiving. In that regard, we need to safeguard our tomorrow. The current situation, in terms of drought and famine, is associated with how we treated our forests previously. Therefore, going forward, we need to be more meticulous on how we look after the environment.

I have gone through the Curriculum Vitae of the nominees. We have the right men on the job. For the nominee, my friend, Ms. Umra, who did not go through, it is a chance to try better opportunities. With her qualifications, she can fit somewhere else. The Committees do their work objectively. I applaud those who went through because they are thoroughly qualified to sit in the National Climate Change Council.

I support. Thank you, Hon. Temporary Speaker.

**The Temporary Speaker** (Hon. Omboko Milemba): Hon. Members, if you want to speak on this Motion, please, press your intervention button so that I can see all of you. Proceed, Hon. Emathe.

**Hon. Joseph Emathe** (Turkana Central, UDA): Thank you very much, Hon. Temporary Speaker for giving me this opportunity. With a lot of gratitude, the Chairperson of the Departmental Committee on Environment, Forestry, and Mining has provided us a clear picture through an elaborate report on what transpired during the vetting of the four nominees to the National Climate Change Council. Today, the climate change issue is very important. It is a big debate round the globe.

It is important to underscore the fact that the President, His Excellency Hon. (Dr) William Samoei Ruto is the Chairperson of the Committee of the African Heads of State and Government on Climate Change (CAHOSCC). In Kenya, he is also the Chairperson of the National Climate Change Council. As a country, that gives us the impetus to understand that climate change is picking a higher consideration. It is important to note that we are losing biodiversity and forests. We are not getting enough rains. The seas and lakes are rising at an alarming rate. The powers and functions of the Governments need to be integrated or mainstreamed for us to improve climate change.

The nominee who has been proposed for rejection by the Committee was nominated on the grounds of Section 7(2)(h) of the Climate Change Act, 2016. She is supposed to represent the marginalised communities as provided by Article 216 of the Constitution. I recommend that we get another lady who is conversant with matters relating to indigenous knowledge as per the Act.

This is a Council that will attract a lot of funding. It will monitor, discuss, and operationalise the Climate Change Fund. The Council will help us alleviate conditions of climate change, integrate, operationalise, and weigh the effects of climate change. It is important that we take it seriously. I thank the nominees that have been approved. I support.

**The Temporary Speaker** (Hon. Omboko Milemba): Hon. Gertrude Mbeyu, County Women Representative for Kilifi.

**Hon. Gertrude Mwanyanje** (Kilifi County, ODM): Thank you, Hon. Temporary Speaker. I stand to support the Report by the Departmental Committee on Environment, Forestry and Mining. I am a Member of this Committee in the National Assembly. I congratulate the Chairperson and the three nominees who were selected to the Council. Being a very sensitive Council in this regime, and as much as we would like to support ladies, we will always support those who qualify. I wonder how my sister, Umra's documents landed in the Committee when she did not have all the requisite documents certified. She did not show knowledge about issues to do with the environment. I think the Executive now understands that Members of Parliament are not rubberstamps. We did what we were supposed to do and

selected the nominees who were qualified, had the technical know-how, and skills on matters environment. Thank you, Hon. Temporary Speaker.

**The Temporary Speaker** (Hon. Omboko Milemba): Very well. Hon. Ngogoyo Onesmus.

**Hon. Onesmus Ngogoyo** (Kajiado North, UDA): Thank you, Hon. Temporary Speaker. I rise as a Member of this Committee. I thank the able Chairperson and the team that vetted these particular individuals. Like one Member mentioned, the National Climate Change Council is equivalent to the National Security Council. They will make decisions for the country, continent, and the world on matters environment. It is a very sensitive Council. Therefore, anyone nominated to this Council must show the Committee and Members of Parliament that they understand issues to do with the environment in a clear manner.

We have a set of individuals who are very capable. For instance, Outa is a qualified lawyer. We have a serious issue with carbon credit in Kenya because of faulty agreements with different entities such that the locals do not benefit. We recently had an issue in Kilifi concerning the Baobab tree. The National Environment Management Authority (NEMA) will assist the community to come up with agreements that benefit the community. This Council, headed by the President, will be very key in reviewing and ratifying decisions that have been made and making other decisions, going forward, on matters environment. There are serious plans by the Kenya Kwanza Government on the issue of planting trees; not only planting and adapting trees, but also raising funds with other development partners. Therefore, these are very key people to moving the country forward on matters environment.

Unfortunately, one candidate was rejected but the Committee was very clear that this candidate did not satisfy some of the requirements of the law. This is a State office and these are Council members. The candidate was still a member of a political party. Therefore, she disqualified herself by being a member of a political party at a time when she had been nominated to a State office.

Hon. Temporary Speaker, you must also show that you have knowledge on matters concerning the position that you have been nominated to. The Public Appointments (Parliamentary Approval) Act gives the basics of about 32 issues that you have to look into. On personal wealth declaration, there are issues that you must state. You must show your net worth. When you cannot clearly show your worth and you want to occupy a State office, then you limit the Committee's ability to interrogate you in the right manner.

Hon. Temporary Speaker, I must say that the Committee did a perfect job in a short time. We scrutinised these individuals in many diverse ways and I am very happy to be part of the people who are saying yes to individuals that will go and make decisions on behalf of our country on matters environment.

With those very many remarks, I wish to support the Report of the Committee and urge honourable Members to approve these individuals so that they may kick-start the good work of putting the country and the continent back to shape in making decisions that are environment friendly and those that look at the future of our generation.

I support the Report of our Departmental Committee on Environment. Thank you very much.

**The Temporary Speaker** (Hon. Omboko Milemba): Well spoken. Hon. Geoffrey Ruku, Member for Mbeere North.

*(Hon. Ruku GK walked to the Dispatch Box)*

Hon. Ruku, you will be given a microphone at your place. Just go back. There is no crisis in the House. Please, give Hon. Ruku a microphone. Very well, proceed.

**Hon. Ruku GK** (Mbeere North, DP): Thank you, Hon. Temporary Speaker. You know I am a bit tall and so it is good for me to be using this microphone here.

I rise to put my word on Climate Change Council nominations. The Council is well cut for the job ahead of them. For those who have been in the field of climate change, in terms of project development, many project developers in this country have been taken advantage of by the international community or investors. They come here in the name of investing in climate change projects but they end up selling carbon credit to different companies in Europe and in America.

Hon. Temporary Speaker, the Chairman of this Council is the Head of State who is also the President of the Republic of Kenya. This means that it is an extremely serious Council and it measures to the gravity of the issues to do with climate change. It is important to co-ordinate and synchronise all the activities of the Republic of Kenya, private and public, as far as climate change is concerned, and whether mitigations or adaptations. There is a lot of money within the climate finance space. For this nation to take advantage of that we need very competent, focused, and qualified individuals to sit in that Council.

I commend the Committee led by Hon. Gikaria for a job well done. It is now upon the appointed individuals to go and do a good job. One of their roles is to regulate the business of climate finance. Most of the climate finance which is coming to this country ends up going back to the said investors. There is a lot of work to do as far as regulations pertaining climate change are concerned. The Climate Change Act, by itself, cannot protect the project developers of this nation properly without the accompanying regulations, which can anchor different articles of climate change and clauses within the Act. So, there is some work to be done on projects such as climate smart agriculture, agroforest, and water resources management. We also have the Maasai Mara ecosystem which is a very premium resource in this country but has not been fully taken care of as far as climate change is concerned.

Hon. Temporary Speaker, I rise to support the nominees but also give a broad view that there is too much work which needs to be done to take full advantage of climate finance as far as this country is concerned.

Thank you, Hon. Temporary Speaker.

**The Temporary Speaker** (Hon. Omboko Milemba): Hon. Beatrice Kemei, Member for Kericho County.

**Hon. Beatrice Kemei** (Kericho County, UDA): Thank you, Hon. Temporary Speaker. I was wondering whether or not I have been forgotten. I rise to first appreciate and thank the Chair for the time that he took together with the Members. I must confess that I am a Member of this Committee and he led us quite well. I want to thank the President for bringing us these nominees, three of whom we are going to approve. The unfortunate part is the rejection of Omar and the fact that she is a woman yet we are seeking to achieve the two-thirds gender rule.

However, I want to say that matters climate change should be taken seriously. Climate change is already a very urgent threat to millions of lives and that is why we have to take it seriously. Hon. Temporary Speaker, the nominees who came before us, Ms. Emily, Mr. Kalua, and Prof. George demonstrated that they have knowledge on matters climate change. They were very focused and answered questions satisfactorily. They managed to answer all the questions to the best of their ability.

From their academic papers and the requirements of Chapter 6, we learnt that these are people of integrity; they are ready to work and bring change. We know that climate change will attract a lot of funding. When we asked some of these nominees how they will be in charge and how communities will be assisted to cope with the issues of climate change, they demonstrated that they were ready and equal to the task. I must thank the President for bringing these nominees to appear before us. For Ms. Umar, I pray that she gets another equal opportunity. Her case is just a lesson to the many Kenyans that are out there seeking appointments and



nominations that they should take their work seriously. They should know that when it comes to interviews and vetting, they should prepare adequately. They should also go for positions they know they are fit for and would be capable to deliver to the people of Kenya.

Hon. Temporary Speaker, I want to thank the Chairperson and all the Members for the work that was put here. This is just to let the members of the public know that Parliament is not a place to just rubberstamp and pass names. It is a place of serious work and people coming here should know that they have to be ready to work for the people of Kenya.

I want to appreciate one more thing concerning this climate change issue. Women and girls need to be supported and educated to know that using energy saving *Jikos* and renewable energy is important.

Finally, all the sectors of the economy in this country should work together to make sure climate change is capped. Thank you very much.

**Hon. Temporary Speaker** (Omboko Milemba): Hon. Jackson Kosgei. Could we please give the microphone to him? He is at the back.

**Hon. (Dr) Jackson Kosgei** (Nominate, UDA): Thank you, Hon. Temporary Speaker for giving me this opportunity.

I wish to begin by congratulating the Chairperson and Members of the *Departmental Committee on Environment, Forestry and Mining* on the thematic area of climate change. I wish to congratulate these great Kenyans who have been recommended by the Committee to be approved by this House this afternoon because of the knowledge that they have already demonstrated in this field of climate change.

At the outset, I begin by supporting the Motion. Among the things that are a threat to human existence is climate change. The Committee running this particular Council must have the knowledge and capacity because they enjoy the support of the top national leadership in Kenya as well as the international concern. Climate change, in simple terms, refers to the long-term effects on our environment due to temperatures that are changing and weather patterns. Sometimes, scientists tell us that some of the causes are natural due to variation in what they call the Solar Cycle. The reason we have the National Council is because we cannot manage the natural path. However, we can manage the human drivers. Since 1800, due to industrial revolution, human activities have been the main drivers in the climate change due to primarily burning of fossils. This is human. The destruction of environment by falling trees and interfering with our ecosystem requires great knowledge and intervention by humans, hence this is timely. As a country, it is very important that we pay attention as to who becomes a member of this particular Council.

I wish to thank the Committee for doing a thorough job. They have presented to this House how they did it. Indeed, they followed the law. Kenya should, therefore, heed... I do not wish to belabour what the other speakers have said. I want to draw the attention of the House to the recommendation made by the Chairperson concerning exploitation of our natural resources underneath. We have too many mineral deposits in this country. We need to give serious attention to the mining industry in this country so that we do not leave it to the multinationals who have come to ask for licenses to exploit our natural resources. This House should pay attention to that because it adds more to our Gross Domestic Product (GDP).

I beg to support the Motion. Thank you.

**Hon. Temporary Speaker** (Omboko Milemba): Hon. Pauline Lenguris, County Women Representative, Samburu.

**Hon. Pauline Lenguris** (Samburu County, UDA): Thank you, Hon. Temporary Speaker for giving me this opportunity to support the Motion on the Floor of this House.

Let me, first, congratulate the Committee and the Chairperson for the comprehensive Report that they have given us. They have done a thorough job, as a Committee, of recommending the Council members who will represent this country on matters climate

change. We all understand that this country is going through serious effects of climate change and we are suffering as a result. We have experienced lack of rains for a long period - some regions have gone for a period of four years without rains. Many pastoralists lack pasture for their livestock and this has led to loss of livelihoods. Some parts of this country have been experiencing very high temperatures due to the effects of climate change.

I want to congratulate the Committee for the good work that they have done in trying to look at the capacity of the members who have been recommended to be in the Council. We need a lot of experience from the people who are going to guide the Ministry, advise the President, and, generally, guide this country in terms of addressing the effects of climate change. The Chairperson has told us about the capacity of the members they have recommended. As for the one the Committee has declined, they have given the reasons. It was simply because of her inexperience and lack of expertise in the area of concern. And since she was representing the marginalised communities of this country, I would request the Committee that her replacement be done as early as prescribed. I am sure we are going to get other ladies from the marginalised communities who have the requisite experience and expertise. Kindly, take our recommendations and ensure that the replacement is a lady from a pastoralist community. In any case, the one whose name is being proposed for rejection was to represent the interest of the pastoralist community.

I support and I thank the Committee for the good work that they have done. They have shown us professionalism. They have followed the law and procedures in arriving at the three nominees. Thank you.

**The Temporary Speaker** (Omboko Milemba): Hon. Titus Lotee, Kacheliba Constituency.

**Hon. Titus Lotee** (Kacheliba, KUP): Thank you, Hon. Temporary Speaker. I stand as a Member of this Committee to congratulate my Chairman, Vice-Chairman, and the Committee Members for the good work that was done in vetting these persons.

I also want to thank His Excellency, the President, who is also the Chairman of this Council, for having abided to the provisions of the Climate Change Act, 2016 and forwarding the names of the nominees for vetting. I think the Committee did a good job. It did not only look at the papers that the nominees were carrying, but it also looked at their spirit and dissected their souls to understand the kind of change that they can bring to the Council.

Hon. Temporary Speaker, I cannot belabour what many people have said in terms of this Council. It stands at a very unique position in this country and particularly at this time of the year when we are seeing the effects of climate change. Everybody is now relieved because the rains have come. It has never been the case that people develop interest in weather forecasts in newspapers and media. They call to ask about the weather, say, in Kakamega or Kitale and when they are told it is raining in those places, they celebrate the news here in Nairobi. That tells you that the effects of climate change are rife and they are here with us.

We looked through the hearts of these people and we have recommended those we think will do justice to the climate. Today we were looking at the Budget of this country and one thing that people have not noticed is that our resources and revenues are dwindling. There is a big opportunity in what we call carbon credit. In this country, we are told Kenya is one of the ranking countries in terms of income that come from carbon credit. This is where developed countries are trading their carbon through countries such as Kenya to continue producing and buying the kind of carbon that we are sinking our trees and environment in. If this country has to make revenues, we need to strengthen this Council by appointing to it the kind of people that we have recommended today. I strongly believe if this Council is well managed, we will start realising both economic and environmental changes. I support and thank everybody who participated in giving us these members.

Lastly, Hon. Temporary Speaker, the Constitution in Article 260 talks about the marginalised people. I am interested in the nomadic persons, whether settled or not. The lady whose name was dropped was meant to represent this cadre of people. You can already hear that the Cabinet Secretary for Interior and National Administration has zoned this country. There are places that are zoned because they are considered dangerous zones and, unfortunately, these are areas where the nomadic pastoralists are living. These people have been marginalised in terms of everything. Now that they are being zoned, they are actually being displaced from their natural environment. I urge the President to nominate a person from the marginalised communities. There are many women from the pastoralist areas who are qualified to occupy the position only that they have not been given the opportunity. I do not want to appear like I am celebrating the failure by one of the nominees, but I am saying it is an opportunity for us to get another person from the marginalised communities. We could get a person from, say, Kacheliba. It has good ladies who are qualified and fit to occupy the said position. I want that taken into consideration.

I support and thank you.

**The Temporary Speaker** (Hon. Omboko Milemba): Hon. Fatuma Jehow, County MP for Wajir.

**Hon. Fatuma Jehow** (Wajir County, ODM): Thank you, Hon. Temporary Speaker, for giving me this opportunity to contribute to this issue of climate change. I would like to applaud the Chairman for doing a good job. I rise to ask a question regarding this member who has been rejected by the Committee. Madam Umra Omar, from where I sit, represents the pastoralist community. I have just gone through the Report and we have been told that she is not qualified. Madam Omar has very good papers according to the Report. She has a Master's Degree in Arts, Social Justice, and Inter-Cultural Relations. She also has a Bachelor of Arts Degree in Psychology. She also has good experience. Omar is the founder and Chairperson of the Board of Safari Doctors, Lamu. I am not known to her, but I am just asking. She is representing the many people from the Arid and Semi-Arid Lands (ASALs), just like the Hon. Member has said. Rejecting Omar feels like rejecting the pastoralists' communities.

**Hon. Ibrahim Saney** (Wajir North, UDA): On a Point of Order.

**The Temporary Speaker** (Hon. Omboko Milemba): What is out of order Hon. Member? Hon. Jehow, you may take your seat, you will come back later. Just take your seat.

**Hon. Ibrahim Saney** (Wajir North, UDA): Hon. Temporary Speaker, is it in order for the Hon. Member to insinuate that the Committee did not do its work while she has attested to the fact that she does not really qualify in regard to what is at hand? We are discussing matters of climate change; it is not about regionalism, pastoralism, or tribe. The lady is an expert in arts and culture but not science and climate change. Is she really in order to insinuate that the Committee did not do its work when we know it is all about the right qualifications? There are many pastoralists who fit the same position. I do not feel it is good to put the liability on the Committee, Hon. Temporary Speaker.

**The Temporary Speaker** (Hon. Omboko Milemba): Very well, but Hon. Fatuma Jehow put her position very clearly. We should listen to her. You may proceed, Hon. Fatuma.

**Hon. Fatuma Jehow** (Wajir County, ODM): Thank you, Hon. Temporary Speaker. I note the remarks by the Member from Wajir North. I am his County MP. I am asking all those questions on behalf of the women from the ASAL communities. Just rejecting Omar and saying she is not qualified is not enough. We would like the Chair of the Committee to clarify more on that.

Thank you, Hon. Temporary Speaker.

**The Temporary Speaker** (Hon. Omboko Milemba): Thank you. Dissenting voices are allowed. I want the Committee Chair to take notes because he has the right of reply. Next is Hon. Dorothy Ikiara.

**Hon. Dorothy Muthoni** (Nominated, UDA): Thank you, Hon. Temporary Speaker, for giving me this opportunity to add my voice to this very important Motion.

First, I take this opportunity to congratulate the Departmental Committee on Environment, Forestry, and Mining. I in particular thank the Chair and his entire team for the considerations that they have made. Climate change is no longer a theory as people thought. It is now a natural phenomenon that has caused havoc across the globe. When we first heard of climate change and global warming, we thought it was a fallacy. However, as we speak today every person in this country, and in the world at large, has felt the effects of climate change. It is for that reason that I rise to congratulate His Excellency the President of the Republic of Kenya, who is the Chair of the National Climate Change Council, and his Deputy. Many-a-times, we come up with very good resolutions, we pick the best people who are knowledgeable, highly qualified in an area, but we do not actualise what we put on paper.

I am aware that the President is very passionate about the bottom-up economy, and this is one of the premises on which the Kenya Kwanza Government was formed. The President himself has undertaken to start planting trees and urging people to plant trees because the effect of climate change is now being felt across the country.

Hon. Temporary Speaker, we know that there is famine everywhere. For about four years now, some areas have not received any rain. The main reason is because we cut our trees and, sometimes, knowingly destroy our forests. For this reason, I am supporting these nominees. The three nominees have been vetted, scrutinised and they are qualified to serve in the council. Let me allay the fears of the Member who is in support of the nominee who is not qualified. I support the Members who are saying that the person should be replaced by another one from the marginalised area simply because she is not fit for this council. With her qualifications, she can fit in another area.

Our forests are a main source of revenue. I am one person who comes from the Mt. Kenya region. I know that when the trees were being harvested, our youths – who are today languishing in poverty and spending their time drinking day-in, day-out – were very busy. There was a beehive of activity when the trees were being harvested. I am supporting these individuals who are very knowledgeable in this area so that when those activities resume, it will be to the benefit of this country. This will also be a source of wealth for the very many young Kenyans. That is because old people do not go to the forest to harvest trees. It is normally the youth.

I want to end my speech by first remembering very passionately...

**The Temporary Speaker** (Hon. Omboko Milemba): The Hon. Michael Muchira, Member for Ol Jorok. Hon. Muthoni, you have had your bite. Let us hear from Hon. Michael Muchira.

**Hon. Michael Muchira** (Ol Jorok, UDA): Thank you, Hon. Temporary Speaker, for giving me this opportunity to support the Motion on the Consideration of the Nominees for Appointment as members of the National Climate Council. First and foremost, I would like to congratulate the Committee for the good job they have done. I have gone through the Report and this appointment of the council comes immediately after the summit that was held in Egypt earlier this year, that came with a raft of resolutions that need to be implemented by each member State.

We know the importance of the council in this country. All of us now have experienced the negative effect of climate change. We are now all celebrating the few drops of rain that have been experienced in most parts of this country. We will continue to pray that the rains continue. However, we know praying without doing anything may have little effect and, therefore, we need to act as a country and ensure that we come up with measures that will ensure that we mitigate the negative effects of climate change.

This important council will help in mainstreaming the climate change functions between the national Government and county governments. Secondly, this council will help in the implementation of the National Climate Change Action Plan. This action plan is in line with Vision 2030 of this country, which is a blueprint for the development of this country. It will also ensure that we have a clean and sustainable environment. In addition, it will ensure that we confront the climate crisis that we are experiencing and, therefore, mitigating against drought and food shortage.

The President has expressed himself in terms of where we want to go in terms of the forest cover in this country. He has a vision of ensuring that we plant 15 billion trees by the year 2032. The council must ensure that this pronouncement or directive by the President is realised and implemented on a yearly basis to ensure that, by the time we reach the year 2032, we will have a forest cover of over 20 percent.

Hon. Temporary Speaker, on the rejection of the nominee, Ms. Umra Omar, this is an indication that Parliament is not a rubber stamp or a conveyer belt. If your name is forwarded for vetting, you must prepare yourself. Otherwise, if you just come and think that you can take Parliament or its committee for granted, you will be in for a rude shock.

So, I support the nomination of the three members and the rejection of Ms. Umra Omar.

Thank you, Hon. Temporary Speaker.

**The Temporary Speaker** (Hon. Peter Kaluma): Hon. Muchira, what are the reasons for the rejection?

**Hon. Michael Muchira** (Ol Jorok, UDA): Hon. Temporary Speaker, I listened to the Chairman when he was presenting and, he clearly stated that when they asked her questions, she did not have the grasp on climate issues. Secondly, she was still a member of a political party by the time she was appearing before the committee.

Thank you.

**Temporary Speaker** (Hon. Peter Kaluma): Thank you very much. Hon. Ibrahim Saney, Member for Wajir North.

**Hon. Ibrahim Saney** (Wajir North, UDA): Thank you, Hon. Temporary Speaker. I have read the Report and I entirely agree with the proposal and the nomination of the members to the National Climate Change Council. Of importance to note is that climate change is never natural. Climate change is artificially infused. It originates from what we do to mother nature, and it is entirely the results of anthropogenic activities. Whenever we distort the equilibrium of nature, nature has its own way of revenging and attacking us. We have been so averse to nature. We have been deforesting, cutting trees, releasing carbon monoxide to our stratosphere, and the result is what we have at hand today, that is affecting everybody. Climate change affects all facets of the society, from food security, diseases and insecurity. Climate change can be termed to be the mother of all evil and must be fought from all fronts.

It is clear that what used to be diseases that were common to some ecological zones are available everywhere today. You must have heard recently that we have new variants of mosquitoes which are hard to manage, and they are resistant to treatment. That is really the effect of climate change. About 40 years ago, people felt that climate change only affected Arid and Semi-Arid Lands (ASALs) and dry areas. However today, it is in Mt. Kenya, what we used to call the 'white highlands'. It is everywhere. It is global. Time has come to deal with it squarely, and we need to mainstream climate change in all aspects of our governance.

Hon. Temporary Speaker, I have gone through the Equalisation Fund and how it was distributed. It manifests that every region qualifies as an ASAL. In my view, it is genuine because climate change has reduced every region to be classified as so. Otherwise, it would have been only Northern Kenya. Before I dwell on the effects of climate change, it is time to synchronise our laws. We have various aspects of climate change in various statutes. If you look at the Agricultural Act, there is a casual mention of climate change. There is the very

comprehensive Climate Change Act, Water Act and Environmental Management and Coordination Act, which also talks about climate change. We are not forgetting that the United Nations Environmental Programme (UNEP) is the focal point and office for the United Nations climate change. We need to re-look at our legislations and harmonise them so that we can deal with climate change effectively and have one orderly legal system in our statutes.

Besides that, climate change affects livelihoods and, more so, in ASALs. Rangelands get the most carbon monoxide which is the culprit of climate change. We must manage them. We must control how pastoralists keep livestock. It should no longer be for prestige, but economically-driven.

I can see that my time is up. Water harvesting should be another thing. We will have climate change refugees soon. Initially, we used to have refugees as a result of insecurity and wars. We will be inundated by climate change refugees. The earlier we deal with it, the better.

Thank you and I support the Motion.

**The Temporary Speaker** (Hon. Peter Kaluma): Thank you very much. Hon. John Waluke, this is an approval debate where some people are proposed for appointment, but one is rejected. So, do not tell us much about climate change and other issues. Talk to the qualifications of these people or otherwise and, more so, the rejected person. I want to hear more on why we are rejecting one Kenyan and approving others.

**Hon. John Koyi** (Sirisia, JP): Thank you, Hon. Temporary Speaker, for also giving me a chance to support this Motion on the Consideration of Nominees for Appointment as Members of the National Climate Change Council.

This country has been affected and changed by climate change. As we cry about climate change every day, when you fly up there in the plane, you see people cutting trees and burning charcoal. Action should be taken against the forest officers. They are the ones who are causing those big problems. Climate change is a very serious issue in this country and the world as a whole. Many areas, like where we come from, used to have rain from January. But to date, there is no rain because of the cutting of trees. We neighbour Mt. Elgon, where there are no trees. People burn forests because they want to be given land. They think that the forest can be declared for human settlement. All of us must be involved. Moi used to say that when you cut one tree, you plant 10. Since then, we have been cutting trees without replacing them. Moi used to get involved. There was a day for planting trees and a day for stopping erosion in different parts of the country. I am happy that President William Ruto now – a student of President Moi – has taken the initiative as the Chair of the Climate change Council together with his Deputy. We want him to get involved. Moi used to say that he was a giraffe. He used to see far. We want our President to see far like a giraffe from where he sits. If all Kenyans can get involved by planting trees, I am sure in another two or three years, we will change the climate back to where it was.

On the candidate who was rejected, she has papers, but she is not a scientist. When I talked to the Chair, Hon. Gikaria, he told me that, that is what the Committee decided. It is because her papers read a different area. She is an artist and they wanted a scientist. They will get another woman from elsewhere, and not necessarily from the pastoralist areas. That is because it will amount to tribalism. The woman can come from anywhere in this country. Let us not say that since she is a pastoralist, her replacement must be a pastoralist. No. A Kenyan from anywhere can do the job so long as she has the papers. Because she was a woman, they can get a woman from anywhere, be it Nyanza, Coast, Western, Nakuru or...

**Hon. Ruku GK** (Mbeere North, DP): On a point of order, Hon. Temporary Speaker.

**The Temporary Speaker** (Hon. Peter Kaluma): This is the MP for?

**Hon. Ruku GK** (Mbeere North, DP): Mbeere North.

**The Temporary Speaker** (Hon. Peter Kaluma): Yes, Mbeere North. You resemble your brother from somewhere in Gusii land.

*(Laughter)*

**Hon. Ruku GK** (Mbeere North, DP): Hon. Temporary Speaker, I rise under Standing Order No.95. The Members have exhausted the issues on Climate Change Council. I think it is the right time to call upon the Mover to reply. Thank you.

**The Temporary Speaker** (Hon. Peter Kaluma): I will rule on that after he concludes. Had he concluded?

**Hon. Ruku GK** (Mbeere North, DP): Yes.

**The Temporary Speaker** (Hon. Peter Kaluma): MP for Mbeere North, have you looked at Standing Order 95? It says that "...and, unless the Speaker is of the opinion that such Motion is an abuse of the proceedings of the House, or an infringement of the rights of Members, the question "That, the Mover be now called upon to reply," shall be put forthwith." So, there is some discretion for the Speaker there to make some determination on those two grounds.

I will not put the Question as to whether the Mover should reply because looking at the requests here, there is still quite some interest. Allow the Members to contribute. Who wanted to go next? Hon. Julius Rutto? Are there any Members of the Committee who have not spoken? We want to hear from Members of the Committee, particularly on that issue of rejection so that the nation is duly briefed.

Hon. Julius Rutto, proceed.

**Hon. Julius Rutto** (Kesses, UDA): Thank you, Hon. Temporary Speaker, for giving me this opportunity to support the approval of the Council members. Firstly, I take this opportunity to congratulate the Joint Committee of the National Assembly and the Senate, which undertook the exercise of vetting the nominees to the said Council. The nominees have been read out to this honourable House and, as per procedure, you have allowed us, as Members, to briefly comment on the same.

From the list of nominees, one could appreciate that the persons who have been identified, vetted and recommended for approval to this Council are eminent people. We have known Mr. Kalua for quite some time. He has been very passionate about matters of environment and climate change in our daily papers. He has been a columnist who has discussed a lot about sensitising our population on the importance of safeguarding our environment, protecting our climate and enhancing activities that will mitigate climate challenges.

The Council has come at a time when the whole world is facing serious challenges to do with climate change. We are now experiencing a very serious drought that is affecting the entire country and the whole world. For the first time in the history of Kenya, almost every part of Kenya is crying for water and food. Unlike the preceding years where only a few arid and desert areas would be affected by drought, other parts of the country are now also facing the same challenges. All that is caused by the change in rain and wind patterns, and the sun. That tells us that things are not as they used to be, and that something somewhere is not right. Scholars and researchers are bringing this to our attention. Current human activities in the world, especially the desired industrialisation, are causing a negative impact on our climate. The same human beings who are now facing the hazards, have to come together to discuss how to ensure that we bring back the image, desired condition and situation in this country, and a suitable environment for humans to thrive in so that we can leave behind a future generation that will succeed, unlike the current situation.

The Council is very important because it will propose policies and legislation to guide us on the mitigation measures that we all need to undertake. That includes the national

Government, county governments and all agencies that are geared towards ensuring that we have a good environment and a home for humans, animals and other living things.

The Council will engage in enormous activities. Therefore, their competence and knowledge are paramount. We should have people who understand, are well-acquainted and passionate about issues of the environment. From the presentation by the Chairperson of the Committee which performs the important role of vetting, they were able to scrutinise each candidate who was nominated to the Council. They were able to give us names of those who are ready to be approved. The basic grounds for the rejection of Ms. Umra Omar were very simple – competence and knowledge about the environment. We need people who will assist us to steer this nation in the right direction. We need people who will understand, articulate, discharge and discuss within and without Kenya. Remember the Council will also have a role of ensuring they resource the decisions they are going to make. They will have to resource well the aspects and the steps that we are going to take as a country. The budget we have is not sufficient in the sense that we are not going to address all the needs at a go.

**The Temporary Speaker** (Hon. Peter Kaluma): Hon. Gichimu Githinji, the Member of Parliament for Gichugu.

**Hon. Gichimu Githinji** (Gichugu, UDA): Thank you, Hon. Temporary Speaker. I rise to support the Motion by the Committee led by Hon. David Gikaria. Let me say that the Climate Change Act passed by this Parliament in 2016 places the Council as one of the very important organs in this country. That is because it is one among the few that are led by the President and deputised by the Deputy President. The Council is very important. It will be the advisor to the President and the Deputy President because they may have knowledge on some environmental matters, but they do not know everything. They require technical and competent people to advise them.

The Departmental Committee on Environment, Forestry and Mining, which is an extension of Parliament, retreated to consider the nominees. The Committee has membership of about 15 Members. When they make a resolution – and I believe even the Members make a vote at the Committee level – I am persuaded that they must have considered everything. I am not a Member of the Committee. However, owing to the presentation that has been made by the Chair and supported by the Vice Chair, I am persuaded that the Committee considered all relevant issues in respect of the nominees to come up with this Report.

Let me not belabour the point because he has already presented and I listened very keenly. On the nominee the Committee proposes we reject, it does not mean that she is not learned. She has papers. She is learned. She is knowledgeable, but on other areas and not environmental matters. I have no reason not to support this Committee. Probably, the appointing authority could look into an area that person can properly fit in the service of this nation. That is because a rejection of a nomination on the basis of qualification does not mean that, that person cannot serve in any other capacity. In the wisdom of the appointing authority, I believe they should find some space and place for that person to serve in this nation, and probably have a replacement. If it was a position that was reserved for the minorities, the appointing authority will find another suitable person who is knowledgeable in this technical area of climate change to fill the vacant position. Let me say when it is approved by this Parliament, because it is a matter of when because I can see that 99.9 per cent of the Members are in support...

I would like the Committee to follow up on issues of carbon pricing for Kenyans. Foreigners in this country might swindle or cheat Kenyans because we do not have enough knowledge of carbon pricing, which could make us retain our environment. We do not know our tree cover, and people may continue earning out of them. Therefore, this is a grey area that Kenyans might be losing to foreigners. Thus, they need to interrogate the Ministry in depth so that they can come up with a policy on how Kenyans can benefit from carbon credit in this country.



I support, Hon. Temporary Speaker. Thank you.

**The Temporary Speaker** (Hon. Peter Kaluma): Hon. Fatuma Masito, Member for Kwale County.

**Hon. Fatuma Masito** (Kwale County, ODM): Thank you, Hon. Temporary Speaker, for giving me this opportunity. I am a member of the Departmental Committee on Environment, Climate Change and Mining. I also participated in the vetting of this nominee. Further, I congratulate my Chairperson, Vice-Chairperson and fellow members of the Committee. I want this House to understand that matters climate change are very sensitive. The Members sat down with my sister, Umra Omar, and she is actually a learned fellow. However, she does not qualify for this position on matters environment and climate change. I would like to tell Umra Omar that there is always a next time. She can try other fields but not this one. She is not fit for it.

I would like to also inform this House that we also have marginalised communities in Kwale County - the Makonde and Wamasa. We have very learned women there who are also fit for this position. Therefore, I urge Members that we should not just have an eye on the northern part of Kenya. We have very many people in this country who are also marginalised.

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

**The Temporary Speaker** (Hon. Peter Kaluma): Hon. Pauline Lenguris, do you want to speak to this? You have already spoken. Hon. Ruku GK and Charles Kamuren have also spoken. Hon. Beatrice Elachi, Member for Parliament for Dagoretti North, do you want to speak to this? Please, proceed!

**Hon. Beatrice Elachi** (Dagoretti North, ODM): Thank you, Hon. Temporary Speaker. I also rise to support this Report, knowing very well that just last year, we finished the Climate Change Conference (COP27) that was in Egypt. It was about climate change. Additionally, just a few days ago, Malawi and Mozambique were hit by the Cyclone Freddy that has killed 200 people.

Therefore, I thank the Chairperson of the Committee for ensuring that we need to now have a team of experts who can assist the country and look at what we agreed in Egypt, and how we can agree that we will follow not only the bilateral agreements, but also our own domestic ways of ensuring climate change is a subject that we all need in this country.

We need to look at our forests, the heat waves that we have had, lack of rain and, right now, the rain with hailstones that has hit the western side of this country. We need to really sit down as a country and examine ourselves. Remember when Wangari Maathai kept saying that we should be a hummingbird that can save a country? That is what we are saying. These nominees are going to take the responsibility to support the Government to ensure that they are advised accordingly. What do we need to do? How are we going to survive with the different challenges that we are facing? We have had a very long drought and very soon, we may face very heavy rains with flooding. What happens to the country?

Therefore, even as we agree, I am always a champion of women. I have listened to my sisters who were in the Committee and they have explained the reasons why we are rejecting one of the nominees. However, I just want to also tell women that it is important to prepare when they go for any of those Government appointments. They should not assume that, maybe, you know someone and that things will just work for them. I want to thank the Committee. I know that there are very many women who understand climate change, and I hope that the President will ensure that we get another woman to join the team.

We also have another challenge. As Kenyans, we sometimes prepare so well when we are going for the vetting by the committees. We will perform well in the vetting but, when it comes to the actual implementation, you get surprised that the people you thought are the best performers do not perform. It is something that we have to also look into in this House. Let us

not just look at people and assume. We have to ensure that once they get the job, they now go and implement the policies. The biggest challenge in our country is implementation.

Hon. Chairman, I know you will follow up. You will be strict to the team that, indeed, this is a challenge in our country and we must all look at it. We must sit in the table and assist our young people to understand climate change. In Nairobi, we are talking about the Nairobi River. More importantly, we must create awareness for young people to understand that climate change is here, and it is going to change our lives. Many things that we took for granted are now going to be things of the past. During the COVID-19 times, we had to buy oxygen. Yet, we have been joking with the oxygen that God gives us.

I want to thank the Chairman together with his Committee. After the recent recruitment of the Kenya forest officers, we hope that every constituency has been taken care of. We want to thank you for this Report. I support.

Thank you, Hon. Temporary Speaker.

**The Temporary Speaker** (Hon. Peter Kaluma): Hon. Dekow Mohamed.

**Hon. Dekow Mohamed** (Garissa Township, UDA): Thank you very much, Hon. Temporary Speaker, for giving me this opportunity to contribute to this Motion. I support the Report presented by our colleagues in the Departmental Committee on Environmental and Forestry.

The importance of this Council cannot be over-emphasized; The Chairman of the Council is the President of the Republic, and his Deputy is the Vice-Chairman of the Council. I want to take this opportunity to also thank the Members of the Committee for the good job that they have done. It is very evident that they spent a lot of time. They have also demonstrated the fact that they are not just a rubberstamp, and they will not be used to clear anybody that is presented by any office.

Secondly, the Members of the Committee have actually stood on the Floor of the House to defend their Report, unlike other Committees where we only have the Chairman or his Vice presenting the Report and supporting it. I want to congratulate them for the good work.

This is a serious matter. Climate change and its effects is very evident in our country. The problems we are facing as a result of the drought can always be associated to what is happening in our country. We expect the Council members to be top notch members who will be able to coordinate all the other activities of groups and donor agencies that are supporting organizations that are mitigating climate change.

As you all know, there is a policy by the Government to plant 15 billion trees in the next ten years. We expect the Council to play a leading role in ensuring that we achieve those targets. We expect the Council to also do a lot of resource mobilization. You know we have so many partners and developed countries who are willing to support those initiatives. We expect them not to only depend on resources from the National Government or the Exchequer. During the last election campaign, we were told that there was a plan by the past leadership to take over the national forests and register them as their personal lands so that they can earn carbon credits from countries that were buying them.

I support the Motion. Thank you.

**The Temporary Speaker** (Hon. Peter Kaluma): Thank you. Hon. Joshua Mwalyo, Member for Masinga.

**Hon. Joshua Mwalyo** (Masinga, Independent): Thank you very much, Hon. Temporary Speaker. I have been persuaded by the Chair to drop my amendment. However, I still reject the Report of the Committee because of one, Ms. Umra Omar. Her credentials are very amazing. She is a very learned woman. She holds a Master of Arts in Social Justice and Intercultural Relations from the World Learning Institute, USA. She has a Bachelor of Arts Degree in Neuroscience Psychology from Abilene, USA. She has another Bachelor of Arts in Social Science from University of Buenos Aires, Argentina.

This is an appointment as a National Climate Change Council Member, but not an intake in an institution. She does not need a qualification to be admitted in a university. This is where you bring your heads together. Some have the know-how, but others do not have it. Being a very learned lady, she can grasp all those issues in climate change and even do research as quickly as possible to be at the equal standard with the others. Surely, you cannot reject her appointment because she has no experience in climate change. I do not think this is the right way. We approve so many people who are not even qualified in those areas, but they do very well.

**The Temporary Speaker** (Hon. Peter Kaluma): Which Member is on a point of order? Is that Hon. Emathe?

**Hon. Joseph Emathe** (Turkana Central, UDA): Yes.

**The Temporary Speaker** (Hon. Peter Kaluma): What is out of order? Your microphone is on.

**Hon. Joseph Emathe** (Turkana Central, UDA): Hon. Temporary Speaker, I rise on a point of order to tell the Hon. Member that under Section 7(2)(h) in Climate Change Act, 2016, it is very clear that this position was nominated for people from marginalised communities under Article 260 of the Constitution. Number two,...

**The Temporary Speaker** (Hon. Peter Kaluma): Hon. Emathe, are you on a point of information or order?

**Hon. Joseph Emathe** (Turkana Central, UDA): Point of information and order.

**The Temporary Speaker** (Hon. Peter Kaluma): Hon. Mwalyo, do you want to be informed?

*(Hon. Joseph Emathe spoke off-record)*

**Hon. Joshua Mwalyo** (Masinga, Independent): I do not need to be informed.

**The Temporary Speaker** (Hon. Peter Kaluma): Regrettably Hon. Emathe, Hon. Mwalyo does not want your information.

Hon. Mwalyo, proceed.

**Hon. Joshua Mwalyo** (Masinga, Independent): Thank you very much, Hon. Temporary Speaker, for protecting me. I do not entertain these lectures because I know what I am talking about. We approve so many people in this House. Even in committees of Parliament, the Members who are qualified are not chosen to sit there, but those who are chosen contribute a lot after doing research. Everybody should be given a chance to serve this country equally. I, therefore, reject this Report by the Committee. It should be recorded in the Hansard that I rejected this because of refusing to admit that Ms. Omar...

*(Hon. Joshua Mwalyo's microphone went off)*

**The Temporary Speaker** (Hon. Peter Kaluma): Next chance goes to Hon. Harrison Kombe, Member of Parliament for Magarini.

**Hon. Harrison Kombe** (Magarini, ODM): Ahsante, Mhe. Spika wa Muda, kwa kunipa nafasi hii ili nichangie Hoja hii. Mabadiliko ya anga ni mabadiliko ambayo yametutatiza kwa muda mrefu, haswa kwa maswala ya kilimo kwa ukosefu wa mvua. Tumetatizika sana. Pamoja na hayo, japo naunga mkono Hoja hii ya kwamba tuwapitishie hawa na tumkatae Umra Omar. Ttatozo langu kuu ni tukiwa tunahitaji watu walio na tajriba; je hii tarjiba wataitoa wapi pasipo kuwa kwa kazi ili waweze kupata hii tajriba na ujuzi? Kamati imemkataa lakini ningomba tuzingatia kuwa wakati mwingi, sio rahisi kupata tajriba ukiwa kwenye masomo. Ni sharti utoke shuleni na uajiriwe ili uweze kupata tajriba ya hiyo kazi.

Haya mambo ya mabadiliko ya tabianchi ni mageni kwetu sisi sote. Hakuna mtu ambaye yuko na ujuzi kupita mwingine tukizingatia maswala haya. Naomba kuunga mkono Hoja hii ili tuchukue hatua nyingine na tuweze kuendelea mbele.

*(Hon. Fatuma Jehow walked out of the Chamber)*

**The Temporary Speaker** (Hon. Peter Kaluma): Who is this Member walking out? Hon. Jehow, you are walking as a true nomad. You have walked from one side to Hon. Gikaria, then back to Hon. Harrison Kombe. Please, take one side when you walk out.

Hon. Kahindi Katana, Member of Parliament for Kaloleni, have you contributed to this? Do you want to contribute? Please do.

**Hon. Paul Katana** (Kaloleni, ODM): Thank you, Hon. Temporary Speaker, for giving me this opportunity. First, I would like to thank the Committee for their Report. However, I have reservations for the rejection of one of the nominees on the pretext that she is not qualified. We have approved so many people in this House, including Cabinet Secretaries, who are not qualified for the job. In my opinion, although the Committee has done a very good job, I feel that they have discriminated against that woman. It cannot be on the basis of her being unqualified.

**Hon. Ruku GK** (Mbeere North, DP): On a point of order, Hon. Temporary Speaker.

**The Temporary Speaker** (Hon. Peter Kaluma): Member of Parliament for Mbeere North.

**Hon. Ruku GK** (Mbeere North, DP): Hon. Temporary Speaker, this is a House of records. There is no time that this House has ever approved Cabinet Secretaries who are not qualified. The Member is not in order to impute that this House approved Cabinet Secretaries who are not qualified. Can he withdraw?

Thank you.

**The Temporary Speaker** (Hon. Peter Kaluma): Hon. Paul, that is a matter that, without evidence, would discredit the House. So, can you substantiate, if possible, confirming which Cabinet Secretary has ever been approved without meriting their position?

Hon. Paul Kahindi, do you need information from Hon. Ruweida?

**Hon. Paul Katana** (Kaloleni, ODM): No. I wish my brother would have listened to what I was saying. You cannot just jump up and say that I should withdraw something that I did not say. I have said that we have approved many Cabinet Secretaries who were not experts in the ministries which they were appointed to. So, there is nothing to withdraw. I said that this lady was rejected because she does not have qualifications on matters relating to the environment.

Hon. Temporary Speaker, there is nothing to withdraw. My colleague just wanted to use up my time.

On the Report, I agree with the Committee...

**The Temporary Speaker** (Hon. Peter Kaluma): Hon. Kahindi, do you want information from Hon. Ruweida?

**Hon. Paul Katana** (Kaloleni, ODM): Yes.

**The Temporary Speaker** (Hon. Peter Kaluma): Please proceed, Hon. Ruweida.

**Hon. Ruweida Mohamed** (Lamu East, JP): Hon. Temporary Speaker, I want to inform *Mheshimiwa* that there are Cabinet Secretaries who were rejected by Committees and were approved by this House.

**The Temporary Speaker** (Hon. Peter Kaluma): Hon. Ruweida, your statement is also as general as that of Hon. Paul Kahindi. You are not giving us specifics. Remember I cautioned that Members should avoid making statements which put the House into disrepute or discredit the House. When you say that some Cabinet Secretaries were approved having not merited

their positions and without giving specifics, it puts the work of this House and its integrity into question. As a Member, you should avoid that. So, unless you have specific information which you can stand by, the best approach is to withdraw. Also remember that under our Standing Orders, you cannot discuss a Cabinet Secretary unless there is a substantive Motion. Therefore, I overrule you because your information does not satisfy the test of the Standing Orders.

Proceed, Hon. Paul Kahindi.

**Hon. Paul Katana** (Kaloleni, ODM): Thank you, Hon. Temporary Speaker. I agree with the Committee because we are experiencing a lot of drought, especially in my constituency. For the last three years, we have not had good rainfall patterns. Therefore, this is the time to take climate change seriously. If you destroy nature today, it will not forgive you in future. We had our own Wangari Maathai, who spoke about climate change for over 30 years, and nobody took her seriously. We are now seeing the dangers of destruction of our forests. If we continue in that way, we will have no place to call home as human beings.

Thank you, Hon. Temporary Speaker.

**The Temporary Speaker** (Hon. Peter Kaluma): Hon. Ruweida, because you did not provide specifics, the statement you made that several Cabinet Secretaries have been approved without being qualified is ordered to be expunged from the records of Parliament. Otherwise, proceed to make your contribution.

**Hon. Ruweida Mohamed** (Lamu East, JP): Ahsante sana, Mhe. Spika wa Muda, kwa kunipa nafasi ya kuchangia Hoja hii. Ripoti hii imezungumzia stakabadhi za Umra, ambazo zote zilikuwa sahihi na halali. Hii ni kwa sababu Umra alipitishwa na IEBC mwezi wa Mei, na stakabadhi zake zote zilikuwa sawa. Haikuwa imepita mwaka, kwani alikuwa amepigania kiti cha ugavana kule Lamu. IEBC ni shirika la Serikali. Itakuwaje IEBC wampitishhe halafu Bunge liseme halimpitishi?

**Hon. Charles Kamuren** (Baringo South, UDA): On a point of order, Hon. Temporary Speaker.

**The Temporary Speaker** (Hon. Peter Kaluma): Hon. Kamuren, what is out of order? Do not entrap your colleagues and debate, or to have a second bite at the cherry. That is if you have debated. It will not be fair.

**Hon. Charles Kamuren** (Baringo South, UDA): Thank you, Hon. Temporary Speaker. I am not interrupting. I want to inform the Member that she is misleading the House. She is bringing in issues of IEBC, which are not documented anywhere in the Report.

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

**Hon. Ruweida Mohamed** (Lamu East, JP): *Who gave him the permission to inform me? I did not want to be informed and that was not a point of order.*

Mhe. Spika wa Muda, Umrah ana tajriba ya mambo ya mazingira. Hayo ndiyo mambo yake. Ana shirika linaloitwa *Safari Doctor*, shirika ambalo limekuwa Lamu na limetusaidia sana mpaka likapewa tuzo na *United Nations* (UN) katika mambo haya. Leo, nashangaa ninapoambiwa kwamba Umrah hana tajriba. Umrah ndiye mtu anayeweza kututetea tupate fedha kutoka kwa *donors* ili zitusaide kwa mambo ya mazingira. Rekodi zinaonyesha Umrah alishindana na nchi nyingine kwa mambo haya, akashinda kama Mkenya, na akapewa tuzo ya UN. Inasikitisha sana. Au ni kwa sababu yeye ni Mbajuni? Hizi shida ambazo tunapata ni nyingi. Mambo haya yamefanywa kana kwamba hawakuwa wanataka kumpatia hii nafasi. Pengine ana matatizo yake. Ni mtu amejieleza. Kama Wabunge wanasema alikuwa hataki, alikuja vipi mbele ya Kamati? Kamati ilimwambia alete stakabadhi izimiliki kwa kuwa hawakutaka alizopeleka IEBC. Alirudi na akahakikisha zimeletwa Bungeni. Kama alikuwa hataki, angefanya hayo vipi? Kabla ya saa sita, Umrah alikuwa ameleta hizo *documents* zote. Haya ndiyo mambo yanayofanyika. Wacha Wakenya wajue kwamba sisi Wabajuni wa Lamu tunakandamizwa.

Hivi juzi tu, wamefanya mambo ya *forest rangers*. Sisi watu wa Lamu East tukapewa *rangers* watano na watu wengine wamepewa arobaini. Ni mambo haya yanatumika kukandamiza Mbajuni. Kwani sisi hatuna haki? Huyu Umrah ni mmoja tu! Tumejitisha watu wangapi hapa? Mbajuni mmoja ndio mmeona lazima mumkandamize? Si haki! Kamati haiko sawa. Haifai inavyofanya. Nionyesheni *document* moja ya Umrah ambayo haiko sawa. Mwanzo, alipokwenda *Ethics and Anti-Corruption Commission* (EACC) aliambiwa hizi *documents* ndio zinafaa; apeleke hili na lile. Hii ndio maana alitoa mfano kuwa ukienda kuomba *passport*, utaambiwa uandike *reason*. Ukiandika sababu ni kuwa unaenda Tanzania, kisha uende huko na uitwe uende taifa lingine, utatumia *passport* hiyo hiyo. Kama alipitishwa na IEBC, kwa nini hawezi kupitishwa na Bunge na mwaka haujaisha? *Documents* zote ambazo sisi tulipeana kama wagombea viti bado hazija *expire*. Wana sababu zao hawa! Hawamtaki tu Umrah. Ninawaambia wanafanya makosa. Waangalie shirika la *Safari Doctor* na waulize *history* ya Umrah. Nawaambia, Umrah ndiye *expert* kwa mambo haya. Umrah amevuta pesa nyingi kutoka serikali za nje kuleta huku Kenya, mpaka akapewa tuzo ya UN. Itakuwaje apewe tuzo ya UN kisha hapa sisi tunamkataa? Hiyo ni dhuluma kwa Wabajuni, na haifai. Si sawa. Sisi pia ni Wakenya na tunalipa *tax*. Mtu mmoja wa Kibajuni katika hawa *appointees* ndio nyinyi hamumtaki? Imewaingia jichoni. *It is not fair!*

**The Temporary Speaker** (Hon. Peter Kaluma): Hon. Ruweida, your time is up. I now call the Mover to reply.

*(Hon. Mishi Mboko spoke off-record)*

Do not worry, Hon. Mishi. Parliament has a way of running its affairs. Order, Hon. Mishi! Can you listen to the Mover before you?

**Hon. David Gikaria** (Nakuru Town East, UDA): Thank you, Hon. Temporary Speaker. *Nikubalie nimpe nafasi dada yangu. Hata sitampa minute moja; nitampa minutes mbili. Ameitisha moja lakini nampa mbili achange.*

**Hon. Mishi Mboko** (Likoni, ODM): Ahsante...

**The Temporary Speaker** (Hon. Peter Kaluma): Hon. Mishi, under the Standing Orders, when it reaches the time for the Mover to reply, it must revert to the Mover. It is only the Mover who can donate time. The Mover has confirmed he will donate time to you. So, proceed.

**Hon. Mishi Mboko** (Likoni, ODM): Ahsante, Spika wa Muda. Hili ni Baraza muhimu sana ambalo linatafikana tulitengeneze kama Wakenya, hasa tukiangalia mabadiliko ya hali ya anga na mambo ya kiangazi tuliyo nayo. Hivyo basi, ni mwafaka kama Ripoti hii ingekuwa bila dosari. Nikisema Ripoti hii ina dosari ni kwa sababu hivi sasa kama taifa tunataka kuangalia jamii ambazo zimetengwa ili pia tuweze kuzileta katika taasisi za kiserikali. Tukiangalia jamii ya Wabajuni, ni kati ya zile jamii zilizotengwa ama zile tunasema *minority* ama kwa Kingereza tunasema *marginalised*.

Namfahamu Umra kabisa. Nimejua Umra akiwa mwanamke akitetea harakati za mazingira na mambo ya mabadiliko ya hali ya anga. Pia ameweza kuwa katika shirika linaloitwa *Safari Doctor*. Nimemjua, hata aliekeza sana na vijana na kina mama katika kujenga mikoko katika sehemu za Pwani, haswa Lamu. Kwa hivyo, nataka nimwambie Mwenyekiti wa Kamati hii aweze kurudia tena mambo haya ya Ripoti, na tuweze kumregesha Umra. Kama mama lazima tusimame na akina mama ambao ni wachache katika zile nyadhifa za kufanya maamuzi. Kwa hivyo, lazima tuangalie tujenge ukenya na tujenge pia zile jamii ambazo zimetengwa. Pia tuweze kuendeleza akina mama. Ukiangalia, wamekuwa watu wanne pale. Tuna Emily na kuna wale wengine. Lakini je, tukiwa na wamama wawili na kina baba wawili, basi tutakuwa na yale tunayoyazungumzia ya thuluthi mbili. Tunaweza kuyafikia tukiwa tutaendelea kwa njia kama hivo. Nataka niseme kuwa Ripoti hii, dosari yake ni hiyo tu.

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*Chairman* akiondoa dosari hiyo, naunga mkono kwa sababu ni Baraza muhimu sana kuangalia hali zetu za anga kwa sababu sasa kuna kiangazi, na hata mpaka chakula tumekosa.

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

**Hon. David Gikaria** (Nakuru Town East, UDA): Thank you Hon. Temporary Speaker. I want to thank, first of all, my Committee Members. As somebody has just said, this is what other Committees should be doing; to come to the Floor of the House to support a Report that they have appended their signatures to. I thank my Committee. Out of 15 members, 11 of us have spoken. That is the mood that we should always create so that it is not seen as if it is a Chairman's report. It is a Report that is actually supported by.... In fact, even in our Committee, one of the Members raised the very same issues that my dear Member of Parliament for Lamu East and my dear sister, Hon. Mishi Mboko, have raised. It is true and we looked at it. Sometimes, as a Committee, we only write what the law requires us to write. There are those other things that the law does not require and so, we kept them off from what we were...

**The Temporary Speaker** (Hon. Peter Kaluma): Hon. Ruweida, I hope you are listening to the Chair of the Committee on that part because you were very emotional. Chair, you know Hon. Ruweida is the only Bajuni in Parliament. So, you can easily understand her emotions. But Hon. Ruweida, listen to the Chair now.

**Hon. David Gikaria** (Nakuru Town East, UDA): I thank Hon. Ruweida from Lamu East. I appreciate that she is a very strong lady. In the last Parliament, she came in as a Woman Representative, and then went to vie in a single constituency and won. We appreciate the work that she has done. I know that from the last Parliament, she really advocated for matters, issues, and resources for Lamu, not only as a Lamu East, but also for the whole county. I want to appreciate my dear sister for the good work that she is doing.

This is a House of Parliament; a House of records. Whenever we sit, we write records as per the law. That is what we followed. On the aspect of IEBC, maybe, Madam Ruweida, you did not understand it clearly. When you are invited as a nominee for a certain position... Today, the Speaker did allude to the fact that there are three nominees. There is also a questionnaire that you are supposed to write and submit before the Committee. It is on the basis of that questionnaire that the questions you were supposed to avail to a committee are asked.

Hon. Ruweida, I want to tell you that when Madam Omar came, she brought a questionnaire that she had presented to the IEBC, but now as the document to be presented before the Committee. We were very lenient, and we told her, maybe, she had forgotten to attach the right documents. She said that those were the right documents. She asked us: "Does it mean when you are given a passport to go to Uganda, you cannot use the same passport to go to Tanzania?" We asked her what she meant. She said that she had brought what she presented to IEBC in May 2022. But we told her that the President had not nominated her in May 2022. These are some of the salient issues that we kept quiet over and above now. We understand that she has her papers, but are they related to this?

I also agree with Hon. Elachi on preparing for these interviews. For instance, I am invited as David Gikaria, and I appear before the Committee in a t-shirt and shorts. How will the Committee gauge you when you present yourself like that? Though not within the law, those are some of the issues on presentation.

Hon. Temporary Speaker, when you are asked a question, how do you say: "What sort of a question is that?" Why are you asking a Member of Parliament such questions in a committee? And the next question you are asked, you tell the Member: "Thank you for asking me a reasonable question". How do you carry a Committee of Parliament in that line? I actually tried with my Committee Members to bring her back in line. It was unfortunate.

We agree that a Bajuni ought to be given an opportunity. And this position remains for the marginalized. Somebody has requested the President to bring a name of another lady from the marginalized communities so that they can be vetted. I totally agree with you, Hon. Elachi,

that people should not just be given opportunities on a silver platter because they are women or marginalized. I think it is also important for you to prepare when you are going for an interview.

**The Temporary Speaker** (Hon. Peter Kaluma): Mover, your time is up. Wind up.

**Hon. David Gikaria** (Nakuru Town East, UDA): Okay. Lastly, Hon. Temporary Speaker, I want to admit that I have heard the issues that have been raised, particularly on the marginalized. We are hoping that the President will submit the name of another marginalized lady to be considered for the same position. I want to thank each and every person who has given us their contribution. I, of course, also thank those who have not supported us. We have heard you. It is also important for you to visit some of these Committees so that you can make a judgment on your own when you are making that decision.

Thank you, Hon. Temporary Speaker.

**The Temporary Speaker** (Hon. Peter Kaluma): Thank you, Hon. Chairperson. For good reasons, I am not going to put the Question. The Question on the Motion will be put when Parliament next sits, possibly tomorrow or such time as the House Business Committee will schedule.

*(Putting of the Question deferred)*

Could we go to the next Order?

### ADJOURNMENT

Order, Hon. Members. For the convenience of the House, the Sitting will be adjourned until tomorrow. The time being 7.00 p.m., this House stands adjourned until Thursday, 16<sup>th</sup> March 2023, at 2.30 p.m.

The House rose at 7.00 p.m.



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