



REPUBLIC OF KENYA

THIRTEENTH PARLIAMENT

NATIONAL ASSEMBLY

THE HANSARD

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THE HANSARD

Wednesday, 1st March 2023

The House met at 2.30 p.m.

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

PRAYERS

Hon. Speaker: Hon. Members, we have quorum to transact business. Order, Hon. Members! There are about three or four petitions that are approved to be delivered on the Floor. Clerk, where are they? Okay, go on.

Next Order!

PAPERS LAID

Hon. Silvanus Osoro (South Mugirango, UDA): Thank you, Hon. Speaker. I beg to lay the following Papers on the Table:

1. Special Audit Report of the Auditor-General on Stabilisation of Refined Petroleum Pump Prices for the Period Between 1st April 2021 – 30th June 2022 from the Ministry of Petroleum and Mining.
2. Reports of the Auditor-General and Financial Statements in respect of the following institutions for the year ended 2021 and the certificates therein:
 - (a) Pest Control Products Board;
 - (b) Chemelil Sugar Company Limited;
 - (c) Gatundu South Technical and Vocational College;
 - (d) Kenya Agricultural and Livestock Research Organization;
 - (e) Kenyatta International Convention Centre;
 - (f) Chanzeywe Technical and Vocational College;
 - (g) Wanga Technical and vocational College;
 - (h) Koitaleel Samoei University College;
 - (i) Sigalagala National Polytechnic;
 - (j) Nakuru Rural Water and Sanitation Company Limited;
 - (k) Ikutha Technical and Vocational College;
 - (l) Kenya Water Institute;
 - (m) Eldoret National Polytechnic;
 - (n) Simlaw Seeds Company Limited; and,
 - (o) David Mbiti Wambuli Technical and Vocational College.
3. Reports of the Auditor-General and Financial Statements in respect of the following Constituencies for the year ended 2021 and the certificates therein:
 - (a) Ndaragwa;
 - (b) Kilome;
 - (c) Masinga;
 - (d) Kaiti;
 - (e) Kathiani;
 - (f) Mbooni; and,
 - (g) Baringo North.

I thank you, Hon. Speaker.

Hon. Speaker: Member for Nairobi on behalf of the delegation to the Pan-African Parliament, Hon. Esther Passaris.

Hon. Esther Passaris (Nairobi City County, ODM): Hon. Speaker, I beg to lay the following Paper on the Table:

Report of the Kenyan Delegation to the Pan-African Parliament (PAP) on the proceedings of the First Ordinary Session of the Sixth Parliament.

Hon. Speaker: The Chairperson of the Departmental Committee on Justice and Legal Affairs.

Hon. George Murugara (Tharaka, UDA): Thank you very much, Hon. Speaker. Allow me to lay the following Paper on the Table:

Report of the Departmental Committee on Justice and Legal Affairs on the Vetting of a Nominee for appointment as the Solicitor-General of the Republic of Kenya.

Thank you, Hon. Speaker.

Hon. Speaker: Next Order!

NOTICES OF MOTION

REPORT OF THE KENYAN DELEGATION TO PAN-AFRICAN PARLIAMENT ON PROCEEDINGS OF 1ST ORDINARY SESSION OF 6TH PARLIAMENT

Hon. Speaker: Hon. Esther Passaris.

Hon. Esther Passaris (Nairobi City County, ODM): Hon. Speaker, I beg to give notice of the following Motion:

THAT, this House notes the Report of the Kenya Delegation to Pan-African Parliament (PAP) on the proceedings of the First Ordinary Session of the 6th Parliament laid on the Table of the House on Wednesday, 1st March 2023.

Hon. Speaker: Hon. Murugara.

APPROVAL OF NOMINEE FOR APPOINTMENT AS SOLICITOR-GENERAL

Hon. George Murugara (Tharaka, UDA): Hon. Speaker, I beg to give notice of the following Motion:

THAT, taking into consideration the findings of the Departmental Committee on Justice and Legal Affairs in its Report on the vetting of a nominee for the appointment as the Solicitor-General of the Republic of Kenya laid on the Table of the House on Wednesday, 1st March 2023 and pursuant to the provisions of Section 9 of the Office of the Attorney-General, 2012 and Section 8(2) of the Public Appointments (Parliamentary Approval) Act, 2011, approves the appointment of Hon. Shadrack John Mose as the Solicitor-General of the Republic of Kenya.

Thank you, Hon. Speaker.

Hon. Speaker: Is Hon. Mwalyo in the House? I had approved your Motion of Adjournment. Are you ready to move it? You know what to do. I will go to the next Order and then come back to you as soon as we are done.

(Hon. Joshua Mwalyo consulted the Clerks-at-the Table)

Liaise with the Clerks-at-the Table. When you send documents to Hon. Speaker, you should retain your copies.

(Laughter)

After Questions and Statements, I will give you an opportunity to move the Motion.

QUESTIONS AND STATEMENTS

Hon. Speaker: The Member for Kirinyaga, Hon. Jane Njeri Maina.

REQUEST FOR STATEMENT

ALLEGED MURDER OF TWO PERSONS BY NYUMBA KUMI IN KIRINYAGA

Hon. Njeri Maina (Kirinyaga County, UDA): Hon. Speaker, pursuant to the provisions of Standing Order 44(2)(c), I wish to request for a Statement from the Chairperson of the Departmental Committee on Administration and Internal Affairs regarding the alleged murder by *Nyumba Kumi* officials in Gategi area in Kirinyaga County. The national Government, through the Executive Order of 2013, introduced the *Nyumba Kumi* Initiative to institutionalise community policing and enhance security and safety at the basic level of the society.

The initiative draws its membership from the general public which includes public officials and the private sector. They were tasked with the oversight of community activities with the view to help the Government address prevalence of crime, insecurity and undertake other development initiatives in the communities.

It is unfortunate that on 5th February 2023, two brothers namely Joseph Ndung'u of Identity Card No.25982017 and Kennedy Gitau of Identity Card No.31377497 who were residents of Kiamanyeki Village in Kirinyaga County were brutally murdered at Gategi area on the Kirinyaga-Embu County border. It is alleged that the perpetrators of this heinous act are openly known to be members of the *Nyumba Kumi* Initiative. It is ironic that the lives of these brothers were lost at the hands of persons who ought to protect them and provide security in the community.

Hon. Speaker, it is against this backdrop that I seek a Statement from the Chairperson of the Departmental Committee on Administration and Internal Affairs on the following:

1. Could the Chairperson explain the mechanisms in place to monitor the operations and activities of the *Nyumba Kumi* Initiative and their officials within their areas of work and steps being taken to ensure that they do not overstep their mandate?
2. What measures have been taken by the Government to expedite investigations into the heinous killings of the two brothers, avert any extra judicial killings of innocent people and curb insecurity in that area?
3. What is the status of investigation into the killing of the two brothers? Have the culprits been arrested?
4. Could the Chairperson outline the steps the Government intends to take to compensate the family of the deceased brothers who were the sole providers of their family?

Thank you, Hon. Speaker.

Hon. Speaker: The Chairperson, Departmental Committee on Administration and Internal Affairs, should pick that up.

Hon. Gideon Mulyungi, you have a Question.

QUESTIONS

Hon. Gideon Mulyungi (Mwingi Central, WDM): Hon. Speaker, I beg to move the following Motion...

Hon. Speaker: You are not moving anything, but you are asking a Question.

(Laughter)

Hon. Gideon Mulyungi (Mwingi Central, WDM): I have a Motion.

Hon. Speaker: I have called you to ask a Question.

Hon. Gideon Mulyungi (Mwingi Central, WDM): I also have a Motion.

Hon. Speaker: Order, Hon. Mulyungi. If you are following the proceedings, we have already finished moving Motions and giving notices of Motions. We are on Questions. I have called you because you have a Question for the Cabinet Secretary for Education.

Hon. Gideon Mulyungi (Mwingi Central, WDM): Yes, I have a Question. Thank you, Hon. Speaker, for your guidance.

QUESTION BY PRIVATE NOTICE

QPN 1/2023

APPROVED JUNIOR SECONDARY SCHOOLS IN MWINGI CENTRAL

Hon. Gideon Mulyungi (Mwingi Central, WDM): Hon. Speaker, I would like to ask the Cabinet Secretary for Education:

- (a) Could the Cabinet Secretary provide a list of schools approved and designated as junior secondary school centres in Mwingi Central Constituency?
- (b) What measures has the Ministry instituted to improve the quality of education and performance in the Constituency?
- (c) Considering that Mwingi Central Constituency is currently experiencing drought following the failure of long rains, could the Ministry consider a free school feeding programme in schools in the Constituency with a view to ensuring that children attend school?

Thank you, Hon. Speaker.

Hon. Speaker: Chairman, Departmental Committee on Education. This is a Question by Private Notice. So, an answer should be brought as quickly as it is practically possible. If possible, it should be brought tomorrow or Tuesday. Who is the Chair? Where is Hon. Melly? Is there any Member of the Committee?

Hon. Rebecca Tonkei (Narok County, UDA): Yes.

Hon. Speaker: *Mama* Tonkei, inform your Chair to bring the answer on Tuesday. Hon. Peter Nabolindo.

ORDINARY QUESTIONS

Question 4/2023

NON-PAYMENT AND EVICTION OF FORMER

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EMPLOYEES OF MUMIAS SUGAR COMPANY

Hon. Peter Nabolindo (Matungu, ODM): Hon. Speaker, I beg to ask the Cabinet Secretary for Agriculture and Livestock Development the following Question:

- (a) Could the Cabinet Secretary explain why over 500 former employees of Mumias Sugar Company whose contracts were terminated have not been paid their dues totalling Ksh2.3 billion from May 2017 to date?
- (b) What steps has the Ministry taken to ensure that the said former employees receive their dues, including arrears without any further delay?
- (c) Could the Cabinet Secretary explain why the said former employees of Mumias Sugar Company who occupied the company's houses were served with eviction orders in September 2021 by Sarai Group, despite court orders stopping their eviction until they have been paid their dues?

Thank you, Hon. Speaker.

Hon. Speaker: Is the Chairperson of the Departmental Committee on Agriculture and Livestock in the House? Convey that to the Chair. Member for Kiambu, Hon. Machua Waithaka. Is there a constituency called Kiambu? Member for Kiambu Town, Machua Waithaka.

*Question 5/2023*EXPANSION OF KIAMBU ROAD
INTO DUAL CARRIAGEWAY

Hon. John Waithaka (Kiambu Town, UDA): Thank you, Hon. Speaker for giving me this opportunity. Hon. Speaker, I beg to ask the Cabinet Secretary for Roads and Transport the following Questions:

- (a) Could the Cabinet Secretary provide a report of the infrastructural development plans that the Ministry has put in place to expand Kiambu road into a dual carriage way in a bid to ease the heavy traffic snarl-ups experienced along the said road?
- (b) Could the Cabinet Secretary state the timelines within which the said plans will be implemented to bear fruit and save the country the man-hours currently wasted on traffic?

Hon. Speaker: That Question goes to the Chairperson, Departmental Committee on Transport and Infrastructure. Is the Chairperson in the House? Any Member of the Committee, communicate to your Chair.

Member for Tharaka, Hon. George Murugara.

*Question 6/2023*MANAGEMENT OF CURRICULUM SUPPORT
OFFICERS BY TEACHERS SERVICE COMMISSION

Hon. George Murugara (Tharaka, UDA): Thank you very much, Hon. Speaker.

Hon. Speaker, allow me to ask Question No.6 of 2023 to the Teachers Service Commission the following Question:

- (a) Could the Commission explain why the curriculum support officers popularly known as CSOs are managed by the Teachers Service Commission (TSC) in the same manner as teachers yet they offer technical support?
- (b) State why the said officers are graded at a lower cadre of the secretariat staff in the organogram of TSC Secretariat?
- (c) State the reason why CSOs have never been promoted since the time of engagement and first deployment by the TSC despite the existence of career progression guidelines of 2019?
- (d) What plans has the Commission instituted to promote, facilitate and equip CSOs?

Thank you, Hon. Speaker.

Hon. Speaker: The Chairperson, Departmental Committee on Education, or any other member thereof inform Ms Tonkei.

Member for Emuhaya, Hon. Omboko Milemba.

Question 7/2023

DELAYED PAYMENT OF JUNIOR
SECONDARY SCHOOL CONTRACTORS

Hon. Omboko Milemba (Emuhaya, ANC): Thank you, Hon. Speaker. I rise to ask the Cabinet Secretary for Education the following Question:

- (a) Could the Cabinet Secretary state when the contractors who constructed classrooms meant for junior secondary school learners in various schools countrywide will be paid and whether they will be compensated for the delayed payment?
- (b) What plans has the Ministry put in place to ensure that suppliers of goods and services are paid promptly within the contract period in order to reduce the ever-rising pending bills owed by the government and particularly the Ministry of Education?
- (c) Could the Cabinet Secretary explain why the Ministry is yet to certify certain institution to host junior secondary school (JSS) to address inadequacy of junior secondary schools and state measures put in place to ensure 100 per cent transition from primary to JSS is achieved?
- (d) What action has the Ministry taken regarding extra charges being levied by the JSS including but not limited to purchase of new uniforms?

Thank you, Hon. Speaker.

Hon. Speaker: The Chairperson, Departmental Committee on Education. Any Member thereof, inform your Chairperson.

Next is Member for Mwingi North, Hon. Paul Nzengu.

Question 8/2023

CONSTRUCTION OF TSEIKURU AIRSTRIP

Hon. Paul Nzengu (Mwingi North, WDM): Hon. Speaker, I rise to ask the following Question No.8 of 2023 to the Cabinet Secretary for Road and Transport:

- (a) Could the Cabinet Secretary state when the contractor awarded tender No. KAA/OT/TSEIKURU/0119/2021-2022 for the construction of Tseikuru Airstrip is expected to be on site for the commencement of the work on the said project?
- (b) What is the expected date of completion of the said project?

Hon. Speaker: Chairperson for the Departmental Committee on Transport and Infrastructure. Any Member thereof inform your Chair of the Question.
Next is the Member for Teso North, Hon. Oku Kaunya.

Question 9/2023

UNLAWFUL DISMISSAL OF MR GABRIEL AKIMWANARY OBASIE
BY THE NATIONAL INDUSTRIAL TRAINING AUTHORITY

Hon. Speaker: The Question has been dropped. We go back to Hon. Mwalyo.

(Question 9/2023 dropped)

NOTICE OF ADJOURNMENT ON A MATTER OF URGENT NATIONAL IMPORTANCE

PUBLIC INTEREST AND NATIONAL CONCERN
ON THE LGBTQ COMMUNITY IN KENYA

Hon. Joshua Mwalyo (Masinga, Independent): Thank you, Hon. Speaker. I rise under Standing Order No.33 to request for an Adjournment Motion.

Aware of the great public interest and national concern that the lesbian, gay, transgender, intersex and queer (LGBTQ) has attracted and noting the impact the matter has on the youth and vulnerable persons in our society, I hereby request your Office to schedule time to discuss the matter on the Floor of the House. I wish to seek leave to have the matter considered this afternoon.

I thank you Hon. Speaker.

Hon. Speaker: Do you have the requisite support by 20 Members?

(Several Hon. Members stood in their places)

(Loud consultations)

Order, Hon. Members. You may take your seats.

Reserve your excitement for the Motion time. The support for the request by Hon. Mwalyo is overwhelming and the Chair will avail you time one hour to the end of the sitting. However, depending on how we run our business of the day, there is the Appropriations Bill coming which is a mirror of the Motion that you passed yesterday. If you plough through the Appropriations Bill faster than we expect, then I will give you more than one hour to debate this very important Motion of national importance. In the event business goes on, one hour to the end of time, we will stop and invite Hon. Mwalyo to move the Motion. In case we finish earlier, I will give him an opportunity at the time we stop.

Next Order.

PROCEDURAL MOTION

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REDUCTION OF PUBLICATION PERIOD FOR A BILL

Hon. Speaker: Chairperson, Budget and Appropriations Committee.

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

THAT, pursuant to the provisions of Standing Order 120, this House resolves to reduce the publication period of the Supplementary Appropriation Bill (National Assembly Bill No. 4 of 2023) from seven days to one day.

The reason for this is that yesterday, we extensively debated the Supplementary Estimates. We will also have an opportunity to do that today as we move the Supplementary Appropriation Bill. The reason for reduction of the publication period is that majority of Members who belong to various departmental committees have been interacting with the various ministries, departments and agencies (MDAs) that they oversight. The urgent feedback that has come from these committees is that majority of these MDAs are currently idle and, therefore, we need to unlock the resources. This is so as to action them to continue offering services to Kenyans.

Secondly, the Supplementary Appropriation Bill that we are moving today will unlock a lot of money into the pockets of Kenyans by, for example, paying for pending bills. Therefore, I ask this House to reduce the publication period from the usual seven days to one day because Members have already interacted with the contents of the Supplementary Appropriation Bill.

I request Hon. Atandi to second.

Hon. Samuel Atandi (Alego Usonga, ODM): Thank you, Hon. Speaker. I beg to second.

To add to what the Chairperson of the Budget and Appropriations Committee has said, we have about three months before the end of this financial year. We have already started discussing the Budget Policy Statement (BPS). We first of all need to clear the Supplementary Budget before we can focus on the BPS.

Secondly, you are aware that the country is facing a lot of problems, especially the drought. Some of the resources that we have allocated in the Supplementary Budget will help our people in drought-stricken areas and will also deal with insecurity in the North Rift. Those are some of the reasons that we feel that the publication period needs to be reduced to one day.

I beg to second. Thank you.

Hon. Speaker: Order, Hon. Members.

(Question proposed)

Hon. Members: Put the Question!

Hon. Speaker: There being no interest in debating this, I will put the Question.

(Question put and agreed to)

Next Order. Yes, Hon. (Dr) Nyikal. What is your point of order?

Hon. (Dr) James Nyikal (Seme, ODM): Thank you, Hon. Speaker, for giving me this opportunity. I would like to raise a matter which I believe is important to this House. We have no access to the Continental House offices from the main Parliament Buildings. The routes which we used to go through the Police Station and County Hall are now restricted. Members have to go all the way to Professional Centre and yet, it looks to me like the gate across is ready for us to go through. I believe that other people must be feeling the stress of having to walk all the way back and forth.

Thank you, Hon. Speaker.

Hon. Speaker: Is Hon. Patrick Makau in the House? I direct you as the Chairperson of development issues in the Parliamentary Service Commission to ensure that Members are not inconvenienced while going to their offices, to the gym and to Continental House.

Hon. Patrick Makau (Mavoko, WDM): Thank you, Hon. Speaker. I am quite sorry. I have just received the same complaints from Hon. Wangwe this afternoon. I spoke to the security manager of the institution and we have agreed that there was a security hitch yesterday and that is why the route through the Police Station was locked. We have agreed this afternoon that the gate that we previously used to go to Continental House will be opened and availed to Members of Parliament. There will be a guard stationed there. Hon. Nyikal and all Members, from this afternoon and tomorrow, it will be easy and accessible for you.

Hon. Speaker: Thank you. Next Order.

BILLS

First Reading

THE SUPPLEMENTARY APPROPRIATION BILL
(National Assembly Bill No.4 of 2023)

*(The Bill was read a First Time and
referred to the relevant Committee)*

Hon. Speaker: Next Order.

Second Reading

THE SUPPLEMENTARY APPROPRIATION BILL
(National Assembly Bill No.4 of 2023)

Hon. Speaker: Chairperson, Budget and Appropriations Committee.

Hon. Ndindi Nyoro (Kiharu, UDA): Hon. Speaker, I beg to move that the Supplementary Appropriation Bill (National Assembly Bill No.4 of 2023) be now read a Second Time.

First, I would like to thank Members for the very robust engagements that we had yesterday in considering the Estimates. Prior to having an opportunity to serve in the Budget and Appropriations Committee, I may possibly not have understood a lot of what happens in terms of processes. Some Members may be wondering what it is we passed yesterday and what it is we are doing today. Yesterday, we passed the Supplementary Estimates. For that to become law, we need to put it into a Bill which, as you said earlier, is just a reflection of the issues that we were discussing yesterday. There are no changes other than semantics. We need to actualise the Estimates by putting them in an Appropriation Bill, which is the Bill that we are dealing with today.

I will just say a few things because I had an opportunity to say much more yesterday. Members who did not get an opportunity to contribute yesterday can now say something about the Supplementary Estimates and the Supplementary Appropriations Bill today.

First, even as we craft the budget as the House that deals with budget-making, this administration is focusing more on production. For us to solve the myriads of problems that our economy is going through, our focus must be on production. As the Budget and

Appropriations Committee, our focus has primarily been on production even as we table the Bill that we will debate today.

We are focusing on primary production which deals with raw materials. That is why we have allocated a lot of resources and given a lot of weight to production based in agriculture. I request Members to contribute to this issue in a robust manner. We sometimes confuse agriculture with farming. In the agricultural value chain, farming accounts for just around 20 to 25 per cent. We sometimes confuse the activities that farmers do in their farms with agriculture. That is just one segment within the agriculture value chain, which is purely farming.

There are other processes within the agricultural value chain. Warehousing, transportation, branding and blending are all part of agriculture. Therefore, our focus is on the entire value chain so that we have as much value as possible being retained within the country. More value should be pushed in the direction of the farmer so that their sweat and hard work can be commensurate with the value they get out of farming, which is within the agricultural value chain.

Secondly, our focus is on secondary production. Secondary production is with regard to adding value to whatever raw material we have. We can add value to the raw materials that we have and to the raw production we do. That is primarily manufacturing and it has various stages. However, we have looked at it as a block starting from very basic production which is secondary production to the highest level which is robust. Our focus is on the how and as we add value in terms of primary production, how much more value can we retain by also incorporating secondary production that is purely manufacturing in nature? The other one is tertiary which is with regard to the services around the first two that I gave.

I wish to draw the attention of this House to the state of our economy currently. It operates in a such way that the main driver of our economy is the public sector - the Government. The other driver of our economy is the facilitative arm of the economy. If you look at the growth on fintech and service industry, we now have the productive side leapfrogging the facilitative side. We have very innovative people, mobile banking and very robust fintech products like M-Pesa. We also have a growing service sector in terms of insurance and banking. However, we have to be aware of the fact that the facilitative side of the economy should serve the productive side. There is a problem when we have the facilitative side of the economy growing faster than the real productive side. When I send money from my phone to the other person, I am not creating any value. The only thing the app does is to facilitate efficiency within the economy. Therefore, we need to also focus on the real production and that is what we have focused on in terms of agriculture and manufacturing and it is necessary so that the facilitative side can grow in tandem with the real productive side of the economy.

With regard to that, what we did was look at the enablers. As we talk about production and adding value to our gross production, what are the enablers? That is the reason we were able to salvage Ksh10 billion from whatever area we could. That saving was then pushed into roads so that we can have the economy running smoothly. The essence of roads and infrastructure is not just for social travel, but the economy also runs on them. We put money into the roads because majority of what we carry from our farms and industries passes through them. It is for that reason that we unlocked Ksh12 billion from the Annuity Fund so that we can push the same resources into making sure that the contractors go back to site to finish our road projects.

Hon. Speaker, this House exists as an arm of Government to primarily serve the needs of the Kenyan people. It is also for that reason that every other civil servant, from the highest to the lowest cadre, exist. We do not exist to serve the machinery of Government. The machinery of Government does not exist to self-serve, but to serve the needs of the Kenyan

people. It is, therefore, for that reason that we are focusing on having a very lean Government because it is the machinery for service. This will help us push as many resources into the areas that touch on the common person, those who labour, work hard and pay taxes. The very dignified citizens of the Republic of Kenya.

In that regard, we have looked at specific areas and targets. I want to enumerate some of those that are already in the Appropriations Bill that we are passing today.

First, through this Appropriations Bill, we are unlocking a very robust coolers project. These coolers have been mapped to go to every constituency represented here, especially those that have dairy farming. We have allocated Ksh500 million which is counterpart funding because the Polish Government is providing Ksh9.5 billion to that project. Therefore, we are going to have a Ksh10 billion project that will supply coolers to our farmers as part of value addition within the agricultural value chain. This is a very robust programme and the Government of Kenya, through this Appropriations Bill, is only contributing five per cent to the counterpart funding that is already provided.

Secondly, some of the areas that I wish to mention among the many is on food security and it is a shame that our economy is agrarian in nature. If you ask a child in any business class even in Grade One, they would tell you that our economy is deemed to be one that relies on agriculture. It is an oxymoron and a paradox that an economy that is based on agriculture has challenges in feeding its people. This cuts across many economies. Majority of the economies that are premised on agriculture have problems feeding their people. The economies that focus on other productions other than agriculture have food surplus. That is a paradox and to reverse it, we have pushed resources into specific areas within food production as follows:

Firstly, there is a project that had been abandoned in Tana River undertaken by Tana and Athi Rivers Development Authority (TARDA). We have allocated Ksh500 million that will go into production of rice. This is because there is no way we can perpetuate importation of rice when we have capacity to unlock the projects that we already have in that regard.

Secondly, through this Appropriations Bill, we have also unlocked another serious project called Bura One. This is also an abandoned project and we have allocated Ksh300 million to enable us activate it to spur up rice production in our country. Rice production will also be happening in Tana River. I want to confirm to this House that within our country, some of the areas we see as far-flung could be our saviours. It might be like what Los Angeles did to the United States of America (USA). Some of the areas are productive and they only need some simple mechanisation to add into the food basket.

I also wish to mention one other project that the President of Kenya, His Excellency William Samoei Ruto, promised to the people of Kisumu and Homa Bay. There have been challenges of unsafe boats when the very dignified citizens of Kenya move from the mainland into the islands within Lake Victoria. The President promised that the people of that area will have a ferry to facilitate them to move from the mainland into the islands. I can confirm to this House that through this Appropriations Bill, we have allocated Ksh300 million for the purchase of ferries to facilitate trade and movement within Homa Bay and Kisumu counties through Lake Victoria.

Through the same President's visit, he also got opinions from the leaders who are in this House. I want to confirm that we have put some money in the initial budget to build Kabunde Airstrip in Homa Bay. That will be starting very soon because that money is already in the Appropriations Bill. I can see Hon. (Dr) Nyikal is resonating with what I am enumerating.

We also intend to add value by having the young people of Kenya engaged in productive areas and we have allocated Ksh1.3 billion through this Appropriations Bill to facilitate additional infrastructure within Athi River Export Processing Zones Authority (EPZA).

Hon. Speaker, we already have many investors lined up who are willing to invest in the garments and apparel sector and as you know the economists have advanced. Their basis of manufacturing was the basic manufacturing and this cuts across garments, apparel and areas around clothing. We have facilitated Export Processing Zones (EPZs) to build more shades for the investors who are already lined up to employ the majority of the Kenyan youth who will be engaged in those EPZ shades.

Hon. Speaker, just for clarification for the Members who were not here yesterday, I want to reinforce that we have been in talks with the National Treasury and they have already released Kshs14 billion to the National Government Constituencies Development Fund (NG-CDF) Board. By close of this week, we anticipate that every constituency should have not less than Kshs45 million to disburse to bursaries.

(Members spoke off record)

I will talk about the NGAAF. I can hear lovely voices from the able Woman Representatives. I will talk about it.

In this Appropriations Bill, we have also added two things in respect to the NG-CDF and the NGAAF. Starting with the NGAAF, the Woman Representatives in this House are aware that their activities have been handicapped in the past because of coordinators and because we needed funds to facilitate unlocking the money that has already been provided in the main budget. We have provided enough money in this regard through this Appropriations Bill. Regarding the NG-CDF, there are over 200 constituencies which have arrears for the last financial year to a tune of Kshs12 million per constituency. Through this Appropriations Bill, when the President assents to it by Friday, we are going to unlock the Kshs12 million per constituency which are in arrears and they should be paid any time after the assent of this Bill by His Excellency the President. We have provided Kshs2.9 billion in that regard and we have actually factored in entirety the arrears on the NG-CDF.

Hon. Speaker, as I finish, there are other important matters that we have done. I talked about the teachers yesterday. We have passed Article 223 expenditure to the teacher's recruitment which is ongoing for junior secondary schools (JSS) and we have also allocated an additional Kshs9 billion through this Appropriations Bill for the capitation of JSS. We have done this because the essence of JSS and the Competence Based Curriculum (CBC) is that we do not want to push the burden to parents and the President gave us direct commitment that he wants the JSS learners and their parents not to carry the extra burden. The Government is, therefore, capitalising every learner through capitation money that we have already included in this Appropriations Bill to a tune of Kshs9 billion.

Hon. Speaker, there are many other areas which I will give an opportunity to other Members to comment on. If you permit, I would like to call upon Hon. Dan Mwashako to second this Appropriations Bill.

I beg to move. Thank you.

Hon. Speaker: Hon Mwashako!

Hon. Danson Mwashako (Wundanyi, WDM): Thank you, Hon. Speaker for the opportunity to second this Appropriation Bill.

First, we know at the moment there is very little activity going on in the country because without Government spending, the money in circulation is limited. I am glad that this afternoon we have an opportunity to debate and conclude on the Supplementary Bill that will unlock funding to Government projects, ministries, departments and agencies (MDAs) so that Government can implement those projects. This will ensure that there is money in circulation.

My Chairperson has done justice to this topic. The Supplementary Budget under the new administration has taken care of about three items that are crucial to where the country is

at the moment. There is Kshs6 billion that has been allocated to drought mitigation which as you know, the situation the country is facing. Almost every corner of this country is experiencing drought that is ravaging every area and Kenyans are suffering because they cannot get their food normally including food baskets which have been affected. This money has been allocated for food relief. Some of us come from Arid and Semi-Arid Lands (ASALs) and, therefore, we are calling upon the Government that immediately the Supplementary Budget is passed and signed into law, we expect that the Kenyans who are suffering will get food. All the apparatus of the Government concerned in the distribution must move fast to save lives.

Hon. Speaker, we are aware of the confusion that is happening in the country under JSS. This Supplementary Budget has allocated Kshs9.2 billion to sort out the issues we find in the implementation of JSS. We know the capitation in this country for our students in schools is very minimal in primary schools, but now that JSSs are in primary schools, we expect that they will be provided with sufficient funds to make them viable. We have primary schools that have very low enrolment. Therefore, the little money they receive under primary school capitation is never enough to run the schools.

Without saying much, I want to state that the most important thing that this Government needs to give us is value for money. We need to call upon all the implementation agencies and ministries to make sure that every coin that this august House appropriates is used according to what is envisaged in the Appropriations Bill. We know that there has been a lot of wastage and corruption and for Kenyans to get value for the money that this House is appropriating, we are calling upon all the implementation agencies and every stakeholder involved in running projects and programs of the Government to make sure that they give value to Kenyans and minimize wastage.

As I sit, I am excited about the opportunity that this Appropriations Bill gives to the NG-CDF. I am aware that there are arrears in most constituencies for the last Financial Year 2021/2022 and now that Kshs2.9 billion has been allocated to go into unlocking the arrears under the NG-CDF, it is welcome. I know Woman Representatives are also excited about the money that is in this Appropriations Bill. Therefore, as a country, I know we are now set to move three months to the next budget. The only thing that I would like to call upon this House is that in the next budget, we must ask ourselves how balanced these budgets are so that we can achieve balanced growth across the country.

With those many words, I second. I thank you, Hon. Speaker.

Hon. Speaker: Hon. Members, before I propose the Question, I wish to acknowledge in the Public Gallery the presence of students from Mwiki Primary School, Ruiru Constituency in Kiambu County and students from Molo Academy Boys Secondary School, Molo Constituency in Nakuru County.

(Hon. Samuel Atandi spoke off record)

Order, Hon. Atandi!

Do you want to debate or to put the Question? I have noted the mood. Let me hear your leaders before I put the Question. Hon. Wandayi!

Hon. Opiyo Wandayi (Ugunja, ODM): Hon. Speaker, I agree with you that the mood of the House is fairly clear. That notwithstanding, let me just add one or two words to this debate. This Bill is obviously a matter of, if you ask me, formality. That, for you to give effect to the Supplementary Estimates, you must pass this Bill. Otherwise, the approval of the Estimates becomes something done in vain. Therefore, I support it.

There is something we need to take more seriously. I listened keenly to the Chairman talk about value addition, manufacturing, supportive sectors and so on and so forth. I agree with him. However, we must, as a matter of priority and going forward, even as we pass this

Bill, relook at the issue of the cost of energy in this country. Unless we address the cost of energy problem, we shall never make any progress in developing our manufacturing sector.

As we speak, it is almost common knowledge that the energy sector has been captured by lethal cartels. Lethal! These cartels have transited from one regime to another, to another and to another. I would not be surprised that, as we speak, they have already captured this new regime. I would not be surprised. I am not saying I have evidence but I would not be surprised. These cartels are dangerous creatures. We must, as a House, gather the courage to deal with them once and for all, if only to rein in on the spiralling cost of energy. There is no way we are ever going to be competitive as a country *vis-à-vis* other countries. Remember, there was a massive demonstration by Kenyan traders yesterday. They are right. Those Kenyan traders were right to demonstrate but we must go to the root cause of their demonstration. Their demonstration is not just about the Chinese. It is because of the fact that even if they are to sell the goods that they have brought from China, there is no way they are going to make money if the cost of energy remains the way it is. In a sense, energy determines everything else. The cost of energy determines everything else in the economy.

Therefore, even as we condemn the Chinese, let us also look inwards. Let us look inwards and see where we have contributed to this mess. I am happy that Hon. Gikaria, the Chair Emeritus of the Departmental Committee on Energy, is agreeing with me. The cartels in the energy sector must be dealt with ruthlessly. I am aware that there are managers, players and people in the energy semi-autonomous government agencies who are doing what we would call “internal trading.” They are irregularly doing business with their entities. Very soon, I will be tabling damning reports here. These days I am happy that my office has been fully capacitated. It is fully enabled to undertake very serious exercises, including forensic audits. Very soon, I will be tabling damning reports here on how people in charge of these energy agencies are doing business irregularly with those very agencies. They are basically part of the cartels I am talking about.

Therefore, we must understand that those Chinese companies, like the one we are talking about on Thika Road, are just the faces. You know the real owners are Kenyans and some of them are even here in this House. Yes.

Hon. Speaker, with those very many remarks, I support.

Hon. Speaker: Thank you, Hon. Wandayi. I now give opportunity to the Leader of the Majority Party.

Hon. Kimani Ichung’wah (Kikuyu, UDA): Thank you, Hon. Speaker. Maybe, just to correct Hon. Opiyo Wandayi, the people demonstrating yesterday over the Chinese issues are not on things being manufactured in Kenya. It is unfair trade practices by Chinese business people who have denied Kenyans access to the Chinese market but we allowed the Chinese to have unfettered access to the Kenyan market. I want to inform the honourable Leader of the Minority Party that the Government of Kenya is well apprised of the issue. This morning we had a meeting with representatives of the Nyamakima River Road Traders that was chaired by none other than the Deputy President. It included all agencies of government—the Kenya Bureau of Standards (KEBS), the Kenya Revenue Authority (KRA), the Anti-Counterfeit Authority and all other relevant agencies. The Government is working hard looking for solutions to that issue.

We passed the Budget and Appropriations Committee Report yesterday. It is what has enabled us to prepare this Supplementary Appropriation Bill. There is not much we can say other than what we said yesterday on the budget-making process and approval of this Supplementary Appropriation Bill. Upon passage of this Bill, we shall be able to access the monies as and when His Excellency the President assents to the Bill to become the Supplementary Appropriation Act No.1 of 2023. Government agencies, departments and

Ministries will now be able to access funds to spur the economic growth that we were speaking about yesterday.

Significantly, as we passed the Committee's Report yesterday, there were also reports of the Cabinet meeting of yesterday morning. I have seen a number of media houses misreport a resolution by the Cabinet. Because we are the budget-making House, we have responsibility to correct misreporting by the media. Some of these media houses have become notorious.

This afternoon, the Whip of the Majority Party tabled reports of the Auditor-General and Financial Statements in respect of a number of constituencies for the financial year ended 2021. With your indulgence, Hon. Speaker, let me just say that we have a number of new Members of Parliament whose first audit reports will be tabled before this House hopefully by mid next year, after the audits that will be done after your taking office. Please, do not allow any person in the media to blackmail or intimidate you. Some of them are calling Members of Parliament saying that they have seen audit reports of their NG-CDF Committees. I can see Members already nodding because a number of them have been called. There are issues that you need to talk to us about. Members of Parliament are not accounting officers of the NG-CDF. They have no business. If there are issues to do with audit of the NG-CDF, those are issues to be dealt with by the accounting officers, who are the fund account managers in your respective constituencies. Therefore, do not allow some of these cheap media houses to blackmail you for small bribes so that they do not write. Tell them as I told the one who was approaching some Members. I told them, 'go put it on your headlines, in your funny newspaper that you do not even sell. You distribute it for free'.

Anyway, I was on the media houses because the same media houses have misreported the resolution by the Cabinet today, of coming up with a debt anchor. They have misreported that the Government of Kenya is now raising the debt ceiling. Far from it. I do not know whether the writer does not understand that the debt anchor simply relates to a debt to GDP ratio that defines the optimal desirable debt-carrying capacity of an economy. It is that simple. We are saying that our optimal desired debt-carrying capacity will now be anchored at 55 per cent of GDP in net present value terms. Maybe, it is too much economics for these writers or journalists. I encourage them to research.

Hon. Speaker, allow me to mention *The People* newspaper because it is *The People* I am talking about. They are the same media house, Mediamax, that is famed Kamehemehe FM that was fighting our lady Members of Parliament the other day, telling them that they are wearing *vitenges*.

Hon. Opiyo Wandayi (Ugunja, ODM): On a point of order, Hon. Speaker.

Hon. Speaker: Hon. Wandayi, what is the problem?

Hon. Kimani Ichung'wah (Kikuyu, UDA): He wants to defend those media houses.

Hon. Opiyo Wandayi (Ugunja, ODM): Hon. Speaker, I need your guidance on this one. You know, Hon. Ichung'wah is my friend but we are not supposed to impute improper motives on persons who cannot have a chance to defend themselves before this House. We cannot name people or business entities without following the normal process under the Standing Orders. You know that newspapers and media houses are legal persons. Therefore, would I be in order to ask that you ask the Leader of the Majority Party to approach this matter in the correct manner by following the Standing Orders as clearly indicated there?

Thank you

Hon. Speaker: Proceed, Member for Kikuyu.

Hon. Kimani Ichung'wah (Kikuyu, UDA): Thank you, Hon. Speaker. I understand that the Leader of the Minority Party has to defend the ownership of that particular media house by virtue of the fact that the owner is the outgoing chairman of the Azimio council of elders or something like that but truth be told; if a journalist in a media house does not understand simple

things, let us use this opportunity, on the Floor of this House, to put things in the right perspective. We have a fiduciary duty to do so.

Hon. Speaker: You have made your point on that matter. Go to the next point.

Hon. Kimani Ichung'wah (Kikuyu, UDA): Therefore, for the benefit of the country, I want to explain what the debt anchor that the Cabinet resolved on yesterday is all about. Currently, our debt to GDP ratio is at 62.7 per cent. The Supplementary Appropriation Bill that we are debating today has brought down that ratio to 60 per cent of the GDP. Our desired and optimal debt to GDP level should be anchored at 55 per cent as our economy grows. Whenever we go above this threshold, it will signal that things are not well and we have to do something even as a House.

Today we are at Ksh9.14 trillion against the Ksh10 trillion mark that we set. If you ask what the basis of the Ksh10 trillion is, there is nothing. It is just a figure. Therefore, it is good for all Kenyans, including those who write and commentate on economic matters, to at least have the courtesy and decency of engaging with those in the know. If they cannot engage with the National Treasury, I am sure there are also economic think tanks in this House that they can engage with and they will guide them to understand these things rather than reporting misleading facts to Kenyans.

Therefore, allow me to support the passage of this Supplementary Appropriation Bill and ask that, as we did yesterday, upon the assent of this Bill, Committees of this House shall take up their work to oversee the implementation of this Supplementary Budget. We have all been inducted to our work, especially the oversight committees. This is to ensure that whatever we pass in this House is implemented by the Government in line with what was intended at the time we came up with this Budget. It will not be enough to just say that we are the budget-making House, pass Budgets and then leave it to Government Ministries and Departments to implement as they wish without providing useful oversight to them.

Hon. Speaker, lastly, yesterday we passed the Report of the Budget and Appropriation Committee. The Report has certain recommendations. As I did yesterday, I want to challenge our Committees to go through that Report. Let us have the Public Accounts Committee (PAC), the Public Investment Committee (PIC) and the Departmental Committees pick up all the issues, including those on Article 223 that the Budget and Appropriations Committee has been very kind and courteous to guide us on from the recommendations they made in that Report.

With those many remarks, I beg to support.

Hon. Speaker: Thank you, Leader of Majority. Hon. Members, I promised you that I would give your leaders opportunity and then put the Question.

(Question put and agreed to)

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

Next Order.

Mover, I am sorry, I did not invite you to reply. I rescind the Question. We should blame it on Hon. (Dr) Pukose, who is constantly calling on the Speaker to put the Question.

(Laughter)

(The Question that was put and agreed to rescinded)

Mover, you may briefly reply.

Hon. Ndindi Nyoro (Kiharu, UDA): Thank you very much, Hon. Speaker for giving me this opportunity. I implore Hon. (Dr) Pukose to desist from confusing the Hon. Speaker.

Hon. Speaker, as I reply, I just wish to mention one thing that was mentioned by Hon. Opiyo Wandayi, who is a very objective Member of this House, who is playing his oversight role. It is on the cost of electricity in this country. There are many considerations that we have to look into as an economy. The major part of the cost of power and energy is based on demand. We have increased our capacity to absorb extra energy. Currently, we have installed capacity of around 3,000 Megawatts. For an economy to access cheap power, we have to come up with mechanisms of increasing demand for power itself. When you produce less capacity, then the cost in terms of per capita or per unit goes high. We cannot compare our installed capacity of 3,000MW with that of South Africa, which has around 64 Gigawatts of installed power. In South Korea, it is around 120 Gigawatts. Therefore, what we are doing is to increase the demand side of power. When you increase the demand side, then the power you produce in bulk will have areas that it will be absorbed. Consequently, the cost of power per unit goes down. I am sure that we are already aligning towards this.

I also want to add my voice on the issue of debt. Yesterday our Cabinet sat and they made proposals in regards to the debt benchmark. Instead of setting an aggregate figure in terms of the debt ceiling, they settled on a percentage of the GDP. Economies are moving targets. Our GDP and production keeps on rising. When you anchor debt in terms of an aggregate figure, then you are not giving credence to the fact that the economy is a moving target. Therefore, for fiscal prudence, most of the advanced economies put a benchmark that also moves in tandem with the movement of the economy. Instead of an aggregate figure, having a debt to GDP ratio is more preferable because economic growth keeps changing. Thus the Cabinet never approved anything about increasing the debt ceiling. It actually decided to reduce it.

We have already demonstrated that we have currently reduced our deficit. We have further demonstrated through this Supplementary Budget that we have reduced our fiscal deficit to 5.7 per cent as opposed to the International Monetary Fund (IMF) recommendation of 6.2 and 5.8 per cent. As a responsible Government, we have reduced that to 5.7 per cent of our GDP through this Appropriation Bill.

With those many remarks, I beg to reply.

Hon. Speaker: Now I can appropriately put the question.

(Question put and agreed to)

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

COMMUNICATION FROM THE CHAIR

PROPOSED AMENDMENTS TO THE SUPPLEMENTARY APPROPRIATION BILL, 2023

Hon. Speaker: Hon. Members, I have some guidance from the Chair in relation to proposed amendments to the Bill.

Hon. Members, before the House proceeds to the next Order, which is the consideration of the Supplementary Appropriation Bill, National Assembly Bill No. 4 of 2023, in the Committee of the whole House, I wish to offer the following guidance with respect to amendments proposed by Members and the application of the provisions of Article 114 (2) of the Constitution.

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Hon. Members, I have received notices of proposed amendments from the Chairperson of the Budget and Appropriations Committee, the Hon. Ndindi Nyoro; and from Hon. Patrick King'ola, on behalf of the Parliamentary Service Commission, for consideration during the Committee of the whole House on the Supplementary Appropriation Bill, 2023.

As you are aware, Article 114 (2) of the Constitution provides that if, in the opinion of the Speaker, a Motion makes provision for a matter listed in the definition of a Money Bill, the Assembly may proceed only in accordance with the recommendation of the relevant Committee after taking into account the views of the Cabinet Secretary responsible for finance.

Under Sub-Article 3 of Article 114, a Money Bill includes matters that contain provisions dealing with *inter alia* the imposition of charges on public funds, appropriation of receipts, custody of public investments or issue of public money and the raising and guaranteeing of any loan or its repayment. In this regard, this Supplementary and Appropriation Bill being one that deals with appropriation of funds is clearly a Money Bill. Therefore, its consideration in the House squarely falls within the confines of Article 114 of the Constitution as well as other provisions relating to the processing of legislation in the House.

Having said that, Hon. Members, as you will notice in today's Supplementary Order Paper, the amendments by the Chairperson of the Budget and Appropriations Committee seek to reallocate funds to a Programme in one Vote (Vote D1104 – State Department of Irrigation) from a Programme in another Vote (Vote D1109 – Ministry of Water, Sanitation and Irrigation). The amendments proposed by the Member for Mavoko on Vote D2043 (Parliamentary Joint Services) and Vote R2042 (The National Assembly) are reallocations across the Budget of Parliament and have no effect on the overall Estimates for the Financial Year 2022/2023.

In view of the foregoing, and having consulted the Chairperson of the Budget and Appropriations Committee, I have allowed for the amendments to be moved during the Committee of the whole House on the Bill as they are in line with the provisions of Article 114 of the Constitution.

The House is accordingly guided.

Next Order.

COMMITTEE OF THE WHOLE HOUSE

(Order for Committee read)

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

IN THE COMMITTEE

[The Temporary Chairperson (Hon. Omboko Milemba) in the Chair]

THE SUPPLEMENTARY APPROPRIATION BILL (National Assembly Bill No. 4 of 2023)

The Temporary Chairperson (Hon. Omboko Milemba): Hon. Members, we are now in the Committee of the whole House for the Supplementary Appropriation Bill. It is a short one so just be in the House we shall not take very long time.

Clause 2

The Temporary Chairperson (Hon. Omboko Milemba): There is an amendment. Hon. Chairperson, proceed.

Hon. Ndindi Nyoro (Kiharu, UDA): Hon. Temporary Chairperson, I beg to move:

THAT, the Bill be amended by deleting Clause 2 and substituting therefor the following new Clause—

Issue of 200,729,733,488
out of the Consolidated
Fund for the service of
the year ending 30th June,
2023

2. The Treasury may issue the sum of two hundred and one billion, fifty-nine million, seven hundred and thirty-three thousand, four hundred and eighty-eight shillings out of the Consolidated Fund and apply it towards the supply granted for the service of the year ending on the 30th June, 2023.

Hon. Temporary Chairperson, what we are doing in all the amendments emanating from the Chairperson of the Committee on Budget and Appropriations Committee is that after the Executive Order by the President, some of these Votes have been placed in the wrong places. All we did was clean up and have the Vote domiciled in the place it was intended especially by taking care of the Executive Order No. 1 that aligned all Government departments.

(Question of the amendment proposed)

The Temporary Chairperson (Hon. Omboko Milemba): Hon. Oundo, proceed.

Hon. (Dr) Ojiambo Oundo (Funyula, ODM): Hon. Temporary Chairperson, I hope the Chairperson of Committee on Budget and Appropriations Committee is listening.

The Temporary Chairperson (Hon. Omboko Milemba): Hon. Oundo, he is listening. He is a very keen person.

Hon. (Dr) Ojiambo Oundo (Funyula, ODM): I think the Chairperson is not being very clear. The original published Bill talks of a Vote of a figure of Ksh200,529,733,488 and I would imagine for the benefit of new Members, the amendment that is being done in Clause 2 is to change the figures published in the Bill to a new figure of Ksh200,729,723,488. The question I need to ask is: what has informed the change and where has the extra amount from for the benefit of the new Members so that they can know? He is talking of a totally different thing about the classification which is not the import of the amendment he has moved on Clause 2.

Thank you.

The Temporary Chairperson (Hon. Omboko Milemba): Hon. Chairperson, proceed.

Hon. Ndindi Nyoro (Kiharu, UDA): Thank you Hon. Hon. Temporary Chairperson. I did not want to jump the gun but if you look at the second amendment you will see that the same Ksh100million up there is the same net effect down there. The figure is from Ksh491 million to Ksh591 million and therefore it balances up.

(Hon. (Eng.) Paul Nzengu spoke off the record)

The Temporary Chairperson (Hon. Omboko Milemba): Very well. You need to catch the eye of the Chair on time. I will allow you to proceed. Let me hear you as debate does not kill anyone. Proceed.

Hon. (Eng.) Paul Nzengu (Mwingi North, WDM): Hon. Temporary Chairperson, I refer to the proposed amendment by the Chairperson of Committee on Budget and Appropriations and I am just wondering when we were handling the matter at the Committee level – I belong to the Committee on Blue Economy and Irrigation – already the said presidential decree or Executive Order had been communicated. The said Executive Order had already been communicated and we interrogated the Ministry of Water, Irrigation and Sanitation. I do not understand how at the Budget and Appropriations Committee level the Executive Order was not properly followed.

I also want to bring to the attention of the House that a number of changes have been introduced to what we had submitted as the Departmental Committee on Blue Economy and Irrigation and so much money has been allocated without consultation with the Committee. As members of the Committee, we are wondering whether our job is to rubber stamp things that are done without our knowledge. Or what is our real role?

Thank you, Hon. Chairman.

The Temporary Chairperson (Hon. Omboko Milemba): Thank you. We have heard you, but the matter is now in the Committee of the whole House. I will put the Question.

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

*(Question, that the words to be inserted in
place thereof be inserted, put and agreed to)*

(Clause 2 as amended agreed to)

(Clauses 3 and 4 agreed to)

Clause 5

The Temporary Chairperson (Hon. Omboko Milemba): There is an amendment by the Chair of the Budget and Appropriations Committee.

Hon. Ndindi Nyoro (Kiharu, UDA): Thank you very much, Hon. Temporary Chairperson. I beg to move:

THAT, the Bill be amended by deleting Clause 5 and substituting therefor the following new Clause—

Reduction of Ksh143,738,560,978

The supply granted for the services of the year ending on 30th June, 2023 in respect of Votes R1021, R1052, R1064, R1068, R1069, R1072, R1081, R1091, R1093, R1094, R1095, R1108, R1109, R1112, R1122, R1123, R1134, R1152, R1162, R1166, R1169, R1174, R1175, R1202, R1213, R1214, R1221, R1222, R1281, R1311, R2011, R2021, R2031, R2042, R2071, R2081, R2101, R2111, R2121, R2131, R2141, R2151, D1021, D1023, D1032, D1041, D1052, D1064, D1065, D1068, D1071, D1081, D1091, D1093, D1094, D1095, D1108, D1109, D1112, D1122, D1123, D1132, D1134, D1152, D1162, D1166, D1174, D1175, D1184, D1194, D1202, D1203, D1213, D1214, D1252, D1271, D2021 and D2091 in accordance with the Appropriation Act, 2022 is reduced by the amounts specified in the third column of the Second Schedule.

This is with respect to the explanation I gave earlier. And now that I have the microphone, it is good that I answer the queries Members have asked with regard to the Executive Order and aligning of votes. Man is to error. The error escaped the attention of a majority of us. Some of these things are checked by fiscal analysts here in Parliament. There is no reason other than aligning the votes to respective agencies.

Secondly, in terms of additional allocation, I request the Member to give some latitude. We relied on the wisdom of the Departmental Committees. Whenever you changed an allocation to zero shillings, we never interfered with those amendments. However, in moving an allocation from one area or another, especially with respect to priority projects, we had no recourse other than to allocate money to those areas. As you know, drought mitigation touches

on supply of food and water and on irrigation. That is why you see most of the amendments are in that regard. There is no other reason, Hon. Member. It is an open book.

(Question of the amendment proposed)

The Temporary Chairperson (Hon. Omboko Milemba): Leader of the Majority Party.

Hon. Kimani Ichung'wah (Kikuyu, UDA): Hon. Temporary Chairperson, for the benefit of Hon. Nzengu and other members of the Departmental Committee on Blue Economy and Irrigation, this is a matter that has been raised by the leader of the Committee. We were inducted on Committee business just the other day. I do not think the Chair of the Committee and the Chair of the Budget and Appropriations Committee have had time to do what we used to do in previous parliaments—having a session with all Chairs of Committees under the auspices of the Liaison Committee.

Hon. Nzengu has a point, but I want to reassure him that we have discussed the matter with the Chair of the Committee. I urge him to allow this latitude to the Budget and Appropriations Committee. In future, what he is saying is indeed true. Matters touching on Budget ought to be processed through relevant Departmental Committees so that expenditures are not parachuted into the Budget without being interrogated by the Committees that oversee the particular State Departments. Being a seasoned legislator and a seasoned member of that Committee, I hope Hon. Nzengu will indulge the Budget and Appropriations Committee this time round. Next time, we will ensure that things are done as they should be.

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

*(Question, that the words to be inserted in
place thereof be inserted, put and agreed to)*

(Clause 5 as amended agreed to)

First Schedule

The Temporary Chairperson (Hon. Omboko Milemba): Chair of the Budget and Appropriations Committee, you have an amendment to this.

Hon. Ndindi Nyoro (Kiharu, UDA): Thank you very much. Hon. Temporary Chairperson, I beg to move:

THAT, the First Schedule be amended in respect of Vote D1104 (State Department for Irrigation)—

- (a) by deleting the figure “Ksh13,125,000” appearing under Programme 1015000 (Water Storage and Flood Control) in respect of development estimates and substituting therefor with the figure “Ksh113,125,000”; and
- (b) by effecting the consequential amendments thereof.

(Question of the amendment proposed)

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

(Question, that the words to be inserted in

place thereof be inserted, put and agreed to)

The Temporary Chairperson (Hon. Omboko Milemba): Hon. Makau.

Hon. Patrick Makau (Mavoko, WDM): Thank you, Hon. Temporary Chairperson. At the outset, allow me to thank the Budget and Appropriations Committee for giving us audience. I beg to move:

THAT, the First Schedule be amended in respect of Vote D2043 (Parliamentary Joint Services)—

(i) by deleting the expression “Ksh300,000,000” appearing under Programme 0723000 (General Administration, Planning and Support Services) in respect of development estimates and substituting therefor with the expression “Ksh400,000,000”; and

(ii) by effecting the consequential amendments in the Bill thereof.

Thank you, Hon. Temporary Chairperson.

The Temporary Chairperson (Hon. Omboko Milemba): Very well. Hon. Atandi, let me propose the Question first.

(Question of the amendment proposed)

Let me hear, Hon. Atandi.

Hon. Samuel Atandi (Alego Usonga, ODM): Hon. Temporary Chairperson, I wanted Hon. Makau to explain further the intention of increasing this development expenditure.

The Temporary Chairperson (Hon. Omboko Milemba): Hon. Makau, that is straight to you.

Hon. Patrick Makau (Mavoko, WDM): Thank you, Hon. Temporary Chairperson.

At the outset, I want to thank the Budget and Appropriations Committee. You are all aware that the Bunge Tower has been ongoing.

I also thank the leadership of this House and the Chairman of the Budget and Appropriations Committee that visited the new building. The building has taken years. The Sixth Commission is committed to make that building complete and occupied.

We presented the same pending bills to the Budget and Appropriations Committee and we are glad that the same Committee granted us Ksh300 million. We are further seeking Ksh100 million which as we have indicated will come from Vote 2042.

As the Hon. Speaker had communicated, we are not in contravention of the same that is the reason we felt that we should put this amendment so that we should have more money.

Some of our Members do not have offices; and by adding this money and paying the pending bills for the various contractors, we would be able to make Bunge Tower occupiable.

I am sure Hon. Atande who was fundamental in making Parliamentary Service Commission (PSC) get this money as the Chairman, is aware that we cannot keep on keeping that building unoccupied. It is upon this House to make it possible that we occupy that building. I assure Members that by the end of April, the building will be occupiable and habitable thereafter, our Members and staff will have their offices there.

Thank you, Hon. Temporary Chairperson.

The Temporary Chairperson (Hon. Omboko Milemba): Very well. Let me hear from the Chairman, Budget and Appropriations Committee.

Hon. Ndindi Nyoro (Kiharu, UDA): Thank you very much, Hon. Temporary Chairperson.

For the comfort of Members, this is just the Parliamentary Service Commission re-organising their own Budget. They have re-organised their own votes and are not encroaching

on any other votes, any other person's budget or any Ministries, Departments and Agencies (MDAs).

We had the opportunity to interact with the PSC with the leadership of the Member for Mavoko; and we put them to task that once we grant them, because we granted them additional resources, the issue of the Bunge Tower must become a thing of the past. They must pull up their socks, ensure that all the pending works are done and Members should occupy that building as soon as it is practically possible so that we save ourselves from the recurrent costs that we pay for offices outside the precincts of Parliament and Members of this House can get decent offices.

That is the essence, Hon. Temporary Chairperson.

The Temporary Chairperson (Hon. Omboko Milemba): Hon. Pukose, let me give you the last chance before we put the Question.

Hon. (Dr) Robert Pukose (Endebess, UDA): Thank you, Hon. Temporary Chairperson.

Looking at the reorganisation, it does not incur an extra cost. The process of building the new tower has taken very long. It is an embarrassment to the House that we provide oversight to other institutions yet our own institution has taken that long and dragging on with pending bills and thus, becoming a cash cow for other people.

One time, some of us felt that the Members' Services and Facilities Committee should be the Committee that should oversee the PSC for proper efficiency. If every institution of Government has agreed that we should be subjected to oversight and we are transparent, then, it is high time PSC also becomes transparent and should be overseen by a Committee of this House.

I rest my case.

The Temporary Chairperson (Hon. Omboko Milemba): Very well, Hon. Elachi.

Hon. Beatrice Elachi (Dagoreti North, ODM): Thank you, Hon. Temporary Chairperson.

Just to add to it and appreciate the Budget and Appropriations Committee, I want to tell the House that it is time we asked the Commission to stop any other project and finalise the Bunge Tower with the monies that they are being given so as to give us dignity so that people do not also question us.

We have the Pension Towers here that is complete and we only spent Ksh2 billion. It is unfair for Members, their welfare and more importantly, the image of Parliament.

The Temporary Chairperson (Hon. Omboko Milemba): Okay. As we conclude on this matter, let me allow Hon. Wilberforce Oundo briefly.

Hon. (Dr) Ojiambo Oundo (Funyula, ODM): Hon. Temporary Chairperson, I totally agree that they need to finalise the tower.

In the fullness of time, I hope PSC will review all the leases and expenditures on rent so that we do not continue losing money that we could have used for more fundamental functions or mandate of the National Assembly. But tellingly, this is a matter that PSC and the Chairman needs to pick up. There have been continued complaints that the building belonging to the National Chamber of Commerce and Industry was appropriated to the National Assembly or Parliament and it has never used it and neither have they paid any rent. Are we facing a situation where we are going to have an extremely high case of pending bills? This is a matter that needs to be addressed in fullness of time so that as we reorganise the sitting arrangements and the space for Parliament, we put this matter to rest so that we are not confronted with another huge pending bill in the next Budget.

Thank you.

The Temporary Chairperson (Hon. Omboko Milemba): Lastly, let me hear from Hon. Atandi.

Hon. Samuel Atandi (Alego Usonga, ODM): Thank you, Hon. Temporary Chairperson.

Hon. Pukose has spoken for me. Members need beautiful offices to operate in and serve Kenyans. We however, need to caution PSC that they are running so many programmes. They start new programmes before they finish the ones that are already ongoing. The case in point is the case of our tower. It has been going on for many years and this House has appropriated a lot of money for it. We do not want PSC Members to come before the House to ask for money yet there is no accountability.

As I support this amendment, I urge PSC to account for the resources that we have given them especially, the Budget and Appropriations Committee and this House. This is also the opportunity that Members have to interrogate PSC. Even if they want money, we need to ask them what they have done with the previous allocations.

In the Budget and Appropriations Committee, we had many questions which were not answered. As we approve, and I support, we need clear answers on some of the resources that they have. We do not want a PSC that only travels and spends per diems but does not give this House answers on programmes.

Thank you.

The Temporary Chairperson (Hon. Omboko Milemba): Very well.

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

*(Question, that the words to be inserted in place
thereof be inserted, put and agreed to)*

(First Schedule as amended agreed to)

Second Schedule

The Temporary Chairperson (Hon. Omboko Milemba): Mover.

Hon. Ndindi Nyoro (Kiharu, UDA): I beg to move:

THAT, the Second Schedule be amended in respect of Vote D1109 (Ministry of Water, Sanitation and Irrigation):

- (i) by deleting the figure “Ksh491,125,000” appearing under Programme 1015000 (Water Storage and Flood Control) in respect of development estimates and substituting therefor with the figure “Ksh591,125,000”; and
- (ii) by effecting the consequential amendments thereof.

(Question of the amendment proposed)

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

*(Question, that the words to be inserted in place
thereof be inserted, put and agreed to)*

The Temporary Chairperson (Hon. Omboko Milemba): Oh! There is another amendment by Hon. Patrick Makau.

Hon. Patrick Makau (Mavoko, WDM): Thank you, Hon. Temporary Chairperson. I wish to amend the Second Schedule as it appears on the Order Paper.

THAT, the Second Schedule be amended in respect of Vote R2042 (The National Assembly) -

- (i) by deleting the expression “Kshs. (100,000,000)” appearing under Programme 0721000 (National Legislation, Representation and Oversight) in respect of recurrent supply estimates and substituting therefor with the expression “Kshs. (200,000,000)”;
- (ii) by effecting the consequential amendments in the Bill thereof.

I have listened to the concerns by Members and urge them to give us the benefit of the doubt because this is a new Commission. As I said, we are committed and at the tail end of completing this building. Thank you.

(Question of the amendment proposed)

The Temporary Chairperson (Hon. Omboko Milemba): I see Hon. Ochieng.

Hon. David Ochieng’ (Ugenya, MDG): Thank you so much, Hon. Temporary Chairperson. I want to thank the Budget and Appropriations Chairman for a good job. The PSC has finally said they want to finalise. I want to ask the Chairperson as they do so to spare even Ksh5 million to give us a walkway.

This is because walking from the Co-operative Bank to Continental House is difficult. By doing so, they will make the lives of the Members of Parliament a bit easier. We cannot brush our shoes seven times in a day. This is because when we go to our offices or gym at Continental House by the time we come back to Parliament, our shoes are so dusty. As you complete the offices ensure the walkways are done so that Members can have some dignity.

The Temporary Chairperson (Hon. Omboko Milemba): There are interventions. Let us have Hon. Nyikal.

Hon. (Dr) James Nyikal (Seme, ODM): Thank you Hon. Temporary Chairperson. I support this. The Chairperson of the Budget and Appropriations Committee and other Committees have done a good job except we are having a lot of generalities. They have increased the budget by Ksh100 million saying they want to complete the works.

Surely, this is the time to say they want to buy furniture and need this amount of money. They have added another Ksh100 million so they should say what it is for. I do not think the Committee just sat and said they want to be added Ksh100 million. There must have been something they need to be done. In this case, let them guide the House on what they want to do with Ksh100 million.

The Temporary Chairperson (Hon. Omboko Milemba): Very well. Hon. Wachira Karani, Member for Laikipia West.

Hon. Wachira Karani (Laikipia West, UDA): Thank you, Hon. Temporary Chairperson. I want to intervene and declare my interest. I am the Chairperson of the Members’ Services and Facilities Committee which is supposed to oversee the Parliamentary Service Commission. As you have realised, as a Committee when we are supposed to do our work, PSC comes and gives a statement. For example, this afternoon when the substantive Speaker was on the Chair, Hon. Members complained about crossing to their offices on the other side...

The Temporary Chairperson (Hon. Omboko Milemba): Proceed but the relevance of your contribution is being challenged.

Hon. Wachira Karani (Laikipia West, UDA): Thank you, Hon. Temporary Chairperson. I was saying it is important that the Speaker gives a ruling on the boundaries between the Members’ Services and Facilities Committee and the Welfare Committee of the PSC. I support.

The Temporary Chairperson (Hon. Omboko Milemba): Let us hear Hon. Githinji.

Hon. Gichimu Githinji (Gichugu, UDA): Thank you, Hon. Temporary Chairperson. Though it is within the mandate of PSC to reorganise their votes, it is very important for them to support with facts. They should tell this House whether the amount they are requesting for now is adequate to complete the building so that we do not have another figure coming up somewhere in the main Budget. We should complete Bunge Tower once and for all in this Supplementary Budget.

The Temporary Chairperson (Hon. Omboko Milemba): Very well. Finally, on this Eng. Paul Nzengu.

Hon. (Eng.) Paul Nzengu (Mwingi North, WDM): Thank you, Hon. Temporary Chairperson. In as much as we appreciate this is a new Commission, I think this building has taken far too long and a lot of money has been pumped in. So, we need the new Commission to do an audit and report to the House the state of affairs. We are privy to the information that there are some technical hitches that are causing the delay.

The Temporary Chairperson (Hon. Omboko Milemba): Finally, Hon. Melly on this.

Hon. Julius Melly (Tinderet, UDA): Thank you, Hon. Temporary Chairperson. I just want to point out that it has taken PSC far too long, almost 15 years to complete this building. We need them to come up with a statement showing what the costs are and if the building will be completed on time so that we can settle there. Many of us are still out there in rental offices and the rents have not been paid. We normally bring our rent bills to PSC but they have not been paid. Can this be done on time? Thank you.

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

(Question, that the words to be inserted in place thereof be inserted, put and agreed to)

(Second Schedule as amended agreed to)

(Title agreed to)

(Clause 1 agreed to)

The Temporary Chairperson (Hon. Omboko Milemba): Thank you very much. Hon. Members, we are through and I now call the Mover to report.

Hon. Ndindi Nyoro (Kiharu, UDA): Thank you, Hon. Temporary Chairperson. I beg to move that the Committee do report to the House its consideration of the Supplementary Appropriation Bill (National Assembly Bill No.4 of 2023) and its approval thereof with amendments.

(Question proposed)

(Question put and agreed to)

(The House resumed)

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

Hon. Speaker: Hon. Temporary Chairperson.

Hon. Omboko Milemba (Emuhaya, ANC): Hon. Speaker, I beg to report that the Committee of the whole House has considered the Supplementary Appropriation Bill (National Assembly Bill No.4 of 2023) and approved the same with amendments.

Hon. Speaker: Thank you. The Mover.

Hon. Ndindi Nyoro (Kiharu, UDA): Hon. Speaker, I beg to move that the House do agree with the Committee in the said Report.

I also request Hon. (Dr) Pukose to second the Motion for agreement with the Report of the Committee of the whole House.

Hon. Speaker: Hon. Pukose.

Hon. (Dr) Robert Pukose (Endebess, UDA): Hon. Speaker, I second.

(Question proposed)

(Question put and agreed to)

Hon. Speaker: Mover.

Hon. Ndindi Nyoro (Kiharu, UDA): Hon. Speaker, I beg to move that the Supplementary Appropriation Bill (National Assembly Bill No.4 of 2023) be now read a Third Time. I also request Hon. Murugara to second.

Hon. George Murugara (Tharaka, UDA): Hon. Speaker, I second.

(Question proposed)

(Question put and agreed to)

*(The Bill was accordingly read
the Third Time and passed)*

MOTION OF ADJOURNMENT ON A MATTER OF URGENT NATIONAL IMPORTANCE

PUBLIC INTEREST AND NATIONAL CONCERN ON THE LGBTQIA+ COMMUNITY IN KENYA

Hon. Speaker: Hon. Members, we have now finished the Supplementary Appropriation Bill. Given the number of Members who showed support for Hon. Mwalyo's Motion of Adjournment, I will stay the next Order which is a continuing debate on the proposal to amend the Constitution and move the House to start debate on the Motion of Adjournment. I also want to encourage Members that the subject matter that Hon. Mwalyo is bringing to the Floor is highly emotive and definitely divisive. I want to encourage all of you who want to contribute, and who will contribute, to moderate your language and speak on the matter with sobriety and maintain the dignity of this House. That being the case then, we will guide the country accordingly. There should be no unnecessary passions and emotions. Let us avoid any unnecessary altercations between Members.

Hon. Mwalyo.

Hon. Joshua Mwalyo (Masinga, Independent): Hon. Speaker, I beg to move this Motion by giving a background of events. The Supreme Court okayed a plea which was requested by the National Gay and Lesbian Human Rights Commission (NGLHRC) to be registered as a Non-Governmental Organisation (NGO) by the NGOs Co-ordination Board which had contested the request for registration due to some obvious violations reflected in the

Penal Code and such other Acts, including but not limited to the NGOs Co-ordination Act and Sexual Offences Act (No. 3 of 2006).

Since the decision was pronounced, there has been public outcry regarding the moral course we, as a country, are taking. Our principles, norms, values and practices have never been anchored on undefined and uncharacterised sexual orientation for as long as our existence can be traced and documented.

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

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

It is prudent to note and appreciate that all acts of unnatural sex and associations have been criminalised in the Penal Code (Chapter 63 Laws of Kenya) as further read with the Sexual Offences Act (No. 3 of 2006). The ruling by the apex court presents an unforeseen avenue that will open a floodgate of unprecedented acts and activities where groups and associations are likely to register their associations citing existence of the very right exercised by the NGLHRC. The same shall be cited as legal procedure to argue reasonable grounds for such registration.

On 2nd April 2013, NGLHRC attempted to reserve a name for registration as an NGO with the NGOs Co-ordination Board but the names were deemed unacceptable. In April 2013, after three attempts to change the name, NGLHRC sought services of an advocate and filed a petition at the High Court of Kenya, Petition No. 44 of 2013. On 24th April 2015, the High Court of Kenya delivered the first judgement by a three-judge Bench confirming freedom of association for people of diverse identities and expanding Article 27 of the Constitution to include non-discrimination of people.

In April 2015, the NGOs Co-ordination Board appealed the court's decision at the Court of Appeal after they felt dissatisfied by the High Court's findings. On 29th March 2019 the Court of Appeal dismissed Civil Appeal Number 145 of 2019 and thus confirmed the right of association for LGBTQIA+ people. Thereafter, the NGOs Co-ordination Board appealed the Court of Appeal's decision to the apex court, the Supreme Court. On 24th February 2023, just the other day, the Supreme Court of Kenya affirmed the decision of the High Court and the Court of Appeal to allow registration of National Gay and Lesbian Human Rights Commission as an NGO with the words "Gay" and "Lesbians" in the title.

If this matter is not mitigated, we risk to inject bad morals in the society. This poses even greater danger to the school-going children who are at a high risk of adopting lifestyles which are erratic and contrary to their upbringing. As I conclude, the Bible says in the book of Genesis 1:27-28 that when God joined a man and a woman he told them, "Multiply and fill the earth." Now, the question is: will a man and another man multiply and fill the earth? Can a woman and a woman be able to give birth and multiply as the Bible has said?

I, therefore, want to move this Motion so that we can debate and advise this country and the people that elected us that we are not part of this judgement.

Thank you, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Peter Kaluma): Thank you, Hon. Mwalyo. So that we can get the perspective of the other religion, may we have Hon. Mishi Mboko, the Member for Likoni and Commissioner.

Hon. Mishi Mboko (Likoni, ODM): Asante sana, Mhe. Spika wa Muda. Nataka kuunga mkono Mheshimiwa mwenzangu kwa sababu ya kuleta Hoja hii. Naona imezua tumbo joto sana katika nchi yetu kwa sababu imegusa mambo ya maadili yetu sisi kama Waafrika, Wakenya, Wakristo, Waislamu na hata zile dini za kijamii.

Kwa hakika sisi tunaheshimu mahakama lakini hatuwezi kubali hukumu ambazo zimetolewa zitakazo athiri jamii zetu. Tunajua hivi sasa kabla ya hawa wanaojiita LGBTQIA+ kupata vibali vya kutengeza makundi yao na kutambulika katika taifa letu, kumekuwa na tetesi na hatari nyingi sana za mambo haya yaliyo kinyume na dini na tamaduni zetu. Kwa wakristo katika Bibilia tunajua habari za Sodom na Gomorrah. Katika Kiislamu ni vile vile. Je, leo watu hawa tukiwapa kipaumbele ama jukwaa ambalo watatumia kuendeleza mambo yao maovu, na machafu ambayo ni dhambi, taifa hili la Kenya tutakuwa tunasonga wapi?

Lazima tuangalie takrimu za idadi ya Wakenya inavyoendelea kwa sababu pia tumekumbwa na majanga mengi na maradhi kama vile COVID-19, saratani nakadhalika. Hivyo basi, lazima tuangalie takwimu kuhusu idadi ya Wakenya na jinsi tunavyoweza kuongeza idadi hiyo.

Leo hii tunaambiwa kwamba hawa watu watakuwa na uwezo wa kuunda kundi lao waweze kuendeleza hoja zao. Pengine swali tutauliza ni hili: wakiwa na makundi kama hayo, hoja zao zitakuwa ni zipi? Bila shaka hoja zao ni kwamba, “Oh sisi tumetengwa”. Mmetengwa vipi? Wewe ukiwa Mkenya, mume ama mke haki zako zote za kimsingi ziko katika Katiba na zimeangaliwa. Iwapo watasema wanataka makundi yatetee haki zao, tunajiuliza hizo ni haki gani? Kwangu mimi hizo sio haki bali ni upotevu na ni dhambi kubwa ambazo tunataka kuidhinisha katika nchi hii. Tunajua makundi haya yamekuwa yakifanya kazi kisiri. Yamekuwa yakifanya kile tunasema kwa Kingereza *awareness* na *recruitment*. Yamekuwa yakisajili watu katika makundi yao ili kuwaingiza katika tabia potovu kama hizi. Leo tukiwapatia ruhusa mwafaka ya kisheria kwamba wanayo nafasi ya kuunda makundi haya ama majukwaa haya na waweze kuzungumza mambo yao ambayo wanayahitaji, je, taifa hili la Kenya tutakua katika hali gani?

Nataka kumwona kiongozi wa taifa hili akizungumzia suala hili na kulikemea. Kama anavyosema yeye ni mkristo ambaye ameshika dini sana na iwapo ni mkristo kweli ameshika dini sana, tunataka kusikia sauti yake na tunataka kusikia sauti ya taifa zima la Kenya likikemea jambo hili. Tunajua ya kwamba ulimwengu umebadilika na kwamba kuna mambo mengi ambayo lazima yawe yamebadilika. Ingawa hivyo, hatutakubali kubadilika kiwango cha kwamba tutakwenda kinyume na dini zetu na maadili yetu kama taifa. Ukiangalia Katiba yetu kuna sura ambayo imezungumzia maadili ya kitaifa. Je, katika maadili ya kitaifa, mmeona mambo ya wasagaji na mambo ya mashoga? Pole kwa sababu lugha hii pengine itakua ni lugha potovu lakini ndivyo inavyoitwa katika Kiswahili. Mwanume kwa mwanume itakuwa ni mashoga, Mwanamke kwa mwanamke itakuwa ni masago.

Tunajua kuwa watu hawa na haya mambo wanayoyafanya ni mambo mabaya ambayo yanatuletea maradhi, haswa wasagaji. Vifaa wanavyotumia vinaleta saratani za kizazi katika kina mama. Jambo hili hatutalikubali. Iwapo watu wetu wataiga tabia hizi na ziwaingie katika nafsi zao, basi itakuwa mtoto wa kike hatapata mume wa kumuoa na mtoto wa kiume pia hatapata mke wa kuo. Kwa sababu athari huanza pole pole. Unapona moshi ujue moto upo njiani waja na wakati. Je, tutaweza kuzima moto wa dhambi hizo? Watoto wa kiume tunawaenzi, vile vile wa kike ndiposa Mwenyezi Mungu alipomuumba Adam, alimtoa Hawa kutoka kwa Adam ili tuweze kuzaa na kuweka ulimwengu wetu katika hali ya usawa.

Jamani tunataka kusikia sauti ya Rais ikikemea jambo hili. Tunataka kusikia sauti za Mawaziri na vitengo vyote vya Serikali. Wabunge wenzangu tukemee jambo hili. Jambo hili likikubaliwa basi sisi tumeangamia na umma pia umeangamia. Hatutaweza kuwa na watoto wa kike wala wa kiume. Maanake kama mtoto wa kiume atavaa kama mtoto wa kike, na atake kuziiga mpaka tabia za kike, je, sisi tutakuwa na watoto wa kike tofauti na wa kiume kweli? Hilo ni suala nyeti kwa hivyo tutafakari ya babu. Tujiangalie, tujinasue, na tujiulize kama taifa hata kama tunataka kusaidika....

The Temporary Speaker (Hon. Peter Kaluma): Asante sana, Mhe. Mboko, kwa maono hayo. Mhe. Rindikiri Mugambi, Mjumbe wa Buuri.

Hon. Mugambi Rindikiri (Buuri, UDA): Thank you, Hon. Temporary Speaker. I stand here as a Christian to oppose this LGBTQIA+ movement. I am very uncomfortable with it. Our social fabric has now been attacked by an institution that we thought would take into consideration the survival of our future generations. From what we have seen in the Supreme Court, we will most likely get a human and animal movement tomorrow demanding for the right of association because there are some human beings with an appetite for animals. They will also go to court to demand for their rights. This case has set a precedent and we should expect anything from our Supreme Court.

I join other Members in opposing this because this is a very serious matter. They have no regard for the survival of humanity in Kenya. This is foreign behavior, which is common in affluent communities. It is not common in rural areas. It is not common in areas that preach religion, for example, among Muslims, Christians or even Hindus. More than 90 per cent of Kenyans worship God. The perpetrators of this funny behaviour do not even constitute 0.00001 per cent of our population. I thought that the Chief Justice of Kenya is a mother and the Supreme Court Justices are fathers, brothers and sisters. Did they really make that ruling knowing full well that this matter would generate a lot of heat in our circles?

The time has come for us to preserve our dignity as Kenyans. We cannot allow an institution in the name of the Supreme Court to tell us to subscribe to whichever sexual orientation we want because it is a human right. There must be a limitation on human rights and association.

Hon. Temporary Speaker, I am not a lawyer, but you are. I am sure that in your understanding, that judgement did not take into consideration the implied expectations of majority of Kenyans. We ask the Supreme Court to review its judgement and to listen to the majority of Kenyans. We ask the Supreme Court to look at what the Constitution provides in terms of human rights. This matter has been lying in the Supreme Court for many years. It is our Supreme Court, which has a history of making funny judgements that made this ruling. Chief Justice of the Republic of Kenya, Hon. Martha Koome, please, relook at that. You have condemned our society and the lives of our children. You are telling us that Kenyans can do anything. It is a shame! It is a shame! It is a shame! I am ashamed by the decision of the Supreme Court. We must condemn it. If there is anything that should bring us together, then it is this. I am also waiting for *Baba* to comment on this matter.

The Temporary Speaker (Hon. Peter Kaluma): Thank you, Hon. Rindikiri, for urging everybody to add their voice to this matter.

Hon. Wilberforce Oundo, Member of Parliament for Funyula.

Hon. (Dr) Ojiambo Oundo (Funyula, ODM): Thank you for this opportunity, Hon. Temporary Speaker. I thank my colleague for bringing this Motion to the Floor of the House. I am a Catholic from birth and I must declare my interest from the word go. As Catholics, our dogma and teachings are expressly clear on sexual orientation. There could be other Christian sects that have a different view about this matter, but as a Catholic, that is my foundation. The book of Leviticus states that if a man has a sexual relationship with another man, they have done a disgusting thing and both shall be put to death. They are responsible for their own death.

There is no other way. The national values in the Constitution of Kenya are expressly clear. I would like to read Article 11 of the Constitution on the culture of Kenya. It is also very clear.

“11. (1) This Constitution recognises culture as the foundation of the nation and as the cumulative civilisation of the Kenyan people and nation.”

Hon. Temporary Speaker, what does our culture say? A man shall leave his father's house and together with the woman he finds, start a home. Our culture never contemplated or talked of any other arrangement other than what is expected. The same book of Leviticus states that if a man has sexual relations with an animal, he and the animal shall be put to death.

Bad sexual habits or orientation are classified together. Whatever they call themselves, they are akin to people who engage in sexual relations with animals. We categorise them as the same.

Many of us were alarmed and flabbergasted beyond recovery when we heard about the Supreme Court ruling. We have been very suspicious of the current Supreme Court and our fears have now been confirmed. We might probably need to look at the way the Supreme Court in the United States of America is structured so that we find a balance between alarmists, those who simply want to destroy this society, and those of us who value the culture of Kenyans.

Honestly speaking, I do not even understand it. There are some things that are beyond my understanding. Regardless of my level of education and exposure, I cannot understand how a reasonable and sane man can leave a beautiful woman to be with a man. If there is anything that God created as the best thing in this world in the eyes of a man, it is a woman. I cannot understand how a man can admire another man. Even looking at the structure of the body of a woman, I cannot understand how a woman can admire another woman. I do not know what they do when they are together. There are some things that I just do not understand.

I am not an advocate. Sir George, who is an advocate, is here. The Speaker is an advocate. You have to guide us. I am just at a loss. I do not even know how to talk to my grandchildren when they tell me that the Supreme Court has made some ruling. We need divine intervention. Unfortunately, some Christian denominations support this kind of deviant behaviour. Probably the Supreme Court and our youths are taking cue from these churches masquerading as Christian churches. In western countries, they even contemplate and allow two men to get married. May the Almighty God strike them dead before sunrise.

Thank you, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Peter Kaluma): Does the Leader of the Majority Party want to contribute? Proceed, Sir.

Hon. Kimani Ichung'wah (Kikuyu, UDA): Thank you, Hon. Temporary Speaker, for the opportunity to contribute. This is not just a matter of faith, but one that touches on our national morals, values and culture as a people. From the outset, I want to state that I am a Presbyterian. I heard the Member for Funyula say that he is Catholic. I am Member No. 39 in Gikambura District of the Presbyterian Church of East Africa, the Revered Musa Gitau Church. I do not even want to mention those who advance those things, but they are people who have their own countries and cultures. We respect their culture and they must equally respect our culture as Africans and as Kenyans. You cannot force down the throats of Kenyans cultures that are alien to our nationality and Africanness. I want to avoid going for the Supreme Court in any manner because they have a duty and an obligation under the law to interpret the Constitution in the best way they think it should be construed. However, even the Supreme Court's opinion was varied and it is only that the majority decision had their way but the minority had their say.

I want to identify myself with the opinion and the views of the minority in the Supreme Court. We shall not allow and we must never allow our country to take up alien ideas and cultures because we are a country that tends to copy a number of few good things from other cultures. Our laws are quite clear. Our penal code outlawed issues to do with homosexuality. Therefore, it was absurd that a good number in the Supreme Court did find it fit to allow something that is already outlawed under our laws. And that you could now allow people to associate. What happens if all the pickpockets in our streets decide that they have rights and they want to form their association of Nairobi Streets Pocket Thieves? Bank robbers may also decide in future that they also have certain rights under the Constitution, for instance, the right of association. The Constitution also states that your rights are limited.

The Temporary Speaker (Hon. Peter Kaluma): Leader of the Majority Party, would that be the Bank Robbers Association of Kenya?

Hon. Kimani Ichung'wah (Kikuyu, UDA): Yes, it could be the Bank Robbers Association of Kenya. You may find rapists in future saying that they are the Association of Rapists of Kenya and have the right to do whatever they want to do with whomever they want. They could argue out that in a court of law, they are guaranteed their right and freedom of association. We must also know that our Constitution limits everybody's rights, especially where they in a way overstep and interfere with the rights of others. We are also to enjoy our religious rights to worship and our own cultures.

We must protect our rights. As the Leader of the Majority Party in this House for the time that the Almighty God grants me the opportunity to serve, I will not allow that. And just as I said elsewhere, I will mobilise this House and any other office in this Republic to ensure that we protect the laws that have outlawed homosexuality, lesbianism and all those other things that are abominable under our culture and religions. We must protect our culture and our being as a people. If there is anything I agree with our good friend, President Yoweri Museveni...

The Temporary Speaker (Hon. Peter Kaluma): Give him one minute. He is the Leader of the Majority Party.

Hon. Kimani Ichung'wah (Kikuyu, UDA): Thank you, Hon. Temporary Speaker. I was saying that if there is anything that I support President Yoweri Kaguta Museveni for, it is the issue of LGBTQIA+. I will not go to the extreme way of dealing with them but we must be forthright as a nation to protect our cultures, religions and beliefs. We must not allow those countries from the West who believe in those things to force it down our throats. They can continue to believe in whatever they want to. They must respect our culture, religion and the things we believe in but not shove their beliefs down our throats. We want to raise our children in an upright country and a society where they will enjoy to grow the way we did with morals and good ethics. We can then all be proud to raise our kids.

With those remarks, I support Hon. Mwalyo on this Motion. Thank you.

The Temporary Speaker (Hon. Peter Kaluma): Thank you, Leader of the Majority Party. Hon. Farah Maalim.

Hon. Farah Maalim (Dadaab, WDM): Hon. Temporary Speaker, I do not know where the world is going to. This is abominable. It is a decadent and obnoxious behaviour. I wish Hon. Babu Owino was here to give me all those adjectives that he normally uses for these things. Those people who support such things are dead as human beings. In my faith as a Muslim, people who engage in such acts deserve death penalty. I am proud of that and I do not care what someone else feels. The West has never been a moral authority. These are the people who enslaved and colonised us. They treated us like animals and they now want to tell us to behave like animals. The next thing that is going to come up is...

The Temporary Speaker (Hon. Peter Kaluma): Hon. Farah Maalim, which animals engage in homosexuality?

Hon. Farah Maalim (Dadaab, WDM): Hon. Temporary Speaker, you are right. I am sorry. I withdraw that bit in the interest and respect for the animal kingdom. The animal kingdom never engages in that. The next thing they are going to tell us is that a man has a right to marry another man or a woman has a right to marry another woman. What is that? God created a man and a woman and it is in all the Abrahamic scriptures. It is in Islam, Christianity and Judaism. We must not allow them to take over our lives. We have allowed them for far too long to exploit and dehumanise us as human beings. On this, we will say no. If you are going to come up with travel restrictions, keep your country, cultures and nonsense to yourselves. In this case, I am talking to the West.

The Supreme Court does not make laws but interprets them. Hon. Temporary Speaker, you are a legal mind and I am also a legal mind and we know that sodomy is crime in our books. How should they come about now to tell us that they should be allowed to associate?

As the Leader of the Majority Party said, this is like saying that there is the right of association of bank robbers or murderers. In the United States of America, there are a number of states that prescribe death penalty. The death penalty is for crimes like murder and the biggest number of people who are on the death row are blacks. In States like Texas and a number of others in the USA where there are Republican governors, they execute them. We cannot go there and tell them to not take away lives. They will tell you that these are our laws.

Hon. Temporary Speaker, they try to legislate from the Bench by trying to look politically correct with the western world. They do not deserve to sit as a Bench. There is a need for us to bring a Motion in here to ask them where they got that piece of legislation. Here is the Act that criminalises homosexuality. We must take them to task on that. As for us, I think that we should pass capital punishment on such offences. They have capital punishment on murderers and on other people, most of whom are framed black people in the United States of America and we cannot interfere with their laws. They go on killing those people there because they say they committed murders. Here we are telling them this thing is worse than murder for us in our cultures as Africans. Black people and...

Hon. Temporary Speaker can you add me one more minute as a ranking Member and a former Deputy Speaker? Two minutes, please.

The Temporary Speaker (Hon. Peter Kaluma): Hon. Farah Maalim, the Speaker has not spoken.

Hon. Farah Maalim (Dadaab, WDM): Oh! Okay.

The Temporary Speaker (Hon. Peter Kaluma): You have two minutes and do not request more.

(Laughter)

Hon. Farah Maalim (Dadaab, WDM): Thank you, Hon. Temporary Speaker. We take charge of our destiny. They are going to legalise *marijuana*. Very soon they are going to legalise drugs which are going to destroy our future generation. It is my humble opinion that we take charge of our countries. We are independent, sovereign, and we have our cultures. Our cultures do not conflict. African cultures on some of these fundamental issues are the same. It does not matter whether you are a Christian, Muslim, or a traditionalist. We all have a common culture regarding such things. It is my humble opinion that we should change that piece of the Act itself and prescribe capital punishment for people who can be proven to be engaging in this kind of thing.

Regarding capital punishment, for Muslims, where there is a serious Islamic State that follows scripture, they carry out capital punishment on them. They do not deserve to live, in my humble opinion. They should not. Yes, indeed.

The next thing that is going to come to us is for them to say that one has a right to marry a dog, an ape, or anything. Just imagine a day in which someone will come and say, "This goat is my wife" or "This ram is my husband and this is my right of association where I have chosen to have it as my husband". That is the direction they are heading. We are not going to be part of that. The earlier we put our foot down the better. They give us nothing; they only take things from us. The earlier we put our foot down very hard and say, "on this one no," the better. I commend such countries like Uganda and their President His Excellency Yoweri Museveni, the President of Malawi and, of course, the late Robert Mugabe. We know the late Mugabe was one guy who called out these things many years back and told them they are nations of gays and lesbians.

It is something that we frown upon. We see them as sub-humans. How does a sub-human tell you what to do and how to live your own life? We must stand our ground as a

continent. We are the leaders of this country and that should never be allowed. They should never be allowed to bring this decadent, obnoxious, non-African culture to us.

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

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

Let us have the Chairperson of the Justice and Legal Affairs Committee, Hon. Gitonga Murugara, the MP for Tharaka, now that we are talking about the Supreme Court.

Hon. George Murugara (Tharaka, UDA): Thank you, Hon. Temporary Speaker. Allow me to also voice my concerns about this decision. At the outset, let us say we are not as a House attacking the Supreme Court, but we are expressing a different opinion from what they rendered. We may not speak as a court, but we speak on behalf of our people who have elected us to represent them here. Therefore, our voice is the voice of the people, while their voice was the voice of the court. I agree with the sentiments expressed by you and others that this is a decision that should not be left to stand in our books. We should move with speed, bring together the Supreme Court Judges, the seven of them, and let them listen to us as lawyers as we urge them to review the decision and set it aside.

We know very well we cannot compare law with morality, but sometimes moral issues supersede the law. In fact, in most cases where the law becomes repugnant to morality, then that is extremely bad law and it should be dealt away with. It is quite clear from our books that some of these things in LGBTQIA+ are outlawed. Therefore, anything associated with those characters cannot be allowed to stand against the morals of the people of Kenya, whether it is sodomy, lesbianism, queerness or anything that is outwardly practised by these characters who say they have human rights. They may have their rights in private and I am sorry I shiver and shudder when I imagine what they do in private because it is repugnant, especially to us Africans.

It is also important to condemn those who come with these ideas. This is why today we celebrate the President of Uganda, His Excellency Yoweri Museveni, the late Robert Mugabe of Zimbabwe and sometimes it appears Idi Amin himself was a saint because he was condemning such things those days despite being incited by these same Europeans and Americans to kill a few Ugandans. Therefore, we as Africans must stand up. We must stand to be counted. We must tell these Europeans and Americans that for the little money they are enticing us with... I am told they are even offering relief food to Kenyans so that you can legalise things like these. They have been approaching our organisations, including the Kenya National Commission on Human Rights offering tokens so that they can promote the rights of such characters. Thank heavens these commissions and organisations have said no to their little tokens. Let them keep their habits in Europe and America. Let Africans keep what we consider to be morally upright and suitable for our society.

Look at the people who are telling us today that these are human rights! They are the ones who came here and the first thing they did was to point out that Africans do not marry out of love but do purchase wives because they are polygamous. Which is better comparing the two? Polygamy or such queerness they are advancing to us? Polygamy has nothing wrong in terms of morals. It is upright and it should have been encouraged. They are the ones who also came and told us that we do not know how to live, that our customary laws are repugnant to justice and morality and many other things. Those are the laws that kept us Africans within the fabric of a good family which we have maintained to date. Therefore, this ruling should be re-examined through a review. If, say, the review is denied, rest assured, as House, we will move to outlaw everything they have done because we have the power to do so.

I support the Adjournment Motion.

The Temporary Speaker (Hon. Peter Kaluma): Thank you. Hon. Patrick Makau are you on intervention, or do you want to contribute?

Hon. Patrick Makau (Mavoko, WDM): Thank you, Hon. Temporary Speaker. I cannot add more since many speakers have spoken. This Parliament is the most important arm of this Government. We cannot allow the courts to legislate from their benches. Article 11 is very explicit about respecting African traditions and cultures. The Supreme Court, which is supposed to be constituted of well-learned men and women, cannot lead this country into making us believe that the LGBTQIA+ and those likes are supposed to be given space in this country. That is not African. It is un-African. There is no religion that ascribes to any of those. It is high time this Parliament expressed itself in all ways—through media houses and *barazas*. We must condemn the ruling by the Supreme Court. It is high time the Attorney-General of this country appealed this ruling. The five judges who passed this kind of judgement favoured a group of people that is going to encourage other groups. Then, we should have the *Mungiki*, the *Al-Shabaab*, rapists, and murderers allowed by the same Supreme Court to form alliances and associations. When I look at that Bench, none of them is less than 40 years old. What are they telling our young children and generations? I am made to believe that the former President of the United States of America, Donald Trump, did not support this neither does President Museveni.

I agree with the speakers here who are saying we should not just be made slaves because we need funding from the West. This thing of being told that we must admit and accept certain laws before we are given money from the International Monetary Fund and the World Bank is strange to us. We must tell them. I know they forced on us Genetically Modified Organisms (GMOs) and we know the reason they did that. Now they are here telling us that we should have a man and a man marrying each other. I cannot imagine myself seeing a man and having a hard on. That is against African traditions. I must see a woman then feel like that. I am a fan of the National Geographic that has a lot of documentaries. I watch it. You will see male animals attracted to females, fighting to death. I have never seen a male animal raising to satisfy itself sexually on another male animal. So what are they telling us?

I want to hear the leadership of this country speak against this issue. In fact, I think the President of this country should write immediately to the Attorney-General to appeal this ruling. It is not bearable. Yes, Kenya has Christian, Muslims, and many other denominations. However, our Constitution is supreme. Article 11 expressly says it. Prof. Yash Pal Ghai and his commission spoke about it; Bomas 1 and Bomas 2 were against this thing. How can we then, in 2023, admit the gays and lesbians of this world to rule this country? From my seat, I am telling the people of Mavoko whom I represent, to tell gays and lesbians, if they see them, to be wary of me. I am going to tell you what you are going to do with them. We cannot allow that as Kenyans. We must condemn this ruling by all means, even if it means us calling those judges to apologise to Kenyans and say they judged and ruled when they were not sober. This House has a role to legislate and make laws that befit this country. Let us not forget our mandate. Let us stand by virtues.

The Temporary Speaker (Hon. Peter Kaluma): Let us have Hon. Johana Ng'eno.

Hon. Johana Kipyegon (Emurua Dikirr, UDA): Thank you for allowing me to ventilate on this matter.

From the outset, I just want to say that Article 1 of the Constitution talks about the supremacy of the Constitution and the people. When it talks about the supremacy of the Constitution, it says clearly that this Constitution is supreme to any other law. No law, including customary law, is superior to the Constitution. Any other law trying to supersede the Constitution is null and void.

When you talk about customary law, it is the same as talking about any other law created in this House. We are the people who pass the laws of this land. We amend and create laws. If that law goes against the Constitution of this country, it is declared null and void. It is the same case with the laws made by courts—whether it is Magistrates' Courts, High Court,

the Supreme Court or the Court of Appeal. Whenever they pass any judgement, most of their judgements are deemed precedents and they are used in courts as law. The ruling by the Supreme Court, whichever way it was, has gone against Article 11 of the Constitution. Therefore, it means that judgement by the Supreme Court is null and void because it is against the Constitution. There is nothing else we can say about it. We will still consider in this House that that law never existed; that judgement was never made. We will just consider it as if there was nothing done. If the Supreme Court judges were six or seven, they sat in vain. Whatever decision they made in that judgement was in vain. Article 11 is very clear that no same-sex marriage is allowed in this country. No same-sex relationship is allowed in this country. No same-sex penetration is allowed in this country. When these courts declare or presume to be making a declaration that they are making a judgement or giving a ruling to allow these people to have a relationship, look at one another, and have some association, it is going contrary to the Constitution.

I will say just as my senior has said. Do we need to tell these judges to revoke? Do we need to create what we call review? Do we need to pass a restrictive law in this House? I do not want to pre-empt because there was an intention by a Member to bring a law in this House for us to pass. It is a law that would illegalise any act of association, penetration, and marriage on all these people who call themselves gays and lesbians. We will pass that law speedily. It will now be upon the courts to make a decision whether the passage of that law or that law is against the Constitution. We are really waiting for that time.

I do not know if some of these decisions are based on whatever those people want to give to our country. Some of us may not want to be beggars. Some of us may not want to sell our birth-right. Some of us may not want to exchange our humanity with money. We tell the Supreme Court to read the Constitution of Kenya, Article 11. It says that same-sex marriage is illegal; same-sex association is illegal; same-sex penetration is illegal.

Hon. Temporary Speaker, I thank you very much.

The Temporary Speaker (Hon. Peter Kaluma): Hon. Jackson Kosgei, Nominated MP.

Hon. (Dr) Jackson Kosgei (Nominated, UDA): Thank you so much for giving me this opportunity.

I want to begin by saying the purpose of government is to protect the freedom and dignity of its people and the natural right to self-preservation. The natural right to self-preservation talks about family. Any time we begin to redefine and weaken the position of family, we are endangering the natural right to self-preservation as a community. The Supreme Court's decision used its privilege to allow what is known in the streets as the tyranny of the minority over majority.

The population of the whole world is about 7.9 billion people out of which 2.4 billion are Christians, 1.8 billion are Muslims, 1.3 billion are Hindus, and 0.6 billion are Buddhists. The rest are represented by the remaining figure. You can tell that over 80 per cent of the total population of the world believes in creation. They believe in heterosexual relationships (a relationship between a man and a woman) not only for pleasure, love and relationship but also for procreation and survival of the human race.

If this has been done and if the ruling by the Supreme Court is cast in stone, I do not think it can overturn our Constitution. We are going to invoke, This House is an arm of Government. When such situations that are endangering the lives of our people happen, we must take it to the referendum where Kenyans will have an opportunity to speak. We cannot be dictated upon by a civilisation on its lowest ebb in history.

Finally, let us look at the impact of this exercise that they want the whole world to accept. Caucasians are facing the danger of being a minority in the world at the moment because of a dwindling population growth. Trajectory shows that in the next 30 or 40 years the population of Europe will be very low and they will have to take up Africa which is growing

and Eastern Europe to be able to carry on what they are doing. Is this what they want to import to Africa and the rest of the world? To finish our population? We must say no as a matter of survival and as representatives of our people.

Thank you, Honourable Temporary Speaker.

The Temporary Speaker (Hon. Peter Kaluma): Thank you very much. Honourable Timothy Wanyonyi, the Member of Parliament for Westlands.

Hon. Tim Wanyonyi (Westlands, ODM): Thank you Hon. Temporary Speaker for giving me a chance to also contribute to this Motion. How do you call this thing in your mother tongue? Is it described in African languages? How is it called? It does not exist and it has never existed.

In the history of Kabaka Mwanga of Uganda, the small boys, the pages, were used as pets for this kind of thing by eunuchs. This is what these people want to teach us. I remember we once visited the Pope as Catholic Members of Parliament. He advised us to always come into Parliament armed with our faith and legislate while remembering that we are Christians. We should not leave our faith outside Parliament. We have our African values that do not prescribe such kind of behaviour. As parents, we must be worried because our children are being targeted. It is infiltrating our colleges and higher learning institutions. This is what they are trying to enforce. In the 11th Parliament, there was a Member who attempted to introduce a Bill that was meant to protect the rights of homosexuals. We realised that and rejected it

What the Supreme Court did is making judgement by disregarding all the values of our society and the nation yet they want us to believe that the ruling is meant to protect the rights of the people. How do we recognise an amorphous group that is not recognised by our laws and the Constitution? We cannot do that. We have the right of association. There was a group from South Nyanza that demanded to be recognised. They wanted night running to be recognised as a sport in the Olympics.

Hon. Temporary Speaker...

The Temporary Speaker (Hon. Peter Kaluma): Honourable Caroli Omondi is laughing because he knows where those people come from.

Hon. Tim Wanyonyi (Westlands, ODM): Many other groups will also come on board to demand their rights to be recognised because they belong to various associations. If we allow that, we will be wiped out from the face of the earth. If we cannot procreate, we will not have a future generation after us. In Europe, the older generation is more than the younger generation and there is a very huge gap between the old and the young people. We must guard ourselves. We must protect our culture and we must protect our children. We must also reject anything that will destroy our values.

Thank you, Hon. Temporary Speaker, for giving me a chance to contribute to this Motion.

The Temporary Speaker (Hon. Peter Kaluma): Honourable Yakub Adow the Member of Parliament for Bura Constituency.

Hon. Yakub Adow (Bura, UPIA): Thank you, Hon. Temporary Speaker for this opportunity to add my voice to this important Motion. I thank the Member who initiated this Motion.

It is a very sad day for our great nation. Even talking about this topic is bad. Hon. Ng'eno found it difficult to pronounce the bad names. I feel bad just by talking about it. I am a Muslim by faith. The Quran in Chapter 16, Verse 72 says:

“And *Allah* has made for you of yourself spouses and made for you from your spouses sons and daughters and grandchildren”.

I challenge anybody who is pursuing this to show us any offspring raised from this association. We go further in reference to chapters in every faith be it Christianity or Islamic that condemn and illegalise that kind of association. I do not even want to mention the name.

I condemn the Supreme Court decision on this issue and associate myself with the opinion of the minority judges. I laud His Excellency Yoweri Kaguta Museveni, the President of Uganda for taking the bold step. I am told that there was a heavy downpour after he assented to that law. I believe, as a Muslim, that the many problems and challenges we are facing on this earth is because of such kinds of vices which the West intend to bring in our midst. It is time we stopped sitting on the fence and burying our heads in the sand. Let us come forward to challenge this vice that is being brought to our youth.

Thank you.

The Temporary Speaker (Hon. Peter Kaluma): Hon. Caroli Omondi, Member of Parliament for Suba South

Hon. Caroli Omondi (Suba South, ODM): Thank you, Temporary Speaker. For the record, night running is one of the indigenous sports.

(Laughter)

I rise to add my voice to this Motion. I would like to begin by stating that I firmly believe in the natural order of things. Like magnetism, opposites attract. I also appreciate the genius of God in creating the instruments of affection and attraction between people of different sexes and making them to have universal application and standards, if you know what I mean. However, life has its own complications and contradictions and so does nature. If you may remember, the very smart people who drafted the American Declaration of Independence – Thomas Jefferson, George Washington and the rest – said that all men are created equal, that they are endowed by their creator with certain unalienable rights, that among these are life, liberty and the pursuit of happiness. Yet these men with such elevated ideas and statement owned slaves. There are many contradictions in the way human beings live and conduct themselves and so is nature.

If you look at the abbreviations of the topic we are talking about, “LGBTQIA+”, some of them present very complicated medical conditions. For example, in transgender, someone’s gender identity is very different from what is typically known to humanity. In intersex, one is endowed with both sexual organs. It is easy to talk about lesbians where a woman is attracted to another female or gays where one is attracted to people of the same sex. If one is bisexual or queer, queer is where gender is fluid. There is a new one being questioned where one is still not clear what their gender identity is. Where one is asexual, there is no sexual attraction. These things present very complex issues. I see a lot of passion and interest on this matter. However, I want to urge tolerance. We all remember one famous man called Galileo Galilei who discovered that the earth orbits around the sun and the sun is always at its meridian. However, the Catholic church called this heresy and sentenced him to life imprisonment and he died in prison. That was called intolerance.

I am a Catholic and I profess that faith. On Tuesday, 24th January 2023, Pope Francis uttered the following words: “Criminalising homosexuality is unjust. God loves all his children just as they are. Being homosexual is not a crime.” While I understand and agree that this is not part of our culture and a behaviour that we should not support, I completely do not agree that we should exercise or show discrimination against LGBTQIA+ on the basis of their sexual choices and orientation. As Africans, we have experienced discrimination on the basis of race...

The Temporary Speaker (Hon. Peter Kaluma): Hon. Caroli Omondi, I will add you a few seconds. Did the Pope read Sections 162 to 165 of Kenya’s Penal Code or the Pope said homosexuality is not a crime in which country?

Hon. Caroli Omondi (Suba South, ODM): Hon. Temporary Speaker, 67 jurisdictions around the world have criminalised homosexuality. So, Kenya is one of them. The Pope is

aware of that. After all, much of our law is part of the canon law as was developed by the Catholic church. What I do not agree with is discrimination based on something that is a personal choice. I would urge that, as much as we discourage this behaviour, much of our effort be in education, better family values and lifestyles, and better family engagements. It should not be to engage in invasion of privacy as we are currently seeing. I also wonder at times why the LGBTQIA+ over exhibit themselves. I think the best policy would be: do not ask, do not tell. I urge caution that there should be no profiling of people because of their sexual choices or denial of services or isolation ...

The Temporary Speaker (Hon. Peter Kaluma): Thank you, Hon. Caroli Omondi. Is Hon. Gichimu Githinji, the Member of Parliament for Gichugu in the House? He is not in the House. Let us have Hon. Ferdinand Wanyonyi the Member of Parliament for Kwanza.

Hon. Ferdinand Wanyonyi (Kwanza, FORD – K): Thank you, Temporary Speaker for the chance. I really did not know how to listen to my friend, the previous speaker. However, he has a right to speak in this House. Please, I hope he is an African. I am upset but it is nothing personal. Let me make my point. Somebody says he is right. I want to find out. Somebody said that the Supreme Court sat; that sitting should be in vain. We should not talk about it. When I see that ruling on the newspapers, I usually remove that page and throw it away because my children may read what has been written there and I do not like that. I am an African. Please, we are Africans. We are not going to import cultures that do not add value. There is African culture and European culture.

I am not a lawyer; I am an economist. I want to be told by lawyers in this House if the Supreme Court judges are Africans. There is something that they missed. For us to be sitting here to discuss their judgement is an abuse of our culture that has brought me up to where I am today. For heaven's sake, it should not waste our time here. We make laws for prosperity. We are not just going to take something because a white man has said it is good.

I want to take this opportunity to condemn that ruling by the Supreme Court. The judges are Africans. I want to tell the President of the Supreme Court, the Chief Justice – I hope she is listening to us and following the proceedings – that that ruling was wrong. Was it because she wanted to pass time and get her salary? That was different. There are more important issues than that.

In my culture, sodomy, for example, is criminal. You do not expect a man to sleep with another man. There are beautiful girls and women out there. How do you persuade a fellow man to sleep with you then you say it is legal?

(Laughter)

My good God, please, save me from this. I want to take this opportunity to ask the lawyers in the country to condemn that ruling. The sitting they had should be in vain. I want us to discuss other things. I wish I was the last person here so that we talk about other businesses. That is unheard of. We know that happens in Europe. We have been in Europe and Asia. That kind of behaviour may be right in Europe, but it is not right here. So, I do not want us to talk about it because that is importation of culture. Africans are proud of their own culture. For us to have this in this country... Please, spare Kenya. I am part of Kenya and I do not want to hear this kind of thing. I hope I am going to be the last speaker on it. We have better business to discuss in this House than discussing about things that do not make sense at all.

I take this opportunity to ask His Excellency the President of the Republic of Kenya the following: "Please, rule this out of order. Talk about it. Uganda has talked about it. You are a Christian." We expect you to condemn and outlaw this issue. We do not want a discussion on it. I hope I am the last person to talk about it.

(A Member spoke off-the-record)

Wait a minute! I am saying that because I do not see any sense in what we are discussing. It is wrong. I support whoever brought the Motion. I was not in the House. I look forward to His Excellency making a comment on it and condemning it. I support.

The Temporary Speaker (Hon. Peter Kaluma): Hon. Wanyonyi is making a passionate presentation with the wisdom of the past. Hon. Joshua Kimilu.

Hon. Joshua Kimilu (Kaiti, WDM): Thank you, Hon. Temporary Speaker, for giving me this opportunity. I rise to speak on the matter of the national gay and lesbian rights commission that is being legalised as an NGO, as permitted by the Supreme Court Judgment of 24th February 2023. While the court judgment has opened the door for registration of that organisation, it is important to note that the decision has sparked public outrage and understandably so. This is not an issue we need to listen to as Kenyans. It is against the law, culture and values of our country. As a nation, our principles, norms, values and practices have never been anchored by and defined under uncharacteristic sexual orientations. Unnatural sexual acts and associations are criminalised by the Penal Code (Cap. 63 of the Laws of Kenya) and the Sexual Offences Act (No. 3 of 2006). By allowing the registration of the organisation, we risk a floodgate of other groups and associations registering for similar reasons.

In the Bible, God created man. And he saw it good to create a woman. This practice is not something we need to support. Shame on the Supreme Court for making such a decision! It is very bad for our generation, the young people and school children to watch us discussing such a thing because it has been legalised by the Supreme Court. When you go to a supermarket, there is an entrance and an exit, and it is prohibited to enter through the exit. I do not see how we can use our exit as the entrance. It is against the law and it is very bad. We are not going to allow our culture to be ruined by the West. We are not going to support them. If they cannot give donations to Kenyans without those conditions, let them not do it. We can stay without their donations. How can a country like Kenya, a Christian country, indulge in such acts? I urge all preachers, bishops and churches to stand firm on this issue. We need to condemn it from right, left and centre. We need to take care of future generations. We have to take care of our children. We are parents. I am trying to imagine watching such acts on TV in the sitting room. It is against the law. I cannot allow it. I urge this Parliament to stand firm and make sure that this practice is not legalised in our country, and that it is stopped completely. I support Hon. Mwalyo for coming up with the Motion.

Thank you, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Peter Kaluma): Hon. (Eng.) Paul Nzengu, Member for Mwingi North.

Hon. (Eng.) Paul Nzengu (Mwingi North, WDM): Thank you, Hon. Temporary Speaker. I rise to also congratulate Hon. Pastor Mwalyo for bringing this Motion. At the outset, I fully support it. The judgment by the Supreme Court allowing the registration of this organisation is the beginning of the killing of our society. I cannot imagine a society where a woman marries a woman, and a man marries a man. In that case, you do not expect any product from the marriage. I have read in the media that President Museveni has put some homosexuals in jail for an unknown period until they produce children. That is going to be eternity. When a man marries a man, we will have a society without procreation. In that regard, the Kenyan society will disappear at a certain time.

This is an agenda of the West and probably the East as well. Most of the people who give us money and donations for development put conditions because they are interested in our land. They see that the population of Africa is still not that high, and they want to decimate it so that they can take over from us. I agree with President Museveni when he said that he was not going to take any money, and they can take him wherever they want to. He is not going to

agree to receive donations by accepting to legalise homosexuality. I also agree with President Biden, the President of the most powerful country in the world. He pronounced himself on this matter and told men that they can never be women. They do not have a womb, ovaries or any organ that can make them women. It will be a shame to your parents. After some time, you grow old and feel frustrated and hang yourself. You will be buried but nothing will change. Your name will be written on your grave. If you had a man's name like Paul Nzengu, that is what will be written on the grave. The name will not change to that of a woman.'

I want to advise the young people in society – because this act is being perpetuated by them – that they are becoming a disappointment to their parents. It is high time we advised the young people that this is immoral behaviour and moral decay. They should refrain from it. It may be because of mis-information. I, therefore, ask the church to take leadership on this matter. Let us warn our young people from the highest levels in churches and mosques so that we can discourage them from being dragged into the practice. I ask the President of this country, because he has declared himself a serious Christian: "If President Museveni, who has not even declared himself as a Christian, has refused to bow to the pressure of the West, let Kenya not accept any monies or donations tied to legalising homosexuality." Let us pay taxes. If we must run our country, we should not run it using dirty money that is conditioned on our allowing homosexuality.

Thank you, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Peter Kaluma): Hon. James Nyikal, Member for Seme.

(Laughter)

Hon. (Dr) James Nyikal (Seme, ODM): Thank you, Hon. Temporary Speaker for giving me this opportunity. The decision in court is the actual issue. It is not even about discrimination against these Lesbian, Gay, Bisexual Transgender and Queer (LGBTQ) people forming an organisation. When you form a Non-Governmental Organisation (NGO), it means that you want to propagate it. If you do it quietly in your home, who has said... There is no discrimination about it. Whichever way you look at it, be it biologically, this is not something that we should propagate. People who find themselves there, and accept it, can do it in the privacy of their homes, and that is where it ends.

In reality, in the universe earth, all physical living and non-living things have their own properties and forces that determine their existence and powers that regulates them. Interference by human beings to change that leads to destruction and, therefore, if you are a Christian, all physical forces and factors of nature will make you say it is because of God. All religions accept a greater super-being and attribute such forces to it. If you are an atheist, you will say nature. We all know that if we disobey nature, we will be extinct. What is the purpose of mating? We can call it sex, because we add feelings to it, but it is basically mating. It is for procreation. There is no other purpose for it. So, if you promote mating that does not lead to procreation, in the end, it will be destructive. I do not see why we should pursue that. That ruling therefore, gave a provision of propagating it. You cannot register an organisation for the sake of it. The object of any group is to promote what they do, and that is where they are.

These laws of nature and of God, and what human beings will incorporate in our morals, cultures and religions, should also be in our laws. That is what we do. If you look at our cultures, religion and laws, they reject this. The Constitution is clear about married man and woman. Culture is accepted in our Constitution and in our laws where unnatural sex is illegal. What then is the argument? Probably, I cannot understand because I am not a lawyer. The argument is that of discrimination when people want to propagate something which is not

accepted to all. Our rights stop where other peoples' rights begin. In this case, I do not see what the discrimination was about and do not think there is any discrimination.

I do not agree with the judges who passed this judgement. In life, it is such laws of nature - however educated we are – be it in professions like law or engineering – that the things we study are the laws of nature by which we live. We cannot defy them. Have we not observed the bodies of our male and female? They are different. In as much as we have probably sexualized them, the main purpose of them is to feed the babies. We all look at the ladies when they have big hips. What are they? They are big pelvises for ease of delivery. That is all. God is so smart that what we admire must promote procreation of babies.

(Laughter)

The Temporary Speaker (Hon. Peter Kaluma): Kindly, give Dr. Nyikal a minute more because of his special expertise.

(Laughter)

Hon. (Dr) James Nyikal (Seme, ODM): If that is what you want, I can explain a little bit. The truth is that what we admire most in the ladies is probably the bust and hips. What are breasts for? It is for the survival of a baby through feeding. Big hips mean a lady has a big pelvis and is likely to give birth without problems. Everything in nature in terms of mating is about procreation. Leave it at that. I do not agree with the decision of these judges.

The Temporary Speaker (Hon. Peter Kaluma): Hon. Omboko Milemba, Member for Emuhaya.

(Loud consultations)

Hon. Omboko Milemba (Emuhaya, ANC): I come to Parliament very early to take care of myself. I want to caution some of the new Members who imagine that we speak because we are here. I come very early and feed in my card. Even in the previous Parliament, I sat there. That is who I was then, and will continue so. Just try and come early to the House.

The Constitution is supreme.

Article 1(1) says that:

“All the sovereign power belongs to the people of Kenya and shall be exercised only in accordance with this Constitution.

(2) The people may exercise their sovereign power directly or through their democratically elected representatives.”

That is where I will begin and end. If the Supreme Court judgement is not in line with Article (1) and (2), then, it is null and void.

Be that as it may, I hear the voices from Members who have spoken here, the media, clergy and other people in this country pronouncing themselves on this. This is the apex court. The Supreme Court has taken a direction that is dangerous for itself. It should be highly respected and revered. However, the fact that this alone can make people rise, block and question its decision, it then means that it has taken a very wrong trajectory because it is not resonating with the people of Kenya, and is likely to lose its authority as the Supreme Court of this country. Therefore, a word of caution to the Supreme Court that any time they make laws, they should do so as per the Constitution.

Being a teacher of history, the Penal Code was brought to this country by the British in 1930 when they colonised us. It was then adopted to the Kenyan laws, and has not been changed. In my contribution later on, I will quote Justice Ouko who said that:

“Section 62 criminalises canal knowledge against the order of nature with a penalty of 14 years’ imprisonment.”

This provision is applicable to sexual intercourse between men.

“Section 63 prohibits attempts to commit the offenses criminalised under Section 62 with a penalty of seven years or above.”

This Penal Code which we are referring to was brought by the British law in 1930. They are the ones who brought it. If anyone, therefore, is quoting laws imagining that there are some foreign and other laws that are just African, I want to inform them that it was a British law in 1930.

When this matter began in the Lower Courts, High Court and the Court of Appeal, all those lower Courts refused to register this organisation because they quoted the Penal Code. They said that they could not register an organisation that would propagate the interests that are against the law. There have been several attempts to challenge the Penal Code, however none of them has been successful. You will find in this judgement I am holding that Justice Ouko is questioning the fact and he cannot support this matter because it is against the Penal Code. The Judges who went ahead to register this did referencing. One of their references was all European countries except Eswatini, where King Mswati can do whatever he wants. But none of the other references was an African state. I do not want to take extra time, because this judgement is wrong and we shall indict the Supreme Court. If possible we, as Members of Parliament and Leaders of the people, can organise demonstrations...

The Temporary Speaker (Hon. Peter Kaluma): Let us have Hon. Julius ole Sunkuli, Member for Kilgoris.

Hon. Julius Sunkuli (Kilgoris, JP): Thank you, Hon. Temporary Speaker. I stand in support. I was reading a book called *Giovanni’s Room* written in 1958. What surprised me in that book is as early as that, homosexuality was already a problem in the West. The only good thing about that time is the writer considered homosexuality as a disease. When you look at the way this disease has been spreading in the West, I am tempted to borrow the words of Sir. Michael Blundell when he said: ‘So rough a wind’. There is a wind that is blowing and it is rough. There is a temptation by one culture to come and dominate other cultures...

(Hon. (Dr) Lilian Gogo walked out of the Chamber)

The Temporary Speaker (Hon. Peter Kaluma): Why is Hon. (Dr) Lilian Gogo going out? She is supposed to be the next to speak.

Hon. Julius Sunkuli (Kilgoris, JP): Hon. Temporary Speaker, as I was saying, this is so rough a wind that is blowing, if you only knew what is going on in our schools or in secrecy in this country. The whole thing about homosexuality is on the rise. We have to be alert as institutions of Kenya. I want to request the Supreme Court of Kenya to always remember it is the Supreme Court of the Republic of Kenya, and must be like us and think like us.

In this country, Christians and Muslims are 93 per cent. We might differ a bit on the mathematics, but the Christians are 63 per cent and Muslims are 30 per cent. Each of those dominant religions believe that sex should be conducted in accordance with the order of nature. Regardless of what my friend, Hon. Caroli, has said – that he is trying to be sympathetic about how people behave – the truth is that our religions... I am a Roman Catholic and I do not believe this is the way to go. More importantly, we are Africans.

Hon. Members, let us not behave like the word ‘values’ is lost. We must have values. What do we stand for, as black Africans? It has never been our nature to behave the way the Supreme Court wants to persuade us to behave. We must stand tall and strong because of our culture. I do not know how homosexuality works. I know under the Penal Code that men are not supposed to have sex with fellow men.

Hon. Temporary Speaker, I am surprised, but because you are also a lawyer, it does not say anything about women having sex with each other. This is not even contemplated, and I think it was a very distant idea. If we want to survive as Africans and not go through the slippery road the West went through, we have to preserve our culture. The numbers in the West are reducing because they are promoting something called queer. How do you even promote this? The preservation of our dignity, faith, religion and future of our children demands us to say no to this trend that is being developed.

Hon. Temporary Speaker, I support.

The Temporary Speaker (Hon. Peter Kaluma): Hon. (Dr.) Lilian Gogo, Member for Rangwe.

Hon. (Dr) Lilian Gogo (Rangwe, ODM): Thank you so much, Hon. Temporary Speaker. I was having a little fever and almost gave up my chance. Thank you for giving me this chance to add my voice to the foregoing Motion. I want to thank the Hon. Member who has brought it to the Floor of the House.

In the recent past, we have had many court rulings that are questionable. Among the recent ones, other than the one on LGBTQ, is the idea that upon divorce, couples should have matrimonial property divided according to how they contributed towards acquiring it. I was left asking, if we all pursue property as man and wife, then who takes care of the children? The women and men will go for property because they do not know what will happen tomorrow, and the children will be left on their own.

The kind of judicial system we have in this country is adversarial to the extent that we have litigation undertaken before an impartial judge who is presumed blind, deaf and dumb. We have parties presenting their cases and depending on how they argue them out, a decision is made by the Bench. I wonder if we were ever friends of the court in this matter, as Members of the National Assembly, or any of our representatives. Once the matter has been passed, we are here condemning it and saying the judges did this and that. You realise there is separation of powers. We, as the National Assembly, must make laws, and the Judiciary must mediate upon disputes and make their own judgements. Have we failed as a House? This is the question that should rule us as we debate on this matter.

Hon. Temporary Speaker, it is despicable that we are having and breeding a society where there is no direction for our children. When was the last time you told your son how to behave in front of a girl? When was the last time I told my daughter how to behave in front of a boy? We are busy looking for money, doing our own businesses, studying, and leaving our children to technology. We buy them the most expensive phones and they go to sites that attract them. They see men marrying men, and women marrying women or women kissing women and men kissing men. There are people who are enticing those young people to engage in those kinds of activities. Where is the role of the family in socialising our own children? Before we castigate the courts, what are we doing as a Parliament? In my language, they say and I quote: “*iblaime ogwang’ to iblaime nyaka gweno?*” It means: When the chicken leaves its chicks and they are taken away, it is asked why did you leave your chicks to be taken?

The divorce rate in this country is very high. Where do we leave our children? Who will teach our children? We have people who are ready to sponsor those young men into those activities. Homosexuality is so rampant in our secondary schools. Do we have people who go to those schools to teach our children against it? Do we have people who openly talk about gay and lesbian relationships in our secondary schools, where we have our teenagers? We are here castigating the courts...

The Temporary Speaker (Hon. Peter Kaluma): I will add you 30 seconds only.

Hon. (Dr) Lilian Gogo (Rangwe, ODM): Thank you, Hon. Temporary Speaker, for that. I want to state that we have failed as a society. On this matter, we need to come out, educate our children and be there for them. We also need to come out and tell those people

who are encouraging our children into bad manners to get out of Kenya and go back to their countries.

I thank you, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Peter Kaluma): Thank you, Hon. (Dr) Lilian Gogo. Hon. Kahindi Katana, Member for Kaloleni.

Hon. Paul Katana (Kaloleni, ODM): Thank you, Hon. Temporary Speaker, for giving me this opportunity. I want to join my colleagues in condemning the ruling of the Supreme Court. As Africans, we have our own cultural values that the West, especially the Americans, must respect them. This country is guided by the rule of law; that is the Constitution. The Supreme Court contradicted itself because they had earlier on said that homosexuality is not allowed in our country as per the Constitution. How are the same Judges now saying that gays and lesbians have a right? What a contradiction!

The Supreme Court Judges must apologise to Kenyans. I am afraid that this House is slowly losing its authority to the Judiciary through the backdoor. Therefore, this House must stamp its authority. I am a Catholic by faith, and I know the teachings to not allow homosexuality. Both the Bible and the Quran pronounce themselves that marriage is for a man and a woman. What feelings would I have for another man? This is the cleverest way by the West, especially the Americans, to reduce the population in Africa, and Kenya is a target.

There is an ongoing conference in Belgium and we have a Kenyan delegation. I had the privilege in January to be in Arizona through the invitation of the Family Watch International. One of the clauses in the so-called trade was that we should embrace comprehensive sexual education for us to get aid. This is the second colonisation by the West. If we have to embrace homosexuality for us to get aid, then we do not need it in Kenya.

I am calling upon our President, who is a Christian and a family man, to address the nation on the issue of LGBTQ. I am calling upon all Kenyans from the political and religious divide to come together and condemn those activities. We all saw what happened in Kisii; young children were being asked to demonstrate homosexuality. Young children were being asked to perform homosexual practices. Those people are here. They have penetrated all the institutions of this country, and there is a lot of money in circulation. They have agents in this country.

Hon. Temporary Speaker, we should be allowed to practice what is good for us. We should not be dictated by the West, particularly the Americans. Let them encourage their bad behaviors in their country and let us be. They should not colonize us or give us aid with conditions. Look at a scenario where if my mother was married to another woman, or my father was married to another man, would I be here? What are they telling us? Even animals are not attracted to their own genders. Therefore, why are they mocking our living God? God created a man and a woman and we should condemn those acts. We should not blame anybody but, instead, come together and say: "No! Enough is enough." If it is through aid from the West or the USA, let them withdraw their aid. We do need it but let them leave us with our African and Christian values.

I thank you, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Peter Kaluma): Next is Hon. Caroline Ng'elechei. Let the voice of Elgeyo Marakwet be heard.

Hon. Caroline Ng'elechei (Elgeyo Marakwet County, Independent): Thank you, Hon. Temporary Speaker. Caroline Ng'elechei is a Catholic and, as we all know, we are in the period of lent. This is a period whereby Christian religion is observed in the liturgical year commemorating the forty days Jesus Christ spent fasting in the desert and enduring temptations. I think this is the temptation of our time. It is a period for Christians and Muslims to reflect on ecological sins and fast from habits that hurt nature. This is one of the habits that hurt nature.

I want to contribute to what Hon. Mwalyo is against. At times, when you hear things being pronounced here and there as Africans and specifically Kenyans, we should be very choosy in decision-making. We have so many problems that are affecting us which we should be spending time on in this House discussing, rather than LGBTQ. We do not need to add problems on top of others, such as is now the case.

Hon. Temporary Speaker, you can imagine a generation where men will be walking side by side with fellow men as couples! One thing that I keep asking myself is why do those people who decide to unite as homosexuals or lesbians change their ways? You find a man who has decided to be married to another man pretending to be a woman. They put on earrings and, at times, diapers to look like women or inject some hormones. Why not wear a suit and walk with another man in a suit so that we know that you are proud of whatever you are doing? I think it is about time we call out those people. Let them be sure of what they want to be. One's freedom of expression should not also affect another person's freedom. As Africans, we were told to leave our traditions. One of them was polygamy. They started by telling us to be jealous and not to share men with other women, but they are now sharing men with objects or whatever gadgets they use to satisfy their sexual desires. When you engage in doing unnatural acts, you must modify some parts of your body or bring in gadgets to help you achieve whatever was supposed to be achieved naturally.

The whole thing is ill-informed. You cannot tell a human being to resist sharing another human and tell him or her it is right to share with an object. You know those people are already in polygamous relationships. For you to satisfy another man and you do not have whatever it takes, you have to involve a gadget or an object. So, you are already in a polygamous relationship. If you ask me, we have better things to do. If we must embrace this old thing, we can make money out of it. Let us start companies to manufacture the gadgets in the Export Processing Zones (EPZ) and take them to those who want to use them. We have enough natural gadgets around us and we can utilise them. Those in need of them, we can do an EPZ factory, we do the necessary, and take to them wherever they need. However, I think that thing is not something to be discussed around us here. Three years ago, I think the Chinese manufactured something called Samantha. The women were so jealous about that Samantha thing because it is was giving us unfair competition.

(Loud consultations)

Sorry, Hon. Temporary Speaker. You know we are human beings. We are not meant to compete with objects. Samantha was using electricity. I am using blood and flesh. I want to categorically support.

The Temporary Speaker (Hon. Peter Kaluma): You have thirty seconds because you took a bit of time laughing at Samantha.

Hon. Caroline Ng'elechei (Elgeyo Marakwet County, Independent): Thank you, Hon. Temporary Speaker. The whole affair is, to me, hot air because we know that our Constitution does not outlaw sexual acts between consenting adults. At the same time, you are allowing an outlawed thing to form an association. I call it hot air and it should be neither here nor there.

Thank you, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Peter Kaluma): The Hon. Oscar Nabolindo.

Hon. Peter Nabolindo (Matungu, ODM): Thank you for giving me an opportunity also to express myself on this Motion of Adjournment that has been brought by Hon. Mwalyo. First, I take this opportunity to join hands with my colleagues who have strongly condemned the Supreme Court ruling about this issue that is burning the nation. Kenya is a very religious country. Since that ruling was made, debate has been going around this country about our beliefs. This is Africa, and we have our values, norms, and traditions that we subscribe to. This

ruling has gone against the values, norms and traditions that we believe in Africa. It is giving a very bad precedent to this country, because so many other groups are going to come up and it is going to be very chaotic. For example, we have those very many groups that believe in fantasies and fetishes; and there are those who subscribe to bestiality. They are also going to say that they want their right to associate. We have the necrophilia, who are also going to say that they want a right to associate. We have paedophiles. They will also want their rights to associate. If such rulings are made in this country, then this precedence is going to make it very complicated for this country to make decisions in future.

As a country, we should be careful of what we adopt from the Western countries, which have their own beliefs, norms, and traditions. So, it is wrong to just copy what we see on the internet without considering what the majority of people feel. Of late, the Supreme Court has been making very controversial rulings that do not go hand in hand with the beliefs of many Kenyans. I wonder why this is happening in this country, where the Supreme Court is ruling against the thoughts and ideals of most Kenyans. Even in this House, almost 100 per cent of the Members are opposed to that ruling. These Members represent the people, and this means that 99 per cent of the country does not subscribe to that kind of behaviour. Therefore, on whose favour are they ruling on? Is it a coincidence that the First Lady of the USA was here, and two days later, the ruling was made? A day later, Kenya was promised to receive Ksh16 billion. Is it a coincidence or was this planned by the Government, the Supreme Court and the USA?

Hon. Temporary Speaker, there is so much that can be said about this issue, but I can see the red light is on, and I will give other Members time to contribute.

The Temporary Speaker (Hon. Peter Kaluma): The Hon. Rashid Bedzimba, the Member for Kisauni.

Hon. Rashid Bedzimba (Kisauni, ODM): Ahsante sana Mhe. Spika wa Muda, kwa kuniruhusu niweze kupenyeza sauti yangu kwa suala hili. Nitafanya haraka kwa sababu ya muda ili wengine wapate nafasi ya kuchangia.

Kwa kweli, inasikitisha sana Mahakama Kuu kuidhinisha kusajiliwa kwa vyama hivi vya usagaji na ushoga ama uhanithi. Mimi nitawasihi majaji hao wamche Mwenyezi Mungu. Hapa duniani tumekuja kulima shamba ambalo matunda yake tutayapata mbeleni. Kwa hivyo, lolote wanalolifanya na maamuzi yote wanayoyotoa hivi sasa watakutana nayo mbele akhera, ambapo wote wataondoka katika ulimwengu huu. Hakuna mtu atabaki. Pia wajue kwamba wataweka kumbukumbu za vizazi vilivyoko na vitakavyokuja kulingana na maamuzi ambayo wanayafanya sasa.

Nchi hii ni nchi ya watu wanomwabudu Mungu. Leo hii tunalazimishwa kumuabudu shetani. Ikiwa sasa hivi tunaabudu Mungu na ukame ndio huu, je huku tunakoelekea si kutatokea maafa ambayo hatutayaweza sisi? Mila na maadili yetu ya Kiafrika haituruhusu kushangilia utovu huu wa nidhamu. Ushoga haukubaliki Afrika na pia haukubaliki na dini zote. Kwa kweli, nchi za Magharibi zinatimia umaskini wetu kutulazimishia mambo wanayoyataka. Tusiwakubalie. Tuje pamoja kama Taifa tukemee haya. Dini zote zisimame kuelimisha waumini wao kuwa njia hii ni ya shetani. Tusikubali kuelekea waliko wao. Wametufundisha kutemebea uchi, wengine wakaiga na sasa wanataka kutuingiza kwa shimo kwa kuleta ushoga.

Mwisho, Jumba hili la kutunga sheria, ikiwa mtakubali, kutakuwa na Spika moja shoga akae pale na kujipaka rangi mdomoni Hapo tutakuwa tumelimaliza kabisa Taifa nzima. Tusimame imara tupinge hili jambo.

Ahsante Mhe. Spika wa Muda.

The Temporary Speaker (Hon. Peter Kaluma): Hon. Geoffery Ruku, the Member for Mbeere North.

Hon. Ruku GK (Mbeere North, DP): Thank you, Hon. Temporary Speaker. Can I use the Dispatch Box because I am tall?

The Temporary Speaker (Hon. Peter Kaluma): Go on. You have three minutes.

Hon. Ruku GK (Mbeere North, DP): Thank you, Hon. Temporary Speaker. I rise to support and, at the same time, question a number of issues. I am a Catholic and when the Pope made the statement on the issue of homosexuality or the gays, you wonder whether the interpretation of Leviticus Chapter 20:13 is exactly what we understand as Christians. At the same time, we saw the Church of England giving the mandate for the clergy to solemnise marriages of the same sex. You see the Church or what we may call the *body Christi* is reading from different scripts. The *body Christi* is not in unity. I think it is high time the Church called a synod of bishops so that the bishops of the western world and those of the African countries can speak with one voice. The bishops in Rome are telling us that homosexuality is not a crime. The bishops in African countries are telling us that we should not even think about homosexuality.

As parents, we are supposed to raise our children without the Supreme Court telling us that our children have the rights to engage in issues to do with gays and lesbians and such kind of issues. I rise to support the Motion that this thing should be condemned in the strongest terms possible in our nation. But the church should be able to speak with one voice because it is universal. We do not have an African Church, American Church and the Church of Europe. The Church is one and it should be in a position to speak in one voice.

The Temporary Speaker (Hon. Peter Kaluma): Hon. Andrew Okuome Adipo, MP for Karachuonyo. Proceed for three minutes or less.

Hon. Adipo Okuome (Karachuonyo, ODM): Thank you, Hon. Temporary Speaker. It is strange that I have been given an opportunity to talk about what I hate, because our cultural setting does not allow us even to discuss it, leave alone consider it. It is a taboo to think of a man marrying a man. It is against our culture. I am just wondering about a situation where your neighbour, a man like you, comes with another man and introduces that man to you as his wife. Surely, you will think that the man has gone mad and his brain is not working.

If you look at our culture and compare it with the European or American one, surely, our culture is rich and they admire it. Several times when they visit Kenya, they tell you clearly that they admire our culture. But they want to erode it from another side by coming up with marriage issues. In terms of our culture, I say a very firm no. This case has come to us not to consider, but to condemn and we should be together in condemning this suggestion. It is a suggestion because it will not even be a Motion as I do not know how we will discuss it if it comes as a Motion.

Moving away from culture, let me talk about our religious inclination. We have two major religions in Kenya; that is, Christianity and Islam. I have heard my colleague, who is a Muslim, speaking and I am sure if you speak more, he will tell you that sex by people of the same gender is a taboo. A similar thing applies to Christianity. The Bible condemns it. Culture condemns this thing we are talking about. So, where is our entry point? I think what we have is one unifying voice. Let us condemn this thing. I do not have any favourable word, not even one, for this suggestion.

Thank you, Hon. Temporary Speaker. I see my time is up.

The Temporary Speaker (Hon. Peter Kaluma, ODM): Thank you. Hon. Moses Kirima.

Hon. Moses Kirima (Central Imenti, UDA): Thank you, Hon. Temporary Speaker, for giving me this opportunity to contribute to this important Motion on the discussion before the House. This Motion is timely because it deals with the core of family values. The Supreme Court went beyond what it is supposed to do. It undermined itself. It has shown that it lacks integrity. It should be a custodian of our culture and the tenets of society and what unites Kenya. If you look at the judgment clearly, it goes against the Constitution. Article 55(d) of the Constitution says that:

“The State shall take measures, including affirmative action programmes, to ensure that the youth are protected from harmful cultural practices and exploitation.” The culture being introduced to us by the Supreme Court is going to be harmful to our youth. It is going to make sure that the youth do not become mothers and fathers of tomorrow. If we recognise lesbians and gays, that will be against our culture and the Constitution. As the Constitution is the supreme law of this country, so is Parliament as the representative of the people of Kenya. And this Parliament is today saying that the judgment of the Supreme Court is obnoxious and against the dictates of African culture. It should be done away with. What surprises me is...

The Temporary Speaker (Hon. Peter Kaluma, ODM): Thank you, Hon. Kirima. Hon. Kuria Kimani, Member for Molo.

Hon. Kuria Kimani (Molo, UDA): Nashukuru sana, Mhe. Spika wa Muda, kwa kunipa muda huu kuongeza mawazo yangu katika mjadala huu. Kwa sababu ya huu uamuzi wa Mahakama ya Upeo, nilijiuliza: “Kwa nini wale ambao waliandika Katiba yetu walitupa mikono mitatu ya Serikali; ile tunaita *Executive*, Bunge na Mahakama?” Baada ya Bunge kupitisha Mswada, lazima uende kwa Mheshiwima Rais kutia sahihi ndio uwe sheria. Kama Mheshimiwa Rais anadhani, kwa vyovyote vile, kwamba huo Mswada haufai, anaweza kuurudisha kwa Bunge ili Bunge lifikirie tena hilo suala. Hata baada ya Mheshimiwa Rais kusema kwamba huo Mswada ni sawa na atie sahihi kuwa sheria, Mkenya yeyote anaweza kwenda kortini ili hiyo sheria iwekwe kando. Tukiangalia vile *Executive* inafanya kazi yake, lazima ikuje hapa Bunge kuomba Bajeti. Hata wakitumia pesa vile Kipengele cha 223 ya Katiba kinavyoruhusu, sisi tuko na uhuru wa kukataa yale ambayo yamefanywa. Wakati jambo limepita katika ile Mahakama ya Sheria, ikaenda *High Court* na baadae *Supreme Court* ikatoa uamuzi kama huu ambao hauendanishani na maadili ya kijamii, tunafaa kufanya nini kama wakenya? Ni jambo ambalo hili Bunge linafaa kujadili.

Mhe. Lilian Kogo aliongea kuhusu sheria ambayo walipitisha mambo ya ugawaji wa mali katika ndoa. Kama imefanywa na *Supreme Court* na mtu akadhania haijamfurahisha kulingana na Katiba yetu, anafaa kutatufa suluhu wapi?

Nikiangalia hili swala lote, ni jambo ambalo linabidi tufikirie kama Bunge kwa sababu tunaweza kuwa na Majaji wa *Supreme Court* ambao watatupa sheria ama kufanya uamuzi ambao kabisa kabisa, utaharibu uchumi wetu na nchi yetu ya Kenya.

Nashukuru Mhe. Spika wa Muda.

The Temporary Speaker (Hon. Peter Kaluma): Asante sana. Mhe. Gonzi Rai, Mjumbe wa Kinango.

Hon. Gonzi Rai (Kinango, PAA): Mhe. Spika wa Muda, nakushukuru kwa sababu ya kunipa nafasi hii. Kwa haraka, ningetaka kulaani vilivyo uamuzi uliotolewa na Mahakama Kuu kwa sababu ni chanzo cha upotuvu wa jamii.

Mwanadamu alipokuja katika ulimwengu huu, alipewa vitabu viwili: Bibilia na Quran. Naye akajiongezea Katiba. Kile kilichotengenezwa na mwanadamu sasa kimekosa kuheshimiwa mpaka imefika mahali tunapelekwa ambako siko.

Mhe. Spika wa Muda, hebu fikiria kidogo utoke hapo uliko na utakapofika nyumbani, mtoto wako anakuletea mwaliko unaosema kuwa Jumamosi ataolewa na mwanaume mwenzake. Utawaambia nini Wajumbe wenzako ukifika hapa? Ni jambo la aibu sana. Kwa hivyo, tunalilaani vilivyo.

Nimemuuliza Mhe. Bedzimba kuwa Ijumaa ni siku ya maombi. Tunafaa kufanya kunuti kwenye Misikiti na Mkanisa juu ya hao majaji. Mungu atuwezeshe tupate majibu kwa sababu maamuzi kama haya ni ya kutumaliza kwa njia nyingine ya mlango wa nyuma.

Tumefika mwisho wa utengenezaji wa sheria. Kama kutakuja kitengo kingine, tutachukua kitengo cha dini ili ipambane na wao, na itakuwa mwisho wao pengine. Hawajajua pahali yao kuwa ni ya dhehebu gani?

Ahsante Mhe. Spika wa Muda.

The Temporary Speaker (Hon. Peter Kaluma): Mjumbe, Robert Ngui Basil, mwakilishi wa Eneo Bunge la Yatta.

Hon. Robert Basil (Yatta, WDM): Thank you, Hon. Temporary Speaker. I will start by thanking by brother for bringing this Motion. I also strongly, condemn the ruling of the Supreme Court which was ill-advised and in bad faith. We should not talk of homosexuality but, instead, talk of food insecurity, increased cost of living or drought.

The subject matter defeats the principle of procreation and is against our values and traditions. From a medical front, even gays have more risks of getting HIV/AIDs. I, therefore, fully condemn this. We need to remain strong and be against the vice. We should not discriminate gays and lesbians based on their sexual orientation when it comes to employment and other issues. We should only condemn the vice.

Thank you very much.

The Temporary Speaker (Hon. Peter Kaluma): Hon. John Makali, Member for Kanduyi and a Senior Counsel.

Hon. John Makali (Kanduyi, FORD-K): Thank you, Hon. Temporary Speaker for giving me this opportunity to contribute to this Motion. First, I wish to side with the minority in the Supreme Court in the sense that homosexuality and gayism are not African concepts at all. The Supreme Court in the discharge of its functions speaks for the people of Kenya. It derives its authority from the people of Kenya. None of those concepts are African traditions. As a House of representatives, we must condemn in the strongest terms the judgement of the Supreme Court.

Why do I say that? When the Constitution of Kenya was being made, the Supreme Court was created as the apex court that should ooze judicial wisdom. However, of late, we are witnessing many judgments from the Supreme Court that really leave Kenyans wondering whether that court really is in sync with the people of Kenya or not.

Article 45 of the Constitution of Kenya recognises the family as the basic unit of social protection and social order in our society. It goes forth to say that a person has a right to form a family with a member of the opposite gender or the opposite sex. By the Supreme Court recognising or stating that gays, lesbians are free to form up associations, it was in fact going against the very provisions of the Constitution with which it is supposed to enforce. No right is absolute. All rights are limited, and when you look at the provisions of Article 27 of the Constitution of Kenya...

The Temporary Speaker (Hon. Peter Kaluma): Hon. Beatrice Kemei, Mjumbe wa Kericho.

Hon. Beatrice Kemei (Kericho County, UDA): Thank you, Hon. Temporary Speaker. I rise to speak to the Motion on the Floor, about the impact of LGBTQ on the youth and vulnerable members of the society. It is very sad to learn about the ruling of the Supreme Court. I feel even ashamed on my behalf and on behalf of the many others who are out there. I stand with the majority because the public now are the majority.

I am a Christian and I uphold Christian values and virtues. I even wonder because when they were taking the oath, those in the Supreme Court used the Bible or the Quran and yet, they do not agree with the teachings of the same. So, I must say that whatever they believe in has negative impact on our children and the future generations. At the moment, we are dealing and speaking against incest. We are fighting it and many other issues that are concerned with sex and yet, here they are upholding it.

When we see our children reaching the age of 30 or above, and a boy at that age is not getting married, we get worried. When we see a girl not getting married at that age, we get worried. Are they homosexuals? What are they? We are against this one. Let us uphold our African culture.

The Temporary Speaker (Hon. Peter Kaluma): Hon. Patrick Osero, Member for Borabu.

Hon. Patrick Osero (Borabu, ODM): Thank you, Hon. Temporary Speaker. I rise to support the Motion. At the outset, the Bible says that in the Garden of Eden, there was Adam and Eve, and not Adam and Steve. I believe that 40 years ago, we would not be here discussing this issue. It would not have found itself on the Floor of the House. However, given the metamorphosis of the social world, we need to send a very strong and clear message, that we have bigger issues to discuss than discussing these issues of sexual immorality. Even a male ant knows a female ant, a bull knows a cow, are you telling me that a normal human being does not understand the difference between a woman and a man? This is preposterous. We should stop it.

Thank you, Hon. Temporary Deputy Speaker.

The Temporary Speaker (Hon. Peter Kaluma): Hon. Joseph Makilap

Hon. Joseph Makilap (Baringo North, UDA): Thank you, Hon. Temporary Speaker. First, I want to declare that I am a Christian and this ruling of the Supreme Court on the association of lesbians, gays, bisexual, transgender and queer is against the Bible and the Constitution of Kenya. It is time we know that the majority in the Supreme Court actually did the wrong thing. As a Christian, I condemn them to everlasting fire.

Hon. Temporary Speaker, look at me and you! Can we be attracted to one another? God created people who are opposites. Even magnets attract the opposite side. The negative side attracts the positive one. I call upon the Christians and Muslims of this country to be united and exercise Article 1 of the Constitution that says that the sovereignty of the people of Kenya shall be exercised by the elected leaders. We must condemn this and consign them... I pray in this House that may God of Heavens save Kenya and the people of Kenya from that draconian ruling of the Supreme Court...

ADJOURNMENT

The Temporary Speaker (Hon. Peter Kaluma): Order, Hon. Members. The time being 7.00 p.m., this House stands adjourned until Thursday, 7th March 2023, at 2.30 p.m.

The House rose at 7.00 p.m.

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