



**REPUBLIC OF KENYA**

**THIRTEENTH PARLIAMENT**

**NATIONAL ASSEMBLY**

**THE HANSARD**

**VOL. II NO. 25**

## THE HANSARD

Tuesday, 11<sup>th</sup> April 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. This is a good start after recess.

*(Several Members walked into the Chamber)*

Hon. Members in the walkway, please, take your seats. Order, Hon. Member. Take your seat.

### COMMUNICATION FROM THE CHAIR

#### DEMISE OF HON. KULOW MAALIM HASSAN

**Hon. Speaker:** Hon. Members, I welcome you back from the short recess. I hope you have had the opportunity to interact with your constituents in order to get fully seized of their priority issues of concern requiring the attention of this House. It is also my expectation that the short break availed sufficient time to committees to conclude several matters that had been committed to them—such as vetting of nominees for various state appointments and consideration of Bills—and are now ready to present such business to the House.

Hon. Members, it is however unfortunate that we are resuming business for the second part of this Session on a sad note following the untimely demise of one of our colleagues in this House during the recess period. You may recall that I did notify all Hon. Members and the general public of the passing on of the Hon. Member for Banissa Constituency, Hon. Kulow Maalim Hassan, on the morning of Wednesday 29<sup>th</sup> March 2023. The late Member died at the Aga Khan University Hospital in Nairobi where he was undergoing treatment after he was involved in a tragic accident that occurred on Saturday 18<sup>th</sup> March 2023 within Nairobi City.

The late Hon. Kulow Maalim Hassan was born in Mandera County. He was a holder of a Master of Science degree in Development Studies and a Bachelor of Education degree, both from Kenyatta University. He also held a Diploma in Education from Siriba Teachers College. He studied at Mandera High School where he obtained both the Kenya Advanced Certificate of Education (KACE) and the Kenya Certificate of Education (KCE).

The late Hon. Hassan was an accomplished teacher. After graduating from Siriba Teachers College, he taught at Wajir High School before proceeding to Sheikh Ali School in Rhamu of Mandera County where he also served as a deputy principal. Thereafter, he moved to Kigari Teachers College as a lecturer until 1992 when he quit teaching and took up a new job as a project coordinator at the Arid Regional Integrated Agency (ARIA). The late Hon. Hassan also served as a director and board member of the Kenya Airports Authority between 2013 and 2015, after which he left to take a stab at politics.

*(Several Members walked into the Chamber)*

Hon. Members, take the nearest available seat.

Until his premature demise, the late Hon. Hassan was serving his second term as the Member of Parliament for Banissa Constituency. He was first elected in 2017 on the Economic Freedom Party (EFP) and re-elected in 2022 through the United Democratic Movement (UDM).

The late Member will be remembered as a dedicated legislator both in the House and as a Member of the Departmental Committee on Trade, Industry and Cooperatives, and the Public Accounts Committee. In the 12<sup>th</sup> Parliament, the late Hon. Hassan diligently served in the Departmental Committee on Transport, Public Works and Housing. In him, the people of Banissa Constituency and indeed the country had a devoted, conciliatory, affable and non-confrontational servant leader who cherished peace and always pursued harmonious settlement of issues. His character was defined by humility, high reverence for God and prayerfulness even as attested to by the fact that his untimely death occurred when he was going to the mosque to pray.

Although burial rights for our departed colleague were concluded on the day of his demise, on Wednesday, 29<sup>th</sup> March 2023 according to Islamic traditions, I constituted an *ad hoc* funeral committee in line with Parliamentary Service Commission's bereavement policy. The Committee, chaired by the Member for Mandera North Constituency, Hon. Major (Rtd) Bashir Abdullahi, MP, continued liaising with the family of the deceased Member and coordinated the National Assembly support to the family. To this end, I thank Hon. Bashir and Hon. Members for according the bereaved family benevolent support in keeping with the traditions of this House.

Hon. Members, on behalf of all Members of the National Assembly, the entire Parliamentary fraternity and indeed on my own behalf, I convey our heartfelt condolences to the family of the late Hon. Kulow Maalim Hassan, the people of Banissa Constituency, all his relatives and friends for the loss of such a gallant leader.

Hon. Members, I want to thank the Members who attended the burial at Lang'ata Cemetery. I also attended on your behalf. I thank the family and the Muslim fraternity for going out of their way and allowing me to speak to the funeral congregation at the burial on your behalf.

Finally, Hon. Members, in honour of the dedicated service rendered to the National Assembly, the nation and the people of Banissa Constituency by the late Hon. Hassan, I request that we all stand to observe a minute of silence.

*(Hon. Members stood up and observed a minute of silence)*

I thank you, Hon. Members. May God rest the soul of our departed colleague, Hon. Kulow Maalim Hassan, in eternal peace. Hon. Members, I will give you about 20 minutes to eulogise our departed colleague. I want you to agree with me that you will take two minutes each. Is two minutes okay? Leader of the Majority Party.

**Hon. Kimani Ichung'wah** (Kikuyu, UDA): Thank you, Hon. Speaker. Allow me, on behalf of the people of Kikuyu and all of us to convey our heartfelt condolences to the family of the late Kulow. I take this opportunity to thank all the Members who had the opportunity to attend the service in South C and the burial led by you.

Hon. Speaker, I also want to thank the leadership, especially that of Mandera County – right from the Governor to the Senator – and all Members of Parliament irrespective of the political party they are affiliated to. I was at the hospital the night Hon. Kulow passed on at about 1.00 a.m. I found his family being supported by the entire leadership led by the Governor of Mandera County and it was really encouraging.

Hon. Speaker, even as we mourn Hon. Kulow, we thank God for the opportunity he gave him to serve the people of Banissa and the people of Kenya. This is a call on us considering he lost his life following an accident occasioned by a bodaboda rider. It is an occasion for us to consider legislation and regulations that will govern how riders operate on our roads. Some riders overtake on the left side of the road while others ride on pavements and walkways. It is rather unfortunate that we lost a Member of Parliament. This is a call to this House to legislate and ask the police to enforce all the traffic rules and regulations that govern the conduct of riders and motorists on our roads. It is unfortunate that the rider could not even be identified. He had no occasion to stop after the accident. Therefore, as sad as it is, maybe it is a call on us to do what we must do. Allow me to, once again, mourn and thank God for the life of Hon. Kulow. It is a reminder to us that we are all mortal. So, in everything we do in here and outside this House, we should always remember that we are mortal human beings and serve with humility and diligence as Hon. Kulow served his people.

With those remarks, I convey my condolences on my own behalf, on behalf of my family, and on behalf of the people of Kikuyu, to the family and the people of Banissa Constituency in Mandera County.

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

**Hon. Opiyo Wandayi** (Ugunja, ODM): Hon. Speaker, let me join my colleagues in expressing my condolences on my own behalf, on behalf of the people of Ugunja, and on behalf of the Minority Coalition in general, to the family of the late *Mhe.* Kulow Hassan, friends and constituents of Banissa.

Hon. Hassan was with us in the 12<sup>th</sup> Parliament, serving his first term in this House. He carried himself with dignity throughout up to the time he passed on as an affable person – somebody who was at peace with everybody else. He is somebody who transcended political boundaries. You could never understand or know where he belonged, politically speaking. This is exactly what we need in this country, especially at a time like now when there is a lot of confusion. We need to have persons and leaders who transcend the political divide and carry themselves as nationalists in the manner that Hon. Hassan did. Therefore, it is with a heavy heart that I mourn him this afternoon.

I pray that the Almighty God rests his soul in eternal peace.

**Hon. Gladys Boss** (Uasin Gishu County, UDA): Thank you, Hon. Speaker for giving me this opportunity to pass my deepest condolences to the family of Hon. Maalim Hassan. Indeed, the news of his demise were shocking. I do appreciate the leadership that called and informed me that they were already at the hospital and were giving as much support as they could to the family. On my own behalf and that of my family, I wish to express my deepest condolences.

May his soul rest in eternal peace.

**Hon. Speaker:** Hon. Kassim Tandaza. His name is on my screen, but now he is not here? Oh! Kassim Tandaza.

**Hon. Kassim Tandaza** (Matuga, ANC): Asante *Mhe.* Spika. Kwanza, ni huzuni kumpoteza mwenzetu ambaye tumekuwa naye kutoka kipindi cha Bunge lililopita. Pia ni funzo kwetu sisi ambao tumebaki kwamba kifo huwa hakitoi *notice* kama vile tunatoa wakati tunapohitaji mtu. Sote tuwe tayari wakati wowote tukijua tunawezaenda. La muhimu zaidi, tujue kwamba sisi sote tunaishi kwa huruma za Mwenyezi Mungu na hakuna haja kamwe kujigamba ukiwa hai kwamba unaweza na bila wewe haiwezekani kufanyika jambo fulani. Tujue kwamba tukiwa hapa, wakati tutakapoondoka maisha yataendelea. Ni wajibu wetu kuona kwamba wakati tuko hapa tuweze kutendea haki umma wote ndiyo tukienda mbele ya Mwenyezi Mungu naye pia aweze kutuhurumia.

Mhe. Spika, asante kwa kunipa nafasi hii kutoa rambirambi zangu, rambirambi za familia yangu na watu wa Matuga kwa familia ya mwenzetu aliyetuacha. Mwenyezi Mungu aweze kumuweka mahali pema peponi.

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

**Hon. (Dr.) Makali Mulu** (Kitui Central, WDM): Thank you very much, Hon. Speaker. On my own behalf and on behalf of the people of Kitui Central, I take this opportunity to sincerely convey condolences to the family of Hon. Kulow, the people of Banissa and the people of Mandera County for this big loss.

Hon. Speaker, we served with Hon. Kulow in the 12<sup>th</sup> Parliament. As you have read in your Communication, he was a very dependable legislator. So, the country has lost.

All Hon. Members must remember the truth of the matter – that, death is with us. Even as we conduct our business, we must always remember that death is with us.

Hon. Speaker, I thank you very much for giving me the opportunity. May his soul rest in eternal peace.

**Hon. Speaker:** Hon. Beatrice Elachi.

**Hon. Beatrice Elachi** (Dagoretti North, ODM): Thank you, Hon. Speaker. I also take this opportunity to send my condolences to the family of Hon. Kulow. It is up to us to pray for the deceased's children and wives. We also pray that God gives him eternal peace. More importantly, we remember how humble he was. We would sit with him at the lounge and laugh with him as he gave us stories. I pray that all of us learn and pray to God. We should remember that we are human. Today it is him, and tomorrow it might be me. How we live before we meet our Maker is very critical. Therefore, even as we work for our country, let us always remember that fact.

We must deal with the issue of bodaboda. On behalf of Dagoretti North Constituency, it is time for the police to crack down on bodaboda. They had said that they will ensure bodabodas have new numberplates that will assist in terms of jurisdiction. They will indicate where riders work and where their stage is. They will thus be identified very fast. That is something that needs to happen because many people have been knocked down by bodaboda and they have passed on. Their families have ended up wondering where to find the bodaboda riders who knocked down their relatives. We have to go back to the rules. The National Transport and Safety Authority (NTSA) must ensure that they enforce the rules. We should not wait until one of us passes on. We have to do it for all Kenyans and ensure that we straighten the issue of bodabodas.

With those few remarks, *pole sana* to the family.

**Hon. Speaker:** Hon Dido Raso.

**Hon. Ali Raso** (Saku, UDA): Thank you very much, Hon. Speaker. On behalf of the people of Saku, on my own behalf and that of the Pastoralists Parliamentary Group, many of whom attended the funeral on that sad day, I convey our condolences to the family and the great people of Banissa. Indeed, the passing on of Hon. Kulow was very sad because I was with him on the day before the accident. I thank the House leadership for the way they reacted as soon as Kulow was involved in that terrible accident. They acted quickly, but whatever happened was beyond them. They would have flown him out of the country if necessary. In Islam, we say that when the day comes for you to meet your Maker, that is it.

We ask the Almighty God to rest his soul in eternal peace.

**Hon. Speaker:** Justice Kemei. Give the microphone to Justice Kemei.

**Hon. Justice Kemei** (Sigowet/Soin, UDA): Thank you, Hon. Speaker, for giving me this opportunity. On behalf of the people of Sigowet/Soin Constituency and Kericho County, I wish to condole with the family of the late Hassan.

The late Hassan struck everyone as a very friendly person with a very likeable character. He was a dedicated servant and a very astute leader in this House. As we mourn his

death, let us also join our colleagues and everyone else in this country to make our roads safe. We must ensure the safety of pedestrians so that we do not unnecessarily lose people because of the conduct of some motorists, especially bodaboda riders.

With those few remarks, I thank you for the opportunity, Hon. Speaker. May the Lord God rest his soul in eternal peace.

**Hon. Speaker:** Member for Gilgil.

**Hon. Martha Wangari** (Gilgil, UDA): Ahsante, Bwana Spika. Hata mimi ninaungana na wewe na wenzangu kutoa rambirambi zangu binafsi na kwa niaba ya watu wa Gilgil kwa watu wa Banissa na jamaa na marafiki wa mwenzake, Mheshimiwa Kulow. Wale ambao walifanya kazi naye, haswa katika Bunge lililopita, wanajua kuwa alikuwa mtu ambaye hakuwa na maneno, na mwenye tajiriba na ujuzi mwingi. Alikuwa mwalimu na mnyenyekevu na tulifanya kazi bila vita au vurugu yoyote. Wale ambao walikuwa naye katika kamati mbalimbali wanajua kuwa hakuwa na maneno mengi. Alikuwa mpole na alipendwa sana na watu wake. Ukiangalia vile alivyoingia Bungeni, sio kutokana na vyama vikubwa. Alikuwa na ujuzi wa watu wa Banissa.

Ninaungana na wenzangu kuomba Mungu airehemu roho yake na amuweke mahali pema. Kwa watu wa Banissa, tunawapa pole. Kwa jamaa na marafiki, Mungu awafariji.

**Hon. Speaker:** Hon. Atandi Samuel.

**Hon. Samuel Atandi** (Alego Usonga, ODM): Thank you, Hon. Speaker, for giving me an opportunity to mourn with my colleagues. On behalf of my family and the people that I represent, I would like to send my condolences to the family of Hon. Kulow and to the people of Banissa. I was in the last Parliament with Hon. Kulow and I used to spend a lot of time with him at the restaurant. He was very humble and quiet. He was not outspoken. He used to talk to many people. He was my friend.

There is something we need to learn as leaders when one of us passes on in this manner. Many of us behave as if this world is ours. Sometimes we speak as if we will never die. I urge my colleagues that, if there is any lesson that we can learn from the untimely demise of our colleague, it is the principle of being humble, especially as leaders. Let us recognise that this world is not ours. We are here and we are just passing through. We need to do our best to bring peace and harmony to our country.

May the soul of our brother rest in peace.

**Hon. Speaker:** Hon. John Waluke.

**Hon. John Koyi** (Sirisia, JP): Ahsante sana, Mheshimiwa Spika, kwa kunipatia nafasi hii ya kuomboleza kifo cha ndugu yangu na Mbunge mwenzagu. Nilimjua Mheshimiwa Hassan kwa muda mrefu tangu mwaka wa 2017. Alikuwa mnyenyekevu, mpole na mwenye bidii hata katika hili Jumba. Ninaiombea familia yake. Kwa niaba ya familia yangu na watu wa Sirisia, ninasema pole kwa watu wa Banissa.

Ahsante sana, Mheshimiwa Spika.

**Hon. Speaker:** Hon. Robert Mbui.

**Hon. Robert Mbui** (Kathiani, WDM): Thank you, Hon. Speaker. I also rise to condole with the family of our departed colleague, Hon. Kulow of Banissa.

Just as the Leader of the Majority Party has said, we need to deal with the design and construction of our roads, the rules and regulations that are applied on our roads. This menace of motorbike riders is becoming a real challenge. Even crossing from this Chamber to the offices across the road is risky. Most of the time, we are almost hit by bodaboda riders. We need to deal with this issue once and for all so that it becomes a thing of the past. I propose that we go digital as a country. It is very unfortunate that every time we have an accident, there is absolutely no one who witnesses it and says what happened. If we go digital, we will have cameras all over that can show us who did it and how it happened.

Otherwise, may his soul rest in eternal peace.

**Hon. Speaker:** Hon. Lydia Mizighi.

**Hon. Haika Mizighi** (Taita Taveta County, UDA): My name is Hon. Mizighi, Hon. Speaker.

**Hon. Speaker:** I know you as Hon. Haika. However, that is not the name on the screen.

**Hon. Haika Mizighi** (Taita Taveta County, UDA): Ahsante Bw. Spika.

Kwa niaba yangu na ya watu wa Taita Taveta na Pwani yote kwa jumla, ninaungana na wenzangu kutoa rambirambi kwa familia ya Mheshimiwa Kulow, watu wa Banissa na Mandera yote nzima. Kwa kweli tumepoteza kiongozi aliyekuwa mkakamavu na mpenda watu. Mahusiano yake na watu yalikuwa mazuri sana.

Hii inatufunza kwamba tunapoishi katika hii dunia, tujue maisha ni ya Mungu na basi tutengeneze mahusiano yetu hapa duniani.

Vilevile, ninachukua hii fursa kutoa rambirambi zangu kwa watu wa Kishushe kule Taita Taveta, ambao wamepumzisha watu wanne leo waliofariki kupitia mafuriko yaliyotokana na mvua iliyonyesha hivi juzi. Pole zangu kwa watu wa Kishushe na watu wa Mwatate kwa jumla.

Ahsante sana Bw. Spika.

**Hon. Speaker:** Member for Mandera South. Kindly, give him the microphone.

**Hon. Abdul Haro** (Mandera South, UDM): Thank you, Hon. Speaker for giving me this opportunity to mourn our colleague in the House, my personal friend, neighbour, party-mate and county-mate, Hon. Kulow Maalim Hassan, whose untimely demise shocked the nation, Mandera County and all of us.

I take this opportunity to thank you, Hon. Speaker and the leadership of the House for the support you offered to the family of our departed colleague when his untimely demise was announced.

Hon. Kulow was a very humble man. It took him a 25-years struggle to become a Member of Parliament. He had tried for 25 years and got lucky in 2017 through the Economic Freedom Party (EFP). He was re-elected for the second time in the last election held on 9<sup>th</sup> August 2022.

Hon. Kulow was immensely loved by his constituents. He was a humble man who loved to walk on foot, whether it was in the Central Business District (CBD) or whether going to the mosque. He had a bodyguard but you could rarely see him accompanied by him. On my behalf and that of my family and Mandera South Constituency, I take this opportunity to send my condolences to the family of our departed colleague, the people of Banissa and the people of Mandera County in general.

One thing that many people do not know about *Mheshimiwa* Kulow is that he died in the month of Ramadhan. In our Muslim faith, when you get the honour to pass away in the month of Ramadhan, you are given the highest rank in *Jannah*, Paradise. He struggled in the last three Ramadhans. In 2021, when we were fasting, *Mheshimiwa* Kulow got Covid-19 and was in the emergency room and, therefore, did not fast. He fasted in 2022 and this was his third Ramadhan where he fasted for a day when the Almighty took him away. We wish him all the best in *Jannah*. We also wish his family all the best. Let them have patience and perseverance.

Thank you, Hon. Speaker.

**Hon. Speaker:** Lastly is *Mheshimiwa* Hussein.

**Hon. Abdirahman Mohamed** (Lafey, JP): Thank you, Hon. Speaker.

The death of Hon. Kulow Maalim Hassan came as a shock to the Members of Parliament from Mandera, the entire Northern Kenya, the Pastoralists Parliamentary Group and the entire Parliament of the Republic of Kenya.

Three days before his death, we travelled from Wilson Airport to Mandera to launch a Health Taskforce. He came back and the next day he was knocked down by a bodaboda rider.

Hon. Kulow Maalim Hassan was a devoted Muslim, a prayerful person. He never missed the congregation prayers in the mosque. He is one person who is respected by his community and the entire Muslim community. We really miss Hon. Kulow, the Member of Parliament for Banissa.

I remained in Mandera after my friends left after we launched the health task force only to hear the demise of my friend.

We want Parliament both the Senate and the National Assembly to pray for his family. Let us fight hard and ensure that the seat comes back to the family.

Hon. Maalim Hassan's family is large with many professionals who can take up his position. Probably, if we help them get back the seat, the family might remain sober-minded.

I thank the leadership of Parliament, starting with the Hon. Speaker and the entire leadership for organising a strong team to organise his burial. His burial was really wonderful. We were very happy the way our Members attended his burial and the way our Speaker addressed the congregation that attended his burial.

Thank you very much, Hon. Speaker. We hope the family will be patient and *InshaAllah*, we will all be prayerful knowing that we can die any minute. We may not know who is next in this family of the National Assembly. It can be tomorrow or the day after but we have hopes that God will give us more time.

Thank you very much.

**Hon. Speaker:** Thank you, Hon. Members. Order, Hon. Members. Order, Leader of the Majority Party. Kindly, take your seat.

Hon. Members, I know the passion that we feel following the loss of our colleague. Everybody wants to speak but I want to believe that those who have spoken, have done for all of us. We have to go on to other business.

Hon. Members, I have a Message from His Excellency, the President.

## MESSAGE

### APPROVAL OF NOMINEE FOR APPOINTMENT AS MEMBER OF NATIONAL POLICE SERVICE COMMISSION

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

In the Message, His Excellency the President conveys that, in exercise of powers conferred on him by Article 250 (2) of the Constitution and Section 6 (5) of the National Police Service Commission Act, 2011, he has nominated Mr. Edwin Kiprono Cheluget as a Member of the National Police Service Commission. The President now seeks the approval of the appointee by this House.

Standing Order 45 provides that upon receipt of notification of a nomination for appointment, such nomination shall stand committed to the relevant Departmental Committee for consideration. In this regard, I hereby refer the Message from His Excellency the President, together with the Curriculum Vitae, the Report of the Selection Panel, and other testimonials of the nominee to the Departmental Committee on Administration and Internal Security for consideration.

Section 6 (6) of the National Police Service Commission Act, 2012 provides that the relevant committee of the National Assembly shall consider the matter and table a report in the House within 21 days. In this regard, the Committee is expected to immediately commence the approval process and notify the nominee and the general public of the time and place for holding the approval hearing and thereafter, upon conclusion of the hearing, table its report on

or before Wednesday, 26<sup>th</sup> April 2023 to enable the House to consider the matter within the statutory timelines.

I thank you.

Hon. Members, allow me to acknowledge students from the following schools in the Public Gallery:

1. Christ The Redeemer, Kamutu Secondary School from Mbeere North, Embu County.
2. Bishop Ndingi Mwala Secondary School from Mwala, Machakos County.
3. Arya Primary School from Starehe, Nairobi County.
4. Meteitei Boys Secondary School, Tinderet, Nandi County.
5. Chinga Boys from Othaya, Nyeri.

Hon. Members, on your behalf and on my own behalf, I welcome the students and their teachers to the House of Parliament.

Next Order.

## PAPERS

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

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

I beg to lay the following Papers on the Table of the House:

1. Legal Notice No.38 of 2023 relating to the Climate Change (Public Participation and Access to Climate Change Information) Regulations, 2023 and the Explanatory Memorandum from the Ministry of Environment, Climate Change and Forestry.
2. Proposed changes on the ratification process of agreements for the elimination of double taxation.
3. Report of the Auditor-General and Financial Statements on Office of the Director of Public Prosecutions Staff Housing Mortgage and Car Loan Scheme for the year ended 30<sup>th</sup> June 2018, 2019, 2020 and 2021.
4. Annual Report and Financial Statements of Teachers Service Commission for the year ended 30<sup>th</sup> June, 2021.
5. Annual County Government Budget Implementation Review Report for the Financial Year 2021/2022 from the Office of the Controller of Budget.
6. The Tenth Report on status of compliance with the values and principles in Articles 10 and 232 of the Constitution for the financial year 2021/2022 from the Public Service Commission.
7. Reports of the Auditor-General and Financial Statements in respect of the following institutions for the year ended 30<sup>th</sup> June 2022:
  - (a) Resilient Sustainable Systems for Health (RSSH) - Ministry of Health;
  - (b) Support of the Health Care Financing Strategy – Reproductive Health – Output Based Approach Project - Kenya Medical Supplies Authority (KEMSA);
  - (c) East Africa Public Health Laboratory Networking (EAPHLN) - Kenya Medical Supplies Authority;
  - (d) Green Growth and Employment Thematic Programme (GGETP) Danish Embassy - Ministry of Environment and Forestry;
  - (e) Global Fund HIV Aids Programme - Ministry of Health;
  - (f) Health Sector Support Project - Kenya Medical Supplies Authority (KEMSA) and Kenya Gold Mercury Free ASGM Project - Ministry of Environment and Forestry;

- (g) Third quarterly report of the Ethics and Anti-Corruption Commission for the year ended 2022 from the Office of the Auditor-General and Department of Justice;
- (h) National Government Budget Implementation Review for the financial year 2022/23 from the Office of the Controller of Budget; and,
- (i) Report on the County Government Budget Implementation Review for the financial year 2022/23 from the Office of the Controller of Budget.

Thank you, Hon Speaker.

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

Let us have the Chairperson of the Departmental Committee on Justice and Legal Affairs (JLAC).

**Hon. George Murugara** (Tharaka, UDA): Thank you, Hon. Speaker. Allow me to lay the following Papers on the Table of the House:

Report of the Departmental Committee on Justice and Legal Affairs on the consideration of the Statute Law (Miscellaneous Amendments) Bill (National Assembly Bill No.60 of 2022) together with the Compendium of Reports of 16 Departmental Committees on the consideration of the Bill, namely:

- (a) Finance and National Planning;
- (b) Administration and Internal Affairs;
- (c) Transport and Infrastructure;
- (d) Education;
- (e) Lands;
- (f) Trade, Industry and Cooperatives;
- (g) Health;
- (h) Labour;
- (i) Housing and Public Works;
- (j) Sports and Culture;
- (k) Tourism and Wildlife;
- (l) Social Protection;
- (m) Defence, Intelligence and Foreign Relations;
- (n) Energy;
- (o) Blue Economy, Water and Irrigation; and,
- (p) Agriculture and Livestock.

Thank you, Hon. Speaker.

**Hon. Speaker:** Thank you, Hon. Murugara. Let us have the Vice-Chairperson of the Departmental Committee on Social Protection.

**Hon. Hillary Kosgei** (Kipkelion West, UDA): Thank you, Hon. Speaker. I beg to lay the following Paper on the Table of the House:

Report of the Committee on Social Protection on vetting of nominee for appointment as Member of the National Gender and Equality Commission.

Thank you, Hon. Speaker.

**Hon. Speaker:** Next Order.

## NOTICE OF MOTION

APPROVAL OF NOMINEE FOR APPOINTMENT AS MEMBER  
OF NATIONAL GENDER AND EQUALITY COMMISSION

**Hon. Speaker:** Vice-Chairperson of Departmental Committee on Social Protection.

**Hon. Hillary Kosgei** (Kipkelion West, UDA): Thank you Hon. Speaker, I beg to give Notice of the following Motion:

THAT, taking into consideration the findings of the Departmental Committee on Social Protection in its Report on the vetting of a nominee for the appointment as a member of the National Gender and Equality Commission, laid on the Table of the House on Tuesday, 11<sup>th</sup> April 2023, and pursuant to the provisions of Article 250 (2) of the Constitution, Section 11 (7) of the National Gender Equality Commission Act, 2011 and Section 8 (1) of the Public Appointments (Parliamentary Approval) Act, 2011, this House approves the appointment of Dr. Margaret Karungaru as a Member of the National Gender and Equality Commission.

Thank you, Hon. Speaker.

### NOTICE OF ADJOURNMENT ON A MATTER OF URGENT NATIONAL IMPORTANCE

**Hon. Speaker:** Hon. Members, on the request of the Leader of the Minority Party, the Speaker has allowed him to move a Motion of adjournment to discuss a matter he says is of national importance – that is the deteriorating state of the economy and the developing financial crisis. I call him to move his Motion.

#### DETERIORATING STATE OF THE COUNTRY'S ECONOMY

**Hon. Opiyo Wandayi** (Ugunja, ODM): Thank you very much, Hon. Speaker.

Pursuant to Standing Order No. 33(1), I rise to seek leave for adjournment of the House in order to discuss a definite matter of urgent national importance regarding the deteriorating state of the economy and the developing financial crisis facing the country.

Hon. Speaker, the deteriorating state of the economy and failure by the Government to meet its financial obligations including settling of salaries of public officers is worrying and indicative of growing economic strain. According to official records of the National Treasury, the economy is facing a myriad of challenges including the dwindling national revenue collection as evidenced by the current revenue shortfall of Ksh900 billion. Additionally, there are serious indications of waning trust in Government securities with the official data from the Government indicating that as at February 2023, the Government managed to borrow only Ksh333 billion out of the intended Ksh1.04 trillion. Further, the results of the Central Bank of Kenya 10-year Treasury Bond dated April 10, 2023 indicate that the Government only managed to get bids worth Ksh3.57 billion from a bid offer of Ksh20 billion representing a paltry 17.85 per cent. This has put pressure on Government funding and is likely to lead to a shutdown of public services.

Hon. Speaker, it is also notable that the Government has stopped spending on priority development and has also delayed in releasing funds to County Governments thereby stalling operations at the county level. Notably, only Ksh162.5 billion has been released to a few of the Ministries, State Departments and Agencies (MDAs) for development while county governments are yet to receive the equitable share of their revenue for January to April 2023.

Hon. Speaker, it is against this background that I seek leave of the House to discuss this matter of national concern with a view to exploring possible and lasting solutions to the problem.

Thank you, Hon. Speaker.

**Hon. Speaker:** Do you have the requisite support?

**Hon. Opiyo Wandayi** (Ugunja, ODM): Of course, yes.

*(Several Members stood in their places)*

**Hon. Speaker:** The support is not only bipartisan but also overwhelming. I order that this Motion be debated from 5.00 p.m.

Order, Hon. Members. You may take your seats. Hon. Wandayi, you will be called upon to move your Motion at 5.00 p.m., and it appears Hon. Ichung'wah will be there to second you.

Next order.

### STATEMENT

**Hon. Speaker:** Leader of the Majority Party, you know we are moving into a new form of dealing with Questions. So, I give you an opportunity to inform the House of the Cabinet Secretary who will be appearing tomorrow.

**Hon. Kimani Ichung'wah** (Kikuyu, UDA): Thank you, Hon. Speaker. My apologies. I was walking to consult with Hon. Atandi, who was protesting your assertion that I am available to second the Motion by the Leader of the Minority Party. I want to confirm that, indeed, I am ready to second the Motion.

**Hon. Speaker:** If he was making any protests, he is totally out of order.

**Hon. Kimani Ichung'wah** (Kikuyu, UDA): He was protesting, but I told him I am not seconding the Motion on WhatsApp. On WhatsApp pages, he can look for someone else to second him. As for the Motion by the Leader of the Minority Party, I will second it.

#### SCHEDULE OF CABINET SECRETARIES TO APPEAR BEFORE THE HOUSE ON 12<sup>TH</sup> APRIL 2023

Hon. Speaker, I wish to welcome all Members back to the House from the short recess. I trust that we are all rejuvenated for the next part of this Session. Members will recall that on Thursday, 9<sup>th</sup> March 2023, the House adopted the Report of the Procedure and House Rules Committee and passed amendments to the Standing Orders on the manner of processing Questions. This cleared the way for Cabinet Secretaries to appear in the House to respond to Questions and provide reports to the House, pursuant to the provisions of Articles 153 (2) and 153 (4)(b) of the Constitution.

I hereby wish to bring to the attention of the House that, pursuant to Standing Order 42A(6)(b), the first Cabinet Secretary to appear in plenary during the afternoon sitting of Wednesday, 12<sup>th</sup> April 2023 – that is tomorrow afternoon – is the Cabinet Secretary for Interior and National Administration, Hon. (Prof.) Kithure Kindiki. As shown in today's Order Paper, he will be responding to Questions as scheduled below:

QUESTION NO.	MEMBER	SUBJECT
74/2023	Hon. Martha Wangari	Shortage of birth registration materials, also known as B1 forms, in health facilities across the country.
105/2023	Hon. Abdul Haro	Establishment of civil registration centres in every sub-county in the country.
106/2023	Hon. Joseph Gitari	Outstanding warrant of arrest from Kagumo Police Post against a certain individual.
107/2023	Hon. Joseph Gitari	Emergence of criminal gangs or groups affiliated to terror groups in the country.

**Disclaimer:** *The electronic version of the Official Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor.*

As we continue with the process, I will be updating the House every Thursday on the Cabinet Secretaries expected to appear the following week.

Hon. Speaker, let me take this opportunity, on behalf of the House, to thank you because, in line with our Standing Orders, you were charged with the responsibility of designating a place from where Cabinet Secretaries will be replying to Questions. I am certain, from the briefing in the House Business Committee (HBC) this morning, that a place has already been designated at the Civil Servants' Bench. There will be a podium there, for the information of Members. It was set up during the meeting of the HBC for the Cabinet Secretaries. I shall be updating the House on Thursday during the normal Statements Time, on the Cabinet Secretaries who will appear next week.

Hon. Speaker, I now wish to lay this Statement on the Table of the House.

Thank you.

**Hon. Speaker:** Thank you, Leader of the Majority Party. Hon. Members, as I had communicated earlier, every Wednesday we expect to deal with an average of nine Questions. This is with the approval and sanction of the HBC. We can schedule an average of three Questions to each Cabinet Secretary, subject to the availability of Cabinet Secretaries, to break the monotony. Any Member who has filed a Question and does not show up or give any reasons for not being in the Chamber their Question will be dropped.

After a Question is asked, the Member who has asked it will have the first bite at a supplementary question. Thereafter, we will allow two to a maximum of three Members to ask supplementary questions on the same Question, with priority going to the Leaders of the Majority and Minority Parties, if they are interested in those Questions, as your leaders. On an average day, we want to deal with at least three Cabinet Secretaries. If the Questions are spread thinly, then four Cabinet Secretaries at the very most. I encourage Members to be present to prosecute their Questions. Have your facts right so that you are not on a misadventure in the guise of raising Questions, so that we can get the public to understand fully this innovative way of interrogating Cabinet Secretaries on the Floor by you showing tremendous industry in what you do best to represent your constituencies. Do not bring a Question and then embark on asking things that are unrelated to the very Question that you have brought to the House, or being personal with anybody, including the Cabinet Secretaries, where it is not necessary. If a Cabinet Secretary is inadequately answering a Question, leave it to the Speaker or whoever is in the Chair to deal with that Cabinet Secretary.

Thank you.

Next order.

## MOTIONS

**Hon. Speaker:** Hon. Musa Sirma, Chairman.

### APPROVAL OF NOMINEES FOR APPOINTMENT TO NATIONAL GOVERNMENT CONSTITUENCIES DEVELOPMENT FUND COMMITTEES

**Hon. Musa Sirma** (Eldama Ravine, UDA): Hon. Speaker, I beg to move the following Motion:

THAT, this House adopts the Report of the Committee on National Government Constituencies Development Fund on two Constituency Committees, laid on the Table of the House on Tuesday, 21<sup>st</sup> March 2023, and pursuant to the provisions of section 43 (4) of the National Government Constituencies Development Fund Act, 2015 and paragraphs 5 (2) and (10) of the National Government Constituencies Development Fund Regulations,

2016 approves the list of nominees for appointment to the following two (2) Constituency Committees of the National Government Constituencies Development Fund—

No.	Name	Category	Statutory Provision
<b>SAMBURU EAST CONSTITUENCY</b> ( <i>Replacement</i> )			
1	Lalaigwanani Mathew Lkaaso	Male Adult Representative	Appointment pursuant to section 43(2)(b)
<b>KANDARA CONSTITUENCY</b>			
1	Timothy Ng'ang'a Ndung'u	Male Youth Representative	Appointment pursuant to section 43(2)(b)
2	Samuel Kagwa Gichuru	Male Adult Representative	Appointment pursuant to section 43(2)(b)
3	Sarah Nyanjuki Kamandi	Female Youth Representative	Appointment pursuant to section 43(2)(c)
4	Roselynn Nduta Gitau	Female Adult Representative	Appointment pursuant to section 43(2)(c)
5	Anthony Mwangi Kiguru	Representative of Persons with Disability	Appointment pursuant to section 43(2)(d)
6	Sammy Mburu Chege	Male Nominee of the Constituency Office	Appointment pursuant to section 43(2)(e)
7	Esther Muthoni Kinuthia	Female Nominee of the Constituency Office	Appointment pursuant to section 43(2)(e)

Hon. Speaker, this is only amending the list for Samburu. As for Kandara Constituency, it is because we have a new Member who came in and did not give the names within the timelines we had before. We, therefore, would like to ask the House to approve these names so that they can access the funds which are currently available at the level of Ksh57 million per constituency. We want to appreciate that despite the fact that our salaries were delayed, it did not matter. The National Government Constituencies Development Fund (NG-CDF) gave you Ksh12 million more towards bursaries and development projects within your constituencies. The Authority to Incur Expenditure (AIEs) have also been sent to the various constituencies today and you will access those monies as from tomorrow.

I beg to move and ask Hon. Tandaza to second.

**Hon. Speaker:** Give Hon. Tandaza the microphone.

**Hon. Kassim Tandaza** (Matuga, ANC): Thank you, Hon. Speaker. I would like to start by congratulating the Member for Kandara Constituency for having been elected the area Member of Parliament for that constituency. It is sad that the people of Kandara, for the whole of this financial year, have not accessed the funds that have been allocated to them. If I were the area Member of Parliament, I do not know what I would have done with all the children that were specifically asking for bursaries for fees. It is now upon the House, that I beseech as I second this Motion, to approve the committee so that the Member of Parliament for Kandara Constituency can execute his mandate as is required by law.

Hon. Speaker, I stand to second.

*(Hon. Opiyo Wandayi took a phone call)*

**Hon. Speaker:** Order, Hon. Leader of the Minority Party. You are disturbing the proceedings and it is out of order to take phone calls on the Floor of the House.

*(Question proposed)*

*(Question put and agreed to)*

Order. Hold on Clerk. I want to exercise my discretion on the request of the Hon. Leader of the Majority Party, to reorganise the Order Paper to skip Order No.9 and proceed to Order No.10, which will go on until 5:00 p.m. If we would have finished, the Question will be put and if not, it will be put aside to proceed to the Motion of Adjournment. If the Motion of Adjournment is finished before we rise, we will revert to whatever will be left of Order No.10 before we proceed with Order No. 9. Therefore, call out Order No.10.

RATIFICATION OF AGREEMENT BETWEEN KENYA AND THE  
UNITED KINGDOM ON DEFENCE CO-OPERATION

**Hon. Speaker:** Let us have the Chairman, Departmental Committee on Defence, Intelligence and Foreign Relations, Hon. Koech.

**Hon. Nelson Koech** (Belgut, UDA): Thank you, Hon. Speaker. I beg to move the following Motion:

THAT, this House adopts the Report of the Departmental Committee on Defence, Intelligence and Foreign Relations on its consideration of the Agreement between the Government of the Republic of Kenya and the Government of the United Kingdom of Great Britain and Northern Ireland on Defence Co-operation, laid on the Table of the House on Tuesday, 21<sup>st</sup> March 2023, and pursuant to the provisions of Section 8(4) of the Treaty Making and Ratification Act, 2012, approves the Ratification of the Agreement between the Government of the Republic of Kenya and the Government of the United Kingdom of Great Britain and Northern Ireland on Defence Co-operation, subject to the following reservations:

- (i) Article 6 (5) of the Agreement should be amended by inserting a new paragraph immediately after paragraph (h) to include murder as one of the offences which are under the jurisdiction of the host nation; and,
- (ii) Article 23 of the Agreement to include Corporate Social Responsibility.

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

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

Hon. Speaker, for the sake of time, I will skip some of my notes. Sorry, that was a quick change of Chair and I did not notice.

Hon. Deputy Speaker, this Report details the consideration of the Departmental Committee on the agreement between the Government of the Republic of Kenya and the

Government of the United Kingdom of Great Britain and Northern Ireland on Defence Co-operation.

The defence agreement provides a framework for exchange, sharing and utilisation of respective State's experience, knowledge, military facility and infrastructure. This will be instrumental in strengthening the bilateral relations between the two States.

Just to bring Hon. Members up to speed, there is an agreement between Kenya and the United Kingdom on matters of defence. Right now, we have an exchange programme. Most of our officers are taken for training in the United Kingdom under this exchange programme. Allowing the United Kingdom to train their soldiers in Kenya has enabled our officers to be trained alongside the officers that are trained by the United Kingdom Government under the United Kingdom jurisdiction. As we talk, we have an officer, Lieutenant Colonel Ali, who is a Director directing staff in the United Kingdom. That will help in advancing Kenya and its officers in the region in terms of training. That is part of what is in this agreement.

The agreement between the Government of the Republic of Kenya and the Government of the United Kingdom of Great Britain and Northern Ireland on Defence Co-operation was signed on 27<sup>th</sup> July 2021 and replaces the previous Defence Co-operation Agreement signed in 2015 and which expired on 6<sup>th</sup> October 2021.

Through a letter dated 6<sup>th</sup> September 2021, the then Cabinet Secretary for Defence, Dr Monica Juma, submitted to the House for approval, a copy of the agreement. It was subsequently committed to the then Committee on Defence and Foreign Relations on 8<sup>th</sup> September, 2021. The Committee was expected to consider the Agreement and recommend its approval by the House with or without reservations pursuant to Section 8(4) of the Treaty Making and Ratification Act (No. 45 of 2012). As I mention that, going forward, it is important for this House to look at the Treaty and the ratification Act. It does not give Hon. Members the opportunity to make any changes. It is the responsibility of Hon. Members in this House and in the committees of this House to look at all the agreements that are made on behalf of the people of this country and make sure that their proposals and inputs are captured in those agreements. So, it is important to have a mental note that, as we move forward, we may need to consider and look at the Treaty Making and Ratification Act. It is prohibitive and unnecessary with its current structure.

When the Committee on Defence and Foreign Relations of the 12<sup>th</sup> Parliament was considering the Agreement with a view to facilitating ratification, the County Government of Laikipia, where the British Army Training Unit Kenya (BATUK) is based, submitted a memorandum raising serious concerns on the defence co-operation between Kenya and the UK.

The county government stated that since the beginning of their activities in Kenya, and despite the presence of binding agreements, BATUK had committed several atrocities to the people of the Republic of Kenya and to the environment in general. The County Government of Laikipia cited the following examples: Loldaiga Hills Conservancy fire incident and the murder of Agnes Wanjiku Wanjiru allegedly by BATUK soldiers. This was a chilling experience for me. I interacted with this bit in the last Parliament.

The murder of Agnes Wanjiru is something that many of us would wish that it goes away. As a Committee, we have decided that we must provide justice to this family. Agnes Wanjiru was a 21-year-old lady who died brutally. We believe that she was murdered by the British Army. She had a five-year-old child at that time. The Kenyan Government rushed to investigate but the United Kingdom Government and the Army decided to brush the matter under the carpet and we said that was not just. As a Committee, we looked at it and decided to view it differently by reversing roles. We imagined what would have been the case if Agnes Wanjiru had killed a white soldier.

How are we handling the case of Agnes Wanjiru? In my quest – with the support of the Committee – to deliver justice to this family, I have had several meetings privately in my personal capacity and officially as the Chair of the Committee to try and find out what happened. This matter has been raised very many times in the House of Commons in the United Kingdom. Ten years down the line – even though the memories are fading – it is not too late to find justice for the family of Agnes Wanjiru.

The Committee that I chair has made serious recommendations. I want this House to know that, shortly, we shall be inviting the Director of Public Prosecution to find out what exactly happened to Agnes Wanjiru. The body of Agnes Wanjiru was found two months after her brutal murder in a septic tank. The only reason that her body was found was because it was a Facebook taunt by the United Kingdom military officers. One of them confessed that when they left the bar on the fateful night, one of their colleagues committed the heinous act of murdering Agnes Wanjiru. However, as much as we want the United Kingdom Government to repatriate the officer who participated in this murder, like I said, we still have a problem with how we structure our agreements and treaties. That is why I said that this House must be involved in the writing of treaties and, at times, making recommendations. I want to inform this honourable House that, as a Committee, we have had very many discussions, and justice to Agnes Wanjiru must be provided.

Due to the above-mentioned concerns, among others, at the end of the 12<sup>th</sup> Parliament, the processing of the Agreement had not been concluded. A draft report was prepared but was yet to be tabled, debated and adopted by the House.

Through a letter dated 22<sup>nd</sup> November, 2022, the Agreement was re-submitted by the Cabinet Secretary for Defence, Hon. Aden Bare Duale, EGH. It was consequently tabled in the House on 24<sup>th</sup> November, 2022 and Committed to the Departmental Committee on Defence, Intelligence and Foreign Relations for consideration.

The Committee was expected to consider the Agreement and recommend its adoption and approval by the National Assembly with or without reservations. The agreement contains 26 Articles. I will just highlight a few.

Article 2 of the Agreement identifies its objective as enhancing bilateral co-operation on defence by identifying a framework for the exchange of experience and knowledge for the use and mutual benefit of the Republic of Kenya and the United Kingdom of Great Britain and Northern Ireland. The Agreement will regulate co-operation in the following areas:

1. Security and defence policy. The United Kingdom Government has continued to be of great importance on matters of defence, especially when we are dealing with terrorism. They have continued to provide personnel and materials in Excess Defence Articles (EDA). Some of the equipment we use we get them from them almost free.
2. Defence administration and welfare matters of military personnel. On this one, I had mentioned that there is always an exchange programme between our military and the United Kingdom military in trying to make sure that they bring our officers up to speed with their sophisticated advanced training in areas like counter piracy and other maritime security activities. In fact, until and up to 10 years ago, the Kenya Navy used to send officers every year to the United Kingdom for training on naval tactics. We have gained a lot from that experience. When you engage officers who have gone for that training, they will tell you that the kind of training that they undergo is exhaustive and it is an extremely important exercise.

In this agreement, we will continue advancing that they continue. They used to take ten officers. They have scaled it down. We will re-engage them so that we send as many officers as possible to train in the UK.

There is also protection of the environment that has been captured very well in this agreement. There is military medical services including research and development, military sports, disaster relief and humanitarian operation by the armed forces. You remember the child and the mother who drowned in water when we had the ferry disaster a while back. It will be important for this country and the honourable House to understand that the first line of call during such emergencies is normally the military. This training has been advanced. Initially, the divers would go up to 100 meters I am told. Right now, we have divers who can go up to one kilometre under the sea because of such training that we continue to advance between Kenya, the United Kingdom and other countries with which we enter into defence co-operation agreements. As I pointed out earlier, there is also counter-terrorism, the defence and civilian component, exchange visits of military personnel, and mapping, surveying and exchange of geographic materials and other mutual interests in the future.

Article six of the agreement describes the legal status of visiting forces. The draft agreement subjects visiting forces to the laws of host nations. When I say the laws of the host nation in my initial statement, you realise I said we have included murder. That is so that there is no runaway murder for as long as you are in the jurisdiction of a country. One must be put on trial by that state, and not repatriating their officers to be tried elsewhere where families like Agnes Wanjiru's cannot afford to seek that trial and participate in it. In this agreement, we have allowed that such offences must be tried within the jurisdiction of the host nation - that is Kenya.

Article 24 of the agreement establishes the inter-governmental liaison committee comprising the representatives of the Republic of Kenya and the United Kingdom of the Great Britain and the Northern Ireland to oversee the implementation of the agreement. The inter-governmental liaison committee is also empowered to administer and implement the agreement, and to settle all the disputes and the many misunderstandings arising from the implementation of this agreement.

In considering the agreement, the Committee held a total of 11 sittings. The sittings were with the Ministry of Defence and other stakeholders. Pursuant to Article 118(b) of the Constitution on public participation and Section 8(3) of the Treaty Making and Ratification Act 2012, the Committee placed advertisements in two local dailies on 20<sup>th</sup> October 2021. They called for submission of memoranda on the subject matter. By the close of the deadline, the Committee had not received any memoranda for or against the ratification of the agreement. However, the Committee received the submissions of the County Government of Laikipia on 31<sup>st</sup> March 2022, long after the close of the deadline. Nonetheless, we still looked at them and considered them in our Report. That has been sufficiently addressed in this Report from the Committee.

The Memorandum of the County Government of Laikipia raises concerns over the claims of deaths, injuries and forms of suffering arising from the activities related to the BATUK. The memo further avers that no form of compensation has been forthcoming to settle the claims.

Defence agreements are important to the country. Among other things, they enable knowledge transfer, capacity building and sharing of information in an increasingly complex global environment. Having processed the agreement, the Committee observed that the existing agreement has multilateral and bilateral agreements with other State agencies. The country stood to benefit from the expertise held by the counterpart State.

The Committee observed that training by BATUK failed to adhere to Kenyan laws and obligations under international law with respect to preservation of the environment pursuant to Article 8 of the Agreement. This is largely because of the earlier defence agreements. We have made it very clear that, as they train, there should not be any environmental degradation. In fact, they will take responsibility if there was going to be any degradation happening going

forward. The agreement that lapsed did not consider environmental impact. However, this Defence Co-operation Agreement (DCA) will greatly address impact on the environment where training of the troops will take place.

The Committee further noted that Article 6(5) provides for various offences which are not to be considered as rising out of official duty and, therefore, triable by the host nation. However, murder was not listed as one of the offences. That allows cases similar to that of Agnes Wanjiru, not mentioned in the Report, to occur in the future.

The Committee further noted that Article 23 of the Agreement obligates visiting forces to respect and be sensitive to traditions of local communities. They should respect customs and cultures of local communities in the places they are deployed. However, the agreement does not provide social corporate responsibility. I will say it here that it behoves the host nation to make sure that anyone we have signed an agreement with is made to strictly adhere to the rules and regulations of the land - whether it is county government regulations or the Constitution of this country. Such cases of runaway murder and degradation of the environment would not happen if officers of Kenya were training in the UK for instance. We should not allow that to happen on our soil. In the strongest terms possible, we have made it known to the Kenya Defence Forces, the Ministry of Defence and even the UK Government through their representatives here in this country that this country, particularly this Parliament, will not tolerate any misadventure from UK officers. I see the light turning red. I will conclude if you allow me one minute.

It is a long Report. It is a very interesting Report. Because of time, I invite Hon. Members to look at it. It is important. It only touches on BATUK. I am sure there are other misadventures by people visiting from different countries with whom we have exchange programmes. They are happening, but are never raised. Only this one was captured because of the murder of Agnes Wanjiru. Going into the future, I hope this Parliament will look into the Treaty Making and Ratification Act.

With those many remarks, I request a distinguished honourable Member of the Committee, Hon. Memusi, to second.

**Hon. Memusi Kanchory** (Kajiado Central, ODM): Thank you, Hon. Deputy Speaker.

I second the Motion, that this House adopts the Report of the Departmental Committee on Defence, Intelligence and Foreign Relations on its consideration of the Agreement between the Government of the Republic of Kenya and the Government of the United Kingdom of Great Britain and Northern Ireland on Defence Co-operation laid on the Table of the House on Tuesday, 21<sup>st</sup> March 2023. The Chairperson, Hon. Nelson Koech, has moved it. As already noted, the Report details the Committee's consideration of the agreement between the Government of the Republic of Kenya and the Government of the United Kingdom of Great Britain and Northern Ireland on defence co-operation.

The agreement between the Government of the Republic of Kenya and the Government of the United Kingdom of Great Britain and Northern Ireland on defence co-operation had been signed on 27<sup>th</sup> July 2021. It replaces the previous Defence Co-operation Agreement that was signed in 2015, which expired on 6<sup>th</sup> October 2021. The expired agreement had been ratified by the House in 2016. The Kenya Defence Forces (KDF) has been co-operating with the United Kingdom of Great Britain and Northern Island Defence Forces primarily in the defence industry; training support and exchange of students in military institutions.

With renewed strategic interest, it was useful to have a new agreement that would take care of Kenya's interests. It is worth noting that the Government set up an inter-ministerial committee comprising representatives of the Ministry of Defence, Ministry of Foreign Affairs, Ministry of Interior and Coordination of National Government and the State Law Office to consider and identify the Republic of Kenya strategic interests in the bilateral co-operation with the Government of the Republic of the United Kingdom of Great Britain and Northern Ireland

on defence co-operation and to further develop a draft agreement setting up the framework for co-operation.

Further, a delegation from the Republic of the United Kingdom of Great Britain and Northern Ireland was received at the Defence Headquarters in Nairobi to discuss and settle the terms of the draft agreement. The draft agreement was subsequently submitted to the State Law Office for clearance and legal advice. It was cleared by State Law Office and the National Security Council and was accordingly signed by the parties on 27<sup>th</sup> July 2021 during the Head of State visit to the United Kingdom.

Indeed, the Agreement had been submitted for ratification in the last Parliament, a process that was not concluded at the end of the 12<sup>th</sup> Parliament. The Agreement was then re-submitted in the 13<sup>th</sup> Parliament for consideration by the National Assembly, which our Committee has exercised its mandate and now has tabled the Report for consideration and approval by this august House.

As the Chairperson has observed, the Committee noted that the Agreement between the Government of the Republic of Kenya and the United Kingdom of Great Britain and Northern Ireland was one of the many existing defence co-operation agreements between Kenya, other countries and agencies. The legal instrument was geared towards improving defence co-operation between the States.

I can see my time is up but let me just state a few points to enable Members to contribute to this Agreement between the two countries. First of all, it is important for the House to note that this Agreement is better than the one we previously had. This is something that the House should be aware of. Second, this Agreement has two important components that were not there before. One of the components is Corporate Social Responsibility (CSR) and the other one that has been stated by the Chairperson is the murder aspect.

**Hon. Deputy Speaker:** Hon. Member, please second because you have one minute.

**Hon. Memusi Kanchory** (Kajiado Central, ODM): Thank you, Hon. Deputy Speaker. I second the Motion and urge the House to adopt it.

**Hon. Deputy Speaker:** Thank you.

*(Question proposed)*

**Hon. Deputy Speaker:** I will now allow Hon. Members to contribute. Let us have the Member for Laikipia East, Hon. Mwangi Kiunjuri.

**Hon. Mwangi Kiunjuri** (Laikipia East, TSP): Thank you, Hon. Deputy Speaker. I stand to support the ratification of the Agreement between the Government of Kenya and the United Kingdom on defence co-operation. I come from the host county, that is Laikipia County and host constituency, that is Laikipia East constituency and we share partly with Hon. Sarah Korere, the Member for Laikipia North. At the outset, it is good to note that the two countries have a cordial relationship and the affairs of security are paramount to the relationship between Kenya and the United Kingdom.

The people of Laikipia also have a fairly good relationship with the British Army and this dates back since I was a young boy. I remember vividly how we used to enjoy going to Nanyuki Town and escorting them to the barracks where they gave us sweets. Those were memorable days until issues to do with terrorism and COVID-19 came up. Mostly, they took advantage of terrorism issues to secure their officers and interactions with the locals almost came to a halt.

At the same time, we really enjoyed their being in Laikipia in huge numbers because our business community benefitted and they assisted with social responsibilities. Over time, this has almost come to a halt because they are rarely seen in Nanyuki Town. They also run

businesses that belonged to Kenyans because after going back home, they come back and set up businesses. They have almost taken over all the businesses that our people enjoy.

Having said that, we still have a beneficial relationship. Our people provide them with labour and get expertise from serving in the British Army. I am also aware that Kenya has really benefited from this co-operation since Kenyan officers train in the United Kingdom alongside each other in this country. This cannot be taken for granted.

We have an exchange programme of sharing experiences, knowledge, military experience and building infrastructure. This should translate directly to the host counties like Laikipia, Samburu and Isiolo, where they carry out their training. As Members from those counties and representatives of the people, we would like to see our counties benefit from whatever action the Government takes. As we move these amendments, we should ensure that those people are properly represented in any debate and agreement.

I have read the Report of the Committee and incidences and serious concerns were raised through a memorandum by Laikipia County Government. We waited for them to come, but they changed the dates and never appeared. Again, I concur with the County Government of Laikipia County about the BATUK. It has been committing several atrocities to the people of Laikipia that are not only harmful to them, but also the environment. We vividly remember the fire incident that happened in Loldaiga whereby even today, people still suffer from lung diseases. Some of them have been hospitalised and others have lost their lives.

There have also been blast injuries across Samburu, Isiolo and Laikipia. Therefore, as we renew the ratification of the Agreement, we need to look at all these issues through the lens of corporate social responsibility. I support amending Articles 6(5) and 23 of the Agreement to enable the prosecution of those officers in the country. However...

**Hon. Deputy Speaker:** Leader of the Minority Party, Hon. James Wandayi.

**Hon. Opiyo Wandayi** (Ugunja, ODM): Thank you, Hon. Deputy Speaker. Let me also lend my voice to this Motion, which has been ably moved by the Chairperson of the Committee, by stating, from the outset, that I support it. I support it in principle because this co-operation has been useful and beneficial to both Kenya and the United Kingdom over the years. There have been issues around it that we can continue to thrash out as we move along. It is very important that we support this Motion so that the House approves this Agreement to allow the two countries to continue engaging within the law. I know that there has been a lacuna since the expiry of the previous Agreement. This Agreement must now be approved for us to operate within the law.

I agree that this is the right way to go in terms of the Treaty Making and Ratification Act of 2012. No agreement can ever have force of law unless this House approves the same within the meaning of this Act. Therefore, by bringing this Motion today, the Chairperson and his Committee are basically fulfilling the requirements of not only the Act, but also the Standing Orders and the Constitution of this country.

I am happy that the Committee is proposing the adoption of this Agreement, subject to some reservations. The matter of Wanjiru is very sad. The matter of that young lady is traumatising, to say the least. Until it is resolved, this country shall never be at peace. As we approve this Agreement, I plead with the Chairperson and his able Committee to pursue this matter to its logical conclusion. Whatever it takes, in the final analysis, let us, as a House, ensure that the family of that young lady finds justice. We cannot hide behind legal technicalities or jargon to deny that family its deserved justice.

Crime is crime and murder is a crime. Therefore, we cannot exempt murder from crimes or criminal acts that the host nation is required to try. When you commit murder in a host nation, that host nation must have the jurisdiction to try you, whether you have left its jurisdiction or not. You must be extradited to face trial in a fair, open and transparent process, as we believe our Judiciary should be. We may have similar cases in future. What shall we tell

Kenyans, especially my good friends from Laikipia, who are hosting that facility? Will we tell them that in future, if any other Kenyan faces a fate similar to that of Wanjiru, nothing will happen? No! We must send out a very strong message that anybody in this country who is aggrieved by a visiting nation's forces will have a chance to get justice.

I have had occasion to read the draft Agreement that we are being called upon to approve. I agree that corporate social responsibility must be given more attention. A lot more emphasis must be placed on the matter of corporate social responsibility. That basically also ensures that there is a harmonious relationship between communities and foreign forces.

Finally, I will recommend that we develop a mechanism to not only carry out due diligence on officers who will be visiting our country on those missions, but to also debrief them before they leave, if only to safeguard our national interests in terms of security.

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

**Hon. Deputy Speaker:** Thank you, Leader of the Minority Party. I now call upon Hon. Martha Wangari, Member of Parliament for Gilgil Constituency.

**Hon. Martha Wangari (Gilgil, UDA):** Thank you, Hon. Deputy Speaker. I also join my Chairman and the Committee in supporting this Report. I will not belabour too much in terms of the importance of this Agreement, but I will raise certain issues because I sat in the same Committee in the last Parliament. We did a lot of work on this Agreement, but we did not get to ratify it because that parliamentary session lapsed before we could do so.

Some issues have come up. As a House, we must also look at Section 8 of the Treaty Making and Ratification Act, so that we give Parliament some leeway to amend a treaty. I have written to the Speaker on the same. As it is right now, we can only voice reservations on issues that we do not agree with in this Agreement. We are unable to amend it. We raised those issues because Article 6(5) of the Agreement exempts some issues from prosecution. One is expected to take personal responsibility. The host country has the jurisdiction to try sexual assault and slavery, but they have omitted murder. That is why we have been unable to totally resolve the issue of the death of Agnes Wanjiru. In the last Parliament, we had a sitting with the Directorate of DCI, the DPP, and the Cabinet Secretary for Defence. That issue ended up being a ping-pong between the various directorates. We have not yet resolved the issue because the DPP was categorical that the DCI should conduct an in-depth investigation into the death of Agnes Wanjiru. We cannot get to the bottom of that matter until we deal with some of these issues.

The good that comes out of the relationship between these two countries outweighs the bad. When we talk about employment, 500 Kenyans have been permanently employed and others have been employed on casual basis. There is more good that comes out of the relationship. This Agreement has also opened up this relationship so that it is not just about training our forces. It also opens up other areas including initial advance and follow-up training, research and development. The issues that we are currently dealing with are dynamic, even in the security sector. Research and development are very critical. Disaster and humanitarian operations, military and civilian personnel and military sports are also important issues. These issues were initially not there. This will be a better agreement than the narrow and shallow view that we had whereby all we could mutually agree on was the issue of training.

Every treaty also has an exit clause. In fact, this Agreement can be terminated at any time through a written request and the consent of the two parties. It will last for five years and can be renewed. It can be amended. If we feel that a dynamic or a different issue has come up, this Agreement can be amended by the mutual consent of the two parties. It allows for flexibility so that we can insert any other issue that comes along. The one issue that it brings up that we have a problem with is that of Agnes Wanjiru.

Hon. Deputy Speaker, the issue of Agnes Wanjiru cannot be left to die like that. As my Chair has said, we will be calling the Director of DCI again because we would like to know how far that prosecution has gone. We want to know when the DPP will open formal charges

in terms of the killing of Madam Agnes Wanjiru so that we get justice to the family, including other issues that have been raised by the resident members. On the issue of fires, compensation had not yet been done. As a Committee, we have raised it but because time is up, I support.

Thank you.

**Hon. Deputy Speaker:** Before we go to the next speaker, I wish to recognise the presence of Turi Secondary School from Molo Constituency, Nakuru County; seated in the Speaker's Gallery.

I now call upon the Member for Saboti, Hon. Caleb Amisi.

**Hon. Caleb Amisi** (Saboti, ODM): Thank you, Hon. Deputy Speaker for giving me this opportunity to support this ratification of the Agreement Treaty by Parliament.

First of all, I want to praise our Chairman for ably representing us and setting the stage for a good debate. I rise to support, as a Committee member, and as a person who believes in defence co-operation between nations that have bilateral ties. Defence co-operation between nations with bilateral ties is a common phenomenon.

Kenya and the United Kingdom (UK) ties goes back to many years This is not unique because Kenya has had a co-operation before with UK, only that we are saying that this is a better well-choreographed and researched Agreement that is more tying and binding to our country.

If I take you through Article 2 of the draft Agreement that identifies the objectives of enhancing bilateral co-operation on defence by identifying framework for exchange of experience, knowledge on the use and mutual benefit of the Republic of Kenya and the United Kingdom of Great Britain and Northern Ireland, there are areas that were not captured in the previous agreement. I am one of the Members who have had a chance to look at this Agreement in depth and especially, having served in the 12<sup>th</sup> Parliament. This is one of the Agreements that has passed through two Parliaments. The 12<sup>th</sup> Parliament looked at it and it is because of its lapse that it has come back again. We looked at it further and identified areas we thought we could cushion Kenya against being taken advantage of.

Article 2 highlights agreements to regulate co-operation in areas like security and defence policy, counter piracy, defence administration and peacetime military activities. At a time when the world is becoming more dangerous and even talking about World War III and nations are going after each other, this is a co-operation that will enhance our military because the UK, by virtue of economic power, has a more advanced defence capability which is beneficial to our nation in areas of military exercise, counter-terrorism, military sports, disaster relief, medicine and research.

These are areas that Kenya needs to take a keen interest because the world is pumping more resources into education and research in search for more advanced technologies and more knowledge in matters of military capability. When we co-operate, even in areas of research and medicine, it gives us headway to manage our military. The position of Kenya in East Africa as an entry point to the Horn of Africa puts us in a precarious situation in the sense that, apart from just being a security threat, it is also a center of intelligence gathering. We are at risk of espionage and loosing critical information to our enemies. When we have enhanced intelligence sharing as part of this Agreement, it is important to the position of Kenya geopolitically; where Kenya is at a risk of losing the hegemonic power. We have Ethiopia trying to challenge us in our position as a hegemony of the East African region and this is a security threat to the country.

**Hon. Deputy Speaker:** Let him have half a minute to finish his sentence.

**Hon. Caleb Amisi** (Saboti, ODM): Thank you. I just wanted to enhance the importance of such an Agreement in a country that is so geo-politically positioned and is, therefore, at the risk of espionage insecurity, and interstate and intra-state chaotic environment.

Hon. Deputy Speaker, I rise to support and second as a Committee member as well.

Thank you.

*(Hon. Robert Pukose rose on a point of order)*

**Hon. Deputy Speaker:** Hon. Pukose, what is your point of order?

**Hon. (Dr.) Robert Pukose** (Endebess, UDA): Hon. Deputy Speaker, listening to the Members contributing to this Ratification, everyone seems to be supporting and I find it repetitive. Pursuant to Standing Order 95, I request that the Mover be called upon to reply.

*(Loud consultations)*

**Hon. Deputy Speaker:** What is the feeling Members? Let us give a few more Members. Let us have Hon. George Murugara, Member for Tharaka.

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

Let me support this Report and the adoption of the proposed Treaty. The BATUK has a long history in this country and that is why we famously know them as “Johnnies” when they walk around Nanyuki and everywhere else. This is a tittle they got when they came over during the state of emergency to fight the *Mau Mau*. Derisively, they used to be called “Johnnies.”

It is very important to see the riders that are in this Report – the reservations, for we do not want to have people visiting our country for whatever reason and because of immunities provided by Treaties, they are able to get away scot-free when they commit criminal acts.

Treaties are becoming better and better every day, including this one. As a young advocate, I used to represent the BATUK soldiers whenever they committed offences. It used to be the position then that they had to submit to the jurisdiction if we were to try them; and dutifully, the British Army would actually surrender those officers and they would be charged for traffic offences or other minor offences and would be tried.

There were instances when they would be shipped out of the country to avoid prosecution, and this was very unwelcome. This is why we have a rider on murder and eventually, we must have a whole clause in the Treaty that all criminal offences must be tried in the host country because that is what the rule of law entails. What was the position before we had these treaties? Let me narrate to this House what happened in the early 80’s when a British Naval Ship landed in Mombasa, and a young British Officer known as Sundstrom engaged a young Kenyan girl called Njeri and went out for a night.

What happened is that Sundstrom killed Njeri using broken bottles. The following morning, he was apprehended as the naval ship waited. The net effect was that he was charged in court before a white Judge. The Prosecutor from the Office of the Attorney-General was also a white man. Obviously, Sundstrom was represented by a white criminal lawyer - all of us know Georgeadis. Further, there was a quick plea of bargain and it was changed from murder to manslaughter. The white judge, whose name I withhold, had this to say in his sentence:

“While he gave Sundstrom six months suspended sentence, he could not afford to waste an expanse of the life of a young British Soldier in the hands of an African prostitute.”

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

*[The Temporary Speaker (Hon. Martha Wangari) took the Chair]*

That is how bad it was. Of course, university students from the Faculty of Law were in the streets, on rampage and demonstrating, but as it is usual with demonstrations, nothing came out of it. That white judge never supervised that six months suspended sentence.

---

**Disclaimer:** *The electronic version of the Official Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor.*

Therefore, we have come a long way to come up with treaties like this. Today, as an independent and sovereign nation, we should always get the best from our equal counterparts, the British Government. There cannot be any argument whatsoever, but the British Government has an upper hand in these negotiations. I do not know how much we benefit from them but they also benefit a lot from us. The Ministry of Foreign and Diaspora Affairs should now go to the British Government at arm's length and come up with the best of the treaties for this country.

With those remarks, I beg to support.

**The Temporary Speaker** (Hon. Martha Wangari): Thank you, Member for Tharaka. Member for Saku, Hon. Dido Raso.

**Hon. Ali Raso** (Saku, UDA): Thank you, Hon. Temporary Speaker. I rise to support this Report on the Ratification of the Agreement Between Kenya and the United Kingdom on Defence Co-operation. I want to congratulate the Committee for the Report. They have gone the extra mile to try to dig out the teething issues. I want to tell them that issues of individuals committing crimes should be separated from the relationship between countries. This is because a criminal act by an individual remains so. I also want to congratulate the Members for what they have done as far as the issue of Agnes is concerned. You must keep on pushing until justice is delivered to that family.

The United Kingdom remains Kenya's major partner in matters defence, which include defence transformation, training tactics, operations and strategy. Kenya Defence Forces (KDF) continues to borrow heavily from UK defence industry. That is how much our relations are embedded. The purpose of this Agreement is to put ink on paper so that it becomes an agreement between two equal nations. The UK will not be superior or Kenya be inferior by signing this Agreement.

During the 12<sup>th</sup> Parliament, Members of this Committee refused to bring this particular Agreement to the Floor of the House. This was as a result of the ping-pong that was happening around the issue of Agnes. As a Committees of Parliament, we must do due diligence so that, at the end of the day, justice is delivered for Kenyans who are unfairly killed or punished by people who appear to be larger than life.

In Laikipia, Isiolo and Samburu counties, there are cases of unexploded ordinance devices, rapes reported and accidents by BATUK vehicles. Through this Agreement, we are asking that justice be served in the courts of Kenya, and not in the UK courts. Agnes's case was raised in the House of Commons, and not in the Kenyan Parliament at the beginning. This is because the soldiers were joking and one of them said that one of their colleagues had killed a Kenyan lady. That should not happen. Further, through this agreement, we must call on the UK Ministry of Defence to take responsibility for actions of their soldiers when they are in Kenya.

Finally, visiting forces everywhere in the world obey the laws of those countries once they arrive. BATUK trains in pastoral areas and the pastoralists are normally herders who look after cattle, goats, sheep and camels. Their areas are sparsely populated and nobody should take advantage of them. Finally, they could suffer disadvantages because many of them are illiterate and people with lower incomes. This Government should not allow foreigners to take advantage of our people.

I thank you, Hon. Temporary Speaker.

**The Temporary Speaker** (Hon. Martha Wangari): Thank you. Member for Laikipia, Hon. Jane Kagiri.

**Hon. Jane Kagiri** (Laikipia County, UDA): Thank you, Hon. Temporary Speaker, for giving me this opportunity. I stand to support the ratification of the Agreement between Kenya and the United Kingdom on Defence Co-operation. This is with reason enough that I hail from Laikipia County. As a County, we have had a lot of benefits from BATUK.

That said, we would also have to put in a lot of consideration to what has been mentioned by the Members who had spoken earlier. First, we need to consider BATUK activities. We have had situations such as fires in the Loldaiga. We also have the issue of Agnes Wanjiru. As a leader hailing from Laikipia, I feel this should be observed and justice must be delivered to Agnes's family.

In regard to employment, we appreciate the very great initiatives that BATUK has brought to Laikipia County. It is good to mention that, as they get trained in the various camps in Laikipia County, there is consideration that needs to be given to the people from Nanyuki. This is because Nanyuki hosts the main offices of the British Army, but they go to train in the outskirts of Nanyuki Town. It is said that the locals in those areas are the ones who are supposed to be involved in the trainings, but opportunities are denied to the people in Nanyuki town, Thingithu Ward. Those issues need to be considered.

Having said that, we also benefit a lot from BATUK while they are in Laikipia County. First, the economy is doing well because they rent our houses. Currently, they have occupied around 103 houses in Laikipia. They also help in repairing our roads. They are involved in providing water and they have drilled many boreholes in Laikipia County as well as water conservation, especially in this rainy season.

On employment, we have many of our people working there. I must appreciate them especially on the casuals working there. The skilled labourers are paid Ksh1300 per day, while the unskilled ones are paid Ksh800, which is good. I also appreciate that during the COVID period, our people were paid throughout.

I will not complete without appreciating that this year, this term in particular, all the sanitary towels I am supplying to our girls' students in Laikipia County have been provided by the British Army.

Hon. Temporary Speaker, with those remarks, I beg to support the ratification of the Agreement between Kenya and the United Kingdom on Defence Co-operation.

Thank you.

**The Temporary Speaker** (Hon. Martha Wangari): Hon. Members, I know many of you are anxious for the next Motion. Therefore, I would wish to request that if you still want to speak to this specific Report, please put up an intervention so that I am able to pick you out. As directed by the Speaker, the debate will go up until 5.00 p.m.,

This chance will go to the Leader of the Majority Party.

**Hon. Kimani Ichung'wah** (Kikuyu, UDA): Thank you, Hon. Temporary Speaker. I will be very brief. I rise to support this Report. We have had this Report in this House from the 12<sup>th</sup> Parliament. As the Chairman indicated, the previous Committee in the 12<sup>th</sup> Parliament had done most of the work. You were a Member of the Committee in the 12<sup>th</sup> Parliament and still a Member of the Committee in this Parliament, and we commend the Committee for the work they did.

However, I have had engagements around the unfortunate murder of Agnes Wanjiru in Nanyuki. We have a responsibility collectively as leaders who represent people in our constituencies, not just in Laikipia County, to ensure that whoever is training, be it the military or the police or whether you are working in this country as an expatriate, respects the sanctity of life of Kenyans. Therefore, I ask our investigative agencies not to let this matter die if this Report is adopted. Our investigative agencies and those in the UK must work together to ensure that they get to the bottom of what happened to the life of the late Agnes Wanjiru. Like in all other countries, when one of us loses their life, it must be a matter of concern to all of us as a country. We cannot sweep the death of Agnes Wanjiru under the carpet.

I had an engagement with the Minister for Defence Forces for the United Kingdom sometime back when he paid a courtesy call to my office, and he indicated their willingness and determination to get to the bottom of this issue. I encourage the Directorate of Criminal

Investigations (DCI) and all investigative agencies to work together with the investigative agencies in the UK to make sure that those who may have murdered Agnes Wanjiru, whether they are Kenyans or UK nationals, are brought to book and charged before court.

The other issues that have been of concern to the people of Laikipia and other areas that these troops train in relate to respect for cultures. I encourage the troops to be cognisant of the cultures of the people in the areas they are training in, whether they are pastoralists or farmers. On issues such as the LBGTQ rights which are observed in the countries they come from, but are not recognised by us, the troops must uphold the cultural values of the people in the areas they work in. As they patronise clubs and other entertainment areas in Nanyuki and the surrounding towns, they must bear in mind that they are working in a community that has certain cultural and social values that they hold dear and respect.

On the issue of the environment, a case in point is the fire incident at Loldaiga Hills, and the issues that were raised by the County Government of Laikipia. As much as we appreciate that this might have been an unfortunate incident, we must ask the troops and even our own troops, wherever they train from, to take care of the environment to make sure that such unfortunate incidents do not happen. We have also seen landmines and explosives being left unattended to and blowing up young boys and herders. Wherever the troops train in, they need to remain sensitive to the communities around them.

With those many remarks, Hon. Temporary Speaker, I support this Report and urge the House to approve it so that we can close this matter which started in the 12<sup>th</sup> Parliament.

**The Temporary Speaker** (Hon. Martha Wangari): Thank you. Member for Busia, Hon. Catherine Omany.

**Hon. Catherine Omany** (Busia County, ODM): Thank you, Hon. Temporary Speaker. I really love the Motion and I support it fully. It will help the two nations to appreciate each other's culture. If anyone, white or black, does anything that is not in line with the law of the nation, he or she should be answerable. This will ensure that nationals from both nations are responsible whenever they visit each other's nations.

Wanjiru is a Kenyan and a human being. The way Britain looks at human rights, it should be the last country to ignore such a thing. Wanjiru's family must be compensated. I applaud the Committee that has come up with this treaty. I know of past cases that were never dealt with. The handling of this case will help in other cases being looked into.

There is no white or black person or superiority or inferiority issues when a person loses their life. Someone's life has been lost. I appreciate that this Treaty covers such matters and more. Most of my colleagues have mentioned issues to do with the British Army whenever they come here. If possible, those who will be coming do a reconnaissance visit should understand extensively and intensively what Kenyans value most so that they do not keep eroding our culture, thinking that the other culture is better. This Motion is good and needs support from all of us.

**The Temporary Speaker** (Hon. Martha Wangari): Member for Molo.

**Hon. Kuria Kimani** (Molo, UDA): Thank you, Hon. Temporary Speaker, for giving me this opportunity to support this particular Motion and thank the Departmental Committee on Defence, Intelligence and Foreign Relations for this good Report. I will start from where Hon. Omany left off, on the unfortunate murder of Agnes Wanjiku Wanjiru. The innocent lady died in the hands of British soldiers. There should be justice. When we talk about matters of human rights, these are the human rights we care about and want to hear being talked about by Britain to the people of Kenya. That is why, as the Leader of the Majority Party has said, LBGTQ issues are not human rights issues to us. Human rights are about the sanctity of life. This lady died in the hands of British soldiers.

I laud the British soldiers for implementing a lot of CSR programmes around Laikipia. I hope that these CSR programmes being implemented for the great people of Laikipia, whether

it is building schools and hospitals or provision of supplies to help in drought mitigation, are not just for the process of ratification of this Agreement. I hope the programmes will continue even after this 13<sup>th</sup> Parliament ratifies this particular Agreement.

I also note that for once, this Agreement expressly provides for the payment that should be made for the use of the land in Laikipia by the British troops. We have had the unfortunate incidence, as a country, of giving preferential treatment to outsiders many times at the expense of locals. It is surprising that for all the years British soldiers have operated in Kenya, they have used our land for training without a specific payment being made to the people of Kenya. If we extended the argument to cover other parcels of land across the country, I would not be surprised to find many multinationals using our land without compensating the people of Kenya. Sometimes this is where we discriminate against ourselves. Perhaps the reason these soldiers got away with this murder is because we give preferential treatment to foreigners at the expense of locals.

Hon. Temporary Speaker, if a police officer finds a white man and a black man who have perhaps run a red light, the police officer will stop the black man and send him to prison, but the white man will be left scot-free. If there is a conflict in a marriage where maybe there is a white man married to a black woman and violence is meted on the black woman, the police officers will most likely side with the white man. The reverse is also true when we have violence being meted out against a black man by a white woman, you will find our judicial system giving preferential treatment to these white people or non-Kenyans.

As I finish, when we talk about the sanctity of human life, we are not just talking about Agnes Wanjiku, but about the late Jeff, who was thrown over from a rooftop of a house in Kasarani Estate, and all such other people. We have had a very interesting trend. I think every week we are having somebody thrown from the 2<sup>nd</sup> or 4<sup>th</sup> floor of some apartments in Kasarani. These deaths must stop. We must, as a country, have respect for the sanctity of human life and respect the dignity of every Kenyan irrespective of age, race, or social status in society.

With that, Hon. Temporary Speaker, I support this report.

**The Temporary Speaker** (Hon. Martha Wangari): Thank you. Let us have the Member for Alego Usonga, Hon. Samuel Atandi.

**Hon. Samuel Atandi** (Alego Usonga, ODM): Thank you, Hon. Temporary Speaker, for this opportunity. From the word go, as a House, what we need to focus on when we are discussing agreements of this nature is to understand the philosophy behind these agreements. If you look at these agreements, they are heavily tilted in favour of the British, and even if you talk about the benefits that I have heard from my colleagues, where about 500 people are employed as casual labourers, they do not compare. Therefore, from where I sit, I think these agreements are an extension of colonial domination. The British continue to dominate us through some of these agreements by having their Army officers train in our land and they pretend to be giving us benefits.

I heard the British High Commissioner say that since 2016, Britain has spent about Ksh5 billion in supporting this programme, and that this money has gone into benefitting the economy of Kenya. This amount is peanuts. As I support the adoption of this Report, in the future, let us as a House, look at the philosophy of some of these agreements and if we find that they are an extension of colonialism, we have to reject them.

Hon. Temporary Speaker, I have also listened to the Report that there is an addition on CSR being included as part of the Treaty. Do you need an agreement for you to support me? What we are simply saying is that now there is an agreement that the British should be allowed to do CSR. That is something that should be voluntary. If the British believe that this Agreement is good for them, then we need not remind them that CSR needs to be part of this Treaty. Therefore, we need to think beyond the peanuts that this Agreement is giving us in terms of employment of a few people.

Lastly, this issue of Wanjiru is more than just death. It is an affront to the dignity of a Kenyan. The fact that British soldiers can come here and kill one of us, then they recall back the officer who allegedly did the killing... Later on, they purported that the investigation was not sufficient. This is really an affront to the dignity of an African. We must continue to reject the continuous domination of the white man on our land on the back of purporting that they are employing some 500 people, which is peanuts, as the Woman Representative was saying here. The philosophy behind this Agreement is what this Parliament needs to focus on, not the little benefits the British people are giving us.

Otherwise, I support it.

**The Temporary Speaker** (Hon. Martha Wangari): Member for Nakuru Town East.

**Hon. David Gikaria** (Nakuru Town East, UDA): Thank you, Hon. Temporary Speaker. I rise to support this Report. I want to thank the Chair and his team for the elaborate work they did, because it is not easy. The last time we were doing some treaties here, we were told that we cannot change even a comma or a sentence. I want to agree that the Committee has looked into the Agreement and somewhere on Page Three of the Report, the Committee did look into that. They have said they will either adopt or approve through the National Assembly with or without reservation. That is important for this House. The documents are not just brought here as a conveyer belt, but to be scrutinised, and where we think there is a problem, that problem is sorted.

In their Report, they have looked into some very critical aspects which most of the time are not looked into. One of the issues they were looking into is the protection of the environment. It is important to talk about our environment. Whatever activity is done in this country that affects our environment, it might even eat up the gains that we normally get in the process. Among other things, they were concerned about the environmental effect of the British and the Northern Ireland military activities in Laikipia. It is true, as Mhe. Murugara was saying, they are known as if they are the ones who have kept Laikipia alive, and more so Nanyuki Town. I want to appreciate that as much as there are those issues that are emerging, we also as a country do benefit. It is unfortunate that this Report was tabled in 2021 in the last Parliament, but it has taken that long to get to this level and get approval.

These are some of the things we want to think about as Parliament, that we should be allowed to proceed from where the last Government had reached so that we do not take too much time. However, I want to thank the Committee that within six months, they have revisited this issue and made a Report that has been brought to the House. However, one of the issues that the Committee did allude to is the fact that there are those offenses which the host country cannot prosecute. It is important for us to really think. I thank the Committee that among the few recommendations that they made, one of the issues is that the Agreement should be amended by inserting a new paragraph immediately after paragraph (h) to include murder as one of the offenses which are under the jurisdiction of the host nation.

Hon. Temporary Speaker, I want to agree with the Committee that we cannot allow such. If it was an ordinary Kenyan out there in Britain, by now he would be languishing in their jails. Imagine somebody just walks here and all of a sudden commits that crime! It is not fair. I want to thank the Committee for taking their time and more so even scrutinising the few amendments that they have proposed. I hope they will be included in the Report. We would like to thank the Committee very much that it is all about protecting Kenyans and not about the little shillings they spent in some flats here, which does not help us a lot. It only helps a few people, maybe not ladies only, but others also.

I also thank you, Hon. Temporary Speaker, for giving me this opportunity today because we come from the same county, and you are a great lady. I wish you well in the next Parliament.

**The Temporary Speaker** (Hon. Martha Wangari): Thank you, Hon. Gikaria. Your time is up.

As directed by the Speaker, it is now 5.00 p.m., and the debate on this Motion will proceed in the consequent Sitting. We will now go to the Adjournment Motion by the Leader of the Minority Party, Hon. Wandayi. Hon. Wandayi, you will have 10 minutes and every other speaker after you will strictly have five minutes. This Motion will not be seconded. I am saying this because of the Members who are volunteering to second.

**Hon. Opiyo Wandayi** (Ugunja, ODM): How many minutes do I have? Twenty minutes?

**The Temporary Speaker** (Hon. Martha Wangari): You only have 10 minutes. Every other speaker after you strictly has five minutes as per Standing Order 33.

### MOTION OF ADJOURNMENT ON A MATTER OF URGENT NATIONAL IMPORTANCE

#### DETERIORATING STATE OF THE COUNTRY'S ECONOMY

**Hon. Opiyo Wandayi** (Ugunja, ODM): Okay. Start counting.

Thank you very much, Hon. Temporary Speaker. I rise under Standing Order 33 to move this Motion. As I alluded to earlier on, we are facing unprecedented times in this country. It is the first time since we attained our Independence that the Government of the Republic of Kenya has failed to pay civil servants their salaries. As we speak, there are thousands of civil servants who are yet to receive their March salaries, yet today is 11<sup>th</sup> April. There is no indication as to when these salaries will be paid, if at all they will be paid. We are advised that a nation is like a going concern. Accountants here can tell you that anytime a going concern fails or defaults to pay its workers, it is basically fettering on bankruptcy.

Therefore, it is safe to say that Kenya is almost becoming bankrupt, if it is not already bankrupt. This is no idle talk. This is very serious. This country is going bankrupt as we watch. It is not only about salary delays. As we speak, all the 47 county governments are facing a serious financial crunch. Out of the Ksh370 billion of the equitable share that was to go to counties in this financial year, two months to the end of the financial year, only Ksh141 billion has been disbursed. County governments are unable to pay their employees, leave alone provide essential services to the people of this country. There has been no remittance to the counties from January to April this year. This is unprecedented. This never happened even during the COVID-19 Pandemic. One would be forgiven to think that we are in a war setup. What could possibly be happening? Above all, nearly all development projects have come to a halt on account of lack of money. Where has the money gone?

Hon. Temporary Speaker, according to the estimates of revenue, grants and loans for the year ending 30<sup>th</sup> June this year, which we approved in this House last year, the KRA had targeted to collect Ksh2.1 trillion in tax revenue. As at the end of February this year, the KRA had only collected Ksh1.2 trillion, which essentially amounts to 57 per cent of the target. Yesterday, through an unsigned statement, which ostensibly came from the KRA, the KRA purported to have attained 95 per cent of its original target. This cannot be true because the tax revenue target can only be approved by this House. I can confirm to you that even in the Supplementary Estimates which we passed a few weeks ago, there was no variation on tax revenue. Therefore, KRA has fallen short of its target. If this is untrue, let the KRA come and dispute it tomorrow. I will be happy to face them head-on.

We have had contradicting statements emanating from KRA. One statement was from the Chairperson of the Board of Directors in the KRA, Mr. Anthony Mwaura. He is on record saying that he is trying to drain the swamp in KRA and that there are officers in the KRA who

are predisposed to steal public money, and he has to remove them. On the other hand, the statement from KRA yesterday disputed this fact. Who do we believe? Is it the Chairperson of the Board of Directors, the KRA or the Commissioner-General, KRA? If we are to believe the Commissioner-General, then what the hell was the Chairperson of the Board of Directors of KRA doing issuing executive orders? In any case, there are serious integrity issues surrounding the Chairperson of the Board of Directors of KRA.

*(Loud consultations)*

I will table the report now.

On 5<sup>th</sup> October 2022, KRA wrote to the Director, Kenya National Water Harvesting and Storage Authority (NWHSA), regarding urgent suspension notice on Toddy Civil Engineering Company Limited, Business No.154472. This letter had the effect of shutting down Toddy Civil Engineering Company Limited on account of tax evasion. This letter dated 5<sup>th</sup> October 2022 was signed off by Mr. Kirui, the Debt Manager, Medium Taxpayers Office. The upshot of this is that even as this gentleman was being appointed as the Chairperson of the Board of Directors of the KRA, he had issues with tax evasion concerning his own company. I am not aware if this issue was ever resolved.

**Hon. (Dr.) Robert Pukose** (Endebess, UDA): On a point of order.

**The Temporary Speaker** (Hon. Martha Wangari): Order, Hon. Wandayi.

What is your point of order Hon. (Dr.) Pukose?

**Hon. (Dr.) Robert Pukose** (Endebess, UDA): Hon. Temporary Speaker, the Leader of the Minority Party is discussing a letter which is not in circulation, and which he has not tabled before this House. You cannot bring a document that has not been tabled before this House. He is out of order to discuss something that is not before this House.

**Hon. Opiyo Wandayi** (Ugunja, ODM): Hon. (Dr.) Pukose knows that I have been in this House long enough.

*(Loud consultations)*

**The Temporary Speaker** (Hon. Martha Wangari): Order, Hon. Wandayi. Regardless of how long we have been in this House, we should follow our Standing Orders. Ensure that any document you refer to is substantiated. Also, refer to your own Motion on the issues you are discussing. The document should be tabled and become property of this House if it is to be discussed.

*(Hon. Opiyo Wandayi laid the paper on the Table)*

**Hon. Opiyo Wandayi** (Ugunja, ODM): You can scrutinise it. I also have extra copies here for Hon. (Dr.) Pukose and the rest.

My time is not even halfway. Even if we were to assume that KRA is right in their suggestion that they ever achieve their target, where is the money? Next week, I will be coming back here to discuss more about the National Treasury. Therefore, it behoves the KRA and the National Treasury to tell us where our taxpayer's money has gone. For the first time in this country, we are failing to meet our very basic obligations as a country.

As we speak, there is a threat already issued of retrenchment of hapless poor civil servants. None other than the Chairman of the President's Council of Economic Advisors issued it last night. David Ndi had the audacity to say that he is going to recommend retrenchment of poor civil servants. How dare you retrench poor workers and hustlers while recruiting and appointing unnecessary number of Chief Administrative Secretaries (CASs)?

---

**Disclaimer:** *The electronic version of the Official Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor.*

How dare you retrench workers while creating offices for your spouses? How dare you retrench poor workers while buying expensive cars?

**The Temporary Speaker** (Hon. Martha Wangari): Member for Ainabkoi, Hon. Chepkonga, what is your point of order?

**Hon. Samwel Chepkonga** (Ainabkoi, UDA): I rise pursuant to Standing Order 91. Its heading says “Responsibility for statement of facts”. I have just noticed when I walked in; I was shown this document that has been circulated to Members, purportedly tabled by Hon. Wandayi, the Leader of Minority Party. It is a letter addressed to the Director of the NWHSA. It talks about “Agency Suspension Notice, Toddy Civil Engineering Company Limited.” I was in the House Business Committee (HBC) and looked at the Motion of the Leader of the Minority Party and this letter has no relevance at all to the Motion that he is prosecuting and purporting to execute.

Would I be in order to question?

*(Loud Consultations)*

The difference between Hon. John Mbadi and me is that he is a lawmaker, and I am a lawyer. Therefore, I multitask. This is not your relevant field. I am both a lawmaker and a lawyer. You had better listen to me. Listen first.

**The Temporary Speaker** (Hon. Martha Wangari): Wind up on your point of order.

**Hon. Samwel Chepkonga** (Ainabkoi, UDA): You know the worst thing is people shouting at you. You know every civilised community listens. If he reads the Bible, the Bible says “listen”. People need to listen. You know, one of the virtues of wisdom is listening.

**The Temporary Speaker** (Hon. Martha Wangari): Order, Hon. Chepkonga. If you have a point of order, please, prosecute the point of order, so that we are orderly. You have one minute. Finish up.

*(Hon. Opiyo Wandayi stood up in his place)*

**Hon. Samwel Chepkonga** (Ainabkoi, UDA): Hon. Temporary Speaker, Hon. Wandayi cannot purport to be standing and interrupting me when I am raising a point of order. You cannot be the one concluding.

*(Hon. Opiyo Wandayi spoke off record)*

**The Temporary Speaker** (Hon. Martha Wangari): You are already on your feet, Hon. Chepkonga.

**Hon. Samwel Chepkonga** (Ainabkoi, UDA): Hon. Temporary Speaker, this purported notice has no relevance at all to the Motion being moved by Hon. Wandayi. Would I be in order to request Hon. Wandayi to withdraw or expunge from this debate this purported tabling of documents that are irrelevant to the Motion?

**Hon. Opiyo Wandayi** (Ugunja, ODM): Hon. Temporary Speaker, I was getting worried that Hon. Chepkonga is usurping your power and mandate. I am very much relevant because I am talking about failure of the Government of Kenya to meet its financial obligations, which failure is attributable to possible theft of money. At the core of this theft could be the integrity of those who are in charge of the KRA and the National Treasury. I am perfectly in order.

**The Temporary Speaker** (Hon. Martha Wangari): Order, Hon. Wandayi. Please, take your seat. I was going through your Motion and the letter you have tabled. We are a House of order. We are a House of debate. The letter you have tabled is directed to NWHSA. Letters

adhere to the rule of debate. If it is an issue of companies, we have committees that deal with that in this House. In fact, the Minority leads all oversight committees in this House. I would say that there is no congruence or relevance to what we are discussing today. There is no congruence.

*(Loud consultations)*

Order, Members. It is okay to ventilate. However, this is a House of records. I direct that you withdraw this letter officially and formally and prosecute your Motion. You have a balance of two minutes, and then we will have five minutes for every Member.

**Hon. Opiyo Wandayi** (Ugunja, ODM): Hon. Temporary Speaker, let me say this: If you find this letter inadmissible, you can simply go ahead and expunge it. However, I cannot withdraw it. You know very well. You know I am the last person who can do irregular things. This letter is at the core of the issues at the KRA. I want you to confirm or disapprove the fact that this company belongs to the Chairman of the KRA Board of Directors.

**The Temporary Speaker** (Hon. Martha Wangari): Hon. Chepkonga, what is your point of order?

**Hon. Samwel Chepkonga** (Ainabkoi, UDA): Hon. Temporary Speaker, this is a House of rules. I rise pursuant to Standing Order 91. This is a House of rules. It is not proper when the Leader of the Minority Party, who is supposed to observe decorum and rules of procedure in this House, threatens the Temporary Speaker and tells the Temporary Speaker “you can overrule me, but I am not going to withdraw”. That in itself is throwing decorum away. How can we listen to a senior leader of the standing of Hon. Wandayi threatening the Temporary Speaker?

**The Temporary Speaker** (Hon. Martha Wangari): Order, Hon. Chepkonga. I will persuade you by telling you that I am also a seasoned politician. I am not a new Member in this House. I do not need protection, but I will need Hon. Opiyo Wandayi to adhere to that ruling. You will withdraw this letter. You will continue with the Motion. We will continue with the debate. The rules of relevance will be adhered to.

**Hon. Opiyo Wandayi** (Ugunja, ODM): Hon. Temporary Speaker, you can only withdraw a statement you have made on the Floor of the House if it is inappropriate; you cannot withdraw a document. If it is inadmissible, you just expunge it. Therefore, I am not withdrawing anything. I conclude now.

**The Temporary Speaker** (Hon. Martha Wangari): Order, Members. I, therefore, rule that this document is not admissible. It will be expunged from the records of the House.

**Hon. Opiyo Wandayi** (Ugunja, ODM): Fine. Fine.

Hon. Temporary Speaker, let me conclude. We cannot run away from the problems we are facing as a country. The Government in power cannot run away from the problems that face the country by continuously scapegoating and buck-passing to the old regime. There is this tired narrative of the ‘handshake’ regime or Government. It is on record that there has never been a Government known as ‘handshake’ in this country. The past Government was led by none other than Uhuru Muigai Kenyatta, deputised by none other than William Samoei Ruto for five good years.

*(Applause)*

You must take responsibility for the good things that that Government did, and also own up for the bad deeds of that Government. You cannot continue to find a scapegoat in Raila Amollo Odinga. We must caution you that that scapegoating will not yield anything.

**The Temporary Speaker** (Hon. Martha Wangari): Your time is up. For those who have just come in, we will have five minutes on this debate for every Member. You have five minutes any time you get a chance. We will start with the Member for Endebess, Hon. Robert Pukose.

**Hon. (Dr.) Robert Pukose** (Endebess, UDA): Thank you, Hon. Temporary Speaker. It is true that the economy is not doing well, and we got ourselves in this position because of the previous Government. When President Ruto took power, we remember the Government was broke and we cannot run away from this. It is true that the Government is not performing well, but it got itself here because of the previous administration and we cannot run away from this. When President Ruto took over, the price of *unga* was Ksh250, and everything was skyrocketing. The country was sliding in the wrong direction. So, we should give credit where it is due.

We are on the right track to recovery because of the economic remedies or positions the Government has taken. If we can remember, the previous Government borrowed money left, right and centre. You cannot say they paid for everything because they were paying through debts and more borrowing. We cannot continue borrowing to pay salaries because it is wrong, having failed because you were part of the Government through Raila Odinga and the handshake. You cannot say you have a remedy for this because you do not. The remedies you prescribed like *unga* subsidies never reached anybody. We went to the supermarkets and there was no *unga*. Subsidies put on fuel did not benefit the fuel distributors, but benefited fuel dealers. People ended up opening more companies so that they could make more money.

**Hon. TJ Kajwang'** (Ruaraka, ODM): On a point of order, Hon. Temporary Speaker.

**The Temporary Speaker** (Hon. Martha Wangari): Member for Ruaraka, what is your point of order?

*(Hon. Kimani Ichung'wah spoke off record)*

**Hon. TJ Kajwang'** (Ruaraka, ODM): No, Mbadi is sitting very well.

Hon. Temporary Speaker, the Member on the Floor is a friend of mine and a renowned doctor. This is precisely why he must speak facts while on the floor of the House. I have heard him mentioning names and talking about the previous Government, saying we were part of it. Can he tell us exactly how Raila entered into that Government and what role he played in it? How does it culminate into this discussion, and who was responsible for the Executive in that Government? If he cannot, I invite you to respectfully find him out of order and ask him to withdraw those comments.

**Hon. (Dr.) Robert Pukose** (Endebess, UDA): Thank you, Hon. Temporary Speaker and the people's chief justice. You know very well...

**The Temporary Speaker** (Hon. Martha Wangari): Order! Hon. Pukose, have you mentioned...

**Hon. (Dr.) Robert Pukose** (Endebess, UDA): Raila Odinga?

**The Temporary Speaker** (Hon. Martha Wangari): Yes, and I think...

**Hon. (Dr.) Robert Pukose** (Endebess, UDA): No, Raila Odinga has been mentioned by the people's chief justice. He knows very well that he facilitated State capture through the handshake. He is the one who swore him in at Uhuru Park. That is how he got himself into the Government through his swearing in.

*(Loud consultations)*

**The Temporary Speaker** (Hon. Martha Wangari): Order Members! Order, Hon. Pukose! Hon. Members, however emotive this issue is, we are a House of records. Let us follow

---

**Disclaimer:** *The electronic version of the Official Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor.*

our rules and ensure we do not discuss a Member without a substantive Motion. That way, I think we will be orderly and disciplined. Let us speak to the Motion.

Member for Endebess, please, continue and finish up. You have a few minutes to go.

**Hon. (Dr.) Robert Pukose** (Endebess, UDA): Thank you, Hon. Temporary Speaker. I want to state categorically that we cannot blame the Government that has not even implemented its budget. The budget we are implementing is for the former Government. What we have done is a supplementary budget to try and align with the Government's agenda.

**The Temporary Speaker** (Hon. Martha Wangari): Your time is up.

Member for Kathiani, Hon. Robert Mbui.

**Hon. Robert Mbui** (Kathiani, WDM): Thank you, Hon. Temporary Speaker for this opportunity. I want to begin by thanking the Leader of Minority Party for noting that Kenyans are suffering, and for coming up with this very timely Motion. Kenyans will watch and know the representatives who care for them and those who do not.

First and foremost, during the last campaigns which we came from last year, the Kenya Kwanza administration promised heaven on earth, but the current situation is hell on earth. The cost of *unga*, electricity and fuel are still high. We have now started delaying salaries. Something that has never happened since 1963 when we got our Independence. This is happening under the watch of the current regime of Kenya Kwanza. We have heard there are threats to retrench employees of the civil service without any plan. As we speak, Members of Parliament who are on their first, second or third term may probably not be re-elected because there is no National Government Constituencies Development Fund (NG-CDF). Out of the NG-CDF money, almost Kshs100 million is still owed to all constituencies. Our counties are also crying and we are having an economic meltdown in this Republic.

What solutions is Kenya Kwanza offering? The answer is none. What they are doing is pushing and blaming other people. I am very happy because the issue of Uhuru and Raila has been mentioned. They keep telling us that they found empty coffers and that money was stolen. This regime must respect the rule of law. If anyone steals money, they control the National Police Service, the Ethics and Anti-Corruption Commission (EACC), the Directorate of Criminal Investigations (DCI), and the Director of Public Prosecution (DPP). Let them arrest the people they keep talking about. Otherwise, we cannot keep shifting blame on people that are not responsible for the problems this country is facing.

Hon. Temporary Speaker, let me tell you, last night on *Monday Report*, the economic advisor to the President was on Citizen Television and he said that this regime does not take advice, is wasteful and has excesses of employing CASs and buying vehicles for leadership and giving spouses and children offices.

**Hon. Kimani Ichung'wah** (Kikuyu, UDA): On a point of order, Hon. Temporary Speaker.

**The Temporary Speaker** (Hon. Martha Wangari): Order, Hon. Mbui! The Leader of the Majority Party, what is your point of order?

**Hon. Kimani Ichung'wah** (Kikuyu, UDA): Thank you, Hon. Temporary Speaker. Hon. Robert had done very well until he started misrepresenting facts and statements by people who are not in this House, like the advisor to the President, Dr. David Ndi. Indeed, he has asserted that he spoke about this regime and we all watched and listened to him. He was talking about governments. He never spoke about this regime.

*(The Temporary Speaker consulted the Clerk-at-the-Table)*

Hon. Temporary Speaker, if I can get your attention. I was indulging you as you consulted with the clerks. Hon. Robert Mbui must state in this House facts and not twist words of others to suit a very parochial statement in a very deep discussion. You know Hon. Robert

---

**Disclaimer:** *The electronic version of the Official Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor.*

Mbui fractured his leg in 2017 during the demonstrations. I have been encouraging him that this is the forum to speak about matters of the high cost of living, not in the streets.

**The Temporary Speaker** (Hon. Martha Wangari): Leader of the Majority Party, what is your point of order?

**Hon. Kimani Ichung'wah** (Kikuyu, UDA): Hon. Temporary Speaker, I was rising under Standing Order 91 on statement of fact. Hon. Mbui cannot mislead the House. He is a seasoned parliamentarian and a good man. In 2017, when he followed the others, he fractured his leg. I warned him and I advised him, and I am glad he heeded my advice. He has not...

**The Temporary Speaker** (Hon. Martha Wangari): Order, Hon. Ichung'wah. I think we have alluded to television shows in this House once in a while. Hon. Mbui just alluded to a show that was on television yesterday.

Please, continue, Hon. Mbui.

**Hon. Robert Mbui** (Kathiani, WDM): Hon. Temporary Speaker, I am still wondering what my broken leg has to do with the cost of living.

Finally, Dr. David Ndii said that politics is very expensive. The Kenya Kwanza administration needs to recover the money they spent in the last campaigns. I think Kenyans are in trouble. I wish they would listen to us so that we can give them some advice to move the country forward.

Thank you, Hon. Temporary Speaker.

*(Laughter)*

**The Temporary Speaker** (Hon. Martha Wangari): Order, Members. We will now go to the Member for Baringo Constituency, Hon. Florence Jematiah.

**Hon. Jematiah Sergon** (Baringo County, UDA): Thank you very much, Hon. Temporary Speaker, for this opportunity. I want to contribute to the Motion on the Floor of the House on the high cost of living in Kenya. All of us know that Kenya's problems did not start this year. They have been there for a while. I would like to remind the Member before me or the Mover of the Motion, the Leader of the Minority Party, that he diverted his contribution by bringing in a letter that was not part of the high cost of living.

Again, when you talk about the problems...

**The Temporary Speaker** (Hon. Martha Wangari) Order, Member for Baringo. That was already expunged. Please, debate on the Motion.

*(Loud consultations)*

**Hon. Jematiah Sergon** (Baringo County, UDA): Protect me, Hon. Temporary Speaker.

**The Temporary Speaker** (Hon. Martha Wangari): You are protected. Please, continue. You have the Floor.

**Hon. Jematiah Sergon** (Baringo County, UDA): Thank you. The high cost of living in Kenya has not been caused by the current President of Kenya. It has been caused by many things. There are international problems. There is also climate change because we are part of this universe. The Member before me was trying to give us the impression that they just woke up one day and realised that there is high cost of living. The high cost of living is because of the previous regime.

*(Loud consultations)*

**The Temporary Speaker** (Hon. Martha Wangari): What is your point of order, Leader of the Majority Party?

**Hon. Kimani Ichung'wah** (Kikuyu, UDA): Hon. Temporary Speaker, the entire country is watching us. The Motion that has been brought by the Leader of the Minority Party is very important. The issues that we are deliberating on are those that Kenyans elected us to come and transact. They are of concern to the people. Articles 94 to 96 of the Constitution speak heavily about our role as Members of Parliament in addressing matters of concern to the people. I understand that Hon. Jematiah is a new Member in the House. It is rather unfair for Hon. T.J. Kajwang', Hon. John Mbadi, Hon. Robert Mbui, and Hon. Opiyo Wandayi, the owner of the Motion, to shout at Hon. Jematiah. For someone like me, even if you shout at me all you want, you will not dissuade me from saying what I want. I will still say it. But for a beautiful lady like Hon. Jematiah, and I know they are enjoying the view from where they are seated...

**The Temporary Speaker** (Hon. Martha Wangari): Order, Hon. Ichung'wah. I believe Hon. Jematiah brings more than just the view to this House. More importantly, let us observe decorum. I can see seasoned Members of this House shouting. Let us observe decorum so that every Member can be heard and we can debate this Motion as we should.

Hon. Jematiah.

**Hon. Jematiah Sergon** (Baringo County, UDA): Thank you very much, Hon. Temporary Speaker. I reiterate that one of the reasons we are currently experiencing the high cost of living is because when we want to discuss such issues, people who have gone to school and have all the brains waste them by not giving us solutions. We are seriously focused on building the economy by planting crops because it is our planting season. As much as we are focused on going to the farms, I am surprised that my colleagues have not shown interest in what is happening in the country. By the way, you can be an opposition leader and a patriot. You do not always have to be against the Government. When issues of governance are being discussed...

**The Temporary Speaker** (Hon. Martha Wangari): Your time is up. Member for Dagoretti South.

**Hon. John Kiarie** (Dagoretti South, UDA): Thank you, Hon. Temporary Speaker, for this opportunity. In the same breath, I would like to thank Hon. Opiyo Wandayi for bringing such a timely issue to the Floor of the House so that it can be debated in the right place. A few weeks back, this City witnessed a lot of destruction in the name of fighting against the high cost of living. However, we have a Constitution that mandates this House to address matters that concern Kenyans and resolve them. This matter is properly before the House. It is in the right place and for that, I thank the Leader of the Minority Party.

Hon. Temporary Speaker, the high cost of living has become an issue in this country. The sponsor of this Motion belongs to a formation that has a leader who, just a few months ago, told us that the cost of living is not an issue. At that point, they were in the Government. They knew what was happening and how we got here. We did not get here in the last six months. We had a dispensation that, at its prime, was borrowing in excess of Ksh2 billion a day.

**The Temporary Speaker** (Hon. Martha Wangari): Order, Hon. KJ. What is your point of order, Hon. Mbui?

**Hon. Robert Mbui** (Kathiani, WDM): Hon. Temporary Speaker, I have listened keenly to the Member and he has implicated people who were in the Government. He has to be very specific about who he is referring to. This is my third term, and I have always been in the opposition. Let him clarify.

**The Temporary Speaker** (Hon. Martha Wangari): Continue, Hon. KJ.

**Hon. John Kiarie** (Dagoretti South, UDA): Hon. Temporary Speaker, allow me to not delve into that matter because this is a very serious Motion. We might not do justice to the

people who brought us to this House if we dwell on pettiness. There are major issues. Let us state them, find the remedy and start working towards it.

At the height of our excessive borrowing, we were borrowing Ksh2 billion a day. That is how we found ourselves in a situation where we were borrowing to cover recurrent expenditure. That is how we found ourselves borrowing money that was not good loans, but very expensive ones to pay salaries.

At our prime, there were heists and blatant thefts happening in the Government. I am talking about the Kenya Medical Supplies Authority (KEMSA) heist. We know what happened when we tried to change the Constitution through a modality called the Building Bridges Initiative (BBI). At a time when the country was struggling to make ends meet, we were ready to spend Ksh12 billion just to create positions in this country.

Hon. Temporary Speaker, we cannot remedy the situation if we cannot look back and see where the rain started beating us. When the shoe changed from one foot to the other, others found it more convenient to go to the streets, visiting untold destructions upon this City. There are individuals who would visit the low-income areas of this City and cause chaos, deaths, anarchy, theft, and pilferage. Eventually in the evening, they end up high fiving each other in some air-conditioned clubs in the city after leaving the people they purport to be speaking for, and on behalf of, in the agony that they have put them in. It is important to note that this Government has been in power for only six months, and the changes are amazing. I understand the frustration and why one would be keen to distract the Government because they have realised what is happening. If the plans that are underway can be established and implemented, we will have a new country.

Mine is to call us, as a House, to see the problem that is on the ground and start identifying solutions. In the spirit of bipartisanship, we might find some solutions that can emanate from this House and start alleviating the cost of living and giving solutions to the problems that we are talking about, but that will call for objectivity.

**The Temporary Speaker** (Hon. Martha Wangari): Thank you, Hon. John Kiarie.

Hon. John Mbadi.

**Hon. John Mbadi** (Nominated, ODM): Thank you, Hon. Temporary Speaker, for giving me this opportunity. I also thank the Leader of the Minority for bringing this timely Motion.

I want to speak as a professional and as a finance expert. Where we are today did not happen yesterday. It is true and no one can deny that the unchecked borrowing starting from 2013 to date has partly brought us to where we are. I would tell you for a fact that we have spoken every financial year in this House. I have personally contributed to every budget speech condemning unchecked borrowing that has brought us here. We should have known that when the shilling depreciates, the debts will rise automatically. If you were paying Ksh900 billion per year, you will pay Ksh1.2 trillion today because the shilling is exchanging at Ksh130 and not at Ksh100 as it was a few months ago.

Hon. Temporary Speaker, when Kenya Kwanza assumed leadership, I stated here that now is not the time to engage in partisan politics or to remind us of what transpired in the previous election or who possesses what percentage of the company's shares. What value is it to you to own shares in a crippling company, Kenya? It is collapsing and so what? The Deputy President, if you own shares alone and Hon. Mbadi does not, but it is collapsing, so what? Let us avoid escapism and realise that now you are in office, whether you came into that office through the window or the back door, you are already there and you must deliver to the people of Kenya, and there is no excuse.

Hon. Temporary Speaker, why do you keep reminding us of what happened yesterday when today President Uhuru Kenyatta left 44 Principal Secretaries in office, and you came into a struggling economy and increased the number to 51? What are the austerity measures? You

came into office when Uhuru Kenyatta had 23 Chief Administrative Secretaries which is illegal and unconstitutional in my view, but today they are 50, and you are telling us we are on the right track and we are waiting for tomorrow. Which right track is this? The truth of the matter is that there is wastage and extravagance in this Government.

*(Hon. Kimani Ichung'wah rose on a point of order)*

**The Temporary Speaker** (Hon. Martha Wangari): Order, Hon. Mbadi. What is your point of order, Leader of the Majority Party?

**Hon. Kimani Ichung'wah** (Kikuyu, UDA): Hon. Temporary Speaker, Standing Order 91 on statements of fact, Hon. John Mbadi has just asserted that the CASs positions are unconstitutional. I do not know if he could be alluding to the case that was in court. He knows the judgement to that particular case. The issues that were there were canvassed and settled in court. Unless Hon. John Mbadi can adduce evidence that such a position of CASs is unconstitutional, those who went to court had an issue with the process. The appointment of the current CASs, in as much as he has a point in numbers of which I am not arguing with him, he cannot contend that the position is unconstitutional because the issue in court then was on the process of appointments which has been followed in this current appointment of CASs. He also knows that the matter is still in court.

**The Temporary Speaker** (Hon. Martha Wangari): Hon. Mbadi.

**Hon. John Mbadi** (Nominated, ODM): I only want to respond by telling His Excellency, William Samoei Ruto, please, do not listen to Hon. Ichung'wah, but rather Hon. John Mbadi if you want to deliver to this country. What I am speaking about is what will help this country, but not these sideshows. We are talking about austerity measures, we have a Government that is buying vehicles and yet there are enough for the public officers. There is also the resumption of construction of dams through loans, which are conduits for corruption. If we have to be careful and serious with our economy, let us face each other in the eye and tell each other that all Kenyans have contributed to this, and that is why we elect governments every five years so that if there is a mess, another one will take over.

**The Temporary Speaker** (Hon. Martha Wangari): Your time is up, Hon. Mbadi. Chairperson, Departmental *Committee on Finance and National Planning*.

**Hon. Kuria Kimani** (Molo, UDA): Thank you very much, Hon. Temporary Speaker. At the outset, I would like to thank Hon. Opiyo Wandayi for this timely debate this evening. Is the cost of living high? Yes. Are we living through difficult time as a country? Yes. Does the Kenya Kwanza administration have an agenda and a solution? Let me demonstrate to you why my answer is yes.

Subsidies are one method for reducing the price of a product. There are two categories of subsidies: production subsidies and consumption subsidies. To subsidise consumption, economic theories stipulate that certain conditions must be satisfied. You must know who the producers are and have a defined system for how the production will be carried out, neither of which exist in our product for unga. Let me give an example. If you wish to subsidise unga, are the millers compensated? How do you determine the quantity of maize flour or unga in the mills, given that these are private entities, even if you were to determine how many tonnes of maize flour exist with the millers to pay them the subsidy to reduce the price of the maize flour? There is an entire quantity of unga in transit at any given time, as well as the remainder of unga with distributors, retailers, and wholesalers. Therefore, no matter how hard you attempt to subsidise production, where there is no clear line and the Government has no control, you will fail. That is the reason we went for the option of production subsidy. Who are the producers of unga? It is the maize farmers. We know them. We registered them and we have given them fertilizers at Ksh3,500 per bag so that we can bring down the cost of production.

My farmers in Molo do not want to sell their maize anything less because they planted their maize when the cost of a bag of fertilizer was Ksh6,000, and that is a fact. Debate all you want, but our farmers in the Rift Valley are not going to agree to sell their maize at any lower price because they planted when the cost of fertilizer was Ksh6,000 per bag, and that is a fact. Until we harvest the maize that we planted using the fertilizers that cost Ksh3,000 per bag, we have to deal with that small challenge. However, once we harvest, we will deal with the problem of the price of *unga*.

Why was the cost of goods high? It is because we are a net importer. We import most of the items that we consume. When the exchange rate of the US\$ against the Kenya Shilling deteriorated, it consequently affected the cost of imports. That is a problem, but do we have a solution? The answer is yes. We looked at the biggest cost: where are we spending our dollars the most? We were spending most of our dollars on importation of oil products. Now, we have an agreement with the largest supplier of oil imports in this country that we be paying them in Kenya Shillings. And not just that, but to also stagger the payments within six months. Consequently, we will be able to bring down the cost of fuel. You must have also noticed that we have stabilised the Kenya Shilling against the US\$ from Ksh135 to Ksh120 and it is likely to go down to Ksh115. When that happens, our cost of importation will be less thus we will be buying at lower prices.

You are talking to us about taxes. The last Finance Bill was passed by Members of Parliament from across the political divide, that is, in the 12<sup>th</sup> Parliament. I have not brought any Finance Bill but when I do so, you will note that we are reducing a lot of taxes because we have realised that increase in taxes does not always lead to increase in collection.

Hon. Members, we have a plan so, please, relax. You failed and you should let us fix this economy.

With those remarks, I support.

*(Applause)*

**The Temporary Speaker** (Hon. Martha Wangari): Thank you.

Hon. Members, please, keep track of your time. It is strictly five minutes and there will be no additional time. The Leader of the Majority Party.

**Hon. Kimani Ichung'wah** (Kikuyu, UDA): Thank you, Hon. Temporary Speaker. Allow me to also congratulate the Leader of the Minority Party for bringing this Motion. I, indeed, encourage him and his colleagues on the Minority side that this is the way to do it. When you have matters that are of concern to the people and even to yourselves, please, bring them to this Assembly for debate and solutions. If you have better ideas than this Government, please, bring them on without blackmail and we shall take them on board.

Hon. Temporary Speaker, I have listened to Hon. John Mbadi asking very pertinent questions and, indeed, contending that we did not just arrive here. There was a process as to how we got here. Our memories are, however, too short. Only six months ago, Hon. John Mbadi as the Leader of the Minority Party, seated where Hon. Opiyo Wandayi is sitting today, was midwifing...

*(Loud consultations)*

Please, protect me from this Member with some funny hair.

Hon. Temporary Speaker, while seated where Hon. Opiyo Wandayi is sitting today, the Leader of the Minority Party then was at the forefront supporting the handshake regime in the tax laws that the Chairman of the Departmental Committee on Finance and National Planning has alluded to. He facilitated the State capture that got us here. Those are facts. I heard the

---

**Disclaimer:** *The electronic version of the Official Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor.*

Leader of the Minority Party saying that we are scapegoating. Hon. Opiyo Wandayi, we are not scapegoating. We are simply stating facts and the painful truth as it is. You got us into this mess! You need to give us time and space to fix your mess. We have the plan on how to do that. I need not repeat some of the points that have been alluded to by the Chairman of the Departmental Committee on Finance and National Planning.

How do we get solutions to the problem that we are in? It is true that we are in a problem. We are in an economic hole that is worse than the one that the Nyayo regime of 2002/2003 left us in. This is one of the worst economic situations we find ourselves in! The State capture that was visited on this economy in the last four years is unmatched in the history this country, any civilised democracy in Africa, and, indeed, the world. We will get solutions by engaging and speaking to each other in the right forums. We will not get solutions in the streets while disrupting our economy. We should take up our leadership roles as the Leader of the Minority Party has done today. I must congratulate Hon. Opiyo Wandayi for taking up leadership to bring the issue of the cost of living out of the streets to the House where we resolve such issues. My brother, I want to encourage you to go beyond this Motion. If you have better ideas on taxation, bring them on when the Tax Bill comes before the House. We will support you as we urge you to back our tax reduction measures that will revive the stalled economy.

Hon. Temporary Speaker, it is also true that we have been borrowing to...

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

**The Temporary Speaker** (Hon. Martha Wangari): Order, Leader of the Majority Party. Hon. Opiyo Wandayi, what is your point of order?

**Hon. Opiyo Wandayi** (Ugunja, ODM): Hon. Temporary Speaker, it is not my wish to interrupt my friend, Hon. Kimani Ichung'wah. But is it really in order for the Member to demonise street action while he knows clearly that it is through such action that we got freedoms and rights that we are currently enjoying, including talking aimlessly?

**The Temporary Speaker** (Hon. Martha Wangari): Order, Hon. Members! Order, Hon. Members! We are now in the august House. What happens out there is not the business of this House. Please, continue.

**Hon. Kimani Ichung'wah** (Kikuyu, UDA): Thank you, Hon. Temporary Speaker. I want to tell my brother I am not demonising street action. I am demonising violence, anarchy, and looting of supermarkets by mobs. I want to encourage that as much as we are saying that we are in a problem, we shall not fix it by pretending that we can borrow to pay salaries and cater for our recurrent expenditure. We cannot pretend that we can borrow from Peter to pay Paul. We must live within our means and allow this Government to act in a prudent and responsible manner in managing the economy.

I heard Hon. John Mbadi asking about principal shareholding. I want to tell him this: if you are a major shareholder, you steady the ship to make sure it does not sink. I want to ask our brothers to help us to steady the ship. Do not sink this ship with violence, anarchy and disruption of the economy. We can only regain on the revenue losses when the ship is steady. The economy will not grow when we want to disrupt it every Monday, Sunday, and Thursday.

I want to encourage my brother, Hon. Opiyo Wandayi, that when the right time comes, please, bring better ideas. We are willing and ready to listen to you. However, we are not ready to be blackmailed to take over the failed policies of subsidising corruption-ridden consumption subsidies that fed the monster of corruption in this country. We are not ready to do that. We shall not feed the monster.

**The Temporary Speaker** (Hon. Martha Wangari): Thank you, Leader of the Majority Party. Member for Mombasa, Hon. Zamzam Chimba.

**Hon. Zamzam Mohamed** (Mombasa, ODM): Asante sana, Mhe. Spika wa Muda. Ningependa kumwambia Kiongozi wa Walio Wengi atulize boli. Wakenya wanahangaika kule nje na hali ya uchumi iko mbaya.

Ningependa kumpongeza Kiongozi wa Walio Wachache, Mhe. Opiyo Wandayi, kwa kuileta Hoja hii. Ni dhahiri shahiri kuwa Wakenya wanahangaika. Hivi leo mnasema kuwa yale maandamano yalifanya uchumi ukawa mbaya, lakini kwa kweli huo ulikuwa ni ujumbe kwenu kuwa Wakenya wamechoka. Huo ndio ujumbe. Hawa ndio walipaushuru lakini hadi leo wanakosa mishahara. Wabunge tumekaa mwezi bila kulipwa mishahara. Ni dhahiri shahiri kuwa wale wengi wanaongea kutoka kwa mifuko yao.

Hali ya uchumi imekuwa mbaya na kuna wakati ambapo mijadala ya dharura huletwa humu Bungeni ili ijadiliwe. Kusema kuwa tupeleke mambo huku na huko itakuwa si sawa. Wakenya wanahangaika. Ningependa kuwaeleza kuwa kushiriki maandamano na kuzungumza katika Bunge hili ni mambo yanayokubalika katika Katiba. Ningependa kuwaambia wale ambao wanasema kuwa wafuasi wa Azimio la Umoja walienda maandamano na watu wakafa kuwa watu hao waliuawa na polisi ambao wako kwenye Serikali. Nchi nyingi kama vile South Afrika...

*(Loud consultations)*

Mhe. Spika wa Muda, naomba ulinzi. Nimewapa nafasi nyinyi mkazungumza yenu. Kule South Afrika watu walienda maandamano na hakukuwa na umwagikaji wa damu. Kwa nini iwe Kenya?

**Hon. Robert Pukose** (Endebess, UDA): On a point of order, Hon. Temporary Speaker.

**The Temporary Speaker** (Hon. Martha Wangari): Hon. (Dr.) Robert Pukose, what is your point of order? Order, Member for Mombasa.

**Mhe. (Dtk.) Robert Pukose** (Endebess, UDA): Mhe. Spika wa Muda, nasimama kwa hoja ya nidhamu chini ya Kanuni 91. Mhe. Zamzam lazima apeane ukweli wa mambo. Kitu cha kwanza, amesema kwamba Wajumbe hawajalipwa mishahara kwa zaidi ya mwezi moja na mimi nililipwa Alhamisi ya wiki iliyopita. Sijui yeye hakulipwa ama alilipwa? La pili, amesema kwamba wale watu waliokufa katika maandamano waliuawa na polisi. Ningependa athibitisha hilo.

Ahsante.

**Spika wa Muda** (Mhe. Martha Wangari): Ahsante. Mhe. Zamzam, tufuate Kanuni zetu. Kama uko na jambo la kusema tafadhali lithibitisha. Mfano ni hilo ambalo umesema.

*(Hon. Catherine Omanyu shouted)*

Order! Order! Hon. Catherine, you will not shout across the aisle. Let us debate in decorum. Hon. Zamzam, please, continue.

**Mhe. Zamzam Mohammed** (Kaunti ya Mombasa, ODM): Ahsante sana, Mhe. Spika wa Muda. Pengine yeye alilipwa. Wafanyakazi wangu bado hawajalipwa tangu Februari mpaka sasa.

**The Temporary Speaker** (Hon. Martha Wangari): Leader of the Majority Party, what is your point of order? Hon. Zamzam, take your seat.

**Hon. Kimani Ichung'wah** (Kikuyu, UDA): Hon. Temporary Speaker, we are a House of rules. Hon. Pukose rose on Standing Order 91 and asked the Member to substantiate, but she has not substantiated. I am not raising this just because of Hon. Zamzam; it has become a habit that Members say things careless and they do not substantiate, neither do they withdraw. It is only procedural that if Hon. Zamzam cannot substantiate that all the people killed, including the policeman from Nyamira County who was killed in Kisumu by a stone thrown from a sling, were killed by police officers, then...

*(Loud consultations)*

**The Temporary Speaker** (Hon. Martha Wangari): Order. There will not be a point of order on another point of order. We are a House of debate and rules and we have Standing Orders to follow. Give Hon. Zamzam a chance to either substantiate or withdraw those allegations.

**Mhe. Zamzam Mohammed** (Mombasa County, ODM): Kwanza mimi nataka wao waseme. Kwanza, Kiongozi wa Walio Wengi alisema kuwa pesa zilibadhiriwa wakati wa *handshake*. Nawauliza: Raila alikuwa anafanya kazi gani katika kukopa pesa? Mtueleze hapa. Mshahara wangu mimi nimeuona juzi tarehe nane. Huwa tunalipwa tarehe nane? Mshahara ulichelewa; tuambiane ukweli. Hata saa hizi, wafanyakazi wa serikali kule mashinani hawajalipwa. Tuwache kuficha uchi. Mficha uchi hazai.

**Spika wa Muda** (Mhe. Martha Wangari): *Order*. Mhe. Zamzam, nimekuskiza kwa makini. Nafikiri ni vizuri useme vilivyo. Kama ulisema mshahara umechelewa, hilo ni sawa. Lakini haijachelewa zaidi ya mwezi mmoja. Ni vizuri tuseme mambo vile yalivyo. Tafadhali tufuate Kanuni zetu na tuseme ukweli ambao unaweza kuthibitishwa kwenye Bunge.

**Mhe. Zamzam Mohammed** (Kaunti ya Mombasa, ODM): Ahsante, Mhe. Spika wa Muda. Mshahara ulichelewa. Wafanyakazi wa kaunti pia ni wafanyakazi wa serikali na mpaka sasa wengi wao hawajalipwa. Tuiseme sisi Wabunge peke yetu ndio wafanyikazi wa serikali. Kenya iko katika hali tata sana. Ningependa kuwaelezea wenzangu kuzingatia na kuchuja maneno tunayozungumza kule nje ama tutaweka Kenya kwenye moto mkubwa sana. Mambo ya kutulizwa yatulizwe. Sisi hatukuelezea viongozi wetu wakutane waongee; waliamua wenyewe. Tuwape heshima, wakae chini wazungumze. Tuwache kurusha maneno ovyo ovyo huko nje.

**The Temporary Speaker** (Hon. Martha Wangari): Your time is up. We will now hear the Member for Manyatta, Hon. Gitonga.

*(Loud consultations)*

**Hon. Gitonga Mukunji** (Manyatta, UDA): Thank you, Hon. Temporary Speaker. I kindly request you to call the House to order.

*(Several Members rose on their feet)*

**The Temporary Speaker** (Hon. Martha Wangari): Order! Order, Leader of the Majority Party. Order, Members. Hon. Kagombe. Resume your seat. Hon. Kamene, Hon. Zamzam, and Hon. Atandi, let us maintain decorum. Leader of the Majority Party, please, do not bother those ladies. Just leave them alone.

We will now hear the Member for Manyatta. Let us maintain decorum, Hon. Members.

**Hon. Gitonga Mukunji** (Manyatta, UDA): Thank you, Hon. Temporary Speaker. First, we are not doing this Motion a service. This is a very serious Motion and Kenyans are watching. Yes, it is true that there is a challenge with our economy today. I have been going through the mathematics of what KRA is saying about revenue collection. It is obvious that when salaries are paid by the Government, we have to collect taxes. The collection of tax, especially income tax, is something that is done one year after a company and individuals have made money. For the six months since this Government came into place, KRA has been able to collect Ksh768 billion in five months. That is short of their target of Ksh818 billion. The shortfall is because many companies and institutions have not been making profit, simply because of many reasons that all of us know. The Chairman of the Departmental Committee on Finance and National Planning has clearly indicated the reasons. I am very keen to hear ideas—better ideas for that matter—that can help this country to achieve its target in terms of tax collection.

We have to face the reality that there is a challenge and the cost of living is high, but it is not right for Opposition Members to try to make it look like this country is closing down. We have a Government in place and it has strategy to ensure that we get somewhere. This problem has accumulated for a number of years, and many speakers have said that. I am happy to hear His Excellency the President calling it like it is. Many people would like to be lied to that things are better, but it is true that we need to tighten our belts. I would like the Opposition to lead by example. Let them even form what we call a Shadow Cabinet so that they can share the good ideas that are better than ours.

**The Temporary Speaker** (Hon. Martha Wangari): Order. Member for Ndhiwa, what is your point of order?

**Hon. Martin Owino** (Ndhiwa, ODM): Thank you, Hon. Temporary Speaker. I respect the speaker, but is it in order to refer to this side as the 'Opposition' when we clearly know that we have a presidential system? You are supposed to oversee the Government. Can he be educated that there is no opposition politics on this matter?

Thank you.

**The Temporary Speaker** (Hon. Martha Wangari): Hon. John Gitonga, it is the Minority side. There can only be the Minority side in this House.

**Hon. Gitonga Mukunji** (Manyatta, UDA): Hon. Temporary Speaker, that is why I am saying we are really not doing this Motion a service. What is the main difference between Minority and Opposition? It is the same thing. They oppose everything that we say.

*(Laughter)*

That is why I am calling them opposition Members.

I am very keen to actually have everybody on board when it comes to this issue and I am happy that we are having bipartisan talks. If they are taken seriously by the Opposition, they can bring something that they have themselves contributed and make things better. We need to tell Kenyans the truth that as far as the issue of the cost of living is concerned, we have to tighten our belts. Let us not continue digging a hole of debt. Let us...

**The Temporary Speaker** (Hon. Martha Wangari): Your time is up. Let us have the Deputy Leader of the Majority Party, Hon. Owen Baya, proceed.

**Hon. Owen Baya** (Kilifi North, UDA): Thank you very much, Hon. Temporary Speaker. I also want to thank Hon. Opiyo Wandayi for bringing this Motion, but he should have thought also about taxes and revenue which when well paid, bring down the cost of living. However, we know people in this country who have refused to pay taxes; who always want to look the other way. They have big farms and big properties that they are not using for anything or for production and yet they do not want to pay taxes. These are the people who sponsor the *maandamano* that we had. We need to face the real facts on why this country is in the hole that it is in. It is in the hole that it is in because some people have refused to pay taxes!

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

**The Temporary Speaker** (Hon. Martha Wangari): What is your point of order, Hon. Opiyo Wandayi?

**Hon. Opiyo Wandayi** (Ugunja, ODM): Hon. Temporary Speaker, we need decorum in this House. What has my Motion got to do with people who are evading taxes? What has my Motion got to do with people who are demonstrating whilst exercising their rights under Article 37 of the Constitution? More importantly, can you compel Hon. Owen Baya to name the person who is financing the *maandamano* here and now or otherwise he withdraws and apologises?

Thank you.

**The Temporary Speaker** (Hon. Martha Wangari): Hon. Owen, proceed.

**Hon. Owen Baya** (Kilifi North, UDA): If revenue is not paid, salaries will not be paid and we will not give farmers production subsidies. If revenue is not there, this country will not meet its targets and pay the heavy debts that the handshake regime brought into this country. It is on record and there is even an Act of Parliament here that says that certain families be prevented from paying taxes. It is in this House and it is those things that have put this country in a hole.

In this Government, what we are saying is that we want to finance this Government and its operations through local revenue which will come from the big farms. Local revenue will come from those people who have for many years evaded to pay taxes because they are in power. We are saying this Government will fix this economy using local revenue.

Secondly, we know this country is in debt. If you ask the Cabinet Secretary for Finance and National Planning today, he will tell you that we have the first charge on Government which is to pay debt. Today, we must pay the debts which were taken to pay Helios Investment Partners. Today, we must pay the debts that were taken to pay for Kenya Medical Supplies Authority (KEMSA). Today, we must get money to ensure that we pay for the things that were taken. We saw the Budget here and we know that this Government lost a lot of money. How will the Government pay these international debts? It is the first charge on the Budget. The first charge on the Budget means, first we have to pay debts before we start thinking of paying salaries. That is what economics is about on Government. So today, if someone here says we have not been paid salary, you should ask those people who took those big and many loans how they were expecting them to be paid first, including subsidies.

Secondly, subsidies were paid, but the people who were supposed to have been paid never received the money and those are facts. Today, we are paying debts. If you ask the Cabinet Secretary for Finance and National Planning, he will tell you that the first charge on Budget is to pay international obligations. When international obligations are paid, you make noise. Why do you make noise? Hon. Opiyo Wandayi, the Hon. Leader of the Minority Party was here defending the handshake regime and today he is talking about the high cost of living. The cost of living will continue to skyrocket.

*(Hon. Opiyo Wandayi stood in his place)*

I want to hear his point of order.

**The Temporary Speaker** (Hon. Martha Wangari): Actually, the point of order was raised by Hon. Robert Mbui.

**Hon. Owen Baya** (Kilifi North, UDA): Hon. Mbui is my equal. You wait, sit.

**Hon. Robert Mbui** (Kathiani, WDM): Thank you, Hon. Temporary Speaker.

**Hon. Owen Baya** (Kilifi North, UDA): Sit down.

*(Laughter)*

**Hon. Robert Mbui** (Kathiani, WDM): Hon. Temporary Speaker, I have listened very keenly to the Deputy Leader of the Majority Party and he keeps referring to the handshake regime. The last regime, as far as all of us know and the records are there, there was a Jubilee regime led by Hon. Uhuru Kenyatta and deputised by Hon. William Samuel Ruto. Which is this handshake regime that ran this country?

**Hon. Owen Baya** (Kilifi North, UDA): I will substantiate.

**Hon. Robert Mbui** (Kathiani, WDM): There was a Cabinet and Hon. Raila was not part of it.

**Hon. Owen Baya** (Kilifi North, UDA): I will substantiate.

**Hon. Robert Mbui** (Kathiani, WDM): Why do you keep saying... Why do you keep putting us...

**The Temporary Speaker** (Hon. Martha Wangari): Order! Hon. Members. You cannot have two Members on their feet when you have a point of order.

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

**The Temporary Speaker** (Hon. Martha Wangari): You sit.

**Hon. Owen Baya** (Kilifi North, UDA): But my microphone is still on. Can I substantiate?

Hon. Temporary Speaker, the person who brought the Finance Bill in this Parliament was none other than the Hon. Governor, Gladys Wanga. She belonged to the Orange Democratic Movement (ODM). All the debts and money collected were brought by one person who was in ODM. That is the handshake. The Committee on Finance and National Planning, led now by Hon. Kuria, will show you how to do things and that is how we are going to bring the cost of living in this country down. When I see Hon. Rozaah Buyu here, she makes me want to speak more. Hard decisions must be taken and the hard decisions...

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

**The Temporary Speaker** (Hon. Martha Wangari): What is your point of order, Hon. Opiyo Wandayi?

**Hon. Owen Baya** (Kilifi North, UDA): Please, add me two minutes.

**Hon. Opiyo Wandayi** (Ugunja, ODM): Hon. Temporary Speaker, I really plead with you to ensure that this House maintains decorum. Even though I may understand the obsession that my good friend Hon. Owen Baya has with the so-called past regime, we must not misrepresent facts. He has just been on record that I was here in the last Parliament defending the so-called handshake regime. Nothing could be further from the truth. In the last Parliament, which I served, I have got a stellar record in this House. I was the Chairperson of the Public Accounts Committee for five years.

**The Temporary Speaker** (Hon. Martha Wangari): Do not be tempted to debate Hon. Opiyo Wandayi.

**Hon. Opiyo Wandayi** (Ugunja, ODM): This is important, Hon. Temporary Speaker. I was the Chairperson of the Public Accounts Committee where I was overseeing the accounts of the Executive.

**The Temporary Speaker** (Hon. Martha Wangari): Order, Members. Please, do not rise on a point of order to debate.

*(Hon. Opiyo Wandayi and Hon. Owen Baya stood in their places)*

*(Hon. Rozaah Buyu consulted loudly)*

Please, take your seats, both of you. Take your seats. Hon. Rozaah Buyu, you have just walked in. We are not shouting. We are maintaining decorum in this House. Hon. Owen Baya, you have a few seconds remaining. Standing Order 33 does not allow any extra minutes. It is five minutes for every Member and there is no point of order on a point of order, please.

Hon. Owen Baya, proceed.

**Hon. Owen Baya** (Kilifi North, UDA): Hon. Temporary Speaker, I would like to state thus: without subsidies, the cost of *unga* is now coming down. Without subsidies the dollar is coming down. Without subsidies, the cost of living is coming down gradually. We shall get there. This Government led by Hon. William Ruto will get things down.

**Hon. (Dr.) Robert Pukose** (Endebess, UDA): On a point of order.

**The Temporary Speaker** (Hon. Martha Wangari): What is your point of order, Hon. Pukose?

**Hon. Owen Baya** (Kilifi North, UDA): Please, add me more seconds.

**Hon. (Dr.) Robert Pukose** (Endebess, UDA): Hon. Temporary Speaker, Hon. Opiyo Wandayi has just claimed that he had a stellar record in this House. This House records will show that Hon. Opiyo...

**The Temporary Speaker** (Hon. Martha Wangari): Hon. Pukose, you are out of order. Hon. Opiyo Wandayi has already taken his seat. Hon. Owen Baya is on his feet.

**Hon. Owen Baya** (Kilifi North, UDA): Without much ado, this Government has secured fuel purchase agreements that will use the Kenya Shilling and not the dollar. We are de-dollarising this economy. This Government has a plan that will change things. We want to give Kenyans hope that the Government of William Samoei Ruto will bring the cost of living down.

**The Temporary Speaker** (Hon. Martha Wangari): Hon. CNN, Ngusya.

**Hon. Charles Nguna** (Mwingi West, WDM): Hon. Temporary Speaker, I have been waiting for long. Thank you very much.

Let me begin by saying that the success of this Government is success to all of us Kenyans. That is true. I am happy that the Government has acknowledged that every Kenyan across the divide is suffering because of the high cost of living. I am not here to apportion blame to anybody. We need to find solutions. I am here to give solutions because the Leader of the Majority Party has encouraged us to give the Government ideas on measures we can take to fix this country socially, economically, and politically.

Number one, the Government is 'eating' itself through roadside declarations. Every time the Deputy President opens his mouth, he says, "We cannot do this-and-that." That is eroding investors' confidence in this country.

Number two, stop creating a bloated Executive. Appointing 50 Chief Administrative Secretaries will not sort out this problem. We need less than 20 of them because they are constitutionally not empowered to do anything or add anything economically.

Number three, stop unnecessary travel expenditures that we have been witnessing of late yet we claim that we do not have money to pay salaries.

The other issue would be to introduce tax incentives to woo investors to come to this country. We should never and should not even tolerate delaying salaries of civil servants even for a day. These civil servants have mortgages and loans to pay. If we do so, we are going to erode the confidence in institutions that give our civil servants loans and mortgages. The last thing the Government should do is to tell us to brace ourselves for tough times. Instead, they should give us solutions on how they will pay salaries timely. Let us fix our economy.

While giving Kenya Kwanza time to do this, we also need to come and reason together. Demonstrations have really caused a mess in this country. We need to agree on the ideas we have given. One, open the servers so that we fix the country politically.

*(Loud consultations)*

Open the servers. We know the political truth about it. Number two, let us stop chest-thumping. Listen to all leaders because you cannot ignore 6.9 million voters. We want success for this Government. I am praying for Kenya Kwanza to succeed in handling the economic affairs of this country. If we follow this route, we will fix Kenya socially, economically, and politically.

Thank you.

**The Temporary Speaker** (Hon. Martha Wangari): Member for Kericho, Hon. Beatrice Kemei. We will give this chance to the Member for Sotik, Hon. Francis Sigei, if you are not willing to speak to this.

**Hon. Beatrice Kemei** (Kericho County, UDA): I am ready, Hon. Temporary Speaker.

First, I appreciate the debate we have today concerning the economy of this country. To start with, I want to tell Members that it is the responsibility of all of us to make sure the economy improves. For this to happen, I request those who have not paid their taxes to do so. That is the only way we can raise revenue and pay salaries. This is not the first time salaries have delayed. Those who are saying salary has delayed for a month are not speaking the truth. Our people understand. We should explain to them because we need the economy to improve. Paying our debts is the responsibility of Government. I wonder why the Minority side is making noise. When we talk of the previous regime, the Handshake caused the cost of living to go up. Today I must confess that the economy will definitely improve when all of us come together and pay our taxes. When we talk about *unga*, people have gone to the farms and planted. I believe we will have enough food in the stores come the next few months. We will even have surplus to sell. I know that is when our economy will improve. I support the Motion by telling my dear brother, the Leader of the Minority Party, that things will improve. Just be silent, watch, support, and know that this Government needs all of us. It needs our support.

We can help our people in so many other ways. There are people who have not planted back at home. I wonder how many of us can go an extra mile to help and support our people. We have so many people who are not in a position even to buy seeds. We even have those who cannot afford subsidised fertilisers. Members of this House, I request that we support our people back in the villages. Once we do that, I know they will have something on the table and things will be better next time. Once more, given time, the economy will definitely improve. I also pray that we do not take what we are discussing here personal. At the same time, I ask our Members to ask themselves what our plans for the next few months are. If we just discuss and fail to give a way forward, we will be missing the link.

Paying international debts is very important. We do not want to dig more holes. We cannot borrow to pay salaries and debts. It is better to pay international debts. I know that things will improve within no time. Thank you, Hon. Temporary Speaker. I support.

**The Temporary Speaker** (Hon. Martha Wangari): Thank you. I had already called Hon. Francis Sigei to make his contribution.

**Hon. Francis Sigei** (Sotik, UDA): First, I thank you for giving me the opportunity to speak on this very important Motion. I also thank my friend Opiyo Wandayi for bringing this Motion. It gives us an opportunity that the President talked about today—that we must bring forward discussions that will assist in bringing the cost of living down. Thank you very much, Hon. Opiyo Wandayi. I would like you to go further and tell us how you would like this Government to bring the cost of living down. We want suggestions so that we move forward.

Hon. Temporary Deputy Speaker, I would like to ask for candid discussions on issues affecting this country.

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

**The Temporary Speaker** (Hon. Martha Wangari): What is your point of order, Hon. Opiyo Wandayi?

**Hon. Opiyo Wandayi** (Ugunja, ODM): Hon. Temporary Speaker, I was listening keenly to my good friend, Hon. Sigei, who is a former Provincial Commissioner (PC) and a very respectable personality in this country. He asked me to give suggestions on how we can go about improving the situation. I am very glad and willing to do so if only you gave me two minutes to explain what...

**The Temporary Speaker** (Hon. Martha Wangari): Hon. Wandayi, you know that is not possible. You already prosecuted the moving of this Motion. Please, give Hon. Sigei a chance to finish.

**Hon. Francis Sigei** (Sotik, UDA): Hon. Temporary Speaker, I want to be saved from my friend because he is trying to harass me. We should ask ourselves what we are doing as

Members of Parliament. The other day, we saw the President in Sugoi driving a tractor and planting maize. So, what are we doing as Members of Parliament?

I was in Sotik the other day and urged my people to plant maize so it can be sold to those people who are demonstrating. They did so very well, but the only problem we had was shortage of fertiliser. I can assure you that you will buy maize at a very low price in Sotik and that will bring down the cost of living. We have been told that the President and his Government are putting in place measures to look at the taxation regime to assist the people. There are unnecessary taxes in this country and I am sure we will experience many changes.

We require patience from our friends in opposition and we must work together. I urge Members of Parliament to stop shouting at each other. We must discuss with sanity and stop shouting at people who bring constructive issues. Therefore, I stand to support the President because his Government has a plan. The only thing we need to do is support him constructively. If we have issues let them be brought to Parliament. I am a very proud man today because we stopped demonstrations by the other side and we are now discussing issues. I would like issues to be brought to Parliament for discussion in committees by Members. This country belongs to all of us and I would like to see serious discussions on how we can make it grow.

I support this Motion and urge everybody to support it so we can move forward. Thank you.

**The Temporary Speaker** (Hon. Martha Wangari): Thank you. Hon. Irene Mayaka.

**Hon. Irene Mayaka** (ODM, Nominated): Thank you, Hon. Temporary Speaker. I thank the Leader of the Minority Party for bringing this Motion on the Floor of the House. If the Leader of the Majority Party was here, I would have reminded him that the difference between the current regime and current Government is the spelling. So, it is not right for him to tell us these are two different things.

I want to paint the real picture because we are treating this matter in a very casual manner yet our country is going through a very dire situation. One, if you look at the debt service expense for the previous year you will realise it stood at Ksh6.8 billion. Looking at the month of February 2023; it was at Ksh10.4billion. The KRA...

*(Loud consultations)*

Hon. Temporary Speaker, please, protect me from Members who are speaking from across the aisle. The KRA has missed its target for the last six months. The Government's wage bill stands at Ksh335.3 billion and only Ksh210 billion has been paid. Right now, we are in a situation where...

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

**The Temporary Speaker** (Hon. Martha Wangari): Order! What is your point of order, Hon. Owen?

**Hon. Owen Baya** (Kilifi North, UDA): Hon. Temporary Speaker, it is very nice to use statistics, but it is also important to disclose the source. So, as you discuss your statistics, they are either factual or created. I would like the statistics to be pegged on a source. Is this from a Kenya Bureau of Statistics (KBS) Report? Where are these statistics from?

**The Temporary Speaker** (Hon. Martha Wangari): We have heard you, Hon. Owen. Hon. Irene, as you debate you should adhere to Standing Order 91.

**Hon. Irene Mayaka** (ODM, Nominated): I would like to tell the Hon. Member that these statistics are available at just the touch of a button on Google. As a professional accountant, I cannot stand in front of people and speak of things I am not sure of.

I am saying we are treating this matter too casually yet at the moment we are operating like we are feeding from hand to mouth, which is a very dangerous situation. This Government came into place and promised to consider the hustlers. They even went ahead and put a Hustler

Fund in place. I have heard from my people in Nyamira, that some of the amounts they get from this Fund are too little that they cannot put it into multi bets to make money out of it. The situation is dire because we have Kenyans who cannot afford a meal a day.

This is my professional advice to the Government: you cannot keep on talking about inheriting a Government that had dire coffers. When Mwai Kibaki became President, he inherited a worse one. But, by the time he was leaving, banks were giving out unsecured loans and that enabled Kenyans to invest further. There is something called infrastructure bond. Two years ago, Kenyans would run to banks and invest in this bond, but right now Central Bank has increased it to 14.3 per cent because people are not taking it up. That tells you we have very dire issues to address.

Therefore, I have advice for this Government. I can see the Chairperson of the Departmental Committee on Finance and National Planning is here. I would like him to listen to me. We need to do a SWOT Analysis on five main issues:

(i) What are the causes of the economic deteriorations in this country?

(ii) What is the impact on citizens of this country?

(iii) Review policy responses that you have. In this case, look at debt restructuring and anti-corruption issues.

(iv) Oversight as Parliament. The Departmental Committee on Finance needs to look at the audit trails in this Government and expose the wasteful nature of people with regard to spending money.

(v) Engage in public participation.

Otherwise, from where I seat, I want to start praying for the hustlers every day because...

**The Temporary Speaker** (Hon. Martha Wangari): Thank you. Your time is up. Hon David Gikaria.

**Hon. David Gikaria** (Nakuru Town East, JP): *Asante sana, Mhe. Spika wa Muda.* Let me start by appreciating the former Leader of the Minority Party, Hon. John Mbadi. He was a professional. He spoke as one and accepted facts as they were. Does the current President accept that there is a problem in the country? Yes, he does. He is saying there is a problem and he has a roadmap on how to settle it.

The Prime Cabinet Secretary gave us a talk sometime back and said that they found this country in a hole. They are trying to get us out of that hole. However, other people are trying to tell us to go back there and dig deeper. The President himself said that we were walking towards a cliff and we are now working on ways to go back. Those ways have already been explained in a very precise and accurate manner by none other than the Chairperson of the Departmental Committee on Finance and National Planning on the procedures and processes that the President and his Government have put in place. It is true that most of the things being mentioned exist. It is a fact that they are there. However, in order for us to bring the country together, we need to agree on the best way forward. The high cost of living does not only affect supporters of the Minority side. It also affects the supporters on the other side. It is our responsibility as a country and as leaders to bring the country together.

Hon Opiyo Wandayi, I appreciate the Motion that you have brought this evening for us to deliberate on. I totally agree with you as the Leader of the Minority Party that there are problems. If you have a business that is a going concern, as you said, you can only pay your workers out of the profits that you get from it. How do you now want to tell us that your business, which is a going concern, is making losses and you have to borrow money to meet the recurrent expenditure? It is not possible.

I do not want to belabour the point on the procedure and the way we are supposed to do it. The process that was being undertaken by the Minority side would have taken us in a very dangerous direction. We kept quiet because we are in Government and we have to show

leadership. At the same time, that did not mean that we could not counter whatever they were doing. As responsible leaders, we have listened to our opponents. The Kenya Kwanza Government has put it very clearly. The Opposition side wants us to continue subsidising consumption. It is not sustainable and we cannot continue like that. The President has made it very clear that he has to act as per the law and the Constitution of this country to either borrow money or do whatever else he is supposed to do to clear our debt.

The Leader of the Majority Party has indicated to the Leader of the Minority Party that he can bring whatever positive proposals he has that can change the lives of Kenyans through the Finance Bill that will be coming soon. The Chairperson of the Departmental Committee on Finance and National Planning has equally admitted that he will bring on board good ideas from the other side for the benefit of Kenyans. I totally agree with the Chairperson of the Departmental Committee on Finance and National Planning that we cannot continue increasing taxes purporting that the revenue will increase. It is vice versa. I like the Chairperson of the Departmental Committee on Finance and National Planning who is a Certified Public Accountant (CPA). He has facts.

**The Temporary Speaker** (Hon. Martha Wangari): Hon. Gikaria, your time is up. Hon. Martin Owino, aka *Wuod* Chief.

**Hon. Martin Owino** (Ndhwa, ODM): Thank you, Hon. Temporary Speaker. I thank my Leader of the Minority Party for bringing this Motion. Hon. Owen Baya, this is a very important Motion. It is true that some Kenyans are going to sleep on empty stomachs. Some students will go to school tomorrow without anything in their stomachs. This is a very important Motion to debate.

First, when you have a problem, talk less and do more. That is very important. Also listen. We are currently offering some solutions. We had *Kazi Mtaani*, which used to take money to youths in rural areas. Reinstate that programme. It is better than hiring people who do not need employment such as the 50 CASs. Take that money to *mashinani*.

It is in the Constitution that we give county governments 15 per cent of the revenue share. Why can we not give them immediately we collect our taxes because that is where hunger bites the people? Some have not even received their money since October last year. It is such money that cascades down to kiosks through salaries and contracts. If money is disbursed to counties, it will save the people. Let us not wait until we think we have the money. The Constitution is very clear: if you collect taxes, 15 per cent should go straight to the county governments.

We have an expensive education system that we are changing every day and perfecting nothing. The introduction of Junior Secondary Schools... Some parents have kids in high school and now you are adding to them another expense. They cannot manage. Some kids are being sent home and you have heard that some are committing suicide while others get involved in road accidents. It is putting more pressure on parents for no good reason. It is uncalled for.

There is also the issue of food security. This is unspeakable! Why should we have a gross appetite for importation? We now have rains in plenty but we are not harvesting the water. We are in a situation where we cannot depend on the weather alone. We have to irrigate our crops to enable us become food sufficient. What are we doing...

*(Loud consultations)*

Hon. Baya, we do not need Zambian food. Let us grow food here and feed our people. A Government which cannot feed its people is not a Government!

There is lack of priority setting. Collecting taxes is one thing, but using taxes collected is another. The Chair of the Departmental Committee on Finance and National Planning seems to be leaving. You should collect taxes, yes, but, please, have priority spending. Right now, we

---

**Disclaimer:** *The electronic version of the Official Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor.*

are spending on employment and cars! I admire the President of Zambia who could not sign.  
...

*(A Member spoke off-record)*

I am not moving there; I am a Kenyan. He could not sign any voucher for purchase of more cars. Why can we not tame our spending because we do not have much revenue coming in? So, expenditure discipline is very important.

Lastly, you cannot solve a problem if you do not understand it. Please, take time to understand what Kenyans are going through and talk less. Say what you mean and mean what you say. Thank you, Hon. Temporary Speaker.

**The Temporary Speaker** (Hon. Martha Wangari): Member for Kiambaa.

**Hon. Njuguna Kwanjiku** (Kiambaa, UDA): Thank you, Hon. Temporary Speaker for giving me this opportunity to contribute to such an important Motion on issues affecting the whole Republic. We now need to differentiate between facts and lies. I want to congratulate the Leader of the Minority Party for bringing up this discussion. We can now look at what has brought us here as a country and debate measures that we are going to take.

It is also very important that we take stock and consider where we are coming from. One of the issues affecting our country today in such a big way is the issue of “handshake” brothers. The then opposition was not able to oversee the Government the way it was supposed to. They were not playing their role as they are now. We all agree that it is important for us to leave *maandamano* and the streets, and come to the Floor of the House to prosecute issues and oversee the Executive.

Hon. Temporary Speaker, on debt, I thank His Excellency the President because he spoke very well today. He said that we cannot continue borrowing, digging holes, and taking our country backward. One of the measures that we are going to take is to stop borrowing for recurrent expenditure. That is what has been happening. He stated that the Executive is already warming up to the high cost of living. The deficit in the 2022/2023 Budget was about Ksh800 billion, but we also realised Ksh250 billion was not accounted for or declared in the Budget. Therefore, the President has done what he is supposed to do by ensuring that he is not going to borrow. We have reduced the amount of money that we were supposed to borrow in the 2022/2023 Financial Year to a tune of about Ksh300 billion.

These people can only wait. They have also realised that the trajectory that the Kenya Kwanza Government is taking will take this country to the next level. It is aimed at moving the country away from the shambles of debt and ensure that we are self-sustaining. We can only ask the Minority Party to leave the streets and support the Government. They should go back to building this country by making sure that they respect the businesses of other Kenyans who are trying as much as they can to rebuild our country after serious and vigorous campaigns that we had in 2022.

We cannot run away from the cost of living. Since the Kenya Kwanza Government took over, it reduced the price of *unga* that was at Ksh250 to about Ksh180. This is what we call progress. It has only been six months. It is true that the delay of salaries has never happened, but the President said that it is better for us to live within our means. If there are going to be issues to do with planting and ensuring that there are subsidies in the production of maize, then we will address them at that time. The President is setting an example and during this rainy season, we need to go back to our farms to plant maize and other crops to ensure we can feed ourselves and our neighbours.

The work of the Opposition is to oversee the Government of the day and we really appreciate what the Minority Party is currently doing. We have put an end to the issue of subsidies. As the value of the dollar is rising, our imports have better exchange rates from the

banks. The President assured us today that in the next two months or so, the dollar is going to drop to about Ksh115. That is what we call a plan. It is high time the Opposition gave us time to work. Within the next one or two years, this country will be different. The issue of delayed payments and pending bills is what the Government is currently dealing with.

**The Temporary Speaker** (Hon. Martha Wangari): Thank you. Your time is up. Next is the Member for Chepalungu, Hon. Victor Koech.

**Hon. Victor Koech** (Chepalungu, CCM): Thank you, Hon. Temporary Speaker, for this opportunity. I want to start by congratulating Hon. Opiyo Wandayi for bringing this particular Motion to the Floor of the House. I am happy because the Member has realised that the only place that we can discuss meaningful issues affecting the country is through the National Assembly.

If I can take the House back to 2002, one of the greatest Presidents that we have ever had, the late Mwai Kibaki, in his inaugural speech, talked about recovery of the economy. It took him almost three years to stabilise the country's economy. At the end of his term, the economy had recovered to a record 7.1 per cent and our school-going children had free primary education. Our current President, William Samoei Ruto, in his inaugural speech in 2022, talked about the measures he will take to recover the economy.

There is a President who said, "If you want to set a country free, speak the truth." What the President spoke is the truth. In his agenda, he wants to recover the economy of the country and bring back the decency that existed before the handshake regime. To that effect, the President said that the country is now going to shift from the policy of subsidising consumption to subsidising production. In so doing, in his projection, in the next 18 months the country will have recovered fully. I am in support of the same though I am in agreement that what the country is going through economically at the moment is not very good.

I want to end there and save some minutes for other Members of Parliament.

**The Temporary Speaker** (Hon. Martha Wangari): Member for Baringo North.

**Hon. Joseph Makilap** (Baringo North, UDA): Thank you, Hon. Temporary Speaker. First and foremost, I want to thank my good friend, Hon. Opiyo Wandayi for bringing this Motion for discussion. If truly we want to be Kenyans, we should discuss this matter as Members of Parliament who belong to the people of Kenya and not political factions.

*(Applause)*

When the economy of this country has a problem, all Kenyans from all walks of life suffer. Hunger, staying without food, insecurity, and lack of infrastructure and medicine does not favour Kenya Kwanza Coalition, Azimio Coalition or any other coalition; it affects the people of Kenya.

This regime is just six months in office. William Ruto has never been the President of Kenya before. This is an opportunity that he has to show his plan that he sold and it was bought by the people of Kenya. His plan was bought by the people of Kenya. It is only fair that he is given time to implement his plan for the success of this country. If you may remember, when Kibaki took over, this country was down. In fact, I remember those days the Budget was about Ksh280 billion. Through "*tulipe ushuru tujitegemee*," Kibaki raised the economic status of the country when people were thinking that he was a passing cloud. After about one year, Kibaki turned around the economy of this country and we became a prosperous nation. He was terribly fought but he was financing 95 per cent of the Budget of Kenya through his own revenue sources. I believe that, if given a chance, Dr William Samoei Ruto will also do what Kibaki did for Kenya.

Where we are today as Kenyans – I want to be very honest to my thinking and to Kenyans – is because of too much borrowing appetite. It did not only start when William Ruto

fell out with Uhuru Kenyatta. It started long time ago but it was escalated during the “handshake” period. There is also something that we are forgetting as Members of Parliament. We allowed too many Chinese in the country. They have brought too many goods to the extent that even when we increase our revenue sources, we still pay the Chinese. They do not bank in this country; they take the resources and revenue of Kenyans outside the country.

There are also other forms of corruption and deals in Government by Government officials. There is need to put up irrigation programmes. For a dam allocated Ksh20 billion, Ksh10 billion goes towards compensation for land and only Ksh5 billion goes towards the actual construction of the dam. We need to use the waters of Lake Victoria, Lake Baringo and Lake Naivasha, where you come from, to change Kenya through food production and food security. That is what will change Kenya, not *maandamano*. There is need to provide subsidies for farmers in the Rift Valley. Nobody is talking about them today. We need to boost agricultural production. That is what will change Kenya. Promoting the growth of industries in Kenya is what will change the country, not *maandamano* or too much talk from our Kenya Kwanza side. We must stop the talk and walk the talk by delivering to the people of Kenya. This is the time for reason. This is not the time for debate on who wins what. It is time for debate about Kenyans winning.

### ADJOURNMENT

**The Temporary Speaker** (Hon. Martha Wangari): Order, Members. The time being 7.00 p.m., this House stands adjourned until tomorrow, Wednesday, 12<sup>th</sup> April 2023 at 9.30 a.m.

The House rose at 7.00 p.m.

*Published by*  
Clerk of the National Assembly  
Parliament Buildings  
Nairobi