



**REPUBLIC OF KENYA**

**THIRTEENTH PARLIAMENT**

**NATIONAL ASSEMBLY**

**THE HANSARD**

**VOL. II NO. 53**

## THE HANSARD

Tuesday, 27<sup>th</sup> June 2023

The House met at 2.30 p.m.

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

### PRAYERS

**Hon. Speaker:** We have quorum to transact business. Clerks-at-the-Table, we are ready to go.

### COMMUNICATION FROM THE CHAIR

#### DELEGATION FROM THE COUNTY ASSEMBLY OF KAKAMEGA

**Hon. Speaker:** Hon. Members, I wish to introduce to you a delegation of 16 members of the County Assembly of Kakamega seated in the Speaker's Gallery. The delegation is led by their Deputy Speaker, Hon. Bernard Isindu Shitiyabai. They are also accompanied by nine members of staff.

The delegation is on a visit to the National Assembly to benchmark on parliamentary processes and operations with various committees.

On my own behalf and that of the House, I wish to welcome them to the National Assembly and wish them fruitful engagements during their visit.

Hon. delegates from Kakamega, I am sorry I do not have all your names. So, I cannot recognise you one by one but Hon. Bernard Isindu, as your leader, is duly recognized.

Thank you.

Next Order.

### PAPERS

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

**Hon. Owen Baya** (Kilifi North, UDA): Hon. Speaker, I beg to lay the following Papers on the Table:

1. Annual Report and Financial Statements of Kenya Reinsurance Corporation Ltd for the year ended 31<sup>st</sup> December 2022.
2. Reports of the Auditor-General and Financial Statements in respect of the following institutions for the year ended 30<sup>th</sup> June 2022 and the certificates therein:
  - (a) Chuka University;
  - (b) Moi University;
  - (c) Kitale National Polytechnic;
  - (d) Moi Teaching and Referral Hospital (MTRH);
  - (e) Kaiboi Technical Training Institute;
  - (f) Mukiria Technical Training Institute;
  - (g) Rift Valley Technical Training Institute;
  - (h) Jeremiah Nyagah Technical Institute;
  - (i) Nkabune Technical Training Institute;

- (j) Kiirua Technical Training Institute;
- (k) Aldai Technical Training Institute;
- (l) Muraga Technical Training Institute;
- (m) Karumo Technical Training Institute;
- (n) Chesta Teachers Training College;
- (o) Tambach Teachers Training College;
- (p) Mosoriot Teachers Training College;
- (q) Emgwen Technical Training and Vocational College;
- (r) Kipkabus Technical and Vocational College;
- (s) Lodwar Technical and Vocational College;
- (t) Kipsoen Technical and Vocational College;
- (u) Chepsirei Technical and Vocational College;
- (v) Tharaka Technical and Vocational College;
- (w) Tindiret Technical and Vocational College;
- (x) Moiben Technical and Vocational College;
- (y) Garsen Technical and Vocational College; and,
- (z) Lafey Technical and Vocational College.

**Hon. Speaker:** Chairperson, Departmental Committee on Labour. Where is Karemba? Is there any Member of the Committee around?  
Put it aside.

*(Laying of Paper deferred)*

Chairperson, Departmental Committee on Finance and National Planning. Hon. Makilap, where is your Chairman? Take the microphone.

**Hon. Joseph Makilap** (Baringo North, UDA): Hon. Speaker, he is on his way to the Chamber.

**Hon. Speaker:** Is it guesswork or you have spoken with him?

**Hon. Joseph Makilap** (Baringo North, UDA): I was with him.

*(Laying of Paper deferred)*

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

## NOTICE OF MOTION

### ALTERATION OF THE CALENDAR OF THE HOUSE

**Hon. Kimani Ichung'wah** (Kikuyu, UDA): Hon. Speaker, I beg to give notice of the following Motion:

THAT, pursuant to the provisions of Standing Order 28 (4), this House resolves to alter its Calendar for the Second Session (Regular Sessions) as adopted on Wednesday, 15<sup>th</sup> February 2023 by varying the period of short recess with respect to Second Part of the Session so that:

- (a) the short recess commences on Friday, 7<sup>th</sup> July 2023 and ends on Monday, 24<sup>th</sup> July 2023; and
- (b) the House resumes regular sittings on Tuesday, 25<sup>th</sup> July 2023 to continue with the Second Part of the Session.

Thank you, Hon. Speaker.

**Hon. Speaker:** Thank you, Leader of the Majority Party. I see Hon. Karemba here. Are his Papers ready? Yes, Makilap. Give the microphone to the Member of Baringo North.

Go ahead.

### PAPER

**Hon. Joseph Makilap** (Baringo North, UDA): Hon. Speaker, I beg to lay the following Paper on the Table:

Report of the Departmental Committee on Finance and National Planning on its vetting of a nominee for appointment as Chairperson of the Commission on Revenue Allocation. .

**Hon. Speaker:** Thank you. Table the document and proceed to give Notice of the Motion.

*(Hon. Joseph Makilap laid the document on the Table)*

### NOTICES OF MOTIONS

#### APPROVAL OF NOMINEE FOR APPOINTMENT AS CHAIRPERSON OF COMMISSION ON REVENUE ALLOCATION

**Hon. Joseph Makilap** (Baringo North, UDA): Hon. Speaker, I beg to give notice of the following Motion:

THAT, taking into consideration the findings of the Departmental Committee on Finance and National Planning in its Report on the vetting of a nominee for appointment as Chairperson of the Commission on Revenue Allocation, laid on the Table of the House on Tuesday, 27<sup>th</sup> June 2023; and pursuant to the provisions of Article 215(2)(a) of the Constitution and Section 8 (1) of the Public Appointments (Parliamentary Approval) Act of 2011, this House approves the appointment of CPA Mary A.C. Wanyonyi as Chairperson of the Commission on Revenue Allocation.

**Hon. Speaker:** Thank you, Hon. Makilap. Karemba, are you ready now? I am told your documents are not ready. You will do so on Thursday. You will lay your Paper and give Notice of Motion on Thursday.

*(Laying of Paper deferred)*

**Hon. Muchangi Karemba** (Runyenjes, UDA): That is okay, Hon. Speaker.

**Hon. Speaker:** Mwengi Mutuse.

#### AFFIRMATIVE ACTION PLAN FOR PROVISION OF WATER IN ASAL AREAS

**Hon. Mwengi Mutuse** (Kibwezi West, MCCC): Hon. Speaker, I beg to give notice of the following Motion:

THAT, aware that Article 43 of the Constitution as read together with Section 9 of the Water Act of 2016 provides for access to clean, safe and adequate water for all citizens; further aware that access to water guarantees human and animal health, food security, and clean and sustainable environment, among other

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socio-economic drivers; acknowledging that with a population of nearly 53 million, about 28 million Kenyans lack access to safe water while 41 million lack access to improved sanitation; further acknowledging the rising water demand in the country and the growing water scarcity due to climate change, population growth, urbanisation, water pollution, and poor management of water resources; noting that lack of clean, safe and adequate water affects economic activities, food security, education, and health, and that the effects are especially evident in rural areas and urban slums; further noting that with recurring drought, the country experiences acute water shortage, resulting in loss of lives, livelihoods as well as environmental degradation with Arid and Semi-Arid (ASAL) areas being the most affected; recognizing that this has led to economic decline in these areas partly due to successive marginalisation and/or under-investment in water by successive governments; further recognising that during rainy seasons these areas experience destructive and immense surface water flow sometimes leading to flooding, and that with adequate water catchment these ASAL areas can greatly contribute to food security, employment and wealth creation hence reduce poverty and accelerate national economic growth; this House therefore urges the national government, through the State Department of Water and Irrigation, to:

- (i) institutionalise rainwater harvesting and storage in the country and particularly in the Arid and Semi-Arid areas; and,
- (ii) develop an affirmative action programme for investment in water harvesting, purification, storage and distribution in Arid and Semi-Arid areas.

**Hon. Speaker:** Thank you, Hon. Mutuse. Hon. Members, you will notice you have a Supplementary Order Paper that was necessitated by some amendments to the Bill going to the Committee of the whole House. We will use the Supplementary Order Paper from now going forward.

Hon. Members, before we go to the next Order, allow me to recognise students from the following schools seated in the Public Gallery:

- a) The Nyali School from Nyali in Mombasa;
- b) The St Lukes Preparatory Biribiriet Primary from Chesumei in Nandi.

On your behalf and mine, I welcome the students and their teachers, if any, in the House of Parliament. Major Ruweida has requested me one minute to welcome the schools. Her daughter is among the Nyali School team. Hon. Ruweida, speak for all of us. Welcome the two schools. Do not limit yourself to your daughter. Give her the microphone.

**Hon. Ruweida Mohamed** (Lamu West, JP): Asante Mhe. Spika kwa kunipatia nafasi niwakaribishe wanafunzi wote walio hapa, hususan Nyali School ya Mombasa. Nyali School inasifika na inajulikana kwa utendakazi mzuri. *Performance* yao ni nzuri sana. Nina hakika wamekuja kutembea hapa Bunge wakati huu na wametembea sehemu zingine hapa Nairobi. Hii italeti matunda zaidi. Tutawaona *wakishine*. Karibuni sana Bungeni. Karibuni Nairobi. Mkienda huko mpeleke yale mumesoma. Nashukuru kwa kuwa pia mtoto wangu yuko hapo. Karibuni sana. Mwalimu, kila la heri kwa hii *trip*.

Mbunge wenu, Mhe. Mohamed Ali, amesema nimtolee salamu. Alikuwa aje lakini haikuwezekana. Karibuni sana. Tutapata Wabunge wengi hapo kwa hiyo shule.

**Hon. Speaker:** Asante mama Ruweida. Mbunge wa Chesumei, umeniomba pia nikupe dakika moja. Chukua dakika moja kukaribisha shule yako. *Give Hon. Paul the microphone. You are off target, Clerk-at-the-Table.*

**Hon. Paul Biego** (Chesumei, UDA): Thank you, Hon. Speaker, for giving me this opportunity. Let me take this opportunity, on behalf of the great people of Chesumei, to welcome the two schools from Nyali and my school from Chesumei Constituency. St Lukes is

known for very good performance. It is a school in Nandi County. Although the infrastructure is not very good - I will call upon you to come and assist us there, Hon. Speaker - they are very good in performance. I also congratulate the teachers for the good performance. I take note of the head teacher who was given an award. Thank you so much, head teacher, Mrs. Kiptoo, and all the Chesumei fraternity. Thank you and welcome to the House of legislators.

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

## BILL

### *First Reading*

#### THE PARLIAMENTARY POWERS AND PRIVILEGES (AMENDMENT) BILL (Senate Bill No.5 Of 2022)

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

**Hon. Speaker:** Hon. Karemba, the Papers you are supposed to lay and the Notice of Motion you are supposed to give are time-bound. Try and check with the Table Office and the Clerk's Office to see where they are so that I can give you an opportunity to prosecute them.  
Next Order.

## PERSONAL STATEMENT

**Hon. Speaker:** I am sorry, Clerks-at-the-Table, we will move back *kidogo*. Hon. Chege had asked me for an opportunity to make a personal statement. Hon. Sabina, I want to caution you that if there is anything to do with your suspension or the fracas that occurred here, I will stop you. I do not want any drama anymore.

## PARLIAMENTARY DECORUM

**Hon. Sabina Chege** (Nominated, JP): Thank you, Hon. Speaker. I am grateful that I am back. I will not go into the details of how I went away from this House.

Tom Peters said, "Great leaders do not create followers, they create more leaders."

We must know that we are all called to speak and to inspire future leaders. This is not a statement about myself but about parliamentary decorum. It is a statement about protecting the political space rightly earned by women leaders in our country. It is a statement about our girls, future generations and the image of Parliament that we bequeath to them. It is a statement about my party - the Jubilee Party - and the violent mistreatment we continue to face and fight against the minority coalition.

We sit as one House of Parliament to manifest the diversity of the nation, represent the will of the people and exercise their sovereignty. For the record, Hon. Speaker, I know you are aware that I was physically attacked by Members of this House. They even took my phone in a style that is only done by petty offenders on the streets of Nairobi. To me, it was a well-planned and coordinated attack. What saddened me most is not even the attackers *per se* but the fact that it was planned and executed by women Members of Parliament with the help of their male counterparts. I would not wish such a thing to ever happen again to even my worst enemy.

This incident brought disrepute to this House and fell short of our calling as the National Assembly. My party has continued to be intimidated in this House. In my mother tongue, we

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say "People only throw stones at a tree with good fruits." That way, we expect that we will keep on fighting for the space of the Jubilee Party.

I want to thank my colleagues, leaders and the people of Kenya who have supported me during this unnecessary ordeal. I thank all Members of Parliament for trusting and supporting the party as we deal with the unfortunate incident. The people of Kenya look to this House for responsible leadership. The people of Kenya often visit this House to witness Parliamentary proceedings. We always have, as today, boys and girls from various schools visiting this House to witness us debate and make important decisions that will affect them today and in the future. They come to this House to learn and to be inspired by words and our conduct. The people of Kenya do not expect to find chaos and violence in this House. They do not come expecting to see women leaders unleashing violence on their colleagues. That is a "No."

I have spoken about Jubilee's mistreatment in Azimio la Umoja Coalition and the fact that our space has been consistently taken over in the most unfair and illegal manner, and I know that you now understand. When we say Jubilee Party ought to be respected and accorded its full legal rights as the third largest parliamentary party in this House with 28 Members of Parliament, we mean exactly that. We will continue fighting and advocating for that without fear, despite the intimidation and violence.

The matter of the position of the Deputy Minority Whip is being handled by the relevant legal institutions and, therefore, I would urge anybody with a contrary view to follow the law to seek solutions.

We all recall that our theme for the National Prayer Breakfast this year was reconciliation. I am here to remind Kenyans that as your leaders, we endeavour to remain true to the prayer in our National Anthem that, "Justice be our shield and defender, May we dwell in unity, peace and liberty...."

His Excellency the President, his Deputy President, the Hon. Speaker and many leaders in this House have led the way in this path of reconciliation. We can only follow suit and support this effort so that plenty may be found within our borders.

Therefore, as our parliamentary organs continue with investigations into what happened on that day, I want to tell those who attacked me that I forgive them. Kenya and this House are not about us. It is about the Kenyan people. The Kenyan people expect us to provide leadership without unnecessary drama and violence. Even when we differ on policy ideas, we must do so with decorum and respect as reconciliation guides our path to prosperity and sustainable development for our people.

I end with the words of Martin Luther King Jr who once said, "It is time for political leaders across the ideological spectrum to realise that while partnership is understandable, hyper-partnership is destructive to our country." We need visionary leaders who will earnestly strive for bipartisanship and find policy solutions that can move the country forward.

I thank you, Hon. Speaker.

**Hon. Speaker:** Thank you, Hon. Sabina Chege. I hope the male Members seated behind you have heard you.

Next Order.

## SPECIAL MOTION

**Hon. Speaker:** Chairperson of the Departmental Committee on Administration and Internal Security.

APPROVAL OF NOMINEE FOR APPOINTMENT AS PRINCIPAL SECRETARY

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**Hon. Gabriel Tongoyo** (Narok West, UDA): Hon. Speaker, I beg to move the following Motion:

THAT, taking into consideration the findings of the Departmental Committee on Administration and Internal Security, in its report on the vetting of a nominee for appointment as Principal Secretary for the State Department for Performance Management and Delivery Services, laid on the Table of the House on Thursday 22<sup>nd</sup> June 2023, and pursuant to the provisions of Article 155 (3) (b) of the Constitution and Section 8 (1) of the Public Appointment (Parliamentary Approval) Act, 2011, this House approves the appointment of Ms Ann Njoki Wang'ombe as Principal Secretary for the State Department for Performance Management and Delivery Services.

Hon. Speaker, His Excellency the President forwarded to the Clerk of the National Assembly the name of Ms Njoki Wang'ombe, nominee for the said position in the State Department for Performance Management and Delivery Services, pursuant to Article 155 (3) and Sections 3 and 5 of the Public Appointments (Parliamentary Approval) Act, No. 33 of 2011.

Pursuant to Standing Order 42 (1), you conveyed the Message from His Excellency the President to the House in a Communication dated 6<sup>th</sup> June. The name of the nominee and her curriculum vitae were forwarded to the Departmental Committee on Administration and Internal Security, pursuant to the provisions of Standing Order 45 (1) for the Committee to conduct the approval hearing as required under Article 124 (4) (a) of the Constitution of Kenya and Section 6 of the Public Appointments (Parliamentary Approval) Act.

Subsequently and in accordance with Section 6(9) of the Public Appointments (Parliamentary Approval) Act, 2021, the Committee placed an advertisement in the print media on Thursday, 8<sup>th</sup> June 2023, inviting the public to submit memoranda by way of written statements on oath (affidavit) on the suitability or otherwise of the nominee in accordance with the Public Appointments (Parliamentary Approval) Act, 2011. The advertisement indicated that the submissions were to be received by close of business on Friday, 16<sup>th</sup> June, 2023 by 5.00 p.m. By the close of the submission deadline, the Committee had not received any memoranda contesting the suitability of the candidate. The nominee was also notified of the date, time and place of the approval hearing which the Committee conducted on Wednesday 21<sup>st</sup> June, 2023. The nominee appeared before the Committee as scheduled in accordance with the provisions of the Constitution on her suitability or otherwise for appointment to the said position.

While conducting the approval hearing, the Committee was guided by the provisions of Sections (6), (7) and (8) of the Public Appointments (Parliamentary Approval) Act, 2011. In determining the suitability of the nominee, the Committee focused on her academic credentials, professional training and experience, personal integrity and background.

The Committee made the following observations:

The nominee holds a Master's Degree in Education (Education Administration) from the University of Nairobi awarded in 2008, Bachelor of Education Degree (Arts) from Kenyatta University awarded in 1993 and a Diploma in Human Resource Management from the Kenya Institute of Management (KIM). She has a working experience of over 30 years having served in various positions as a high school teacher from 1993 to 2009; a teacher trainer in 2009; a part-time lecturer at Kenya Methodist University and Mount Kenya University, and an Assistant Director for Human Resources and Administration at Kenya Medical Research Institute between 2011 and 2016.

She is currently the Manager of the Staff Pension Scheme at the Kenya Revenue Authority, where she has been serving from 2018 to-date. She thus complies with Section 6(7)

of the Public Appointments (Parliamentary Approval) Act, 2011 with regard to her academic credentials, professional and working experience.

During the approval hearing, she demonstrated knowledge of topical, administrative and technical issues touching on government and has the requisite abilities, qualifications and experience to serve as Principal Secretary for the State Department.

In accordance with Article 78 (1) and (2) of the Constitution, the nominee is eligible for appointment to the State Office since she is a Kenyan citizen and does not hold dual citizenship.

She met the integrity threshold, demonstrated knowledge of topical, administrative and technical issues touching on the State Department for Performance Management and Delivery Services, for which she has been nominated for appointment; and has the requisite abilities, academic qualifications and experience.

She meets the requirements of Chapter Six of the Constitution on Leadership and Integrity having obtained clearance from the following statutory bodies: the Ethics and Anti-Corruption Commission (EACC), the Kenya Revenue Authority (KRA), the Directorate of Criminal Investigations (DCI), the Higher Education Loans Board (HELB), and the Office of the Registrar of Political Parties (ORPP).

The nominee is not a member or an official of any registered political party and has never been dismissed from office for contravention of the provisions of Article 75 (1) (Conflict of Interest), Article 76 (Financial Probity), Article 77 (Restriction on Activities of State Officers) and Article 78 (2) (Dual Citizenship) of the Constitution.

Having conducted the approval hearing for the nominee pursuant to the relevant provisions of the Constitution, the Committee recommends that this House approves the nomination of Ms. Anne Njoki Wang'ombe for appointment as Principal Secretary for the State Department for Performance Management and Delivery Services.

Having noted the proceedings of the Departmental Committee on Administration and Internal Affairs on the approval hearing of the nominee for appointment as Principal Secretary, State Department for Performance Management and Delivery Services, I beg to move this Motion and urge the House to adopt the Report.

Hon. Speaker, the Committee had a very interactive session. Members interrogated her and I can confirm to this Honourable House that she is fit and capable of working in the said State Department. She has worked in several Government sectors and wherever she worked, she left a mark - especially when she worked as a principal in one of the secondary schools.

With those remarks, I beg to move and request my Vice-Chairman, Hon. Dido Raso, to second the Motion.

Thank you, Hon. Speaker.

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

**Hon. Dido Raso** (Saku, UDA): Thank you, Hon. Speaker. I second.

**Hon. Speaker:** Order, Hon. Members.

*(Question proposed)*

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

**Hon. Speaker:** I will put the Question but there is a Member who specifically requested to speak.

Proceed, Hon. Gitari.

**Hon. Members.** Just one Member!

**Hon. Speaker:** After Hon. Gitari, I will put the Question. Hon. Korere, do you also want to speak?

**Hon. Joseph Gitari** (Kirinyaga Central, UDA): Thank you, Hon. Speaker for giving me the chance.

First, I want to agree with the Committee. Ms. Anne Njoki Wang'ombe worked in Kirinyaga Central. She was a teacher at Kerugoya High School at a time I was contemplating running for a seat. I can assure you that she is a very good person. She went for her Master's Degree studies after which she proceeded to teach at a university. She went to KEMRI where she worked in a very senior position but left because of the tussles that were experienced in Mwea. She, however, fought for the people of Kirinyaga.

That is why I thought I should make a statement on the Committee's Report. After that, she worked with Kenya Revenue Authority. She is the right person for that position as she is a real reflection of the bottom-up economic model.

I support.

*(Hon. Sarah Korere stood in her place)*

**Hon. Speaker:** Hon. Korere, you will be the last.

**Hon. Sarah Korere** (Laikipia North, JP): Thank you, Hon. Speaker. I want to support the nomination of the candidate. I happen to sit in the Departmental Committee on Administration and Internal Affairs, and the appointment of this lady to the position of Principal Secretary is really a bottom-up approach because she started as a secondary school teacher and climbed all the way to where she is now. She has quite a wealth of knowledge, and she is hardworking. She merits the appointment.

However, as a leader from a minority community, I am a bit sceptical. If the current trend in appointment of people to public office continues, I am afraid that the minority communities will not claim to have a stake in this Government. I say this without fear of contradiction because I know that His Excellency the President is in that position today because he got votes from the majority parts of this Republic. If all the main public appointments go to only two major communities of this country, then many of us are left with questions. Are we really part of this country? Are our people targeted? Why are they being punished?

The other day we approved the appointment of the Governor of the Central Bank of Kenya. I personally have a lot of reservations unless somebody proves me wrong. It looks like for anybody to become the Governor of the Central Bank of Kenya in this country, one must be from a particular region. It is very painful to see our people on lists of shortlisted candidates just to serve as pacesetters in the race. I plead with the President to kindly remember the minority communities in his appointments.

Hon. Speaker, when I first came to this House, I was nominated by the United Republican Party (URP), courtesy of the current President himself, meaning that he has an eye and an ear for the minority communities in this Republic. As a Member elected from one of the minority communities, I must say that we were forgotten completely in the last 10 years by the last two administrations. This is the only President whom the minority communities have some hope in. The last time the minority communities saw some light in this country was during the reign of the late Daniel Toroitich arap Moi. I know that our current President is a very good student of Moi. I am, therefore, hopeful that the minority communities will have some stories to tell during his reign.

**Hon. Speaker:** Give the microphone to Hon. Rebecca Tonkei.

**Hon. Rebecca Tonkei** (Narok County, UDA): Thank you, Hon. Speaker for giving me this opportunity to support the appointment of Anne Njoki Wang'ombe. She is well known to me. We schooled together. We pursued our Masters' Degrees in Education together. She rose from being a classroom teacher to work with KRA. She has now been nominated for

appointment to serve as Principal Secretary. This lady is well learned. She has academic papers. I have no doubt in my mind that she is the right person for the job.

I would not have done justice if I did not thank the President for appointing women. He has done us a lot of justice. We want to thank the President.

I support.

**Hon. Speaker:** We will have Kimani Ichung'wah as the final speaker since you asked me to put the Question.

*(Several Members spoke off record)*

**Hon. Kimani Ichung'wah** (Kikuyu, UDA): Thank you, Hon. Speaker. Allow me to put my word of support to the appointment of Ms. Anne Njoki Wang'ombe. First, I want to thank the Departmental Committee of Administration and Internal Security for doing the very good work of vetting her within a very short time.

I have listened to the views of my good friend, Hon. Sarah Korere, who avers that she was first nominated to serve in this House by His Excellency the President. She appreciates that the President is keen on having balanced appointments in his Government. However, balancing should not just be in terms of minority and majority. It is also possible to marginalise the majority in the country because of perceptions. Nobody knows better than Hon. Sarah Korere that President William Samoei Ruto has been keen to balance his appointments in terms of gender parity in order to ensure that there are enough of either gender represented in his Government. I do not support this in terms of gender parity. Ms Anne Wang'ombe is a lady who is well learned. She also comes from a community that risks being sidelined in key appointments on the basis of being the majority in the country.

It has been argued that when you are a majority in an institution, when people die it just happens that the majority will have a majority amongst those who are dying. We must not profile people on the basis of their ethnicity. Let us judge Ms Anne Wang'ombe not on the basis of her ethnicity or where she comes from, but on the content that she has to offer to the Government.

I want to speak to Anne Wang'ombe. She is being appointed to serve in a very important docket - Office of the Prime Cabinet Secretary, where she will serve in the Office of Performance Management and Delivery Services. During the previous regime, this is the docket where the Presidential Delivery Unit (PDU) was domiciled. It is such a key anchor of the success of any administration. Therefore, Ms. Anne Wang'ombe must come into the Government and, quickly, learn the nine value chains that the President and his administration have given priority. She will have to apprise herself on those value chains, apprise herself on the Appropriation Bill that the Budget and Appropriations Committee sanctioned in its Report, which this House approved. It is what we have appropriated here that her State Department must follow up - to ensure that projects are delivered on time with value for money being realised for the people of Kenya. She has a very important role in the Government. I want to plead with her to, quickly, apprise herself. Let her understand the priority areas of our appropriations in terms of the nine value chains that we spoke about during debate on the Appropriations Bill. In his bottom-up economic transformation agenda, the President has set out nine value chains to spur our country's growth to greater heights of development.

I remember when William Ruto was setting up his Government, he said he would not speak about corruption but he would act on corruption in Government. I am happy with his first steps. Any public officer who will be mentioned negatively in terms of integrity will be relinquished of their duties. I want to ask Ms Anne Wang'ombe that she has a role to play to ensure that the Government wins the war against corruption. Corruption begins with the implementation of projects, and more so through the procurement processes in the course of

implementation of projects. She must quickly apprise herself with the provisions of the Public Procurement and Asset Disposal Act, 2015. She must learn all details pertaining to procurement of public goods and services. She needs to review the same to ensure that delivery of public projects is done expeditiously so that we get value for money for Kenyans.

Hon. Speaker, let me note that Ms. Wang'ombe has also come in to replace one of the Principal Secretaries who left office. He came from the same region. Hon. Sarah Korere mentioned the Governor of the Central Bank of Kenya. I think the President is very keen to ensure that once one leaves office, he replaces him or her from the region where the previous office holder comes from. This is because of the need to ensure regional balance in public appointments. That is why I was just cautioning that we also risk marginalising and profiling communities. We must avoid that risk of profiling anybody on the basis of their community. Let us view each other on the basis of what we are able to deliver to the people and the Republic of Kenya.

With those many remarks, I beg to support.

**Hon. Speaker:** Order, Hon. Members. Take your seat, Hon. Hassan. The Mover is hereby called upon to reply before I put the Question.

**Hon Gabriel Tongoyo** (Narok West, UDA): Thank you, Hon. Speaker. I would like to thank the Members who have contributed in support of the Committee on its findings. This is a very crucial State Department. It is responsible for the performance of the Government. What other State Departments are doing will be appraised, monitored and evaluated by this particular State Department. This State Officer will come in handy to support the rest of the State Departments of the Government to perform to the expectations of Kenya.

With those remarks, I beg to reply.

*(Question put and agreed to)*

**Hon. Speaker:** We will now go back to Order No.5 and ask Hon. Karemba to lay his Paper. We will then move to Order No.6 where he will give his Notice of Motion.

## PAPER

**Hon. Muchangi Karemba** (Runyenjes, UDA): Hon. Speaker, I beg to lay the following Paper on the Table of the House:

Report of the Departmental Committee on Labour on its vetting of a nominee for appointment as member of the Salaries and Remuneration Commission (SRC).

**Hon. Speaker:** We will now move to Order No.6. Can you now give your Notice of Motion?

## NOTICE OF MOTION

### CONSIDERATION OF NOMINEE FOR APPOINTMENT AS MEMBER OF SALARIES AND REMUNERATION COMMISSION

**Hon. Muchangi Karemba** (Runyenjes, UDA): Hon. Speaker, I beg to give notice of the following Motion:

THAT, taking into consideration the findings of the Departmental Committee on Labour in its Report on the vetting of a nominee for appointment as a member of the Salaries and Remuneration Commission, laid on the Table of the House on Tuesday, 27<sup>th</sup> June 2023, and pursuant to the provisions of Article 250 (2) (b) of the Constitution, Section 7 (11) of the Salaries and Remuneration

Commission Act, 2011 and Section 8 (1) of the Public Appointments (Parliamentary Approval) Act, 2011, this House rejects the appointment of Dr Phyllis Wambui Wagacha as a member of the Salaries and Remuneration Commission.

Thank you, Hon. Speaker.

**Hon. Speaker:** Thank you, Hon. Karemba. Hon. Members, allow me to acknowledge students from Chebwai SDA Secondary School from Malava, Kakamega County, who are seated in the Speaker's Gallery.

Hon. Members, you should have the courtesy of welcoming students to the House of Parliament. Member for Malava, Hon. Malulu Injendi, I will give you one minute to salute your school.

**Hon. Malulu Injendi** (Malava, ANC): Thank you, Hon. Speaker. I take this opportunity to welcome the students of Chebwai SDA Secondary School from Malava. Please, feel welcome as you get the feel of Parliament. You are a great school. This is one of the top-performing schools in my constituency.

I also take this opportunity to welcome the Members of the County Assembly (MCAs) who are also in the Speaker's Gallery.

Thank you.

**Hon. Speaker:** Thank you, Hon. Injendi. On my behalf and that of the House of Parliament, I join you in welcoming Chebwai SDA Secondary School to the House of Parliament. Feel welcome.

Next Order. Order, Members. You may be upstanding.

## COMMITTEE OF THE WHOLE HOUSE

*(Order for Committee read)*

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

### IN THE COMMITTEE

*[The Temporary Chairlady (Hon. Martha Wangari) in the Chair]*

#### THE PUBLIC FINANCE MANAGEMENT (AMENDMENT) BILL (National Assembly Bill No.16 of 2023)

**The Temporary Chairlady** (Hon. Martha Wangari): Hon. Members, take your seats. Order, Members. We are now in the Committee of the whole House. Can you take your seats?

Hon. Owen, Hon. Ng'ongo, and Hon. Makilap, take your seats. Hon. Members, we will start the Committee of the whole House with the Public Finance Management (Amendment) Bill (National Assembly Bill No.16 of 2023).

*(Clause 3 agreed to)*

#### Clause 4

**The Temporary Chairlady** (Hon. Martha Wangari): Order, Members. We are on Clause 4. There is an amendment by the Chairperson of the Public Debt and Privatisation Committee, which is being moved by Dr Makali Mulu.

Please, continue.

**Hon. (Dr) Makali Mulu** (Kitui Central, WDM): Hon. Temporary Chairlady, I beg to move:

THAT, Clause 4 of the Bill be amended by deleting paragraph (a).

The import of this amendment is that the Bill proposes that the Public Debt Management Office, which is an office under the Ministry of the National Treasury and Economic Planning, advises Parliament on matters of public debt. We agreed as a Committee, and also during the Second Reading that for purposes of conforming to the principle of separation of powers between arms of the Government, it is important that Parliament is advised by either an office in Parliament or by an independent office, and not by the National Treasury. So, on that basis, we propose to delete Clause 4 (a).

Thank you, Hon. Temporary Chairlady.

*(Question of the amendment proposed)*

**The Temporary Chairlady** (Hon. Martha Wangari): Hon. Mbadi, I will only allow you a maximum of two minutes to contribute.

**Hon. John Mbadi** (Nominated, ODM): We are legislating, and not just approving things. I want to support this amendment because the idea of advice can be misinterpreted sometimes. The moment you put it that the Debt Management Office advises, then there is likelihood that they may insist that the advice must be taken by Parliament. We have seen this happen within the Commission on Revenue Allocation (CRA), which now believes that the advice they give to Parliament on revenue distribution must be respected. So, to avoid that conflict with Parliament, we need to delete paragraph (a).

With those remarks, I support the deletion.

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

*(Clause 4 as amended agreed to)*

*(Clause 5 agreed to)*

#### *Clause 6*

**Hon. (Dr) Makali Mulu** (Kitui Central, WDM): Thank you, Hon. Temporary Chairlady. I seek your indulgence. The Leader of the Majority Party still has an amendment on this Clause.

**The Temporary Chairlady** (Hon. Martha Wangari): Hon. Makali Mulu, we have consulted on that one. You will move the Committee's amendments.

**Hon. (Dr) Makali Mulu** (Kitui Central, WDM): Hon. Temporary Chairlady, I beg to move:

THAT, Clause 6 of the Bill be amended by—

(a) deleting paragraph (a) and substituting therefor the following new paragraph—

“(a) by deleting subsection (2) and substituting therefor the following new subsection—

(2) The national Government may borrow money in accordance with this Act or any other legislation, subject to the threshold specified in subsection (2A) of this section”;

(b) by inserting the following new paragraph immediately after paragraph (a)—

“(aa) by inserting the following new subsections immediately after subsection (2)—

(2A) The borrowing by the national Government referred to in subsection (2) shall not exceed fifty-five percent of the gross domestic product in present value terms.

(2B) Notwithstanding subsection (2A), the national Government may, in exceptional circumstances, exceed the threshold set under that subsection by not more than five per cent.

(2C) The Cabinet Secretary shall, not later than five years from the date of the coming into force of subsections (2A) and (2C), take measures to ensure that borrowing by the national Government complies with the threshold prescribed in subsection (2A).

(2D) The Cabinet Secretary shall submit to the National Assembly, by the 30th April in every year, a report on the debt status and the borrowing undertaken by the national Government, indicating the exceptional circumstances, if any, provided for in subsection (2C).

(2E) The committee in the National Assembly responsible for matters relating to public debt shall consider the report submitted under subsection (2D), and shall table its report and its recommendations thereon in the National Assembly for consideration.

(2F) The National Assembly shall discuss the report tabled under subsection (2E), and may pass a resolution to adopt it with or without amendments.

Hon. Temporary Chairlady, the essence of this amendment is that we want to move the public debt anchorage from a nominal number to a percentage. We are proposing that we, as a House, agree that we make the ceiling for our public debt to be 55 per cent of the Gross Domestic Product (GDP) present value.

As a way of ensuring that we, as a House, have control over this matter, there are two things we have set. Currently, we are doing at around 61.7 per cent. We are above this threshold by about 6.7 per cent. To make sure that we are within the limit, we will allow the Cabinet Secretary for the National Treasury and Economic Planning to bring this ceiling back to 55 per cent within the next five years. As a way of ensuring that this House oversees public debt, we have also put another clause. The Cabinet Secretary for the National Treasury and Economic Planning will be expected to submit an annual report to this House by 30<sup>th</sup> April, so that this House is updated on public debt matters. With that kind of report, we will be able to inform the budget-making process.

Hon. Temporary Chairlady, thank you.

*(Question of the amendment proposed)*

**The Temporary Chairlady** (Hon. Martha Wangari): I would like to give the Leader of the Majority Party the first chance because he has a similar amendment.

**Hon. Kimani Ichung’wah** (Kikuyu, UDA): Thank you, Hon. Temporary Chairlady. I rise to support this amendment. As the Vice-Chair of the Committee has indicated, this

particular amendment seeks to do a number of things. One is to establish that threshold. As I was moving the Bill, I indicated that one of its objectives was to move from an absolute figure to a percentage of our GDP. We want to set that threshold at 55 per cent of our GDP in net present value terms. I must thank the Committee. It engaged with the National Treasury on this particular matter and found it important that there be a reporting mechanism to the National Assembly. Whenever the Cabinet Secretary for the National Treasury and Economic Planning brings his annual estimates books, he will also bring a report on the debt status.

Secondly, recognising that as we speak - we have not shied away from stating facts as they are - we are already in the red in terms of public debt, we must give the National Treasury some headroom and time to bring down the public debt from a high of more than 60 per cent to a low of 55 per cent. That is why the Committee has agreed that we have a five-year transition period. Beyond that, we must maintain our public debt at not more than 55 per cent of the GDP.

Thirdly, we appreciate having a very rigid threshold or ceiling at 55 per cent is not wise as anything can happen. For instance, in 2020, between February and March, the first case of the COVID-19 pandemic was reported in this country. I remember a number of passengers from some airlines were reported to have contracted the disease. Within a period of less than three months, the entire economy locally and globally was shut down. Anything like that can happen. There are also instances like the war in Ukraine and Russia as well as inflation in the United States of America (USA) and in the other western economies that have occasioned a situation in the global economy where the Kenya Shilling has massively depreciated against the hard currencies. Even without borrowing an extra shilling, on your net borrowing, you will find that your debt has grown by another Ksh40 billion because of movement of one shilling against the US Dollar. Therefore, in order to cushion ourselves against such eventualities — under very exceptional circumstances— we are giving the National Treasury a headroom of plus or minus 5 per cent. The Committee, in its wisdom, found that at minus 5 per cent, we will still be okay as we will be below 55 per cent. We are also giving the National Treasury another headroom of plus 5 per cent, which will only be accessible to them under exceptional circumstances. Even when such exceptional need arises, the National Treasury must seek this House's approval to utilise that window because the National Assembly is the owner of the purse.

**The Temporary Chairlady** (Hon. Martha Wangari): Leader of the Majority Party, conclude.

**Hon. Kimani Ichung'wah** (Kikuyu, UDA): I have concluded, Hon. Temporary Chairlady. I support the amendment and urge Members to support. It also safeguards the role of Parliament in ensuring that we check our public debt levels.

Thank you.

**The Temporary Chairlady** (Hon. Martha Wangari): Hon. Shakeel Shabbir.

**Hon. Shakeel Shabbir** (Kisumu East, Independent): Thank you, Hon. Temporary Chairlady. This amendment is trying to make some difference in a very bad situation. We are already at 61.7 per cent of our GDP. We are putting a debt anchor at 55 per cent but we are at 61.7 per cent. However, it is very important that we make it clear.

Even if this will be put together, there are countries that work at 55 per cent of net present value of their GDPs. However, there are other calculations that go hand-in-hand with this arrangement. We, accountants, are very innovative with figures. You will find that the National Treasury will become more innovative with figures. Instead of giving them five years, this particular recommendation should have a proviso.

*(Loud consultations)*

*(Several Members walked out of the Chamber)*

**The Temporary Chairlady** (Hon. Martha Wangari): Order Members. We really want to finish with this business. This Bill is headed to the Senate upon our approval. We want to take a very short time. Limit your contribution to two minutes. Those who are leaving the House, I kindly urge that you stay here. We will be very quick in the next amendment.

**Hon. Shakeel Shabbir** (Kisumu East, Independent): It has a proviso that everything must be sorted out within two years, and not five years.

Thank you.

**The Temporary Chairlady** (Hon. Martha Wangari): I will give opportunity to only two more Members then we can proceed.

Hon. Mutunga.

**Hon. (Dr) John K. Mutunga** (Tigania West, UDA): Thank you, Hon. Temporary Chairlady, for this opportunity. We are speaking to the possibility of this country managing its debts. If there is anything that can destroy the development process, it is debt. Even at a personal level, debt is not easy to manage. This amendment is about the National Treasury reporting back to Parliament. I remember what happened in the last government. With regard to debt, we allowed the then government to move from percentages to absolute figures, and they never reported back to this House. I am happy to hear from the Leader of the Majority Party that the Government is committed to be coming back to us to tell us what it is doing in terms of debt management. Unless we properly manage debt, we will never get there.

Hon. Temporary Chairlady, I support the amendment.

**The Temporary Chairlady** (Hon. Martha Wangari): Hon. Shurie.

**Hon. Abdi Shurie** (Balambala, JP): Thank you, Hon. Temporary Chairlady. I support the amendment. We have asked the National Treasury to lower the debt capacity of this country from the 64 per cent it is currently holding. We have given the Government five years to bring it back to 55 per cent, which is the level that we feel our economy can carry. This is a good amendment and I support it.

Thank you, Hon. Temporary Chairlady.

**The Temporary Chairlady** (Hon. Martha Wangari): Hon. Elachi, you have one minute.

**Hon. Beatrice Elachi** (Dagoretti North, ODM): Thank you, Hon. Temporary Chairlady. I also stand to support the amendment. As we consider this amendment, it means we are bringing back the power of Parliament to ensure that this country's debt is controlled. You realise that debt is always paid using money from the Consolidated Fund. It is, therefore, important for the National Treasury to appreciate that. As we allow this, in five years' time, people will want to see the impact of the new Finance Bill that we just passed. If Kenyans see a record showing that our debt is reducing, everyone will appreciate as they pay tax.

Thank you.

**The Temporary Chairlady** (Hon. Martha Wangari): Hon. Kamuren.

**Hon. Charles Kamuren** (Baringo South, UDA): Thank you, Hon. Temporary Chairlady. I also stand to support the amendment because of the situation in the country. Life has become difficult. Such an amendment will allow the National Treasury to adjust to the dynamics of the new changes brought about by climate change. I therefore support it.

Thank you, Hon. Temporary Chairlady.

**The Temporary Chairlady** (Hon. Martha Wangari): Hon. Wandeto.

**Hon. Geoffrey Wandeto** (Tetu, UDA): Thank you, Hon. Temporary Chairlady. I also rise to support this amendment. The only thing I would like to add is that other than the provision to ensure that the Cabinet Secretary comes to this House every year to report on the debt status of the country, I would urge this House to consider a portal where the Government can disclose all the loans that this country owes to lenders, both domestically and

internationally. This has been a rather contentious issue. There are loans that were taken many years ago, some of which are not being serviced at all while some have accumulated to astronomical amounts. I am aware of a loan of about Ksh1 billion that has now accumulated to about Ksh48 billion. If we have these sorts of disclosures, it will ensure that we keep a good tab on our debt situation in the country. I support the amendment and especially endorse the fact that we have set the debt limit as a percentage of real GDP as opposed to nominal GDP. This amendment will ensure that the Cabinet Secretary comes to this House to report on the status of debt.

I support.

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

**Hon. Joseph Makilap** (Baringo North, UDA): Thank you, Hon. Temporary Chairlady. As a Member of the Public Debt and Privatisation Committee, we protested against a proposal that would see the National Treasury assuming the powers of Parliament. In the amendments that we have proposed, we made sure that there is independence of Parliament. We made sure that separation of powers is retained through this amendment. As a mathematician, I know that any borrowing limit below 55 per cent, plus or minus 5 per cent, is safe. This is an applicable international standard. Many countries across the world are practising debt anchor rather than a numerical figure. We believe that this will open a space for this country. If there will be fiscal discipline within the Government, it will borrow within sustainable limits.

**The Temporary Chairlady** (Hon. Martha Wangari): Take two minutes maximum, Hon. Mbadi.

**Hon. John Mbadi** (Nominated, ODM): Thank you, Hon. Temporary Chairlady. Whereas the amendment by the Committee has improved the situation where we were simply legislating to surrender our powers to the Executive, I still think that the Committee should have gone a step further on two grounds. One is the idea of allowing plus 5 per cent. I do not even want to talk about more or less. When it comes to money matters, you cannot tell someone to spend 55 per cent but then they can spend up to 60 per cent. You do not do that. The moment you do that, you have given that person a blank cheque to get to 60 per cent. That is wrong.

Secondly, what are these exceptional circumstances? The Committee has not defined the exceptional circumstances. This clause is going to be abused by the National Treasury and the Executive and there is nothing we will do about it. We have already given them a blank cheque to borrow beyond 55 per cent and then claim that there were exceptional circumstances. This House should have done better by specifying what exceptional circumstances are.

Finally, if the National Treasury is genuine, let it bring amendments to the Regulations and define the exceptional circumstances under which it can borrow beyond 55 per cent. Without that, I would guarantee this House that...

**The Temporary Chairlady** (Hon. Martha Wangari): Before the Leader of the Majority Party, let us have Hon. Muriu.

**Hon. Wakili Muriu** (Gatanga, UDA): Hon. Temporary Chairlady, I rise to support the amendment that seeks to base our borrowing on a debt anchor of the GDP on real terms. I am saying this because international standards of borrowing are not about numerical figures. They are purely based on scientific numbers to support the borrowing.

Secondly, I support the fact that all statutory instruments on borrowing will be brought to Parliament for approval. We will avoid a scenario similar to the Eurobond case, where we borrowed for consumption. It is upon Parliament to ensure that any borrowing is directed to development, and not to consumption.

I support.

**The Temporary Chairlady** (Hon. Martha Wangari): Leader of the Majority, I presume you have already passed the information to Hon. Mbadi.

**Hon. Kimani Ichung'wah** (Kikuyu, UDA): Thank you, Hon Chairlady. Yes, I did so off record, but it is good to indicate it on record. Hon. Mbadi has raised an issue on Regulations. He knows Regulations are subsidiary legislations and they will be brought after the enactment of the Bill into an Act. Therefore, he should be rest assured that his concerns will be addressed. I will be here with you the same way we have done before. When I commit to something I mean business. We shall hold the National Treasury to account.

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

**Hon. Kimani Ichung'wah** (Kikuyu, UDA): Never again shall we allow this country to slide to where we are today. Either the National Assembly or Parliament has failed to do its work. I am certain that Hon. Mbadi, Hon. Shurie, Hon. (Dr) Makali Mulu and myself shall be here to hold them to account and ensure that they do not abuse this provision.

Thank you.

**The Temporary Chairlady** (Hon. Martha Wangari): Leader of the Majority Party, you have made your point.

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

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

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

Before I put the last question on this clause, the amendment by the Leader of the Majority Party has been dropped now that the Chairperson's amendment has been carried.

*(Proposed amendment by Hon. Kimani Ichung'wah dropped)*

*(Clause 6 as amended agreed to)*

#### Clause 7

**Hon. (Dr) Makali Mulu** (Kitui Central, WDM): Hon. Temporary Chairlady, I beg to move:

THAT the Bill be amended by deleting clause 7.

The Bill, as published, proposes that the Public Debt Management Office, which is under the Ministry for National Treasury and Economic Planning, will advise Parliament. We deleted clause 4 on the same basis. We propose to delete clause 7 so that Parliament remains independent and free to make decisions on public debt without interference from any other quarter. That is our responsibility as a House.

*(Question of the amendment proposed)*

**The Temporary Chairlady** (Hon. Martha Wangari): Hon. Members, if you have interest on this specific issue, press the intervention button.

Hon. Ndindi Nyoro.

**Hon. Ndindi Nyoro** (Kiharu, UDA): Thank you very much, Hon. Temporary Chairlady. I holistically support this Bill because we need to tame our borrowing. As you have seen, even the President is leading from the front in this effort. We cannot continue digging the

hole of debt. The issue of disclosure is very important when it comes to borrowing. We have seen cases of many African countries, including Zambia, where whenever a new President assumes office, he realises that there is a big discrepancy between what has been reported as public debt and the actual public debt. Such situations are not good for economies. For that reason, I support this Bill in its entirety. I also support the amendments that seek to make it a better Bill.

In conclusion, I will reinforce the point on disclosure. My opinion is that public debt should be as public as the debt itself. Since the debt is public, everything around it should be public. The projects to be undertaken should be made public so that we can audit what these loans do for this country.

Thank you.

**The Temporary Chairlady** (Hon. Martha Wangari): Hon. Oyula.

**Hon. Maero Oyula** (Butula, ODM): Thank you, Hon. Temporary Chairlady for giving me an opportunity to add my voice to this Bill. I support these amendments. However, I caution this House that it is very difficult to bring down public debt, particularly, domestic debt. The Committee charged with this responsibility will have to work very closely with the Public Debt and Privatisation Committee so that every borrowing and every reduction is monitored closely.

I support the amendment.

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

*(Clause 7 deleted)*

#### Clause 2

**Hon. (Dr) Makali Mulu** (Kitui Central, WDM): Hon. Temporary Chairlady, I beg to move:

THAT, the Bill be amended in clause 2 by deleting the definition of “financial obligation” appearing in paragraph (b) and substituting therefor the following new definition —

“financial obligation” means outstanding liabilities related to public debt, including principal, interest, fees, commissions and other expenses incidental to the raising of public debt or its repayment and shall be a charge on the Consolidated Fund or another public fund established by the national Government or any of its entities.”

The definition in the Bill is not comprehensive enough.

Therefore, the essence of this amendment is to make sure that the definition of “financial obligation” captures all the issues related to public debt.

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

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

*(Clause 2 as amended agreed to)*

*(Title agreed to)*

*(Clause 1 agreed to)*

**The Temporary Chairlady** (Hon. Martha Wangari): Mover, kindly move reporting.

**Hon. Kimani Ichung'wah** (Kikuyu, UDA): Hon. Temporary Chairlady, I beg to move that the Committee reports its consideration of the Public Finance Management (Amendment) Bill (National Assembly Bill No.16 of 2023) and its approval thereof with amendments.

*(Question proposed)*

*(Question put and agreed to)*

**The Temporary Chairlady** (Hon. Martha Wangari): Hon. Members, we will proceed with the Committee of the whole House on the County Governments Additional Allocations Bill (National Assembly Bill No. 23 of 2023).

THE COUNTY GOVERNMENTS ADDITIONAL ALLOCATIONS BILL  
(NATIONAL ASSEMBLY BILL NO.23 OF 2023).

*(Clauses 2, 3 and 4 agreed to)*

*Clause 5*

**The Temporary Chairlady** (Hon. Martha Wangari): Mover. The Chairman, Budget and Appropriations Committee.

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

THAT, Clause 5 of the Bill be amended in sub clause (7) by deleting—  
(a) paragraph (d) (e) (f) (g) and (h).

*(Question of the amendment proposed)*

**The Temporary Chairlady** (Hon. Martha Wangari): Those willing to speak to this kindly indicate via the intervention button.

Hon. Njeri Maina.

**Hon. Njeri Maina** (Kirinyaga County, UDA): Thank you, Hon. Temporary Chairlady. I wholeheartedly support additional allocations to the county governments, but as we speak about giving them additional funds, this House must relook at the county governments. I want to speak candidly, and not only about Kirinyaga County. We know that our health sector was devolved when we got the 2010 Constitution. However, if you go to hospitals in our counties, you will realise that they are in a terrible state of affairs. We must look into...

**Hon. Charles Nguna** (Mwingi West, WDM): On a point of information.

**The Temporary Chairlady** (Hon. Martha Wangari): Order, Hon. Njeri. Do you wish to be informed by Hon. CNN?

**Hon. Njeri Maina** (Kirinyaga County, UDA): No. I do not wish to be informed.

*(Hon. Charles Nguna stood in his place)*

**The Temporary Chairlady** (Hon. Martha Wangari): Order, Hon. CNN. Continue.

**Hon. Njeri Maina** (Kirinyaga County, UDA): Hon. Temporary Chairlady, I am an advocate of the High Court. There is nothing that Hon. CNN can inform that I do not know.

*(Laughter)*

We must ensure we ruthlessly oversee county governments. There is a lot of pilferage and wastage. We must ensure that the Senate has the capacity to interrogate whatever is happening in county governments. It cannot be that when we ask questions as we play our oversight role, people say that we are fighting governors. This is our Government. It is the Government of the people of Kenya. We must execute the mandate that the President promised the people of this nation. I, therefore, call upon all of us to look into that so that we can strengthen democracy in this nation.

**The Temporary Chairlady** (Hon. Martha Wangari): Hon. Members, take a maximum of two minutes. Hon. John Makali.

**Hon. John Makali** (Kandunyi, FORD-K): Thank you, Hon. Temporary Chairlady for giving me this chance. First, I must say that I support the amendments specifically because we are providing for fertiliser subsidy. This is very important because agriculture is a key plank of our Government. It is equally important for industrial parks. These are things that will give our people and our jobless youths employment. I support it.

I, however, want to point out that county governments are now 11 years old. We have been giving them money for leasing of medical equipment and we have had very many accountability issues in respect of the same. Other than that, I wholeheartedly support these amendments.

**The Temporary Chairlady** (Hon. Martha Wangari): Order, Members. Do not be tempted to debate. We did that in the Second Reading. Speak to the amendments specifically.

Hon. Kawanjiku.

**Hon. Njuguna Kawanjiku** (Kiambaa, UDA): Thank you, Hon. Temporary Chairlady. I rise to support the amendment proposed by the Chairman of the Budget and Appropriations Committee. This will ensure that we give more money to the county governments and enable them execute their mandate given by the 2010 Constitution.

On the same premise, county governments should be more accountable now that we are sending more resources to the counties. They are supposed to do what they should do, especially with regard to matters health.

*(Several Members stood along the aisle)*

**The Temporary Chairlady** (Hon. Martha Wangari): Order! Members at the door, take your seats. Chair and the Whip of the Majority Party, take your seats.

**Hon. Njuguna Kawanjiku** (Kiambaa, UDA): I support.

**The Temporary Chairlady** (Hon. Martha Wangari): Thank you. Hon. Donya Dorice from Kisii County.

**Hon. Dorice Donya** (Kisii County, WDM): Thank you, Hon. Temporary Chairlady. I support... Hon. CNN, please. I support this because when county governments are funded and their resources added, we must see value for that money. When I go to Kisii County and visit any of the hospitals, I must feel it. I should find medicines and personnel there and everything should be done in order. The water structure in Kisii County must be felt. We no longer want to see women going to the river yet devolution has come to us.

I support. Thank you.

**The Temporary Chairlady** (Hon. Martha Wangari): Hon. Caroli Omondi.

**Hon. Caroli Omondi** (Suba South, ODM): Thank you very much, Hon. Temporary Chairlady. I rise to support this particular amendment with respect to Homa Bay County where we have several conditional grants; Ksh124 million for medical equipment; Ksh250 million for industrial parks; Ksh165 million for fertiliser subsidy; and I think Ksh14 million for livestock. Homa Bay County is well endowed agriculturally, and with the current administration under

the able leadership of Governor Wanga, these grants will go a long way to help us realise our agricultural potential as well as nascent industrial park.

In fact, we are very happy with these additional grants and we look forward to working very closely with the national Government to actualise the benefits that our people will get.

With those few remarks, I fully support.

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

**Hon. Haika Mizighi** (Taita Taveta County, UDA): Thank you, Hon. Temporary Chairlady. I also stand to support the amendment. Sometimes we have seen counties struggling here and there for lack of resources. As I support, I call for accountability in the use of the resources that we are adding to the counties. Thank you for this opportunity. I support.

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

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

*(Clause 5 as amended agreed to)*

*(Clauses 6, 7, and 8 agreed to)*

#### *First Schedule*

**The Temporary Chairlady** (Hon. Martha Wangari): Mover.

**Hon. Ndingi Nyoro** (Kiharu, UDA): Hon. Temporary Chairlady, I beg to move:

THAT, the First Schedule to the Bill be deleted and substituted therefor with the following new Schedule —

#### **FIRST SCHEDULE**

#### **Conditional allocations to County Governments from National Government Revenue in Financial Year 2023/24 (Kenya Shillings)**

S/N	County	FY 2022/23	FY 2023/24				Total Conditional Grants from the National Government Revenue
		Total Conditional Grants from the National Government Revenue	Supplement for Construction of County Headquarters	Conditional Grant for Leasing of Medical Equipment	Conditional Grant for Aggregated Industrial Parks Programme	Conditional Grant for Provision of Fertilizer Subsidy Programme	
o		Column A	Column B	Column C	Column D	Column E	Column F
1.	Baringo	110,638,298	-	124,723,404.3	-	75,977,677	<b>200,701,081</b>
2.	Bomet	110,638,298	-	124,723,404.3	-	131,684,38	<b>256,407,786</b>
3.	Bungoma	110,638,298	-	124,723,404.3	250,000,000	242,962,80	<b>617,686,204</b>
4.	Busia	110,638,298	-	124,723,404.3	250,000,000	126,591,66	<b>501,315,069</b>
5.	Elgeyo/Marak	110,638,298	-	124,723,404.3	-	63,970,782	<b>188,694,186</b>
6.	Embu	110,638,298	-	124,723,404.3	250,000,000	110,930,14	<b>485,653,549</b>
7.	Garissa	110,638,298	-	124,723,404.3	250,000,000	3,965,101	<b>378,688,505</b>
8.	Homa Bay	110,638,298	-	124,723,404.3	250,000,000	165,917,80	<b>540,641,207</b>

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9.	Isiolo	150,638,298	60,000,000	124,723,404.3	-	2,501,812	<b>187,225,216</b>
10.	Kajiado	110,638,298	-	124,723,404.3	-	41,355,485	<b>166,078,889</b>
11.	Kakamega	110,638,298	-	124,723,404.3	-	289,728,67	<b>414,452,082</b>
12.	Kericho	110,638,298	-	124,723,404.3	-	131,255,11	<b>255,978,518</b>
13.	Kiambu	110,638,298	-	124,723,404.3	250,000,000	159,665,07	<b>534,388,478</b>
14.	Kilifi	110,638,298	-	124,723,404.3	-	134,390,47	<b>259,113,882</b>
15.	Kirinyaga	110,638,298	-	124,723,404.3	250,000,000	117,510,44	<b>492,233,853</b>
16.	Kisii	110,638,298	-	124,723,404.3	-	186,645,94	<b>311,369,346</b>
17.	Kisumu	110,638,298	-	124,723,404.3	-	120,042,85	<b>244,766,262</b>
18.	Kitui	110,638,298	-	124,723,404.3	-	179,499,58	<b>304,222,984</b>
19.	Kwale	110,638,298	-	124,723,404.3	-	90,011,220	<b>214,734,624</b>
20.	Laikipia	110,638,298	-	124,723,404.3	-	66,899,161	<b>191,622,565</b>
21.	Lamu	132,638,298	48,840,000	124,723,404.3	-	13,675,370	<b>187,238,774</b>
22.	Machakos	110,638,298	-	124,723,404.3	250,000,000	195,350,98	<b>570,074,390</b>
23.	Makueni	110,638,298	-	124,723,404.3	-	162,562,85	<b>287,286,260</b>
24.	Mandera	110,638,298	-	124,723,404.3	-	13,777,962	<b>138,501,366</b>
25.	Marsabit	110,638,298	-	124,723,404.3	-	2,389,320	<b>127,112,724</b>
26.	Meru	110,638,298	-	124,723,404.3	250,000,000	225,426,72	<b>600,150,125</b>
27.	Migori	110,638,298	-	124,723,404.3	250,000,000	144,621,80	<b>519,345,211</b>
28.	Mombasa	110,638,298	-	124,723,404.3	250,000,000	6,495,711	<b>381,219,115</b>
29.	Murang'a	110,638,298	-	124,723,404.3	250,000,000	197,960,79	<b>572,684,194</b>
30.	Nairobi	110,638,298	-	124,723,404.3	-	14,721,991	<b>139,445,395</b>
31.	Nakuru	110,638,298	-	124,723,404.3	250,000,000	234,883,20	<b>609,606,613</b>
32.	Nandi	110,638,298	-	124,723,404.3	250,000,000	128,705,60	<b>503,429,010</b>
33.	Narok	110,638,298	-	124,723,404.3	-	135,373,20	<b>260,096,608</b>
34.	Nyamira	110,638,298	-	124,723,404.3	250,000,000	92,563,428	<b>467,286,832</b>
35.	Nyandarua	169,638,298	121,000,000	124,723,404.3	-	121,624,03	<b>367,347,443</b>
36.	Nyeri	110,638,298	-	124,723,404.3	-	138,968,43	<b>263,691,837</b>
37.	Samburu	110,638,298	-	124,723,404.3	-	12,431,664	<b>137,155,068</b>
38.	Siaya	110,638,298	-	124,723,404.3	250,000,000	166,455,06	<b>541,178,467</b>
39.	Taita Taveta	110,638,298	-	124,723,404.3	-	43,540,521	<b>168,263,925</b>
40.	Tana River	152,638,298	121,000,000	124,723,404.3	-	15,049,566	<b>260,772,970</b>
41.	Tharaka Nithi	110,638,298	103,160,000	124,723,404.3	-	71,299,830	<b>299,183,234</b>
42.	Trans Nzoia	110,638,298	-	124,723,404.3	250,000,000	116,941,69	<b>491,665,096</b>
43.	Turkana	110,638,298	-	124,723,404.3	-	12,815,035	<b>137,538,439</b>
44.	Uasin Gishu	110,638,298	-	124,723,404.3	250,000,000	118,799,15	<b>493,522,556</b>
45.	Vihiga	110,638,298	-	124,723,404.3	-	97,662,444	<b>222,385,848</b>
46.	Wajir	110,638,298	-	124,723,404.3	-	2,235,432	<b>126,958,836</b>
47.	West Pokot	110,638,298	-	124,723,404.3	-	72,161,965	<b>196,885,369</b>
	<b>TOTAL</b>		<b>454,000,000</b>	<b>5,862,000,000</b>	<b>4,500,000,000</b>	<b>5,000,000,000</b>	<b>15,816,000,000</b>

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We had budgeted for Ksh4.7 billion that was to go to industrial and aggregation centers. The essence of this was to allocate Ksh100 million to each of the 47 counties. Being a responsible Government and a responsible Committee, we saw it fit not to have multi-tier projects. It is better to have few that will have a turn-around period of, say, one year maximum. Therefore, we scaled down these aggregation centres from 47 to 18 thereby enhancing the amount accorded to each from Ksh100 million to Ksh250 million.

Hon. Temporary Chairlady, I wish to make it clear to this House that all the 18 have already budgeted for the Ksh250 million which is counterpart. The way these aggregation centres are being implemented is that the national Government gives half of the money and the counties give half of the money or matches a shilling per shilling. The essence of this amendment is to reduce the aggregation centres from the initially budgeted 47 to 18 so that we are able to implement an entire aggregation centre within one financial year. All the others that are not going to benefit in this financial year's allocation are all assured to get the same amount of Ksh250 million in the next financial year.

Let the Hon. Members note that in the Order Paper on the Schedules, there is Column D showing Ksh250 million. Those are the counties that will be allocated money for this financial year. Thirty-one of them had already indicated that they have a budget of Ksh250 million. We want projects with little turn-around time. That is why we are getting fewer for more.

*(Question of the amendment proposed)*

**The Temporary Chairlady** (Hon. Martha Wangari): Hon. Owen Baya.

**Hon. Owen Baya** (Kilifi North, UDA): Thank you, Hon. Temporary Chairlady. I thank the Chairman of the Budget and Appropriations Committee for considering the aggregation centres and allocating them Ksh250 million and also fertiliser. For the first time, Kilifi County and other coastal counties have money for fertiliser. I also note that it is only the coastal counties that have been denied money for the aggregation centres. I do not know whether it is by design or by default. Coconut and cashew nuts are crops grown at the Coast. I would like Chairman Ndindi Nyoro to listen.

**The Temporary Chairlady** (Hon. Martha Wangari): Hon. Owen, address the Chair.

**Hon. Owen Baya** (Kilifi North, UDA): Through you, let Hon. Ndindi Nyoro listen to what I am saying. I do not know whether it is by default or design that the coastal counties have been denied money for aggregation centres. It is actually at the Coast that we need these aggregation centres. This is bad politics that my county, Kilifi, has been denied aggregation. Others that have been denied are Kwale, Taita Taveta and Tana River. All these are counties in the Coast. I do not think that is good politics. I request we amend this proposal and allocate them even if it is Ksh100 million.

Hon. Temporary Chairlady, I would like to move an amendment to that effect following the right procedure. I know the procedure, but I also want to note and be put on record that it is not good politics for the people at the Coast.

**The Temporary Chairlady** (Hon. Martha Wangari): Order, Hon. Baya! You cannot do that. It is under Article 114 of the Constitution. It is a money Bill issue.

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

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

(First Schedule as amended agreed to)

(Second Schedule and Third Schedule agreed to)

*Fourth Schedule*

**The Temporary Chairlady** (Hon. Martha Wangari): Chair of the Budget and Appropriations Committee.

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

THAT, the Fourth Schedule be deleted and substituted therefore with the following new schedule —

**FOURTH SCHEDULE**

National Government's Expenditures on Devolved Functions to be converted to Additional Conditional Grants to the County Governments for Financial Year 2023/24 (Figures in Kenya Shillings)

S/NO.	COUNTY	Livestock Value Chain Support Project	De-Risking and Value Enhancement (DRIVE)	Kenya Marine Fisheries and Socio-Economic Development (KEMFSED)	TOTALS
	Column A	Column B	Column C	Column D	Column E
1	Baringo	28,647,360	63,341,980		91,989,340
2	Bomet	57,294,720			57,294,720
3	Bungoma	35,809,200			35,809,200
4	Busia	14,323,680			14,323,680
5	Elgeyo Marakwet	35,809,200			35,809,200
6	Embu	35,809,200			35,809,200
7	Garissa	-	128,454,980		128,454,980
8	Homa Bay	14,323,680			14,323,680
9	Isiolo	-	155,341,980		155,341,980
10	Kajiado	28,647,360	96,691,980		125,339,340
11	Kakamega	57,294,720			57,294,720
12	Kericho	71,618,400			71,618,400
13	Kiambu	149,092,200			149,092,200
14	Kilifi	14,323,680	63,341,980	98,880,952	176,546,612
15	Kirinyaga	35,809,200			35,809,200
16	Kisii	35,809,200			35,809,200
17	Kisumu	14,323,680			14,323,680
18	Kitui	14,323,680	63,341,980		77,665,660
19	Kwale	-	63,341,980	100,730,260	164,072,240
20	Laikipia	28,647,360	90,941,980		119,589,340
21	Lamu	-	63,341,980	48,764,809	112,106,789

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S/NO.	COUNTY	Livestock Value Chain Support Project	De-Risking and Value Enhancement (DRIVE)	Kenya Marine Fisheries and Socio-Economic Development (KEMFSED)	TOTALS
22	Machakos	35,809,200			35,809,200
23	Makueni	21,485,520	63,341,980		84,827,500
24	Mandera	-	72,541,980		72,541,980
25	Marsabit	-	95,541,980		95,541,980
26	Meru	99,394,800	63,341,980		162,736,780
27	Migori	14,323,680			14,323,680
28	Mombasa	-		39,346,299	39,346,299
29	Murang'a	71,618,400		-	71,618,400
30	Nairobi City	-			-
31	Nakuru	121,315,800			121,315,800
32	Nandi	57,294,720			57,294,720
33	Narok	35,809,200	63,341,980		99,151,180
34	Nyamira	28,647,360			28,647,360
35	Nyandarua	135,204,000			135,204,000
36	Nyeri	71,182,920			71,182,920
37	Samburu	-	207,839,480		207,839,480
38	Siaya	14,323,680			14,323,680
39	Taita Taveta	21,485,520	63,341,980		84,827,500
40	Tana River	14,323,680	226,457,980	33,164,181	273,945,841
41	Tharaka Nithi	28,647,360	63,341,980		91,989,340
42	Trans Nzoia	71,618,400			71,618,400
43	Turkana	-	215,141,980		215,141,980
44	Uasin Gishu	99,830,280			99,830,280
45	Vihiga	14,323,680			14,323,680
46	Wajir	-	179,790,980		179,790,980
47	West Pokot	14,323,680	63,341,980		77,665,660
	<b>TOTAL</b>	1,642,868,400	2,165,507,080	320,886,501	4,129,261,981

Lately, we have discovered that some of the projects could not be devolved because their level of implementation was already too high. These are basic issues around public health. As Members are aware, some of these issues under public health are not just domiciled within counties; they cut across. That is, indeed, the reason for this amendment. It is meant to align with what cannot be devolved. It also appears on public health and other sectors that we deemed could not be correct regarding implementation of those particular projects.

*(Hon. Kiborek Reuben and Hon. Didmus Barasa consulted loudly)*

**The Temporary Chairlady** (Hon. Martha Wangari): Hon. Kiborek and Hon. Didmus, order.

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**Hon. Ndindi Nyoro** (Kiharu, UDA): As I sit, let me clarify to Members that the issue of Ksh250 million per county is not an issue of the Committee. It was agreed upon by the Intergovernmental Budget and Economic Council (IBEC). So, the governors are aware.

*(Question of the amendment proposed)*

**The Temporary Chairlady** (Hon. Martha Wangari): Hon. Makali Mulu.

**Hon. (Dr) Makali Mulu** (Kitui Central, WDM): Thank you, Hon. Temporary Chairlady. I support the amendment. As I support it, in situations where not all counties are benefiting, it is important we mainstream regional balancing so that we appear to be considering all the regions. The Deputy Leader of the Majority Party said that counties at the Coast were not considered. It is important we have regional balance in situations where grants are not allocated to all the counties.

I support.

**The Temporary Chairlady** (Hon. Martha Wangari): Hon. Dido Raso.

**Hon. Ali Raso** (Saku, UDA): Thank you very much. While I support this amendment, we need to be very careful. Based on what Hon. Baya asked, we must say clearly where this money will go and what it will do. We have aggregated money to counties as if these counties are going to do the same thing and as if they are on the same level of development. For that reason, whereas this is already a done deal and I do not want to challenge the Chairman on it, going forward, we really need to sit down as a House and agree before the horse bolts.

Thank you, Hon. Temporary Chairlady.

**The Temporary Chairlady** (Hon. Martha Wangari): Hon. Eckomas Mutuse. Hon. Elachi.

**Hon. Beatrice Elachi** (Dagoretti North, ODM): Thank you Hon. Temporary Chairlady. I also support the amendment. We always say counties are unique and dynamic. If we do not realign and state what the money is going to do, that is how a lot of wastage will occur in the counties. We know that if Senators are not going to realign some of these things the way many of our colleagues have talked about regional balance, we are going to have a lot of conflict for no good reason. It is important for us to state the money that is allocated and what it is going to be used for.

**The Temporary Chairlady** (Hon. Martha Wangari): Hon. Nyamai.

**Hon. (Dr) Rachael Nyamai** (Kitui South, JP): Thank you Chair, I support this amendment, but I would like to add that let the counties that have benefitted now give an opportunity to the other counties so that they may benefit too. I noticed that Kitui County has benefitted through the Livestock Value Chain Support Project. Although the money is little as indicated in the Schedule, I think it is a step in the right direction.

Thank you, Hon. Temporary Chairlady.

**The Temporary Chairlady** (Hon. Martha Wangari): Hon. Alfah Miruka, are you intending to speak on this?

**Hon. Alfah Miruka** (Bomachoge Chache, UDA): Yes. Thank you, Hon. Temporary Chairlady.

I support this Bill. I want to speak about additional money to counties. It is an advantage and a privilege for our people. They stand to benefit. How I wish governors could realise the importance of this project and implement it. I can see Kisii County has benefitted from the Livestock Value Chain Support Project. It has been allocated money to the tune of Ksh38 million. Just like the Deputy Leader of the Majority Party, Hon. Chair of the Budget and Appropriations Committee, I can see my county is missing in the column for counties allocated money for industrial parks. How I wish he could allocate Kisii County money so that it also benefits like the other counties. Otherwise, it is a good idea.

I support.

**The Temporary Chairlady** (Hon. Martha Wangari): Member for Nairobi City County, Hon. Esther Passaris.

**Hon. Esther Passaris** (Nairobi City County, ODM): Thank you, Hon. Temporary Chairlady.

I would like to say that the impact of devolution has not been felt ever since we devolved to counties and started putting resources to them. If it had, we would not have had the number of hustlers we have now. As I support the allocation to counties, the one thing I like is the matching. When you ask counties to match, you are telling them to own responsibility. It is such a shame when donors give us grants and we do not match and fulfil them. My only request to counties is that they must do the job they have to do. If counties fail, the national Government will also fail.

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

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

*(Fourth Schedule as amended agreed to)*

*(Title agreed to)*

*(Clause I agreed to)*

**The Temporary Chairlady** (Hon. Martha Wangari): Mover, the Chairman of the Budget and Appropriations Committee. Move reporting.

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

I beg to move that the Committee do report to the House its consideration of the County Governments Additional Allocations Bill (National Assembly Bill No.23 of 2023) and its approval thereof with amendments.

*(Question proposed)*

*(Question put and agreed to)*

*(The House resumed)*

IN THE HOUSE

*[The Temporary Speaker (Hon. (Dr) Racheal Nyamai) in the Chair]*

## MOTION

CONSIDERATION OF REPORT ON THE PUBLIC  
FINANCE MANAGEMENT (AMENDMENT) BILL

**The Temporary Speaker** (Hon. Rachael Nyamai): Chairperson, on the Public Management (Amendment) Bill.

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**Hon. Martha Wangari** (Gilgil, UDA): Hon. Temporary Speaker, I beg to report that a Committee of the whole House has considered the Public Finance Management (Amendment) Bill (National Bill No. 16 of 2023) and approved the same with amendments.

**The Temporary Speaker** (Hon. (Dr) Racheal Nyamai): Thank you very much. Mover.

**Hon. Kimani Ichung'wah** (Kikuyu, UDA): Hon. Temporary Speaker, I beg to move that the House do agree with the Committee in the said Report and request Hon. Makali Mulu to second the Motion for agreement with the Report of the Committee of the whole House.

**The Temporary Speaker** (Hon. (Dr) Racheal Nyamai): Hon. Makali Mulu.

**Hon. (Dr) Makali Mulu** (Kitui Central, WDM): Thank you, Hon. Temporary Speaker.

As I second, I want to assure Kenyans that this House is going to make sure that we work on the public debt that is of concern to them. Where a debt is taken by this Government, we shall make sure it benefits Kenyans across the country. I second.

**The Temporary Speaker** (Hon. (Dr) Racheal Nyamai): Thank you very much.

*(Question proposed)*

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

**The Temporary Speaker** (Hon. (Dr) Racheal Nyamai): Do I put the Question?

*(Question put and agreed to)*

*Third Reading*

THE PUBLIC FINANCE MANAGEMENT (AMENDMENT) BILL  
(National Assembly Bill No. 16 of 2023)

**The Temporary Speaker** (Hon. (Dr) Racheal Nyamai): Hon. Members, I call upon the Mover.

**Hon. Kimani Ichung'wah** (Kikuyu, UDA): Hon. Temporary Speaker, I beg to move that the Public Finance Management (Amendment) Bill (National Assembly Bill No. 16 of 2023) be now read a Third Time.

Let me thank Members for their perseverance. As the Vice-Chairman of the Committee, I want to assure the people of Kenya as I did as we engaged on the Finance Bill, that we will secure our country from the pit of public debt it was got into. The surest way of ensuring that we do not continue to borrow irresponsibly is to generate adequate revenues internally. That way, we will be in a position to finance all our appropriations without having to borrow unnecessarily.

With those few remarks, let me request Hon. Josses to second.

**Hon. Josses Lelmengit** (Emgwen, UDA): I second that we move from the debt ceiling of Ksh10 trillion to 55 per cent of the Gross Domestic Product (GDP) net present value.

Thank you.

**The Temporary Speaker** (Hon. (Dr) Racheal Nyamai): Thank you very much

*(Question proposed)*

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

**The Temporary Speaker** (Hon. (Dr) Racheal Nyamai): I will now put the Question having confirmed that there is requisite quorum in the House to make a decision.

*(Question put and agreed to)*

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

## MOTION

### CONSIDERATION OF REPORT ON THE COUNTY GOVERNMENTS ADDITIONAL ALLOCATIONS BILL

**The Temporary Speaker** (Hon. (Dr) Racheal Nyamai): Chairperson, on the second Bill.

**Hon. Martha Wangari:** Hon. Temporary Speaker, I beg to report that a Committee of the whole House has considered the County Governments Additional Allocations Bill (National Assembly Bill No.23 of 2023) and approved the same with amendments.

**The Temporary Speaker** (Hon. (Dr) Racheal Nyamai): The Mover of the Bill.

**Hon. Ndindi Nyoro** (Kiharu, UDA): Thank you very much, Hon. Temporary Speaker. I beg to move that this House do agree with the Report of the Committee of the whole House on its consideration of the County Governments Additional Allocations Bill (National Assembly Bill No.23 of 2023). I request the Member of Parliament for Gatanga, who is also doing a very good job, Hon. Wakili Muriu, to second.

**Hon. Wakili Edward Muriu** (Gatanga, UDA): Hon. Temporary Speaker, I rise to second the Motion to add more money to counties. In the spirit of devolution, we intended to ensure that development devolves from the bottom at the counties, going up. I second this Bill because allocating more money, especially on aggregation in the counties, is the way to go. This will ensure that our farmers get value for their money, create employment at county levels, and that development comes from counties.

I second.

**The Temporary Speaker** (Hon. (Dr) Rachael Nyamai): Thank you very much.

*(Question proposed)*

Yes, Leader of the Majority Party.

**Hon. Kimani Ichung'wah** (Kikuyu, UDA): Hon. Temporary Speaker, now that I did not contribute in Third Reading, allow me to just mention two things: One on county aggregation centres. As much as we are allocating all this money to county aggregation and value addition centres, we must, as Members have said, ensure that all our governors, not just in these 18 counties that are getting money this time, but even the other close to 30 counties that will get money in subsequent financial years, utilise it to the benefit of the people in counties. These aggregation centres must not be avenues for further corruption. We are not devolving corruption from the national Government to our county governments.

Two, you will notice that counties such as Kilifi, Kwale, Lamu, Mombasa, Tana River and Tharaka Nithi, 10 years after the advent of devolution, are yet to get their county government headquarters completed. As much as you may indulge governors, many of these projects were being implemented by the national Government through the State Department for Public Works of the Ministry of Lands, Housing and Urban Planning. We must speak to the State Department for Public Works in this country to ensure that the counties I have mentioned have their headquarters completed.

If you go to Kathwana in Tharaka Nithi, a huge monument of shame rests in Kathwana Market of a building that was started over 10 years ago at the advent of devolution. It is very embarrassing that today, the governors of the counties I mentioned continue to work from rented premises some of them very dingy yet huge resources have been allocated to complete

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construction of county headquarters. I want to ask the Chairman of the Budget and Appropriation Committee that during review of the budget implementation of 2023/2024, he must put the State Department for Public Works to task so that construction of the said headquarters is completed. Wananchi need to start enjoying services rendered from offices that have been built through taxpayers' money.

I beg to support.

**The Temporary Speaker** (Hon. (Dr) Rachael Nyamai): Hon. Gitonga Murugara, Member of Parliament for Tharaka.

**Hon. George Murugara** (Tharaka, UDA): Thank you very much, Hon. Temporary Speaker. I rise to support this Bill.

Let me thank the Budget and Appropriation Committee because Kathwana, county headquarters of Tharaka Nithi, has been allocated Ksh103 million. I confirm that. As stated by Leader of the Majority Party, it is true that the office has been standing there as a monument for the last 10 years. We now hope that with the Ksh103 million allocation, we will move with speed and complete that edifice so that county headquarters can truly be realised.

There is a problem with execution by State Department for Public Works. Therefore, administratively, as a Government, we should consider how this money is going to reach the county and be used for its intended purpose.

I support.

**The Temporary Speaker** (Hon. (Dr) Rachael Nyamai): Thank you, Hon. Murugara.

*(Question put and agreed to)*

### *Third Reading*

#### THE COUNTY GOVERNMENTS ADDITIONAL ALLOCATIONS BILL (National Assembly Bill No.23 of 2023)

**The Temporary Speaker** (Hon. (Dr) Rachael Nyamai): Mover!

**Hon. Ndindi Nyoro** (Kiharu, UDA): Thank you very much, Hon. Temporary Speaker. I beg to move that the County Governments Additional Allocations Bill (National Assembly Bill No. 23 of 2023), be now read a Third Time.

I also request the very able, articulate, and knowledgeable Vice-Chairlady of the Budget and Appropriations Committee, Member of Parliament for Teso South, to second.

**Hon. Mary Emaase** (Teso South, UDA): Thank you, Chairman for that very... I do not know what to say. I feel humbled. Thank you for that introduction.

Hon. Temporary Speaker, I second the Bill. As I second, allow me to say two things because I did not get time to speak during the Second Reading. I support this Bill and want to speak on one of the aspects, especially the one reducing the number of counties where aggregated centres and industrial parks are going to be implemented. This is in line with one of our resolutions when we tabled the Budget and Appropriations Committee Report. We said that it is important for us to pick on a few projects, fund them properly, and shorten completion period so that there is value for money as opposed to pursuing all of them, allocating very little money, and then they take too long to complete. The fact that we are reducing them from 47 to 18 and we can allocate more money, guarantees a shorter completion period and, therefore, benefits the people of Kenya.

I also want to speak about fertiliser. I am just finishing up with this one. It is important that as we give these additional funds to county governments, stores must be established in every sub county. Our farmers have to travel long distances to get to one store within the county

for them to access fertiliser. I am sure these Members are ready to partner with the Ministry of Agriculture and Livestock Development to ensure that we have stores in every sub county.  
I second.

*(Question proposed)*

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

**The Temporary Speaker** (Hon. (Dr) Rachael Nyamai): Hon. Members, before I put the Question, I will give Hon. Makilap an opportunity. Did you intend to speak?

*(Hon. Joseph Makilap spoke off record)*

You may take your seat. Having confirmed that we have quorum present in the House for decision making, I will now put the Question.

*(Question put and agreed to)*

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

Hon. Charles Kamuren, are you in the House?

**Hon. Charles Kamuren** (Baringo South, UDA): Yes.

**The Temporary Speaker** (Hon. (Dr.) Rachael Nyamai): Please, move the Motion.

## MOTIONS

### RATIFICATION OF THE AMENDED NAIROBI CONVENTION AND PROTOCOL FOR THE PROTECTION OF MARINE AND COASTAL ENVIRONMENT

**Hon. Charles Kamuren** (Baringo South, UDA): Hon. Temporary Speaker, I beg to move the following Motion:

THAT, this House adopts the Report of the Departmental Committee on Environment, Forestry and Mining on its consideration of Ratification of the Amended Nairobi Convention and Protocol for the Protection of Marine and Coastal Environment of the Western Indian Ocean from the land-based resources and activities, laid on the Table of the House on Thursday, 4<sup>th</sup> May 2023, and pursuant to the provision of Section 84 of the Treaty Making and Ratification Act of 2012, approves the ratification of the Amended Nairobi Convention and the Protocol for Protection of Marine and Coastal Environment of the Western Indian Ocean from the land-based sources and activities.

The Amended Nairobi Convention and Protocol for Protection of Marine and Coastal Environment of the Eastern African Region was submitted to the National Assembly and subsequently committed to the Departmental Committee on Environment, Forestry and Mining for consideration and reporting to the House.

The Nairobi Convention and the Protocol for the Protection of Marine and Coastal Environment of the Eastern Africa Region was adopted on 21<sup>st</sup> June 1985 to develop, plan, coordinate, and co-operate in the protection and sustainable use of the coastal and marine environment. The Convention and the Protocol were adopted on 31<sup>st</sup> March 2010 as an amendment to the Nairobi Convention alongside the Protocol for the Protection of Marine and

Coastal Environment of the Western Indian Ocean from land-based resources and activities. The ratification process was approved by the Cabinet during its meeting held on 12<sup>th</sup> May 2022.

Pursuant to the provisions of Article 118(1)(b) of the Constitution on public participation and Section 8(3) of the Treaty Making and Ratification Act of 2012, the Committee placed advertisements in two local dailies with nation-wide circulation, on 16<sup>th</sup> December 2022 requesting for submission of memoranda on the subject.

The Committee did not receive any memorandum in support of or not supporting the Convention by close of business on 8<sup>th</sup> January 2023.

The Committee held a consultative meeting on the Convention with the Ministry of Environment, Climate Change and Forestry; Ministry of Foreign and Diaspora Affairs; and the Office of the Attorney-General.

While considering the Convention, the Committee made the following observations:

1. The amended Nairobi Convention seeks to support and anchor the development and implementation of sound marine resources, management, protection and conservation which would define sustainable land usage, support socio-economic development, ensure environmental sustainability, and provide strategies to deal with conservation, urbanisation, transportation, agricultural expansion and other trades.
2. Adopting the Convention in the Kenyan setting would ensure deployment of sound research and development, reliable technology, promote cooperation and collaboration in order to identify critical Ecologically and Biologically Significant Areas (EBSA) in the Coastal area.
3. Ratifying the amended Convention will enhance the achievement of Goal No.14 of the Sustainable Development Goals which seeks to conserve and sustainably use the ocean, seas and marine resources for sustainable development.
4. The amended Convention takes into account emerging issues and trends at both global and regional levels and particularly, those that have implications for the management of the coastal and marine environment.
5. The Convention provides a mechanism for regional cooperation and collaboration by the contracting parties to address inter-linked problems facing the coastal and marine environment.
6. Kenya is required to make annual subscriptions of USD45,302. The subscription is currently in arrears of USD226,510. Further, Kenya has benefitted under the Nairobi Convention Kenya Coastal Development Programme (KCDP) in capacity building as well as enforcement work to prevent beach erosion, pollution and marine litter from land-based pollution sources and activities.
7. Article 2(5) of the Constitution of Kenya, 2010 provides that the general rules of international law shall form part of the laws of Kenya while Article 2(6) of the Constitution provides that any treaty or convention ratified by Kenya shall form part of the laws of Kenya.
8. Pursuant to Section 8(4) of the Treaty Making and Ratification Act, No. 45 of 2012, the National Assembly may approve the ratification of a treaty with or without reservations. On this, it is important to note that there is need to have provisions to allow for amendments where necessary by the committees while considering these conventions or agreements.
9. The Treaty does not provide for reservations but the amendments are not prejudicial to the interests of Kenya.
10. The procedure for approval of treaties as outlined in Section 8 of the Treaty Making and Ratification Act, 2012 was adhered to. The Convention was

submitted to the Speaker of the National Assembly with the memorandum of the Committee that conducted public participation.

Having considered the submissions and analysed documents that were laid on the Table, and pursuant to Section 8 of the Treaty Making and Ratification Act, the Committee recommends that the House approves the ratification of the Amended Nairobi Convention and the Protocol for the Protection of Marine and Coastal Environment of the Western Indian Ocean from Land-Based Sources and Activities.

I beg the House to consider and adopt this. I request Hon. George Murugara, the Member for Tharaka known as the most senior Member of the House, to second.

*(The Temporary Speaker ((Hon. (Dr) Racheal Nyamai) left the Chair)*

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

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

I really doubt whether I am the most senior in this House. I am doing my second term yet we have other senior Members here, including the Member for Kwana, Hon. Ferdinand Wanyonyi, who must be doing his fourth term. For sure, that is not a joke.

Kindly, allow me to second this Motion. Let me begin by thanking the Departmental Committee on Environment, Forestry and Mining for a job excellently, done. This is exactly how the law is supposed to be made: That when our Government goes out there, it enters into a treaty, convention, or an agreement and it then brings it to the House and we conduct public participation to confirm that what we are about to do is acceptable by Kenyans. We have been told there were adverts in the newspapers despite the fact that maybe most people never understood what it was and there were no comments, but the law and the constitution were actually complied with.

A convention is similar to a treaty and international agreement. Pursuant to the provisions of our Constitution, once this House ratifies that particular convention, treaty or international agreement, it becomes part and parcel of our laws. This is why we have to go back to 1985 where we had a convention which was not ratified and which has been lying with us. Pursuant to the new Constitution, we have to ratify it so that it becomes part and parcel of our legislation.

It is vitally important that we protect our marine resources, especially from land activities. This is what this Convention is trying to do. Man is a destructive creature. What he does most of the time is to destroy the environment, whether it is land or marine environment, through his well-known activities like agriculture, industry and habitation. When we are doing farming, we are actually spraying land with chemicals that are injurious and dangerous to our marine life. When we are doing industries, we are polluting our seas and oceans such that marine life in this aquaculture environment is actually threatened and sometimes destroyed.

When we are living in our habitations, we know very well that in some areas we do not have proper sanitation facilities. As a result of our own habitation, we pollute our seas, lakes, oceans and other water masses.

So with such a law, it is important to emphasize that we are trying to protect our oceans especially the Indian Ocean, one of the biggest resources this country has. We thank God that Kenya has vast coastline bordering the Indian Ocean. The only thing we need to do is to exploit that ocean well and Kenya will definitely become richer than it is.

Why do we have to conserve. We must protect our wealth in the seas. This is why we have the Ministry of Mining, Blue Economy and Maritime Affairs, a very important ministry that was just created the other day. We also have in this House the Committee on Blue Economy

because we are bent on ensuring that all our marine resources are exploited to the fullest to the advantage of Kenyans.

Through this Convention also, we are actually trying to ensure that what we do on our land is protective of the sea. How do we do this? We should ensure that we have agreeable or acceptable agricultural practices. Let us not use chemicals that are dangerous to life to spray our crops. We must have standards that are acceptable not just in Kenya but also worldwide.

When we also do our industries, we must have a way of ensuring that waste is properly disposed. Some countries are known to use seas as disposal areas. Thank heavens that in Kenya we do not do this and we do not intend to do it. But we have to have proper disposal mechanisms of our waste when we are doing our industries. Even in habitation, we have to make sure that we live lives that are friendly to our land and also friendly to our seas and oceans, such that we do not dispose our own waste, our own refuse into our oceans, but we ensure we have one of the cleanest oceans or ocean neighbourhoods known in East Africa.

So far so good. Kenya is attracting many tourists because they say our beaches are conducive to tourists. They are attractive and are what these people would want to come and see here. In the process we are able to make a buck or two.

What actions do we take now once this becomes law? Let us protect our oceans from illegal fishing because we know for sure that there are people who come here to exploit our resources over fish and do everything else that is not conducive to our oceans. Let us also ensure we do not pollute our ocean.

We know very well if we are not careful and we do not protect our environment, there are people out there who would want to dump their waste whether oil or what it is in areas that are not claimed by anyone including the international territorial waters. Those pollutants are swept away by wind into our oceans to the detriment of our country.

Therefore as I second this, I wish to urge the House to adopt and ratify the Convention. Number two, to also emphasize that it is vitally important to protect our Indian Ocean from what we do here on the land and what we do in that ocean. It is the only ocean we have. Once we mess it up; once we kill the tourism industry, the country will just live to regret.

I come from a constituency away from the Indian Ocean. I may not be able to directly attribute what benefits people from Tharaka get from the Indian Ocean, apart from the historical epoch, that once upon a time we migrated from the ocean, the coast to where we live today. That notwithstanding, once we protect our environment including our marine environment, we are likely to have better exploitation. There will be people employed who will work in those marine areas, and I am 100 per cent sure that some of those employees who will gain economically from this conservation will be from Tharaka Constituency.

Therefore, this is a Convention that is most suitable not just to our coastal neighbours, but also to everyone from every corner of the country.

With those very many remarks Hon. Temporary Speaker, allow me to second the Motion.

Thank you very much.

*(Question proposed)*

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

**Hon. Mugambi Rindikiri** (Buuri, UDA): I thank you Hon. Temporary Speaker for this opportunity to join my colleagues in support of this Motion on ratification of the Amended Nairobi Convention and the Protocol for the Protection of Marine and Coastal Environment of the Western Indian Ocean from Land-Based Sources and Activities.

Hon. Temporary Speaker, Kenya stands to gain quite a lot by ratifying this Convention. One, we will be able to take advantage of the growing global marine and coastal protection

management technologies that other countries are using to protect their marine and hence causing the coastal region to have sustainable development for the future.

I also state that Kenya will benefit from the sound research and development and reliable technologies that will ensure that there is collaboration with the other countries that have entered into this Convention.

Just like Hon. Murugara has said, we are sitting on a very important economic activity; the blue economy for tourism, income generation and for future sustainability of our resources so that our children and grandchildren will be able to benefit.

Hon. Temporary Speaker, if we allow exploitation, erosion and pollution of the Indian Ocean, we will be doing a disservice to our economy and environment. We are all aware that a lot of farming takes place upstream, particularly in rural areas. When it rains, a lot of water goes to the ocean, carrying with it a lot of waste and non-recyclable materials, hence polluting the Indian Ocean.

It is common sense that a country that cares about its future will adopt this Convention. As Members of Parliament, it is our responsibility to ensure that we protect our environment, the Indian Ocean being part of it. Therefore, this is a very important Convention that Kenya has entered into, and we stand to gain quite a lot more by approving it.

Thank you, Hon. Temporary Speaker.

**The Temporary Speaker** (Hon. Martha Wangari): Thank you. The only Member standing on my left, Hon. Steve Mogaka.

**Hon. Stephen Mogaka** (West Mugirango, JP): Thank you, Hon. Temporary Speaker, for your wide-open eyes that have seen the length and breadth of this House. I thank you for the opportunity to contribute to this noble Motion that seeks the ratification of the Amended Nairobi Convention to protect our marine environment, particularly in the coastal region.

We all know that the environment is universal. We are all children of the environment. The cleaner the environment, the healthier the children, human beings, animals, flora and fauna that live therein. I am particularly excited because this Convention was conducted in our great city in the sun, Nairobi. I congratulate my country for being the destination for the ratification of such a high-voltage international environmental law that seeks to protect every living thing in our oceans.

During creation, God gave us mother earth which comprises land and water bodies. The Indian Ocean is an international water body that generates a living for many people who live adjacent to it. I am particularly excited that the protocol not only protects the marine environment, but also protects the coastal environment of the entire western Indian Ocean. It also requires us who live on land, *wanaotoka Bara*, to ensure that whatever we do on land does not endanger the fauna and flora that make up the marine environment.

All of us know that the economy of our coastal town, Mombasa, being the gateway to East Africa, competes like no other with other coastal harbours that are trying to catch up. Once we protect this environment, we are guaranteed much more fish and boating games. If our children visit the coast and swim in the ocean, they will not do so in infected waters, but in the very clean waters of the Indian Ocean. It is because of these factors that I urge that this Convention not only be limited to the Indian Ocean, but also covers all our water bodies. We all know that our inland lakes are endangered. Flamingos are moving from their natural habitat because waters in inland lakes are polluted and are dangerous to fauna and flora.

I thank the Committee for doing an excellent job. As a lawyer, I know that whenever a treaty is ratified by a country, it automatically becomes law. I am happy that we have not let it loose to operate by way of signatures, the Convention which, by and large, was done by members of our Executive.

Our Legislature, the 13<sup>th</sup> Parliament, will go down the annals of history as the one that ratified this international law that will guarantee the protection of every living thing within the

Indian Ocean and our inland water bodies. That is why on behalf of the people of West Mugirango, many of whom eke out a living at the Coast, I support this Motion.

I thank the Committee. I thank the Hon. Temporary Speaker for giving me this gracious opportunity. Before I sit, I wish our Muslim brethren a happy *Eid* holiday. Wherever they are, they should know that we in the Christian community join them in celebrating their great day tomorrow. May *Allah* protect all of us and our great republic.

Thank you, Hon. Temporary Speaker.

**The Temporary Speaker** (Hon. Martha Wangari): Thank you, Hon. Mogaka. Before the next speaker contributes, allow me to recognise several students seated in our galleries. We have students from St. Angela Academy from Webuye, Bungoma County. They are seated in both the Public and Speaker's galleries. We also have students from Bondeni Elite Academy from Bureti, Kericho County seated in the Public Gallery. On my own behalf and that of Members, I welcome them to observe the deliberations of the House.

The next speaker will be the Member for Marsabit, Hon. Naomi Waqo.

*(Hon. Naomi Waqo spoke off record)*

If you are not willing to speak to this Motion, kindly withdraw your card. Member for Kiambaa, Hon. Kawanjiku.

**Hon. Njuguna Kawanjiku** (Kiambaa, UDA): Thank you, Hon. Temporary Speaker. I rise to support the ratification of the Amended Nairobi Convention and the Protocol for the Protection of Marine and Coastal Environment of the Western Indian Ocean from Land-based Resources and Activities. I rise to support this ratification, especially relating to the Indian Ocean. The blue economy is the next big thing in our country. We have seen the advantages of making sure that our ocean is protected and made clean by all means possible. We have seen some international companies which direct all the waste from their factories and industries into the Indian Ocean. We must protect our marine environment. Doing so is beneficial to us as a country because it makes sure that our environment is clean.

There are various kinds of economic goods that we get from the Indian Ocean and from the blue economy. We have witnessed many fishermen who benefit from the Indian Ocean. They are able to put food on their tables and take care of their families from fishing in the Indian Ocean. That is where they earn their living from. Therefore, all effort should be put towards protecting our ocean and making sure that we safeguard it from environmental hazards that affect the marine ecosystem.

Apart from fishermen who benefit from the ocean, we also have tourism that has really boosted our economy. As we speak, you realise that majority of the people who come to visit our country have issues with the exchange rates. We are trying to look for dollars since the exchange value rose to Ksh140 because of politics of the last general election. We have not attracted enough tourists to visit our country. There are jobs that are created by the ocean both directly and indirectly. We can boost the kind of jobs created. The other day, the President stated that he was working hard on making sure that people would get jobs inside and outside the country. He has also promised to create more than a million jobs every year. From the budget that was read, we have put a lot of resources in job creation.

We have set aside money for internship in county aggregation centres. This is part of what will boost the President's agenda of creating jobs for our young men and women within the Republic of Kenya. When we protect the marine environment by making sure that our ocean is clean, we boost the tourism sector. I am the Vice-Chairman of the Departmental Committee on Tourism and Wildlife and we will create more jobs directly and even indirectly by ensuring that the marine environment is protected. Some of us are normally called *watu wa Bara*. We always go to Mombasa to have a good moment with our families. There are clean beaches.

Therefore, we celebrate and relax, as we watch the water. We should protect the oceans more by ensuring that we create a clean environment, so that every tourist who comes to visit our country will find a clean environment. By doing that, we will continue boosting our tourism and making sure that we take care of the marine ecosystem within the ocean. We have seen the eighth wonder of the world; the wildebeest migration. All these things help us to attract tourists and boost the marine ecosystem.

Therefore, I support this Motion. We need to protect the environment seriously. We discussed the work that the county governments are supposed to do in ensuring that they take care of our environment because it is a devolved function. We should also support them in one way or the other. Hon. Temporary Speaker, my microphone is still on. We should also clean our environment because this is where we live. I support this Motion which was ratified in Kenya because it means a lot to our Government. We cannot ratify some of these amendments and fail to push them to become law. The moment we ratify a protocol and join the other countries to protect the Indian Ocean, it becomes a law.

I, therefore, support this Motion. Thank you very much, Hon. Temporary Speaker.

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

**Hon. Charity Chepkwony** (Njoro, UDA): Thank you very much, Hon. Temporary Speaker. I am speaking with a bass today. Allow me to support the Motion on the Ratification of the Amended Nairobi Convention and Protocol for the Protection of Marine and Coastal Environment.

I support this Motion. As my colleagues have said, there is pollution in our oceans right now. We are thinking about the future. I agree with what the representative of the Committee said. All of us have seen the effects of climate change, including pollution. Other countries are also party to this Treaty for the purpose of ensuring that we protect our blue economy. I find it very crucial. We also support and appreciate the work which the Committee has done in bringing the Motion to the Floor of the House.

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

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

**Hon. Gitonga Mukunji** (Manyatta, UDA): Hon. Temporary Speaker, let me also take this opportunity to support the Motion on Ratification of the Amended Nairobi Convention and Protocol for the Protection of Marine and Coastal Environment.

I am happy because this is the House that ratified this Protocol. This House stands out as one that is very conscious about environment issues. Our President and the Executive have not been left behind. We have been following keenly what His Excellency the President has been doing out there in creating a name for this country as the biggest champion of climate change and what is supposed to be done for the future of our generation. This Motion has come at the right time. If we continue with mismanagement and recklessness in the use of our marine resources, we will have nothing left to the generations that will come after us. The fact that all the countries that surround the Western Indian Ocean area are party to this Treaty is very encouraging. We know very well that we have not benefited fully as a country by being part of the Indian Ocean. There are developed countries that have used our resources because we are a developing country. We have cases where fishing is being done in the Indian Ocean by countries from places as far as China and Japan. We are only left with the ocean to look after without the resources that benefit us.

I welcome the idea of sharing information by these countries to monitor the ocean and ensure that it benefits our people. This ocean should be fully utilised. I say this knowing that we have a big challenge of water shortage in this country. I heard a Member being criticised for saying that we need to start pumping water from the Indian Ocean to irrigate our expansive

land in Ukambani and Tana River going all the way to the coastal region. Part of benefiting from the ocean resource should be looking at how we can invest money to get a lot of water that can be desalinated to irrigate our land for food production. We, as part of the countries aligned to the western side of the Indian Ocean also need to control fishing.

As we support this Motion, I congratulate His Excellency the President for standing tall as the climate ambassador of Africa and ensuring that these things that we are talking about make this country to be well-known internationally. It is courtesy of what we are doing. As I support this Motion, I congratulate the President for standing tall as the climate ambassador of Africa. He has ensured that, courtesy of these things we are talking about and what we are doing, this country is well known internationally. This Motion has been brought at the right time. This is the House that is going to ensure that we set the pace for future generations to enjoy better climate, ocean and beaches. I beg to support the ratification.

Thank you very much.

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

**Hon. Naomi Waqo** (Marsabit County, UDA): Thank you, Hon. Temporary Speaker. I stand to support this Motion. The ratification of this Convention will help us in many ways as a country. Supporting and investing in it will take this country very far.

First, we need to clean our beaches. I am sure all the people who travel to Mombasa enjoy our swimming and doing other activities on our beaches. It is quite refreshing to see God's creation at its best. It is good for us to avoid polluting our beaches. We also need to see how best we can use the beaches and the Indian Ocean. The ban on plastic papers and anything plastic has helped our country to solve very many issues. Since the ban, the country has improved in terms of taking care of the environment. People are more careful now. We enjoy a clean environment as a result of the ban on plastic materials. If we continue doing that, our country will improve a lot.

Secondly, we need to protect the blue economy because that is where the wealth of our country lies. When you talk of the blue economy, it refreshes your mind. God blessed this country in many ways. We need to take care of our environment. When it comes to fishing, it is embarrassing when we import fish and yet, God has blessed us with all the resources that we need. We need to take care of our ocean, lakes and environment in general. I congratulate the President for giving directives that we need to plant many trees. In my own county, where we have had perennial drought and challenges as a result, we are committed to planting trees in all schools and institutions, so that we can take care of our environment and health.

Further, it will help revive the tourism sector. Marsabit is one of the places that have all the wild animals. With a good environment, we will be able to take care of the wild animals and improve the environment in many ways. Once we do that, we will have helped the country in creating many jobs for the young people who have finished their education and are stranded at home with their certificates. Once we take care of our environment by protecting the beaches, the ocean and the tourism sector, we will create jobs, take care of our health and grow our economy. That is why I support this Motion.

Thank you.

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

**Hon. Patrick Osero** (Borabu, ODM): Thank you, Hon. Temporary Speaker, for giving me this opportunity. I rise to support this Motion. I expected that most Members from the coastal region would be here to support this Motion. It is very interesting that they are missing. This is about their livelihood. This is not about the environment alone; it is about the livelihood of Kenyans. If you traverse our beaches, you can actually see that North Coast and South Coast have very big differences in their beaches. Beaches in the South Coast are quite serene and white. In fact, you need to wear goggles while you are there. The North Coast is a totally different story.

Secondly, it is very interesting that beach hotels in the 1970s and 1980s are now on the second row. The ocean moved farther and created land. Hotels that were on the first row are now on the second row. That being the case, people have started encroaching on what was part of the ocean. As they say, the ocean may come back to reclaim itself. I support this particular Motion so that interference on land-based resources should be limited to what we used to call the high-water mark. Whether the ocean recedes or not, the high-water mark should be respected for ages. One day, the ocean will come calling. I support the Motion as I believe it is of national importance.

Thank you.

**The Temporary Speaker** (Hon. Martha Wangari): Thank you. Member for Emurua Dikirr.

**Hon. Johana Kipyegon** (Emurua Dikirr, UDA): Thank you, Hon. Temporary Speaker, for giving me this opportunity to support this Motion. As much as we consider the land mass being very useful and important both for human and animal activities, we must equally consider the coastal waters as very important in equal measure. Apart from the benefits that we get from the coastal waters, there are also leisure activities at the Coast. The ocean is also a source of food. When it is not properly looked after, it can turn into a source of trouble. Remember, even terrorists access and target countries through the high seas. Therefore, it is very important for a country like ours to sign the ratification of the agreements that allow the coastal region to be protected.

As one of the Members has said, the coastal region has changed. Even the tourists who normally visit those places do not feel comfortable because of the climatic changes that have occurred in this country and the whole world. As a result, the comfort that used to be there is not there anymore. The environment has changed. At some point, it is very cold, even colder than some regions in this country that used to be very cold. Sometimes, it is so rainy that you do not even feel comfortable spending your time there. Most of the people have converted the coastal region into dumpsites where they throw all manner of waste either in form of plastics, waste from their homes and used matters. You go to the coast and you cannot believe what is floating in the waters.

I remember there was a time we used to have the most smelling parts of the coastal region being in Mombasa. I am happy that the dumpsite which used to be there has been converted into some good use. That place is now very good. We need to do the same to the whole of coastal region.

Remember, Kenya is very lucky. It has several natural resources that most of the other countries do not have. We have the longest coastline in Mombasa. We are very lucky we have such kind of amenities in our country and we must make good use of them.

I support this particular ratification because I believe it is going to change the image of our coast. It is also going to prevent fishermen or fisherwomen from other countries. Nowadays, Chinese and all other manner of fishermen and fisherwomen come to fish in our waters because this ratification was not there to protect what belongs to us being reserved for us.

The ratification of this Protocol will ensure that our waters are protected both from illegal fishermen and terrorists who might want to access our country. It will also protect so many other activities. We have several activities at the coastal region, the high seas and the coastal waters. There are either trainings or research being done by other countries. This one will ensure that whatever happens in our waters is protected and happens with the full knowledge of this country.

Tourism, which has been the highest earner in our country had, at some point, gone down because of the threat of terrorism. This can only be avoided or evaded through working with other countries which face the same threat. I believe this ratification will go towards

ensuring that working with the other countries which are within the region will prevent terrorists from accessing our coastal regions.

A Member had also introduced a debate on whether salty water of the ocean can be useful to our countrymen and women. There is what is called desalination where you convert salty water into fresh water for irrigation, home use and all that. Imagine how much money we are spending on drilling boreholes, digging dams and water pans which sometimes dry up. You can imagine how many farmers will get access to that water if it was pumped upcountry. Somebody talked about it as a joke but, as far as I understand, if you were to go that direction, there are countries which are dying to have the oceans around them and they have made use of the lakes and rivers for the same purpose. Why do we not make use of that water for the good of our people?

There have also been menaces at the coastal region. Sometimes, when you visit those particular areas, you find beach boys. Beach boy activities are also an employment opportunity but, sometimes, they become so notorious. They follow tourists all the way until they cannot even enjoy the sweetness and happiness at the beach. If the Government was to put in place serious structures, it could employ beach boys as tour guides and teach them borderlines.

When you go to Maasai Mara and other reserves and parks, there are tour guides who are properly employed and are not a nuisance to the tourists because they know what they are doing. They show the tourists where there are animals which they want to see, guiding them on where they are supposed to visit. If you turn beach boys that we have in the coastal region into meaningful tour guides, showing the tourists the best hotels, places and times to visit the ocean, and all those activities that happen there, they can be of good use. But when you leave them at the mercy of their own arrangements, they can be a very serious nuisance in the coastal region.

Just as the Member who has just spoken has said, there are so many people who have encroached the coastline to the extent that they have built houses, private homes and hotels. Nowadays, the beachside is not even conducive for serious tourists. It has become a place for everybody.

I support.

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

**Hon. Abraham Kirwa** (Mosop, UDA): Thank you, Hon. Temporary Speaker, for giving me this opportunity to support this Motion on the Ratification of the Amended Nairobi Convention and the Protocol for the Protection of Marine and Coastal Environment of the Western Indian Ocean from Land-Based Sources and Activities.

This is a great Motion to support. Kenya is truly a blessed country for two reasons. One, to even have a huge ocean line like the Western Indian Ocean provides great resources to this nation. For a very long time, Kenya was considered as one of the best destinations for tourists to visit, especially our beaches. But over time, we have neglected the protection of the ocean and the beaches have continued to deteriorate. As such, this Motion is going to help us as a nation to look back on the resource that we have, especially the fishing along the Indian Ocean.

Many other countries come and take advantage of our resource. If we were able to focus on this blue economy as a nation, it would change our GDP. The fish that we have in the Indian Ocean is enough to feed most parts of this country and also supply to other parts of the world.

For some reason, the blue economy in this country has not been exploited. This ratification will help us reclaim our position as the best destination in the world. The wild animals and beaches that we have play a major role. By investing in the blue economy, it is going to create many jobs and bring back many tourists and we will have a lot of foreign exchange in this country. As such, I stand to support this Motion.

I continue to challenge the Ministry of Tourism, Wildlife and Heritage to continue investing a lot of resources so that we can make sure that we protect the ocean from invaders

who just come in, take the fish away from us and make a lot of money. If we continue to do what we are about to do, that means we are going to allocate a lot of resources to protect our beaches and environment. That means Kenya will continue to be a strong nation that many people would want to come back to and stay.

I want to thank the President as well. He has taken this as one of the initiatives during his presidency to make sure that the issue of climate change is taken seriously. Therefore, the ratification of this Convention is going to help us protect our environment and create jobs for our youth. Kenya will gain more by getting foreign exchange from more tourists who will be travelling to the Coast of Kenya.

I support the Motion.

**The Temporary Speaker** (Hon. Martha Wangari): Thank you. Member for Kisumu East.

**Hon. Shakeel Shabbir** (Kisumu East, Independent): Thank you, Hon. Temporary Speaker. I stand to support this Motion. This is an obligation that we have to share with our international partners. It is good that we adopt the ratification of the Amended Nairobi Convention and the Protocol for the Protection of Marine and Coastal Environment of the Western Indian Ocean from Land-Based Sources and Activities. What are we going to do about it? What are the action points? We are very good at signing protocols and ratifying them but, at the end of it, nothing happens.

Our oceans are polluted. We have millions of tonnes of plastic going around the world oceans that damage our marine life and wildlife. Having this Protocol for the Protection of Marine and Coastal Environment of the Western Indian Ocean from Land-Based Sources and Activities is a good initiative. However, what will be our responsibility? How will we ensure that we take care of our part? How will we ensure that others do not pollute our ocean, take our fish, damage our habitat and get away with it?

One of the greatest fishing takes place between the Kenya and Somalia's boundaries off the Indian Ocean in Lamu. Foreign ships from Bangladesh are used mostly. Mauritius takes advantage of nearly 80 to 90 per cent of its fish. In Kenya, we hardly take advantage of 10 per cent of our fish. Most of our fish is taken to other countries. We must make sure that, that does not continue to happen. As we ratify this Convention and Protocol, we must know that there is a boundary dispute in the Indian Ocean between our country and Somalia. Therefore, as we consider this Motion, we must also demarcate the Kenyan territory so that we look after it and make sure that we have measures in place to stop pollution.

We do not have boats. The boats we have are small. We do not have big patrol boats that can be used to move around, arrest and take action against people who pollute our environment. Our navy is over-stretched. There are many things that need to be done. Signing this Convention will be beautiful but, what are we going to implement from our end? How will we make sure that we protect our ocean? When you watch some documentaries, you will see 15 square kilometers of floating plastic going round the world oceans. If such a thing hits us in Kenya, we will be done and so, we need to take action by tracking that disaster to ensure it does not come to us. If it comes to the Kenyan seas, we need to stop it. What is the Ministry responsible with the implementation of the amended Nairobi Convention and the Protocol for the Protection of Marine and Coastal Environment of the Western Indian Ocean from Land-Based Sources and Activities doing about it? We need to take specific action to protect not only Nairobi and its environment, but also our forestry, fishery and the Western Indian Ocean.

Finally, I will be missing it if I do not mention Lake Victoria. When we talk about the Amended Nairobi Convention and the Protocol for the Protection of Marine and Coastal Environment of the Western Indian Ocean from Land-Based Sources and Activities, it is, particularly, targeting Kenya and land-based sources. I would like to know if the same protocol

can be extended to cover Lake Victoria which we share with our three partner states to make sure that the lake is not polluted in the same manner.

With those few remarks, I support. Thank you.

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

**Hon. Zamzam Mohammed** (Mombasa County, ODM): Ahsante sana, Mhe. Spika wa Muda. Naunga mkono Hoja hii ya leo. Bahari ndio imeleta uchumi mkubwa sana katika taifa hili. Bahari yetu imedhulumika kutokana na mambo mengi. Watu wamekuwa wakitupa taka baharini na chupa za plastiki zimejaa ndani ya bahari. Tulinde bahari kwa kutoa taka na Serikali iweke mikakati ya kulinda bahari na kuhakikisha samaki walio baharini hawadhuriki na uchafu unaotupwa ndani.

Wavuvi wetu wamekuwa wakifa kutokana na umaskini. Hata hivyo, ukiangalia kule *deep sea* ndani ya bahari, ni Mchina aliyeingia na meli yake. Yeye huvua samaki kisha anatuuzia kwa bei ghali. Ningependa kuambia Serikali idhibiti maeneo yetu ya bahari ili wavuvi wetu waingie baharini, wavue samaki na wawauze hapa nchini ili uchumi wetu uinuke. Tunaweza kufanya wenyewe *packaging* ya samaki wanaovuliwa baharini na tupeleke mataifa ya ng'ambo.

Ukingo wa bahari una mambo mengi ambayo yanaweza kuwasaidia wananchi wanaoishi katika kingo za bahari, haswa Mombasa. Tukiweza kutenga sehemu ambazo, kwa mfano, watu kama wale wa *Kamba craft* watatengezea vitu vyao vya kitamaduni na kuviuza, itakuwa bora kwa sababu sehemu hizo huvutia watalii. Watalii wakija na wapate mambo mazuri yamezunguka kingo za bahari yetu, Kenya itazidi kuwa na uchumi mzuri kutokana na utalii. Vile vile, wawekezaji wadogo kama *Kamba craft*, wasanii wafanyao sanaa kando kando mwa bahari na wauza nguo za *kuswim* watapata mazao mazuri. Kwa hivyo, tulinde bahari zetu na anga za bahari zetu. Tuhakikishe *pollution* haiingii ndani ya maji. Meli zipitapo, zingine humwaga mafuta baharini na samaki hufa.

Kuna sehemu ambazo huelekeza maji taka ndani ya bahari. Hili ni Jambo ambalo huleta madhara mengi kwa wananchi na kwa *ecosystem* ya viumbe vya baharini. Jambo hili linatendeka hata Mombasa. Sehemu kama Tudor, maji taka huelekezwa ndani ya bahari na watoto wanaogelea pale. Tukiweza kukinga bahari yetu na kumiliki anga za bahari yetu, tutaboresha uchumi wa samawati yaani *blue economy* na Kenya itavuna mazao makubwa. Tunapoangazia uchumi samawati, hatuungalii tu kingo za bahari yetu peke yake. Tuwaangalie wawekezaji ambao wanatumia bahari kuja kwetu na tumiliki anga zetu vizuri ili wasikutane na *pirates*. Kama alivyosema Mheshimiwa mwanzangu hapa, kuna utata katika anga zetu za bahari. Ni vizuri kujua mahali mipaka ya jirani wetu Somalia imefika ili wasituingilie. Itakuwa vizuri sana kukinga anga zetu za bahari ili tuvune pakubwa.

Nilikuwa na wivu sana nilipoona *boat* zimepelekwa katika Kaunti jirani ya Kwale. Naambia Serikali kwamba wananchi wa Mombasa wanalia. Ikiwa walipeleka *fishing boats* kule Kwale, tunaomba hata sisi wavuvi wetu wanaotumia *boats* ndogo ndogo ama ngarawa ndogo ndogo kwenda kuvua samaki pia wapewe *speedboats*. Hata ikiwezekana, Serikali iwatengenezee meli kubwa ya kuvua samaki.

Licha ya hayo yote, naunga Mjadala huu mkono. Bahari ni muhimu; bahari ni maisha na maji ni maisha. Hata ikiwezekana, tunaweza tukatoa maji ya bahari tukayasafisha ili yatumike katika majumba yetu ili watu wapate maji safi. Kwa hivyo, muhimu ya yote ni kuwa naunga mkono Mjadala huu. Tukinge anga zetu za bahari na si bahari ya Mombasa peke yake, hata pia Ziwa Victoria pia iangaliwe na magugu yaliyomo yatolewe ili wavuvi waweze kuvua samaki. Tukifanya hivyo, tutakuwa na chakula cha kutosha hapa Kenya. Wavuvi na wananchi watafurahi. Uchumi utainuka na uchumi wa samawati utasherekewa kila sehemu ya Kenya.

Bandari inategemea bahari. Bila bahari kuwa sawa, hata yale mazao ambayo yanatoka bandarini hayatakuwa mazuri. Ikiwa hakuna ulinzi wa kutosha pale ndani ya bahari, pia wale

wanaoingia katika bandari zetu kuleta mizigo watakimbia na wataingia anga zingine kama Tanzania na mataifa mengine. Tunataka tuwavute upande wetu.

Kwa hivyo, naunga mkono Mjadala huu, naupigia upatu na kwa vile ni mjadala wa nyumbani, nasikia raha sana kuujadilia katika Bunge hili. Kwa hivyo, namalizia hapa nikisema naunga Mjadala huu mkono.

Ahsante sana Mheshimiwa Spika wa Muda.

**The Temporary Speaker** (Hon. Martha Wangari): Ahsante Mhe. Zamzam. Kila mwamba ngoma, ngozi huivuta kwake. Haya, atakayefuata ni Mheshimiwa wa Kajiado Mashariki.

**Hon. Kakuta Maimai** (Kajiado East, ODM): Hon. Temporary Speaker, thank you for giving me this great opportunity to contribute and support this Motion on protecting our coastal line.

Protecting our coastal line is a matter of national importance and that is why I support this Motion. There should be a multilateral agreement and laws to protect our oceans. This Motion will allow us to protect our oceans from pollution, illegal international fishing and terrorism. Many a times, we have heard about oil spills by tankers in oceans and this could happen to us. It would be very important to have a law in place to hold polluters accountable for spills.

Hon. Temporary Speaker, we have also seen now and then a lot of garbage such as plastics from other countries spilled all over in the ocean and then end up in our beautiful beaches. It is very important to have a law to make sure that all polluters, who are polluting our coastal line, are held accountable. Many countries around the world, especially the developed ones, have laws to protect their coastal lines and intruders are kept at bay so that they do not just come and spill whatever they want, throw garbage anyhow or do illegal fishing. It is very important for our country Kenya to have its laws to make sure that it protects our coastal lines and our marine life as well as protect fish, of course, for the benefit of our country and our people.

We know very well that our coastal line, for example South Coast and North Coast, have been important for our economy. We see many tourists troop into our coastal regions to support our economy when they come here for holiday. It is very important to continue protecting our coastal lines and our beaches and make sure that tourists who come to our country and support our economy enjoy their time and enjoy swimming along the coastal lines without garbage that has been dumped by illegal companies.

I support this Motion that we should have a law to protect our coastal line for the benefit of the Kenyan people and our economy.

Thank you.

**The Temporary Speaker** (Hon. Martha Wangari): There being no further interest in this matter, I call upon the Mover to reply.

**Hon. Charles Kamuren** (Baringo South, UDA): Thank you Hon. Temporary Speaker, I beg to reply.

I would like to thank Members for the very relevant and positive contributions that they have made to this Motion. The coastal region is ours and it is our duty to defend our resources.

I would like to thank the offices of the Speaker, the Clerk, all the Ministries, the Ministry of Foreign and Diaspora Affairs, the Ministry of Environment and Forestry and the State Department for Mining for the support they gave us. I also want to thank the Members of the Departmental Committee on Environment, Forestry and Mining for the sacrifice and their contribution towards the success of this Motion. I thank each and every one because this is our duty and we have done it well.

Hon. Temporary Speaker, pursuant to Standing Order 53(3), I request that you defer the putting of the Question to the next Sitting.

Thank you.

**The Temporary Speaker** (Hon. Martha Wangari): Thank you, Hon. Kamuren. As requested, the putting of the Question will be deferred to the next Sitting.

*(Putting of the Question deferred)*

RATIFICATION OF THE KIGALI AMENDMENTS ON THE  
MONTREAL PROTOCOL ON THE SUBSTANCES  
THAT DEplete THE OZONE LAYER

**Hon. Charles Kamuren** (Baringo South, UDA): Hon. Temporary Speaker, I beg to move the following Motion:

THAT, this House adopts the Report of the Departmental Committee on Environment, Forestry and Mining on its consideration of the ratification of the Kigali Amendments on the Montreal Protocol on the Substances that Deplete the Ozone Layer, laid on the Table of the House on Thursday, 4<sup>th</sup> May 2023 and, pursuant to the provisions of Section 8(4) of the Treaty Making and Ratification Act, 2012, approves the Ratification of the Kigali Amendments on the Montreal Protocol on the Substances that deplete the Ozone Layer.

The Kigali Amendments on the Montreal Protocol on the Substances that Deplete the Ozone Layer was submitted to the National Assembly by the Cabinet Secretary, Ministry of Foreign and Diaspora Affairs in a Memorandum dated 29<sup>th</sup> November 2022 and subsequently committed to the Departmental Committee of Environment, Forestry and Mining to process and report to the House. The Ratification of the Kigali Amendments on the Montreal Protocol on the Substances that Deplete the Ozone Layer was adopted on 15<sup>th</sup> October 2016 in Kigali, Rwanda, and the commencement of the occasions and processes of the Protocol were approved by the Cabinet meeting of 12<sup>th</sup> May 2022.

Pursuant to Article 118(1)(b) of the Constitution on Public Participation and Section 8(3) of the Treaty Making and Ratification Act of 2012, the Clerk of the National Assembly placed an advertisement on the two local dailies which are circulated nationally on 16<sup>th</sup> May 2022 requesting for submission of memorandum to the subject. By 8<sup>th</sup> January 2023, the Committee did not receive any submission from the public by the close of business on that day. The Committee held a consultative meeting in regard to the Ratification of the Kigali Amendments on the Montreal Protocol on the Substances that Deplete the Ozone Layer with the Ministry Environment, Climate Change and Forestry; Ministry of Foreign and Diaspora Affairs and the Office of the Attorney- General.

While considering the Convention, the Committee made the following observations:

The Kigali Amendments were adopted by the parties on the 28<sup>th</sup> Meeting of the Montreal Protocol on 15<sup>th</sup> October 2016 in Kigali, Rwanda to phase down Hydrofluorocarbons (HFCs) while Kenya was ratifying the Montreal Protocol because it was yet to ratify the Kigali Amendment Protocol which was yet to enter into force in January, 2019. The Kigali Amendment is an important legal instrument to this continent as it will aid the protection of the agricultural sector which is extremely vulnerable to climate change.

The object of this instrument is also to assist the existing legal frameworks that establish national mechanisms and regulate the emissions of the greenhouse gases.

The obligations imposed by the Kigali Amendments involve phasing down the consumption, production and importation of those HFCs hazards which are not good worldwide to protect the Ozone Layer from further depletion.

The developing countries who are party to this Ratification of the Kigali Amendments on the Montreal Protocol on the Substances that Deplete the Ozone Layer will access financial and technical support provided under this Protocol.

The Amendment does not pose any threats to our national interest as it enhances the provisions of the Montreal Protocol which Kenya is in the process of ratifying.

The Convention is consistent with the Constitution and promotes constitutional values and objectives. It does not allude to any amendment of our Constitution and does not require Kenya to formulate any other laws.

The Convention is complementary to the Climate Change Act and, therefore, its implementation would not hinder any domestic law.

Article 16 of the Montreal Protocol establishes a finance mechanism to provide financial and technical co-operation including transfer of technologies to support the developing countries to implement this Protocol. And by adopting the ozone layer and climate-friendly technologies, there would be opportunities for job creation and more trainings on the same.

Ratifying this Treaty will catalyse the realisation of clean and healthy environment aligned with the objectives of Kenya Climate Change Act, 2016, thereby, facilitating the realisation of Article 42 of our Constitution.

Article 25 of the Constitution of Kenya 2010 provides that the general rule of international laws shall form part of the laws of Kenya while Article 26 of the Constitution provides that any treaty or convention ratified by Kenya shall form part of the laws of Kenya.

Pursuant to Section 84 of the Treaty Making and Ratification Act, No.45 of 2012, the National Assembly may approve the ratification of the treaty with or without reservations.

The Convention does not permit any reservation. The procedure for the approval of the treaties as outlined in Section 8 of the Treaty Making and Ratification Act of 2012 was adhered to as the Convention was submitted to the Speaker of the National Assembly with the memorandum of the Committee that conducted public participation.

The Convention is consistent with Article 69(1) of the Constitution which provides the state with an obligation to eliminate processes and activities that are likely to endanger our environment. This is a very important ratification that we cannot do away with, other than accepting it for purpose of being relevant with other states.

I, therefore, beg to move and call upon Hon. Mugambi Rindikiri, the Member for Buuri, to second.

**The Temporary Speaker** (Hon. Martha Wangari). Hon. Kamuren, are you referring to Hon. Rindikiri, the Member for Buuri?

**Hon. Charles Kamuren** (Baringo South, UDA) Yes, Hon. Temporary Speaker.

**Hon. Mugambi Rindikiri** (Buuri, UDA) Thank you, Hon. Kamuren. I know that pronunciations where you come from become a bit difficult and especially at times like this.

Hon. Temporary Speaker, I rise to second. This ratification is within our constitutional framework and the domestic laws governing such ratification. The Mover has stated that they brought it to the attention of the public meaning there was public participation and, therefore, adhering to the requirement for such Ratifications.

This amendment is in line with the Montreal Convention meaning that, as a Government and part of the developing countries, we are now part and parcel of the Montreal Convention that gives Kenya many advantages on matters climate change including preventing degradation of climate particularly in importation, production and consumption of substances that affect the ozone layer, where we all derive the benefit of good air and rains. We will be part of the global network that is focused on sustaining the climate and environment for the future.

We need to be part of the global picture which is going to benefit Kenya on financing technologies that are applied on monitoring environmental degradation.

This has come at the right time because we are now part of the global network championed by our President. Last week, we heard him speak in Paris when he gave a very moving Speech on what Africa can do in terms of development and climate change because we cannot be left behind.

I want to thank the Kenya Kwanza Government for the role they have played to champion the element of climate change, which includes tree planting. Hon. Temporary Speaker, that way, we stand to gain. I second this Motion.

*(Question proposed)*

**The Temporary Speaker** (Hon. Martha Wangari): Hon. Members, before the first speaker, allow me to recognize students seated in the Public Gallery: St. Martin Catholic School from Othaya in Nyeri County. I welcome them to observe the deliberations of the House.

The first chance goes to the Member for Kisumu East.

**Hon. Shakeel Shabbir** (Kisumu East): Hon. Temporary Speaker, I rise to support the ratification of the Kigali Amendments on the Montreal Protocol on the Substances that Deplete the Ozone Layer. We are very fast in rectifying, amending and asking for ratification of treaties and protocols from Parliament. The question really is: What are we going to do about it? What are the implementation plans? How are we going to protect our ozone layer? Is someone going to tell us we have some funds available and want to do a, b and c?

Sometimes, we are taken up by all these ratifications or particular conventions, which are very important, without actually doing what is required for implementation. Do we have an organization, unit or a department within the Ministry of Environment, Climate Change and Forestry that keeps a record and looks at the destruction or whether we have developed holes in the ozone layer above the Kenyan atmosphere? What can we do about it? How are we going to work with other partners in the international initiative to protect the depletion of the ozone layer?

Some countries have banned the use of refrigeration gas such as nonfluorine. Here, it has not happened because we are behind time. We use the old refrigerators that are sent to us from the dumping yards of the western world and the new ones which are not ozone friendly. What is happening to our air conditioning systems? The gases generated from air conditioning units damage the ozone layer. How are we controlling this? Is there a body that is going around and says: ‘Hold on, your particular house or organization is dispensing so much of nonfluorine gas to the atmosphere which is going to affect the ozone layer?’

The idea is good. Unfortunately, I have not seen the implementation. I want to see how we can implement it. We cannot have all these ratifications without the implementation plan. Somebody needs to look at this. In developed and other developing countries, there are groups and caucuses that are monitoring the ozone layer. I wonder if anybody in this House knows the content and depth of the ozone layer. Whether we are covered or in a dangerous spot. I wonder if anyone of us knows whether the ozone layer is a fixed layer above us or if it is a floating air that goes round and round the world. Those are the sort of issues that we need to know.

We have the Kenya Nuclear Regulatory Authority (KNRA) and many other authorities. Why does the Ministry of Environment, Climate Change and Forestry not come up and do the same sort of things they are doing for others and say: ‘This is the amount you are disposing and damaging the ozone layer? These are the products that should not be allowed. These are waste polluters and the polluters must pay?’ We also have to put together a proposal. If there

is an international fund available to utilize to stop the depletion, are we waiting for foreigners to come and tell us like they told us about the carbon credit? I have never heard about carbon credit. Some countries are utilizing carbon credit. We are selling ours at throw-away rates. We do not even know what carbon credit for Kenya amounts to. The ozone limit also works like carbon credits.

As much as I say this is a good point, I must raise a concern that, on the ground, the authority is doing next to nothing to take action to protect the ozone layer that affects Kenya and the future of our children.

With those few remarks, Hon. Temporary Speaker, I support the ratification and the amendment thereof with reservations. Thank you.

**The Temporary Speaker** (Hon. Martha Wangari): Thank you. Let us have Hon. Florence.

**Hon. Jematiah Sergon** (Baringo County, UDA): Thank you so much, Hon. Temporary Speaker. At the outset, I support this Motion by Hon. Kamuren who is my Member of Parliament. As most Members of Parliament have spoken before me, I agree that we live in a world that is so dependent that we cannot live in isolation from all member-states.

I was privileged five years ago to be a Member of Parliament for East Africa. One of the key works that we did was to harmonize most of the laws across the region mostly from member-states and accepting that ratifications are done worldwide. Listening to the Mover, he was able to elaborate through the Report that the ratification of Kigali Amendments was very important. It gives us an opportunity, as a country, to play a role in securing most of the positions especially on issues to deal with climate change, which is a real problem in the world. It also helps us to take care of our ozone layer which is being depleted everyday due to human activities especially the industrialization that is ravaging the world today.

Hon. Temporary Speaker, the ozone layer is very important because it gives us the comfort that the planet earth is protected through rain and avoidance of calamities like floods and drought. Apparently, nature plays a very key role in all those things. I read somewhere that the presence of Sahara Desert in Africa is a blessing in the Amazon Forest because of the cyclone. That is part of the ozone layer. In those inter-relations, it shows that we are so inter-dependent in nature or how climate works. It is very unfortunate that, nowadays, we, human beings, play a critical role, especially when we are in the speed of trying to make ourselves comfortable. We destroy the environment and end up not protecting what is naturally given to us by God. The Motion gives us, as a country, an opportunity to be part and parcel of the society and responsibility that we need to deal with global issues. The substances that deplete the ozone layer should be looked into. There is already a law that has been ratified all over the world. Kenya is pleased. I support this Motion, so that we do not look like we are not part of those processes.

The good advantage is that we, as a country, have a Constitution that is very friendly. Hon. Kamuren put it very well that the section of the Constitution that allows the laws that have been ratified globally to be part and parcel of our laws is something that should be really considered. The framers of the Constitution realised that, sometimes, it is so hard for you to go to the nitty-gritty to look for ratifications. Once an international law is ratified in the globe, it is good for Kenya to adopt it. That is why its presence in the Constitution helps us. It will not affect us. We do not need a lot of things. The most important part I picked is that it will give us access to financial and technical support. If you are not part of a process that is globally accepted, when challenges arise, they will affect you because you may not have resources to take care of them during that given time.

Unfortunately, the ozone layer is mainly depleted by the First World countries. Those are the countries that have high-end industrialisation. We play a key role because it affects us

directly as much as we are not beneficiaries of those industries. I support the Motion and being part and parcel of the solution instead of being part of the problem. Thank you.

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

**Hon. Amos Maina** (Starehe, JP): Thank you, Hon. Temporary Speaker, for giving me this opportunity to contribute to this Motion on the Ratification of the Kigali Amendments on Montreal Protocol on the Substances that Deplete the Ozone Layer. At the outset, I support it because matters of environment and climate change are very close to my heart. As a young man, I know that I might suffer the consequences more than most of the Members here who are older than I am.

I have a challenge. We will pass these amendments and the laws. We will ratify the Kigali Amendments on the Montreal Protocol on the Substances that Deplete the Ozone Layer. However, the big question in the room is this: What are we, as a nation, doing to try and address climate change issues? I find it paradoxical that we keep on talking about these laws, having boardroom meetings and passing them in so much English laden discussions, but there is so little that is being done on the ground. Waste management has become unmanageable in my constituency in Nairobi City County. You will agree with me that waste management goes together with climate change matters. Even when we were young, we used to have compost pits in our compounds. After accumulating all that garbage, we used to set it on fire which went further to deplete the ozone layer.

What are we, as a country, doing to try and address that issue? Most of the developed countries and others manage their waste. I can quote Kigali in Rwanda which has a very good policy on dumping. You cannot go around dumping anything in Kigali. That policy was implemented at the outset. The mindsets of their children and citizenry understand the effects of climate change. They use the philosophy of carrot and stick. If you are caught dumping, there is a hefty fine. As a country, it is time we woke up and addressed this issue once and for all because it will be bigger than any other things in the near future.

We have a good policy on tree planting which we support. We are also in a very advanced century where people adopt modern technologies to deal with some issues. I find it difficult that even in the United States of America (USA), where they have huge tonnes of waste, they have adopted the technology of incineration when it comes to burning of that waste. Incinerators emit less carbon to the air than when you burn the waste. I urge the relevant authorities to try and adopt new technologies. If it is the issue of carbon credit farming, we can sensitise the people.

In the middle of every confusion, there is always an opportunity. In the middle of every calamity, there is always an opportunity. We have very well-educated young men who are jobless. If they can be educated more about carbon credit farming, we can put our human resource to better use. We have very many educated people who are adopting modern ways of doing agriculture. This is a very big opportunity where they will be educated and they will become great players in climate change.

There is also an issue that we have in our schools. We used to have the scouts' movement which was very effective in the earlier years. The activities have dwindled in my constituency. Those are people whom we can employ to be volunteers in the slums, villages and everywhere to preach this message and take it deeper into the society, so that we can have a society that is very conscious of the environment it lives in. We will achieve this only through the mindset change of our people. For example, we are about 50 million people in this country. However, you can take it to the bank that the polluters are about 49 million. Maybe, only half a million are the ones who are concerned about the environment.

People who throw away waste are the majority. The collectors are very few. If we change the way people think and they become responsible, even in the little ways they do their things, we will curb this giant problem of climate change which has actually affected my area

so badly. I really wish to engage the relevant authorities and take them to my constituency. The rivers are polluted and dumping is done everywhere. There is smoke in every area because people burn anything.

I support this Motion because it is a step in the right direction. However, more needs to be done. We need to bring climate change matters on the table for a very serious debate, so that we can move this country forward.

Thank you, Hon. Temporary Speaker. I submit.

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

**Hon. George Murugara** (Tharaka, UDA): Thank you very much, Hon. Temporary Speaker. I stand to support the ratification of these amendments to the Montreal Protocol on the Substances that Deplete the Ozone Layer that was made in Kigali. The amendments were to try to harmonise the Montreal Protocol to the African situation.

I have listened to the comments by Hon. Shakeel Shabbir. It is true that Kenyans listening to us do not understand exactly what we are talking about. The issue of ozone layer is not new in our country. Hon. James Nyikal, who is here, will actually correct my dates. The late second President of the Republic of Kenya was invited to the United Kingdom, somewhere between 1986 to 1989, to speak on the depletion of the ozone layer. The late President Moi gave such a moving speech that he got a standing ovation from the British Prime Minister, Margaret Thatcher, and the President of the United States of America, Ronald Reagan, and the other presidents who were there. It was such a speech. When he came back, Kenyans were astounded as to how President Moi - with his modest education - had known so much about the ozone layer. Somebody from Nyanza by the name Prof. Ouma Muga confessed that he had written the speech. That was the beginning of the fallout between Prof. Ouma Muga and the late President Moi. That is a little bit of history. Let us go to the science of depletion of the ozone layer.

The ozone layer is the space after the stratosphere. We have the aerosphere, the stratosphere and then you move to the ozone layer where certain gases known as ozone gases are domiciled. That zone controls everything, including the ultraviolet rays of the sun so that they are in a regulated form when they reach the earth. They are not as injurious as when they are not regulated. There is a quickest effect to see what ultraviolet rays can do. Fortunately, Africans do not get affected because of our skin pigment. However, when the whites or the *wazungus* come here and do a lot of sunbathing, they oil themselves to try to control that effect. Unfortunately, the other effect is, of course, to our disabled persons who are albinos because they do not have the pigment that is supposed to control the rays.

The problem we have in Africa and all over the world is with two gases - chlorine and bromine. The atoms of those gases are so dangerous to molecules of the ozone layer that one chlorine atom destroys over 10,000 molecules of the ozone layer. If you continue releasing those gases into the atmosphere, the effect is that the ozone layer is destroyed or affected negatively. As a result, the sun starts taking its toll on the earth. What are the effects of destroying the ozone layer? Why do we insist that we should not deplete the ozone layer? If we do so, we will have problems on mother earth. One, there will be a rise in temperatures. Temperatures directly from the sun to the earth would be scorching. There would be no life if that ozone layer was not there. The other problem is lack of rains. In places where we have ice, the glaciers will melt and marine life will die. Our crops will not perform well. Even our life expectation will go down.

What are we called upon to do when it comes to protecting the ozone layer? We have to ensure that those toxic gases emitted into the atmosphere are controlled. It is known the world over that, one producer of those toxic gases are actually the green houses. Those are the houses where we grow our lovely flowers especially in Africa, because we have to control temperatures and gases in there. At the end of the day, we have to release those gases into the

atmosphere after harvesting. So, we have to find better ways of engaging in agriculture, so that the flowers that we grow, and that are loved all over the world, are not a problem for us.

We also have to control our industrial activities so that fumes that are emitted from our industries are not poisonous, but can be accommodated in the atmosphere to ensure that we do not destroy the ozone layer.

We have talked about carbon credits and the growth of natural carbon sinks. We have heard His Excellency the President talking about environmental protection, including the protection of the ozone layer, in Paris. This is the exact direction that the world is moving into, to ensure that we grow, distribute and supply enough carbon sinks, which can neutralise poisonous gases in the atmosphere. As Hon Shakeel mentioned, we need to establish what substances deplete the ozone layer. Once we know what they are, we have to deal with the issue scientifically and inform everyone in the country that we have to protect the ozone layer in the same way that we protect our environment. That includes planting trees, which reverse the effects of the destruction of the ozone layer. The destruction of the ozone layer would be halted if we planted more trees in the country. That is because they produce oxygen which protects the environment, and which is used by other living things. So, we have to promote the planting of trees and other measures, including moving away from creating nuclear weapons.

One negative effect on the ozone layer started from the dropping of atomic bombs over Hiroshima and Nagasaki in Japan during the Second World War. The effects of those bombs are still felt to this day. They include heat-waves, which we have talked about. Sometimes, poisonous gases circulate about. All those are attributed to man's destructive activities when it comes to dealing with nuclear atoms.

In brief, I support the ratification and adoption of these amendments. Through the relevant Government departments, let us ensure that we do a lot more to protect our environment, including introducing carbon credits which protect the ozone layer. Rivers in Tharaka Constituency are drying up and the constituents are being told that it is because of climate change. Rural folks do not understand what climate change is. We have to use simple language to explain to them that they should not cut trees, burn charcoal and engage in other destructive activities. That is why their lives are becoming worse every day.

So, I support the ratification of these amendments to the Montreal Protocol. A protocol is the same as a convention, a treaty or an international agreement. They are all known by different names when it comes to different countries.

Thank you very much, Hon. Temporary Speaker.

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

**Hon. (Dr) James Nyikal** (Seme, ODM): Thank you, Hon. Temporary Speaker, for giving me this opportunity. I rise to support these amendments for a much broader reason than just what has been stated. Africa is not doing well because it does not respect science. It thinks that political power can control science. That is not possible. Political power must be in tandem with the laws of science, which are the laws of nature. Scientists do not create anything; they just study nature as it is and make use of it. If they defy its laws, we suffer. There is no better example than the ozone layer. My colleague has said that if you were to write the history of ozone in Kenya, then you will start with that famous speech by Prof. Ouma Muga. He was asked to do that a few hours before the President flew out. His secretary went to his house and before the President could travel, he had this document. That document became famous, but that was the source of his downfall. Had he not written that speech, things might have been different. That demonstrates why we must respect science. In running our system, when a young person tells a powerful politician that it can be done in a scientific manner, then you should know that is not the power of that young person. He is only telling you the power of nature. That is a very important reason.

I have seen all the presidents of Kenya. The late *Mzee* Kenyatta died when I was already a doctor. I have not seen any of them who respected science and professionalism like President Kibaki. Once the technical people convinced him, no politician would change his mind. He would just cut short the argument and say: “*Wacha tufanye vile huyu anasema. Hawa ndio wanajua. Wacha tufanye hivyo. Twende tunywe chai.*” That argument was closed.

Another bit of history of President Moi and the ozone was Dr. Stone. If some of you may remember, Dr. Stone was not a doctor, but a fake person. He came to Kenya and was using ozone to treat virtually anything, including HIV/AIDS and arthritis. He was running ozone through people’s system using machines. I had the difficult task of convincing the Government that, that person was fake. I do not want to get into the investigations that we did all the way o where he came from. But, again, he did that because of what ozone does. He was giving people what was thought to be relief, but eventually they were dying.

Having gone through the history that he has brought to my mind, I want to support this because the Montreal Protocol is dealing with hydrofluorocarbons. When we talk of climate change, many people think of carbon, carbon dioxide and other carbon derivatives that raise temperature. Another important component of climate change that is coming from our activities is that of hydrofluorocarbons. Those are carbon compounds with fluorine attached to them. Fluorine is a very active chemical. So, what do they do? Why are we concerned about them? They deplete the ozone layer. Above the stratospheres, there is a sheet of ozone. What is ozone? It is oxygen in a different formulation. Oxygen exists as two atoms in one molecule while ozone exists in three atoms of oxygen in one molecule. That makes it very active. Due to that, it protects the earth from the sun’s radiation. It absorbs some radiation like the ultra-violet rays. Depleting that ozone is like taking that sheet out and that means that all the radiation from the sun will come to us. They are very dangerous. Apart from the temperatures, the radiation is very dangerous to the skin. We will have higher cases of skin cancer in particular. Plants and animals will be affected. Lack of protection of the ozone layer is extremely dangerous. That is why we have to protect ourselves. Where do we use hydrofluorocarbons? It is important to know that they have a lot of uses.

As Hon. Shakeel has said, they are used in refrigeration. Refrigeration liquids contain hydrofluorocarbons. They are also in resins or plastics, which are then released into the atmosphere. Another common use is as a propellant in aerosols. Anything that you spray, be it a deodorant, insecticide or agricultural chemicals, uses hydrofluorocarbons as a propellant. When you press the liquid, the hydrofluorocarbons under pressure, containing the chemicals, are expelled. If you think of all sprays, refrigeration in hotels, plastics or resins, then you will appreciate that a lot of hydrofluorocarbons are in the atmosphere. Without going into detail, the Montreal Protocol seeks to curb the use of hydrofluorocarbons.

I have been to many negotiations where developed countries make protocols that favour them. I like this Kigali Amendments on the Montreal Protocol because it phases out the use of hydrofluorocarbons. The Amendments provide a period by which we must stop the use. Developed countries may be ready to stop, but we are not. Therefore, it is better to phase it out. We will need funding to phase it out. What do we replace it with? The Kigali Amendments say that if we are going to make a contribution to the whole world by phasing out our consumption of hydrofluorocarbons, then we will get financial support.

I also support the amendments because they are in line with the Constitution. Article 2 of the Constitution says any treaty that we ratify becomes part of our laws. Article 69 of the Constitution provides that we must make efforts as a country to do away with things that are dangerous to the environment. The amendments are also in line with the Climate Change Act and the Treaty Making and Ratification Act. But as some of my colleagues have said, we need to set up a system or a department with trained individuals who can document the sources and uses of hydrofluorocarbons and how we can change that. We must then work out our annual

consumption and how we would phase it out. The amendments have come in good time and I support them.

Thank you very much.

**The Temporary Speaker** (Hon. Martha Wangari): Thank you, Dr. Nyikal. Member for Marsabit.

**Hon. Naomi Waqo** (Marsabit County, UDA): Thank you, Hon. Temporary Speaker, for allowing me to add my voice to this very important Motion. This ratification has come at the right time. We know how much we have suffered as a country because of the effects of hydrofluorocarbons. We need to support this Motion so that we can make all the difference we need as a country. Through this amendment, we will take care of the ozone layer which protects us against so many calamities. If we do not ratify this amendment, we will suffer from different diseases such as skin diseases and cancer. Some people in this country have already suffered. I support this Motion because of the advantages it has. It is clear that developing countries that are parties to the Kigali Amendments will have access to the financial and technical support that is provided under the Protocol. As a country, we have suffered from a poor economy for the last many years. With access to financial and technical support, then we are sure ... Of course, we have to commit as a country. We cannot progress without investing in this. This gives us an assurance that we will benefit just like the other parties and our country will gain financial freedom. We will create wealth out of this too.

Our young people will also get jobs from that. One of the challenges we have as a country is unemployment amongst the youths. Many of those youths are depressed as a result of that. Adopting ozone and climate friendly technologies will lead to job creation in the refrigeration and air conditioning sector. We have trained engineers in this area. By adopting this, those engineers will get the opportunity to utilise their expertise and to transfer knowledge.

Ratification of the treaty will catalyse the realisation of a clean and healthy environment. As we know, many areas in this country have suffered a lot from climate change. These include my county and the northern region. For instance, we do not have enough water in those areas now because of famine. By ratifying this treaty, we will minimise some of those effects and we will support ourselves in different ways.

These amendments are important as they provide legal instruments for the continent and will aid in the protection of our agricultural sector. Agriculture is the backbone of this country. As a country, we are still suffering because we do not have enough food. Right now, the Government has allowed people to import white maize, rice and other food commodities. Through this ratification, we can improve our agricultural sector by producing enough food. As a result, we will take care of our citizens. Our agricultural sector is extremely vulnerable to climate change but, by ratifying this, we can bring the much-needed transformation in that sector.

Hon. Temporary Speaker, growing up, we used to depend on rain water for farming. Today, this is no longer sustainable and many people promote farming through irrigation. Even that will not succeed if we are not committed to bringing change in every sector in our lives as a country.

With those few remarks, I support the Motion.

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

**Hon. Julius Rutto** (Kesses, UDA): Thank you, Hon. Temporary Speaker for the opportunity that you have accorded me. I rise to support this Motion.

Of course, as Members here have said, we have all learnt the importance of protecting and preventing the damage to the ozone layer. We all know that it is of importance to plants and animals on this earth. In times like these and with the responsibilities that have been bestowed on this honourable House, we need to all rise and speak to it. We do not live in isolation from the rest of the world. Whatever factors that are being undertaken in the pretext

of seeking the profits and benefits that we pursue for our personal interests, we must appreciate that, to some extent, the extreme end of those factors has negative impact on our lives. Therefore, ratifying these arrangements is important so that all of us, Kenya included, agree and arrive at a point that the things we are doing, the actions we are engaging in and the events we are undertaking shall seek to standardise the releases that will affect our ozone layer.

One issue that I would want to bring in from my finance background is the aspect of compliance and audit. The audits that we undertake on our institutions about financials should go beyond looking at the financial audits alone. They should also look at the compliance aspect. This is because we have many agencies that are practising on regulations, but we rarely get the information from those audits as to what measures the entities put in place as part of their goals or objectives. Besides investments being put in place, how much are we restricted? That in your focus on your objectives or on attaining your goals, how much do you care for your neighbour and for your future generation? Kenya as a country coming together with the whole world is of importance.

The second reason as to why we have to ratify these amendments is also to look at the capacity that the First World countries have managed to reach. How do we share the information, training and capacity building? How do we ensure that we facilitate the developing countries like Kenya? This is so that we put together a proper structure to ensure the whole world attains the required standards to protect our ozone layer. Also, to cushion ourselves against the challenges that face us like drought, lack of rains and food. For the first time, we have reduced this country to be a net importer of food; the reason being lack of rains. Agriculture that entirely depends on rains is now being affected. We can, therefore, not keep quiet and wait for nature to change. We all need to rise to the occasion.

Thank you so much, Hon. Temporary Speaker.

**The Temporary Speaker** (Hon. Martha Wangari): Thank you, Hon. Member. I call upon the Mover to reply.

**Hon. Charles Kamuren** (Baringo South, UDA): Thank you, Hon. Temporary Speaker. I thank the Members for the very relevant contributions and information that we have shared. I have discovered that our Members are very conversant with this subject while majority of Kenyans do not understand. I thank you. I also appreciate the support that your office and the Office of the Clerk have given us, and all the relevant ministries that had a meeting with us and the Members of this Committee, for the good work.

Pursuant to Standing Order 53(3), I request that you defer the putting of the Question until the next Sitting.

I beg to reply. Thank you.

**The Temporary Speaker** (Hon. Martha Wangari): Thank you, Hon. Member. I will defer the putting of the Question to the next Sitting.

*(Putting of the Question deferred)*

## ADJOURNMENT

**The Temporary Speaker** (Hon. Martha Wangari): Hon. Members, the time being 6.59 p.m., this House stands adjourned until Thursday, 29<sup>th</sup> June 2023 at 2.30 p.m.

The House rose at 6.59 p.m.

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