

PARLIAMENT OF KENYA

THE SENATE

THE HANSARD

Thursday, 21st November, 2019

*The House met at the Senate Chamber,
Parliament Buildings, at 2.30 p.m.*

[The Speaker (Hon. Lusaka) in the Chair]

PRAYER

PAPERS LAID

The Speaker (Hon. Lusaka): The Chairperson of the Sessional Committee on County Public Accounts and Investments. He is not there.

CPAIC REPORT ON INQUIRY INTO FINANCIAL OPERATIONS OF VARIOUS COUNTY EXECUTIVES FOR FY 2013/2014

Sen. Wamatangi: Mr. Speaker Sir, I beg to lay the following Paper on the Table of the Senate today, Thursday 21st November, 2019.

The report of the Sessional Committee on County Public Accounts and Investments on the Financial Operations of Kiambu, Busia, Kwale, Tana River, Trans Nzoia, Nyandarua, Migori, Kisumu, Samburu, Kericho, Bomet, Bungoma, Garissa, Isiolo, Kitui, Lamu, Makueni, Mandera, Marsabit, Meru, Mombasa, Nyamira, Taita Taveta, Uasin Gishu, Vihiga and Wajir County Executives for the Financial Year 2013/2014.

(Sen. Wamatangi laid the document on the Table.)

The Speaker (Hon. Lusaka): The Chairperson of the Standing Committee on Justice, Legal Affairs and Human Rights.

Sen. Linturi: Mr. Speaker Sir, I beg to lay the following Papers on the Table of the Senate today, Thursday, 21st November, 2019.

REPORT ON THE CONSTITUTION OF KENYA (AMENDMENT) BILL (SENATE BILLS NO.40 OF 2018)

The report of the Standing Committee on Justice, Legal Affairs and Human Rights on its consideration of the Constitution of Kenya (Amendment) Bill (Senate Bills No. 40 of 2018).

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REPORT ON THE CONSTITUTION OF KENYA
(AMENDMENT) BILL (SENATE BILLS NO. 2 OF 2019)

The report of the Standing Committee on Justice, Legal Affairs and Human Rights on its consideration of the Constitution of Kenya (Amendment) Bill (Senate Bills No.2 of 2019).

REPORT ON THE CONSTITUTION OF KENYA (AMENDMENT)
BILL (SENATE BILLS NO.16 OF 2019)

The report of the Standing Committee on Justice, Legal Affairs and Human Rights on its consideration of the Constitution of Kenya (Amendment) Bill (Senate Bills No.16 of 2019).

REPORT ON THE INDEPENDENT ELECTORAL AND
BOUNDARIES COMMISSION (AMENDMENT) (NO. 3) BILL
(NATIONAL ASSEMBLY BILLS NO.35 OF 2019)

The report of the Standing Committee on Justice, Legal Affairs and Human Rights on its consideration of the Independent Electoral and Boundaries Commission (Amendment) (No.3) Bill (National Assembly Bills No.35 of 2019)

REPORT ON THE STATUTE LAW (MISCELLANEOUS AMENDMENT)
(NO. 2) BILLS (NATIONAL ASSEMBLY BILLS NO.13 OF 2018)

The report of consideration of the Statute Law (Miscellaneous Amendment) (No.2) Bill (National Assembly Bills No.13 of 2018)

(Sen. Linturi laid the documents on the Table)

The Speaker (Hon. Lusaka): The Chairperson of the Standing Committee on Labour and Social Welfare.

REPORT ON THE CARE AND PROTECTION OF
CHILD PARENTS BILL (SENATE BILLS NO. 11 OF 2019)

Sen. Sakaja: Mr. Speaker, Sir, I beg to lay the following Paper on the Table of the Senate today, Thursday 21st November, 2019.

The report of the Standing Committee on Labour and Social Welfare on its consideration of the Care and Protection of Child Parents Bill (Senate Bills No. 11 of 2019).

(Sen. Sakaja laid the document on the Table)

The Speaker (Hon. Lusaka): The Chairperson of the Committee on Roads and Transport.

REPORT ON PROJECTS UNDERTAKEN BY KENYA
MARITIME AUTHORITY, KENYA FERRY SERVICES
AND NATIONAL SOCIAL SECURITY FUND

Sen. Wamatangi: Mr. Speaker Sir, I beg to lay the following Paper on the Table of the Senate today, Thursday, 21st November, 2019.

The report of the Standing Committee on Roads and Transportation on its initiated inquiries on projects undertaken by Kenya Maritime Authority, Kenya Ferry Services and National Social Security Fund.

If I seek your indulgence, you had given a directive that the report by this Committee be tabled yesterday. I want to report that we endeavoured to have the report tabled, but because of some of the clearances which are required to be done within the processes of laying the report, that was not possible yesterday. But it was ready and it is hereby tabled.

(Sen. Wamatangi laid the document on the table)

It is an opportune time - if you allow me - I would like to expound on some of the issues on this. The issue of the ferries is a very sensitive matter and one that is of great importance to Senators. I would seek your indulgence on the way forward on that.

The Speaker (Hon. Lusaka): I think we can have notice later, not right now. The Report of the ad hoc Committee of the Nakuru County Executive on the application for conferment of city status to Nakuru Municipality.

Sen. Dullo: Thank you, Mr. Speaker Sir. I beg to lay the following Paper on the Table of the Senate, today, Thursday, 21st November, 2019.

REPORT OF THE *AD HOC* COMMITTEE ON THE APPLICATION FOR CONFERMENT
OF CITY STATUS TO NAKURU MUNICIPALITY

(Sen. Dullo laid the document on the Table)

The Speaker (Hon. Lusaka): Order! Members. Hon. Senators, I have a Communication to make.

COMMUNICATION FROM CHAIR

APPLICATION FOR CONFERMENT OF CITY STATUS
TO NAKURU MUNICIPALITY

The Senate Deputy Majority Leader has just tabled a Paper on the application by Nakuru County Executive for conferment of city status to Nakuru Municipality.

On 11th November, 2019, the Office of the Clerk of the Senate received a letter from the Clerk of the County Assembly of Nakuru conveying the resolution of the

Assembly that adopted the Report of the *ad hoc* Committee of the Nakuru County Executive on the application for conferment of city status to Nakuru Municipality.

Hon. Senators, I will briefly explain the requirement and process for such application.

Section 5 of the Urban Areas and Cities Act provides that for an area to be classified as a city, it must:

- (1) have a population of at least 500,000 residents;
- (2) be an integrated urban area or city development plan in accordance with the Urban Areas and Cities Act;
- (3) have demonstrated capacity to generate sufficient revenue to sustain its operations;
- (4) have demonstrated good system and records of prudent management;
- (5) have the capacity to effectively and efficiently deliver essential services to its residents as provided in the Act;
- (6) have institutionalised active participation by its residents in the management of its affairs;
- (7) have infrastructural facilities, including but not limited to roads, street lighting, markets and fire stations, and an adequate capacity for disaster management; and,
- (8) have a capacity for functional and effective waste disposal.

Section 8 of the Urban Areas and Cities Act provides for the procedure for application of city status which includes the formation of an *ad hoc* Committee to consider the matter and evaluate whether the criteria set out under Section 5, as I read out, is met.

If the *ad hoc* Committee is satisfied that that is the case, the County Governor transmits the recommendations to the County Assembly for approval.

Hon. Senators, where the County Assembly approves the recommendation for conferment of city status to a municipality under this Section, the Clerk of the County Assembly shall transmit the resolution to the Senate for consideration. This is where we currently stand in the process.

Section 8(6) of the Act states that: -

“Where the Senate approves the recommendations, the Clerk of the Senate shall forward the resolution to the President for conferment of city status on the municipality.”

Section 7 of the Urban Areas and Cities Act further states that:

“The President may, on the resolution of the Senate, confer the status of a city on a municipality that meets the criteria set out in Section 5, by grant of a Charter.”

To enable the Senate process this matter efficiently and effectively, I direct that this Report be committed to the Standing Committee on Devolution and Intergovernmental Relations to scrutinize the process and ensure that the provisions of the Urban Areas and Cities Act that provides the procedure for application for conferment of city status was complied with.

Hon. Senators, this is the first time we have received such an application. The Committee is, therefore, expected to undertake this task meticulously and report back to the Senate by way of a report to be tabled and debated in the House.

Owing to the fact that the current session is almost coming to an end, I direct the Committee to table its report on or before 25th February, 2020.

I thank you.

Next Order.

NOTICE OF MOTION

ADOPTION OF CPAIC REPORT ON INQUIRY INTO FINANCIAL OPERATIONS OF VARIOUS COUNTY EXECUTIVES FOR FY 2013/2014

Sen. Linturi: Mr. Speaker, Sir, I beg to give notice of the following Motion -

THAT, the Senate adopts the Report of the Sessional Committee on County Public Accounts and Investments on the inquiry into the financial operations of Kiambu, Busia, Kwale, Tana River, Trans Nzoia, Nyandarua, Migori, Kisumu, Samburu, Kericho, Bomet, Bungoma, Garissa, Isiolo, Kitui, Lamu, Makueni, Mandera, Marsabit, Meru, Mombasa, Nyamira, Taita Taveta, Uasin Gishu, Vihiga and Wajir County Executives for the FY 2013/2014 (1st July, 2013-30th June, 2014) laid on the Table of the Senate, today, Thursday, 21st November, 2019.

STATEMENTS

DELAY IN PAYMENT TO OFFICERS WHO CONDUCTED NIIMS REGISTRATION EXERCISE

Sen. Prengei: Mr. Speaker, Sir. I rise, pursuant to Standing Order No. 48(1), to seek a Statement from the Standing Committee on National Security, Defence and Foreign Relations on the delayed payment to officers who carried out the National Integrated Identity Management System (NIIMS), commonly referred to as *Huduma Namba* registration exercise.

In the Statement, the Committee should-

- (1) Explain the delay in payment to officers who carried out the exercise more than six months after the completion.
- (2) State whether there was prior planning and budgetary allocation for the exercise, in view of the delay in payment to the officers.
- (3) Explain, by way of tabling a report before the Senate, to justify spending Kshs6 billion on NIIMS/*Huduma Namba*.
- (4) Explain why the issuance and use of the said *Huduma Namba* cards have not been effected to date.

Sen. Mutula Kilonzo Jnr.: Mr. Speaker, Sir, the concern I have, although I agree with the Statement---. In fact, the question should be after Kshs7 billion and the urgency of the *Huduma Namba*, where exactly is the position of the numbers we were supposed to

be given and why have the numbers not been given? Why was it so urgent? Although we face the same challenges in Makueni, the more important question is, where is the *Huduma Namba*?

Sen. (Dr.) Ali: Thank you, Mr. Speaker, Sir. You remember very well the way we were pushed around when it came to the *Huduma Namba*. People were being told: “You cannot sleep, eat, and you have to join lines day-in, day-out.” People were running up and down. We even pleaded with the Government to give us extra time and up to-date, there is nothing.

I am carrying that paper in my wallet; it has no job. At that time, we were told that this one will be the most important number in this country and it will solve all our problems. About Kshs8 billion was used and still, those young men and women who toiled going to people’s houses and sitting in the cold have not been paid. This is shameful.

Every time, we are talking of pending bills and workers not being paid. Are we going to put these things to the pending bills as well? I think this country should do better than this.

Sen. Cheruiyot: Thank you, Mr. Speaker, Sir. I join the rest of my colleagues in giving the necessary attention to the statement which has been requested by Sen. Prengei.

You will recall that, earlier before this exercise was undertaken, I brought a question to this House that led to the invitation of the Cabinet Secretary for Interior and Coordination of National Government together with his Permanent Secretary and the rest of the team that was to undertake this exercise.

Though half-heartedly, the House gave them the greenlight and stamp of approval because many of the things that we questioned were not brought to the fore. However, here we are today and Sen. Prengei has captured the mood of the country. On many occasions when you are seated in gatherings, people ask you: “As a Member of Parliament, what are you doing about some of these things that completely do not make sense in this country?”

However, after being pushed and shoved around, almost four to five months down the line, there is absolutely no communication on how many people were captured in the data, when they intend to release it, and what will be the way forward after this, especially in light of the money that was spent.

Mr. Speaker, Sir, Parliament is not impotent. In fact, a good reading of our Constitution equates representation, which is the work of Parliament, to sovereignty. Kenyans exercise their sovereignty through us, their representatives. Therefore, we cannot turn this House into a House of lamentation each time Kenyans look up to us for leadership.

I want to request that the Chair do furnishes - it is good because Sen. Prengei was very specific - by way of a report before this House on the issues of expenditure and the little matter of the young people who participated in this exercise having not been paid. However, most importantly, on justification for this exercise and what the Government has achieved this far. This is an important issue that Kenyans need to know the truth.

Sen. Wambua: Thank you, Mr. Speaker, Sir, for this opportunity to contribute to the Statement by Sen. Prengei.

I was in the process of seeking a similar Statement but I was advised by the secretariat that Sen. Prengei had already requested the same Statement.

There are few issues that come to the fore on this matter of *Huduma Namba*: One, is the manner in which this project was launched. There was so much pushing to get everybody in this country to participate and to register for *Huduma Namba*. In fact, the Government was so serious on this matter that I remember all parliamentary party leaders took turns and went to different parts of this country to launch this project.

I saw the leader of ODM in Mombasa launching this project. My party leader was in Murang'a accompanied by our colleague, Sen. Wetangula, launching that project.

(Laughter)

The ANC leader, hon. Musalia Mudavadi was in Kajiado launching this project. The President led a big brigade of senior Government officials to Mwala to launch this project.

Six months down the line, nobody in this country has been issued with the card. To make matters worse, the young people that were recruited to undertake this exercise have not been paid, to date. Is it possible that as this was happening, somebody was seated in an office looking at Kenyans queueing long into the night and wondering what is wrong with Kenyans?

Mr. Speaker, Sir, there is a more serious issue. When we approved that project here in this House, the name of *Mastercard* was mentioned. The question that we should be asking as representatives of the people in this country is *Mastercard*, which is a foreign entity. Is it possible that they are handling personal data of citizens? Is it possible that this was a scheme just to spend public money and the results had already been pre-determined?

I wish to say two things - this is the voice of the people of Kitui County - that every person that registered in Kitui wants their card delivered and all the persons that were recruited to carry out this exercise paid without further delay.

I support.

Sen. Cherargei: Thank you, Mr. Speaker, Sir, for this opportunity. I want to congratulate Sen. Prengei for bringing the plight of non-payment of NIIMS agents and the clerks that participated.

I do not understand the rationale of the Government. I think the Chair of National Security, Defence and Foreign Relations, which the Statement is likely to be directed to, should tell us why it is that every time when any Kenyan works for the Government, they are not paid. The other day, we had the census clerks and it took a lot of pulling and noise. They are now in the process of being paid.

We finished *Huduma Namba* long time ago and the NIIMS agents have not been paid. Most of these workers are youths who do not have any other source of income. They want this money so that they can live one day at a time. Therefore, I think it deserves urgency.

The Cabinet Secretary in charge of National Treasury and Planning has issued a circular against counties; that if they do not clear pending bills, then they will not be

allowed to access the funds from national Treasury. We want to request the Cabinet Secretary, Ministry of Planning and National Treasury again through the relevant Committee of National Security, Defence and Foreign Relations to order the Ministry of Interior and Coordination of National Government to pay those clerks who participated in NIIMS.

I have listened to my friend, Sen. Wambua, and I think there was somebody who wanted to embarrass these national leaders. Why would you parade national leaders to launch something that was a wild goose chase? I have seen some news flash that the Ministry of Interior and Coordination of National Government has requested Kshs1 billion to print more cards. I do not know how authentic that information is but we want these cards to be delivered because they did it through a lot of force, violence, threats and coercion; that if you do not register for *Huduma Namba*, you will not be able to sleep in your bed.

Therefore, we need the same urgency and pressure to be put in place so that we can get *Huduma Namba* cards. Even as we close on that, in this report - I agree with Sen. Cheruiyot - the Ministry through the Committee should table a report on how far this exercise went.

Secondly, they should also tell us what they have done in the diaspora because there are many Kenyans who are living in diaspora who wanted access to the *Huduma* card just like the new generation of identification number that we have in this country. Therefore, in that report, they must include the aspect of Kenyans who are living in the diaspora in terms of accessing the *Huduma Namba* card and they should be given to Kenyans to enable them access services in this country.

Mr. Speaker, Sir, I hope the relevant Committee will respond in the next few days and ensure that Kenyans can sleep peacefully and have their *Huduma Namba* cards.

Thank you.

Sen. Ochillo-Ayacko: Mr. Speaker, Sir, I beg to add my voice to those who are supporting this Statement.

Since it was decreed that it was urgent, we plead with you to urgently direct the Ministry to give us answers. If you can give them as a short as one week, that would be hallelujah to us because they also gave us a very short time to act in this matter. There was a rumour out there that this number had some devils in it. There were people who were intending to bewitch Kenyans.

You have heard what Members are saying. It appears that where Sen. Wetangula and I come from, we know witches are there, perhaps this number is being used by witches.

Sen. Wario: On a point of order, Mr. Speaker, Sir.

The Speaker (Hon. Lusaka): What is your point of order, Sen. Wario?

Sen. Wario: Mr. Speaker, Sir, is the Senator on the Floor in order to use a strange language in this House? I heard him utter a word 'hallelujah.' Can he tell us what hallelujah is?

Sen. Ochillo-Ayacko: Mr. Speaker, Sir. Hallelujah is the language you use to cast away evil spirits.

(Laughter)

There were evil spirits associated with this number. We want you to use the Chair to ensure that those who were described as using this number for evil purposes, come to account for us.

The Speaker (Hon. Lusaka): I hope you are not saying it is in the Speaker's powers to exorcise spirits.

(Laughter)

Sen. Ochillo-Ayacko: Mr. Speaker, Sir, you are so powerful that if you said 'Hallelujah', those people would bring the answer here as quickly as possible.

There is anxiety from where we come from. We know that in a civilized society, and we belong to one of them, the value for money is very important. We have spent a lot of money. There is no value for the last six months. It is in good order and test that we get value for our money.

Sen. Sakaja: Mr. Speaker, Sir, the Members seem to not be aware. I can hear Sen. Wambua quipping that it is coming to me, it is not. I resigned as the Vice Chairperson of the Committee on National Security, Defence and Foreign Relations.

This is a straightforward matter. This House had questions about the *Huduma Namba*. The Cabinet Secretaries came here, many were here. After that Session, the House was, to a great extent, convinced that it was the way to go and we needed to do so. It made sense to be the one stop shop *et cetera*.

The challenge is two things: one, the way Government communicates. When they want something, you will hear them every day talking about it. However, when it is done, they go quiet.

We just need a clear communication from the Ministry, what is happening, whether this issue of Kshs1 billion is true. If everybody is getting a card, and I know my little baby is not going to get a card and many people of a certain age would not get it, it translates to more than Kshs20 for each card. If you are doing procurement of whatever size, it will not come to that cost. You will do it at even Kshs5 even if it is a plastic card with a sim card and GSM.

Mr. Speaker, the Committee on National Security, Defence and Foreign Relations has summoned the Cabinet Secretary, Ministry of Interior and Coordination of National Security to appear before them next week. The Committee devised a way that all statements are collated. Once a month, the CS comes himself to respond to them. This is one of those which will be responded to, Sen. Prengei. These young people who we are using to conduct national exercises--- These national exercises have a budget. For example, the census had a budget. I think they have just been paid recently after doing all that work for that number of days. The *Huduma Namba* had a budget, but we hear the issues of payment. We want to understand what really the problem is.

Why is it that a good programme or a programme the Government has sanctioned, the big things are paid first? However, the priority is never paying these young people who have gone out for a month toiling; some of them in dangerous circumstances, trying to get their own transport and then they are not paid. That, for me, is a key. However, in terms of the *Huduma Namba*, where the card is and so forth, that information will be in the House next week. I am sure the Chair can commit.

Sen. (Dr.) Kabaka: Thank you, Mr. Speaker, Sir, for giving me this opportunity to also air my view with regard to the Statement by Sen. Prengei.

Having listened to my colleagues contribute, I need to also get from the relevant Committee the following details or concerns. We know we gave out our own individual data; I would like to know how safe it is.

Mr. Speaker, Sir, do we really know whether our data is safe and that it cannot be interfered with? I would also like to know the total cost of the project because it keeps on varying. Sometime you hear it is a Kshs1 billion. Other times, they say it Kshs2 billion. We do not know the exact amount which this project gobbled.

We would like to know whether the Government has paid all the participants in this project. I have the list of participants from Machakos County who have not being paid. I will table it to the relevant Committee. I have it in writing. I will present the information to them.

Mr. Speaker, Sir, recently, we had census exercise which was carried out in this Republic. Many of our people were wondering how different it was from the *Huduma* project. Is there any distinction between the two projects? If there is no distinction, why was it necessary to undertake a similar exercise whereas the Government has information within its own reach?

I support.

Sen. Mwaruma: Asante, Bw. Spika, kwa kunipa fursa hii ili kuchangia taarifa hii kutoka kwa Sen. Prengei kuhusu Huduma Namba. Ni swala ambalo tulichangia na tukatoa mwelekeo wetu kwamba ni swala nzuri kulingana na maelezo tuliopata kutoka kwa Wizara. Tuliambiwa ukipata hii Huduma Namba, huhitaji kitambulisho chochote tena, kwa mfano, kuendesha gari, kusafiri, kupata NSSF na NHIF. Ile namba moja ingekupa huduma yeyote ungehitaji.

La haula, ilivyo sasa ni kwamba katika kutoa huduma na kwa wale ambao wanahudumia Wakenya, kumekuwa na tatizo la kandarasi na yule ambaye anatoa huduma kuwa na maadili mema ili kuhakikisha ya kwamba malipo yametolewa jinsi yanavyofaa. Ninashukuru mstahiki Seneta wa Makueni ambaye amesema ya kwamba tulitumia kiima cha Kshs7 bilioni katika shughuli ya kupata huduma Namba. Hata hivyo, pesa ambazo zilitumiwa wakati wa zoezi hilo la kuwapa Wakenya huduma namba ni zaidi ni zaidi ya Kshs7 bilioni.

Bw. Spika, ninasema hivyo kwa sababu kuna watu walipata mkopo kwa kusema kwamba wanafanya kazi ya Serikali ya kupeana Huduma Namba. Watu hawa walichukua mikopo kutoka madukani na watu binafsi na kuahidi kuwa wakilipwa na Serikali, watalipa mikopo hiyo. Kwa hivyo, ninafikiri watu wengi wanawadai wale waliotoa huduma ya kupeana Huduma Namba.

Swala la kutolipa wanakandarasi ni swala nyeti sana Kenya. Ile ripoti ya Building Bridges Initiative (BBI) inayokuja, kwa Kizungu inaangazia mambo ya *national ethos* ama kuwa waadilifu kama Wakenya. Ni kwamba hatuheshimu watu wale wanaotufanyia kazi. Tumepoteza maadili yetu. Kuna wanakandarasi wengi wanaofanya kazi na kaunti na hata Serikali kuu ambao hawajalipwa. Ni kwa sababu ya kukosa maadili ama uadilifu kama Wakenya.

Nikimalizia, ningependa kusema kwamba ile Kamati husika itatupatia jawabu mufti ni kwa nini waliofanya kazi ya kupeana Huduma Namba hawajalipwa, Huduma Namba itatoka lini na wanahitaji Kshs1 bilioni ya nini ili kutuletea Huduma Namba? Ninaomba Kamati ifanye bidii ili tupate jawabu hilo.

Asante, Bw. Spika.

The Speaker (Hon. Lusaka): Hon. Senators, this is a matter of national interest. I urge the Chairperson of the Committee that since the Cabinet Secretary (CS) will come next week, in fact, they should consider making it a Committee of the Whole House. It is because this matter has attracted a lot of interest. It is good for all Members to be there, so that they can listen to what we will be told by the CS, and they can also contribute. Please, prioritise it. I know you have other statements, but give priority to this because of the national interest that it has.

Next Statement is by Sen. Mutula Kilonzo Jnr.

FAILURE BY THE GOVERNMENT TO OFFER
ASSISTANCE TO BENEFICIARIES OF THE DECEASED
PERSONS ON THE SOLAI DAM TRAGEDY

Sen. Mutula Kilonzo Jnr.: Thank you, Mr. Speaker, Sir. I rise to seek a Statement from the Standing Committee on National Security, Defence and Foreign Relations on the failure by the Government to offer assistance to the beneficiaries of the deceased persons on the Solai Dam tragedy.

In the Statement:

- (1) The Committee should state the reasons for the delay by the regional administration to offer assistance to the beneficiaries of the 36 deceased persons of the Solai Dam Tragedy, and in particular, their refusal to issue letters confirming identity of the said beneficiaries.

With the Statement, I have tabled a letter issued by Chemei and Co. Advocates to the said area chief, who by coincidence, the Solai Dam Committee resolved should be interdicted from office.

- (2) Explain the measures put in place to issue the said letters without any further delay.

(Sen. Mutula Kilonzo Jnr. laid the document on the Table)

The Speaker (Hon. Lusaka): Next Statement is by Sen. Sakaja.

THE STATE OF NAIROBI CITY COUNTY

Sen. Sakaja: Thank you, Mr. Speaker, Sir. I rise to seek a Statement pursuant to Standing Order No.47 (1) on a matter of national and, in fact, international concern because this is about Nairobi City County. It is on the current state of Nairobi City County.

Currently, we are facing a tragedy of untold proportions. As I speak, our Nairobi City County that we all love, is mortally ill with one foot in the grave. It is suffering a triple calamity of a Governor with no substantive deputy, a non-functional executive and an Assembly in shambles. Nairobi City County continues to sink further into an abyss of mismanagement and impunity. As anarchy and disorder reigns supreme at the City Hall, services to Nairobi City County citizens have practically ground to a halt.

On matters of service provision, the citizens and the people of Nairobi City County are grappling with a myriad of inconveniences, frustrations and general lack of basic services and amenities. Instead, the people are being treated to all manner of shadowboxing and dramatization. Recently, we saw chaos in the Assembly and a lot of drama in the City County by the people who are supposed to offer services to Nairobians.

It has to be said that the Constitution envisages a very clear distinction and sharing of roles between the national Government and county governments. The national Government has done its part in the city through its ministries and agencies. Members of Parliament (MPs) have also done their part in representation, legislation and development through the National Government-Constituencies Development Fund (NG-CDF). As this is going on, the most important services that touch the common Nairobiian are still devolved and domiciled at City Hall and, thus, the need for attention on those services.

Mr. Speaker, Sir, as the Senator, I thank the Senate and my colleagues because we have together dutifully conducted our constitutional duty of allocating monies to Nairobi City County and all counties through the Division of Revenue Bill. This is why the people of Nairobi City County are demanding accountability for the billions of shillings allocated to the Nairobi City County annually. The highest chunk that this House passes goes to Nairobi City County.

In the last two years, Nairobi City County has received in excess of Kshs52 billion. This is from equitable share, own source revenue and grants. An amount of Kshs52 billion in two years, yet taps remain dry, garbage remains uncollected; sewerage is flowing freely; estate and feeder roads are in deplorable conditions; and residents are seeking health services in private establishments or elsewhere because county dispensaries and those at the lower level are unable to provide the services. Other critical services remain unrendered.

The breakdown of what I have said is that in 2017/2018 Financial Year, we gave Nairobi City County Kshs15.4 billion. As the Senator, I am glad that I pushed for my county to get that amount. Own source revenue was Kshs10 billion and conditional grant was Kshs817 million. That is Kshs26 billion for one year.

In the 2018/2019 Financial Year, I made sure as the Senator of Nairobi City County, and I thank my colleagues, that we gave Nairobi City County Kshs 15.8 billion. Own source revenue was Kshs10 billion and conditional grants was Kshs179 million. The total available funds were Kshs26 billion in Nairobi City County.

Mr. Speaker, Sir, if we were to academically divide that amount - of course, we know that there is the recurrent - that translates to around Kshs3 billion per constituency amongst the 17 constituencies of Nairobi City County. That means that Nairobians should feel a development impact, of course, not of Kshs3 billion but every part of this county should feel the impact of this Kshs52 billion.

Last week, I received a report from the Controller of Budget (CoB), that as of October, 2019 Nairobi City County had not used a single shilling of the development budget of the Financial Year 2018/2019. The amounts that have been used are those of recurrent expenditure. So, the citizens are demanding to know what the billions that this House dutifully allocates to Nairobi City County – and other counties as well – are doing to better the plight of our residents.

Mr. Speaker, Sir, the county government has failed in delivering critical services enumerated as county functions. As I had listed earlier, they are health, water, sewage and sanitation, estate and feeder roads, physical planning, Early Childhood Education (ECD) among others.

Currently – and Sen. Kasanga will tell you – the construction industry in Kenya is at a standstill because the sector does not only provide employment to thousands of Nairobians, but also creates a lot of movement on our Gross Domestic Product (GDP). The Planning Department in the Nairobi City County has been shut down owing to suspensions. This has led to inordinate delays in building approvals. When will these officers be replaced if they are guilty? If they are not, when will they come back? Our concern is not the individuals because Nairobi City County cannot be held hostage by individuals, but all departments need to work as they should for the benefit of this county.

Mr. Speaker, Sir, Members of the County Assembly (MCAs), who ideally form the first line of defence and oversight, are operating in a hostile environment. A non-functional executive, nepotism, bullying, intimidation, physical assault, destruction of property and violence, as we have seen, has left MCAs with their hands behind their backs, limited on service delivery to their electorate. In fact, even now, a section of them are doing a press conference to counter the one we did earlier, yet if you go to their wards, they cannot point to the actual development that is being done, yet they should play an oversight role.

Among the questions that we will be seeking this House to look into through a Statements from the relevant Committee at the right time, and also through the Auditor-General are:-

- (1) Whether it is true that Nairobi City County has engaged services of 6,000 youth, who are not under any contract but are paid through the county suspense account. The said youth are also sometimes misused politically to cause mayhem and inflict injury on any dissenting voice whenever the county leadership feel threatened. Incidentally, these same young people the other day came to me because they had not been paid for a long time.
- (2) Is it true that the revenue collection system was single sourced or is it the county doing it? I praised the county earlier when we got rid of the Jambo Pay. I always had doubts of that contract, but we were not getting rid of Jambo Pay to open the route for another funny company. We wanted our county to build capacity to collect revenue.
- (3) Is it true that there have been contracts on refurbishment of hospitals that have been single sourced or the insurance cover has been illegally procured, and the incapability of Nairobi City County to operate is occasioned by among others, the fact that the executive is not properly constituted as envisaged in law?

Mr. Speaker, Sir, this is a Statement I brought to this House earlier. The excuse that came that time from the Governor was that the legal framework was not done. The law that was brought I think by the Senate Majority Leader was passed and assented to by the President. The county government is operating without a deputy governor and substantive County Executive Committee Members (CECs). We need them to be properly constituted.

Mr. Temporary Speaker, Sir, as I conclude, I seek the Senate's help. This is because when Nairobi is not working, the whole of Kenya does not work. All these questions that we brought to this House from year 2017 have not found closure. We cannot just sit and see a county that is not constituted and operating the way it should. Our Senate has relevant Committees that can take this up.

I thank you.

The Speaker (Hon. Lusaka): Proceed, Senate Majority Leader.

(Sen. Murkomen laughed)

The Senate Majority Leader (Sen. Murkomen): Thank you, Mr. Speaker, Sir. Sen. Cheruiyot was cracking a joke.

Sen. Sakaja has made a very important Statement about the state of affairs in Nairobi City County. The relevant Committee that deals with intergovernmental relations and checks on governance issues related to our counties is the Senate Committee on Devolution and Intergovernmental Relations.

There has been a complaint from the beginning of this term of governance in Nairobi, particularly from the Governor himself. The Governor has gone public several times saying that Nairobi City County is full of cartels. In fact, he is on record many times, even enlisting the support of the President of the Republic of Kenya to deal with cartels in Nairobi.

Secondly, Nairobi has become a battlefield for external political players that are not necessarily the leaders who are either in the county executive led by the Governor or in the county assembly where there is a battle between the Speaker, the Majority Leader and the Clerk.

Nairobi City County is extremely important for this country including this House. Sen. Sakaja has done the best he could, several times coming with Statements about the roads and all other facilities, but there is a more fundamental issue bedevilling Nairobi. Even though Sen. Sakaja has said there is no need to talk about individuals, there is a problem with Nairobi - which is governance - which is now affecting the delivery of services. That governance challenge seems to be above and beyond Governor Sonko. In his own admission, there is an existing cartel.

Why can this House Committee not assist Nairobi City County through a properly organised hearing that this House will be able to listen to the Governor? He should come to this House because he was a Member of this House. He was the Deputy Majority Whip. So, he understands how this House operates. Why can this House under Article 96 not assist the Governor by inviting him to come here and we address and put forth all these governance stumbling blocks that are faced in Nairobi that make it difficult

to deal with corruption? I agree with Sen. Sakaja that there is a problem with the buildings department. Some of us are also practicing law, if you want to do matters property in this Nairobi, it is difficulty because that department has nobody.

Sen. Sakaja: Everyone has been suspended.

The Senate Majority Leader (Sen. Murkomen): If you ask the Governor, he says he suspended everybody because they were colluding and were cartels taking people's land. I have even seen the Governor fighting for some property in South C and somewhere in Ngong Road and returning some properties to people. There is a problem in Nairobi.

Mr. Speaker, Sir, maybe some people may have a problem with the governance but there must be a disruption in this city so that cartels can be removed. I am talking of that disruption because there are people in this city sitting and planning how to snatch people's property.

We saw reports of how an Indian who had not acquired Kenyan citizenship and they were planning to deport him and change his papers. Many Kenyans who are not of African descent have suffered the same fate in this Nairobi. There are some who are Kenyans of African descent and indigenous, born and brought up in this country, and they are also suffering because of this cartel thing. Why can we not give an opportunity to Governor Sonko to appear before this House and we deal with this cartel conversation once and for all?

We need to deal with the issue of the county assembly. I do not think the way the county assembly is fighting is right and they are the ones to oversight. It is interesting to note in this House that the former Senate Majority Whip is the Speaker of Nairobi City County. The one who was her deputy is now the Governor of Nairobi City County. We must be able to help these people as former colleagues to find out why City Hall is facing its current problems.

I like what Sen. Sakaja said; that we are not here to fight the Governor or the Speaker. We want to help them; they are our friends and colleagues. We want to sit down with them and tell them: "Where there is need for legal intervention; let us give it". Where a national Government officer is interfering with the functions of Nairobi City County, we deal with it. This House is capable of doing it.

Mr. Speaker, Sir, I want to challenge the Senate Committee on Devolution and Intergovernmental Relations because I used to chair it last term that is a great opportunity for them to provide a solution to the question of intergovernmental relations that is affecting Nairobi.

I want to congratulate the county for the things that they are doing and responding to people's concerns directly, but the Governor cannot do that if he does not have a stable staff that is supporting him and stable departments that are working. We are here to support and to find solutions not to continue putting problems.

I thank the Members of Parliament from Nairobi City County for their willingness to work together with the County Government to solve these problems. I want to encourage the Governor and the Speaker to convene a sitting because they have a responsibility and constitutional powers to run this Nairobi. They can even *suo moto* convene a sitting of all the leaders in Nairobi; all the Members of Parliament (MPs)

Members of County Assembly (MCAs) and agree to put aside all other differences to sort out the mess of Nairobi particularly the problem of cartels.

Thank you, Mr. Speaker, Sir.

Sen. Ochillo-Ayacko: Thank you, Mr. Speaker, Sir. The failure of Nairobi City County is a national failure. It is something that we all cannot run away from. We are intertwined with Nairobi. When we talk about devolution; if Nairobi fails, then there is no need to talk about devolution in Mandera, Mombasa, Migori or anywhere else because Nairobi should be the shining example of success of devolution.

I have heard the Senate Majority Leader propose that you invite the Governor of Nairobi City County. I am reluctant to endorse that, because that invitation will just lead to a *baraza*. Since the Speaker used to be in provincial administration, he knows that *barazas* are not very good. Hecklers will come and try to heckle what you are doing.

My proposal would be---

The Senate Majority Leader (Sen. Murkomen): On a point of order, Mr. Speaker, Sir.

The Speaker (Hon. Lusaka): What is your point of order?

The Senate Majority Leader (Sen. Murkomen): Mr. Speaker, Sir, is Sen. Ochillo-Ayacko in order to call a Sitting of this House, the Senate of the Republic of Kenya a *baraza*? Is he insinuating that you are presiding over a *baraza*? Is it in order for him to leave a *baraza* in Migori where he was and come to this House to look for another *baraza*?

The Speaker (Hon. Lusaka): Leader of Majority, I think he did not say that. You missed his point. I got what he said unless he wants to clarify.

Sen. Ochillo-Ayacko: Mr. Speaker, Sir, you got me very well. We hold your seat in reverence; we think this is a sovereign House where matters are dealt with soberly. We would not want charlatans and cartels to come and haggle before you. We want to sit as a sober House, capable of making resolutions that are legally enforceable and binding to all parties.

My suggestion would be that, as a House, we should find guidance in law and the Constitution to set up a select Committee to deal with Nairobi. We need to look at all the challenges that have been itemised by the very good brother, Sen. Sakaja. Some of them fall within legal purviews; others are governance and many others.

In this House, we have a leadership that is experienced and knowledgeable in various areas. It reflects skills, talents, diversity of gender and religion. Therefore, your wisdom can guide the House to put up this galaxy of leadership. We can have a sitting where various stakeholders in Nairobi, including other elected leaders, can proffer their suggestions which will be processed and yield something workable. However, if a mere invitation is sent to the Governor of Nairobi City County, the cartels might come a long with him. I am sure there are cartels working against his interest and others working for his interest.

The spectacle of cartels arguing before us is one that Sen. Sakaja has not envisaged. So, I suggest to him and the Senate Majority Leader to think of how to constitute a committee to specifically look at the problems that Nairobi County has,

assign it a room and all the powers and privileges that it should have so that in the fullness of time, it can present to us an actionable report.

Sen. (Eng.) Hargura: Thank you, Mr. Speaker, Sir. Nairobi is the capital city of this country. It is also said to be generating about 60 per cent of the Gross Domestic Product (GDP). Therefore, it is important for the county government to provide an enabling environment for that kind of production. Unfortunately, we have an Executive which has suspended departments and a county government which has a lot of infighting and where the Speaker could not run the county assembly for a whole year. We have problems that we need to think through.

I agree with what Sen. Ochillo-Ayacko has said. This is because the Committee of the Whole will not have all the time to sit and hear the matters. However, if we get a dedicated special committee, it can have time to go through the problems and present the report to the House.

Sen. (Prof.) Onger: Thank you, Mr. Speaker, Sir. It is a sad story to hear a Statement coming from the Senator of Nairobi City County concerning the governance structure of Nairobi City County.

This is not unique to Nairobi as a county. Indeed, when it was Nairobi City Council, I had the privilege of one time dissolving it and I appointed a commission to look at the raft of measures that ranged from political, social and economic factors.

I agree that the bulk of more than 45 per cent of our GDP is generated within Nairobi City County. When you look at the haphazard manner in which issues are handled at the moment, it leaves no doubt whatsoever that the resources that are pumped into Nairobi City County cannot be utilised optimally because of the tug of war from one institution to another.

The only way forward, in the spirit of helping Nairobi City County to stand tall among the other counties, not only of this country but the greatest counties like the great Borough City of London, is to go the direction that has been suggested of a select Committee. It will have time and opportunity to basically examine who the cartels are and whether they have political, economic or social interest and *vice versa*. Until we reach that level and distil the elements that are bedeviling the Nairobi City County, we will not achieve much in the Committee of the Whole. This is because it will be a onetime appearance and the management, interrogation and processing of information will be skimpy. Therefore, we need to consolidate the thinking along the lines.

In that case, I suggest that the Senator for Nairobi City County provides a template of issues that are critical so that we can look at them in a critical manner and provide solutions at the select Committee which will then present its report to plenary for further action.

Sen. Cheruiyot: Thank you, Mr. Speaker, Sir. I add my voice to this issue and declare that my interest is, first as a legislator and purely personal as someone who loves this city. I was born and educated in the city. Therefore, it is in my personal interest to see Nairobi continue to thrive as we have known it over the years.

I have heard many of my colleagues speak with a sense of cynicism about the success that we can achieve as a House. I have said on many occasions that Members of this House do not understand how powerful we are as an institution.

Yesterday, we were told how two Committees of this House walked into Kitui Prison, and after that visit alone, more than 500 prisoners were let free. This is because they were incarcerated but they did not deserve to be in prison. They were let go just by a simple act of this House walking into those prison walls. That is how powerful the Senate of the Republic of Kenya is.

Any time we speak, we should not appear as if we lack solutions. Anytime a person appears before this House either by way of Committee or plenary, they know its potential. When we handle issues, we take them to their logical conclusion. Therefore, I have heard a good number of my colleagues suggest that we go the select Committee way. There is a history. Perhaps, those of us who have been in this House longer enough know the history that led this House to move away from the select committees especially where governors are involved and opted for the Committee of the Whole. Sen. Mutula Kilonzo Jnr. knows what I am referring to.

Mr. Speaker, Sir, it is my thinking that we stick to the particular wisdom of having a Committee of the Whole as opposed to a select Committee. We have been told that we are handling powerful and moneyed cartels that have a way of folding the hands of Members of County Assembly (MCAs). So, if we go the Committee of the Whole of way, I am not sure that the team that you might pick will have the wherewithal to withstand whatever will be brought before them. We have been more successful especially when issues of great importance to specific counties have come before this House. From experience, having served in a select Committee and sat through a plenary of the Committee of the Whole---

Sen. Ochillo-Ayacko: On a point of order, Mr. Speaker, Sir.

The Speaker (Hon. Lusaka): Sen. Ochillo-Ayacko, what is your point of intervention?

Sen. Ochillo-Ayacko: Mr. Speaker, Sir, I have listened to my good friend, Sen. Aaron Cheruiyot. I have heard him doubt the integrity of Members in their individual capacity and applaud their integrity in their corporate capacity. Would I be in order to ask him to exclude me from the list of individuals whose integrity is wanting? If others do not raise this, it will go on record that one of us has evidence that we are people who can be armtwisted and mislead into discarding or abdicating our public responsibility.

The Speaker (Hon. Lusaka): Sen. Cheruiyot meant that we are human beings so we cannot rule out the fact that one or two people could be compromised. He is not talking about the whole House. If you want him to exclude you, that is his discretion.

Sen. Cheruiyot: Mr. Speaker, Sir, Sen. Ochillo-Ayacko and I served in the Select Committee that looked into the impeachment proceedings of the Governor of Taita Taveta County. He knows what phone calls did during our meetings. I do not want to go to that direction.

I am not casting aspersions on the conduct or the character of any of our colleagues. However, having served in a select committee and sat through a plenary session, I believe that we achieve more at a plenary session. I call it spreading the risk. It is more difficult for someone with the intentions of arm twisting or cajoling Members, it would be difficult to do it to the Plenary than to a select committee. That is the whole

context of my argument. I am not casting aspersions on the conduct of any individual in this House.

Mr. Speaker, Sir, I propose that we should listen to the concerns that have been raised by our colleagues, Sen. Sakaja---

The Speaker (Hon. Lusaka): What is your point of intervention, Sen. Mutula Kilonzo Jnr.?

Sen. Mutula Kilonzo Jnr.: On a point of order, Mr. Speaker, Sir. I am extremely concerned that Sen. Cheruiyot is suggesting that the decision made by the Select Committee that considered the impeachment proceedings of Gov. Samboja received phone calls or that their decision was influenced by people other than the Members of that Committee. Sen. Cheruiyot has suggested that the Members of that Select Committee were coerced, cajoled, persuaded or otherwise caused them to make a decision other than a decision that would lead to a proper judgement.

Sen. Cheruiyot: Mr. Speaker, Sir, Sen. Mutula Kilonzo Jnr. needs to listen to the entire logic of my argument. I argued that whatever you can do to a select committee, it is harder to do it to a plenary. That is my whole point of argument. If we were use the example of the phone calls---

The Speaker (Hon. Lusaka): Order Sen. Cheruiyot. Sen. Mutula Kilonzo Jnr. meant that by the statement you made, you raised issues about the report that was tabled before this House. You have said that Members were called. Did the phone calls have a bearing on the final product that found its way to this House?

Sen. Cheruiyot: Mr. Speaker, Sir, I can neither confirm nor deny that the phone calls had a bearing on the final product.

The Speaker (Hon. Lusaka): What is your point of intervention, Sen. Ochillo-Ayacko?

Sen. Ochillo-Ayacko: On a point of order, Mr. Speaker, Sir. The issue you have raised is the point I was trying to make. It is possible to use the privilege of this platform to defend people. Sen. Cheruiyot should confirm whether he received a phone call because people have individual phones. We all made our decision individually on the basis of what we considered merit.

I had said earlier that it is not good to condemn wholesale issue of select committee or talk about collective integrity of the House thus casting aspersions on the conduct of individual Members. Sen. Cheruiyot should tread carefully in that area lest he brings down through improper perspective or insinuation as to the image and the conduct of the Members of this House.

The Speaker (Hon. Lusaka): What is your point of intervention, Sen. Poghisio?

Sen. Poghisio: On a point of order, Mr. Speaker, Sir. It is out of order to impute improper motive on the Members of this House. I ask the Chair to guide that Sen. Cheruiyot withdraws the claims that people received phone calls to influence the decision of a Committee. The claim should be withdrawn and expunged. That claim imputes improper motive and casts aspersions on Members.

Sen. Sakaja: Mr. Speaker, Sir, I appreciate the concern by Members. I would like to raise two issues to inform the discussion between a select committee and plenary. There are certain issues that I raised in my statement that are urgent. For example, the

young people who have been planting flowers and grass around the city have issues on how they are contracted and are paid. Those are young people that we support. The planning department of Nairobi City County has currently shut down.

I do not think that the Committee of the Whole can meet every day. However, as Sen. (Prof.) Ongeru stated, there is need to look at the top five key issues as we seek to help the Nairobi City County.

The Speaker (Hon. Lusaka): Sen. Sakaja, you are suggesting the way forward yet we are still on a point of order. A very serious issue has been raised about what Sen. Cheruiyot said.

Standing Order 96(4) states that:-

‘No Senator shall impute improper motive to any other Senator or to a Member of the National Assembly except upon a specific substantive Motion of which at least three days’ notice has been given, calling in question the conduct of that Senator or Member of the Assembly.’

Sen. Cheruiyot, you indicated that phone calls were made and that is on record. You need to substantiate or withdraw your claim for us to expunge it from our records.

Sen. Cheruiyot: Mr. Speaker, Sir, if there is a person who improper motive on their conduct has been imputed, it is me. In the course of making my remarks, I mentioned that phone calls were made. There is no reference that those phone calls were to an individual Senator. Secondly, I never stated that it is on the basis of the phone calls that people made the decision. That is why I urged Sen. Mutula Kilonzo Jnr. to listen to the entire context of my argument. I said that whatever can be done to a select committee would be harder to do it to a sitting of the entire House. That is plain a simple. It can be to the point of trying to convince them otherwise.

I do not understand where Sen. Ochillo-Ayacko gets the impression that the phone calls I mentioned informed the decision of the Select Committee.

Sen. Poghiso: On a point of order, Mr. Speaker, Sir. I do not understand the belligerence of Sen. Cheruiyot on the matter. He has continued to further claim that we should not go the way of a Select Committee because they can be compromised. That concept alone is imputing improper motive on a House and that should not be. It does not take much for him to apologize and withdraw for us to make progress.

Sen. Ochillo-Ayacko: On a point of order, Mr. Speaker, Sir. We are aware that this House operates through sessional or standing committees. I believe that Sen. Cheruiyot’s usage of the standing committees implies committees that are not of the whole. Is Sen. Cheruiyot right to claim that this House abandon working through smaller committee and work through the Committee of the Whole because smaller committees are susceptible to being arm-twisted, influenced, cajoled or coerced so that the output is adulterated?

Sen. Cheruiyot: Mr. Speaker, Sir, Sen. Poghiso was on phone when I began making my argument. That is why he does not seem to understand the whole context of my argument. However, since I do not want to waste the time of the House---

The Speaker (Hon. Lusaka): What is your point of intervention, Sen. Poghiso?

Sen. Poghiso: On a point of order, Mr. Speaker, Sir. Is Sen. Cheruiyot in order to mislead the House and the entire country including West Pokot County that I was on

phone? I cannot be on phone in this House when the Speaker is sitting. The Chair would have noticed it.

The Speaker (Hon. Lusaka): Sen. Cheruiyot, kindly, conclude that matter for us to make progress.

Sen. Cheruiyot: Mr. Speaker, Sir, if Sen. Poghio was to allow me, I would conclude my matter.

The point I was trying to raise is that if Sen. Poghio had concentrated enough to listen to my argument from the beginning, he would have realized my point. If in trying to push my point on the difference between a select committee and a Committee of the Whole, if there is any inkling towards making it appear as if a select committee is more susceptible to being unduly influenced, I withdraw that perception. However, it is unclear to me how I can withdraw a perception in someone's mind. I withdraw that kind of insinuation of on the part of anyone.

Mr. Speaker, Sir, can I proceed?

The Speaker (Hon. Lusaka): Kindly conclude.

Sen. Cheruiyot: Thank you, Mr. Speaker, Sir. Since we began this debate, Sen. Sakaja, who is the originator of this Statement, has brought a twist to this issue. Perhaps the best way to handle it is to pick on five areas that are more critical to Nairobi City County, and have a committee look into them.

Having made such submissions, I abandon my earlier thought on why it is important---

The Speaker (Hon. Lusaka): I thought that the matter is going to be ruled on by the Speaker?

Sen. Cheruiyot: Which one?

The Speaker (Hon. Lusaka): The same matter that has been brought by Sen. Sakaja.

Sen. Cheruiyot: I am abandoning my persuasion on whether to proceed. Earlier on I thought that a Committee of the Whole will be better. However, I pray that we stay long enough until Members get to see the difference between what I was trying to argue, then we will have the discussion later. In no way do I imply that anyone is of a lesser character or conduct in this House.

The Speaker (Hon. Lusaka): Okay, Sen. Cheruiyot. Since Sen. Cherargei is not here to comment on this matter, we will finally listen to Sen. Olekina.

Sen. Olekina: Mr. Speaker, Sir, I rise to support this Statement by Sen. Sakaja. I was listening to him when I walked into the Chamber. Earlier on, I also had an opportunity to watch him, with the entire leadership of Nairobi, bringing up these issues. I must congratulate him for caring about the future of the people of Nairobi, who include us, who live here. Since we work here, we also have homes here.

Mr. Speaker, Sir, this House passed a piece of legislation which was sponsored by the Senator from Kiambu, The Assumption of the Office of County Governor Bill. The Bill was supposed to solve certain problems, which Sen. Sakaja has brought to light in his Statement.

Last week, I brought a Motion to try and give deputy governors more powers in the event that we do not have substantive governors in place, because we have a crisis in

this country. If we do not rise up to the occasion, the situation in Nairobi will worsen. There are allegations of cartels left, right and centre. If you talk to Gov. Sonko, he will tell you that the cartels are out to destroy him. The Statement by Sen. Sakaja also points out to cartels.

Hypothetically, if the cartels succeeded in removing the current Governor of Nairobi, who is going to take over? The current Speaker of Nairobi County Assembly should do so, but there are still issues regarding her. Therefore, there will be no one to take over. It is time that we took this matter seriously.

If that piece of legislation was enacted into law, a substantive deputy governor would have been appointed. If the Ethics and Anti-Corruption Commission (EACC) or a court order bars the governor from accessing the office, the people of Nairobi should not continue suffering. Nairobi is the Capital City of Kenya and, I dare say, of East Africa.

Mr. Speaker, Sir, as of two days ago, which is 18th November, 2019, the current eligible pending Bills of Nairobi, were Kshs21 billion. These are pending bills that were re-audited by the Auditor-General. I hope that we will come up with a substantive Motion next week to direct the national Treasury not to release more money to the counties until those pending bills are paid. It should be on a first-in, first-out basis.

When you move around Nairobi, you will be surprised by the level of operational misappropriation of funds in this county. I would like every Member of this House to be observant. Every week, grass is uprooted at the roundabouts, and new grass is planted. What kind of operations are we running?

In our County Public Accounts and Investments Committee (CPAIC), we have raised concerns regarding JamboPay in Nairobi. I remember that we sat for long hours to see where that money goes. We know that the contract for JamboPay was terminated, but another company has been appointed to collect revenue on behalf of Nairobi. We need to think seriously about the way forward.

Mr. Speaker, Sir, I will summarise by saying the following. I believe that this is not a matter of setting up a select committee. All the 47 county governors will have to sit with us here, including the nominated Senators, so that we discuss this issue for the interest of the people of Nairobi. We should be objective about the future of Nairobi as a county government or part of the national Government, whichever way it will go.

Thank you, Mr. Speaker, Sir.

The Speaker (Hon. Lusaka): Hon. Senators, I think the matter has been well spoken to. This is a weighty matter that has been raised by the Senator for Nairobi. I know that it is not supposed to go to any Committee, but because of the weight of the matter, I will use my discretion under Standing Order 47(3), to direct it to the Committee on Devolution and Intergovernmental Relations. They should look at the issues and advice---

An hon. Senator: On a point of order, Mr. Speaker, Sir.

The Speaker (Hon. Lusaka): You are out of order!

Members of the Committee will then come back and advise this House on the way forward, because the issues that have been raised could still be happening.

Hon. Senators, we must be careful about how we approach some of the issues. Let us not come up with solutions that are not practical. You should remember that all

Committees sit on behalf of the Senate. If one Committee is embarrassed or belittled, like the other time when the Governor allegedly lectured Senators, it is the whole Senate that is in disrepute. We must, therefore, be careful and come up with practical solutions that will not embarrass this House. That is why the Committee on Devolution and Intergovernmental Relations must put its foot down and come up with a way forward, which should be reported to this House.

Let us listen to Sen. Mutula Kilonzo Jnr.

POINT OF ORDER

PENDING BILLS IN COUNTIES

Sen. Mutula Kilonzo Jnr.: Mr. Speaker, Sir, I rise on a point of order to seek your direction on something that Sen. Olekina has alluded to. As the leader of this House, and as a matter of national concern, this is a matter that needs your communication.

Amb. Ukur Yatani, who is the Acting Cabinet Secretary (CS) for the national Treasury, has issued a direction that he will not release funds to 15 counties if they do not pay pending bills. Section 97(2) of the Public Finance Management (PFM) Act on procedures for stoppage of funds states as follows:-

“Not later than seven days after the date of the decision to stop the transfer of funds, the Cabinet Secretary shall seek approval from Parliament.”

The suggestion alluded to by Sen. Olekina is that there appears to be a discretion by the Acting CS to stop the release of funds without the approval of Parliament. Therefore, next time we have a sitting, I would like you to issue a proper communication so that it is clear to the country. The process of stoppage of funds should be followed according to this law.

Thank you, Mr. Speaker, Sir.

The Speaker (Hon. Lusaka): Thank you, Sen. Mutula Kilonzo Jnr. Sen. Olekina, you have the Floor.

Sen. Olekina: Thank you, Mr. Speaker, Sir. This is a matter of national concern. Sen. Malalah just walked in and said that life out there is hard.

An. Hon. Senator: What?

Sen. Olekina: There is no money out there.

Mr. Speaker, Sir, we have to treat this matter as *sui generis*; something which is unique. What is happening out there? I know that the CS issued a premature circular that might not meet all the thresholds of law. It is time we took this matter seriously. This Senate is supposed to be defending devolution. Why are we sending money to county governments, yet they are not paying pending bills? As of today, there was a directive that those eligible pending bills amount to over Kshs63 billion be settled. If it is paid and circulated, the situation on the ground will be different. As you give a communication, it is important that we really think about this.

Mr. Speaker, Sir, I am thinking of bringing a Motion here so that we find a way of wriggling out of this situation. People need money. There are people who are killing

themselves because they are unable to pay their bills and service their loans. We must care about them.

The Speaker (Hon. Lusaka): I will give a chance to the Chairman of the Committee on Finance and Budget and, as I do so, I think that what Sen. Mutula Kilonzo Jnr. has raised is very important. That we, as a House, must be careful not to cede our ground, because that is why we are in court. We know certain processes had not been followed, and that this House had been bypassed. As much as we agree, we must also know that we, as a House, have a role to play, and that it cannot be side stepped.

Proceed, Sen. (Eng.) Mahamud.

Sen. (Eng.) Mahamud: Thank you, Mr. Speaker, Sir. I agree with Sen. Mutula Kilonzo Jnr.; that whereas pending bills are a big issue in this country, counties must pay them to the suppliers and the contactors. We must also, in the process, respect the law. The Constitution must be adhered to and respected by all.

Last week, the national Treasury issued a lot of circulars, which shows that there is a big crisis, even in the way we do things. We would like the pending bills to be paid and, as a matter of fact, this Senate has been discussing them. We would like the national Treasury to share it with us so that we know when the approval is given; so that when counties get those releases, they pay, because everybody is suffering. The suppliers who have not been paid must be paid. Salaries must be paid. There will be a bit of confusion.

Mr. Speaker, Sir, give us proper direction, because Article 97 of the Constitution must be followed to the letter.

I beg to support.

The Speaker (Hon. Lusaka): Proceed, Sen. Malalah, before I give a ruling on this.

Sen. Malalah: Mr. Speaker, Sir, it is true that life out there is very difficult.

The Speaker (Hon. Lusaka): Is that why you have reduced weight?

(Laughter)

Sen. Malalah: Mr. Speaker, Sir, I would like to join my colleagues in saying that it is very important for us to adhere to the rule of law. At the same time, we need to remind ourselves that Article 96 of our Constitution gave us the mandate to oversight and represent our people. Article 1 of the Constitution gave us the sovereign power to represent them. It is very important to note that the suppliers who have done business with counties are our people. Therefore, it is our core mandate to protect them.

I want to join my colleague, Sen. Olekina of Narok, who suggests that counties which are unable to pay pending bills should not receive any money from the central Government. We are not saying that those counties will not operate, moving forward. We are saying that the monies that will be released to them should be conditional. Let them pay all pending bills.

It is very sad, indeed, because there are people who took loans from banks, and they are unable to pay because they did business with counties. Most of the county governors prioritize paying people who are giving back commissions to them.

An. Hon. Senator: That is true.

Sen. Malalah: Therefore, a common mwananchi who has sold his maize to get capital to do business with county governments is not paid.

Mr. Speaker, Sir, I am of the strong opinion that it is important for the pending bills to be monitored from the national Treasury. I would suggest that that money be paid directly from the national Treasury, so that the remaining amount can be disbursed to respective counties.

Mr. Speaker, Sir, Nairobi hosts the Capital City of this country. Therefore, the management of the Capital City must not be taken for granted. I have seen pertinent issues being raised here by Sen. Sakaja. I, therefore, request you to consider having the Committee of the Whole House to discuss matters to do with Nairobi. This is because Nairobi affects Kakamega, Wajir, Kericho and other counties.

The Speaker (Hon. Lusaka): Order, Sen. Malalah! You are out of order, because I already made a ruling on that matter. I hope you are not challenging my ruling.

Sen. Malalah: No, I am not challenging it, Mr. Speaker, Sir.

(Laughter)

The Speaker (Hon. Lusaka): Do not proceed along those lines, because I have already made a ruling. It will be up to the Committee to make recommendations on how we proceed.

Sen. Malalah: Mr. Speaker, Sir, I would encourage Members of this House to attend that Committee session and to contribute. We must take part in the decision making on Nairobi.

Mr. Speaker, Sir, many of us have now seen how Nairobi has deteriorated. When you walk into the streets, there is a lot lawlessness and hawkers are selling everywhere. We even do not have enough supply of water. We cannot leave this to the Senator of Nairobi only. We want to join Sen. Sakaja in the fight to restore sanity in Nairobi. I want to donate to that cause. I will walk with you, Sen. Sakaja, to ensure that we protect our Capital City. Otherwise, I want to encourage Sen. Sakaja to continue with the same spirit of oversighting Nairobi without fear. Nobody can intimidate him.

Mr. Speaker, Sir, I have seen goons walking around town, saying that if you talk about a certain governor, you will be humiliated. Sen. Sakaja, I want to ask you to put on a brave face. Handle your issues as they are provided for in the Constitution of Kenya. Nobody – be it a governor, Speaker, or an MCA – will stop Sen. Sakaja from executing his mandate.

The Speaker (Hon. Lusaka): I know that in your other life, you were a thespian; but well put.

Proceed, Sen. Cheruiyot.

Sen. Cheruiyot: Thank you, Mr. Speaker, Sir. I was wondering whether Sen. Malalah meant that Sen. Sakaja should put on a brave face or be brave. I think that he meant the latter rather than the former.

Mr. Speaker, Sir, this is a very important issue. I want to point at where the problem is. If you were to ask me about where the challenge, in terms of pending bills in

counties, comes from, it is from Article 228 of our Constitution. The Office of the Controller of Budget has failed this country.

Mr. Speaker, Sir, you have been a governor and you understand how public finance in counties is managed. We cannot expense public funds unless you have a budget for that particular budget line item. How it is that county governments are able to requisition money, say to pay for a particular road, but thereafter, because of the meanderings therein, they end up paying a particular supplier, as it has been pointed out by Sen. Malalah, because that supplier is a friend to the governor?

Mr. Speaker, Sir, this is a very important issue. I request that the Committee on Finance and Budget be quickly seized of this matter. Article 228(6) of the Constitution clearly states that for every four months, the Office of the Controller of Budget shall submit to each House of Parliament a report on the implementation of budgets of national and county governments.

Sen. Olekina, the Controller of Budget needs to give you, every four months, a report showing the people what Gov. Samuel Tunai has paid in the last four months. This is the only way you can keep a track of all the people who have been paid. If you notice a particular supplier or entity that is paid repeatedly, yet you know that the young people in your county who are supplying goods and services to the county government are not paid because they do not have the high connections; then you must begin raising questions from that particular point. Those are the provisions and intention of Article 228(6).

Therefore, having a new Controller of Budget in office now, and she is about to be vetted by our colleagues in the National Assembly--- I suggest that when she takes on the reigns of the Office of the Controller of Budget, she should be brought before this House.

Mr. Speaker Sir, you recall that at the beginning of this 12th Parliament, we brought Ms. Agnes Odhiambo here, and we raised the issue of pending bills. Unfortunately, she has left office without having sufficiently addressed this issue. The audit that was carried out by the Office of the Auditor-General unraveled things that many of us did not know---

Sen. Mwaruma: On a point of order, Mr. Speaker Sir.

The Speaker (Hon. Lusaka): What is your point of intervention, Sen. Mwaruma?

Sen. Mwaruma: I am Sorry, Mr. Speaker Sir. I got lost along the way. We were dealing with Sen. Sakaja's issue and then, suddenly, we are discussing pending bills. I do not know where we are, because I want to contribute. I really want to know where we are. Is it a Statement or a Motion? Where are we?

The Speaker (Hon. Lusaka): I think it was a point of order. There were two issues. I already made a ruling on the issue raised by Sen. Sakaja. After that, Sen. Mutula Kilonzo Jnr. raised the issue of pending bills. That is what I am concluding now, because I want to give direction.

Sen. Cheruiyot: Mr. Speaker Sir, you need to guide Sen. Mwaruma. The next time he is lost, he should consult the Clerk-at-the-Table. He should find out from them what is happening and not interrupt Members who are speaking.

I was saying that the Government should facilitate business, and not come up with unilateral decisions that affect the livelihoods of Kenyans without any reference to what

Constitution says. For example, I have just seen that today, the CS for Environment and Forestry extended the period on the moratorium on the ban of logging in our forests for another six months.

Mr. Speaker Sir, you remember that the issue of how the decision was made, it was strongly criticized when we were in Naivasha meeting with the Kenya Private Sector Alliance (KEPSA). It points out to the issue that Sen. Mutula Kilonzo Jnr. raised; the fact that the Government unilaterally makes decisions without regard to the Constitution and how it affects the lives of Kenyans.

Mr. Speaker, Sir, when giving direction on this issue, I suggest that the Committee you will task to look into it comes back with a report and direction from the Senate on what it is that we shall do. They should give firm policy direction so that we deal with the issue of pending bills in counties and in the national Government once and for all. This is because the national Government is equally as guilty as the counties.

Sen. Olekina: On a point of information, Mr. Speaker, Sir.

The Speaker (Hon. Lusaka): Sen. Olekina, what clarification do you want to give?

Sen. Olekina: Thank you, Mr. Speaker, Sir. On this issue of pending bills, I want to inform the House that a team made up of a few Members of the Committee on Finance and Budget and other Senators met with the CS of the national Treasury yesterday.

The CPAIC has committed to bring a Motion on Tuesday that will direct the CS on the issue of pending bills. The information that we received yesterday is that the governors in the Intergovernmental Budget and Economic Council (IBEC) had earlier on agreed that the money that will be released – which is about kshs60 billion – would be able to pay all the bills. The money that was released in that quarter was around Kshs83 billion, but the governors did not pay. That is what led to the circular that the CS issued.

Mr. Speaker Sir, I would like to commit to this House that on Tuesday, we will bring a Motion that will put an end to this issue of pending bills.

The Speaker (Hon. Lusaka): Proceed, Sen. Mutula Kilonzo Jnr.

Sen. Mutula Kilonzo Jnr.: Mr. Speaker Sir, the reason I raised this issue is because the circular is already three days old. By Tuesday, next week, the seven days applicable will already apply. Although Sen. Olekina insists that they will bring a Motion, it will not help the cause. This is because the idea is that there must be a process for the stoppage of funds.

For the benefit of our colleagues, we had this issue in the last Senate. We applied for four counties not to receive funds, and the CS said that we did not follow the due process. Now, it is the reverse; he has issued a direction and, therefore, there must be a process so that we guide the country accordingly. This is because there is a danger that there could be a county, like Makueni, which owes, for example, Kshs200 million. They then do not get Ksh400 million, because they owe Kshs200 million. Therefore, it must be clear.

The Speaker (Hon. Lusaka): Hon. Senators, we appreciate the efforts by CPAIC, but I want to direct the Chairperson of the Committee on Finance and Budget to meet the CS on Tuesday and present a report to this House on the issue of pending bills.

Next Statement by Sen. Faki.

STATEMENTS

KUPIGWA RISASI NA KUUAWA KWA MWENDESHAJI PIKIPIKI,
KATIKA KAMBI YA JESHI LA WANAMAJI, MTONGWE

Sen. Faki: Asante, Bw. Spika.

Kuambatana na Kifungu cha 48(1) cha Kanuni za Bunge la Seneti, nasimama kuomba Taarifa kutoka kwa Kamati ya Usalama wa Taifa, Ulinzi na Maswala ya Nchi za Nje kuhusu kupigwa risasi na kuuawa kwa mwendeshaji pikipiki, Leonard Komora, na Mwanajeshi wa Jeshi la Wanamaji katika Kambi ya Jeshi la Wanamaji la Mtongwe, Kaunti ya Mombasa, jana asubuhi tarehe 20 November, 2019.

Katika Taarifa hiyo, Kamati inapaswa -

- (1) Kuelezea sababu za mwendesha *boda boda* huyo, kijana Leonard Komora, kupigwa risasi na kuuawa.
- (2) Kuelezea mbona mbinu m'badala hazikutumiwa kumthibiti kijana huyo, iwapo alikuwa tishio kwa usalama.
- (3) Kuelezea hali ya usalama baina ya raia wanaoishi karibu na kambi za kijeshi nchini kwa ujumla na wanajeshi, hasa kufuatia hali tete ya usalama baina ya wanajeshi na raia.
- (4) Kuelezea mikakati iliyowekwa na Serikali kupunguza na hata kuondoa hofu za wakazi dhidi ya wanajeshi kwa ujumla, na hususan wale wa Kambi ya Mtongwe, kwa kuwa tukio hili silo la kwanza. Hii ni kwa sababu mkaazi mwingine alipigwa risasi siku chache zilizopita.

Asante, Bw. Spika.

[The Speaker (Hon. Lusaka) left the Chair]

[The Temporary Speaker (Sen. (Prof.) Kamar) in the Chair]

The Temporary Speaker (Sen. (Prof.) Kamar): Proceed, Sen. Sakaja.

Sen. Sakaja: Madam Temporary Speaker, I wanted to comment on an earlier issue, but since the Member has raised this Statement on a matter of security, and I cannot see another Member of the Committee, I commit that we will bring a response in the quickest time possible.

The Temporary Speaker (Sen. (Prof.) Kamar): That is okay. Proceed, Sen. Mwaruma.

Sen. Mwaruma: Thank you, Madam Temporary Speaker, for giving me this opportunity to support Sen. Faki on this very important Statement.

More often than not, we have heard about security agencies using excessive force to deal with the public. A case in point is where we had police officers using excessive force to deal with unrest during the strike by Jomo Kenyatta University of Science and Technology (JKUAT) students.

We have also had many cases of extrajudicial killings in Kenya. We have also had *boda boda* riders being disturbed or picked up by police officers when it is not warranted.

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This is a very important Statement which would give explanations as to why people who have been given guns, do not use them for the intended purpose. The soldiers are supposed to protect us from external aggression, and not use the guns to kill our people.

Madam Temporary Speaker, I support that Statement, and we will be looking forward to a very good response.

The Temporary Speaker (Sen. (Prof.) Kamar): Thank you.

Proceed, Sen. Olekina.

Sen. Olekina: Thank you, Madam Temporary Speaker. I rise to support this Statement by Sen. Faki. If you go to the Department of Defence (DoD) in Hurlingham, you will see that it has fully guarded its territory. Unless you want to be shot, there is no way you can bypass the barriers set there by the military.

When I heard about the shooting of a young Man in a *boda boda*, a lot of things came to my mind. It would be important for us to understand and get clarification from the Committee which this Statement will be committed to. One of the issues is on the security of the territory occupied by the Navy. It would be important, because someone cannot just go and drive their *boda boda* into a security area.

As I support this Statement, it will be very important for us to have an understanding of this area, and the circumstances that led to the young man being shot down by the Navy. The issue of security is not something that we can take lightly. It is just like last week, when we were talking about the issue of drones, we have to be careful so that in the event that someone ends up encroaching into someone else's territory, there are ways of following up to ensure that safety prevails.

Thank you, Madam Temporary Speaker.

The Temporary Speaker (Sen. (Prof.) Kamar): Thank you.

Finally, proceed, Sen. Wario.

Sen. Wario: Asante, Bi. Spika wa Muda. Ningependa kuunga mkono Taarifa iliyotolewa na Seneta wa Mombasa, ya kwamba mtu wa boda boda ameuawa kiholela. Nilitoa arifa hapo mbeleni tukiwa Kitui, ya kwamba hawa watu watatu waliuawa sehemu ya Tana River na watu ambao walijitambulisha kama polisi. Na katika Taarifa yangu, nilipewa wiki mbili ili niweze kupata jawabu kuhusu wale waliofanya uhalifu huo. Lakini hivi sasa, bado tunaendelea kupata habari ya kwamba watu wa boda boda wanauawa. Vile vile tunaendelea kupata habari kwamba polisi pia waliwapiga vijana wa JKUAT. Tukio hili haswa lilinaswa dhahiri shahiri kwenye picha, likionyes polisi wakiwapiga mateke vijana, hata na wasichana pia.

Kwa hivyo, naunga mkono Taarifa hii, na kama Seneti, tungependa Kamati ambayo ni ya Usalama wa Kitaifa, ambayo Sen. Sakaja ni *Vice Chairman*, itupatie habari hiyo ili tujue kwa nini polisi wanawanyanyasa watu katika nchi ya Kenya.

Asante, Bi Spika wa Muda.

The Temporary Speaker (Sen. (Prof.) Kamar): Thank you, Senator.

Hon. Senators, that Statement stands committed to Committee on National Security, Defence and Foreign Relations.

The next Statement is from Sen. (Dr.) Musuruve.

ELECTION OF MS. ASHURA MICHAEL AS THE SPEAKER
OF THE EAST AFRICAN YOUTH PARLIAMENT

Sen. (Dr.) Musuruve: Thank you, Madam Temporary Speaker, for giving me this opportunity to make a Statement. Kindly allow me, before I make the Statement, to congratulate you for being nominated to be in charge of the Disability Fund in this country. When people were congratulating you, I was not around. The President did a commendable job in nominating you, because of the keen interest you have on issues of disability. Kenyans must know that we have friends in the Senate, who are keen about fronting issues of disability. I want to wish you well, as you ventilate on issues of disability and ensure that Persons with Disabilities (PwDs) actually reach parity in this country. I have confidence in you.

Madam Temporary Speaker, pursuant to Standing Order 47(1), I rise to make a Statement on the election of Ms. Ashura Michael as the Speaker of the 2nd Sitting of the East African Youth Parliament, that took place from 14th to 15th November, 2019, in Arusha Tanzania.

Madam Temporary Speaker, I take this opportunity to congratulate Ms. Ashura Michael for being elected as the Speaker during the 2nd sitting of the East African Youth Parliament. Ms. Ashura Michael is a young deaf Kenyan who is passionate about her own cause. Her election to the position is an inspiration to many deaf persons in this country, and the East African region at large.

Among the main categories of disability, the deaf are the most excluded, marginalized and hardly understood. Many of them live in a cocoon, because of the language barrier. The election of Ms. Ashura is, therefore, a big step towards dealing with this exclusion and marginalization that is normally meted on the deaf, and a confirmation that the deaf are equal to the task of leadership. I am happy about this election because the East African Youth Parliament will then be obligated to use sign language during their proceedings.

Madam Temporary Speaker, the use of sign language is a challenge in our own Parliament. Despite Article 120 of the Constitution of Kenya providing for the use of English, Kiswahili and Sign Language, there are no sign language interpreters inside our Chambers and in our committee meetings. I, therefore, take this opportunity to challenge and urge the leadership of Parliament to highly consider employing sign language interpreters so as to fulfil that constitutional requirement.

When PwDs are given an opportunity to lead, they work with a lot of zeal and determination, and they are able to perform, just like any other person. What PwDs sometimes lack is the opportunity to showcase their talent. I am happy that such an opportunity presented itself to Ms. Ashura. I am confident that she showcased her leadership skills and will continue doing so. It is my belief and hope that many more avenues will open up for PwDs to afford them an opportunity to lead, and act on their own issues and all other issues affecting our society.

Madam Temporary Speaker, Ms. Ashura is an example of a world without limits. Although she is totally deaf, she has defied the odds and done what many able-bodied youths have not been able to do. She has been instrumental in empowering youths in

leadership through Signs TV. She has also boldly articulated issues of the youth in quite a number of forums. I believe that this election is a good platform for her to voice issues of disability and come up with proposals of improving the lives of youth with disabilities.

Madam Temporary Speaker, it is my honour and pleasure, as a PwD representative in this House, to congratulate her and wish her all the best in her future endeavours.

Thank you, Madam Temporary Speaker, for giving the opportunity.

Sen. Farhiya: Thank you very much, Madam Temporary Speaker, for giving me this opportunity. I can see that women Speakers are better all the time; I do not know whether I am allowed to say that. Yesterday, I pressed the button twice, and some people who had just walked in were still given the opportunity to speak before me. Now that I have an opportunity to talk about it, let me do so.

Madam Temporary Speaker, I also wish to congratulate you for being nominated as the Trustee. You have the ability and capacity to serve in that role diligently and with a lot of zeal. I also wish to thank Sen. (Dr.) Musuruve for bringing this Statement to this House. I always comment that PwDs are over represented in this House, because of the kind of work that Sen. (Dr.) Musuruve always does. She seems to know what is happening around the world, as far as disability is concerned.

Madam Temporary Speaker, I also wish to join her in congratulating Ms. Ashura, because PwDs have a lot of stereotypes against them. It is not that they do not have the ability, because they probably have much more ability than people who are not disabled. When they are passionate about something, they are at a different level in terms of how they handle whatever responsibility that is entrusted to them. I request this country or anyone else in the world to give them more responsibility, because they are up to the task.

Madam Temporary Speaker, empowering PwDs is not even empowering that individual; it is empowering other people who always thought they do not have the ability to do something. Then through the inspiration of the person who was given that responsibility, then they have a reason to dream that they are able to reach that level.

Madam Temporary Speaker, there are stereotypes about PwDs that sometimes make them not to be exposed. We have PwDs who are locked up and who do not get an opportunity to go to school. Therefore, the nomination of Ms. Ashura, who is also deaf, will go a long way in inspiring other youth and PwDs who know that the sky is the limit for them, and that they can do anything they wish to do. It will also inspire the women because they are also disadvantaged.

When I see PwDs, especially a woman being bestowed with such an honour, I feel honoured. I hope that this will encourage the ladies and PwDs out there to go for it, because they can.

Thank you, Madam Temporary Speaker.

The Temporary Speaker (Sen. (Prof.) Kamar): Hon. Senators, I thank you for the good words.

Next, we have Statements pursuant to Standing Order 51(1)(b). These are Statements from Chairpersons of Committees. I do not know how many Chairpersons are here. The first one is by the Chairperson of the Standing Committee on National Cohesion, Equal Opportunity and Regional Integration. Is he here?

(Sen. Chebeni stood up in her place)

Please go ahead, Sen. Chebeni.

ACTIVITIES OF THE COMMITTEE ON NATIONAL COHESION,
EQUAL OPPORTUNITY AND REGIONAL INTEGRATION

Sen. Chebeni: Madam Temporary Speaker, I rise pursuant to Standing Order 51(1)(b) to make a statement on the activities of the Standing Committee on National Cohesion, Equal Opportunity and Regional Integration for the period commencing 1st July to 30th September, 2019.

During the period under review, our Committee held a total of 12 sittings. The Committee is currently considering two Statements by Sen. Malalah on ethnic and regional distribution of high cadre jobs in all Government institutions and agencies; and Sen. Mutula Kilonzo Jnr., on the plight of Internally Displaced Persons (IDPs) and recent conflicts, as witnessed in some parts of the country.

With regard to Petitions, the Committee considered one Petition concerning Kibra IDPs, which was committed to the Committee on 19th November, 2018. The Committee met the petitioners, considered the matter, and it shall meet the CS in charge of Internal Security and Coordination of National Government so as to conclude consideration of the Petition.

The Committee held a consultative meeting in Nairobi between 25th June, 2019 and 30th September, 2019, with the National Council of Persons with Disability (NCPWD) on the Government's constitutional obligation in ensuring the rights of PwDs, as entrenched in the Constitution, is fully implemented. The Committee also met the National Cohesion and Integration Commission (NCIC) to deliberate on the NCIC Report on Ethnic and Diversity Audit on County Public Service Boards (CPSBs).

During the period under review, our Committee, between 18th and 30th August, 2019, undertook a fact-finding visit to the East Africa Community (EAC) institutions. During the visit, it is worth noting that the Committee observed and recommended various urgent interventions to support these institutions. It is our humble request to this House to consider and adopt the Committee's findings to allow the EAC institutions to flourish once again.

Madam Temporary Speaker, the Committee intends to carry out the following key activities during the next quarter:-

(1) Undertake county visits in regions affected by conflicts, namely Kisumu and Nandi border; Baringo and West Pokot border; Makueni, Taita-Taveta and Kajiado borders, Marsabit, Turkana and Ethiopia borders, and Kitui and Tana River border.

(2) Engagement with the Ministry of Transport and Infrastructure Development in its policies and laws to ensure integration of the Convention on the Rights of Persons with Disabilities (CRPD) in the design of roads and other public works and other stakeholders on judicial policies to consider parameters for access of justice to include mental disability.

(3) Ensuring that the National Action Plan for Disaster Risk Reduction (2019-2022) is validated.

(4) Hold a meeting with relevant Committees of the Pan-African Parliament (PAP) and the East African Legislative Assembly (EALA) to deliberate on issues of regional integration and conflict resolution.

Thank you, Madam Temporary Speaker.

The Temporary Speaker (Sen. (Prof.) Kamar): The next one is by the Chairperson of the Standing Committee on Security, Defence and Foreign Relations.

ACTIVITIES OF THE COMMITTEE ON SECURITY,
DEFENCE AND FOREIGN RELATIONS

The Temporary Speaker (Sen. (Prof.) Kamar): In the absence of the Chairperson, we will defer that one.

(Statement deferred)

The next Statement is by the Chairperson of the Standing Committee on Roads and Transportation.

ACTIVITIES OF THE COMMITTEE ON
ROADS AND TRANSPORTATION

The Temporary Speaker (Sen. (Prof.) Kamar): In the absence of the Chairperson, we will also defer that one.

(Statement deferred)

The Temporary Speaker (Sen. (Prof.) Kamar): The next one is the Statement by the Chairperson of the Standing the Committee on Tourism, Trade and Industrialization.

ACTIVITIES OF THE COMMITTEE ON TOURISM,
TRADE AND INDUSTRIALIZATION

Sen. Kibiru: Madam Temporary Speaker, I rise pursuant to Standing Order 51(1)(b) to make a statement on the activities of the Standing Committee on Tourism, Trade and Industrialization for the period commencing 1st July to 30th September, 2019.

During the period under review, our Committee held a total of 15 sittings and considered three Bills. The Committee also participated in a conference that was convened by East African Grain Council (EAGC), and held two public hearing forums for the Bills under consideration.

In respect of The County Licensing (Uniform Procedures) Bill (Senate Bills No.5 of 2019), our Committee is currently considering the submissions received from the public and will table its report on the Bill. The Committee is also considering Committee

Stage Amendments for the Street Vendors (Protection of Livelihood) Bill (Senate Bills No.10 of 2019) and The County Tourism Bill (Senate Bills No.3 of 2019), and will table its reports on the Bills in due course.

With regard to Petitions, the Committee has conclusively dealt with two petitions and tabled the reports. Arising from the Petition on reviews of the laws relating to business premises, the Committee intends to introduce an Amendment Bill to amend The Landlord and Tenant (Shops, Hotels and Catering Establishment) Act of 1965.

In the period under review, the Committee held consultative meetings with the national Treasury, Ministry of Industrialization and Enterprise Development, and Kenya Vision 2030 on the development of industrial infrastructure and the status of industrial parks, Special Economic Zones (SEZs), and Economic Processing Zones (EPZs); and also participated in the 8th African Grain Trade Summit (AGTS), held from 3rd to 5th October, 2019, at the Sarova Whitesands Hotel in Mombasa.

Madam Temporary Speaker, during the period under review, my Committee experienced challenges in the execution of its mandate due to failure of the CSs to honour invitations by the Committee; and poor attendance by the public during the public hearings.

The Committee intends to carry out the following key activities during the next quarter:-

(1) Consideration of pre-publication scrutiny of a legislative proposal on the County Resource Development Bill.

(2) Hold a meeting with relevant stakeholders on the formulations and reviews of laws relating to cooperatives and SACCO societies.

(3) Hold a meeting with the State Department of Tourism on status of local tourism funding at the counties by Kenya Tourism Fund (KTF) and Tourism Finance Corporation (TFC); and with Ministry of Industry, Trade and Cooperatives to deliberate on alignment of Micro and Small Enterprise Authority (MSEA) mandates with devolved system of governance.

(4) Conduct county inspection visits to check on the sugar industries and Government-owned hotels in Western and Nyanza Regions; and markets and county dairy industries in Central Region.

The Temporary Speaker (Sen. (Prof.) Kamar): Thank you, Chairman.

Next is the Chairperson on the Sessional Committee on---

Sen. Seneta: On a point of order, Madam Temporary Speaker.

The Temporary Speaker (Sen. (Prof.) Kamar): What is your point of Order, Sen. Seneta?

Sen. Seneta: Madam Temporary Speaker, I have not heard a response of a statement that was asked by my colleague, Sen. Pareno on the issue of wildlife conflict in Kajiado East Constituency in Kajiado County from the Chairman of the Committee on Tourism, Trade and Industrialization.

Neither have I heard him saying the Committee was intending to visit the particular area to assess the effects of the human/wildlife conflict. I seek your indulgence on this, because as concerned neighbours of that place, we need to hear the plans of that

Committee in terms of that very important statement that was sought at that particular time.

The Temporary Speaker (Sen. (Prof.) Kamar): Sen. Kibiru, do you wish to ask another question on the same?

Sen. Kibiru: Madam Temporary Speaker, I would like to say two things with regard to what Sen. Seneta has alluded to. One, we held the meeting with the relevant Ministry, and we invited the distinguished Senator, Sen. Pareno. We even exchanged the details with the Ministry and we had planned to visit there. Secondly, what came out is that probably, the relevant Committee that was to deal with the Statement is the Committee on Lands, Environments and Natural Resources.

Having said that, I promise to check on it and find out what the Committee can do, if the issue is still outstanding. I will give a report on Tuesday, next week.

The Temporary Speaker (Sen. (Prof.) Kamar): Thank you. Bring it on Tuesday. Sen. Seneta was saying that it is not coming out in your report. As Chairpersons, when you bring your report, make sure that you have covered all the issues that have come before the Senate.

The next Statement is from the Sessional Committee on County Public Accounts and Investment (CPAIC). I do not see the Chair, therefore, we defer this Statement.

ACTIVITIES OF THE COMMITTEE ON
COUNTY PUBLIC ACCOUNTS AND INVESTMENTS

(Statement deferred)

The Last statement is by the Chairperson Sessional Committee on Delegated Legislation, Sen. Farhiya.

ACTIVITIES OF THE COMMITTEE ON
DELEGATED LEGISLATION

Sen. Farhiya: Thank you, Madam Temporary Speaker, for giving me this opportunity to present, on behalf of my Committee. I rise pursuant to Standing Order 51(1)(b) to make a Statement on the activities of the Sessional Committee on Delegated Legislation for the period commencing 1st July to 30th September, 2019. During the period under review, the Committee held a total of fourteen (14) sittings and undertook one county visit to Kitui County.

The Committee also held three engagements with stakeholders as follows. One, on various Regulations under the Crops Act, the Committee met with the Ministry of Agriculture, Livestock and Fisheries.

Two, on the Public Procurement and Asset Disposal Regulations, 2019, together with the Committee on Finance and Budget, the Committee met with the national Treasury, Institute of Certified Public Accountants of Kenya (ICPAK) and the Commission on Revenue Allocation (CRA). The Committee held meetings with the

counterpart county assemblies of Kitui, Makueni, Uasin Gishu and Migori on diverse dates.

Madam Temporary Speaker, with respect to county visits, during the period under review, the Committee visited Kitui County during the Senate Sittings in Kitui from 16th to 20th September, 2019. Consequently, the Committee met and interacted with its counterpart County Assembly Committees of Kitui and Makueni. The visits were geared towards capacity building and networking with the County Assembly Committees.

The Committee also held a meeting with the Ministry of Agriculture, Livestock and Fisheries for pre-publication scrutiny of the following Regulations proposed to be made under the Crops Act -

1. The Crops (Food Crops) Regulations, 2019;
2. The Crops (Horticulture Crops) Regulations, 2019;
3. The Crops (Tea Industry) Regulations, 2019;
4. The Crops (Pyrethrum) Regulations, 2019; and,
5. The Crops (Nuts and Oils) Regulations, 2019

During the meeting with the Ministry of Agriculture, Livestock and Fisheries, the Committee had the opportunity to raise various questions regarding to the published Crops (Irish Potatoes) Regulations, 2019, as these were brought to the Committee while having been published and already in force.

Madam Temporary Speaker, as this Committee has mentioned, sometimes different sectors ignore the Senate. However, after the interaction between us and the Ministry of Agriculture, Livestock and Fisheries, and given the fact that agriculture is devolved, we agreed that next time they pass any regulations without concurrence from our Committee, we shall then revoke them. We agreed that going forward, that they will be bringing regulations all the time. As you can see, they brought so many of them.

Madam Temporary Speaker, during the same period under the consideration on the approval of the crops, we have approved the Coffee General) Regulations, 2019. The Committee, jointly with the Standing Committee on Finance and Budget, met with the national Treasury for pre-publication scrutiny on the draft Public Procurement and Asset Disposal Regulations, 2019.

The Committee will engage in the following activities in the next quarter. Consideration of the draft Intergovernmental Relations (Sectoral Forum) Regulations, 2019, and the draft Intergovernmental Relations (Intergovernmental Relations Units) Guidelines, 2019.

We intend to Visit Kisumu, Nyamira and Kisii counties on a capacity building mission with the counterpart county assembly committees and their respective County Executives.

Madam Temporary Speaker, as part of our visit to counterpart county assemblies committees, we have realized most county executives do not respect the need for regulation after certain Acts have been passed by county assemblies. As a result of that, when we meet our counterpart Committee, we normally have a follow up meeting with the Executive in terms of understanding their reasons for not bringing some of these regulations.

Jointly with the Standing Committee on Finance and Budget, the Committee considered the Public Finance Management (National Government) (Amendment) Regulations, 2019. A public hearing was held on 23rd October, 2019.

Another one is consideration of the Public Finance Management (Parliamentary Catering Fund) Regulations, 2019. Consider and give the Committee recommendations to the Ministry of Agriculture, Livestock, and Fisheries on the various (Crops) Regulations, 2019, such as -

1. Crops (Horticulture Crops) Regulations, 2019;
2. Crops (Pyrethrum) Regulations, 2019;
3. Crops (Nuts and Oils) Regulations, 2019;
4. Crops (Tea Industry) Regulations, 2019;
5. Crops (Pyrethrum) Regulations,2019; and,
6. Crops (Nuts and Oils) Regulations, 2019.

Madam Temporary Speaker, I also wish to thank the Secretariat for being diligent in terms of making us understand regulations and the gaps that they identify at any given time, and the way forward. I thank them for doing a great job and working with the Committee in terms of making better regulations and giving comments.

Thank you, Madam Temporary Speaker.

The Temporary Speaker (Sen. (Prof.) Kamar): Thank you, Chairperson. That brings us to the end of Statements under Standing Order 51(1)(b).

The last Statement is pursuant to Standing Order 52(1).

What is your point of order, Sen. (Dr.) Zani?

Sen. (Dr.) Zani: On a point of order, Madam Temporary Speaker, Sir. I am just requesting for time to make brief comments after that Statement, if I may. Can I proceed?

The Temporary Speaker (Sen. (Prof.) Kamar): Yes, proceed.

Sen. (Dr.) Zani: Thank you, Mr. Temporary Speaker, Sir. I commend the work that has been done by the CPAIC---

The Temporary Speaker (Sen. (Prof.) Kamar): I am sorry. The Statement on the CPAIC was deferred because the Chairperson was not here. The Member who has just spoken was handling the Committee on Delegated Legislation.

Sen. (Dr.) Zani: Okay, Madam Temporary Speaker. There is just something interesting from the Committee on Delegated Legislation. They could just tell us, as part of a follow up from that Report, especially when we went to Kitui County and we had engagements with Machakos and Makueni counties. There was meant to be a follow up meeting with these counties. It was meant to have been done in the in the county assemblies. I do not know whether it was followed up by this Committee, or it was to be followed by another Committee. It will be in interesting to just know where that process finally took us.

The Temporary Speaker (Sen. (Prof.) Kamar): Proceed, Chairperson.

Sen. Farhiya: Madam Temporary Speaker, the Committee on Delegated Legislation normally does capacity building for county assemblies and then discusses our findings with the executive. For example, Kisii County had so many pending regulations, since the acts that were passed by the county assembly did not have regulations. After we

had a session with them, they felt that they missed an opportunity to make those regulations and legalise some of the activities of the county.

First, we have to understand what the county assembly is doing. Once we identify the gaps and challenges that the Committee has, we speak to the executive. At the point when we are speaking to both, we handle issues and address them. When our Committee is handling issues from a Committee, the Chairperson of that Committee becomes part of our sitting when we sit with the executive. That way he, at least, knows his rights, because I am sorry to say this is one of the Committees that is least understood by most county assemblies.

Madam Temporary Speaker, after we speak to them and make them understand that they are such a powerful committee, and it is across the board issue, by the time we leave each of those county assemblies and the executive, the executive feels that they have lost an opportunity to make some of the things that they were doing with no legal basis, and now they have an opportunity to make it right. That is what our Committee has been doing.

First, we start with county assemblies and then, together with the Chairperson of that Committee, we sit with the executive. That way, in front of the Chairperson of that Committee, they know what their issues and gaps are. We also tell them that the Chairperson of the Committee on Delegated Legislation can summon the County Executive Committee (CEC) Member regarding any regulation that affects their respective sectors.

I do not know whether I have answered your question.

Thank you, Madam Temporary Speaker.

The Temporary Speaker (Sen. (Prof.) Kamar): Thank you. That is done.

Sen. Farhiya: Madam Temporary Speaker, can I add something?

The Temporary Speaker (Sen. (Prof.) Kamar): Give her the microphone.

Sen. Farhiya: Thank you, Madam Temporary Speaker. There is something else that I need to add, if you give me the opportunity.

The Temporary Speaker (Sen. (Prof.) Kamar): You have one minute.

Sen. Farhiya: Madam Temporary Speaker, sometimes the executive feels that they do not want to meet us. For some reason, they feel that if they are before the Senate, there is an issue that can come out. There are a few counties where we did not meet the executive because of the fear that we could raise issues with them. Those are some of the things that, going forward, we might need to do some civic education in terms of the role of this Committee. We are not like the CPAIC, which asks them to account for something. Therefore, they have absolutely no reason to fear us.

The Temporary Speaker (Sen. (Prof.) Kamar): Thank you, Chairperson. However, they should not also fear coming to account.

The next Statement is pursuant to Standing Order 52(1), by the Senate Majority Leader, on the Business of the Senate for the week commencing Tuesday, 26th November, 2019. I am informed that a Member of the Senate Business Committee (SBC), Sen. Mwangi, is here.

BUSINESS FOR THE WEEK COMMENCING
TUESDAY, 26TH NOVEMBER, 2019

Sen. Mwangi: Thank you, Madam Temporary Speaker. Pursuant to Standing Order 52 (1), I hereby present to the Senate, the Business of the House for the week commencing Tuesday, 26th November, 2019.

On Tuesday, 26th November, 2019 the SBC will meet to schedule the Business of the Senate for the week, subject to further directions by the Committee. The Senate will consider Bills due for the Second Reading and those of the Committee of the Whole Stage. The Senate will also continue with the consideration of Business that will not be concluded in today's Order Paper.

Madam Temporary Speaker, I continue to urge Senators to be available in the Chamber to prosecute their Business. In the same spirit, I urge Committee Chairpersons to expedite consideration of Business still pending in Committees. I take this opportunity to laud Chairperson of select Committees who have submitted quarterly reports to the House, pursuant to Standing Order 51(1)(b), relating to activities of the Committees, including consideration of Bills, Statements, petitions and enquiries undertaken.

These quarterly reports are an accountability mechanism in the Standing Orders which guarantees that matters brought for action by the Senate and referred to select Committees are given the necessary attention.

I urge the remaining Committee Chairpersons to submit their reports pursuant to the said Standing Orders.

Madam Temporary Speaker, in the next few days the House will come to the end of the Third Session, in line with the Calendar of the Senate. The House, however, still has a number of Bills at Second Reading and Committee of the Whole stage. Additionally there are Motions and Petitions pending consideration. I, therefore, urge Senators to give the Whips the necessary support and avail themselves in the Chamber so as to dispose of all Business that is still pending in the Senate before proceeding for Recess.

Thank you, Madam Temporary Speaker. I hereby lay the Statement on the Table of the Senate.

(Sen. Mwangi laid the document on the table)

The Temporary Speaker (Sen. (Prof.) Kamar): Thank you, Senator. That brings us to the end of the Statement time. It has gone very far today because of the important discussions we had around most the Statements.

Next Order.

MOTIONS

NOTING OF REPORT OF PARLIAMENT OF KENYA
DELEGATION TO THE 64TH CPC

THAT the Senate notes the Report of the Parliament of Kenya Delegation to the 64th Commonwealth Parliamentary Conference (CPC), held in Kampala, Uganda, from 22nd to 29th September, 2019.

(Sen. Faki on 20.11.19)

(Resumption of debate interrupted on 20.11.19)

The Temporary Speaker (Sen. (Prof.) Kamar): The Senator who was contributing at the time was Sen. Olekina. He had five minutes, but because he is absent, he forgoes his chance.

The next contributor will be Sen. (Dr.) Zani.).

Sen. (Dr.) Zani: Thank you, Madam Temporary Speaker, for allowing me to contribute on the 64th CPC that was held in Kampala. The theme for this conference was “*Adaptation, Engagements and Evolution of Parliaments in a Rapidly Changing Environment.*” This is the topic the world over. Everybody within various Parliaments and civil societies are talking about representation, democracy and what it takes for parliamentarians to come to the table and effectively represent their people.

Madam Temporary Speaker, the key buzzword that goes around is to what extent these parliamentarians effectively represent specific groups. There is also the whole issue of trust of these same parliamentarians of the issues, in sync with parliamentarian that are giving out and whether these are doing a very good job at it.

Even with that, and the report is very clear, there were other very specific processes that are very key, which were covered in this conference. One of them is mentoring of the parliamentarians themselves. There is the realization that many parliamentarians probably start the job without a specific process to ensure that they have been mentored and are able to engage in specific topics and issues that are very critical, so that they remain in sync with the issues of the day.

Madam Temporary Speaker, it is interesting to note that the delegation to this conference was very highly skewed towards Members of the National Assembly. If I look at the membership of the delegation, I find that probably Sen. Faki was the only Member who came from the Senate. He aptly represented us, and I am happy that he brought this report.

Quite a number of issues came out, especially on the issue of the women agenda, which is very critical in this country. As you might know, we have had a transition and transaction where we have tried, over time, to ensure that, for example, the no more than the Two Third Gender Rule is passed.

(Sen. Farhiya sought an intervention)

The Temporary Speaker (Sen. (Prof.) Kamar): Order. Sen. Farhiya are you intervening?

Sen. Farhiya: Madam Temporary Speaker, I have stood up on a point of information.

The Temporary Speaker (Sen. (Prof.) Kamar): Sen. (Dr.) Zani, do you want to be informed?

Sen. (Dr.) Zani: Yes, Madam Temporary Speaker.

Sen. Farhiya: I was supposed to be part of that delegation, together with Sen. Faki. Unfortunately when we were supposed to travel on Saturday, my mother-in-law got sick on Thursday, and she was admitted into the Intensive Care Unit (ICU); so, I could not travel. That is why he was the only Senator in the delegation.

The Temporary Speaker (Sen. (Prof.) Kamar): That is good information.

Sen. (Dr.) Zani: Thank you, for that information. I think it brings it clearly in the light so that we know that we cannot talk about this skewed balance too much, because we would be complaining and saying that we did not have representation, even from the women in the Senate.

If you look at this topic, they were talking of mentorship. For example, in Session Four, they were talking of combating bullying and harassment within parliaments. We know that, for example, from the Inter-Parliamentary union (IPU), various reports have come about legislators who have just started, and being able to get to a point where they can execute their business.

Madam Temporary Speaker, it is very encouraging to know that in this Conference, we had the Speaker, Madam Kadaga of Uganda, who is one of the leaders who are well recognized, especially within the African context. She is recognized in terms of being a Speaker of a Parliament in an African country, and who is doing very well in the role she plays.

Some of the issues that were discussed are probably issues that were not only relevant at that Conference, but are also relevant in our parliaments today. I am happy that this Report has come to the Senate, because it allows us to debate and begin to look at our systems and experiences. It then allows us to ask ourselves whether some of these issues that have been prosecuted there continue to be prosecuted even here.

In one of the Sessions – I think in Session Three – they dealt with training, induction and capacity building for female legislators. This was to ensure that the Members of Parliament (MPs) are ready for the roles that they are going to play, especially in leadership.

Another issue that is very key was investing continuously and strategically and focusing on mentoring women legislators, as I mentioned. It was specifically also bringing out the issue of legal empowerment of women and women with disabilities. We have our champions in this Senate, who are Members representing PwDs, who have done extremely good work. These are Sen. (Dr.) Musuruve – who is currently here – and Sen. (Dr.) Mwaura. They have talked about the issues of disability and represented the various groups very aptly. These are issues that came up at this Conference, and are very

relevant. We know that when it comes to contributions, everybody should be given a chance to make contributions.

Another key point was also to empower women as effective legislators, including those from minority groups; and ensure that political environments are free from gender-based discrimination for democratic governance.

Madam Temporary Speaker, we have just finished the International Conference on Population and Development (ICPD) here in Nairobi, and these matters were, once again, prosecuted. For example, rights for the various categories, looking at minorities, looking at girls and women and ensuring that they can go through an educational cycle, and ensuring that they can maximize their contribution.

When it comes to the issue of development, we begin to look at the whole correlation between gender inequality and development. Everybody says that it is so critical that you cannot have only half of the team playing, and expect to maximally even score for yourselves. I am happy that this issue was thoroughly discussed.

Madam Temporary Speaker, I know that even in the Kenyan Parliament, a lot of effort has been done to ensure that these minority groups also get represented. A few minutes ago, Sen. Seneta was talking on behalf of the Maasai, on a very important issue that touches on the ecosystem of this community and how they can survive. Some of these points would not be well articulated if we did not have representation from these specific groups, outlining what issues these are, and that they need to be taken on to the fore.

They also talked about the need to increase knowledge and skills in the performance of duties that also put this in the area of capacity building.

One of the interesting sessions that they have, which usually surprises many people, is combating bullying and harassment within Parliament. This is not spoken enough. I read the Inter-Parliamentary Union (IPU) Report where they touched on this and the statistics are high. Out of four women, at least two are sometimes harassed within the set up of Parliament. They did not explain the level of harassment. Sometimes, it is surprising. There is need to look at it from a gender-based perspective and in terms of violence towards women. For example, statistics from the United Kingdom (UK) show that in every four women, three are likely to be abused. That is seen from that perspective.

These women are meant to be leaders who can articulate various issues for their community. Therefore, they need to be well empowered so that they can articulate the issues that they come across as they make their presentations.

Madam Temporary Speaker, as I come to the end of my presentation, in this particular conference, there were different groups, workshops and various key issues. Coming on to the fore was the issue of climate change and the need to have it mainstreamed in all Ministry plans with Parliament requiring a certificate of compliance before budgets are approved. There was also the issue of the role of parliamentarians in ensuring cohesive law-making and budgetary oversight on climate related policies.

When the issue of climate change came up some years back, it seemed like a far of issue. However, more people are realizing that we live on only one earth. So, if the issue of climate change is not appropriately addressed, we will have a problem. We are

now having weather patterns that did not exist sometime back. These workshops also discussed the issue of Information, Communication Technology (ICT).

Madam Temporary Speaker, this is a comprehensive Conference that touched on various issues. I am happy that we were represented. I hope that some of the key deliberations from this report will be put forth and applied to make parliaments better, not just across Kenya, but Africa and the world.

Sen. Poghio: Thank you, Madam Temporary Speaker. I would like to support this report on the delegation to the 64th Commonwealth Parliamentary Conference (CPA) held in Kampala.

I am a Member of the Executive Committee of our own branch of CPA. I appreciate the fact that CPA is an association of Members of Parliament from the Commonwealth regions. In this regard, we have the Chair of the African region who is the Speaker of the National Assembly of Kenya. Therefore, we hold senior positions in the CPA.

I appreciate Sen. Faki for doing such a good job, having gone there alone and presenting the report. This report is well done. It shows the activities and events as they happened. I would like to highlight a few issues.

First, I encourage Members of the Senate to join the membership of CPA individually. It is of great benefit to be a Member of the CPA. It is also affordable to be a life Member of the CPA. When a Member goes to another CPA country, he or she is given good reception for being a Member. One of the things that I find interesting is the focus on the changing nature of our Parliaments especially that younger people are elected to Parliament and the fact that the number of people who exit and come in is rapid as well. So, the emphasis is on inducting MPs well, on capacity building and equipping their work so as to make them better to deal with the changing world.

Madam Temporary Speaker, as you have noticed, this Senate is quite ahead in a number of ways. We have adopted ICT in the way we conduct our businesses. For example, we have gone paperless. These are some of the things that the Conference advocated for. It also advocated that we become close to the changing world in terms of climate change. Kenya is experiencing a lot of that today. In areas where hitherto there has been no rain, it is pounding and there are floods. We must appreciate the fact that climate change is here with us. This Conference emphasised that apart from the changing nature of Parliaments, there is also climate change which we must pay close attention to.

Madam Temporary Speaker, we are often taken by surprise when we look at the possibilities that we should have collected flood water and stored it somewhere. In the Northern parts of the country where they do not get rain, there was excess rain this year. We should have known as a matter of policy that we could have developed storage for the water so that this part of the country can use it thereafter.

I highlight the fact that in every conference that a person attends these days, they speak about innovation. For example, how we carried the activities of Parliament before and how we do it now. We should focus on innovative ways of representing our people. We should be at the level where we can have video conferences from offices. In this day and age, it should be possible to connect with my constituents and sort out issues. We are encouraged to be innovative to that extent.

It is a great honour that the Conference was held in Kampala, Uganda. The workshops which were done met some of the questions that we normally raise, for example, the role of Parliament in the doctrine of separation of powers. Africa needs that. If you look at devolution, you will find that the executive wants to rule over the legislature. They want to impose themselves and get this or that. It also happens at the national level. So, we need to have clear separation of powers. This is because we hold each other to account.

Madam Temporary Speaker, the great thing about CPA conferences is that we have a role all the way to the international level. This includes one Kenyan who represents us in the Executive Committee at the international level. So, we are well represented in this organisation. We could benefit by publishing and attending seminars and fellowships that they have so that we can be serious and active Members. This Senate is required to be active in the activities of the Commonwealth.

Much as the conference gives us all this, we must be practical about how we organize ourselves to be Members of the CPA so that we can benefit from such conferences.

I support.

The Temporary Speaker (Sen. (Prof.) Kamar): Thank you, Senator. I see no other Member wishing to contribute.

Hon. Senators, according to Standing Order No.92(b), we expect Sen. Faki to be here to respond. He did not delegate his response to any Senator. For that reason, I will apply Standing Order 92(b) which states that-

‘A Senator who has moved a substantive Motion has, on conclusion of debate and before the Question is put, a right of reply, and may delegate that right to another Senator to reply in the Senator’s stead.’

Since Sen. Faki did not delegate his right of reply to any Senator it means that he forfeits the right of reply.

This matter does not affect counties. I will, therefore, proceed to put the question.

(Question put and agreed to)

Next Order.

NOTING OF REPORT ON THE 3RD STATUTORY MEETING
OF THE FP-ICGLR COMMITTEE ON ECONOMIC DEVELOPMENT

Sen. Poghiso: Madam Temporary Speaker, I beg to move the following Motion-
THAT, this House notes the Report on the 3rd Statutory Meeting of the Committee on Economic Development, Regional Integration and Natural Resources of the Forum of Parliaments of the International Conference of the Great Lakes Region (FP-ICGLR) held in Bujumbura, Burundi, from 13th to 14th March, 2019, laid on the Table of the House on Tuesday, 21st May, 2019.

The Forum of Parliaments of Member States of the International Conference on the Great Lakes Region (FP-ICGLR) is an inter-parliamentary organization of 12

Parliaments of Member States of the International Conference of the Great Lakes Region (ICGLR).

The 3rd Statutory Meeting of the Committee on Economic Development, Regional Integration and Natural Resources of the FP-ICGLR took place on 13th and 14th March, 2019, at the Best Outlook Hotel in Bujumbura, Burundi. Six Members of the Committee were in attendance from the Republic of Kenya, the Republic of Zambia, Central African Republic (CAR), the Republic of Congo and the host country, the Republic of Burundi.

Highlights of the major events during the Conference are as follows

(i) Excursion to Gakara Rare Earth Project - The Committee visited the Gakara Rare Earth Project which is one of the world's richest rare earth deposits. We went to see what a modern factory that gets soil and develops it into something that can be exported. I will not dwell much on the nature of the rare earth.

(ii) Presentation on the proceedings from the 1st Statutory Meeting. The presentation focused on the Sustainable Development Goals (SDGs) in the Member States of the ICGLR. From the presentation, it emerged that though no country is on track towards achieving all SDGs. Most developing countries have experienced significant progress towards ending extreme poverty in all its forms, including income poverty, under nourishment, access to health and education services and access to basic infrastructure.

Further, Countries experiencing conflict have experienced some of the sharpest reversals, particularly towards achieving Goal No.1 (No Poverty) and Goal No.2 (No Hunger).

Madam Temporary Speaker, the meeting then shared country discussions and experiences on the steps they had taken to achieve the SDGs and the challenges faced as outlined in the Report.

(iii) Presentation on the proceedings from the 2nd Statutory Meeting. The Committee explored the various agreements initiated by the ICGLR towards natural resource management as outlined in the Report. The major agreements are-

(a) Pact on Security, Stability and Development in the Great Lakes Region, signed in Nairobi, Kenya on 15th December, 2006;

(b) Article 9: Protocol against the Illegal Exploitation of Natural Resources; and,

(c) Regional Initiative on Natural Resources (RINR).

There were also presentations on research findings on the status of implementation of the regional economic integration in the Member States of the ICGLR. Regional Economic Integration (REI) refers to efforts to promote free and fair trade on a regional basis. REI, especially Regional Trade Agreements (RTAs), have been on the increase in the last two or so decades.

REI is beneficial to countries in the following ways-

(i) Leads to increased product choices, productivity and higher living standards;

(ii) Offers great opportunities to learn from each other's experiences on common issues such as education and migration;

(iii) Enables countries to coordinate a common approach to tax incentives;

(iv) Allows goods, services and people to flow seamlessly across borders to reduce costs and lower prices, and helps firms become competitive enough to link to the value chains; and,

(v) Trade creation as trade agreements promote free trade.

The Committee, in their discussions, reviewed some of the measures the individual Member States have taken to implement REI. There was a presentation on research findings on the effects of globalization on the Member States of the ICGLR. The Committee discussed the effects of Globalization on Member States of the ICGLR as follows-

(i) To increase the level of global economic integration of their economies by increasing international trade and FDI flows. For example, the level of investment and economic growth in respective countries and the region;

(ii) Political pressures that global firms bring to bear on Regional Economic Communities (RECs) to lower barriers on intra-regional activity;

(iii) Crony capitalism;

(iv) Economic changes of the 20th Century that have led to a shift in industrialized countries from manufacturing to services and innovative technologies;

(v) REC Governments will pool their policies to re-assert their sovereignty to gain or re-gain policy autonomy *vis-à-vis* global market;

(vi) Regionalization in the face of globalization can enhance the Member States' policy stability and credibility only if Member States can know how to address globalization's adverse effects;

(vii) In a world where goods of all kinds appear to move more effortlessly across borders, regionalism must address the social dimension of markets and the environmental dangers of unregulated competition; and

(viii) In practice, globalization and regionalization tend to be mutually reinforcing especially in so far as regionalization stimulates internal competition brought about by globalization.

Madam Temporary Speaker, this meeting was an economic committee. You will, therefore, see a lot of jargon from that field. I urge the Senate to note this Report and follow up on the implementation of the agreements initiated by the ICGLR towards natural resource management and Regional Economic Integration including the role of Parliamentarians in promoting regional economic integration through the following-

(i) strengthening and accelerating economic integration and development;

(ii) spreading a culture of human rights and gender equality; and,

(iii) encouraging good governance.

Madam Temporary Speaker, I beg to move and request Sen. Seneta to second.

Sen. Seneta: Madam Temporary Speaker, I rise to second the Report on the 3rd Statutory Meeting of the Committee on Economic Development, Regional Integration and Natural Resources of the Forum of Parliaments of the International Conference of the Great Lakes Region (FP-ICGLR) that was held in Bujumbura, Burundi. I congratulate Sen. Poghisio and the Kenya delegation for the very good report they have brought to this House and urge Members to note and also follow up on the implementation of the same.

Madam Temporary Speaker, of great interest is the agreements on activities and events that were discussed on issues to do with minerals and natural resources. As we know, this is a country that has natural resources which should be conserved well for the benefits of its citizens.

They also discussed about issues facing the education sector. The lessons learnt on agreements on immigration are things that we need to look at as parliamentarians. The issue of good governance is also of great interest to this House.

Therefore, I second the Report.

(Question proposed)

Sen. (Dr.) Zani: Madam Temporary Speaker, allow me to start by congratulating Sen. Poghisio for attending the meeting. He was one of the Members of the delegation to the 3rd Statutory Meeting of the Committee on Economic Development, Regional Integration and Natural Resources of the FP-ICGLR.

From the outset, not only were there theoretic aspects that were covered, but also very specific deliverables came from various activities. I noted that even before the main conference started, the delegation went to view a mineral processing plant. From that experience, they picked up some pertinent issues.

Most issues that face members of the Great Lakes Region are the same. They have taken the same path to address most of the issues, especially those to do with Sustainable Development Goals (SDGs). For example, they have the same experience about conflict in the region and lack of economic progress.

The meeting was meant to have at least 12 member states. Unfortunately, it happened at a time when we had the catastrophic accident of the Ethiopian Airline crash. Therefore, only six member states attended. It is very commendable that among the six member states, our own Sen. Poghisio was among those who came up with good recommendations and ideas that when implemented can put these countries at another level.

One of the observations is that we are not short of ideas. Enough legislation and policies have been passed, but the problem is the implementation. The policies should take us to the next level to enable us address issues of natural resources.

Following the excursion trip to Gakara Rare Earth Project, the challenge is the way analysis is made. It is important to identify problems and bring them to the fore.

One of the issues that came out clearly, which is in this Report, is the cost of the minerals. For example, in this particular project, they are unable to separate the concentrate into its 17 elements. If they could do that, it would be valued at USD10,000 per tonne. However, since they are unable to do that, they sell at USD3,000 per tonne. This seems to be our fate because many African countries have minerals, but are unable to add value to them. This should be a wakeup call.

We are talking about profit being cut by almost a third. If we could separate the concentrate of the rare earth to 17 elements, the value would be three times more. That means other economies come in to process and gain two-thirds more than the people where the natural resources are. This is a sad state of affairs. It brings to the fore

problematic issues to these countries. We have very low economies, poor technology and issues of legislation that have not been addressed appropriately.

Elements from Gakara Rare Earth Project are used for making various devices such as mobile phones, renewable green technologies and electronics among others. Burundi would be a rich country if it sold rare earth elements at a good price after adding value on them. They would have changed the fortunes of that country and the path of development.

Another critical issue has to do with the mechanisms in terms of exports for the various products. It is cited here that it would have been better if they exported through a particular border. However, Tanzanian authorities required bags of the concentrates to be unsealed before authorising exportation, risking contamination and other interferences, thus making Kenya a more viable route.

It is more expensive if they export through Tanzania. Therefore, it is cheaper to export through Mombasa than Tanzania because the Government of Tanzania requires an examination process which creates a problem that includes risking of contamination of the products. I am happy that Members agreed that the project is viable.

It must have also invoked many other issues, for example, how to take back the earth after excavation. Do we have policies to ensure that, that happens within these particular countries? That should be solved through legislation.

Another key issue was the Sustainable Development Goals (SDGs). All these goals are very familiar; no poverty, zero hunger and affordability of housing. A very good statistic is given in this report where the specific Institute for Corporate Law, Governance and Innovation Policies (ICGI) members' states were able to look for a way of mapping their own positioning of the various countries. They were able to look at where they are in terms of partnership for the goals and their positioning in 156 states.

It will be interesting to hear more from Sen. Phogisio; what he felt about this. Out of the 156 countries, none of these countries were present - Angola, Burundi, DR Congo, Kenya, Rwanda, South Sudan, Sudan, Tanzania and Uganda. None of them is within any of the 100. I see Kenya at 119 and Angola at 144. This report is very honest. It talks about the various issues.

Madam Temporary Speaker, we need to get to a point where we need to find where is the turnabout. We know these countries in Africa are immensely blessed with natural resources. If they are able to utilize their natural resources well, then half of the problems will not be there.

We know about Nigeria, for example, that has suffered the issue of the oil curse. This is a country where you find Doctor of Philosophy (PHD) and post-doctoral holders walking without employment and yet there are resources which could completely transform that country. What do we mean when we talk about these development goals, education and poverty? It is about money or income. This transformation from income can come from the resources found in those countries.

These are the same countries that have very high levels of people who are very hungry, gender inequality, matters equity, quality of education, decent work, economic growth, industry, innovation and infrastructure. Again, we hear our young people in this country lamenting because of the desperation that they find themselves in. They talk

about lack of employment opportunities. They are thinking about their future. Where do they go from here or how do they move to the second lane?

Madam Temporary Speaker, there seems to be disconnect in the way we look at our development agenda. We can go in the history of this country and analyse our economic development record. For example, we had the dream team. How did they do it that time? Are we able to go back there? We have economists, entrepreneurs, analysts, actuarialists, among other professionals who can transform this country. Where is the problem and how can we fix it, once and for all? We want to move away from it.

I want to focus a little bit about the country discussions and experiences which we shared. We had experiences from Burundi and Kenya. I want to touch on the Kenyan experience with regard to the SDGs. It was noted that there is lack of integration of the four key areas of manufacturing, food security, Universal Health Coverage (UHC) and affordable housing which is attached to the SDGs. This is threatening the success of implementation of this particular goal. The key word is lack of integration. Every time you listen and read from the various countries, the major issue is about lack of coordination, integration or pulling from one point.

Madam Temporary Speaker, it is important to know that overtime we have had, for example, inter-ministerial efforts trying to find a way to put all the players on the table so that we address these gaps. We need to identify where these gaps are. That will enable us to identify how to move forward. We need then to move on with the relevant synergy.

Madam Temporary Speaker, it was recommended that the budgeting system in Republic of Zambia incorporate implementation of SDGs. I think that is very ingenious because I suspect that is where we have gone wrong with the SDGs because some of them have not been budgeted for. They are putting in there a plug system where the budgeting system must implement these particular goals.

They are saying here very innovatively that pick one goal and commit to its achievement because it will have ripple effects on others. Probably our approach is wrong. Out of all these 17 SDGs, we are trying too many in a rampant way and moving in one direction and the other direction. We need to be systematic and orderly in our approach. The Republic of Congo ties this with good governance. This is true. Without good governance, most of these goals cannot be achieved.

The consultant also had something very interesting to add. He said that there is a tendency in African countries to produce policies and documents that are never implemented. This extends to the approach of the SDGs. This is a highlight in terms of what we need to do.

The other topic that was very interesting and helpful that was talked about in this particular meeting was on natural resources. Some of these issues I mentioned as I made that introduction a bit in terms of what they want to see at the particular site. Some of the issues that came out are security, stability and development in the Great Lakes Region which are very key. There is need to ensure that there is harmonized national legislation as well as principles of transparency, responsibility, equity, respect of the environment and human settlement. This is where we found a gap. We have tried in our own way, within the various Committees coming up with various legislations that overtime can be

implemented. However, we have not made progress in many of these laws. We still have to fight faster, harder and more prudently to ensure that communities, for example, are able to exploit their resources and benefit from them.

Another recommendation is to put in place a regional certification mechanism for the exploitation, monitoring and verification of natural resources within the Great Lakes Region. This cannot be overemphasized. If we approach it from a regional certification mechanism rather than at a country level, this might be able to help.

When we were working on the Natural Resources (Benefit Sharing) Bill (Senate Bills No.31 of 208), we had the committees travel to different countries. One of the issues that we were told is that very few countries try to legislate on natural resources. There is a way of complexity in terms of the certification, how to go about it and it is such vast areas of natural resources. How do you bring them altogether so that you can assess them? This points us to the solution. Going across the regional way. Identifying what the problems might be---

Madam Temporary Speaker, am I about to run out of time?

The Temporary Speaker (Sen. (Prof.) Kamar): Yes.

Sen. (Dr.) Zani: How many more minutes?

The Temporary Speaker (Sen. (Prof.) Kamar): You have five seconds. I will give you one more minute.

Sen. (Dr.) Zani: Thank you, Madam Temporary Speaker. The issue of natural resources is so passionate. What this conference and this report brings to the fore is the sort of disconnect that is there. We have all these SDGs and very innovative ways of how to finally come with them to put a point.

Lastly, they make a protocol against the illegal exploitation of natural resources. The Member States agreed to put in place regional rules and mechanism for combating the illegal exploitation of natural resources.

The agenda put into place just pulling together, I do not know when this meeting is going to take place, I suggest at that one, they do proper evaluation, proper areas of why it has not been successful and forge a way forward. Maybe at a regional level we might be able to overcome some of the stumbling blocks that we have been caught up with at the national level.

I thank you Madam Temporary Speaker.

The Temporary Chairperson (Sen. (Prof.) Kamar): Thank you, Sen. (Dr.) Zani. We could see the passion and knowledge that you have on the issue of mineral resources.

Sen. Farhiya:

Sen. Farhiya: Thank you, Madam Temporary Speaker for giving me an opportunity to speak on this matter. I also wish to thank Sen. Poghio for giving a comprehensive Report. Sometimes, it is very difficult to speak on an issue after such an eloquent person who provides leadership through the way they articulate issues. If you speak after them, you feel like all the points have been exhausted. So, all you need to do is fill in the gaps.

There are a lot of resources in the Great Lakes Region. The resources include minerals, opportunities, rain, and many other things. However, due to conflicts, corruption and other issues, this region does not live to the standard of meeting the

Sustainable Development Goals (SDG). Part of the conflict that is there is created by the fight for resources.

Madam Temporary Speaker, there is no democracy in some of the countries in this region, other than Rwanda and Kenya, of course, which has a big economy. There is a bit of a gap in the way we can move from being a poor country to a very sustainable economy. Unfortunately, sometimes most of our leaders are not able to connect, even though some of them are trying.

If you compare importing finished goods to exporting raw materials, the prices are quadruple. When you have an industry in the country that is adding value to the finished goods, you create employment. Once you create employment, there is money circulating in the economy. That makes a difference for everyone who is involved.

Madam Temporary Speaker, we should take advantage of the resources we have right now. Given the way innovation is going ahead in the world, very soon we will have airplanes and cars driven by rechargeable batteries. As a result, oil, which has become black diamond in Africa, will be rendered useless, because no one will use it anymore. Before we reach there, as a country within the Great Lakes Region, we need to make sure that money is not pilfered, so that the resources we have are used to ensure that we develop our economy.

During the time when Mwai Kibaki was the President, we had a team of experts called the 'Dream Team', who were the drivers of economic growth. They were guiding the President accordingly to ensure that the country grew in tandem. I think that Kenya grew during that time in terms of revenue and other things.

Madam Temporary Speaker, we might need to bring that back, even if it means--- I am sure that there are very many Kenyan economists who would want to give their advice for free or at a small charge, because they care about this country. They can take the agenda of this country to the next level.

The other day, I was reading a report that said that there is about Ksh6 trillion worth of Kenyan resources that is locked in international bank accounts. Could this be part of the problem that we have? The money we owe internationally is also Kshs6 trillion. I tried to link the two in my head and I wondered whether this is the because of the problem we have.

Madam Temporary Speaker, unless we address the problem of corruption that is systemic in all the economies of the Great Lakes Region, we will not move to the next level. It is high time that we told each other the truth in terms of how we can safeguard our resources, so that the money we get is directed for service delivery to our people.

Look at it this way, there are a lot of people who have moved out of poverty and are at middle class level. However, if one person in their family got a chronic illness, this can take the whole family back to poverty and living below the poverty line.

We need to fix the problem in our health system. Look at the amount of resources Kenyans are spending to go to India to be treated for cancer and other ailments. If we were able to save that kind of money within our borders, we would then be talking about being at a different level.

Look at the world in terms of climate change and I am glad that part of the discussion was about climate change. In another report I was reading, it said that we have

around 18 months before the world's heat rises to unimaginable levels unless we do something about it. There is a lot of politics involved in terms of saving the environment, people grabbing land and innocent buyers being duped to buy Government land. These were people who had financial independence and they used their money to buy that land and they are taken back to poverty.

Unless we tell each other the truth, the issue around poverty and meeting the Sustainable Development Goals (SDGs) will remain a dream. For example even the Western world and the bigger economies have already exhausted their natural resources. The only thing that is keeping their economies afloat is money from Africa. Kenyan tea is used by other countries to blend their tea so that it has a nice flavour. The same applies to our coffee. What is stopping us from having a final product that is marketed as a Kenyan product?

There are a lot of issues that need to be addressed as a country and as a region that would have made a lot of difference on the people who live within the Great Lakes Region.

Madam Temporary Speaker, finally I want to comment on the connection between industrialization and employment. This is a region that has an upsurge of youth. We are told that the youth population is around 70 per cent. We should utilize the energy of this block because this can become a very good market for people who are producing. Other than Rwanda that is recovering and Burundi that is permanently in conflict; most of the other countries have access to education, putting their youth together and making them much more innovative so that they can take our economy to the next level.

Madam Temporary Speaker, I think Rwanda is getting there, but how sustainable is that? As a country and a region unless we remove the "I" mentality and we have the "we" mentality as a nation, then this economy will crumble in our faces. I think this is a challenge we need to address together. The Legislative arm of Government has tried in terms of putting a lot of legislations in place. We need the good will to ensure that those legislations are implemented by those who use tax payers' money, who are in charge of prosecution, investigation or audit. They need to come out so that this dragon called corruption is tamed so that the inequality within our citizens is minimized so that our development agenda can move to the next level.

Thank you, Madam Temporary Chairperson.

The Temporary Speaker (Sen. (Prof.) Kamar): Thank you Sen. Farhiya.

There being no other person wishing to contribute, I now call upon the Mover to reply.

Sen. Poghiso: Madam Temporary Speaker, I take this opportunity to thank Members who have contributed. I also thank Members of our delegation. Kenya is a leader in the FP-ICGLR and we hope Members will read the Report and scrutinise it. We expect solutions to come from this House because suggestions have to be taken back to the Region. The purpose of laying reports is to enable us find solutions to some of these problems.

The Region could have been the centre of conflict in the Continent of Africa because they have a lot of natural resources and virgin land. Most diamond and gold come from the region, but you cannot reach them because of conflict.

I urge colleagues to consider giving us feedback so that we take it back to the Region. With those few remarks, I beg to reply.

I thank you.

The Temporary Speaker (Sen. (Prof.) Kamar): I would like to confirm that this Motion does not affect the counties. Therefore, I will put the question.

(Question put and agreed to)

Hon. Senators, having consulted with a number of sponsors of some of the Motions that appear on the Order Paper, I would like to defer Order Nos. 10, 11, 12, 13, 14, 15, and 16.

NOTING OF REPORT ON THE 6TH ORDINARY SESSION OF THE 4TH PAP
AND 1ST AND 2ND ORDINARY SESSIONS OF THE 5TH PAP

THAT, this House notes the Reports of the Sixth Ordinary Session of the Fourth Pan- African Parliament held in Midrand, South Africa, from 7th to 18th May, 2018, laid on the Table of the House on Tuesday, 24th July, 2018; the First Ordinary Session of the Fifth Parliament of the Pan-African Parliament held in Kigali, Rwanda, from 18th October to 3rd November, 2018, laid on the Table of the House on Tuesday, 12th March, 2019; and, the Second Ordinary Session of the Fifth Parliament of the Pan-African Parliament, held in Midrand, South Africa from 6th to 18th May, 2019 laid on the Table of the Senate on Tuesday, 10th September, 2019.

(Motion deferred)

NOTING OF REPORT ON THE UN CONFERENCE
ON CLIMATE CHANGE (COP 24)

THAT, the Senate notes the Report of the Parliament of Kenya Delegation to the United Nations Conference on Climate Change (COP 24) held in Katowice, Poland, from 3rd to 14th December, 2018, laid on the Table of the Senate on Thursday, 25th July, 2019.

(Motion deferred)

NOTING OF REPORT OF THE 8TH WORLD
WATER CONFERENCE

THAT, the Senate notes the Report of the Standing Committee on Land, Environment and Natural Resources on the 8th World Water Conference held in Brasilia, Brazil from 18th to 23rd March, 2018.

(Motion deferred)

NOTING OF REPORT OF THE 14TH AGM OF THE
INTERGOVERNMENTAL FORUM ON MINING, MINERALS,
METALS AND SUSTAINABLE DEVELOPMENT ON MODERN
MINING LAW AND POLICY

THAT, the Senate notes the Report of the Standing Committee on Land, Environment and Natural Resources on the 14th Annual General Meeting (AGM) of the Intergovernmental Forum on Mining, Minerals, Metals and Sustainable Development on Modern Mining Law and Policy held in Geneva, Switzerland from 16th to 18th October, 2018.

(Motion deferred)

MOTION

NOTING OF REPORT OF THE 18TH MEETING OF CITES
OF WILD FAUNA AND FLORA CONFERENCE OF PARTIES

THAT, the Senate notes the Report of the Standing Committee on Land, Environment and Natural Resources on the 18th Meeting of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) Conference of Parties (CoP 18) held in Geneva, Switzerland from 17th to 28th August, 2019.

(Motion deferred)

NOTING OF REPORT OF THE 12TH SESSION OF THE CONFERENCE OF
PARTIES TO THE CONVENTION ON THE RIGHTS OF PWDS

THAT, the Senate notes the Report of the Standing Committee on Labour and Social Welfare on the 12th Session of the Conference of Parties to the Convention on the Rights of Persons with Disabilities held at the United Nations Headquarters in New York, USA from 11th to 13th June, 2019.

(Motion deferred)

FREE ADMINISTRATION OF SNAKE BITES ANTI-VENOM
IN PUBLIC HEALTH FACILITIES

THAT, AWARE THAT, there is an abundance of snakes in various parts of the country namely; Kitui, Baringo, Wajir, Kajiado, Embu and Tana River Counties among others, which poses a high mortality rate of snake bites across these counties;

FURTHER AWARE THAT, all patients bitten by snakes should be assessed by medically-trained staff to determine the species responsible, the amount of venom injected and the variable time course for development of signs, requiring that patients be kept under observation for at least 24 hours;

CONCERNED THAT, these incidences of snake bites are a neglected emergency in Kenya owing to the low awareness of snake bites as a public health problem in the country resulting to victims being maimed and even losing lives;

FURTHER CONCERNED THAT, poor infrastructure and poverty contribute to delays in seeking and receiving treatment for snakebites including the high cost of acquiring and storing the anti-venom;

RECOGNIZING THAT, it is essential for snakebite victims to get supportive care followed by the administration of the anti-venom as soon as possible following a snakebite;

NOTING THAT, Article 43 (1) (a) of the Constitution provides that every person has the right to the highest attainable standard of health;

NOW THEREFORE, the Senate urges the Ministry of Health in collaboration with the County governments to establish programs to sensitize people on the management of snake bites and to ensure timely supply and free administration of the anti-venom in public health facilities, concentrating on sub county health facilities in the affected counties, and further ensure that these facilities are equipped with the necessary infrastructure for the storage of the anti-venom.

(Motion deferred)

The Temporary Speaker (Sen. (Prof.) Kamar): Hon. Senators, I would also like to defer Order No.17 for the convenience of the House because of the composition of the Movers.

BILLS*Second Reading*THE KENYAN SIGN LANGUAGE BILL
(SENATE BILLS NO.15 OF 2019)*(Bill deferred)*

The Temporary Speaker (Sen. (Prof.) Kamar): Let us move on to the next Order.

*Second Reading*THE COUNTY LICENSING (UNIFORM PROCEDURE) BILL
(SENATE BILLS NO.17 OF 2019)

Sen. Chebeni: Madam Temporary Speaker, pursuant to Standing Order No.141(1), I beg to move that The County Licensing (Uniform Procedure) Bill (Senate Bills No.17 of 2019) be now read a Second Time.

The principal objective of this Bill is to put in place uniform procedures for licensing of various activities by counties. One of the ways in which county governments generate revenue is through the issuance of licenses for activities related to the functions of county governments under Part 2 of the Fourth Schedule of the Constitution.

One of the aspirations that informed the establishment of devolved units of Government was to facilitate the proximate provision of public services. An attendant purpose of devolution was to also stimulate the uniform economic development of the different regions in the country.

Madam Temporary Speaker, a central feature of economic development is a conducive environment for private sector actors. An environment that is conducive for businesses, not only increases the tax base for Government at both levels, but also has a positive impact on the creation of job opportunities and income generating activities.

It is, therefore, imperative to appreciate that the success of devolution is not just a question of public governance, but it is also crucial for the intersectionality between public good and private enterprise.

Madam Temporary Speaker, the benefits of adopting a system of devolved governments cannot be gainsaid. The semi-autonomous units created under the Constitution have had a tremendous impact on the delivery of public services to the people. However, while the impact on ordinary lives is mostly laudable, there have been unintended consequences. One of the areas in which this situation is glaring is in the licensing of trading activities by county governments.

Madam Temporary Speaker, we have 47 county governments. For me, it has become apparent that there are varied procedures in applying for licenses. This means that we have 47 different procedures when it comes to licenses. This has had a negative

impact on the ease of doing business in the counties. We have issues to do with timelines, public participation on whether the stakeholders are involved and issues which results to uncertainty and unpredictability of the environment.

Madam Temporary Speaker, therefore, this Bill seeks to establish uniform procedures for licensing to ensure certainty in the process and ultimately encourage private sector players to do business in the counties.

Allow me now to highlight some of the salient provisions of the Bill. At the outset, the Bill proposes to set out general duties for licensing authorities which include; providing for mechanisms for simultaneous applications for more than one license which is in Clause 4, preventing multiple licensing procedures, ensuring that applicants are given adequate opportunities to make representations on an application for a license and adhering to timelines.

Madam Temporary Speaker, one of the challenges which business people face is to do with timelines. Someone can apply for a business permit or a license and they are not so sure when they will get it. Therefore, this Bill seeks to establish adequate timeliness for that.

The Bill provides for the duties of county governments in the exercise of the power to issue licenses. These duties include protecting the rights of consumers in the respective counties, supporting the regulation of developing markets, ensuring that the quality of goods produced and services delivered is of a high standard and effectively administering control over persons engaged in types of activities that may pose a risk to the general public and, lastly, to ensure that licensing fees imposed are not prohibitive.

Madam Temporary Speaker, sometimes you find that we do not have public participation when it comes to fees imposed in terms of licensing. This Bill further provides that public participation is established so that people can also comment on the licensing fees that will be imposed on them for the applicable procedures in the process of licensing by county governments.

Madam Temporary Speaker, the Bill further provides for the applicable procedures in the process of licensing by county governments. These procedures include a requirement for county governments to put in place a single application process with respect to an application for more than one licence. The county government is also required to make a determination on an application for a license within 20 days of the application. In the absence of such determination, the application will be deemed to have been allowed.

The Bill provides that upon an application being made, the county government may grant a license unconditionally, subject to conditions authorised by the relevant licensing legislation or refuse the application. In any event, the licensing authority will be required, in Clause 15, to inform the applicant of the decision within seven days. Further, licensing authorities are required to maintain a register of all licences issued, indicating the pertinent particulars of the licence holder and the nature of the licence.

Madam Temporary Speaker, in Clause 23, the Bill strictly says that there is need to maintain a register for all the licenses issued. This will allow us to understand what kind of businesses are undertaken in the county governments and also to know who the licence holder is and the nature of their licences.

The Bill requires the holder of a licence to provide the service or carry out the business specified in the licence. You cannot, therefore, have a licence and provide a different kind of service or good from what you applied for. The Bill also requires the licence holder to comply with all applicable laws and the conditions for issuance of the licence and provide the licensing authority with information with respect to any change in its directorship or shareholding in accordance with Section 16. This speaks to the fact that sometimes directors in a business are changed. Therefore, it is up to them to inform the licensing authority of such a change.

The holder of a licence will also be required to pay such fees as may be prescribed and where required, submit to the licensing authority such information as may be necessary for the continued licensing of the licence holder.

Madam Temporary Speaker, the Bill requires that a licensing authority be guided by principles. Of course, we cannot have a licensing authority without principles. One of the principles is to ensure efficiency in the delivery of goods and services, accountability and public participation, which is stipulated in Clause 10. It is very well elaborated. It states-

“Where a licensing authority intends to vary the conditions of fees payable for the issuance of a licence, the licensing authority shall undertake public participation and consult with the stakeholders likely to be affected at the formative stage of the proposal.”

This means that they cannot just come up with guidelines they choose. They will need to involve the relevant stakeholders and seek their views when it comes to such decisions.

Madam Temporary Speaker, this Bill also speaks to cross-subsidisation, where fees collected for providing a category of goods or services covers the cost incurred in providing goods in another category in accordance with existing legislation. It also speaks to adherence to existing policy on the charging and collection of fees and avoidance of multiple licencing in a specific sector.

Consequently, the Bill seeks to create a uniform framework, which shall form the basis of licensing processes in the counties. A uniform framework for licensing will guarantee certainty and predictability for business owners trading within counties and is vital to the ease of doing business. A business environment underpinned by certainty and predictability will boost entrepreneurship, create employment opportunities, reduce the cost of business and promote regular and reliable revenue streams for county governments.

Madam Temporary Speaker, I beg to move and request Sen. (Dr.) Musuruve to second.

The Temporary Speaker (Sen. (Prof.) Kamar): Thank you. Proceed, Sen. (Dr.) Musuruve.

Sen. (Dr.) Musuruve: Thank you, Madam Temporary Speaker, for giving me this opportunity to second this Bill. I would like to commend Sen. Chebeni for coming up with this noble Bill. This Bill speaks to all the counties. As the Senate, we are supposed to defend the counties and protect their interests. This Bill will even ensure uniform development in counties.

There are so many disparities when it comes to development across counties. I would like to suggest to the sponsor of the Bill Sen. Chebeni, that there is a need to reconsider the Title. Maybe we can have the title as: County Standard Licensing Bill so that we do not have the word “uniform” in parenthesis. We can avoid that.

Madam Temporary Speaker, licensing is one of the main sources of county revenue. It is very clear in the Constitution that counties are allowed to look for ways in which they can generate money.

There are so many businesses that go on in the counties. There is therefore, need to have a standard way of ensuring that if someone is starting a business they know that there are certain rules that need to be followed to ensure that businesses are not interrupted and that the environment is conducive.

This Bill is important because it will bring sanity in the counties in the manner in which businesses are conducted. If this Bill is followed to the latter and improved, it will ensure that all counties are developing at the same time so that disparities are not so wide. For example, if one county is very good in development, if the same procedures are followed there is a possibility that all counties will develop at the same time.

Madam Temporary Speaker, all counties in this Republic are given national funds so that they can develop. There is need to have a procedure that county executives can speak to with regard to ensuring that businesses in their counties are doing well and are escalating. Apart from escalating, if counties are able to manage their licensing very well and get revenue there is going to be employment for youth. There are very many youth out there in the counties who are idle and do not know what to do. They want to start businesses, but there are so many hurdles and handicaps. This Bill is going to be a boon for our counties.

In terms of development and ensuring that counties are doing what they are mandated to do, this Bill can take counties very far. It is in the counties that people are able to express themselves. As a Senate, we have to ensure that there is service delivery in the counties. For proper service delivery to be in the counties, we have to ensure we are legislating and coming up with policies that will ensure that back in the counties communities including youths, women and PWDs are able to benefit.

There are some businesses that run in some counties and we just wonder how people got permits. We have an example of people running clinics. It was in the newspaper that some doctors take advantage of their patients when they are in anaesthesia. This incident happened in Githurai and the doctor was followed up to Limuru. If standard procedures are followed, some of these quacks should be eliminated for not following the right procedure.

Another example of insanity in regards to businesses is on the issue of euthanasia. In a situation where a patient is sick and is not able to pull through to the second day, there are doctors who practice euthanasia. This is wrong because every patient has a right to live until the last sign when God calls them. Doctors who do this are not real doctors; they are quacks who have opened clinics. They have no ethics to comply to and their conscience is not bothered.

When I was growing up, I used to hear of St. Mary’s Secondary School that was erected on top of a bar. In some places, people start businesses in a non-conducive

environment. Therefore, there is need to bring sanity in this country. For example, if a person wants to start a school, there should be regulations. For example, people should not start schools that do not have playing fields. Work without recreation makes people dull. So, there is need to ensure that all counties comply with a standard way of coming up with businesses, for example, schools, butcheries *et cetera*.

Madam Temporary Speaker, there are people who start a butchery, but they end up selling products that will shock you, for example, donkey and human meat. However, if the standard way of setting up butcheries is followed, it will reduce some of these ugly incidents.

Licensing should also be standard so that it is possible for people to Google and find out the requirements. If a person has an eighth of an acre and wants to start a school, he or she should not be allowed. It is painful that some boarding schools do not have proper facilities or a conducive environment for children.

Madam Temporary Speaker, some students are abused in schools because the person who owns the school got the licence in a weird manner and has no guilt. In some schools, teachers are not ethical. So, there should be a standard way of coming up with a business. Those who flout the standards should be held into account. In as much as we want counties to prosper and have their own revenue, it will not be possible.

Madam Temporary Speaker, we should come up with a legal framework that will ensure we have a standard way of doing things in the counties. The uniformity should be across the board so that someone who is in Uasin-Gishu, Meru, Kakamega or any other county can access online information on the requirement of setting up a business.

Some licencing officers are corrupt in such a way that sometimes people bribe them for licenses. Businesses that attain licenses through corrupt means cannot adhere to any standard. However, in a situation where the right channel to attain licences has been followed, businesses will be guided.

Madam Temporary Speaker, the issuing of licenses should be within a time frame. Sometimes processing of licences takes too long. I remember an incident where someone's father had founded a college, but it took him too long to acquire an operating licences and he ended up on the wrong side of the law for setting up a college without proper licences.

According to this Bill, if someone applies for a licence, it needs to take the shortest time possible to ensure that the license has been obtained. If a license is not obtained within the stipulated timeframe, it should be assumed that the person has attained a licence. That provision will help business owners in the counties to run their businesses in a safe and conducive environment. When businesses thrive in the counties, it is usually a plus situation to the counties.

Madam Temporary Speaker, some youths in the counties are so idle. They would like to start businesses, but the atmosphere is not conducive. Sometimes the licencing officers are not available to issue the licences or the procedures are too cumbersome. This Bill by Sen. Chebeni will bring sanity to the counties and ensure that it takes the shortest time to process licences.

This Bill also talks about protecting consumers. There are many instances when the media outlets have highlighted situations where people have consumed expired

goods. I wonder why someone will knowingly sell expired goods to people. It is unthinkable, painful, unethical, uncouth and not well meaning. This Bill will protect consumers by ensuring that whoever sells any products is well meaning and not one who wants to end people's lives.

Madam Temporary Speaker, in some instances, licensed eateries are so unhygienic. That should not happen in a country that is concerned about its citizens. This Bill will bring sanity and put checks and balances to entrepreneurs that have little regard for life for their love for money. This Bill will ensure that consumers are protected.

I urge Sen. Chebeni to include a Clause stating that if entrepreneurs sell expired goods, they should be held accountable. For example, in a situation where a butcher is found to have sold donkey or cat meat, he or she needs to be held accountable.

(Interruption of debate on Bill)

COMMUNICATION FROM THE CHAIR

EXTENSION OF SITTING TIME

The Temporary Speaker (Sen. (Prof.) Kamar): Hon. Senators, I would like to interrupt Sen. (Dr.) Musuruve so as to invoke Standing Order 31(2) to extend the sitting by three minutes after 6.30 p.m. to enable the Member to finalize.

Please, finish because you have two minutes only. I will use the last one minute to propose the question and then debate will ensue. We will extend the sitting by three minutes. Sen. (Dr.) Musuruve you have two minutes.

(Resumption of debate on Bill)

Sen. (Dr.) Musuruve: Madam Temporary Speaker, I was talking about a strange situation. I am not sure if it was in Nakuru, but it is still clear in my mind. There was a butchery that used to sell cat meat. That is very unethical and inhuman.

This Bill seeks to bring sanity to entrepreneurs. It seeks to ensure that county governments are effective in revenue collection and that the environment is conducive. It also seeks to promote entrepreneurship and creation of employment for the youth and women.

I would like Sen. Chebeni to include something on creation of opportunities for the PWDs in the counties. This is because they are forgotten most of the times. There is need of ensuring we have a conducive environment in the counties for PWDs. When PWDs want licenses to start operating businesses, they should pay half of what others are paying, so that we also encourage them to own business and eke a living.

We have some PWDs who know how to run businesses, but they do not have money for licenses. If county executives ensure that PWDs are factored in, we will have counties that are sensitive and reliable in the way they help all the persons----

(Sen. (Dr.) Musuruve's microphone went off)

The Temporary Speaker (Sen. (Prof.) Kamar): Thank you Senator. Hon. Senators, I will now propose the question.

(Question proposed)

ADJOURNMENT

The Temporary Speaker (Sen. (Prof.) Kamar): Hon. Senators, it is now time to interrupt the business of the Senate. The Senate, therefore, stands adjourned until Tuesday, 26th November, 2019, at 2.30 p.m.

The Senate rose at 6.35 p.m.