

# PARLIAMENT OF KENYA

## THE SENATE

## THE HANSARD

Tuesday, 24<sup>th</sup> November, 2020

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

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

### PRAYER

### PETITION

#### DISPUTE CONCERNING MUHORONI LAND LR NOS. 3977 AND 3978 IN KERICHO COUNTY

**The Speaker** (Hon. Lusaka): Hon. Senators, I hereby report to the Senate that a Petition has been submitted, through the Clerk, by Mr. Kimutai Arap Chelule and two other residents of Kericho County concerning Muhoroni land LR Nos.3977 and 3978 in Kericho County and related issues.

As you are aware, Article 119(1) of the Constitution states that-

“Every person has a right to Petition Parliament to consider any matter within its authority including enacting, amending or repealing any legislation”.

Hon. Senators, the salient issues raised in the said Petition are that these residents have faced issues of the insecurity owing to land border disputes between Kisumu and Kericho counties. The perennial intercommunal rivalry between the Kalenjini and the neighbouring Luo Community has been fueled by land problems which are in some cases, escalated to community clashes.

In the recent times, there has been disputes relating to parcels of land LR No.3977 and LR No.3978/2 in Kapchebwai Sub location of Koitaborut Location in Kericho County that have been leased to Muhoroni Sugar Company Limited.

The communities from the neighbouring Kisumu County have continued to occupy the two parcels of land without official agreement or legal excisions.

The continuous alleged provocative actions by the County Government of Kisumu, including creation of sign posts, drilling water, construction of Early Childhood Development Education (ECDE) classrooms and tree planting in a disputed land area and lack of compensation to Kipsigis Community, who are the alleged legitimate owners of

the land LR No. 3978/2, continue to fuel animosity between communities living in the area.

Owing to the above stated issues, the land is emotive and culturally sensitive. If not resolved, emotions may flare-up among affected communities.

That, the petitioners have made the best efforts to have this matter addressed by the National Land Commission (NLC), the Independent Electoral and Boundaries Commission (IEBC) and Kenya National Cohesion and Integration Commission (KNCIC) with no success.

The petitioners, therefore, pray that the Senate intervenes and investigates this matter with a view to making appropriate recommendations to ensure that these issues are resolved between the communities living in the area.

Pursuant to Standing Order No. 231, I shall now allow comments, observations and clarifications in relation to the Petition for not more than 30 minutes.

**Sen. Cheruiyot:** Thank you, Mr. Speaker, Sir. This is an important issue that these petitioners are seeking the intervention of this House to try and resolve.

Mr. Speaker, Sir, a few weeks ago, our colleague, Sen. George Khaniri, the Senator for Vihiga County, brought before this House a similar matter in regards to a boundary dispute between Kisumu and Vihiga counties and the unbecoming behavior of our former colleague, the Governor of Kisumu County, Prof. Peter Anyang' Nyong'o.

At that particular time, I reminded this House that it was important for us to keep in check governors who having failed in their core duties, are excited to reawaken their political careers by engaging in such emotive issues as the one that is being canvassed before us.

Mr. Speaker, Sir, Muhoroni Sugar Company sits on the boundaries of Kericho and Kisumu counties. Of all the counties that surround Kericho County, Kisumu is the one that we share the largest boundaries with and we have coexisted peacefully for many years.

Last term, when Kisumu County had a different governor, this issue never arose. However, recently, because of the activities of the current governor, who is interested in the parcels of land that have been listed, he keeps showing up at villages that are squarely in the heart of Kericho County and puts up signposts of the County Government of Kisumu. This is because the people that live there are from the Luo Community but are the residents of Kericho County.

We equally have members of the public who are of Kipsigis Community but live in Kisumu. That is how good and friendly our neighbourhood practices are. However, Prof. Peter Anyang'-Nyong'o wants to engage himself in these unfortunate disputes at a difficult time in our country with all the challenges that we are having. He keeps on showing up in a village called Pokwa and he puts up signposts saying that the County Government of Kisumu will do a water project, roads and such kinds of things. This causes great animosity amongst these communities that have co-existed peacefully for more than a hundred years.

Therefore, I urgently request that our Committee that you shall delegate to handle this particular Petition, visits the area as a matter of urgency and assure the residents that one, sanity shall continue to prevail because maps exists to show where these parcels of

land belong. The maps date back to the colonial times. Therefore, there is absolutely no reason why the County Government of Kisumu should be engaged in these kinds of activities.

Mr. Speaker, Sir, in the last two months, we have lost more than five Kenyans because of border conflicts that should never have arisen if the County Government of Kisumu had not engaged itself in these kinds of atrocious activities. Therefore, I plead that this matter be treated as urgent. The aligned Committee to handle this particular Petition should visit the area before we have our annual break for the long holidays.

**Sen. Wetangula:** Mr. Speaker, Sir, I thank the petitioners from Kericho County for bringing to the fore a matter that not only concerns Kericho. Other counties have similar issues as well.

If you look around the country, you will see some flashpoints between Makueni and Taita Taveta, Taita Taveta and Kwale, Isiolo and Meru, Vihiga and Kisumu, Kisumu and Nandi and Kisumu and Kericho.

Mr. Speaker, Sir, Article 198 of the Constitution requires Parliament to pass a law that will define how county boundary arguments and disputes should be dealt with.

This House duly passed such a law and we sent it to the National Assembly for their attention. However, the National Assembly said that it is a money Bill and they put it aside.

A Bill concerning boundaries of counties is one of the cardinal duties of this House. We were told it is a money Bill, and it was put in the shelf and up to now, it has never been dealt with. All these issues could be dealt with within the framework of that law.

Mr. Speaker, Sir, we also have the 1992 Districts and Provinces Act that is clear. It defines boundaries between districts even through small valleys, streams, hills, thickets until nobody can have any doubt.

It is quite unfortunate that in the boundary problems around Kisumu, Kisumu County appear to be the common denominator with Nandi, Vihiga and Kericho. Fortunately, the other side has the lake and so there will be no issue.

I urge that in the context of the recent judgement that we got from High Court, you move urgently and cause the National Assembly to deal with the Boundaries Bill that was brought here by Sen. Mutula Kilonzo Jr. and Sen. Sakaja. We passed it with good amendments making it a Bill that will solve issues of the future.

This is a unitary State but with counties with defined boundaries. Imagine the flare-up that we will have if that parcel of land that Sen. Cheruiyot is talking about had rich minerals.

Mr. Speaker, Sir, I urge that we move quickly. The Committee you give this Petition must move *in situ* and talk to the Governor of Kisumu and remind him that we worked well with him when he was here. He should stick to the ideals that he used to preach and not do the wrong things that he is currently doing.

**Sen. Dullo:** Thank you, Mr. Speaker, Sir. I support this Petition by the people of Kericho regarding the boundary dispute between the two counties.

As Sen. Wetangula has said, matters of inter-county boundary disputes have been there for over 10 years. There was an attempt by Sen. Mutula Kilonzo Jr. to bring a Bill

in regards to Article 188 to establish a commission to look into boundary issues. However, this matter was shelved because of some selfish interests by some people.

Mr. Speaker, Sir, we have a similar situation in Isiolo County. We have a dispute with Garissa, Wajir, Laikipia, Marsabit and Samburu counties. We have brought this to the attention of the Government year-in, year-out.

Today, we are having a major operation in Isiolo County simply because of land dispute. A Committee of this House has managed to go on the ground but up to now, they have not brought a resolution.

We are condemning what happened in Isiolo and Meru counties last week as far as the shooting of the police is concerned. However, in the 21<sup>st</sup> Century, there is a communal punishment that is going on in Isiolo County which is unacceptable.

Mr. Speaker, Sir, if bandits have committed a certain offence, children or women should not be punished or animals rounded up and put in a corner. Something urgent needs to be done. This is unacceptable. It is violation of their rights. We have a good Constitution that provides the rights of Kenyans.

Mr. Speaker, Sir, we have many cases with regards to lands issues. I wish that the Chairperson of the Committee on Lands, Environment and Natural Resources was here. Every time, the Cabinet Secretary, Ministry of Lands is called to look at the issues that we raise with the Committee on Land, Environment and Natural Resources, she does not appear. This clearly means that they do not want to resolve these issues.

These matters of land are sensitive. We must summon the CS, Lands to this House so that we can have a Committee of the Whole House as quickly as possible to resolve all the land issues that we have.

This is sensitive. People are crying to us and dying day-in, day-out because of disputes of inter-county boundaries. A solution must be found as quickly as possible, preferably before next Tuesday.

**The Speaker** (Hon. Lusaka): I see a lot of interest in this matter. So, I will give each Senator three minutes.

**Sen. Khaniri:** Thank you, Mr. Speaker, Sir, for giving me the opportunity to make my comments on this Petition. I hail Mr. Kimutai arap Chelule for bringing this Petition to the Senate and having confidence that the Senate will solve the issue.

I brought a similar Petition as alluded to by Sen. Cheruiyot. This was in regards to the boundary dispute between Vihiga and Kisumu counties in Maseno. There is also another dispute in Kiboswa. I thought I was the only one having problems with Kisumu County. However, I see that they seem to have a problem with all their neighbours, to the south, north, east and west.

Mr. Speaker, Sir, Prof. Anyang'-Nyong'o is my good friend. He is a former colleague and my teacher at the university when I was doing my Master's programme. So, I have a lot of respect for him. However, I do not approve of what he is doing.

Mr. Speaker, Sir, this expansionist attitude that he has developed lately is very dangerous. We just want to urge him to stop, because issues to do with county boundaries are very emotive. They can be the cause of very serious conflicts between communities, and we do not want to get there.

I know that you are going to commit this Petition to a Committee of this House, but I am very sure that the Committee's hands are tied. They have very limited options; they cannot resolve the matter. We will continue having these Petitions, and they will have no answers until such a time that we effect Article 188 of the Constitution.

I heard Sen. Dullo say that Sen. Mutula Kilonzo Jnr. attempted to bring a Bill. He did not attempt, he brought a Bill twice, and we passed it here. It is gathering dust in the House next door.

Mr. Speaker, Sir, the solution to this problem is not even referring these matters to committees. We must just ensure that we effect the provisions of Article 188 of our Constitution, because this is not an isolated case. I am told that there are about 16 cases. Surprisingly, out of those 16 cases, five involve Kisumu.

The solution is to ensure that you push the Bill that we passed in this House to effect Article 188. It must be passed by the other House, so that we form this commission and revolve these matters once and for all.

Thank you, Mr. Speaker, Sir.

**The Speaker** (Hon. Lusaka): Sen. (Dr.) Langat.

**Sen. (Dr.) Langat:** Thank you, Mr. Speaker, Sir, for giving me this opportunity to make my contribution on this very important Petition from Kericho County. Land issues are very emotive and should be handled seriously. I really wish that Sen. Mutula Kilonzo Jnr's Bill had succeeded, because these particular issues would not be giving us these problems.

*(An hon. Senator spoke off record)*

Yes, the challenge is on the other side; that is what I mean. The other side is a great let down to this House on such matters. I wish that they would understand because we are handling issues affecting our counties directly.

Before I sit, I would like to say one thing---

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

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

**Sen. Wetangula:** Mr. Speaker, Sir, could the distinguished Senator for Bomet say what he means and mean what he says. He says "the other side" and he is pointing to this side, and says that it is a big let down to this House. I hope he does not mean this side.

**Sen. (Dr.) Langat:** May I clarify that I wish that the National Assembly understood the importance of this Bill, so that it assists us in handling matters to do with land.

If we study very clearly about issues to do with Post-Election Violence (PEV), it has always been triggered by disputes on election matters, but the underlying issues are always to do with land. We need to handle this issue on land.

We would like to tell Gov. (Prof.) Anyang'-Nyong'o that the time for struggling and partitioning for land happened a long time ago in the Berlin Conference of 1884. At this point of time, he should not engage himself in such primitive ways of trying to expand boundaries.

The Committee that will handle this particular matter should do it with urgency as we move towards elections, so that we do elections peacefully without land disputes that can easily trigger other matters.

I support this Petition. It is a good Petition that should be handled in line with other related petitions pertaining to all the other parts of this country.

Thank you, Mr. Speaker, Sir.

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

**Sen. Mutula Kilonzo Jnr.:** Thank you, Mr. Speaker Sir. The Chairman of the Committee on Justice, Legal Affairs and Human Rights is here. Tomorrow, the Committee on Justice, Legal Affairs and Human Rights and the Committee on National Security, Defence and Foreign Relations will be meeting the Independent Electoral and Boundaries Commission (IEBC), the Cabinet Secretary (CS) in charge of security, and the National Cohesion and Integration Commission (NCIC). I think that your direction on this matter will be very important, so that this matter is taken to that Committee as quickly as possible.

I agree with Sen. Khaniri. In the reports that are already in that Committee, the NCIC, the IEBC and the Ministry have admitted that under the Constitution, there is nothing that they can do. Following the advice of your Senator, the Senator of Bungoma, one of your legacies other than the formula will be to find a formula for disputes of boundaries.

I plead with you that in the meetings that you have with your brother from the sister House, the question of boundaries be anchored into law during your tenure. It is important. It is not a Money Bill, and will never be a Money Bill, because boundaries of counties are matters concerning counties. It is actually so illogical.

Mr. Speaker, Sir, we are counting on you to find for us something that we can do as quickly as possible to ensure that these boundary disputes are formalized. In fact, the formation of an independent commission in the Constitution is only for purposes of altering the boundary. That is the purpose of that commission.

To have a boundary dispute resolved, we have proposed alternative dispute resolutions, so that the Governor of Kisumu County does not wake up in the middle of the night and become an expansionist. He is our friend. The only thing he has not done is to expand the territory of Kisumu to the lake. It is unfortunate.

Mr. Speaker, Sir, in due time, I will retrieve his comments on the previous Bill. One of the supporters of that Bill was Hon. (Prof.) Anyang'-Nyong'o. It is unfortunate. However, since his good friend is here, Sen. Khaniri, might as well tell him that these expansionist policies will not help him.

What is much worse is that as a person who supported devolution, he is creating disputes for all of us. If every governor does what Gov. (Prof.) Anyang'-Nyong'o is doing, we are going to have a crisis. It is very unfortunate, because from the statements we are hearing around, somebody will create an excuse for violence by creating a problem around a boundary that does not exist.

Thank you, Mr. Speaker, Sir.

**The Speaker** (Hon. Lusaka): Sen. Halake.

**Sen. Halake:** Thank you, Mr. Speaker, Sir. I rise to support the Petition by Mr. Chelule and congratulate him for taking this bold and decisive action to come to the Senate. As has been said, this is an issue that affects most counties. If, indeed, Sen. Mutula Kilonzo Jnr. and Sen. Sakaja have already drafted a Bill to this effect, it is about time, the moratorium from the court notwithstanding, for you to sit down with the Speaker of the National Assembly and fish out some of the urgent matters that need to be dealt with, especially that particular Bill with regards to county boundaries.

Mr. Speaker, Sir, when county boundaries are in places that have titles, it may not be that bad. But when county boundaries involve community land, then there is great danger in people losing their ancestral land and getting disenfranchised. What the Government needs to do is just gazette or de-gazette.

If this House is going to take its mandate under Article 96 of the Constitution to actually look after counties and protect them, I think that there is no better protection of counties than ensuring that conflicts do not arise from boundary issues, and that justice is served, especially to counties that do not even have titles to begin with. For instance, in Isiolo and the other counties that surround it, we have community land, and therefore, we do not really have titles. Others have titles, and therefore, each time there is a boundary dispute, we get disadvantaged and communities are disenfranchised.

Mr. Speaker, Sir, this is a matter that deserves a lot of urgency from this House. We must look for ways in which--- We have talked about land issues, community land issues, titling, community land titling, and we keep talking.

Yes, of course, this is a House of debate and talking is our business, but I think outcomes should matter too because we are not seeing any outcomes three years down the road and we have not seen what we have done especially with regard to this.

I hope this House prioritizes community land especially because when we find expansionist attitudes from county governments especially for vulnerable communities that do not even have title deeds, whose land is communal, there is so much fear right now. That can bring a number of things. Communities can start organizing self-defense and becoming aggressive against each other.

These are things that we can avoid as this House. I also was sitting in the Committee of Lands, Environment and Natural Resources in the last session and I know that this is not something that can be dealt with conclusively by the Committee.

I hope a better and bigger way of doing it be it through consultations among yourselves and the between the Executives and the Houses of Parliament or any other that will be determined or a special Committee put in place to deal with matters.

I support.

**Sen. Olekina:** Thank you, Mr. Speaker Sir. we have a serious problem and this will not be resolved by the Committee on Lands, Environment and Natural Resources. I register my appreciation for the Petitioner who has yet again reminded us that we are the House of reason that will able to solve these problems.

We have a serious problem. The Senate Committee on Lands, Environment and Natural Resources currently has 27 Petitions, 20 of them dealing with land. The Committee also currently has 30 Statements which all have to do with land issues. The issue of the Petition is that there is timeframe of about 60 days to complete this.

I beseech you to look at ways that this can be resolved through an Ad Hoc Committee bringing all these 27 Petitions. If you were to then commit this Petition to the Committee, it would make the 28<sup>th</sup> Petition.

When we walked into this House, I received a phone call from a gentleman called Dominic Olonana from Kilgoris also complaining about the issue of land registry in Kilgoris saying it is causing a lot of problems. Currently, we have a problem between the boundary of Narok and Migori. We have land which has been adjudicated; the land is in Narok County but its administration is in Migori County.

We are not the first people to see these things. When one goes back to some of the recommendations by the Ndung'u Report, one of them was that they had to bring all those registrations that dealt with land which were by then around 40. They dealt with administration, land use, ownership and boundary disputes.

Mr. Speaker Sir, I beseech you that this is the moment when we should go outside the norm and start thinking outside the box. Let us get an *Ad Hoc* Committee. Let us sit down on this and bring all those Petitions. That is the only way that the people of Kericho, Narok-Kilgoris all the way to Elanganais and Migori will get justice.

Mr. Speaker Sir, I remind you of what my colleague Sen. Mutula Kilonzo Jnr. reminded you. This is the time for legacy. History will be written that you stood firm on the issue of revenue allocation. Now you have got another opportunity. Think outside the box, Mr. Speaker Sir, because this issue where we are now talking about expansionist theories, it will cause a lot of problems since we know matters of land are emotive. People are talking about land causing fracas around the country. This is your time, and I know you will rise to the occasion.

**The Speaker** (Hon. Lusaka): Proceed, Sen. Nyamunga.

**Sen. Nyamunga:** Thank you, Mr. Speaker Sir, for giving me this opportunity to make a contribution on this Petition.

I think Kisumu seems to be on trial here.

*(Laughter)*

I am not trying to support my Governor or to protect what should be other peoples' rights. The way we are making this contribution is as if an opinion has already been formed without any investigations done. In my view, there should be investigations. The district lines are there and the colonial government demarcations are there. This is not one thing we want to sit in this House and start castigating or demonizing a governor because that should not be the way forward.

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

**Sen.(Dr.) Ochillo- Ayacko:** Mr. Speaker Sir, I am sorry I had meant to press a place for contribution; not a point of order.

**Sen. Nyamunga:** In my view, we should as a House find a way forward for the problem that has been brought before us. We should not behave as if the Governor, hon. (Prof) Anyang- Nyong'o has already done his own things down there.

*(Loud consultations)*

No, we need proper investigations. We want a bipartisan investigation that will come up with the --- everybody knows where the districts start and end. I may not have been in a position to get the full details of this Petition---

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

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

**Sen. Wetangula:** Mr. Speaker Sir, is the distinguished Senator from Kisumu County in order to defend the indefensible when we know that hon. (Prof) Anyang-Nyong'o recently went and bestowed municipality status on Maseno Town that included the territory of Vihiga County?

**Sen. Nyamunga:** The issue of Vihiga and Kisumu has been a very big problem for a long time. I do not want to stand here and say that there is already a boundary. As I was growing up – and I went to school around that area – Maseno was in Kisumu. The most important thing we should be doing is finding out the correct position; not demonizing without facts. We want facts and the district boundaries. It is a known thing that Maseno has always been in Kisumu.

**An hon. Senator:** Which Maseno?

**Sen. Nyamunga:** Maseno Township is in Kisumu County. That is all I know.

*(Laughter)*

It is not in Vihiga. Let us not go back and forth. Let us get the facts right before we get into such a conversation. To the National Assembly---

**Sen. Mutula Kilonzo Jnr.:** On a Point of Order, Mr. Speaker Sir. Sen. Nyamunga has accused us of castigating the Governor for doing his own things. Now she is saying her own things. Under the Standing Orders if she makes an assertion that Maseno is in Kisumu, she must substantiate using the law; not that she went to school around there. That is not law.

**Sen. Nyamunga:** We are going to maybe have a Committee taking care of this. In the Committee, we should bring up all these issues so that it is settled once and for all. To me, it does not make sense standing here and talking without facts. We need facts for us to know where all these boundaries fall. Otherwise---

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

**Sen. Shiyonga:** Mr. Speaker Sir, it is just to inform my colleague here that Maseno is a name from Luhya land- Museno. That region therefore belongs to Western.

*(Laughter)*

**The Speaker** (Hon. Lusaka): Order, Senator.

**Sen. Nyamunga:** Any place can be named anything. By the fact that Museno is in Kisumu does not mean it is part of Vihiga. To me that does not make sense.

**The Speaker** (Hon. Lusaka): You can already see that there is a conflict even before the Committee deals with the matter. Proceed, Sen. Cherargei.

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**Sen. Cherargei:** Thank you, Mr. Speaker, Sir, I congratulate the petitioner from Kericho County. The issue of boundaries is a very serious issue. I hope our colleagues in the National Assembly will prioritize the Bill by Sen. Mutula Kilonzo Jnr., so that this issue can be addressed.

Mr. Speaker, Sir, Kisumu County is one of the interesting and a notorious neighbours of Nandi County. This is because we have two matters that we have filed with National Land Commission (NLC). The boundary between Nandi County and Kisumu County has been approved. When they wanted to privatize Nyando Sugar Belt through State-owned factories of Chemilil, Muhoroni and Miwani, we moved to court. A court order was issued and their intention was stopped.

Prof. Anyang' Nyong'o, the Governor of Kisumu County, has what we call expansionist theory. He has been encroaching onto Nandi County at an alarming rate. However, we have restrained ourselves from taking any action because we are slow to anger as the Bible advises us. That is why the court in Eldoret gave us a court order to stop the privatization and sale of State-owned factories.

The factories that were being privatized like Chemilil and others are in Nandi County as per NLC. I am told the Governor of Kisumu alleges that some land in Western Kenya and Kericho County belongs to Kisumu County. I do not understand his expansionist theory. I do not know what this conqueror in the name of Prof. Anyang'-Nyong'o wants to achieve. Probably, he wants to achieve what Alexander the Great achieved in the yesteryears.

Mr. Speaker, Sir, I agree with colleagues that going forward, we need an *ad hoc* Committee that will discuss how these disputes of boundaries between counties can be resolved, once and for all.

Mr. Speaker, Sir, this issue of boundaries also affects taxation and how counties collect their own-source revenue. For instance, there is a boundary dispute like between Vihiga and Kisumu counties over revenue collection. As I said, there is boundary dispute between Nandi and Kisumu counties. It is a high time that the NLC and the Ministry of Lands is involved to resolve this boundary dispute between counties. This issue of boundary dispute if not well addressed it might spiral into something that we do not want to imagine.

Finally, Mr. Speaker, Sir, I want to agree that going forward, as regions who have a problem along the borders we shall continue to maintain peace and calm as we look for amicable solution. I want to call upon my colleagues, brother Sen. Khaniri from Vihiga, Sen. Aaron Cheruiyot, Sen. Dullo and many other Senators who have a problem with boundaries, as we try to resolve this matter of boundaries, we do so in a peaceful and amicable manner. We want our communities to continue living peacefully. I do not have a problem with people from Kisumu County living peacefully in Nandi County or from Nandi County doing so in Kisumu County.

Mr. Speaker, Sir, let us undertake to maintain peace across our disputed boundaries, so that as a nation, we can move forward.

I thank you, Mr. Speaker, Sir.

**The Speaker** (Hon. Lusaka): Hon. Senators, there is still a lot of interests, but you know we are constrained of time. We still have to debate the Presidential Address to Parliament.

Hon. Members, pursuant to Standing Order 232 (1), the Petition should be committed to the relevant Standing Committee for its consideration. In this case, I direct that the Petition be committed to three Committees. The Standing Committee on Lands, Environment and Natural Resources which will take the lead, Committee on Justice, Legal Affairs and Human Rights and the Committee on National Security, Defence and Foreign Affairs. They must report back within three weeks. I know we will be going on recess, but they should work and have a report within that period.

I also want to inform the House that we have started communication with my colleague in the National Assembly to look at all the Bills that have been lying there with a view to having us review the positions taken. Yesterday, we discussed over 38 Bills that will be coming to the Senate including the National Constituency Development Fund (NCDF).

*(Applause)*

Next order.

## PAPERS LAID

### REPORTS ON FINANCIAL STATEMENTS OF VARIOUS COUNTY ASSEMBLIES/EXECUTIVES

**The Senate Majority Leader** (Sen. Poghisio): Mr. Speaker, Sir, I beg to lay the following Papers on the Table of the Senate today, Tuesday, 24<sup>th</sup> November, 2020-

Report of the Auditor General on the Financial Statements of the County Assembly of Nyandarua for the year ended 30<sup>th</sup> June, 2019;

Report of the Auditor General on the Financial Statements of the County Executive of Nyandarua for the year ended 30<sup>th</sup> June, 2019;

Report of the Auditor General on the Financial Statements of the Nyeri County Executive for the year ended 30<sup>th</sup> June, 2019;

Report of the Auditor General on the Financial Statements of the Nyeri County Assembly for the year ended 30<sup>th</sup> June, 2019;

Report of the Auditor General on the Financial Statements of the Laikipia County Assembly for the year ended 30<sup>th</sup> June, 2019;

Report of the Auditor General on the Financial Statements of the Laikipia County Executive for the year ended 30<sup>th</sup> June, 2019;

Report of the Auditor General on the Financial Statements of the County Executive of Bomet for the year ended 30<sup>th</sup> June, 2019;

Report of the Auditor General on the Financial Statements of the County Assembly of Bomet for the year ended 30<sup>th</sup> June, 2019;

Report of the Auditor General on the Financial Statements of the Taita Taveta County Executive for the year ended 30<sup>th</sup> June, 2019;

Report of the Auditor General on the Financial Statements of the Taita Taveta County Assembly for the year ended 30<sup>th</sup> June, 2019.

Report of the Auditor General on the Financial Statements of the Embu County Assembly for the year ended 30<sup>th</sup> June, 2019;

Report of the Auditor General on the Financial Statements of the Embu County Executive for the year ended 30<sup>th</sup> June, 2019;

Report of the Auditor General on the Financial Statements of the Machakos County Executive for the year ended 30<sup>th</sup> June, 2019;

Report of the Auditor General on the Financial Statements of the Makueni County Executive for the year ended 30<sup>th</sup> June, 2019;

Report of the Auditor General on the Financial Statements of the Machakos County Assembly for the year ended 30<sup>th</sup> June, 2019; and

Report of the Auditor General on the Financial Statements of the Makueni County Assembly for the year ended 30<sup>th</sup> June, 2019.

*(Sen. Poghiso laid the documents on the Table)*

**The Speaker** (Hon. Lusaka): Next order.

### NOTICE OF MOTION

#### FAST TRACKING CULTURAL DEVELOPMENTS IN COUNTIES

**Sen. Kasanga:** Thank you, Mr. Speaker, Sir, I beg to give notice of the following Motion-

THAT, WHEREAS Kenya is a multi-ethnic and multi-racial country with rich and diverse cultural resources such as traditional medicine and foods, arts, craft, music, dances, dress among others;

AWARE THAT, the Constitution, in its preamble acknowledges the cultural diversity of the Kenyan people who are determined to live in peace and unity as one indivisible sovereign nation whilst, Article 11 of the Kenyan Constitution recognizes culture as the foundation of the nation and Part (2)(4) of the Fourth Schedule appoints cultural activities as a function of county governments;

NOTING that while the Department of Culture under the Ministry of Sports, Culture and Heritage has been playing some of the key roles in promotion of cultural integration, formulation of policies and standards that will guide the development of culture, little information on existing policies has been available to the Kenyan public;

ACKNOWLEDGING that culture performs a significant role in the life of a child, the cultural background in which a child is brought up affects the totality of his or her life's activities;

CONCERNED that our children are losing their sense of identity due to the negative influences due to inadequate cultural identity catalyzed by globalization which has led to catastrophic consequences to the next generation as experienced in our country where a majority of young people are showing symptoms of feeling suicidal, anxious, feeling of hopelessness, anger, violence, feeling isolated, and paranoia;

NOW THEREFORE, the Senate urges the Cabinet Secretary, Ministry of Sports, Culture and Heritage to-

(1) Formulate cultural development policies and initiatives to inculcate stronger community values, safeguard Kenya's heritage, recognize local heroes and promote socio-cultural opportunities in the counties;

(2) Formulate strategies to create an enabling environment for protection and promotion of diversity of cultural expressions in all counties; and

(3) Partner with the Council of Governors on the formulation and implementation of policy in accordance with Part (2)(4) of the Fourth Schedule of the Constitution.

Thank you.

**The Speaker** (Hon. Lusaka): Next Order.

Hon. Senators, because the Statements are many, I will minimise any riders. You will note that we have one more Sitting before we proceed on recess, therefore we must cover a lot of ground.

## STATEMENTS

### EFFECTIVENESS OF EMERGENCY MEDICAL SERVICES DURING THE COVID-19 PANDEMIC

**Sen. Iman:** Thank you, Mr. Speaker, Sir, for giving me this opportunity.

I rise pursuant to Standing Order 47(1) to make a Statement on an issue of general topic concern namely; the effectiveness of emergency medical services during the COVID-19 pandemic.

Kenya is currently experiencing the second wave of Coronavirus infection. The country has recorded hundreds of new cases in recent weeks and high death toll rise since easing of the protocols and guidelines intended to reduce transmissions. Various hospitals have already raised alarm over the lack of capacity to accommodate the rising COVID-19 patients. Emergency medical care services remain underdeveloped, underequipped and unsophisticated even in private facilities.

One of the key challenges that emergency medical care services in Kenya is facing is lack of resources. Most counties in Kenya do not have adequate ambulance services. Some counties mostly rely on private companies to provide these services.

As a result, most Kenyans and residents have been prompted to transfer patients to hospitals by private means due to the cost, scarcity and the lack of a well-connected

reliable central dispatch ambulance system in the country. This problem has manifested itself in the country most recently in the wake of terrorism and now the COVID-19 pandemic.

A major contributor to the conundrum is the lack of enforcement in traffic regulations. The Traffic Act provides for special treatment of ambulances when they are taking people to hospital including removing any speed limit imposed and allowing them to drive on the wrong side of the road. The Traffic Act 403 Section 119 validates traffic Rule 83, which states that:-

“Drivers should give right of way upon hearing sirens indicating the approach of police vehicles, ambulances or fire engines.”

However, more often than not, motorists do not pave way for these ambulances and they are forced to manoeuvre traffic yet they are carrying patients and trying to get them to hospital as fast as possible to get the right medical attention. This is especially perilous in cities with high traffic levels, such as Nairobi and Mombasa.

Mr. Speaker, Sir, we are in the middle of a pandemic and without a coordinated response to those incidents; there is a potential of unnecessary increase in morbidity and mortality. It is important that traffic police enforce traffic rules and ensure motorists who block ambulances are arrested.

Further, I propose that Kenya National Highways Authority (KeNHA) temporarily designates special lanes especially on the highways for ambulances.

Thank you, Mr. Speaker, Sir.

**The Speaker** (Hon. Lusaka): We said no riders.

*(Loud consultations)*

Order, Senators. One will be two and two will be three. I already have five.

Let me seek your indulgence because as I said, we only have one more sitting to go and we have other matters to deal with. Let us just commit and understand.

FAILURE BY M/S TRIDENT INSURANCE COMPANY  
LIMITED TO SETTLE CLAIMS  
*(Statement deferred)*

PROTECTION OF LOCAL INVESTORS IN MULTI-NATIONAL  
COMPANIES IN KENYA

*(Statement deferred)*

**The Speaker** (Hon. Lusaka): I am deferring those ones.

Sen. Omanga, what is happening? You are looking very swift today.

HARASSMENT OF CYBER AND MOVIE SHOP  
OWNERS IN LAMU COUNTY

*(Statement deferred)*

STATE OF PSV SECTOR DURING THE  
COVID-19 PANDEMIC

**Sen. Omanga:** Thank you, Mr. Speaker, Sir.

I have got so many Statements, I do not know which one to start with. Can I do both of them?

**The Speaker** (Hon. Lusaka): Okay, proceed.

**Sen. Omanga:** Thank you, Mr. Speaker, Sir. I rise pursuant to Standing Order 48(1) to seek a statement from the Standing Committee on Roads and Transportation regarding the state of the PSV sector during the COVID-19 pandemic.

In the Statement -

(1)The Committee should explain the plans the Government has, to ensure a transition by PSV from carrying 60 per cent passenger capacity to 100 per cent is effected as has already been done in the airline industry.

(2)Outline the sensitization program being undertaken by the Government to PSV operators and passengers that will ensure that continued strict adherence to health protocols is maintained.

(3)State the penalties contemplated by the Government, if any, to be meted out on the operators who fail to comply with the laid-down protocols.

(4)Outline the measures being undertaken by the Government in terms of policy to cushion the PSV industry from severe losses going forward.

Thank you. Mr. Speaker.

**The Speaker** (Hon. Lusaka): Next Statement.

**Sen. Omanga:** Mr. Speaker, Sir, I was requesting if maybe, Members can contribute on my first Statement because as it is, PSV are doing 60 per cent and airlines are doing 100 per cent. So, hustlers are really suffering.

**The Speaker** (Hon. Lusaka): No, I gave a direction on that. Read your next Statement, Senator.

RAMPANT CASES OF INSECURITY IN  
THE NAIROBI CBD

**Sen. Omanga:** Thank you, Mr. Speaker, Sir. I rise pursuant to Standing Order 48(1) to seek a Statement from the Standing Committee on National Security, Defence and Foreign Relations on the rampant cases of insecurity Nairobi CBD.

In the Statement, the Committee should-

(1)outline what the Government is doing to curb cases of mugging, pickpocketing, phone grabbing and other petty offenses, which have lately become very rampant in the CBD;

(2)explain the complacency and inability by the police to contain the menace considering the allegations that the police are protecting the gangs and state the measures

to hold accountable officers who will be found culpable of providing protection to the criminal gangs; and,

(3)state whether the Government is aware of the claims that some members of the street families are part of those engaging in crime in the CBD, and if so, state what measures are in place to investigate and solve the matter.

Thank you, Mr. Speaker, Sir.

**The Speaker** (Hon. Lusaka): Thank you, Sen. Omanga.

Sen. (Dr.) Musuruve, next Statement.

**Sen. (Dr.) Musuruve:** Thank you, Mr. Speaker, Sir, for giving me this chance.

**The Speaker** (Hon. Lusaka): Sen. Sakaja, what is your intervention?

**Sen. Sakaja:** I just beg your indulgence, Mr. Speaker, Sir, because those Statements touch on my county and it is extremely critical to add two points. If you allow, Sen. Omanga, a Member of my delegation asked the question and I just want to add more issues that are urgent for the Committee to consider because we have an impending crisis.

**The Speaker** (Hon. Lusaka): You have three minutes.

**Sen. Sakaja:** Three minutes are more than enough.

Mr. Speaker, Sir, we have an impending crisis in this city. Two years ago, before the Governor of Nairobi transferred functions, I took him to court when he banned *matatus* from the Central Business District (CBD). They had said that *matatus* will stop at Globe Roundabout while others at Railways *et cetera*.

During that time, I remember seeing a pregnant woman fainting because she had to walk from Globe Roundabout all the way across town to get a *matatu*. People going to hospital were walking all the way from Muthurwa.

In as much as we support the plans to decongest the city, you can only ban *matatus* from the CBD when you have provided an alternative for the passengers coming from across. Imagine a sick old man or woman being dropped at Globe Roundabout to walk all the way to Uhuru Highway then to Railways Golf Club to get a *matatu* to Kenyatta National Hospital (KNH).

In as much as we support this initiative, let us avoid two things. The first one is being an elitist society that thinks the problem in Nairobi is the poor person. It is not. In fact, if anything, private vehicles are causing more congestion in the city than public vehicles. One *matatu* can take 30 or 40 people while you find one individual driving a car.

The Committee looking into this matter should put the plans on hold, until they provide proper alternative for the ordinary *mwananchi*. If you drop a *mwananchi* at Railways Station, how will they get across town for free? Let that ban not be put in force. That is the first issue.

During rainy seasons, we have seen Persons With Disability (PWDs) struggling. Let us provide the alternative first. Let us do it humanely.

I have told the Nairobi Metropolitan Services (NMS) team that they must stop behaving as if they cannot work with the other leaders. Let them work with others leaders such as Members of the National Assembly, the Senator and Members of the County

Assembly (MCAs) to come up with a solution. Otherwise, not just mechanical interventions can give solutions to this city.

We are also having many demolitions being done without any human face. I support Sen. Omanga that we should hear what their plans are in dealing with this sector.

Leaders of *matatu* owners came to me and I told them to be patient not to call for a strike. They are about to ground all the transport services from Monday. I pleaded with them to hold on until we get them to sit together with the NMS. However, it seems the NMS is not ready to sit with them because they are not picking calls. I do not know what has happened.

I appeal to them from the Floor of this House to listen to those people because everybody has a space. Even the *boda boda* person has a right to exist in this city. They should tell them the proper way to do their trade. They are also feeding their families and trying to earn a living. There are segments in the society that rely on *matatus* and *boda bodas* that can coexist with the train.

Mr. Speaker, Sir, on the second Statement, I think that matter is urgent as well. We have the street families and all the other issues they are dealing with. We have seen a report for Nakuru, but I think Nairobi City is possibly a bit worse off. When Members of the Committee invite the respondents, I urge them to also inform us to come.

Sen. Kasanga told me that the Committee on Roads and Transportation had a meeting about Nairobi without informing the Senator for Nairobi. If I am dealing with something about Bomet in my Committee, I will invite the Senator for Bomet. I cannot deal with something concerning Nairobi without inviting the Senator for Nairobi City County. They had a meeting with the NMS. I joined the meeting when it had already started. That was unfair. I must protest because I have never done that to any Senator as a Chair. For all the committees I have been chairing, I have had the courtesy to inform them when a matter comes up.

**The Speaker** (Hon. Lusaka): Sen. (Dr.) Musuruve proceed.

**Sen. (Dr.) Musuruve:** Thank you, Mr. Speaker, Sir, for giving me this opportunity to seek for Statements. I have two brief Statements to seek. I request that I seek both of them.

**The Speaker** (Hon. Lusaka): Proceed.

#### MEASURES BY KWS AND PRIVATE SANCTUARIES TO ENABLE PWDs TO ACCESS THEIR FACILITIES

**Sen. (Dr.) Musuruve:** Mr. Speaker, Sir, I rise pursuant to Standing Order No.48(1) to seek a Statement from the Standing Committee on Tourism, Trade and Industrialisation on the measures put in place by the Kenya Wildlife Services (KWS) and private sanctuaries to support PWDs to access national game parks, game reserves and animal orphanages. In the Statement, the Committee should-

(1) State the measures put in place by the KWS and private sanctuaries to ensure accessibility by the PWDs with different disability types in all areas of national game parks, game reserves and animal orphanages, including washrooms and restaurants.

(2) Outline other measures put in place to ensure that PWDs enjoy the services on a near equal basis to persons without disabilities.

Mr. Speaker, Sir, I will now go to the second Statement.

MEASURES BY COUNTY GOVERNMENTS TO  
SUPPORT PWDs DURING THE COVID-19 PANDEMIC

**Sen. (Dr.) Musuruve:** Mr. Speaker, Sir, I rise pursuant to Standing Order No.48(1) to seek a Statement from the Standing Committee on National Cohesion, Equal Opportunity and Regional Integration on the measures put in place by county governments to support PWDs during the COVID-19 pandemic. In the Statement, the Committee should-

(1) Provide a verified report of the statistics of the PWDs living in each county by gender, age and disability type.

(2) State the measures the county governments have put in place to facilitate and support PWDs during the COVID-19 pandemic, including ensuring that children with disabilities continue to receive essential physiological services.

(3) State the measures that the county governments have put in place to protect caregivers of children with disabilities and their guardians in line with the Ministry of Health COVID-19 protocols guidelines.

(4) State the budgetary allocation set aside for the PWDs in each county and how the funds have been utilised during the COVID-19 pandemic.

I thank you.

DEATH OF MS. MARTHA KEMUNTO OCHOKI AT  
THE NYAMIRA COUNTY REFERRAL HOSPITAL

**Sen. Omogeni:** Mr. Speaker, Sir, I rise pursuant to Standing Order No.48(1) to seek a Statement from the Standing Committee on Health regarding the death of Ms. Martha Kemunto Ochoki at the Nyamira County Referral Hospital. In the Statement, the Committee should-

(1) Investigate the circumstances leading to the death of Ms. Martha Kemunto Ochoki who passed away while giving birth at the Nyamira County Referral Hospital on 24<sup>th</sup> October, 2020.

(2) Explain why the deceased was neglected by medics during her stay at the hospital and further not given immediate medical attention when her situation deteriorated leading to her death.

(3) State the disciplinary measures, if any, that will be taken against the medics at the hospital in the event that it is proved that the deceased passed away due to medical negligence.

(4) Ascertain the ability of the Nyamira County Referral Hospital to handle cases of maternal health emergencies and other medical emergencies and make appropriate recommendations.

I thank you.

**The Speaker** (Hon. Lusaka): Sen. Kwamboka had two Statements, but since she is not here, they are both deferred.

STATUS OF ROAD SAFETY

STATUS OF FUNDS ALLOCATED TO THE COUNTY GOVERNMENTS  
TO AID IN THE FIGHT AGAINST COVID-19 PANDEMIC

*(Statements deferred)*

**The Speaker** (Hon. Lusaka): Let us now go to Statements under Standing Order No.51(1)(b). Sorry, we have Sen. (Dr.) Langat finally.

DECLARATION OF EMPLOYEES AS REDUNDANT  
BY JAMES FINLAY KENYA LIMITED

**Sen. (Dr.) Langat:** Mr. Speaker, Sir, I rise pursuant to Standing Order No.48(1) to seek a Statement from the Standing Committee on Labour and Social Welfare regarding declaration of 719 employees as redundant by James Finlay Kenya Limited. In the Statement, the Committee should-

(1) Provide a list of all the 719 employees declared redundant by the James Finlay Kenya Limited and, therefore, laid off and comprehensive packages they have for them, if any.

(2) State whether James Finlay Kenyan Limited followed the relevant Sections of the law in declaring the affected employees redundant.

(3) Explain whether negotiations with the workers trade unions or individual employees affected by the redundancy were held before the affected workers were laid off.

(4) Provide evidence by James Finlay Kenya Limited to show if they are unable to retain these employees during this particular time for a period of six months especially due to COVID-19.

Lastly, to provide a comprehensive arrangement they have for the children of these employees, especially those in Form Four and Standard Eight, to make sure that they are comfortable as far as their education is concerned.

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

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

**Sen. Cheruiyot:** Mr. Speaker, Sir, I want to request for time, filled with humility, 52 per cent of James Finlay is in Kericho and 48 per cent in Bomet County. Within two minutes, allow me to bring to your attention that the issue being canvassed by Sen. (Dr.) Lang'at is important.

As the host counties, we have extended communal assistance to James Finlay and Unilever. The land rates they pay to the county governments are not commensurate to the land they occupy in terms of commercial value. The reason they give is that demands of the market; tea prices are not selling globally at the prices they used before. Therefore,

we should accommodate them as they employ many of the people from south rift and parts of Nyanza.

For them to pull this move where at the slightest decline of profit they want to fire 700 employees is completely unacceptable.

I know the Committee led by my good friend Sen. Sakaja has done great in terms of reviewing labour issues brought before this House. I humbly call upon them to once again live up to their high reputation as one of the most effective Committees of this House by visiting this institution and inviting them.

If James Finlay sacks 700 employees, then let it be a declaration that from now henceforth, we, as the host communities, will deal with them at a purely commercial level.

Even for the land they occupy, they pay to the last penny. They pay only Kshs272 per acre for land whose land rate value will be in excess of Kshs40,000. Therefore, I plead with you that before we break for recess, this Committee finds a day or two to visit James Finlay in Kericho and Bomet counties and have this issue addressed.

**The Speaker** (Hon. (Lusaka): Sen. Faki, you have the Floor.

#### THE ALLEGED TRANSFER OF KENYA FERRY SERVICES TO KENYA PORTS AUTHORITY

**Sen. Faki:** Thank you, Mr. Speaker, Sir, for giving me this opportunity to make a Statement regarding the alleged transfer of Kenya Ferry Services to the Kenya Ports Authority.

I rise pursuant to Standing Order No.47 (1) to make a Statement on an issue of general topical concern, namely the alleged transfer of Kenya Ferry Services (KFS) to Kenya Ports Authority (KPA).

The KFS is currently the most convenient link between the mainland south and Mombasa Island in Mombasa County. The last two weeks have been marred with allegations that plans are underway to transfer the functions of KFS to KPA.

The KFS commenced operations in 1937. Initially, it began as a private service and was later taken over by the Municipal Council of Mombasa in partnership with the now defunct Kenya Bus Service Limited.

In 1989, Kenya Bus Services Limited withdrew from the ferry services and the Government through KPA took over the operations. We may recall that on 29<sup>th</sup> April, 1994, the MV Mtongwe ferry capsized leaving over 250 people dead. After this tragic incident, the Government commissioned an inquiry headed by the Hon. Justice Mboghli Msagha into the operations of KFS.

The observations were that the KFS underfunded and poorly maintained as a department of KPA. The Government implemented some of the recommendations of the inquiry through Sessional Paper No.3 of 1998, including granting the KFS autonomy and the Government becoming the major shareholder and KPA remaining as a minority shareholder. Despite this action, the KFS still continue to face some of the challenges from 1994 with funding being the greatest challenge.

To date, 26 years later, the victims of the MV Mtongwe Ferry disaster have never been compensated. The proposed handing over of the KFS to KPA violates Article 186 and Schedule 4 (2) of the Constitution of Kenya, which provides that ferry services are functions of county government and should be transferred to the County Government of Mombasa. The Kenya Ports Authority Act gives KPA a specific mandate of managing the ports in Kenya, but does not extend this mandate to managing the operations of ferries.

Over the years, the management and operation of KFS has deteriorated, largely because of lack of investment by the national Government. The KFS is instrumental to the well-being and livelihood of the people of Mombasa and the county in general.

Any material changes to the operations of KFS solely cannot be left to the national Government. It requires extensive consultations, including public participation before it is ratified.

Mr. Speaker, Sir, the incident of the drowning of the late Miriam Kigenda and her daughter in October, 2019 is fresh in the minds of Kenyans. It took almost a month for the bodies to be retrieved from the Indian Ocean. Therefore, the importance of KFS cannot be underestimated.

The service cannot be run as a department of KPA, which is also facing a myriad of challenges of its own. The national Government should, therefore, consider transferring the service under Article 187 to the County Government of Mombasa as this will be a more prudent direction to take in the operations of KFS.

I would also want to make one observation that early in September, I brought a Statement on the supposed merger of KPA, Kenya Railways Corporation (KRC) and Kenya Pipeline Company (KPC). To date, the concerned Committees have not met and discussed this important merger. The more the Committee delays in considering these matters, the more likely this decision will be implemented and it will be too late for the Committees to reverse whatever decisions will have been made.

**The Speaker** (Hon. (Lusaka): Sen. Madzayo, you have three minutes.

**Sen. Madzayo:** Asante, Bw. Spika. KFS ni kiungo muhimu sana cha kuweza kusafirisha watu wanaoishi katika maeneo ya pande mbili za Kaunti za Kwale na Mombasa. Vile vile, ni kiungo kimoja pekee kinachoweza kusaidia watu wa biashara kupita na bidhaa zao.

Bw. Spika, ni jambo la kusikitisha kuona kwamba kuna njama na mipangilio inafanywa kupitia Wizara ya Uchukuzi. Wana haja ya kutoa mamlaka yote ya KFS ili iwekwe pamoja na KPA, kiwe kiungo kimoja. KPA watakuwa na mamlaka ya kuifanya KFS badala ya kuwa na mamlaka yake tofauti, iwe kitu kimoja na iwe chini ya KPA.

Sisi tunapinga mipango kama hii ambayo inafanywa kisirisiri bila kuhusisha wanaotumia feri hizo. Kazi inayofanya na KFS inaweza kufanywa na kaunti ya Mombasa ambayo ina uwezo, kwa sababu ulimwengu mzima uendeshaji wa feri unafanywa na watu wa kaunti au serikali ndogo ndogo za pale wanakoishi.

Hivi sasa, inataka kufanywa kuwa shirika halafu iwe idara katika Shirika la KPA. Tunapinga hilo kwa sababu haitafaa wala haitatusaidia. Ikiwa KFS itabidi itolewe, basi Serikali isiwe na mamlaka yoyote juu yake. Ninapendeza isimamiwe na Serikali ya Kaunti ya Mombasa.

**The Speaker** (Hon. Lusaka): Sen. Boy, dakika tatu.

**Sen. Boy:** Asante sana, Bw. Spika. Kwanza ninakushukuru kwa kunipatia fursa hii ili niweze kuchangia. KFS ni kiungo muhimu sana kwa watu wa Pwani. Jambo kama hili alilozungumzia Sen. Faki kuhusu KFS kuchukuliwa na kupelekwa ndani ya KPA, si sawa katika nchi hii ya Kenya.

Ukiangalia kinyume kabisa, sisi kama viongozi wa Pwani hatukuhusishwa. Hakuna mtu yeyote anayejua kwamba KFS itachukuliwa na iungalishwe na KPA. Tungepewa fursa kama viongozi wa Pwani kuulizwa na tujue tutafanya nini kuhusu jambo hili la KFS.

Bw. Spika, kwa upande wangu, ninaonelea kuwa jambo hili lisimanishwe kwa sasa ili viongozi wote wajiadiliane kuhusu jambo hili. Bila kufanya hivyo, itakua shida kubwa sana kwa watu wa Pwani. Afadhali ichukuliwe, ikabidhiwe kwa Kaunti ya Mombasa iendeleze hii KFS. Bila hivyo, itakua shida sana kwa sisi viongozi wa Pwani.

Sisi kama viongozi wa Pwani tunasema kwamba tushikamane na viongozi wengine tuweze kusuluhisha jambo hili. Si haki kusema KFS isimamiwe na KPA.

Asante sana, Bw. Spika. Ninaunga mkono Taarifa ya Sen. Faki.

**The Speaker** (Hon. Lusaka): Finally, Sen. Wetangula. You three minutes.

**Sen. Wetangula:** Thank you, Mr. Speaker, Sir, forgiving me an opportunity to support Sen. Faki on this very important Statement. Increasingly, I am getting very worried about decisions being taken by the national Government in matters that are clearly devolved and fall under the Fourth Schedule.

The Attorney-General emeritus is here. During his tenure, when we were Ministers, if you wanted to make a serious policy statement, you first bounced it to the Attorney-General for advice. When you say that you are transferring ferry services to KPA, has whoever is doing it read the Fourth Schedule of the Constitution? Article 5 of the Fourth Schedule clearly states that ferry services are devolved functions. How do you just lift and pass them on to KPA?

Secondly, KPA is established under an Act of Parliament, and so are ferry services. Are the laws being changed by being brought to Parliament for Parliament to deal with these issues? In fact, this is not a matter that belongs to the Committee on Roads and Transportation. It is matter for the Committee on Justice, Legal Affairs and Human Rights chaired by Sen. Omogeni, so that he can bring the Office of the Attorney-General and the Executive to order, and respect the law and the Constitution as currently established.

Thank you, Mr. Speaker Sir.

**The Speaker** (Hon. Lusaka): Let us go to the next group.

The Chairperson, Standing Committee on National Security, Defence and Foreign Relations.

*(Sen. Wetangula spoke off record)*

On which matter? Alright, Sen. Wako, you have three minutes.

**Sen. Wako:** Just two.

**The Speaker** (Hon. Lusaka): Okay, two minutes.

**Sen. Wako:** In the interest of good neighbourliness.

Thank you, Mr. Speaker, Sir. This is a very important matter. I used to sit on the board of KPA. At that time, KPA managed the ferry services. The manager there was also an employee of KPA. Later on, we thought that the time had arrived when the KFS should be independent and on their own; that it may grow faster when it is on its own. That is why I sat on the board that decided to give birth to KFS Ltd. I believe that the first General Manager was one Mr. Alex Leteipan.

Mr. Speaker, Sir, it beats logic that something that was once within KPA, and KPA decided that it should be on its own, should go back to it. It does not make sense. The constitutionality of it is not quite right. As Sen. Wetangula has stated, under Part 5 (e) of the Fourth Schedule, ferries and harbours are devolved matters.

I believe that they are devolved matters because when one thinks about ferries, the tendency in this country is to just think about Likoni, whereas ferries are actually everywhere. In Malindi, Homa Bay, Rusinga Island and so on, we use ferries. Everywhere that there is a river, lake and an island, we have ferries. The idea here is that the county governments should manage those ferries for the benefit of the people of those counties.

I support my colleagues from Mombasa and the coast region because they have a very good argument on this particular matter.

**The Speaker** (Hon. Lusaka): The Chairperson, Standing Committee on National Security, Defence and Foreign Relations? That is deferred.

ACTIVITIES OF THE COMMITTEE ON NATIONAL SECURITY,  
DEFENSE AND FOREIGN RELATIONS

*(Statement deferred)*

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

ACTIVITIES OF THE COMMITTEE ON  
ROADS AND TRANSPORTATION

*(Statement deferred)*

The Chairperson of the Sessional Committee on County Public Accounts and Investments, Sen. (Prof.) Ongeri.

ACTIVITIES OF THE COMMITTEE ON COUNTY  
PUBLIC ACCOUNTS AND INVESTMENTS

**Sen. (Prof.) Ongeri:** Thank you, Mr. Speaker, Sir. I rise pursuant to Standing Order 51(1)(b) to make a Statement on the activities of the Sessional Committee on County Public Accounts and Investments for the period commencing 1<sup>st</sup> May to 20<sup>th</sup> November, 2020.

Mr. Speaker, Sir, you will recall that the Sessional Committees were re-constituted on 4<sup>th</sup> May, 2020, as opposed to the commencement of the 4<sup>th</sup> Session, thereby losing approximately three months. Following the re-constitution of its membership, the Committee convened on 25<sup>th</sup> June, 2020 and elected Sen. (Prof.) Sam K. Onger, EBS, EGH, MP, and Sen. (Eng.) Hargura Godana, MP as the Chairperson and Vice Chairperson, respectively.

Mr. Speaker, Sir, I wish to provide details of Committee activities as follows-

**Meetings:** During the period under review the Committee held a total of 91 sittings. On 9<sup>th</sup> June, 2020 and 17<sup>th</sup> June, 2020, the Committee published in the dailies schedules of appearances for the county executives and county assemblies respectively. In a bid to recover the lost time, and noting that it had only five 5 months of intensive operations before the end of the session, the Committee resolved to hold sittings daily from Monday to Friday for three consecutive weeks in each month. The sittings would run through mornings and afternoons when the Senate was in recess, and only mornings when the Senate had Plenary sittings.

Since the Committee handles voluminous documentation, it was noted that it was difficult to effectively scrutinize and consider such documentation on virtual platforms. The Committee, therefore, successfully appealed to the Speaker to be allowed to hold physical sittings.

**Stakeholder Engagement:** The Committee plans to hold a consultative meeting with the big five; that is, the Ethics and Anti-Corruption Commission (EACC) The National Treasury, the Controller of Budget (CoB), the Attorney General and the Auditor General, in order to discuss close-cutting and salient issues identified from the interrogations of the audit Committee for the county executives and County Assemblies.

The meeting is intended to bring the stakeholder together to find lasting solutions to most of the recurring audit issues and other common challenges faced by county governments. It will also provide an opportunity to identify gaps and fiduciary risk areas of financial operations of county governments

**Consideration of the Auditor-General's Report and Interrogation of Audit Reports:** During the period and as indicated above, the Committee approved very rigorous sitting schedules for the period commencing 1<sup>st</sup> July- 1<sup>st</sup> December, 2020. In the Sitting schedule, the Committee lined up for interrogation all the 47 county executives for the first time. For the first time since inception of devolution, the Committee also lined up for interrogation all the 47 county assemblies.

The Committee has so far held meetings with 46 Governors and clerks of 11 County Assemblies to consider the Auditor General's reports for the financial year, 2015/2016 and 2017/18 for county executives and Financial years 2013/2014 and 2017/18 for county assemblies.

This House will recall that the last Senate during the period 2013-2017 interrogated only 18 county assemblies on the audit report of Financial Year 2013/14 implying that 29 county assemblies have never been oversights by the Senate since inception.

It is also worth noting that all county assemblies have never been oversights by the Senate on the audit reports for the financial years 2014/2015 and 2017/18. The

Committee cannot rule out possibility of direct relationship between the lack of Senate oversight of county assemblies and adequate financial management in the county assemblies.

It is for this reason that this Committee has utilized part of its tight schedule interrogating county assemblies in order to put them on their toes in undertaking proper financial management.

Consideration and preparation of reports:

During the period under review, the Committee has considered and prepared reports which are currently in various stages as follows: -

- (i) Twenty Reports drafted, considered and awaiting adoption: Reports of twenty county executives for Financial Year 2014/2015;  
Twenty-four Reports drafted and considered by the Committee: for eight county executives for the three financial years 2015/16 - 2017/18; and,
- (ii) Eighty-one Reports drafted and awaiting Committee consideration for twenty-seven county executives for the three financial years 2015/16 - 2017/18.

The challenge of operating under a very tight schedule of interrogations and the heavy backlog of reports, coupled with the COVID-19 situation have slowed down the Committee's effort to consider, adopt and table all the reports mentioned above within the period.

It is for this reason that the Committee has sought the intervention of amending the Standing Orders to allow for extension of time for the Committee beyond the end of this Session in order to conclude the reports in readiness for tabling.

Upcoming Activities: For the remaining days of November and the first week of December, 2020, the Committee is scheduled to conclude the consideration of the Auditor General's Reports for the financial years 2015/16 and 2017/18 for the county executives and continue with the consideration of the Auditor General's Reports for the financial years 2013/14 and 2017/18 for county assemblies.

Challenges faced by the Committee and Recommendations: \_

- (i) Heavy workload arising from the backlog of Audit reports for county assemblies and county executives.
- (ii) The sessional nature of the Committee where valuable time is lost before the constitution of a new Committee on commencement of a new session. The delay in constituting the Committee led to substantial loss of time and delay in commencement of work.
- (iii) Limited funds: The Committee has noted with concern that despite heavy workload, its budgetary provision is inadequate and equal to that of the other Committees of the Senate. The Committee holds two sittings per day for five days a week in an effort to deal with its heavy mandate and to also clear its huge backlog in order to cover all the reports of the Auditor General as required by law. Considering the number of sittings, and the volume of workload, it goes without saying that the cost of holding physical meetings is much higher compared to virtual sittings.

Recommendations:-

(1) The Senate should review the Standing Order 219 and amend it to ensure that the work of a Sessional Committee continues uninterrupted until a time when a new Sessional Committee is established at the commencement of a new Session. The amendment is informed from the experience of Sessional Committees in this Session when they were established on 4<sup>th</sup> May, 2020 as opposed to the commencement of the Session in February, 2020, thus wasting approximately three months.

Mr. Speaker, Sir, I might hasten to say that there is a letter from two Sessional Committees before you for consideration.

(2) The Senate should review the standing orders to change the lifespan of the Committee from being Sessional to a Standing Committee like its counterpart in the National Assembly that was changed from two and half years to five years which is in tandem with the current international practice following the resolutions of the International Association of Public Accounts Committees.

(3) The Liaison Committee should consider increased budget allocation to the Committee owing to the heavy workload and backlog. The current trend of equal budgetary allocation across committees is therefore disadvantageous to this Committee.

I thank you, Mr. Speaker Sir.

*(Sen. (Prof.) Ongeru laid the document on the Table)*

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

*[The Temporary Speaker (Sen. Nyamunga) in the Chair]*

**The Temporary Speaker** (Sen. Nyamunga): Proceed, Deputy Senate Majority Leader.

BUSINESS FOR THE WEEK COMMENCING  
TUESDAY, 1<sup>ST</sup> DECEMBER, 2020

**Sen. Dullo:** Thank you, Madam Temporary Speaker. Pursuant to Standing Order 51(1), I hereby present to the Senate the business of the House for Tuesday, 1<sup>st</sup> December, 2020.

On Tuesday, 1<sup>st</sup> December, 2020, the Senate Business Committee (SBC) will meet to schedule the business of the Senate. On that day the Senate, pursuant to Standing Order 24(5)(6) will resume debate on the Motion on the Address by His Excellency the President should the Motion not be concluded today.

We will also continue with the business that will not be concluded in today's Order Paper. This includes Bills for which the resolution process contemplated under Article 110(3) of the Constitution has been completed by both Speakers of Parliament, Petitions and Statements.

Madam Deputy Speaker, the Senate has complied with the judgment given by the High court in Constitutional Petition No. 284 of 2019. So far, five Bills have been published and are currently undergoing the joint resolution process pursuant to Article 110(3) of the Con. The Bills are-

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- (1) The Geologist Bill (Senates Bill No. 23 of 2020) By Sen. Mwangi.
- (2) The Care and Protection of Older Members of Society Bill (Senate Bills No. 24 of 2020) By Sen. Cheruiyot.
- (3) The Natural Resources (Benefit Sharing) Bill (Senate Bills No.25 of 2020) by Sen. (Dr.) Agnes Zani, MP;
- (4) The Health (Amendment) Bill (Senate Bills No. 26 of 2020) by Sen. (Dr.) Abdullahi Ali, MP; and
- (5) The Public Finance Management (Amendment) Bill (Senate Bills No. 27 of 2020) by Sen. (Dr.) Agnes Zani, MP.

Hon. Senators, this makes a total of nine Bills that have been re-published so as to conform to the provisions of Article 110 (3) of the Constitution, (6) of which - including the aforementioned five that are undergoing the joint resolution process.

This is an indication of progress on the part of the Senate. I take this opportunity to thank all Senators for their continued patience and understanding as the Offices of the Speaker and those of the Senate Leadership engages our counterparts in the National Assembly to fast-track the process of regularizing all the affected Bills.

In conclusion---

*(Loud consultations)*

Madam Temporary Speaker, please protect me from loud consultations.

**The Temporary Speaker** (Sen. Nyamunga): Hon. Senators, kindly consult in a low tone so that you do not disrupt the deliberations of the House.

**Sen. Dullo:** Madam Temporary Speaker, in conclusion, the Senate is scheduled to proceed on the long recess at the rise of the Senate on 1<sup>st</sup> December, 2020 as per the Calendar of the Senate. I continue to urge respective Standing Committees to consider all pending business, including Petitions and Statements and table reports pursuant to the Standing Orders, ahead of this date.

Madam Temporary Speaker, I thank you and hereby lay the statement on the Table of the House.

I thank you.

*(Sen. Dullo laid the document on the Table)*

**The Temporary Speaker** (Sen. Nyamunga): Next order.

**Sen. Sakaja:** On point of order, Madam Temporary Speaker.

**The Temporary Speaker** (Sen. Nyamunga): What is your point of order, Sen. Sakaja?

**Sen. Sakaja:** Thank you very much, Madam Temporary Speaker. If you look at the Statements under Standing Order No.51(1)(b), there are some Chairs who were not around. I beg your indulgence because I had a Statement on Standing Order No. 51(1) (a), which I am told has been brought down from the Speaker's Office about Members Statements to my Committee. I wanted to give an update. If you can allow that we just do so very quickly, so that Members are appraised on the issues they addressed to the Committee on Labour and Social Welfare. There was that gap that has been left by the two Members. I am just requesting.

**The Temporary Speaker** (Sen. Nyamunga): Are you now ready with it?

**Sen. Sakaja:** Yes. Can I go ahead?

**The Temporary Speaker** (Sen. Nyamunga): Yes, go ahead.

ACTIVITIES OF THE COMMITTEE ON  
LABOUR AND SOCIAL WELFARE

**Sen. Sakaja:** Thank you very much, Madam Temporary Speaker, this is a Statement by the Committee Chairperson on Labour and Social Welfare under Standing Order No.51(1)(a).

The Standing Order No.51 (1) (a) provides that-

“A Chair of a Committee can make a Statement relating to a matter for which the Committee is responsible.”

Madam Temporary Speakers, in 2020, we have dealt with 13 Statements. I am making this cognizant of the fact that we will go on recess next Tuesday. There are certain Statements I would like to appraise Members. I saw Sen. Faki's, and Sen. Omanga's Statements. The two Statements, one is regarding the appointment of the Managing Director of Kenya Ports Authority (KPA) from Sen. Faki as well as one by Sen. Omanga on resumption of sporting activities in the country. On those ones, we are still awaiting responses. If they do not come by the end of this week, we shall summon the required agencies.

Sen. Fatuma Dullo, the Senate Deputy Leader of Majority, brought a Statement on dismissal of workers or staff by the Ewaso Nyiro development Authority. We received a response from them. We have shared it to the Senator. We have deliberated on this response. However, we are not satisfied as a Committee and we have invited them to come to us, so that we can resolve this matter to the satisfaction of the Senator and of the people of Isiolo County and those affected.

Sen. (Dr.) Gertrude Musuruve, sought a Statement on compensation of Mr. Peter Otieno by Sarova Hotels Limited from either the Ministry of Labour and Social Protection and the company in question. The Committee notes that the matter concerns work injury benefits which is closely related to a statement by Sen. (Dr.) Ali regarding non remittance of employees statutory deductions of work injury benefits and other labour related violations in Wajir County.

We have received a response from the Ministry of Labour and Social Protection stating the counties that have not complied on the Work Injury and Benefit Act. As a result, we scheduled a meeting with the Ministry of Labour and Social Protection and the Committee of Human resources on Council of Governors (CoG).

We want to address this matter holistically because very many counties and Government agencies have defaulted on the issue of statutory remittances. This National Hospital Insurance Fund (NHIF), National Social Security Fund (NSSF), pension funds to Lapfund and Laptrust. We are looking at this matter holistically and not just on those two that were asked. We shall give a very comprehensive response as a Committee.

Madam Temporary Speaker, on the same note, we will be holding a stakeholder meeting on the implementation of the County Government Retirement Scheme Act,

2019. This is a very important legislation that this House passed. The last Senate failed to do it thrice. We struggled with it and we have passed it. It is in transition phase.

As a Committee on Labour and Social Welfare together with all stakeholders, we are going to look at so far, the progress they have made on implementation. This is Retirement Benefits Authority (RBA), LAPFUND, LAPTRUST, the county governments and all stakeholders. We will give a report to the House.

There was a Statement sought by Sen. Petronilla Were on alleged frustrations faced by retired public servants or their beneficiaries in calming benefits at the pension department as well as one sought by Sen. (Dr.) Ali on misappropriation of staff emoluments and statutory deductions and other labour related violations.

Madam Temporary Speaker, we met as a Committee the Governor of Wajir and his team on the 17<sup>th</sup> of November, 2020 on a Statement sought by Sen. Farhiya, Sen. Haji, and Sen. (Dr.) Ali concerning alleged stalled payments of sitting allowances. Both senators came to the meeting. I am glad to report that they committed to pay within the week. We can confirm that we made sure that the dues which were in arrears of 22 months were paid swiftly.

I am made to understand that there a few camels waiting for me in Wajir County as well as other things I cannot say in this House courtesy of Sen. Farhiya and the people of Wajir who were happy that we resolved that matter.

Madam Temporary Speaker, we deliberated on the matter of Sen. Were regarding welfare support to employees by the Central organization of Trade Unions (COTU) during the COVID-19. There was a response sent by COTU to the *ad hoc* Committee on COVID-19 on emergency fund and the COTU do not operate an emergency fund related to COVID-19. The response was shared with the Senator. We have asked that any additional questions that have arisen by a Senator can be scheduled to a more general discussion. The specific question was answered.

Madam Temporary Speaker, we have received responses on the Statements and we shared with the Senators, Sen. (Dr.) Musuruve on youth development centres, Sen. Were on mass recruitment of health workers under Universal Health Coverage (UHC), Sen. Halake on provision of training opportunities for persons living with disabilities serving in the public service, by Sen. Aaron Cheruiyot regarding operations of anti-doping agency - this is very important for our sport persons and the legendary rampant doping tests failures by Kenyan athletes - and by Sen. (Dr.) Musuruve, she really gives us many Statements on equal opportunities for persons with disabilities.

Madam Temporary Speaker, we have completed all petitions. As we go to the Christmas break, there is no single pending Petition before the Committee on Labour and Social Welfare.

I have heard Senators for Bomet County raising a question on Finlays together with Senator for Kericho County. We shall see how to deal with it exhaustively. We do not like going for Christmas with backlog. I do not like it. We will finish our work.

I thank the Clerk to the Committee, Ms. Mwanate and the team; Jeremy as well as Marale, for the excellent work they are doing to make our Committee to do well. I thank my Members, Sen. (Dr.) Milgo, Vice Chairperson, Sen. Mwaruma and all the other

Members for being diligent and always having at least 88 per cent turn out in the Committee.

My apologies and condolences to Sen. Cherargei who left my Committee. I know he is very sad that he is no longer a Member of my Committee. Sen. (Dr.) Mwaura does a good job.

Thank you, Madam Temporary Speaker.

**The Temporary Speaker** (Sen. Nyamunga): Thank you, Chairperson. I will give two Senators an opportunity to make brief comments on that statement. I am going to give an opportunity to Sen. Farhiya and Sen. Cherargei.

**Sen. Farhiya:** Madam Temporary Speaker, I can attest to the fact that due to my Statement that the Standing Committee on Labour and Social Welfare handled very well, the County Government of Wajir paid the Wajir Land Tribunal payment that had been pending for 22 months. Their money was pending for 23 months and also five months after their term had expired, these people still did not have money. To make the matters worse, those were aged people, some of them over 70 years old.

Sen. Sakaja, his Secretariat and the other Members of that Committee will be blessed abundantly because of doing a good job.

Madam Temporary Speaker, I wish CPAIC would have been doing a great job like that. I have a lot of issues with CPAIC and the chairperson is not even here. Devolution is an infant that needs to be nurtured for it to grow and flourish. However, due to the kind of job that CPAIC is doing, we will take a longer time to achieve that goal.

**The Temporary Speaker** (Sen. Nyamunga): Sen. Faki, what is the intervention or point of order?

**Sen. Faki:** Madam Temporary Speaker, is the Nominated Senator for Wajir in order to cast aspersions on a Committee of this House?

**The Temporary Speaker** (Sen. Nyamunga): Senator, continue.

**Sen. Farhiya:** Thank you, Madam Temporary Speaker. If CPAIC is not effective the way it ought to be, corruption will thrive and devolution will die faster. I think this Committee should continue being a sessional Committee so that we can change them all the time because it is not doing what it ought to do in all fairness.

Madam Temporary Speaker, I hope that CPAIC will pull up its socks so that it improves. We criticize to make things better and not to make people feel bad. People have to do what they ought to do. When we did the analysis for the COVID-19 Fund, we found that 98 per cent of the funds were spent with nothing to show for it on the ground. Had CPAIC done its job properly, that fact would have been glaring.

Thank you, Madam Temporary Speaker.

*[The Temporary Speaker (Sen. Nyamunga) left the Chair]*

*[The Temporary Speaker (Sen. (Dr.) Mwaura) in the Chair]*

**Sen. Cherargei:** Thank you, Mr. Temporary Speaker, Sir.

I want to commend my Whip, Sen. Farhiya, for that bold statement and I agree with her entirely. We need our Committees to be efficient, effective and deliver as per the Standing Orders.

I am proud of my former Chairperson, Sen. Sakaja. I think he is performing beyond our expectations and he is soaring high. When I was a Member of that Committee, I learnt a lot and I am happy that my former Committee of Labour and Social Welfare is doing very well. I can see they are doing a lot of deliverables. I want to tell the Committee that they are lucky to have the Nairobi City County Senator as their chairperson. I am proud and I want to register my appreciation for assisting the people of Wajir County. I have some friends there and they are very proud of what you did. We want to ensure that our Committees are effective and efficient.

I want to challenge my colleagues to join the leadership of various Committees. This is the time to rise up to the occasion. I can be the chairperson of the Sessional Committee on Delegated Legislation, Sen. Faki. I can see my successor in the Standing Committee on Justice, Legal Affairs and Human Rights, Sen. Omogeni and he is performing very well. I can also see the Attorney-General *emeritus*, Sen. Wako, in the House. We need to have efficient and effective committees.

My only issue with the Standing Committee on Labour and Social Welfare is to request Sen. Sakaja to follow up on the issue of Nandi County where, from November 2019 up to now, 384 casual labourers have not been paid. I want to call upon the Committee to intervene. I want you to use the same military precision that you used to address the issue of Wajir County; that same vigour and energy should come to Nandi County. The 384 casuals that have not been paid their dues from November 2019 up to now have bills to pay; school fees, medical bills and rent.

Sen. Sakaja, I kindly request you that before we break, the best Christmas gift that you can give to the 384 casual labourers that have not been paid for more than nine months, is to ensure that they are paid their dues and are reinstated back to their work and not having a Nairobi Christmas tree lighting ceremony. This is because the Labour and Relations Act provides the procedure of firing or sacking employees.

I want to challenge and request the Standing Committee on Labour and Social Welfare through the able leadership of Sen. Sakaja who wears different hats by leading the party that formed the Government in the 2013-2017 regime, having served in the National Assembly in various capacities-- I want to request this House that the best Christmas gift to the people of Nandi, more so the 384 casual labourers is for the Labour Committee to intervene. Let them be paid promptly their nine months dues plus, and be reinstated back to their workstation.

I am happy that one of the efficient and effective Committees that we have in this House is the Committee on Labour and Social Welfare. Labour is a very challenging issue. I want to challenge the Committee that they need to look at the rising wage bill that has gone beyond 35 per cent. I do not know what we will do to assist the ballooning wage bill within our counties.

Mr. Temporary Speaker, Sir, I also sit in CPAIC. One of the issues that has always come up is the ballooning wage bill. I am very effective as a Member and so I

cannot speak for anybody else - and my record speaks for itself - that the biggest challenge with our counties, be it the county executive, is the ballooning wage bill.

I want to challenge the Committee on Labour and Social Welfare to re-look on how we can assist counties so that they do not go beyond the threshold where more money is going to wages as compared to development.

The other issue is on labour regime; the issue of the National Government freezing of hiring through the Public Service Commission. There was a freeze by the Treasury on the hiring by the Public Service Commission, except for officers offering essential services. I want to challenge Sen. Sakaja to look into it.

Finally is the issue of the risk allowance for the frontline workers. Sen. Sakaja, being the former Chairperson of the Ad hoc Committee on COVID-19, he performed extremely well. I want to request the Committee on Labour and Social Welfare that they intervene on behalf of frontline workers especially---

**The Temporary Speaker** (Sen. (Dr.) Mwaura): Samahani kidogo. Umesema kuwa alikua Mwenyekiti wa COVID-19?

**Sen. Cherargei:** Mr. Temporary Speaker, Sir, he was the Chairperson of the Select Committee on COVID-19. Sorry for that mix-up.

We have seen that nurses who are frontline workers, want to go on strike. I want to challenge Sen. Sakaja to try to assist us by providing leadership on this labour dispute that we are heading to, especially on the payment of risk allowances. As we talk today, more senior doctors who have taken years to train are dying because of COVID-19. More doctors and nurses are complaining for lack of Personal Protective Equipment (PPEs) and risk allowances.

I want the Committee on Labour and Social Welfare to rise up to the occasion and fight for the risk allowances. Even the police who are also implementing the containment measures must be given risk allowance. Anybody who is on the frontline of providing essential services in the fight against COVID-19 must be given risk allowance.

I want to challenge Sen. Sakaja because I believe he has the necessary networks, connections and ability to ensure that risk allowances are paid to frontline workers. If that will be done, I can assure you that the fight against COVID-19 in this country will be better, more efficient and effective.

On that note, I am happy that the Committee on Labour and Social Welfare have done extremely, although he did not acknowledge that I was part of the people and the brains behind this cogent and substantive Report that he is tabling today. I was among the people who assisted him in delivering the mandate.

I wish the Committee on Labour and Social Welfare very well and we expect more when we open the next session. The Committee on Labour and Social Welfare may keep electing him as Chair. I hope when Sen. Sakaja is called upon for other responsibilities in this House, he will rise to the occasion and perform beyond our expectations.

I thank you.

**Sen. Sakaja:** Point of Information.

**The Temporary Speaker** (Sen. Mwaura): Sen. Sakaja, nafikiri Hoja ya kumuarifu imepitwa na wakati kwa sababu amemaliza. Sen. Cherargei umetoa wasifu wako binafsi. Ungengoja kusifiwa.

Sasa nitampa nafasi Sen. Omogeni.

ALLEGED SUMMARY DISMISSAL OF TEA PICKERS IN KERITO  
AND KIPKEBE TEA FACTORIES IN NYAMIRA COUNTY

**Sen. Omogeni:** Mr. Temporary Speaker, Sir, I wanted to ride on the issues that have been raised on the report that has been made by Sen. Sakaja, the able Chair of the Committee on Labour and Social Welfare and draw one issue to your attention.

I sought for a Statement on what happened in Nyamira County by the Sasini Group of Companies, relating to massive sacking of casual workers in three factories, that is, Kipkebe, Kerito and Magura tea factories, all in Nyamira County.

The matter was initially referred to the Committee on Agriculture, Livestock and Fisheries but in a meeting that was held by the Committee, a decision was made that the matter be dealt with by the Committee on Labour and Social Welfare.

I have heard the Chair give a report this afternoon that he has finalised all the pending work. However, that particular one has not been answered before this House.

Mr. Temporary Speaker, Sir, I wanted to request for your direction that the Statement be officially referred to the Committee on Labour and Social Welfare, so that as they look into other issues to do with sacking of casual labourers in my neighbouring Kericho County, this matter can also be dealt with in the same manner, hopefully before we break for the Christmas recess.

**The Temporary Speaker** (Sen. Mwaura): Asante sana Sen. Omogeni. Nitampa nafasi Mwenyekiti wa Kamati ya Leba na Maswala ya Kijamii aweze kujibu.

**Sen. Sakaja:** Mr. Temporary Speaker, Sir, I wish I could respond in Kiswahili but my points might be lost.

First, I will start with what Sen. Omogeni has asked for. I am not aware of that Statement. Maybe it got lost in transmission but I am ready and willing to deal with it, if it is sent to us.

In fact, if the protocols allowed, we can deal with the issue of Sasini as we deal with the James Finlay Kenya Limited issues in Bomet and Kericho counties because the matters are similar. They are about the laying off, of casuals procedurally or un-procedurally.

Mr. Temporary Speaker, Sir, we can deal with them together but your office should officially transmit that instruction on that particular question. I wish Sen. Cherargei was here. Indeed, he has been a Member of my Committee but I will bring the final report tomorrow on the issue he has raised because we are told that we cannot do a preliminary report.

When you look at our Standing Orders, when a Petition is brought, part of what petitioners write in a Petition is that a matter is not before any court of law, so that we deal with something exhaustively in this House without attracting any issue of *sub judice*.

As soon as the petitioners brought this matter, they went to court, I think the next day or a week later on the same issue. We invited the governor, the Senator and the petitioners. In that meeting, the governor said he was willing to address the issue. Members of the Committee were also willing and asked them to choose whether they wanted it to be dealt with in court or in a committee.

We even went as far as asking them to suspend the court action through appropriate means for 14 days. We were ready to give a determination but you cannot have your cake and eat it. There is a reason why our Standing Orders ask you to say whether the matter is before any other forum of competent jurisdiction.

On any other issue pending, I am willing to listen to Members because as committees, we work on behalf of the people of this country and for the convenience of the House.

Sen. Omogeni knows our earlier discussion in the Committee on Justice, Legal Affairs and Human Rights that he chairs ably. There is a moratorium by the Speaker on county visits. If that is lifted for this purpose, I will be happy even within the next seven days to lead my Committee to Bomet, Kericho and Nyamira and sort this matter out. That is how we dealt with the issues of Wajir, Nakuru and many other counties.

**The Temporary Speaker** (Sen. Mwaura): Mwenyekiti sijakupata vizuri. Umesema kwamba utashughulikia swala la wakili ama lipelekwe kwenye kamati mbadala?

Kuhusiana na alivyosema Sen. Cherargei, hatuwezi kuwa na maombi hapa kama tayari yako kortini. Tuelezee ili tuweze kuelewa vizuri.

**Sen. Sakaja:** Bw. Spika wa Muda, vile umesema ni kweli. Kuna Taarifa ambayo Sen. Omogeni alitisha. Nimesema kwamba tuko tayari na tuna uwezo wa kuangalia mambo hayo.

Wakati alileta Taarifa hiyo, Kamati tofauti ilipewa jukumu la kuishughulikia. Hata hivyo, nimesema kwamba, niko tayari ikiwa amri itatolewa kutoka kwa ofisi ya Spika ili Taarifa hiyo ishughulikiwe na Kamati ya Leba na Maswali ya Kijamii. Ikiwa hivyo, tutaishughulikia pamoja na Taarifa za Sen. (Dr.) Lang'at na Sen. Cheruiyot.

Kuhusiana na yale Sen. Cherargei alisema, nimesema kwamba, walioleta maombi hayo walienda kortini baadaye. Tuliwaambia wafanye uamuzi kama wanataka tuyashughulikie ama yashughulikiwe kortini. Tuko tayari lakini hatuwezi kutumia--- Kwa Kiingereza, tunasema *it is abuse of proceedings, forums or parliamentary privilege*.

Wanafaa kuamua; isiwe wanaweka *bet* moja hapa na nyingine kwingineko ili *bet* moja ikichomeka wawe sawa. Tuko tayari kushughulikia maombi yao. Hata hivyo, wanafaa kuondoa kesi yao kortini kwa sababu Seneti inaweza kutatua mambo hayo haraka kuliko jinsi itatatuliwa kortini kwa sababu tunaweza kutatua kwa siku saba. Tuko tayari wakiamua kuwa wanataka Seneti ishughulikie wala sio korti.

Kiswahili ni kigumu lakini nimejaribu.

**The Temporary Speaker** (Sen. Mwaura): Asante sana kwa sababu umejieleza kwa ufasaha. Sio lazima uwe na uweledi wa lugha ndiposa uweze kujieleza. Ni vizuri kujua kuwa *Petition* kwa Kiswahili inaitwa ardhilhali.

Kama Spika wa Muda, natoa uamuzi kuwa hizo ardhilhali tatu zielekezwe kwa Kamati ya Leba na Maswali ya Kijamii.

Sen. (Dr.) Milgo, unataka kuzungumzia jambo hili ama ni mjadala unaofuata?

**Sen. (Dr.) Milgo:** Mr. Temporary Speaker, Sir, I thought we had gone to another one but it will be prudent for me to comment on the Statement by my Chair. I have been a vibrant Vice Chairman of the Committee. In most cases, I stand in for him as the Chair. Therefore, part of the success should be attributed to me as well.

I thank my Chair, Sen. Sakaja, because he has taught most Members of the committee how to act on issues. I am now the Chair of the Committee on Education and we are doing well. In most cases, what goes to the Committee on Labour and Social Welfare are many activities that affect our people.

With our Chair, I hope we shall look into the issue of the James Finlay Limited in Kericho because many people are suffering. You can imagine how it feels for people to be laid off during the COVID-19 pandemic. Those people might not be able to put food on the table.

In addition to that, they may not even take their children to school. It is an inhuman act. I hope we shall find time to visit the James Finlay Limited and settle that matter the way we did for the people of Wajir.

I support Sen. Farhiya on what she said about COVID-19 funds. As the Committee on Education, we have been interrogating counties over the Early Childhood Development Education (ECDE) matters. We have spoken to 38 counties and we have realised that COVID-19 funds are mismanaged.

In fact, in most cases, we tried to find out whether those funds got to schools. Some did get to hospitals but could not be traced. In this case, it is in order for us to speak and ask where the funds are. We are calling upon the County Public Accounts and Investments Committee (CPAIC) to style up and follow up on these funds so that people get value for money.

As a Member of the Committee on Labor and Social Welfare, we are proud to be in it and are ready to support issues in the Committee to assist our people.

**The Temporary Speaker** (Sen. (Dr.) Mwaura): Asante sana, Sen. (Dr.) Milgo. Sen. Faki.

**Sen. Faki:** Asante Bw. Spika wa Muda, kwa kunipa fursa hii. Najiunga na wenzangu kumpa kongole Sen. Sakaja, Seneta wa Nairobi, kwa Ripoti ya ufasaha na utendakazi ambayo ameweza kuitoa. Ningependa kushauri kuwa, wale ambao wametoa ardhilhali wakati wamepeleka mashtaka mahakamani, wangeshauriwa kuondoa mashtaka yale mahakamani kwa muda.

Kwa Kiingereza wanasema: *Withdraw the proceedings*, amabyo inakupa fursa ya kuleta mashtaka yale kortini baadaye wakati utaona kwamba labda juhudi za Kamati ya Seneti hazikuweza kufua dafu.

Watakapoondoa mashtaka yale Kortini, wataweza kupata fursa baada ya muda, iwapo Kamati haikuweza kutoa mwafaka mzuri wakaweza kufuatilia maswala yale kule kule mahakamani, ambapo alikuwa ameenda awali.

**The Temporary Speaker** (Sen. (Dr.) Mwaura): Asante sana. Umezungumza kwa kifupi. Kuna Hoja ya Nidhamu kutoka kwa Sen. Sakaja.

**Sen. Sakaja:** Mr. Temporary Speaker, Sir, I do not know whether it is just me. I and Sen. Kwamboka are hearing reggae around. We know no one can stop reggae, but

would you ask the Serjeant-At-Arms to confirm, because the precincts of Parliament cannot have such interruptions. I know that is not the doing of Sen. Wako, as the reggae bandleader. Kindly, we want to concentrate on the proceedings.

**The Temporary Speaker** (Sen. (Dr.) Mwaura): Asante sana Seneta wa Nairobi. Kuna barabara hapa karibu na Bunge la Seneti, kwa hivyo, ni lazima tusikize miziki ya reggae na mingineyo, lakini sasa hamna kelele. Sasa tuko katika Hoja ya Nane.

## MOTION

### THANKS FOR THE PRESIDENTIAL ADDRESS

THAT, pursuant to Standing Order No.24 (6), the thanks of the Senate be recorded for the exposition of public policy contained in the Address of His Excellency the President, delivered on Thursday, 12<sup>th</sup> November, 2020 and further that the Senate notes the following Reports submitted by His Excellency the President in fulfilment of Articles 132 (1) (c) and 240 (7) of the Constitution, laid on the Table of the Senate on Tuesday, 17<sup>th</sup> November, 2020 –

(i) The Seventh (7<sup>th</sup>) State of the Nation Address by His Excellency the President delivered at a Special Sitting of Parliament on Thursday, 12<sup>th</sup> November, 2020.

(ii) The 7<sup>th</sup> Annual Report on the Measures Taken and Progress Achieved in the Realization of National Values and Principles of Governance.

(iii) The 7<sup>th</sup> Annual Report on the Progress made in Fulfilling the International Obligations of the Republic of Kenya.

(iv) The Summary of the 7<sup>th</sup> Annual Report on the Progress made in Fulfilling the International Obligations of the Republic of Kenya.

(v) The Annual Report to Parliament on the State of National Security.

(vi) The Report on the Ease of Doing Business: Reform Milestones 2014-2020.

(vii) The Office of the Director of Public Prosecutions Consolidated Annual Report for the financial years 2017/2018, 2018/2019 & 2019/2020.

*(Sen. Poghio on 17.11.2020)*

*(Resumption of debate interrupted on 17.11.2020)*

**The Temporary Speaker** (Sen. (Dr.) Mwaura): Seneta wa Busia, Sen. Wako, aliyekuwa Mwanasheria Mkuu wa Serikali, pia ni wakili mwandamizi.

**Sen. Wako:** Thank you, Mr. Chairman, Sir, for giving me an opportunity to speak on this Address by our President, which touches on the measures taken and the progress achieved in the realization of national values referred to in Article 10.

I was there reading the provisions of the Constitution. Under Article 10, we have a number of issues that ought to be addressed. I did not want to go through them. One of them is the issue of sustainable development.

I want to go through it because the Building Bridges Initiative (BBI) Report, if you have read it, has sought to amend Article 10 to make it clear and expand the issues on which the President should inform the nation.

I can refer to it now because it does not appear to be a controversial provision of the BBI. Therefore, I take it that it is acceptable to both sides. It says that the President should not just address the nation on values referred to in Article 10, but should also address the nation on the issue of economic and social rights referred to in Article 43.

I want to use Article 43, which gives us details that ultimately should be contained in the Presidential Address. Article 43 talks about the economic and social rights. One of those rights that it has made reference to is the right to education.

The Address does recognize that to enhance quality of education in terms of both physical structure and content, is necessary. I am pleased that the President does recognize that the physical structure in our educational institutions is over-stretched. In the COVID-19 pandemic, it is more that treble overstretch. I am glad that the President has recognized that.

I am glad that the President has given the assurance at Page 22 of his Address, that the issues of growth inadequacy of the physical structures in our educational institutions will be dealt with conclusively in the next 24 months. The President is giving a promise that within the next 24 months, the issue of overstretching the physical structures in our schools will be a thing of the past.

I mentioned this because it will be useful to mention it in his next Address, maybe in a year's time or a few months, because this one was given late. He could address and inform the nation on how far we have achieved that objective. We would, of course, be looking forward to saying: "I said two years, it is now one year and we are half way through to achieving the objective of having adequate infrastructure in schools".

Article 43 deals with health. On health, our President gave a good promise that the Universal Health Care will be fully functional. Everything will be quite okay by the end of 2022. We would want that in his next Address, he will come and say: "That was the objective and I am glad to inform the nation that we are half way to achieving this objective". The President has scored on those two issues.

There is also the issue of the urban poor that is mentioned in detail. I feel strongly that time has come that we should deal with the hardcore poor; the urban poor. We have the Equalization Fund, which deals with the historical issues.

Since Independence, the slums have grown in a big way in every city and township in this country. In Busia, here in Nairobi, Mombasa, Kwale, Kakamega slums are there. We must come up with an aggressive plan to see how this can end. I hope that in his next Address, he will give us some assurance.

His assurance would be that by the end of the two-year period, a firm foundation would have been laid to deal with the issue of poverty, and in particular, the hardcore poor.

Mr. Temporary Speaker, Sir, having talked about Universal Healthcare (UHC), we cannot talk about health without mentioning what is currently going on. I would have liked for the President to have given us an outline on the level of preparedness of our county governments in dealing with this pandemic.

We have seen the figures of those dying. I have just seen that 17 people have died within the last 24 hours. The figures are now in the twenties. People are passing away, most of them being very senior doctors, and so on. When I was growing up, I thought that a doctor could never die because he could cure himself, but we now know better that any person can die.

It is a harrowing story when you hear how some of these people died. You hear that somebody went to a particular hospital and could not be admitted, and they were on their way to another hospital when they passed on. You hear that somebody was being escorted by his wife to a hospital and the procedure of admitting that person was so long that they died in the car.

You hear from people who have survived that in some hospitals doctors trying to make a very serious decision on who should get oxygen. After one person passes on, the oxygen becomes available, and there about two or three people who are waiting to get it. They begin asking: "Who should get it?" In deciding who should get it, they are passing a death sentence on the others.

Mr. Temporary Speaker, Sir, do we really have enough oxygen for all the counties, not just big hospitals here in Nairobi? Do we have enough Personal Protective Equipment (PPEs), not just here in the national hospitals, but also in the county hospitals? Some of the doctors who have died--- Dr. Alushula who was a doctor in Busia passed on. Do we have enough PPEs?

There are so many issues in the health sector that clearly have to be dealt with urgently. I thought that the issue of salaries, perks and everything else had already been solved. However, the risk allowances agreed on have not been implemented. When the leaders of the doctors were enumerating the things, they said that they had agreed on these issues, not just in the last meeting, but in the other meetings. They were even promised that it would be done, so that they resume work, but nothing happened. They want to go on strike again for the same issues.

Mr. Temporary Speaker, Sir, what is going on with the issues of salaries? One of the headlines in today's newspapers was the fact the Council of Governors (CoG) is complaining that the funds have not yet been released since September and October. We are now in November and they have not been released. By the way, I do not even know if my salary has been paid now. I doubt and will have to check.

What is going on? We would have liked the President to have addressed some of these issues. As we laud him for giving the assurance that UHC will be fully operational by the end of 2022, we would have also liked to hear him speak on current issues. How are they being dealt with? How are they ensuring that the counties get money on time, rather than the delays that we used to have? How are they ensuring that everybody has

enough PPEs, instead of the PPEs lying at the Kenya Medical Supplies Agency (KEMSA) stores here in Nairobi?

Mr. Temporary Speaker, Sir, there is a lot on healthcare. I understand that there is a health policy. One of my worries on healthcare is that some counties will be left behind and some will go ahead. If I happen to be in the county where there is nothing, then I am condemned to death. What is the national agency that is responsible for national standards and polices doing to ensure that all the county health institutions are up to the standards that they have laid out?

What are they doing to ensure that I feel that I am okay even if I go home to Busia? What are they doing to ensure that we have the type of standards, equipment, and personnel like doctors, clinical officers, and nurses that are required for Level Five and Level Four, Level Three, and Level Two hospitals are there? What are they doing to ensure that those are there in all the county governments? If I may say so, what are they doing to supervise?

Although the health function has been devolved, I still think that the national Government has a lot to do, particularly in terms of national policy, enforcing the national standards, regulating and setting up regulations on various hospitals, and so on.

At least, he dealt with health, but there are other issues. If the Constitution is amended and the Building Bridges Initiative (BBI) proposal comes into force, in next year's address, we would like to hear in some detail what progress we are making to ensure that our citizens are free from hunger. What steps have we taken to ensure that our citizens have access to clean water? What steps have we taken to ensure that we have social security?

Mr. Temporary Speaker, Sir, these are some of the things that I will personally look for.

**The Temporary Speaker** (Sen. (Dr.) Mwaura): Seneta, tafadhali malizia.

**Sen. Wako:** Mr. Temporary Speaker, Sir, I congratulate the President on the foreign policy. As far our neighbouring countries are concerned, he has recommended the handshake. We know what is going on in our neighbouring countries like Ethiopia. The President has recommended the handshake and the strengthening of the integration of these other communities.

I congratulate the President for Kenya, together with Ghana, being the first countries to ratify the agreement creating the African Continental Free Trade Area. I congratulate the President for getting the presidency of the Organization of African, Caribbean, and Pacific States for the period---

*(Sen. Wako's microphone went off)*

**The Temporary Speaker** (Sen. (Dr.) Mwaura): Tafadhali, muda wako umekwisha.

*(Sen. Wako spoke off record)*

Tayari kipaza sauti kimezimwa. Tumemaliza tafadhali. Asante sana Seneta. Nafikiri umezungumza vizuri sana kwa sababu una historia.

**Sen. Wako:** I just wanted to add one more point.

**The Temporary Speaker** (Sen. Mwaura): Basi mpe kwa sababu ni mzee.

**Sen. Wako:** Mr. Temporary Speaker, Sir, when we talk about national values, we cannot do so without talking about the fight against corruption. That is missing in the President's Address. It cannot just be in the reports of the Director of Public Prosecution. Next time, we want to hear more.

We used to hear more during the Presidential Address but this time we heard nothing.

**The Temporary Speaker** (Sen. Mwaura): Asante sana kwa kusisitiza mambo ya uufisadi na rushwa ambayo yamekuwa janga kubwa katika nchi hii yetu.

Wakati huu ninampa fursa Sen. Farhiya. Kwa upande wa walio Wengi ni wachache saa hii na walio Wachache ni wengi.

**Sen. Farhiya:** Thank you, Mr. Temporary Speaker, Sir. If you could allow me to mix Kiswahili and English, I would have tried. Unfortunately, I speak Swahili but technical terms are a bit of a challenge.

**The Temporary Speaker** (Sen. Mwaura): Ninasisitiza kuwa sio lazima uzungumze kwa ufasaha kama Sen. (Dr.) Mwaura ama Seneta Mhe. Faki. Zungumza unavyoweza kwa sababu tunakuza lugha.

**Sen. Farhiya:** Mr. Temporary Speaker, Sir, for today, let me speak English. Next time, I will try Kiswahili. There are weighty issues that H.E President Uhuru Kenyatta addressed that I want to emphasize using the language I understand better.

I thank H.E the President for an excellent Address. I am glad he spoke about many ranging issues. I commend him for infrastructure. This country has grown by leaps in terms of infrastructure, which is also important for economic growth.

I am also happy he spoke about *Huduma Namba* that is going to ensure Government services are accessed quicker than it normally would be. This is because one will have been clearly identified as an individual and, therefore, there is no point looking for other information elsewhere to determine that one is a Kenyan citizen.

I am happy he acknowledged that the pandemic ravaged everything including how we worship our Lord God. He has done a good job and reiterated in terms of the fight against COVID-19 to ensure that we have elaborate measures to fight it. He also acknowledged that Kenyans are getting fatigued with COVID-19 protocols and the fact that if we do so, the likelihood of perishing under it is very high. He cautioned us against that as well.

Our President also commended us for the work we are doing as the two Houses. I am happy he acknowledged what we do. He also specifically congratulated the health workers who have gone beyond their normal duty to ensure people who have been affected by this pandemic have been served.

Mr. Temporary Speaker, Sir, it is also important to note that he also mentioned the economic growth of this country. A 5.4 per cent growth is not a small number given that we had a contested election the whole of 2017. The economy started recovering after the "Handshake" and people started working. Before that, there were a lot of chaos and we could not work well. I thank the two principals for the "Handshake" because it brought peace that enabled the economy to grow one-and-a-half years later to 5.4 percent.

It is well known in this country that every electioneering year, we also do not grow our economy because the focus is on elections. That was also very clearly canvassed in the Address.

I am also happy that he was able to have his Government forgo some taxes so that Kenyans who are ravaged by the pandemic can make ends meet and also avoid the impact of inflation. Once there is inflation with the same salary, one cannot buy things. The tax measures were used to have extra disposable income that can make people continue buying so that the economic engine continues to grow. People who are net consumers also have less inflation so that prices are lower because of the tax cut. I commend him for also reducing VAT.

I commend H.E for the reduction of Central Bank of Kenya (CBK) Rate from 8.25 percent to 7.2 percent. That increases availability of credit and reduction of interest rates as well so that people have more access to credit. Despite the pandemic ravaging our economy, at least people are able to borrow and deal with their economic issues.

The cash reserve ratio of the CBK has also been reduced from 5.25 percent to 4.25 percent. That means that the liquidity within the banks is higher by 1 percent. That amount can still be lend to more people because funds are available. People can continue doing their little businesses to bring economic growth.

His administration is happy with Parliament for approving a further 8-point economic stimulus program that cost Kshs56.6 billion.

The economic sector has also improved. There was additional recruitment of 5,000 health workers and 11, 000 interns in the health sector. We are aware we are losing health professionals. Some of them will not be able to attend to patients because they are in the vulnerable age groups. These extra numbers mean there are more health workers to attend to people.

I commend the President for the 250, 000 desks. The other day, I heard someone complaining that the President was talking about that. This number is significant because of two things. First, it is a COVID-19 intervention measure, that instead of two pupils using one desk every pupil has a desk of their own.

Secondly, people from the 'Jua Kali' industry are the ones doing this work. That money will help them sustain their businesses, so that they do not go out of business. The 250,000 desks are very important to us because of those two reasons.

Mr. Temporary Speaker, our President commended Kenyans for being resilient despite the pandemic that is ravaging this country. Why that is important, is because economic impact is about perception of people. Once people have the perception that there is all doom, negative perception will make them keep their income instead of spending it. Once people keep their money, money circulation is affected and business enterprises crash.

I also commend His Excellency President Uhuru Muigai Kenyatta for talking about poverty of dignity and people transitioning from that poverty to create income to sustain themselves and move forward.

The Universal Health Care (UHC) which was piloted in four counties was successful. Because of that, our response to COVID-19 is much better.

I also wish to commend our President for talking about mental health. As we are all aware, mental health is an issue in this country and all over the world. Unless we handle this phenomenon, then we will lose our productive age through suicide or drugs. That means all of us will be impacted in one way or another. This is because instead of people working, they will be dealing with one issue or another. I so happy that our President articulated issues of mental health.

Mr. Temporary Speaker, Sir, I do not know whether I will finish whatever I wanted to say because the light is yellow. The President's speech was great.

**The Temporary Speaker** (Sen. (Dr.) Mwaura): Una dakika mbili. Kwa hivyo, unaweza kumalizia.

**Sen. Farhiya:** *Asante Bw. Spika wa Muda.* I am glad he spoke about the Competency Based Curriculum (CBC) that will develop more skills. People will stop looking for white-collar jobs. They will become skillful and do their own work. That means that they will be the economic engine of this country.

Mr. Temporary Speaker, Sir, I wish to commend His Excellency President Uhuru Muigai Kenyatta for issuing 4.5 million title deeds as compared to the previous regimes that only issued 6 million. He needs to be commended for that work because the more you issue title deeds, the more people stop being squatters and invest in that land. This is because their ability to get credit using that title deed is enhanced. Therefore, that is also a good thing.

Mr. Temporary Speaker, Sir, our President spoke about Kenya Mortgage Refinancing Corporation which will increase the number of home owners in this country. I am sure it is the dream of every Kenyan to own a home, because there will be an institution that will be lending to people.

It is beyond reach for most Kenyans to get a mortgage for them to finance. Look at the number of people who can access mortgage in this country. That is also great leadership from His Excellency President Uhuru Muigai Kenyatta.

As I finish, he talked about youth pessimism. In that as well, economic---

**The Temporary Speaker** (Sen. (Dr.) Mwaura): Samahani. Muda wako umemalizika. Asante sana kwa mchango wako. Umechangia pakubwa kuhusu afya ya akili, lakini leo hujazungumzia kuhusu deni na mikopo kwa sababu hilo ni jambo kubwa ambalo lipo.

Nampa fursa hii Kiongozi wa Walio Wachache, Wakili Mwandamizi Mkuu, mwanasheria, Seneta James Orengo, ili aweze kuchangia. Na kwa sababu alisomea Chuo Kikuu cha Dar es Salaam, sijui kama ni leo ama ni siku nyingine, ningelipenda azungumze kwa Kiswahili.

Seneta James Orengo, una nafasi.

**The Senate Minority Leader** (Sen. Orengo): Bw. Spika wa Muda, kwa vile umesema nizungumze kwa Kiswahili, nitajaribu nizungumze kwa lugha ya Kiswahili.

Kwanza, pongezi kubwa kwa Rais Uhuru Kenyatta kwa Hotuba aliyotoa hapa Bungeni. Alizungumzia mambo kadhaa. Ni muhimu kwake kuhutubia Bunge kila mwaka ili kueleza mambo yanayoendelea nchini na hasa yale ambayo yameelezwa katika Kipengele 132 cha Katiba ya Kenya.

Bw. Spika wa Muda, ukizingatia hali yetu kama taifa, Rais, kama yule ambaye amepewa jukumu la kuongoza nchi na kusimamia mambo fulani katika Serikali, ni lazima akija hapa Bungeni aelezee haya maneno. Katika kutoa hiyo Hotuba, aliangazia mambo mengi.

Katiba imeeleza ya kwamba wakati wote akija kutoa Hotuba katika kikao cha pamoja cha Bunge la Taifa na Seneti, ni lazima azungumzie mambo mawili ambayo ni muhimu.

Jambo la pili ni kuhusu mambo ya kitaifa. Ukiangalia eneo la Afrika Mashariki pamoja na Afrika Kusini, yale ambayo yanaendelea kwa nchi hizi ambazo kwa kiingereza wanasema “*Horn of Africa*”, tumekuwa na matatizo mengi. Eneo hili lina watu kadri 300 milioni. Kenya lazima iendelee kuwa taa ambayo inawaka kamili.

Taifa kama vile Ethiopia lina matatizo makubwa sana. Kama Kenya haitakuwa na amani, tutakuwa na matatizo zaidi katika eneo hili la Afrika. Mimi naomba Kenya iendelee kuwa na demokrasia. Hii ni kwa sababu tofauti ya Kenya na nchi zingine sita au saba katika uongozi ni kwamba, tunajaribu zaidi kuliko nchi zingine kidemokrasia.

Jambo la pili ni kuwa Rais alizungumzia kwa makini yale maadili yaliyo kwenye kipengele cha kumi cha Katiba. Hayo ni muhimu kwa sababu kuna mambo ambayo yametajwa hapo kama haki za kibinadamu na mambo ya uzalendo.

Rais akija katika Bunge la Taifa na Seneti, anatakiwa kuzungumzia mambo hayo kwa makini, kuonyesha Serikali yake imefanya nini kuhusu hivi vipengele vya Katiba ambavyo ni muhimu.

Pia Rais aliongea kuhusu COVID-19, akisema kwamba, imetuletea madhara mengi sana. Nataka kusema bila kuogopa kwamba, Serikali ya Kenya imejaribu. Tukilinganisha na mambo yanayoendelea katika nchi kama Amerika, India au Brazil, kila nchi ina matatizo. Kenya tumekuwa na matatizo ambayo tumezungumzia, lakini ninaweza kupatia Serikali ya Kenya hongera kwa kiwango ambacho tumeweza kuyatatua.

Tumeshughulikia mambo ya madhara ya COVID-19. Hivyo sio kusema ya kwamba hatukuwa na matatizo. Kuna madaktari na wale wengine ambao wanafanya kazi kwa hospitali na zahanati, ambao wengine wamekufa na wengine kupata madhara mbali mbali. Tunasema, pole kwa familia ambazo zimepoteza madaktari ambao ni ndugu zetu na watoto wetu. Tunaomba kwamba wale ambao wamekufa kutokana na madhara ya COVID-19, Mwenyezi Mungu awaweke mahali pema peponi.

Lakini kuna mengi ambayo tunaweza kujaribu kufanya. Kwanza, Serikali Kuu lazima ipeleke hela za kutosha katika kaunti. Kuna kaunti ambazo zimejaribu, lakini hazina hela au vifaa. Na hii ni kwa sababu Serikali kuu ‘inakalia’ hela ambazo zinatakiwa kuenda kwa kaunti.

Pia magavana wengine hawafanyi kazi vilivyo. Wako na haraka sana ya kujenga mijengo tofauti au kuangalia vile watapata kandarasi na mambo kama hayo, lakini kutoa huduma kwa wananchi imekuwa duni katika kaunti zote. Hii lazima ilete muamko katika kaunti zetu kwa sababu kutegemea hela za Serikali Kuu inalingana na Katiba, lakini Serikali za kaunti lazima zijitahidi ili wawe na hela, ambapo ikiwa kuna mambo ya hadhara kama haya, wanaweza kuitumia kuwasaidia wananchi, lakini sio kama sasa.

Tukiangalia mambo ya uchumi, tuko katika hali duni. Niliskia Bw. Spika wa Muda akizungumzia kuhusu mambo ya madeni. Mambo ya madeni lazima tuyaangalie. Tukianza kusikia kwamba World Bank na IMF wameanza kurudi Kenya, lazima tujue kwamba, tumeingia katika hali ya hatari.

Wakati Rais Kibaki alipochukua usukani, pole pole, tulianza kuona mambo ya IMF na World Bank yakienda chini. Lakini kwa miaka miwili iliyopita, tumeanza kusikia mambo ya IMF na World Bank. Hii inaonyesha kwamba tunaendelea kukaliwa na hizi nchi ambazo zimeendelea, na wanajaribu kuleta ukoloni mamboleo. Lazima tufanye juhudi kuona kwamba Uhuru wetu si uhuru wa kisiasa pekee yake, lazima tuwe na uhuru wa kiuchumi.

Naomba Serikali Kuu ijaribu kuona ya kwamba, haya mazoea ya kuenda kutafuta madeni kila mara, lazima tujifunze kujitegemea. Bila kujitemea, hatuwezi kuwa na Uhuru kamili.

Bw. Spika wa Muda, jambo langu la mwisho ni kwamba, miaka miwili na nusu iliyopita, tulichagua Serikali. Wengi wetu walisema kwamba kulikuwa na matatizo katika uchaguzi, lakini baadaye tukakubali kwamba kuna Serikali iliyochaguliwa na watu wa Kenya. Na hiyo Serikali ikawa na nguvu zaidi wakati ambapo Rais na Mhe. Raila Amolo Odinga waliposhikana mkono mwezi wa Machi 2018.

Nataka kusema bila kuogopa kwamba, kuna watu ambao wako katika chama tawala na wako kwa Serikali. Wanafaa kuamua kama jambo la muhimu kwa Wakenya ni mambo ya 2022 ama kutumikia Serikali ambayo wako ndani. Hao watu, kila siku wakienda kwa magazeti au wakitoa hotuba kwa mazishi, ni kulilia yale ambayo yanaendelea na ni wao ambao wanakaa katika Baraza ya Mawaziri.

Ukienda katika ofisi za Serikali, wao ndio wako ndani ya hizo ofisi. Lakini kila siku wanalia na kusema kwamba, kuna matatizo fulani au Serikali haifanyi kazi vizuri. Sasa, ni serikali gani hiyo ambayo itafanya kazi vizuri kama hao ndio wako kwa hiyo Serikali, wanaitumikia na wana vyeo vikubwa.

Bw. Spika wa Muda, unaweza kukumbuka wakati Rais wa Jamhuri ya Kenya alikuwa ameenda kule Hague, ni nani aliwachiwa mamlaka kama Kamu wa Rais wa Jamhuri ya Kenya? Haikuwa Raila Amolo Odinga ama James Orengo. Mimi kama ningewachiwa mamlaka siku mbili au tatu, ningekuwa na moto kweli kweli.

Lakini kila siku, hao watu wanasema mambo haya na yale kuhusu Serikali. Wakati ni huu waamue kama wako katika Serikali ama wako nje ya Serikali. Waamue wawe watumishi wa Kaisari ama sio watumishi wa Kaisari.

Kwa hivyo, huu ni unafiki mkubwa sana. Hakuna kosa kubwa mbele ya Mwenyezi Mungu kuliko unafiki. Mnafiki ana sifa tatu; anapenda kusema uongo. Tukianza kuangalia maneno ambayo hawa watu wanasema kila siku, ni uongo mtupu. Ukipatia mnafiki chochote kama amana ya kwamba unaenda safari, ukirudi utapata kwamba haiko kama ulivyompatia. Utapata kama imeliwa, hata kama ni hela. Utapata hela imeenda.

Najua kuna matatizo katika Chama cha Jubilee ambayo yameleta taabu kwa sababu ya wanafiki. Wakipewa nafasi ya kulinda mali ya wananchi, 'wanairarua' vibaya mno. Hata hawawezi kuacha mfupa. Sasa wako kortini kulialia lakini ni lazima waende hapo.

Sifa ya mnafiki ni kwamba ukimtuma mahali popote, ujumbe utakaompa utakuwa ni mambo mengine. Atasema uongo kwa sababu hawezi kusema kile ulimtuma. Hizo ni sifa tatu. Kati ya hizo sifa tatu, mbili ni mbaya zaidi. Sifa hizo mbili ni uongo na wizi.

Mwaka huu sisi hatutaki mambo ya 2022. Wananchi walichagua Serikali na viongozi. Kwa hivyo, bado tuna miaka miwili. Katika nchi ya Italia, kuna serikali zingine hupewa mwaka mmoja tu kufanya kazi na kuondolewa. Kule Marekani, wambuge wa *Congress* huchagauliwa kwa miaka miwili pekee. Rais huchaguliwa kwa miaka minne wala si mitano. Uchaguzi mwingine hufika pindi tu mtu ameanza kazi.

Sisi huwa miaka mitano kabla ya uchaguzi mwingine. Kwa nini hao wenzetu wasiwe na subira ya kungoja wakati ufike ndio waanze misukosuko ya siasa za 2022?

Kulingana na Hotuba yake, Rais anataka tufanye kazi. Kenya imekuwa mfano mzuri kwa nchi zingine. Tulionyesha kwamba tunaweza kupigana kwa sababu ya uchaguzi lakini baadaye tukafanya kazi pamoja kwa sababu Kenya ina Serikali moja. Hata upinzani ni moja tu.

Katika hii Seneti, mimi ndiye Kiongozi wa Wachache. Upande ule kuna Sen. Poghisio ambaye tunafanya kazi naye vizuri. Si kazi ya kupiga tu makofi. Huwa tunajieleza kama kuna mambo ambayo hatukubaliani nayo.

Kule Marekani kuna mtu anayeitwa Pence. Huwezi kusikia akisema kitu tofauti na Trump ambaye ndiye Rais. Najua kuna tabia zingine za Trump ambazo hapendi hata kidogo yeye kama Mkristo. Kwa sababu alichagua kufanya kazi na Trump kama makamu wake, lazima afuate kanuni ambazo walikubaliana wakati wa uchaguzi.

Bw. Spika wa Muda, sitaki kusema mengi sana. Kwa miaka miwili ambayo imesalia, tunafaa kutunga sheria inayohusiana na maelewano kati ya Raila Amollo Odinga na Rais Uhuru Kenyatta. Wale wanaotaka viti wangoje mpaka uchaguzi ufanyike ili tuone nani atakuwa mshindi. Kwa sasa, kazi yetu kubwa ni kuleta amani katika nchi yetu ya Kenya.

Kuanzia kesho tutakusanya mamilioni ya sahihi za Wakenya na nina imani tutapata. Nina uhakika tutapata sahihi zaidi ya milioni nne kwa sababu tuko wengi sana. Najua tutapata sahihi kutoka kaunti zaidi ya 40.

Kwa wale waliokuwa wakifiria *reggae* ilisimama, mwezi wa nne mwaka ujao tutakuwa na *Referendum*. Najua Seneta wa Nairobi anafahamu mchezo wa *reggae* na pia aneweza kucheza gitaa. Hata hivyo, najua tutafika na tutafaulu.

Asante Bw. Spika wa Muda.

**The Temporary Speaker** (Sen. Mwaura): Kongole kwa sababu umezungumza kwa Kiswahili cha ufasaha. Hiyo ni idhibati kuwa Sen. Orenge ambaye ni Kiongozi wa Wachache alihudhuria mihadhara yote ya kisheria katika Chuo Kikuu cha Dar-es-Salaam.

Changamoto tuliyonayo ni kwamba nguzo ya upinzani imewiana na kushikamana na nguzo ya Serikali. Sasa hivi, huwezi kujua nani yuko katika Serikali na nani yuko kwenye upinzani.

Hapa tuna Kiongozi wa Wengi. Ni jukumu la Serikali kuhakikisha kwamba imeridhisha maswala yote yanayoibuka kuhusu utendakazi wake ili wananchi wasionekane kuwa wametelekezwa.

Kwa muhtasari, hongera Sen. Orengo kwa mdahalo mzuri na kuchangia kwa mapana na marefu. Ningependa sana kuona Maseneta wengi wakizungumza kwa Kiswahili. Siko hapa kama mkufunzi wa kusahihisha lugha. Zungumza vile upendavyo.

Kabla nimwachie Sen. Pareno kuendelea, nitampa fursa Sen. (Dr.) Milgo.

**Sen. (Dr.) Milgo:** Thank you, Mr. Temporary Speaker, Sir. I will speak in Kiswahili later.

I also want to speak to the State of the Nation Address by our President and congratulate him for touching on several key issues. I will talk about a few of them.

One of the major issues was the COVID-19 pandemic that has affected our country. He spoke to the whole country and informed us that health workers were increased by 5,000 and 11,000 interns. In addition to that, Kshs25 billion was given as a stimulus package to the counties. That is the amount we are not sure how it was used.

*[The Temporary Speaker (Sen. Mwaura) left the Chair]*

*[The Temporary Speaker (Sen. Pareno) in the Chair]*

Madam Temporary Speaker, I also thank the President for intervening by suspending the Credit Reference Bureau (CRB), tax relief, reduction on Value Added Tax (VAT) and Pay As You Earn (PAYE), reduction on corporate tax and encouraging various Ministries to pay their bills. That will ensure that our youth and people who have been taking part in building this country do not lose their livelihoods. By reducing taxes, there was an increase in consumable revenue that was availed to our people, enabling them to put food on the table during this hard time.

He touched on issues of creating 100,000 job opportunities for our youth. Our youth are so many and over 75 per cent, wandering with many skills. Having such jobs will encourage them, so that they do not use their energy on negative issues. Many of our school-going children have been found in wrong places. Without jobs, our youth can easily be negatively radicalized.

I thank the President for allocating resources to fabricated desks, up to the tune of 250, 000. If this continues, our schools will ensure COVID-19 protocols are observed once schools open in January.

Another important issue our President addressed was the fact that he appreciated our country is having challenges in terms of mental health. He declared that a facility is being built in Mathare Hospital, where we shall have psychiatric services being offered as well as forensic psychiatry. This will be a game changer to ensure issues of mental health that are rampant in this country are taken care of.

Another important issue our President spoke to is on education as a sector. Being the Chairperson Committee on Education, I was happy because he mentioned and restored confidence of the people of this country on the Competency Based Curriculum (CBC). It has now taken root and is now fully functional. It has been embraced notwithstanding the challenges.

**The Temporary Speaker** (Sen. Pareno): Sen. (Dr.) Milgo, naona Mheshimiwa amebonyeza, labda ana jambo.

**Sen. Sakaja:** Madam Temporary Speaker, I am noting and hope I am the last person to speak in English. Sen. Orenge took a huge risk as a Luo and Senator from Siaya to speak in Kiswahili. It is very risky. He put his life on the line and anything could have happened.

If Sen. Orenge of Siaya spoke in Swahili, apart from the Nilotes, I had already spoken to this matter. Direct that any other person, especially the Bantus, for the rest of the day, must speak in Swahili.

Kama Sen. Orenge amejitolea mhanga na akazungumza kwa Kiswahili, sioni Seneta yeyote anayefaa kuzungumza Kiingereza kwa wakati ambao umebaki. Itakuwa ni vizuri, tujaribu. Kama yeye ameweza kuzungumza, ni nani hawezi? Kutoka Siaya ni ngumu kuzungumza Kiswahili na ni hatari kwa maisha.

**The Temporary Speaker (Sen. Pareno):** Kulingana na sheria zetu za Bunge, huwezi kulazimisha Mbunge kuongea kwa lugha fulani, lakini anaweza kuchagua kuongea kwa Kiswahili ama Kiingereza.

Kwa hivyo, siwezi nikamlazimisha yeyote, lakini ni kuwaomba tu, yule ambaye anajisikia kuongea Kiswahili, ama anaweza kumudu lugha ya Kiswahili, tunamkaribisha aendeleo hivyo, lakini hatuwezi kulazimisha.

**Sen. (Dr.) Milgo:** Thank you, Madam Temporary Speaker. A few minutes ago, the ‘super’ Senator---

**The Temporary Speaker (Sen. Pareno):** Sen. Sakaja, hujabonyeza, hujauliza nafasi?

**Sen. Sakaja:** Bi. Spika wa Muda, ninafafanua kwamba ufasaha wa lugha ni muhimu. Sikusema umlazimisha ama umuamrishe Seneta yeyote, ilhali, tuwahimiza ya kuwa Kiswahili kitukuzwe. Ni kuhimiza wala si kuwaamrisha.

Nimeshukuru Sen. (Prof.) Kindiki amenieleza hilo neno la utohozi au kuhimiza. Sio eti lazima lakini ni vizuri ili wale wanaosikiza nyumbani waone Sen. Shiyonga anajaribu kuzungumza kwa Kiswahili cha Kiluhya na Sen. Kwamboka kwa Kiswahili cha Kikisii. Hii itasaidia maandhari ya Seneti.

**The Temporary Speaker (Sen. Pareno):** Sen. Sakaja, hapo awali hukuwa umeuliza tuwahimiza, uliuliza tuwaamrishe. Sasa umerekebisha. Tunawahimiza watumie lugha ya Kiswahili, lakini yule ambaye ameona hajimudu kwa lugha ya Kiswahili, ana uhuru kuchagua lugha ya Kiingereza.

Endelea Sen. (Dr.) Milgo.

**Sen. (Dr.) Milgo:** Thank you, Madam Temporary Speaker. English and Kiswahili will remain the parliamentary languages. Therefore, when we have many points, we will speak the language we feel comfortable to speak.

Before I was interrupted, I was speaking to issues of education. As the Chairperson of the Committee on Education, I thank the President for speaking to issues on education, more specifically touching on CBC which many of poor parents were having challenges.

Now that it has taken root, notwithstanding its challenges, this form of curriculum left out a section of our children that we used to call ‘Baby Class’; children under four years. I hope that something will be done to correct that.

In addition, the President spoke a lot to the issues of supply of teaching and learning materials, to ensure that student to book ratio is achieved. If it is achieved, learning will be effective. Our teachers will find it easy to teach and we shall realize effective education in this country. Parents have been having many challenges because of COVID-19. They are not sure when schools will reopen.

I thank the President for stamping his authority and imploring upon the Ministry of Education, Science and Technology to come up with a calendar. Now we have a running calendar starting next year, which will save our parents' anxiety and stress.

Madam Temporary Speaker, the President talked about inclusivity. If Sen. (Dr.) Musuruve was here, she would be excited about the issue of inclusivity. When we talk of inclusivity, it goes beyond People with Disability (PWDs). There are those who are marginalized. Of late, we have realized that many of our girls are now young mothers and the President said we must ensure that they go back to school.

Therefore, I hope we shall have the Ministry of Education, Science and Technology getting a team to identify these young mothers and placing them in schools, so that we achieve the 100 per cent transition rate that the President spoke to.

One other important issue that the President spoke to is that in the next frontier, we will be talking about quality education as well as ensuring that physical infrastructure is assured in all the schools.

The President went ahead and talked about the reason they thought of improving infrastructure in the next two years. It is to ensure that in the far-flung geographical areas of our country, we will guarantee a standardized form of infrastructure and ensure that we have the right number of classes, laboratories and desks. This will be one of the greatest achievements.

One other important issue that the President talked about is the Big Four Agenda. Many people thought that the Big Four Agenda is lost, but he spoke to this issue seriously. I am happy that part of his thoughts is that he wants to make the youth not to be earners of wages, but owners of capital. If he can achieve that, we shall turn the economy of this country and be the most progressive.

Another issue the President spoke to is issuing of title deeds. Land is a factor of production and a very emotive issue. There was a Petition in this House on land and people were almost coming out to fight.

Giving out 4.5 million title deeds in only seven years is an issue worth lauding. Once people have gotten their title deeds, I am sure that they will settle down and carry out some activities on their land.

Madam Temporary Speaker, in addition to this, the President talked about digitizing land records. If this is achieved in this country, I think this country will save the people from the corruption that has been around land issues. Whenever you go to the lands offices, you cannot get your file or are taken in circles. In most cases, this has been a challenge.

Madam Temporary Speaker, this Speech has a lot of polices, proposals and economic stimuli, but the challenge in this country is that we have good policies and good plans, but the implementation does not go through. At the same time, there is a lot

of wastage in terms of corruption. Next time, the President should come out very clearly on how to curb corruption, so that people may get value for their money.

Thank you, Madam Temporary Speaker.

**The Temporary Speaker** (Sen. Pareno): Muda wako umeyoyoma.

Nafasi hii nitampa Sen. Kwamboka.

**Sen. Kwamboka:** Asante, Bi. Spika wa Muda, kwa kunipa hii fursa kuchangia Hotuba ya Rais wa Jamhuri ya Kenya, aliyohotubia Bunge zote mbili.

Mheshimiwa Rais alizungumzia janga la Virusi vya Corona (COVID-19) linaloathiri mataifa mengi. Haswa kuhusu Kenya, alitueleza mikakati ambazo amepanga kukabiliana na ugonjwa wa COVID-19. Alisema kuwa katika kila kaunti, kuna pesa ambazo zimepewa magavana ili washughilkie hili janga, ili watu waishi kwa usalama. Kuna mikakati alioweka kama kupunguza mikutano ambayo watu wanaudhuria. Akasema kuwa idadi ya watu watakaohudhuria hiyo mikutani iwe ndogo.

Bi. Spika wa Muda, Rais pia alizungumia hati miliki kuwa katika mfumo wa digitali. Hii itataua shida ya hati miliki kusongamana katika maofisi. Pia itachukua muda mfupi kwa mtu kupata hati miliki.

Rais alizungumzia maneno ya afya ya kiakili. Vile tunavyojua, watu wengi wana shida nyingi na imeathiri akili zao. Kuna njaa na ukosefu wa kazi kwa vijana. Mambo haya yamechangia shida za afya ya kiakili.

Bi. Spika wa Muda, Rais pia alizingumzia maneno ya *Building Bridges Initiative (BBI)*, ambayo tuna *launch* kesho. Alimshukuru kiongozi wa chama changu kikubwa kinachotambulika kama *Orange Democratic Movement (ODM)*, kwa maneno ya ‘handsheki.’

**The Temporary Speaker** (Sen. Pareno): Naona sasa itabidi uzingatie Kiswahili vizuri, kwa sababu matamshi kama “handsheki” hayapo katika lugha ya Kiswahili. Labda useme walipeana salamu za amani.

**Sen. Kwamboka:** Asante sana Bi. Spika wa Muda kwa kunirekebisha hapo. Unajua Kiswahili sio ‘mdomo yetu, ’ilikuja tu.

Rais ni kama Musa. Alisema atatupitisha ili tuweze kuona ule mji mzuri kwa Kanaani. Kiongozi wa chama changu, Mheshimiwa Raila Odinga, anatarajia mema katika nchi yetu ya Kenya.

Kwa hiyo BBI, maneno mazuri yatatokea. Sisi kama wanawawake wa Jamhuri ya Kenya tutafaidika. Kutakua na umoja. Kama ni mali, itakua ikigawanywa sawa sawa.

Bi. Spika wa Muda, Rais alisema huu ni wakati wa kufanya kazi.

Serikali hii ni ya Jubilee. Ni wakati wa wale ambao wako katika Serikali kufanya kazi; waache kufanya siasa ya mwaka wa 2022. Watulie na wasaidiane ili waweze kuendeleza Kenya yetu mbele

Ninaunga mkono Hotuba ya Rais.

The Temporary Deputy Speaker (Sen. Pareno): Asante, Seneta. Umejaribu sana kuongea kwa Kiswahili.

**Sen. Shiyonga:** Thank you, Madam Temporary Speaker for giving me this opportunity to discuss the President’s State of the Nation Address. I congratulate His Excellency the President for giving a very Solomonic Address. When he recognized the critical effort that the two Houses do, we felt that we were part and parcel of this

Government. We do a lot of things in driving and especially facilitating the agenda of this country, in realization of various agenda put forth by the Government.

The President's Address did not elaborate very well on the fight against corruption that we are witnessing in Kenya. Of late, we have seen the Government of Kenya wanting to get to know where the funds that are given to Government projects go. Recently we had the KEMSA issue. We found that a lot of money had been given for the fight against COVID-19, but it has become a very big scam. There is a lot that is supposed to be done by this Government.

In the next State of the Nation Address that he will give in this Parliament, for those who will be still living to see him come back again, we hope that he will speak on corruption, just the same way he talked in his first State of the Nation Address in his term.

Madam Temporary Speaker, I praise the President on the issues of COVID-19. COVID-19 has interfered a lot with the running of our activities. The President has assured us that he will do all he can to collaborate with all the stakeholders, to make sure that the Government of Kenya remains steadfast in adhering to the protocols that have been put forward.

Of late, we have lost many important brains. Our healthcare workers have lost their lives. In fact, yesterday, we buried a doctor. They are dying not because we want it, but because of the situation we have found ourselves in. On the issue of COVID-19, he said we need to make sure that we adhere to the protocols as a nation.

The President also reminded us of a very important issue that citizens of Kenya have been talking about, the *Huduma Namba*. Many have been spreading propaganda that it was probably a scam, or that the Government wanted to loot money. He came up clearly and emphasized that its benefits are many.

He said it was fully on course and not an issue that has been forgotten. It will transform Kenya to another level. We are proud of *Huduma Namba*.

Madam Temporary Speaker, the President alluded to the issue of oversight of Government, especially by Parliament. Oversight is not by eyes, but by funds. We expect the Government to allocate adequate funds to Senate for the oversight role. A lot of funds are being lost at the county level. This includes grants that are being given to counties. However, we, as Senators, do not have any funds for oversight. I hope that this Government will allocate money to us for oversight of projects and other programmes in counties.

The President said 1,203 Kenyans have died because of COVID-19 and asked us to observe a moment of silence to honour them. He urged Kenyans to follow to the letter regulations issued by the Ministry of Health, so that we do not lose many Kenyans through this pandemic.

The President talked about measures that the Government has taken to address the COVID-19 pandemic. One of them is tax reprieve to Kenyans. We felt like the President really took care of his own people. He is one of the leaders who needs to be supported.

Madam Temporary Speaker, Article 132 of the Constitution talks about the functions of the President. In his Address, we talked about socio-economic empowerment of his people. It is very important for us to walk the talk by doing what is required of us.

People in the Government must bear the responsibilities of their action. Economically we need to gain from what we have invested.

Madam Temporary Speaker, I am proud that tomorrow we shall launch the signatures to change what we are talking about here.

**The Temporary Speaker** (Sen. Pareno): Sen. (Dr.) Zani, proceed.

**Sen. (Dr.) Zani:** Thank you, Madam Temporary Speaker. I stand to support, pursuant to Standing Order No. 24 (6), that the thanks of the Senate be recorded for the Exposition of Public Policy contained in the Address of His Excellency the President delivered on Thursday 12<sup>th</sup> November, 2020.

The whole presentation that was done was eschewed within specific national values. We consider ourselves in terms of service to this country. These are key and they run across the whole Speech. They are the value of patriotism.

Madam Temporary Speaker, USA for some time had tried to put a lot of effort in ensuring that this patriotism is passed even to their students at various levels of education systems. We have also tried to do so, but I think we need to infuse this further within our education systems. They are values of national unity, especially considering the fact that we come from different ethnic groups and backgrounds.

There is the rule of law, Constitution and the various legislations that we have. There is democracy and participation of the people and human dignity, which are key for policy issues for development of a country's integrity. Transparency and accountability are there.

Madam Temporary Speaker, these are the values that were referred to initially in the Speech. They are very critical and important. Without these, it is impossible to have a national transformative agenda that is what Kenya targets to get to.

The Speech also mentioned the promotion of Bills, especially in the National Assembly and the Senate. It inferred to Article 110 (3) and the need for that consensus to happen. I am glad that we have passed that stage. We heard this afternoon that some of the Bills are coming back for consideration.

Madam Temporary Speaker, the COVID-19 was also another issue that was tackled in his Speech. Today, there are 727 cases out of a sample of about 5,000 that are positive. We are not really out of the woods yet. At the time of this Speech being made, there were 1,203 deaths. Among them as we have mentioned were community health workers, medical doctors, and the medical fraternity at different levels. There were a total of 66,723 confirmed cases overall and 1,203 deaths. These are deaths we cannot afford in Kenya. These deaths have really dealt a blow to the health sector. The people who are meant to be taking care of the sick are the ones who are dying. This is not a problem only for Kenya, but across the world. Therefore, a lot of effort needs to be put to ensure that their protection is fast-hand.

There are issues that we are hearing from this sector. We had an *Ad hoc* Committee on the COVID-19 Situation in Kenya within this Senate. They are issues that still need to be delved into.

Madam Temporary Speaker, we have the Community Health Services Bill advocating for community health services right from the ground. It is these initiatives that

can really make the changes that we so much desire to have within this country. This is very important.

Another issue that was mentioned in the Speech that is meant to have helped in terms of the economy is the national Exchequer foregoing taxes amounting to Kshs176 million annually. There was also Kshs6 billion from the Universal Health Coverage (UHC) kitty put to support the counties. However, we have had within the various facets, probably, a breakdown from the disbursement of the funds to the actual implementation on the ground. There are great opportunities there for better oversight, quicker, efficient and on time follow through with services that get projected to the counties.

Madam Temporary Speaker, there is an eight-point economic stimulus programme of Kshs56.6 billion. This could have helped Kenyans get cushioned from the ravages of COVID-19 that we have seen in this country. There was Kshs5 billion put into credit guarantee scheme. This could have helped Kenyans as well. More important is a recovery programme that was meant to hire 5,000 health workers and 11,000 interns.

Looking at the numbers and strategy, we find countries like Germany and Sweden that already have a very entrenched community in terms of health. They were able to address this better. The hiring of health workers can be helpful, but medication and protective gear have to be there.

Madam Temporary Speaker, they need to attend to these people. There has been an outcry in various counties despite the disbursement of funds. They are not really going down to the health sector, Intensive Care Unit (ICU) beds and availability of medicine. In fact, patients are being turned away because there not enough ICU beds.

The second wave seems to have come in much stronger doses - if I might say so - than the first one. Therefore, there is need to put ourselves together on this. Money that is disbursed, workers that are deployed, the expertise that needs to be put into place, really needs to go to the ground and get well utilized.

Madam Temporary Speaker, 100,000 job opportunities for the youth were availed during the one-year period. An emphasis has been put on moving into being job creators rather than job seekers. However, a lot more needs to be done.

Sometime back we had the 8-4-4 system and this is being changed again. That system was meant to help people learn how to get skills and put them into implementation. That has not worked and now we have a change of the educational system.

Madam Temporary Speaker, I hope that in the long-run, we will be able to instill in the youth these job creation opportunities by enabling them not only to have the skills, but also get the appropriate funding to move into employment and self-creation of jobs; move to blue collar jobs.

A lot of this work is being done at the technical level. The transition rate at the technical level in terms of Technical and Vocational Education and Training (TVET) has also improved. The TVET programmes in 182 colleges with 430,598 students in these technical colleges is helpful to a large extent, but the whole mind shift from academic education driven to being employed to a blue collar education that enables people to create employment for themselves is very critical. That mind shift is what will help us

even as we create these job opportunities for youth and be able to give them a chance to make a change in their lives.

Also, there is need to upscale our implementation of the Universal Health Coverage (UHC) pillar that I have mentioned already and touched on. There was a particular healthcare programme that was put as a pilot in Nyeri, Machakos, Kisumu, and Isiolo counties that came to an end. If am not wrong, the coverage for this ended and those who could have been able to receive free treatment were not able to do that anymore. This really creates a worry for people especially in counties in a situation where our levels of poverty are so high that they might not be able to get the attention that they deserve. This is important and critical. Apart from a pilot, we need to think about this being rolled out into all the counties, so that we have a UHC programme applicable in all the counties.

Madam Temporary Speaker, the issue of mental illness was also mentioned, and that is very important. It is affecting the youth because of various practices. It is important that we have an upgrade of Mathari Mental Hospital. That should aid, but in the long run, more efforts need to be done so that we ensure that even people do not get into mental health situations, but the socio-economic and environmental issues are addressed well in advance, so that they can address that.

Madam Temporary Speaker, I will move a little bit faster because I know my colleagues would also like to squeeze in and make comments before we end. The Competency Based Curriculum (CBC) is very key. The textbook ratio Grades One to Three of one to one is very recommendable.

I think the most definite transition that has had a profound impact is the 100 per cent rate transition from primary to secondary schools and the chance for students to be able to transit without being cut-off because of being at a particular mark.

Madam Temporary Speaker, we need to move from not earners of wages but owners of capital. This is the main message especially for the youth. That is very critical.

Quickly, other issues that I have mentioned, which are important, are improvement of the ease of doing business. This is key. We have done well over time and can continue to improve. Single Business Permits has been a long issue for a long time, and this can help.

Madam Temporary Speaker, there is the issue of the Likoni floating bridge. I want to tie this with Sen. Faki's Statement that he brought earlier. There is need to ensure that functions that have been devolved do not get back again to not being devolved. This is so that when we have the Likoni Ferry and the floating bridge, they are given priority. Lamu Port Berth One is getting completed. Therefore, there are more businesses coming in.

There are many other things that have been put into place, including the harmony between the two Houses, which is very critical especially for this legislative House.

Madam Temporary Speaker, I support. Thank you.

**The Temporary Speaker** (Sen. Pareno): Sen. Faki, proceed.

**Sen. Faki:** Asante Bi Spika wa Muda kwa kunipa fursa hii kuchangia Hotuba ya Rais kwa Bunge zote mbili iliyosomwa wiki iliyopita. Kwanza ningempongeza Rais kwa Hotuba yake ambayo iligusia mambo mengi na ambayo alieleza kwa ufasaha zaidi. Vile

vile, ningependa kumpa kongole kwa zile ripoti nne ambazo aliweza kutoa katika Bunge kama inavyosema Katiba yetu.

Hii ni mara ya tatu katika Bunge hili kwa Mhe. Rais kuja kuhutubia Bunge. Kila anapokuja kuhutubia Bunge huwa anatoa ratiba ya zile kazi ambazo Serikali yake imeweza kufanya kwa muda huo mpaka pale hali ilipofika kufikia sasa.

Bi Spika wa Muda, nitagusia mambo matano ambayo Rais ameweza kuzungumzia katika Hotuba yake. Kwanza kabisa nitaanza na swala la usalama. Rais alieleza kuwa swala la usalama wa nchi ni mzuri sana na hakuna jambo lolote ambalo linaweza kuchukuliwa kama la kutishia kama usalama wa nchi.

Tukiangalia hapo nyuma tulikuwa tumezungumzia visa vya watu wasiojulikana kuvamia na kuua watu kiholela. Kwa mfano kule Kwale kumetokea visa kadhaa ambapo watu wameweza kuuliwa na wengine wakatekwa nyara na maiti zao kupatikana baadaye bila ya kupata maelezo yoyote kuhusiana na visa hivi.

Bi Spika wa Muda, katika Bunge hili, niliweza kuleta ripoti kwamba watu wasiojulikana walivamia makaazi katika Chuo cha Kiislamu kule eneo ya Kilifi na kuteka nyara watu wane. Watatu waliachiliwa lakini moja mpaka leo hajulikani alipo.

Inasikitisha kwamba wakati tunaeleza kuwa hali ya usalama ni nzuri katika nchi yetu ya Kenya, bado kuna visa vya watu kupotea kiholela na wengine kuuliwa bila kutoa maelezo yoyote kuhusiana na maswala haya.

Bi Spika wa Muda, ningependa labda katika maelezo yajayo Mhe. Rais aweze kugusia swala hili la watu kupotezwa ama kuuliwa kiholela katika nchi yetu ya Kenya, wakati sisi tuna Katiba ambayo inalinda haki za binadamu na tumeweka sahihi mikataba mingi ya kimataifa kuhusiana na haki za binadamu.

Jambo la pili ni swala la afya. Rais aligusia kuwa Universal Health Coverage (UHC) karibuni itakuwa inatumika katika nchi nzima katika Jamhuri yetu ya Kenya. Tuliona pia kwamba amegusia swala la ugonjwa wa COVID-19 ambao umeathiri ulimwengu mzima kwa jumla.

Bi Spika wa Muda, lakini jambo la kusikitisha ni kuwa hapa katika nchi yetu ya Kenya hatujaweza kutilia mkazo zaidi kuhusiana na matibabu au vipi tutapambana na ugonjwa huu wa COVID-19.

Tukiangalia wale madaktari wenye uzoefu mkubwa, umri wa wengi wao ni zaidi ya miaka 55, ambapo hawaruhusiwi kwenda kazini mara kwa mara. Tunabaki na madaktari ambao hawana tajriba ya kuweza kupambana na ugonjwa huu. Unapata kwamba wengi wao ni vijana na bado wana uoga wa kuweza kufanya kazi kikamilifu.

Bi Spika wa Muda, ningependa kusema kwamba mbali na kupewa vifaa vya kujikinga na ugonjwa huu, madaktari wanatakikana kupewa ushauri nasaha mara kwa mara kwa sababu maradhi haya yanaathiri sio wao pekee, bali hata familia zao kwa sababu wanapotoka kwenda kazini, haijulikani kama watarudi na ugonjwa ama watakuwa wazima.

Lazima swala hili la ushauri nasaha kwa madaktari ufanywe. Vile vile, wanafaa wapewe marupurupu yao kwa wakati unaofaa. Hali zao za kufanya kazi zinafaa ziimarishwe ili kuhakikisha kwamba madaktari, wauguzi na wengine wanaohusika na kutibu na kuangalia wagonjwa wa COVID-19 wanaweza kuangaliwa kwa njia mzuri.

Bi Spika wa Muda, jambo la tatu ni swala la vita dhidi ya ufasadi. Ufasadi umerejea tena upya katika nchi yetu.

Tukiangalia matumizi za pesa za COVID-19 na utoaji wa zabuni katika Kenya Medical Supplies Authority (KEMSA), yote haya ni maswala ambayo yako wazi, ambapo Rais angeweza kuyazungumzia kwa ufasaha zaidi.

Bi Spika wa Muda, hapo nyuma, Rais alikuwa ametoa ilani ya siku 21 kwa Directorate of Criminal Investigations (DCI) na Ethics and Anti-Corruption Commission (EACC) kuhakikisha kwamba wale ambao wamekula pesa za KEMSA ambazo zilinuiwa kusaidia katika vita dhidi ya COVID-19 katika nchi yetu ya Kenya washtakikwe na wapelekwe mahakamani haraka iwezekanavyo.

Hadi leo, hakuna jambo lolote ambalo limefanywa. Faili inapelekwa kwa Director of Public Prosecutions (DPP) kisha inarejea kwa DCI. Hii inapoteza wakati na wale ambao wameweza kupata pesa hizo wanaendelea kuzitumia. Zile pesa zitatumika kulipa wale ambao watakuja kuwatetea katika muhula ujao wa kura.

Bi Spika wa Muda, swala la ufasadi limekithiri sio katika Serikali kuu pekee yake, lakini hata serikali za county. Tuliona zile pesa ambazo zilipelekwa kupambana na COVID-19 katika kaunti; zote hazikuweza kutumika kisawasawa. Mpaka leo, hakuna kaunti yoyote ambayo inaweza kusema kwamba wao wameweza kujimakinisha na wanaweza kupambana na vita dhidi ya COVID-19 kwa uwezo ambao tulipewa na Serikali.

Nimeweza kuzuru Kaunti za Isiolo, Meru, Mombasa, Kilifi na Kwale. Kote, tuliona kwamba kuna upungufu mkubwa wa vifaa vya kupambana dhidi ya ugonjwa wa COVID-19. Hii ni kwa sababu pesa zimeletwa lakini hazikutumika kisawasawa kulingana na vile ambavyo inatajikana.

Bi Spika wa Muda, Hotuba ya Rais pia ilizungumzia maswala ya ujirani mwema. Rais aliomba kwamba majirani wetu wafuate mfano wetu kuweza kushikamana kupitia kwa “*Handshake*” na kuleta uwiano katika vyama vya kisiasa. Hiyo ni ili tuone kwamba watu wanaendelea kuishi kwa amani na upendo.

Mambo yaliototokea katika Jamhuri jirani ya Tanzania wakati wa uchaguzi mkuu wao uliofanyika mwezi uliokwisha ni ya kusikitisha. Kulikuwa na visa vya watu kuuliwa kule Pemba, Zanzibar na hata Dar-es-Salaam. Watu waliweza kupigwa na kuumizwa vibaya wakati wa kampeni za uchaguzi mkuu wa Rais na wabunge katika Jamhuri ya Tanzania.

Bi Spika wa Muda, sote tuko katika Jumuiya ya Afrika Mashariki. Sote tumeweka mikataba ya kuhakikisha kwamba nchi zetu zinaongozwa kwa sheria na utangamano. Lakini yale yaliyoibuka Tanzania na Uganda hivi juzi yanaleta shaka katika Jumuiya ya Afrika Mashariki.

Ni vipi tutaweza kukosoana wakati wenzetu wameweza kuteleza na kufanya mambo ambayo ni kinyume na demokrasia. Hayo yote nikiyazungumzia ni kwamba sisi sote katika Afrika Mashariki, tuna nia ya kuwa na ile tunaita kwa Kiingereza “*federation*”. Yaani, nchi zote za Afrika Mashariki zinaongozwa na mfumo mmoja wa serikali ama kiuchumi.

Bi Spika wa Muda, itakuwa sio sawa wakati sisi tunasonga mbele kuhakikisha kwamba uhai wa binadamu unalindwa na wenzetu katika Tanzania na Uganda bado wako

katika enzi za chama kimoja na wapinzani kupigwa na wengine kuumizwa kwa sababu ya maoni yao ya kisiasa.

Hili swala la uhusiano na nchi za nje, lazima Serikali yetu iliingalie. Wale wanapigwa Tanzania ni kwa sababu ya maoni yao ya kisiasa. Hawapigwi kwa sababu wameweza kuvunja sheria.

Bi Spika wa Muda, nikiongezea, kuna kisa ambacho mtu aliuliwa hivi juzi kwa sababu alipigwa na wanajeshi kule Tanzania na ana familia yake katika eneo la Mombasa. Ilikuwa ni jambo la kusikitisha kwamba mtu amepoteza maisha katika mikono ya Serikali na hakuna jambo lolote ambalo ataweza kufanya kulingana na sheria zao.

Swala la demokrasia katika eneo letu la Afrika Mashariki ni lazima tulitilie mkazo. Hii ni kwa sababu kukitokea misukosuko ya kisiasa kama hii inayotokea katika upande wa Ethiopia, inabidi watu wahame makao na waende katika nchi jirani kutafuta makao mapya. Sisi kama Kenya, tumekuwa ni nchi ambayo imekuwa na amani na inawapa watu wengi fursa kuweza kujificha hapa wakati nchi zao zina misukosuko za kisiasa.

Bi Spika wa Muda, kumalizia ni kuwa Rais pia alizungumzia maswala ya uchumi. Ijapokuwa uchumi wetu ulikuwa umeonyesha ishara za kuanza kufufuka, uliweza kupigwa vibaya na janga la COVID-19. Ninampongeza kwa miradi ambayo ameweza kuitoa ili kuweza kusisimua uchumi wetu ili uweze kusimama.

Jambo ambalo linasikitisha ni kuwa, kwanza ufisadi bado uko katika Serikali. Kwa hivyo, zile miradi zote ambazo zinanuiwa kufanyika ili kufufua uchumi wetu zinazingirwa na ufisadi. Hii ni hali ambayo inatoa fursa duni kwa wale wahusika kuweza kusonga mbele.

Bi Spika wa Muda, vile vile, hii ina maana kwamba, ni vigumu pia kwa biashara kuweza kufufuka kwa sababu ya uwezo wa wananchi kununua bidhaa, kwa mfano, uwezo wa wananchi kuenda katika mahoteli, kuzuru mbuga za wanyama na kuzuru ufuo wa bahari ili kujivinjari umepungua. Hii ni kwa sababu mapato yamepungua.

Ningependa kusema kuwa, Serikali iweze kurudi tena na kupanga mikakati zaidi ili kuweza kuinua uchumi wetu ili wananchi waweze kupata ajira na vile vile pesa mikononi mwao, ili waweze kutumia na kufufua uchumi wetu uwe mzuri zaidi.

Bi Spika wa Muda, shule zinafunguliwa Januari. Lakini hatujajitayarisha kwa vyovyote kuhusiana na maswala ya kufungua shule. Kama ilivyo sasa, tuliambiwa kwamba hospitali zimetayarishwa na kila kaunti iko tayari kupokea wagonjwa wa COVID-19. Lakini ilipokuja awamu ya pili ya COVID-19, wengi wameanza kutapatapa. Inasikitisha kwamba, utapata hospitali nyingi hazina hata kitanda kimoja cha kuhudumia mgonjwa wa COVID-19.

Bi Spika wa Muda, katika nchi yetu ya Kenya, kuna mengi ambayo yunaweza kufanywa. Kama alivyozungumzia Sen. (Dr.) Zani kuwa Serikali kuu inaingilia huduma ambazo zinatolewa na kaunti, kwa mfano, huko Mombasa, feri sasa inarejeshwa katika Kenya Ports Authority (KPA).

Baada ya kutolewa kwa Kenya Ferry Services (KFS) iingie katika mkono wa Kaunti ya Mombasa, sasa inakuwa ni kitengo katika KPA ambacho kazi yake hususan ni kushikisha na kupandisha mizigo katika meli katika Jamhuri yetu ya Kenya.

Bi Spika wa Muda, tumeona kwamba kumekuwa na hatua fulani ya Serikali kuingilia majukumu ambayo yanatakikana kufanywa na Serikali zote za kaunti katika Jamhuri hii yetu.

Nashukuru kwa kunipa fursa hii ya kuweza kuchangia Hotuba ya Rais. Kabla sijamaliza, nilisikitishwa kwamba dadangu, Sen. (Dr.) Zani ambaye babake alikuwa ni mwalimu wa Kiswahili, ameweza kuchangia Hotuba hii ya Rais kwa lugha ya Kiingereza.

**The Temporary Speaker** (Sen. Pareno): Tulisema kwamba tunawahimiza tu wachague lugha.

Sen. Omogeni, endelea.

**Sen. Omogeni:** Thank you, Madam Temporary Speaker for also giving me an opportunity to make---

**The Temporary Speaker** (Sen. Pareno): Sen. (Dr.) Zani ako na Hoja ya Nidhamu. Endelea.

**Sen. (Dr.) Zani:** Bi Spika wa Muda, je ni sawa kwa Sen. Faki kunimulikia tochi na anajua kazi ambayo nimefanya katika hii Bunge haswa nikiendeleza mambo ya Kiswahili?

Hao wenyewe walianza tashwishi ya maneno muhimu ya Kiswahili. Wanataka niende upande gani? Kama wanataka kufundishwa, waseme. Kama hawataki, waendeleo hivyo hivyo.

Asante.

**The Temporary Speaker** (Sen. Pareno): Alikuwa anahimiza tu kwamba ingekuwa bora kutumia Kiswahili.

Sen. Omogeni, endelea.

**Sen. Omogeni:** Bi Spika wa Muda, nafikiri kwa sababu leo ilikuwa siku ya sisi Maseneta kuzungumza kwa lugha ya Kiswahili, mimi pia nitatoa mchango wangu kwa Hotuba ya Rais kwa lugha ya Kiswahili.

Kwanza kabisa natoa shukrani zangu kwa Rais wa Taifa kwa ile Hotuba ambayo alitoa kwa Bunge zetu mbili, haswa kwa yale ambayo aliweza kuzungumzia ambayo inagusia wale ambao sisi ni wawakilishi wao.

Bi Spika wa Muda, nilipendela sana Hotuba ambayo Rais alitoa ambayo ilikuwa inalenga wale ambao wanataka kufanya biashara katika nchi yetu ya Kenya. Ukiangalia katika ile Hotuba ya Rais wetu wa Taifa, aliweza kueleza kwamba, katika nchi nyingi sasa, Kenya ni kati ya mataifa ambayo yameweka sheria ambayo imefanya kusajili makampuni kuwa kazi rahisi sana.

**The Temporary Speaker** (Sen. Pareno): Sen. Omogeni, umesalia na dakika 12 wakati tutaendelea na mjadala huu.

**ADJOURNMENT**

**The Temporary Speaker** (Sen. Pareno): Waheshimiwa Maseneta, wakati huu ni Saa Kumi na Mbili Unusu jioni, wakati ambao kisheria tunahairisha vikao vya Bunge. Kwa sasa, tunahairisha Seneti hadi tarehe moja Jumanne, Saa Nane Unusu, mwaka huu wa 2020.

The Senate rose at 6.30 p.m.