

PARLIAMENT OF KENYA

THE SENATE

THE HANSARD

Thursday, 11th February, 2021

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

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

PRAYER

PETITION

REPORT ON PETITION: DELAYED OPENING OF NJIRU SECONDARY SCHOOL, NAIROBI CITY COUNTY

Sen. (Dr.) Milgo: Mr. Speaker, Sir, I beg to lay the following Report on Petition, on the Table of the Senate, today, Thursday 11th February 2021-

Report of the Standing Committee on Education on a Petition to the Senate by Mr. Moses Njenga and Mr. Joseph Mugambi concerning the delayed opening of Njiru Secondary School, Kasarani, Nairobi City County.

Mr. Speaker, Sir, this Petition has over-stayed. This is because it was reported to the Senate on 13th November, 2019.

Our Committee visited the school and established that Njiru Secondary School had not been opened and had a number of challenges.

The national Government through the National Government-Constituency Development Fund (NG-CDF) had already constructed a number of classrooms on public land LR. No.13468/787. However, the major challenge was that the said school was surrounded by a quarry. Therefore, there was a lot of dust, no sanitary facilities and the sewer lines passed near the school.

When we visited the school, we advised the stakeholders together with the Board of Management (BoM) of the school on the way forward. We proposed to them to speak to the Committee on Land, Environment and Natural Resources so that the sewer can be shifted to another area.

The main road to the sewer was close to the school and it raised a lot dust. The school did not also have sanitary facilities, water nor offices. This became a challenge because the environment must be conducive for human habitation before any school is opened.

In addition, the school should have a title deed. In this case, the school's title deed belonged to the community and there was a tussle. The BoM had more to do before the school was opened.

The school did not have students as it was earlier purported. Therefore, we asked the BoM, as a Committee, to invoke the Environmental Management and Coordination Act, 2019 based on how a school environment should look like and bring these particular members together and get a report from the office of the Ministry of Education that will speak to issues on requirements before any school is opened.

Mr. Speaker, Sir, as a Committee, we asked the BoM of Njiru Secondary School to-

(1) expeditiously register and acquire the title deed of the land where the school is situated;

(2) undertake an Environmental Impact Assessment (EIA) of the School in consultation with the National Environment Management Authority (NEMA) and submit the report to the necessary authorities including the Ministry of Education to facilitate registration process; and,

(3) urgently mobilize resources to provide safe water, hygiene and sanitation facilities in the school.

Mr. Speaker Sir, as I conclude, I take this opportunity to thank all Members of the Committee for their immense contribution during consideration of this Petition and subsequent production of this report.

The Committee wishes to thank the offices of the Speaker and the Clerk of the Senate for the necessary support extended to it in the conduct and execution of its mandate.

The Committee further wishes to record its appreciation for the services rendered by the staff of the Senate that enabled the production of this Report.

Mr. Speaker, Sir, it is my pleasant duty, on behalf of the Standing Committee on Education, pursuant to Standing Order No. 232(2), to present the Report of the Standing Committee on Education on the consideration of the Petition concerning the delay in the opening of Njiru Secondary School.

I thank you.

The Speaker (Hon. Lusaka): We move on to the next Order.

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

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

Sen. Sakaja: Thank you, Mr. Speaker, Sir. I seek your indulgence to make a comment or two on this Petition that was brought to the House.

I am grateful that Sen. (Dr.) Milgo and her Committee was able to get on it. This is because it stayed for quite a while. It was submitted before she became the Chair of the Committee.

Mr. Speaker, Sir, Njiru area in Kasarani Constituency is well known to me. It has many issues. A lot of money has been put in over time, through NG-CDF and the community from the FY 2013 and before. The intention was to help the community because there are no enough schools in that area.

Therefore, I hope that despite the challenges that the Committee has noted, for the sake of people of Njiru, which is one of the most populated constituencies, the relevant agencies will follow up together with the Committee.

I hope that the Committee on Land, Environment and Natural Resources and NEMA will assist with the environmental issues to make sure that the young people and the community benefit from this educational facility.

I assure the people of Njiru, as well as the wider Kasarani Constituency, that this is not the end of the matter. I will follow it up. I will work together with Sen. (Dr.) Milgo to make sure that the investment and work that has been put to make sure the children get a good place benefits them.

Finally, beyond the school, we have had several challenges because of the quarries around Njiru and in Kasarani East in the area of Chokaa. Many of those that were closed have now become a hazard to the communities around there. Therefore, I urge NEMA to step in and help the back-filling in some of those areas.

I deal with many young groups who are ready and willing to be involved because they have been earning an income in some of the quarries in Nairobi. I hope that this is something that NEMA can assist us with together with the Kenya Urban Roads Authority (KURA), which has been in charge of quarries in Embakasi East, Embakasi Central, as well as Kasarani and around Dandora areas.

I thank the Committee and urge other Committees to do such work for Petitions that have been brought on issues of Nairobi.

The Speaker (Hon. Lusaka): Senate Majority Whip, can you table the Papers on behalf of the Senate Majority Leader?

Sen. Wamatangi: Mr. Speaker, Sir, I---

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

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

Sen. Seneta: Mr. Speaker, Sir, I want to add my voice to the Petition by Sen. (Dr.) Milgo. I was on the queue.

The Speaker (Hon. Lusaka): You were not there. My screen is not showing anything.

Sen. Seneta: Mr. Speaker, Sir, may be something is wrong.

The Speaker (Hon. Lusaka): Okay.

Proceed.

Sen. Seneta: Thank you, Mr. Speaker, Sir, for giving me a chance to add my voice to this Petition. I am a Member of the Committee on Education. Therefore, I know when the Petition was presented before the Committee.

I want to make two observations.

Mr. Speaker, Sir, I sympathise with the people of Njiru area in Kasarani Constituency because of the many resources that the National Government-Constituencies Development Fund (NG-CDF) office has put into the facility and the delay of the opening of the school.

I also want to point out that the Ministry of Education, which is in charge of registration of schools, must ensure that before a school is registered, it is in an environment that will not pose problems in the future, for the school. This school is

surrounded by quarries and a sewerage plant. I foresee a situation where the school will still be faced by many environmental problems.

I urge the concerned institutions – whether it is the office of a Member of Parliament (MP) or the Ministry of Education – that before they allow a school to be built in any place, it must be in an environment that is friendly to the institution.

This is a learning institution that will host many students from Nairobi City County and its environs. Therefore, it should be in a conducive learning environment.

Thank you.

The Speaker (Hon. Lusaka): Whip, proceed.

PAPERS LAID

Sen. Wamatangi: Mr. Speaker, Sir, I beg to lay the following Papers on the Table of the Senate today, Thursday, 11th February, 2021.

THE PUBLIC HEALTH (COVID-19 INDOOR MEETINGS) RULES, LEGAL NOTICE NO.224/2020

The Public Health (COVID-19 Indoor Meetings) Rules, Legal Notice No.224/2020 Published on 30th December, 2020.

REPORT ON PUBLIC SERVICE COMPLIANCE WITH THE VALUES AND PRINCIPLES IN ARTICLES 10 AND 232 OF THE CONSTITUTION

Report on Public Service Compliance with the Values and Principles in Articles 10 and 232 of the Constitution for 2019/2020.

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

Report of the Auditor-General on the Financial Statements of the County Assembly of Homa Bay for the year ended 30th June, 2019;

Report of the Auditor-General on the Financial Statements of the County Executive of Homa Bay for the year ended 30th June, 2019;

Report of the Auditor-General on the Financial Statements of Uasin Gishu County Assembly for the year ended 30th June, 2019;

Report of the Auditor-General on the Financial Statements of the County Executive of Uasin Gishu for the year ended 30th June, 2019;

Report of the Auditor-General on the Financial Statements of the County Assembly of Samburu for the year ended 30th June, 2019;

Report of the Auditor-General on the Financial Statements of the County Executive of Samburu for the year ended 30th June, 2019;

Report of the Auditor-General on the Financial Statements of the County Assembly of Elgeyo-Marakwet for the year ended 30th June, 2019;

Report of the Auditor-General on the Financial Statements of Murang'a County Executive for the year ended 30th June, 2019;

Report of the Auditor-General on the Financial Statements of the County Assembly of Nandi for the year ended 30th June, 2019;

Report of the Auditor-General on the Financial Statements of the County Executive of Nandi for the year ended 30th June, 2019;

Report of the Auditor-General on the Financial Statements of the County Executive of Elgeyo-Marakwet for the year ended 30th June, 2019;

Report of the Auditor-General on the Financial Statements of the County Executive of Homa Bay for the year ended 30th June, 2019;

Report of the Auditor-General on the Financial Statements of the County Executive of Uasin Gishu for the year ended 30th June, 2019;

Report of the Auditor-General on the Financial Statements of the County Assembly of Kisumu for the year ended 30th June, 2019;

Report of the Auditor-General on the Financial Statements of the County Executive of Kisumu for the year ended 30th June, 2019;

Report of the Auditor-General on Kenya Health Sector Programme Support III-DANIDA Ref. 104., Kenya.810.300 (Grant) for the year ended 30th June, 2020- County Government of Kisii;

Report of the Auditor-General on Kisumu Urban Project (Project Advance Account) – CKE 1035.01.G for the year ended 30th June, 2020 - County Government of Kisumu;

Report of the Auditor-General on Kisumu Urban Project (Cash Expenditure Fund) – CKE 1035.01.G for the year ended 30th June, 2020 - County Government of Kisumu; and,

Report of the Auditor-General on Nairobi Sanitation Output Based Aid Project (IDA Grant No.TF014251 and No.TF0A5607) for the year ended 30th June, 2020 - Nairobi City Water and Sewerage Company Limited.

(Sen. Wamatangi laid the documents on the Table)

The Speaker (Hon. Lusaka): Okay. Sen. Ochillo-Ayacko, proceed.

REPORTS OF CPAIC ON THE AUDIT OF VARIOUS COUNTY
EXECUTIVES FOR FYS 2015/2016 – 2017/2018

Sen. (Dr.) Ochillo-Ayacko: Mr. Speaker, Sir, I beg to lay the following Papers on the Table of the Senate today, Thursday, 11th February, 2021:

1. Volume 1: Report of the Senate Sessional Committee on the County Public Accounts and Investments on the consideration of the audit reports of the following county executives for the Financial Year 2015/2016; 2016/2017; and 2017/2018:
 - (a) Baringo County.
 - (b) Elgeyo-Marakwet County.

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- (c) Homa Bay County.
 - (d) Kakamega County.
 - (e) Kiambu County.
2. Volume 2: Report of the Senate Sessional Committee on the County Public Accounts and Investments on the consideration of the audit reports of the following county executives for the Financial Year 2015/2016; 2016/2017; and, 2017/2018:
- (a) Kisii County.
 - (b) Mandera County.
 - (c) Mombasa County.
 - (d) Taita-Taveta County.
 - (e) Kilifi County.
3. Volume 3: Report of the Senate Sessional Committee on the County Public Accounts and Investments on the consideration of the audit reports of the following county executives for the Financial Year 2015/2016; 2016/2017; and, 2017/2018:
- (a) Garissa County.
 - (b) Wajir County.
 - (c) Narok County.
 - (d) Kericho County.
 - (e) Lamu County.

(Sen. (Dr.) Ochillo-Ayacko laid the documents on the Table)

The Speaker (Hon. Lusaka): Next Order!

NOTICE OF MOTION

ADOPTION OF CPACI REPORTS ON THE AUDIT OF VARIOUS COUNTY EXECUTIVES FOR FYS 2015/2016 – 2017/2018

Sen. (Dr.) Ochillo-Ayacko: Mr. Speaker, Sir, I beg to give notice of the following Motion.

THAT, this House adopts the Report of the Sessional Committee on the County Public Accounts and Investment Committee (CPAIC) laid on the Table of the Senate today, Thursday, 11th February 2021.

- (1) Volume 1; the Report of the Senate Sessional Committee on the County Public Accounts and Investment Committee (CPAIC) on the consideration of the audit reports of the following county executives for the financial years 2015/2016, 2016/2017 and 2017/2018, Baringo, Elgeyo Marakwet, Homa Bay, Kakamega and Kiambu.
- (2) Volume 2; the Report of the Senate Sessional Committee on the County Public Accounts and Investment Committee (CPAIC) on the consideration of the audit reports of the following county executives for the financial years 2015/2016, 2016/2017 and 2017/2018, Kisii, Mandera, Mombasa, Taita Taveta and Kilifi.

- (3) Volume 3; the Report of the Senate Sessional Committee on the County Public Accounts and Investment Committee (CPAIC) on the consideration of the audit reports of the following county executives for the financial years 2015/2016, 2016/2017 and 2017/2018, Garissa, Wajir, Kericho and Lamu.

I beg to give notice.

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

STATEMENTS

MULTIPLE TAX PAYMENT BY LORRIES AND TRUCKS TRANSPORTING BUILDING MATERIALS ACROSS COUNTIES.

The Speaker (Hon. Lusaka): Sen. Malalah!
He is not there. It is deferred.

(Statement Deferred)

THE RETURN TO SCHOOL OF LEARNERS FORCED OUT AS A RESULT OF THE COVID-19 PANDEMIC

The Speaker (Hon. Lusaka): Sen. (Dr.) Musuruve!
She is not there. It is deferred.

(Statement Deferred)

THE ROADMAP TO THE ACTIVITIES LEADING TO THE 2022 GENERAL ELECTIONS.

Sen. Seneta: Thank you, Mr. Speaker, Sir. I rise, pursuant to Standing Order No.48 (1), to seek a Statement from the Standing Committee on Justice, Legal Affairs and Human Rights on the roadmap to the activities leading to the 2022 General Elections.

In the Statement, the Committee should-

- (1) Outline the road map of activities, practical strategies, actions and targets to be undertaken in preparation for the 2022 General Elections.
- (2) Expound on the methods to be used in the demarcation of electoral areas as well as the re-organization of polling stations.
- (3) State the measures, if any, that have been put in place to ensure that the National Voter Register is updated to remove the dead voters and include all eligible voters.

Thank you.

The Speaker (Hon. Lusaka): Okay. I do not see any interest. Sen. Wambua, it is not reflecting but it looks like you want to say something.

Sen. Wambua: Mr. Speaker, Sir, I think there is a problem with the system.

Thank you for this opportunity to make a comment on the Statement sought by Sen. Seneta. I know the Statement must have gone through a process for it to be approved to be read on the Floor. However, listening to that Statement, it just raises procedural

issues and the day-to-day running of all the institutions that are required to be doing the things that the Senator is talking about.

Mr. Speaker, Sir, I do not know what specifically it is that, that kind of a Statement is supposed to do. I have no problem with it, but I just want to understand. It raises eyebrows.

Thank you.

The Speaker (Hon. Lusaka): Sen. (Dr.) Langa't. Maybe you will need to look at the Statement. Can they give you a copy so that you see what she is raising?

Sen. (Dr.) Lang'at: Thank you, Mr. Speaker, Sir, for allowing me to add my voice to this important Statement. Up to this time, it is somehow very surprising that the Independent Electoral and Boundaries Commission (IEBC) has not come out clearly on the roadmap towards 2022. The composition of the commissioners is not enough to run an electoral commission effectively.

Somehow, we are under cover by the activities of the Building Bridges Initiative (BBI) with a perception that everything will be handled by the BBI, which is facing many challenges.

Therefore, I concur with Sen. Seneta that this Statement is so important that we need to understand the measures, if any, that have been put in place to ensure that the national voter register is updated to remove the dead voters and include all eligible voters.

These updates are very important for such an important commission. The citizens have to be updated on the progress towards this important exercise in 2022. I support this Statement and it should be taken seriously.

Sen. Wetangula: Thank you, Mr. Speaker, Sir. I wish to support this Statement brought by Sen. Seneta because if you read the Kriegler Report, it stated very clearly that elections is not about the day that people go to cast their ballot. It is about the roadmap to elections including but not limited to issuance of identification documents (IDs), which must be fair and equitable, registration of voters, which must be fair and equitable and above all, the integrity of the voters' roll.

What Sen. Seneta is asking is spot on. We need to encourage the IEBC that is currently in office to continue making it known to the public how many people are getting registered in the process of continuous registration; how regular they are updating the registers after registrations; the linkage between the issuance of IDs and the registration of new voters; and, the updating of registers by bringing on board people who have either lost their IDs or need to re-enter the voters' roll if they have for one reason or another been expunged or left out.

Mr. Speaker, Sir, we also have a situation going to the next elections when in the 10 year cycle, IEBC ought to be reviewing and delimiting electoral boundaries. We know that the 290 constituencies are locked in the Constitution. However, they still have a duty to review boundaries, especially in areas where demographic growth has been extremely positive or negative so that boundaries can be recreated to have equitable representation of voters.

However, they now face a bigger challenge because if BBI goes through - I hope it will - it is creating another 70 constituencies. The 70 constituencies are away from the

norm; it takes away the mandate of the IEBC and the numbers have already been distributed within the Bill.

The IEBC will have to go to Kiambu and find a way to create boundaries to give them an additional six constituencies because that is their duty. They will have to go to Kajiado, Bungoma, Nairobi and across the country. Their level of preparedness is important because we do not want a situation where, like in Nairobi, boundaries are gerrymandered to give certain advantages to certain areas and disadvantage others.

The Committee on Justice, Legal Affairs and Human Rights, chaired by Sen. Omogeni needs to deal with the matter urgently so that the country can get assurance that even with the lean IEBC, they will do a job that will satisfy the needs and desires of Kenyans as we go to the next election.

Thank you.

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

Sen. Linturi: Thank you, Mr. Speaker, Sir. Allow me to add my voice to the Statement being sought by Sen. Seneta and appreciate that it is timely. When you look at the time from now to the date of the general election, for purposes of ensuring that there is confidence among Kenyans, a few things must be done the right way. People must be appraised throughout on what is being done.

As we sit here today, IEBC is not fully constituted. We would want to know the steps and measures being put in place to ensure IEBC is fully constituted and has enough time to prepare. If I am not wrong - I beg to be corrected - there are certain challenges that IEBC may end up facing, especially in terms of creation of the new constituency boundaries.

The IEBC must delimit boundaries not less than a year before the next general election. If they have to do it, they must be in full gear trying to get organized to achieve this deadline.

As the Committee brings the response to the Statement, it is important—

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

Sen. Linturi: Chairperson, hold your horses, better inform me when I have finished because I would not mind your information. This is what I would want you to inform me. It is true that people want more constituencies.

Mr. Speaker, Sir, as we get this Statement, I would want the Chairman to further bring out the expected change in the cost of running these constituencies, which costs should not be limited to salaries of Members of Parliament and other allowances, but must also extend to the level of infrastructure development required to house or maintain the extra 70 Members of Parliament.

If the design of this Chamber was to accommodate 67 Members and out of the delimitation, we have another 70 Members, it means the seats here must be adjusted. This means extra expenditure. It means that the support required for a Member of Parliament in terms of drivers and Personal Assistants (PAs) must also be factored in.

Mr. Speaker, Sir, we would want to understand the budget; how much it will cost the taxpayer and whether they will find it appropriate to design a uniform for Members of Parliament because Parliament will be so bloated that it will not be easy for us to identify one another.

When you increase the Membership of Parliament to around 400 legislators, you will require a uniform for identification just like any other secondary school like Alliance and Mang'u that have uniforms.

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

Sen. Shiyonga: Mr. Speaker, Sir, I rise on a point of order. Is the Hon. Senator in order to change our Standing Orders and recommend uniforms for Members of Parliament whereas the Standing Orders and Speaker's Rules are very clear on the dress code of Members of Parliament? Are we going back to Class One, Two or nursery school?

The Speaker (Hon. Lusaka): Sen. Linturi, proceed.

Sen. Linturi: Mr. Speaker, Sir, we are trying to be positive and think progressively. When you have a National Assembly of 420 Members, a stream in a day secondary school is 40 students multiplied by eight classes makes a total of 320 students. For you to identify those students, they must be dressed in a uniform.

When Parliament has 500 or more Members, then the prudent way is getting a uniform to identify one another, because many strangers will be around and the security of Parliament will be threatened.

The Speaker (Hon. Lusaka): Sen. Omogeni, do you still want to inform Sen. Linturi?

Sen. Omogeni: Thank you, Mr. Speaker, Sir. First, I want to join other Senators in appreciating the Statement being sought by Sen. Seneta because it raises critical issues surrounding the 2022 elections.

The only information I wanted to disclose to my learned friend is that in the BBI, the application of Article 89 (4) of the Constitution that requires that new constituencies must be in place 12 months before a general election have been stayed by the report in the transition clauses. Even if the BBI report was to pass let us say in December this year, the new constituencies will be applied in the 2022 elections.

I agree with Sen. Seneta that there is a lot of work cut out for IEBC. Other than the issue she has raised about constituencies, I have no doubt that boundaries for our wards will be altered. If you create 12 constituencies in Nairobi, it means that you will have new wards.

In the last general election, we were guided by the Kriegler Report, where the minimum number of wards was given as three. The average is four but there are a few that have up to seven. This means that we shall have an alteration of our ward boundaries. If BBI was to pass, the 12 months period that obligates the new constituencies not to apply to a general election will not be applied.

I agree that there is work cut out for IEBC and it is good we engage them so that we test their preparedness to undertake this important task. However, my Committee is up to task.

The Speaker (Hon. Lusaka): There is a point of order from Sen. Linturi.

Sen. Linturi: Mr. Speaker, Sir, it is not my tradition or norm to interrupt Senior Counsel Sen. Omogeni, the Chairperson of the Justice, Legal Affairs and Humans Rights Committee. However, he is misleading the House and the country that Article 89 (4) has been stayed by the BBI Report.

This is just a report which has not gained the force of law or been passed. How can it stay a constitutional provision that is an active document we are relying on? Unless and until Kenyans adopt the BBI Report, that is when I will agree with him.

Since we do not know the outcome of the referendum, the best is to apply the law as it is and not imply that BBI will pass and the constitutional provision will not apply.

The Speaker (Hon. Lusaka): Sen. Omogeni, proceed.

Sen. Omogeni: Mr. Speaker, Sir, I have always known Sen. Linturi as somebody who listens keenly. I began by saying: "If the Building Bridges Initiative (BBI) was to pass". When I have used the word "if" it means the position will only change if the BBI Report passes.

Thank you.

The Speaker (Hon. Lusaka): Okay. Next Statement is by Sen. (Dr.) Ali.

Sen. (Dr.) Ali: Thank you, Mr. Speaker, Sir.

The Speaker (Hon. Lusaka): What is your Point of Order, Sen. Seneta?

Sen. Seneta: Mr. Speaker, Sir, I am very sorry to have interrupted Sen. (Dr.) Ali whom I have a lot of respect for, but I wanted to get a clarification from the Speaker on where you have directed this very important Statement to.

There is some urgency regarding the issues raised in the Statement and that is why we need your direction so that at least we can get to know this information from the Independent Electoral and Boundaries Commission (IEBC). There are issues of the organization of polling stations and demarcation of wards and constituencies which we need to know.

The Speaker (Hon. Lusaka): I think you are right. I want to commit this Statement to the Committee on Justice, Legal Affairs and Human Rights. It is a very important Statement that is being sought just like it has been said by Members here; that as we prepare to get to elections, the country will start getting very anxious. People want to know how prepared we are.

If we do not plan and prepare, we are planning to fail. There are issues of timelines that have also been mentioned here so I think the Committee should move with speed to bring a report. Maybe you will know who to talk to so that you can bring a report back to this House.

Sen. (Dr.) Ali, proceed.

NON-REMITTANCE OF EMPLOYEES' STATUTORY DEDUCTIONS BY COUNTY GOVERNMENTS

Sen. (Dr.) Ali: Thank you, Mr. Speaker, Sir. From the onset, I want to say that the Statement which appears there has been changed a bit. I have agreed with the Secretariat that they will send to the Committee the original Statement I sent which is that:

Pursuant to Standing Order No. 48(1), I rise to seek a Statement from the Chairperson of the Standing Committee on Labor and Social Welfare. In the Statement, the Chairperson should respond to the following:

- (i) What policy or regulatory framework guides county governments on non-remittance of employee statutory deductions, non-payment of work injury benefits, including pension and other labor related violations?
- (ii) What measures has the Government put in place to protect county employees against non-remittance of employees' deductions and work injury benefits and also pension deductions?
- (iii) What is the status of Wajir County plus other counties in the country when it comes to remittances of such deductions especially Pay As You Earn (PAYE), National Hospital Insurance Fund (NHIF), National Social Security Fund (NSSF), pensions and other statutory deductions.

Mr. Speaker, Sir, I am saying that because, for example, Wajir County has not sent remittances for NSSF for seven months. It has not sent deductions for pensions for 10 months. On NHIF, they had agreed at the beginning and later did not pay the balance. Now they are being told that it will be stopped. This is happening all over the country. It is not only Wajir County. We have had several from other counties.

I want the Committee on Labor and Social Services to look into these things because they are labor related. There are also issues in the Statement to do with NHIF and finance and, therefore, whether they cooperate with other committees, I do not care. However, I think the Committee on Labor and Social Welfare should look into this issue.

Thank you.

The Speaker (Hon. Lusaka): Proceed, Sen. Olekina.

Sen. Olekina: Thank you, Mr. Speaker, Sir. I would like to comment on the Statement raised by Sen. (Dr.) Ali. I think this is a matter, which does not only affect county governments but also this Senate in particular the staff of the Senate. This is a bigger problem.

What I would like to see is a way where National Treasury can also be involved because we are all alive to the fact that county governments do not receive their money on time. Senate office and parliamentary staff have also not been paid. Today is the 11th February, 2021 and the deadline for submitting taxes (PAYE) is on the 9th February, 2021.

Mr. Speaker, Sir, when we do not receive the money and when the county governments do not receive the money, these penalties continue to increase. We have to look at this issue in a broader perspective where instead of these government entities accruing more taxes, we can find a way to discuss with Treasury or this Parliament passes a law that these penalties do not continue increasing.

I sit with Sen. (Dr.) Ali in the Committee on Health. We sat with NHIF and they brought up the same issues. There, we were able to request NHIF to give a moratorium of about three months without charging any penalties or without stopping the services that they render to the staff because of the challenge we have in revenue collection in this country.

Mr. Speaker, Sir, this is a matter that the Committee on Labor and Social Services should find a way to engage. They should also invite Treasury, the Kenya Revenue Authority (KRA) and all these other entities to find out how do we then stop these penalties and how do we waive them to ensure that at least when county governments are paying what is due to these statutory bodies, they do not continue paying more penalties?

Otherwise, we are going to continue just digging a big hole, which we cannot be able to fill.

Mr. Speaker, Sir, I support this Statement and I hope that the Committee on Labor and Social Services will take it seriously and even propose an amendment to certain laws like maybe the KRA Act so that when these taxes are due, these Government entities are not penalized and yet it is the Treasury which has not sent the money. Otherwise, I support.

The Speaker (Hon. Lusaka): Proceed, Sen. (Dr.) Lang'at.

Sen. Lang'at: Thank you, Mr. Speaker, Sir. I join my colleagues in speaking to this issue of counties failing to pay employees on time. The worst part of it is failure to remit the statutory deductions that they have already deducted from their workers. Sometimes it is reflected on their pay slips that they have been deducted but this has not been remitted to the various respective institutions. This has become a notorious act by several counties and even other institutions.

I remember when I was the Chairperson of the Committee on Education; the same problem was brought from about seven universities, including Moi University, where I was. The employees were complaining that some of them have become blacklisted by various financial institutions such that they could not even apply for loans. This is punishing the employees of various counties and it should be taken very seriously.

If there are counties that have deducted money from their employees, it is reflecting in their pay slips, and they have failed to surrender it to various institutions, this is a crime. I would like to call upon the Committee on Labor and Social Services to take this issue very seriously.

Mr. Speaker, Sir, even a list of shame should be put in place that all those counties that have failed to remit these particular finances be blacklisted and put into the newspapers and even brought here to explain the reason behind their heinous acts.

I support this Statement and urge that the Committee on Labor and Social Services takes it seriously as a matter of urgency so that we may address this problem.

Thank you.

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

Sen. Mutula Kilonzo Jnr.: Mr. Speaker, Sir, I want to support the Statement. However, I want to distinguish the issues raised by Sen. Olekina on non-remittance because although non-remittance is an issue, it is not what Sen. (Dr.) Ali was talking about, if I understood his Statement.

If I understood him clearly, he was talking about the non-remittance of statutory deductions, where the deductions have been done from the employee's salary. That is what I understood to be his Statement.

Mr. Speaker, Sir, both the National Hospital Insurance Fund (NSSF) Act and the National Social Security Fund (NSFF) Act treat non-remittance as criminal action. The NSFF and NHIF have prosecutors who do not operate through the Director of Public Prosecutions (DPP).

What is happening in counties is that the prosecutors for those particular statutory bodies have been compromised so that they do not launch complaints. Ideally, the person in charge should be charged. We are aware of many employees who leave office after the

contractual period, and when they go to pick their retirement benefits, they realize that the employers have not remitted their contributions.

For purposes of the Statement, it is a criminal action. I hope that when the Committee sits, they can lodge those formal complaints with the prosecutors in those statutory bodies. The non-remittance of money under Article 219 that Sen. Sen. Olekina raised is a valid issue that we have not tackled as a Senate. We have not addressed this issue.

At some point, the Chair of the Committee on Finance and Budget can address this issue seriously so that a declaration can be made that counties are not receiving their benefits, workers have not been paid, and the reasons therefor.

I want Sen. Olekina to listen to this point. The argument by this Senate should address the Cabinet Secretary (CS) to say that they cannot look at the bank account of Makueni and tell them that the money in the Central Bank of Kenya (CBK) cannot be used. Makueni cannot withdraw that money in sacks when it is not due for payment or when it has not been approved. It is not the law.

If Narok County has Kshs1 billion in their account, they cannot say that they will not remit more money, because it is not their choice. If the money is due, it should be deducted, otherwise, we should authorize all 47 counties and governors to go with trucks at the beginning or end of the year and collect all the money from CBK and bank it somewhere so that they can utilize it.

Seeing that they cannot do that, the monthly deductions that we pass are the guidelines for the release of money, and not any other framework. That is what we should be addressing.

Thank you.

The Speaker (Hon. Lusaka): Sen. Ndwiga.

Sen. Ndwiga: Thank you, Mr. Speaker, Sir. Most of what I wanted to say has been captured by Sen. Mutula Kilonzo Jnr. I, however, want to emphasize that non-remittance of statutory deductions when the deductions have already been done from the employees is criminal. In fact, what we have are employers who are stealing from their employees.

It is so painful when an employee has, for example, been deducted NHIF, which covers them and their dependents and the moment they try get into a medical facility, they find that they cannot access it, just because the deductions have not been transmitted.

Mr. Speaker, Sir, we have instances where employees cannot even access school fees, loans from their Savings and Credit Co-operations (SACCOs) or other emergencies from their SACCOs because their employers have not remitted dues already deducted from those employees.

I quite agree that it is criminal. It is not just happening in county governments; it is happening with very many employers and institutions. We have seen lists of complaints from the Kenya Union of Savings and Credit Co-operatives (KUSCO) and many other SACCOs that employers are becoming notorious, deducting money from their employees and not submitting it to where it should be.

Mr. Speaker, Sir, if you look at the Credit Reference Bureau (CRB) today, very many young Kenyans are listed on the CRB, and these are employees of these

institutions. It is criminal because that means that those fellows cannot borrow money from any other source. They are already listed there, yet it is their own SACCO or employer that has behaved in an irresponsible manner.

I quite agree that the Committee on Labour and Social Welfare should be very diligent and look at this issue. Perhaps, we should find a way of enforcing all deductions. In fact, it is already criminal not to remit, but these things happen every day, and Kenyans have nowhere to go. I think it is time that this House finds a way to properly criminalize that behaviour.

I thank you.

The Speaker (Hon. Lusaka): Sen. Poghio, your last Statement.

BUSINESS FOR THE WEEK COMMENCING
TUESDAY, 16TH FEBRUARY, 2021

The Senate Majority Leader (Sen. Poghio): Mr. Speaker, Sir, pursuant to Standing Order No.52 (1), I hereby present to the Senate the business of the House for the week commencing Tuesday, 16th February, 2021. Allow me, first, to take this opportunity to welcome all hon. Senators back from the long recess period.

It is my hope that you all took the opportunity to meet with constituents, families and friends, and that you took time to rest a bit while at it. I also take this opportunity to thank all hon. Senators for their commitment and dedication to serving the people of Kenya and dutifully guarding the gains of devolution during the last Session.

Mr. Speaker Sir, on Tuesday, 16th February, 2021, the Senate Business Committee (SBC) will meet to schedule the business of the Senate. On that day, the Senate will consider Bills for which, following the Judgment of the High Court in Constitutional Petition No. 284 of 2019, the resolution process contemplated under Article 110 (3) of the Constitution was completed by both Speakers of Parliament.

The Senate will also consider Motions, Petitions and Statements and continue with consideration of business that will not be concluded in today's Order Paper.

On Wednesday, 17th February, 2021, the Senate will continue with business that will not be concluded on Tuesday, 16th February, 2021, and any other business scheduled by the Senate Business Committee; while on Thursday, 18th February, 2021, the Senate will continue with business that will not be concluded on Wednesday, 17th February, 2021 and any other business.

Mr. Speaker, Sir, as hon. Senators will recall, the Judgment given by the High Court in Constitutional Petition No. 284 of 2019 had far-reaching implications on the business of the Senate. I take this opportunity to thank all Senators for their patience and understanding as the Office of the Speaker and that of the Senate leadership has continued to engage our counterparts in the National Assembly to fast track the process of regularizing and conforming to Article 110(3) of the Constitution.

So far, I wish to report that the Senate has made tremendous progress in republishing the Bills affected by the High court ruling and to this end, a total of ten Bills are in the process of republication, 19 Bills have already been published, and 15 Bills are undergoing concurrence process. Two other Bills are scheduled or undergoing Second

Reading as indicated in today's Order Paper, while one other Bill was assented to by His Excellency (H.E.) the President.

Allow me to take this opportunity to inform hon. Senators that the SBC is working on a framework for fast-tracking consideration and passage of the said Bills upon introduction in the Senate.

Mr. Speaker, Sir, in conclusion, the issue of the Coronavirus Disease (COVID-19) pandemic cannot be overstated. The pandemic has continued to persist with a third wave anticipated in the near future. I continue to urge every one of us to adhere to the Ministry of Health protocols and to the guidelines issued by the Speaker on keeping safe and preventing the spread of the pandemic.

Mr. Speaker, Sir, I thank you and hereby lay the Statement on the Table of the House.

(Sen. Poghiso laid the Statement on the Table of the Senate)

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

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

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

BILL

Second Reading

THE MUNG BEANS BILL
(SENATE BILLS NO. 9 OF 2020)

(Sen. Wambua on 10.2.2021)

(Resumption of debate interrupted on 10.2.2021)

The Temporary Speaker (Sen. (Dr.) Lelegwe): Hon. Senators, at the close of business yesterday, Sen. (Dr.) Zani was on the Floor. She had a balance of three minutes.

Sen. (Dr.) Zani, kindly proceed.

Sen. (Dr.) Zani: Thank you, Mr. Temporary Speaker, Sir. I was at the point of introducing the aspect of value addition to Sen. Wambua. This is key in one way or the other.

Nowadays, you will find that, for example, certain products in the market--- In the Committee on Education, we have been talking about feeding programmes, especially for Early Childhood Development Education (ECDE) children in schools.

A simple meal like porridge can be enhanced by *ndengu* or the mung beans, so that the children can have a healthier diet. People are becoming more creative and innovative. For example, nowadays, you will find *samosas* that are made from peas, mung beans and things like that, so that variety can fall into the object of this Bill.

Promoting productivity and introduction of modern mung bean farming technology is important.

Mr. Temporary Speaker, Sir, another very important aspect is the responsibilities that are being given to the national and county governments. Most of the Bills that are coming to this House are moving into the direction of giving allocation of certain duties to the national Government and counties as per the Constitution, 2010.

That is done very well in the second part of this Bill, which moves on to give specific responsibilities in Clause 4 to the national Governments, including measures to improve the overall production, national standards and policies, and technical assistance. This is because we know that for many farmers who are still at the level of subsistence, when you give them technical assistance, it helps to improve their productivity.

Therefore, all these are very important. There is also the aspect of research, which will ensure new ways of doing things are introduced and increase accessibility and affordable inputs to the growers.

This Bill further gives responsibilities to the counties. I think most of the Bills that we are coming up with in this House are giving responsibilities to the County Executive Committee (CEC) Members within the counties in terms of not only being overseers of processes that are going on in their counties, but also taking charge.

Sen. Wambua at one point might want to put together these CECs in some sort of conference, a discussion or a seminar, so that some of these ideas are introduced to them, and they can infuse. This is because so much is being pushed to them. If you do not find a way to catch a niche with this specific topic with them, you might find that it is mixed up with other issues.

Therefore, you might want them to begin to think a little bit broadly and in-depth about how the mung beans within each of these counties, where they are going to apply this--- Ask them for their plans, projections and how they want to go about it, and which agricultural extension services will there be.

Sen. Wambua would also know that some of these will be interested in other crops to ensure fair competition. The emphasis to ensure that this crop is entrenched will need extra effort. Enforcing regulations and standards that have been put in will also be key. Promotion, circulation and access to timely market information are key responsibilities that are given to the CECs.

The issue of availing inputs and implements is also an issue of the budget. In fact, most of the time, as we say in Kenya, we are very good at coming up with legislation, but when it comes to actual implementation, it becomes a problem.

Since my time is up, I beg to support.

The Temporary Speaker (Sen. (Dr.) Lelegwe): Sen. Sakaja.

Sen. Sakaja: Thank you, Mr. Temporary Speaker, Sir. This is why I had indicated interest. I apologize for the earlier request.

I want to thank Sen. Wambua for sponsoring this Bill. First, I must confess that I did not know that mung beans is *ndengu*. I thought they are only called green grams, but mung beans is another name for *ndengu*.

This is a crop that grows predominantly in arid and semi-arid areas. Sen. Wambua's county is one of those areas. It has direct relevance, not just to the country generally, but also to his own specific county. Indeed, that is why we are in this House; to

protect the interests of our counties, think about our people and their issues economically. Therefore, Sen. Wambua, congratulations for bringing this Bill.

Mr. Temporary Speaker, Sir, when in the National Assembly, there was a Bill that was brought in the Senate - I think it passed and came to the National Assembly - on potatoes by Sen. (Eng.) Karue Muriuki of Nyandarua County.

Mr. Temporary Speaker, Sir, it was very easy for Members in the National Assembly to try and make light of it and say that the Senate had no business; they were doing potato Bills. However, when you actually look at the impact of such legislation, these are the kinds of Bills that speak directly to the common *mwananchi* and the economy. Sen. Omanga wants me to say “hustlers.” This is where the common *mwananchi* is looking at. Even on this one, they will try and make light of it and say that we are legislating on *ndengu*, but it is an important issue to legislate on.

Mr. Temporary Speaker, Sir, I am sitting next to the Chairperson of the Committee on Agriculture, Livestock and Fisheries. He will tell you that agriculture contributes 60 per cent of our Gross Domestic Product (GDP) or economic activities. However, I am always at pains to reconcile a mismatch in economics; that despite agriculture contributing to 60 per cent of our GDP, its contribution to revenue is less than five per cent. It is because of a number of issues. First, as a country, our agriculture has mainly been subsistence, and we have not moved to value addition.

If you do not move to value addition, you find that your people are very busy in this economic activity, but in terms of its contribution to the national revenue, it is still very low. That is an area that I hope and know that the Committee on Agriculture, Livestock and Fisheries is really focused on. How do we improve or add value? Why is it that across the world, many of the products on the shelves have a huge Kenyan component, whether it is our tea or coffee, but locally, we are getting very little out of it?

That is a discussion we must have as a country. We must have a discussion on how to add value to a lot of our crops like avocado, bananas and maize. In the part of the country where I am from, of course I am from Nairobi, but where I trace ancestry, the biggest cause of poverty is sugarcane and maize. We keep doing the same thing over and over again expecting a different result, yet at this point---The reason we are focused on some of those crops is because that is where the *mzungu* left us.

Today, if you go to Mumias or Kakamega and bring in a packet of sugar from Brazil, from the factory to the shipping, to the tax that is paid, to transport it from Mombasa, it will be cheaper than the sugar from Mumias.

People have been afraid to discuss the real problems in agriculture. This is because the real problems can only be discussed when we decide to put the politics aside and address the real issues. Why is it not doing well? Is that the best crop to be grown in that area? Is this the best crop to be grown in a specific area?

Today if you go to Kitale, many of our farmers including me are moving away from maize. We are looking at other crops that are doing much better and giving better yields instead of waiting for one year to go and line your trucks at the National Cereals and Produce Board (NCPB) and get nothing. I think maize is now selling at Kshs2,300 a bag.

Some radical questions must be asked and answered with regard to the agricultural sector. That is why I initially started by saying that Sen. Wambua knows why

this specific crop is important for the area he represents because that is what can work in that area.

These discussions must be done. People are now moving to other crops and adding value. For example, we have sunflower in Bungoma. Farmers there are very poor yet we are importing sunflower oil. If we developed sunflower farming in Bungoma and parts of Kitale, we have a captive market all the way to Turkana, Southern Sudan and Uganda to produce oil.

The byproduct of that oil production is soap. We want to see factories there and talk of how we add value to that crop. It can transform the economy of the Western Region.

We should look at what can be done better at the Coast to turn the economy on its head. Look at what happened to Galana-Kulalu Project. These are questions that we must ask and answer if we want to transform our economy and forget the high-level theories that I hear people banding around of how to change the economy and how to improve livelihoods of the common person in this country.

Mr. Speaker, Sir, the second thing that impresses me in this Bill that is nuanced is the issue of school feeding. I thank Sen. Wambua. I spoke about this yesterday. Since schools opened in Nairobi, I have visited around eight of them. One will want to shed a tear if they looked at those children. They are trying to keep brave faces but they are hungry. There is nothing at home. The COVID-19 pandemic has had very bad effects on the economy and parents are broke.

We used to have a school feeding programme. When I was growing up in Nairobi we used to have *maziwa ya Nyayo*. We would get milk in school which would add to nutrition. The late President Moi left a mark even as we remember his first anniversary. We are giving Members of County Assemblies (MCAs) Ksh4 billion for the Building Bridges Initiative (BBI) yet with a similar amount we can feed all our children in schools because it is the farmers who are growing these things.

The Government can buy rice, mung beans and maize and make sure a child in school will at least get a meal. Sen. (Dr.) Milgo as the Chairperson, I do not know what you have thought about this – I raised it yesterday - because it is for your Committee. We must introduce it.

Nairobi is what we call *shamba la mawe*. When one does not have money, they will not eat or sleep because they have to pay for everything. At least for some of you in the rural areas, there is something. Even if you plucked the hedge there is *mboga* which is edible. A neighbor will give you a *gorogoro* of maize. The children in Nairobi and the urban areas are suffering.

While we put this here, we must emphasize that aspect of school feeding by Government being able to buy this produce from farmers. I do not think there will be a better way to allocate, for example, Ksh5 billion or Ksh10 billion for our children. If a child has nothing in their stomach, nothing will go into their brains.

We have started with some of the private sector and some of the rotary clubs where Sen. Mutula Kilonzo Jnr., made me to join. Some of these people are helping me to take food to some schools, but it is not sustainable. As a Senator, I cannot feed all the children in Nairobi.

I am glad the Senate Majority Leader is here, I urge him, please, as we go through the Budget Policy Statement (BPS) and Budget programme as a Senate, let us think about the issue of feeding our children in schools. I think there is no better thing that we can do. Thank you also Sen. Wambua for raising that issue of school feeding within this Bill.

Mr. Speaker, Sir, the Bill also talks about how to facilitate access to the markets, which is extremely important. When we were having our debate last year and people were saying there was no agriculture in Nairobi, I told them that part of agriculture is the market. The biggest market for a lot of our agricultural products such as livestock is Nairobi. For example, looking at Kiamaiiko and Dogoretti Corner abattoirs, it is your produce that goes there. A lot of other produce goes to Wakulima Market.

If agriculture forms 60 percent of the Gross Domestic Product (GDP) yet, every year we are having 30 to 40 percent post-harvest losses, then we are putting money in a hole. We must look at storage, access to markets and extension officers and the contribution at the end of the value chain which is the markets. That is very important. I am very happy that Sen. Wambua has raised it in this Bill.

We need to strengthen the capacity of communities. Back in the days, there used to be many agricultural extension officers. I do not know if they are still there as much as they were before. They would come and test one's soil and advice on what to do. They would check for disease outbreaks. That needs to be re-emphasized. It can only be done by giving counties money because agriculture is essentially a devolved function. The growers must be assisted on post-harvest management of mung bean products and other crops that we have.

Finally, I encourage Members to pay attention to the agricultural sector. Let us make it interesting for our young people to get into it. Young people have thought of agriculture as dirty and not "cool" but it is the "coolest" thing one can do. Before I got into agriculture, I thought of what I would be doing trying to "*kulima shamba*" and all that, but the income that comes out of it and the results---

There is also the magic of putting something in the ground and it comes out as what God has given us. That is why today I am very proud as a farmer on top of whatever else I do that young people are getting into agriculture. Let us encourage them to get more into it and not just think of *boda boda* and the wheelbarrows that Sen. Omanga wants to give them. Let them try and engage meaningfully in making something out of tilling land.

Mr. Speaker, Sir, I pray that this Bill is fastracked in the National Assembly so that it can become law and Sen. Wambua will have a Bill to his name. It is a very proud moment when one starts a legislation from scratch, it goes through the two Houses and is assented to. One will not be forgotten.

I am proud of the kinds of Bills that are coming. Look at what Sen. Cheruiyot did with tea. Even though somebody might have tried to trivialize that as well, the market is already responding well to that legislation that has been passed by this House.

Hongera sana Sen. Wambua. You can count on our full support. We do not grow much mung beans in Nairobi, but we are also thinking a lot of urban agriculture. We are the biggest consumers of mung beans so we are huge stakeholders. I will again debunk that myth that there is no agriculture in Nairobi City County. There is a lot of it. If one

goes to Waithaka and Mutuini in Dogoretti South Constituency, Njiru, in Kasarani Constituency and parts of Roysambu, there is a lot of agriculture.

I encourage my farmers in Nairobi City County as well and not just the consumers to--- There is a lot of innovation even in some of the areas without space where agriculture is being done in gunny bags. That is very modern urban agriculture and we are stakeholders.

Thank you for bringing this. I hope you will next bring one on mangoes and value addition. In Ukambani, that is something that can change the economy. Mangoes grow naturally there, but we are not seeing a lot of production and commercial packaging of juice and the other by products that come from those crops.

Thank you.

The Temporary Speaker (Sen. (Dr.) Lelegwe): Proceed, Sen. Ndwiga.

Sen. Ndwiga: Mr. Temporary Speaker, Sir, I thank you for giving me this opportunity. First, I congratulate Sen. Wambua for sponsoring this Bill. Sen. Wambua sponsored this Bill before he was appointed as the Vice-Chairperson of the Committee on Agriculture, Livestock and Fisheries.

The Committee on Agriculture, Livestock and Fisheries undertook extensive public participation on this Bill. We went to Kitui to do public participation and the enthusiasm that we saw in there was overwhelming. The women as well as young farmers in Kitui expressed great enthusiasms. I nostalgically remember the day that we had a meeting with the farmers of Kitui on this Bill. I join the Senators who have spoken in support of this Bill and the reasons that they have given thereof.

Mr. Temporary Speaker, Sir, the African Continent will never get off its feet if we keep thinking in the last century. It is time we woke up as a continent. We were established by our former masters, the colonialists, as people who produced for them. However, we forget that by thinking outside the box, we could be even better exporters. I would like to invite this House to an episode where the Prime Minister of India visited this country and it was agreed that we would produce mung beans and export them to India. However, when they went back to India, instead of importing our mung beans, they mobilized their farmers to produce mung beans. That move left all the mung beans that we produced in this country with no market.

'Tumerogwa na nani?'

(Laughter)

Mr. Temporary Speaker, Sir, I apologize and withdraw because that is un-parliamentary. Secondly, the Standing Orders do not allow me to switch languages. It is time that we, as Kenyans, started thinking outside the box. We have such educated scientists and food technologists in this country. We should not be going to our farms to plant things, wait for them to sprout and then wonder what we are going to do with them as if we did not know that they would grow. It is time we started to think about value addition to our agricultural produce.

The whole world waits for Africa to produce raw material and then sends to them to add value to our raw material before re-exporting back to us for consumption. It is crazy to keep doing the same thing and expect different results. If we are doing the same

things, how can we get different results? We will continue living in perpetual poverty until we change our mindset. We first of all have to change our political thinking. We politicians behave as if the country does not belong to us. Who is telling our young people today that they can go out there and grow mung beans or any other agricultural produce which we can do value addition and consume locally?

Sen. Sakaja spoke about sunflower. However, we are unable to even feed our own cows in Kenya to produce better milk. We have to import ingredients which include sunflower cake from Uganda. Are we crazy? What is happening to us? We cannot keep referring to Kenya as being an agricultural country yet we do nothing about investing in that agriculture. My Committee of Agriculture, Livestock and Fisheries had a session with the Council of Governors (CoG) in Mombasa to discuss issues affecting the agriculture sector. We asked all the counties what percentage of their funds they have invested in agriculture and their response shocked us. If the county governments are not remitting the National Hospital Insurance Fund (NHIF) contributions, what do you think they would allocate to agriculture? As a country, we need to be focused.

Mr. Temporary Speaker, Sir, we have passed a number of Bills concerning the agriculture sector, including the Tea Bill that we passed late last year. However, if you look at other countries that are tea producers, you will realize that India is the biggest producer, but they consume a lot of what they produce locally. Sri Lanka, which neighbors India, is also a big producer of tea. However, they do not export their tea in raw form. We have to wake up and move to the direction of value addition.

I challenge us, as a country, to embrace value addition in the agriculture sector because the world is waiting. I am a big supporter of African Free Trade Agreement (AFTA) because even without thinking about what we are going to feed 'muzungus', we can send mung beans to very many other corners of Africa. We do not think about cross border trade and our own trade. If we traded amongst ourselves as African countries, we would be respected by everybody else in the world. However, we do not do that because we think that the only place we can sell our goods is in Europe or Asia.

Mr. Temporary Speaker, Sir, I support this Bill as the Chairperson of the Committee on Agriculture, Livestock and Fisheries. We should change our mindset about subsistence farming. If you have a peasant farmer in Kitui who has produced five bags of mung beans, it is clear that they cannot consume all the five bags. We must begin to think that agriculture is a business like any other. We must design ways to introduce our children and the young people in this country to agriculture. However, for us to do that, we must make it interesting and gainful. I personally believe and know that agriculture pays. I have been farming since I was young so I know that agriculture pays if you focus.

If you go to Kabete where we train agriculturalists, you will be amazed by the beautiful ideas that ooze out of their mouths. We have such educated agriculturalist in this country, but are we making use of them? It is time we changed our focus to stop thinking about producing for our own consumption without adding any value.

Mr. Temporary Speaker, Sir, I support although I do not want to discuss the Coffee Bill before it lands here. However, I have seen a line there, which says that we will increase duty and taxes for all coffee that will come back to this country. Yes, I support, but I also suggest that we zero rate all raw coffees that will get into this country

so that we can start a process of being coffee manufacturers for the world. That is what we need to do.

The days when coffee had money, the Coffee Board of Kenya (CBK) of the day used to produce our coffee here in industrial area. All of us know Kahawa No.1, KK Kahawa and such. I do not want to go there because we will be getting to the Coffee Bill soon. Today we are on the mung bean. This is what we must support.

I believe strongly that we must move into areas of value addition. Let us get rice from Mombasa County. Just look at the nutrients of the mung bean or *Google* if you do not know. There is nothing you need for school feeding---

Mr. Temporary Speaker, Sir, we can get rice from the peasant farmers in Mwea and mung beans from Kitui County and other places. Instead of giving our children complicated food in the school feeding programme, just mix mung bean and rice and feed them. It is absolutely nutritious food. We should go that direction. The moment we go there, perhaps some neighbouring country might say: "Send over to us that thing that you are giving your children." This will be a package or a brand and not just mung bean. It will not just be Basmati rice but a brand, which will then create employment for our people.

Mr. Temporary Speaker, Sir, I know many of my colleagues would like to contribute to this Bill. I support and I urge all of us to support. My county is a producer of mung beans. That is why I support and salute Sen. Wambua's initiative. This is the direction to go. This is how you think about your people but also think about mine across the river, who you have enriched what they do.

I beg to support.

The Temporary Speaker (Sen. (Dr.) Lelegwe): Sen. Shiyonga, proceed.

Sen. Shiyonga: Thank you, Mr. Temporary Speaker, Sir. I congratulate Sen. Wambua for coming up with this Bill on the mung bean. The Bill is not only of great benefit to Kenyans, but will also improve the agricultural sector, which Kenyans depend on since the initiation of this Republic.

There are many challenges in the agricultural sector in this country. This Bill has tried to sort out some of the challenges that generally affect our agricultural sector.

When you look at the issue of regulations that have been highlighted here, responsibilities, the licenses, permits and regulations as a whole, you will find that the Bill has highlighted how we should go about it. However, my worry is; how do we then deal with the middlemen or brokers who come up in the agricultural sector take over the poor farmer's production and convert it to their own production?

It is important that we follow the provisions of this Bill, especially the regulations and policies that have been laid down and highlighted when dealing with licensing. When you look at licensing in Kenya as a whole, the brokers have really killed this sector. You will find that most people acquire these licenses, go out there and rent out huge farms and come out to rebrand the same crops that we are trying to protect in this Republic, such as the mung beans. They rebrand the same and sell them to our people.

I like the issue where the regulations that have been put into this Bill will tame some of these people, especially the brokers. It will tame them if only the national Government and the county governments will embrace what is put in this Bill.

The other thing I want to talk about is the policies. We came up with policies on how to regulate irrigation in this country; how our farmers can adopt irrigation and how they can limit themselves to policies that are acceptable to our farmers. However, you find that this is only in books, in Bills and in Acts, but it is not implemented out there.

There are people who take agriculture for granted in this country. When they take agriculture for granted, they kill our economy. When you look at the maize and sugarcane farmers, they are crying foul especially in western Kenya. We do not want the same to happen in Ukambani where the same people, using this Bill, will navigate their way to this part of the country and bring down *Ndengu* farmers.

We want to encourage our farmers to follow regulations. We want to encourage our Government to follow standards and operation. I like one thing in this Bill, where the Cabinet Secretary will not be the main person to control the agricultural sector or the county government is controlled by one person. All the stakeholders must be on the table, discuss and look at the cartels that infringe this sector and limit them so that our people can benefit from this production.

Mr. Temporary Speaker, Sir, this Bill has also mentioned the school feeding programme. You will find that these cartels that I am talking about will get the tenders, pretend that they are the ones who have produced, export this produce to other countries then rebrand it and bring it back to Kenya. Therefore, the regulations should not only remain in books, policies and Acts, but they should be practical on the ground.

The monitoring that the Bill is talking about should be real time so that when you monitor this establishment, we can tame some of the shortcuts that are taken by the brokers. The farmers will then benefit from what we are trying to provide or what we are trying to come up with.

Otherwise, I like the Bill. I want to congratulate my colleague here. We are some of the people who admire the *Ndengu* or the mung beans from Ukambani, but with the technology that has been established here, we shall be able to make it to go beyond the semi-arid areas. The technology that has been discussed here has been embraced by Israel. If you go to Israel, it is a total desert, but they have changed it into a place where you can think there is rain throughout the year.

Therefore, let us embrace this Bill. Let us contribute to it. Let us tell Kenyans that we have life and we can make laws that can be adopted by Kenyans, adopted by the two Houses and can help Kenyans to produce and make use of what they have produced.

Mr. Temporary Speaker, Sir, it is important that the legislations that we are putting into place here, if they are adopted in the other House, let them move very fast so that we can adopt them and make these farmers feel that they actually own what is their own.

Thank you, Mr. Temporary Speaker, Sir.

Sen. Kang'ata: Thank you, Mr. Temporary Speaker, Sir, for giving me this opportunity to contribute to this Mung Beans Bill, 2020. I start by congratulating the Senator for Kitui for coming up with this very progressive Bill for several reasons, most importantly, that it is an agricultural Bill. We all know that agriculture is the most important sector in Kenya, in terms of its contribution to the Gross Domestic Product (GDP); in terms of its employment since it employs the bulk of the Kenyan population and in terms of providing food security.

In a world which is becoming more and more integrated and we are opening up barriers of trade, countries must take advantage of what we call comparative advantage. In Kenya, its major comparative advantage *vis-a-vis* other countries is its agricultural potential.

Mr. Temporary Speaker, Sir, notwithstanding the huge contribution of agriculture to the Kenyan economy, the investment by the Government is never commensurate. You find that we invest more in things like infrastructure and security, which is positive, but rarely do we get commensurate investments in agriculture. Therefore, this is a move in the right direction.

Let me start with the merits of this Bill. One merit of this Bill is that it brings mung beans to the centre of Government agenda on matters agriculture. For the longest time when we talk about agriculture in this country, concentration has been on a coffee, tea and milk. I think it is high time we also diversify in other areas that can boost agriculture.

I agree with the Mung Beans Bill because now that it will get recognition, this will compel the Agriculture and Food Authority (AFA) to take into account matters mung beans. To me, that is important.

I foresee a situation where the Cabinet Secretary concerned with agriculture at the national level, being compelled to market mung beans externally and put out standards for mung beans. That way, you will find these beans becoming more and more marketable, grown in Kenya and protecting the farmer.

Another major advantage concerning this Bill is that at the proposed Clause 4, it confers certain duties to Agriculture and Food Authority (AFA). Further, Clause 5 confers further duties on county executive committee so that you have a situation where the national Government is intervening for the growing of mung beans. Also, there is some role given to the county government to promote the marketing of this.

Mr. Temporary Speaker, Sir, I am also happy with the proposal in proposed Section 6, which now compels the various Government entities to give priority in products of mung beans in Government programmes. Government usually has several programmes, for instance, the food relief.

When you look at the products used by Government in food relief, you will see more emphasis on beans, maize and rice. I am not aware of a certain time where the Government distributed mung bean. For the people watching, mung bean is *ndengu*. Allow me to use this term for the common *mwananchi* to understand. We have rarely seen the Government distributing *ndengu* to *wananchi*. If this law passes, you will see the Government purchasing *ndengu* and taking it to *wananchi* hence the prices going up.

We all know the importance of Government in this economy; it revolves around the Government in terms of huge allocations and budgets. When the Government purchases *ndengu*, then distributes it two things happens; first, the producer price will go up. You will find farmers in Kitui and also in Murang'a where we have a huge region that has potential to grow *ndengu*. The entire region stretching to Thika town to Kakuzi region in the lower Gatanga, Ithanga Ward, the entire Kimorori and Makuyu in Maragwa, Kabiti, location 20 in Kiharu, parts of Gatari in Kiharu and parts of lower Kandara. The whole of the region is capable.

Once the Government starts purchasing *ndengu*, you will see more farmers planting *ndengu*. This is an intervention on the supply side. On the demand side, you will find people starting to consume more *ndengu* in their homes. Currently, when people purchase beans to make their stew, they purchase *Minji*. However, with *ndengu* getting more recognition via this law, I suspect the prices of *ndengu* will go up, which is positive.

Mr. Temporary Speaker, Sir, I strongly believe that the future of this country is interconnected with the prospects of the dry regions. Since the dry regions have virgin land and are waiting for irrigation, once it comes, you will find food security embedded in this country. Therefore, *ndengu* being a crop that can withstand harsh climatic conditions, it needs a lot of support. It is a crop in the dry belt and I support the philosophy underpinning this Bill.

However, allow me to point out areas of improvement, which my colleague who has brought this Bill can consider. First, is on part three and four of the Bill on the regulatory provisions. The reason you find countries like America prospering is because they have light regulations. Every time you bring regulations to a country, you tend to stifle development of industries. I am trying to convince my brother that every time you hear a regulation, you must always look it from a negative point of view. It is something that is going to be enacted by the Government whose net effect notwithstanding the original intention to assist that sector, regulations tend to whittle down and hold back the economy.

The less regulated a sector is, the better it is. For instance, you find in the Bill requirements for registration of growers, requirement for licensing of marketers, processors on large-scale and refusal to issue a license. These are dangerous provisions from where I sit. They will create a parallel black market. It will mean a poor person in Kitui cannot establish a small *shamba* of *ndengu* without going to pay for a license. The license will be expensive. I have no doubt that the Government will put some fee for obtaining that license. Two, it will be laborious to procure that license which will take years or bribe the officials. You might argue the importance of issuing the licenses to standardize the sector. However, based on my experience with Government regulations, they retard industries.

For instance, if you want to establish a hotel here in Nairobi or anywhere in this Republic, how many licenses are you supposed to get from the Government? It is almost 100. You have to obtain licenses from the National Construction Authority (NCA), the National Environmental Management Authority (NEMA), public health, the county government, the engineers and builders and the Alcohol Regulatory and Licensing Authority (ARLA). There is a good scholar from Latin America called Hernando de Soto Pola. He argued persuasively on how the Government in third world countries retard economic growth by coming up with taxes and laborious process.

Ask any person who wants to put up a factory in this country on how many licenses he needs to obtain. They will tell you to obtain the license, in the case of NEMA, to protect the environment. The truth is that there will be no single NEMA officer who will come up to your premises. You will go to their offices and give them ‘something’, then they will give you the document. No single person will come to the factory to do anything. Every time I see a regulation or a law proposing a regulation, my blood runs cold. This is why I am a great opponent for any forms of regulation in this country.

These regulations are going to retard this sector. You may bring them in good faith to establish standards, but the licenses will be conduits for corruption. Let us make this sector lightly regulated.

The other time I was thinking about philosophy of regulations in Kenya. I proposed that you provide---

The Temporary Speaker (Sen. (Dr.) Lelegwe): What is it, Sen. Pareno?

Sen. Pareno: Mr. Temporary Speaker, Sir, I happen to sit in the Committee on Delegated Legislation. We consider regulations which are to operationalize the parent Acts and Bills that emanate from both Houses of Parliament. I would not want to say that all regulations are bad from what my learned colleague is talking about. He seems to have a problem with regulations. As a Member of the Delegated Legislation Committee, I want to state categorically that not all regulations are bad. All we need to check is whether they are harmful. By the time you draft regulations, there is public participation from all the stakeholders to iron out the interests of the executive and farmers in this case.

The last regulations we considered were the best example of regulations the Ministry had done were from the coffee sector. I remember him attending the hearing of the consideration of the regulations. He came in and made contributions. As a Committee, we were satisfied that those regulations came out to help the farmer to regulate the industry, so that they are not exploited. For instance, there are regulations that design the packaging of some of our produce.

We know the potatoes, tomatoes and capsicum--- I am just giving information as to what we are doing. They came out with packaging so that the farmer is not exploited. In short, I am simply giving information from the Committee on Delegated Legislation that not all regulations are bad.

The Temporary Speaker (Sen. (Dr.) Lelegwe): Sen. Pareno, you stood on a point of information, right?

Sen. Pareno: Yes, Mr. Temporary Speaker, Sir.

The Temporary Speaker (Sen. (Dr.) Lelegwe): Okay. Proceed, Sen. Kang'ata.

Sen. Kang'ata: Thank you, Mr. Temporary Speaker, Sir. Please, do not eat into my time for other reasons. It is noted and I am happy, *Wakili*, for your information. I am very grateful, but from where I sit, I am a strong opponent of overregulation of any society. By the way, let me tell you one thing, Mr. Temporary Speaker, Sir.

(Loud consultations)

The Temporary Speaker (Sen. (Dr.) Lelegwe): Order! Proceed and address the Chair.

Sen. Kang'ata: Mr. Temporary Speaker, Sir, all regulations in this country always come under the guise of helping the society. They have always been framed in a manner, for example, that they are going to protect noise, environment or set good standards. However, what they do and the net effect is to whittle down that specific sector.

I have given you an example of a hotel. Which hotel will offer employment to young people and give certain services to that sector? That is the same way with the

regulations that are being proposed by this Bill. They are well intended, and I agree. Maybe we want to set standards, but the net effect will be to create structures of corruption and ensure that people cannot freely trade.

Mr. Temporary Speaker, Sir, for me, with all due respect, I am trying to convince to you. Consider recasting some of these provisions here. Do not give a requirement for growers to be registered. Let anyone who wants to plant *ndengu* do so. That is freedom. There is nothing as important as freedom in this country. Look here. We have been fighting for freedom of expression and movement. Why can we not have freedom to trade?

I am serious. People have been fighting for all forms of freedom in this world. There is freedom of expression and movement, but what about freedom of trade? If I have a *shamba* in Murang'a or Kitui and want to plant *ndengu*, why should I seek a license? Why should I be registered by anyone? I do not want to be registered.

Mr. Temporary Speaker, Sir, look at the proposed Clauses 8 and 9. It talks about the requirements of licensing of marketers, processes, large scale traders--- Give freedom to anyone who wants to market the effect. Please, come to my place and register. That is my view.

Look at proposed Section 11. It says: "Refusal to issue a license." That means an officer can misuse his power; he wants money and corruption. What do you do? You give out money. For me, all systems or entities that appear in this country, which have a form of a license, very few do it *bona fide*. Vast majority of them act *mala fide*.

Mr. Temporary Speaker, Sir, therefore, make this industry less regulated. Regulations do not assist a sector; they tend to retard a sector. That is my strong view. In fact, my final remark is this one. I would propose that we even create what we call guaranteed minimum return for farmers' produce. I would support that one.

In India, you can see that farmers are currently on strike demanding guaranteed minimum return to be retained there. In Europe by the way, farmers usually get some form of guarantee from their governments. I wish you were saying that as the County Government of Kitui or Murang'a County Government, we are going to give some form of guarantee to our farmers.

Mr. Temporary Speaker, Sir, whatever produce they come, we give them certain incentives; either we support their inputs or prices. You come up with what we call a stabilization scheme. When prices are down, they get some support from that fund. When prices are up, a certain amount goes to that fund, so that you guarantee prices stabilization for *ndengu*. That would make a lot of sense.

By the way, what disincentives farmers in this country is the problem of prices. I am aware in Kitui County that there was an attempt by your governor to make some intervention in this area of *ndengu*. I know you may be having a little bit of differences with her, but please look at that issue.

Mr. Temporary Speaker, Sir, I am trying to argue that we should look at the issue from an objective point of view. The reason I suspect that, that scheme failed is the issue of there was overproduction and no market. I am trying to imagine. What is the solution to that issue? The solution is to guarantee farmers; that when they plant their *ndengu* today, tomorrow they know the price and that price will not go down. It happens in Europe and America. I do not know why that cannot happen in this country.

You find the support is at the input level, then you allow market forces now to work at the output level. That makes a lot of sense. However, when you now at the output level or at the input level, you are saying “get License X or Y, that is a little bit dangerous.

Mr. Temporary Speaker, Sir, sorry, I am a firm believer in conservative policies. If I was an American I would be voting with the Republicans. We believe in free trade and forces of market. I believe that societies move forward when we allow forces of the market to operate freely. Regulations only whittle down economic prosperity.

Thank you.

The Temporary Speaker (Sen. (Dr.) Lelegwe): Sen. (Dr.) Milgo, proceed.

Sen. (Dr.) Milgo: Thank you, Mr. Temporary Speaker, Sir, for giving me this chance to contribute to this Bill. First of all, let me thank the Senator for Kitui County, Sen. Wambua, for bringing such a wonderful Bill to this House. This has opened up our minds. At first I wondered what ‘Mung’ was until yesterday when you said that it is another name for *ndengu*.

With this Bill, it shows that each and every crop should in this case have a policy, so that all crops are given the importance they deserve. As I looked at this Bill, I was even thinking around issues of millet. Millet is a crop that has been neglected for a long time, yet it has got a lot of iron. Normally, we take people to hospitals and we are told they have run short of blood. If they were eating *Ugali* mixed with millet, they would reduce the requirement of such nutrients.

Mr. Temporary Speaker, I did realize that Mung beans grow in arid and semi-arid areas. For a long time, we had regarded many areas in our country as being of no use agriculturally. Therefore, this is an eye-opener to show that every area in our country is actually very useful.

For this particular case, once this Bill goes through, we do realize that these Mung beans not only grow in Kitui County, but also across the country, where there are favourable weather conditions.

Mung beans are very nutritious. I have been buying a lot of them from supermarkets. Furthermore, this is a great source of proteins and income for the people. It will also play an important role as a food crop because it can be stored for a long time.

Mr. Temporary Speaker, Sir, it is quite unfortunate that we normally regard Kenya as a leading country in the region, yet we sometimes find ourselves importing maize, beans and other crops from neighbouring countries like Rwanda, Tanzania and Uganda. We have left out a lot of crops that would make our country food secure.

We have also been speaking of the 70 per cent of our youth who are unemployed. They can be engaged in agricultural business through growing crops like mung beans. This would stop our youth from engaging in wrong behaviour.

Mr. Temporary Speaker, Sir, I support this Bill because it specifies the roles that are to be played by the county as well as the national Government. I think that the issues of mung beans will go a long way and be managed in a more effective manner.

Section 4 of Part II of the Bill encourages both county and national governments to establish systems to coordinate and monitor the implementation of national standards and polices to manage the production of mung beans. Technology and research will go a long way in helping farmers to choose the right crops and technology to enhance their

production. For a long time, farmers have been frustrated because they have been using the same instruments and seeds, and expecting different results.

Mr. Temporary Speaker, Sir, this Bill has gone a long way to provide for how farmers can acquire loans to improve their farming methods. For a long time, most of our farmers did not even know that they can access loans to improve their agricultural produce. This Bill will go a long way to ensure that farmers are entitled to obtain loans.

There is also the provision for agricultural extension services. Extension services play a very important role, particularly in training farmers on the best methods of farming, the best fertilizers to use, the best seeds, and the time to plant the crops. With these extension officers, mung beans will go a long way and improve.

In addition to that, this Bill has provided for collection of data so that we know how many farmers are growing these beans and how much crop was produced. Data does not lie. I was told that Sen. Wambua was attracted by the fact that one of the constituencies in his county in 2010 was able to produce 680,000 tonnes of mung beans, and in a short while, in 2014, the tonnage had gone up to 1.2 million.

The only frustration was that these beans were only bought for Kshs20 per kilogramme. After these, middlemen would travel for just a few kilometers and sell them at Kshs250 per kilogramme. This is a very frustrating scenario, but I am sure that with this Bill, these farmers will be saved from these middlemen, who have for a long time shortchanged our farmers.

Mr. Temporary Speaker, Sir, another very important issue is value addition. Mung beans can have value addition, so that they can attract a better price. For a long time, tea has been sold from our country to other countries as raw materials. Once it has been used to blend tea from other countries, it loses its identity. We are no longer able to identify it as our tea. It becomes American or United Kingdom tea. Our farmers, therefore, end up losing that.

Just recently, we passed the Warehouse Receipt System Bill. We have warehouses across the counties. These can also be used to store these crops, and there could be exchanges across the counties. There are those counties that grow potatoes; others grow bananas, millet, while others like Kitui grow a lot of mung beans. If these crops can be stored during the dry season, they can be exchanged right across the counties in terms of trading.

Mr. Temporary Speaker, Sir, Section 6 of this Bill speaks to the issue of prioritization of the mung beans in terms of a Government feeding programme. My Committee has been trying to establish how Early Childhood Development Education (ECDE) children can be fed. We spoke to several governors across the country, and one of the governors we spoke to was the Governor of Kitui County. She told us that she could not manage to feed the children because there was no food. Her county actually relies on relief food.

It is now that I have discovered this. Next time I meet the Governor of Kitui, I will tell her that there are a lot of mung beans in her county and she should initiate feeding programmes. She completely refused that her feeding cannot be initiated because of lack of food.

Mr. Temporary Speaker, Sir, in a short while, we shall be holding a conference to put together the ideas that we have been speaking on this ECDE programme. Among

others, one thing that came out of this was a feeding programme. We can propose a feeding programme right across the country.

When we have the conference, we will invite Sen. Wambua to speak to the issue of mung beans as one of the important crops that can be used. We have been suggesting bananas and potatoes in other areas, and porridge in areas where they can afford to grow maize and millet. For this particular case, mung beans are very nutritious, and these young children at the ECD centers are undergoing important developmental stages, which are very important for their intellectual growth in the future.

I, therefore, think that this is a very important Bill that has come at the right time. I support this Bill because it will assist my Committee to propose very important food. I remember during the Nyayo era, there was supply of milk to schools. During that time, there was a lot of milk in Kenya. Once milk was supplied to schools, it played a very important role in providing a market for farmers. In addition to that, it ensured that our children went through their developmental stages, so that in the future, they are bright. Mung beans can be treated in a similar manner.

I love the fact that this policy will be put in place within six months upon the passing of this Bill. This is so that we do not have a Bill being passed and then they go to collect dust in shelves. I am sure that within six months, this will pass and we shall have this policy in place. It will play a very important role in speaking to the issues surrounding mung beans.

A very major challenge is getting policies that can stay for a long time without being reviewed. I have seen that Sen. Wambua has provided for a review of the policy at least once every five years. Tea farmers have suffered because of policies that were put in place a long time ago. The reason we have had a lot of problems in tea growing areas is because policies that were put in place a long time ago are being used. We have even had some farmers uprooting their tea plantations. They are already obsolete and outdated, and our farmers have been exploited for a long time.

Tea farmers can borrow from this, so that we ensure that policies are changed most often.

In terms of regulation, I have seen a provision of a fine of up to Kshs500 or imprisonment, or both. We can also include a regulation, where, if there are middle men or somebody is licensed and causes confusion, such a license can be cancelled. Such people can conduct fair trade.

Once again, let me thank Sen. Wambua, for coming up with a very wonderful Bill. I support this Bill. I am sure I will be coming up with the millet Bill.

Thank you very much.

Sen. Halake: Thank you very much, Mr. Temporary Speaker, Sir. I rise to support this Bill. This Bill is very close to my heart, not because my friend, Sen. Wambua, is the one who has sponsored it, but because I relate to the history of it, and also because this Bill is a Sustainable Development Goal (SDG) Bill.

This Bill tackles poverty, zero hunger, good health and well-being, inequalities, and so many other SDGs. It is amazing that a Bill that is looking at one cereal can tackle so many SDGs. It tackles poverty, hunger, health *et cetera*.

Mr. Temporary Speaker, Sir, that said, I want to start with the name of the Bill. I do not know if it is too late, but I was wondering why you would not call it The *Ndengu*

Bill. 'Mung' is a word that we all have had to go into our dictionaries to find. In terms of language being dynamic, and is better used when you understand it, and no description is relatable to, I do not know why we do not just call it The *Ndengu* Bill.

Sen. Wambua, I do not know why we have to go into a language that is not used so much. If there is any opportunity, we can just call it 'The *Ndengu* Bill' and the 'mung' can be put in brackets, if it has to. Please, consider this, so that we can go to our mothers and explain to them how nutritious this is or how we should be supplementing the feeding for our children with *ndengu*. We do not have to translate the word.

Mr. Temporary Speaker, Sir, that said, 26 per cent of our children in this country are stunted. The 26 per cent of the stunted children are mostly in North Eastern Province and the Rift Valley. I know this because I worked for the Red Cross for a very long time. I can relate to the shame of hunger more than anybody else, because I dealt with children that you could literally carry with one hand because they were wasting away.

Acute malnutrition and Global Acute Malnutrition (GAM) wastes our children and their brains. We will have a generation of children that cannot think above average in terms of the height, weight, and we may have a population of this country that is going to need support as opposed to being productive members of society, and bringing socioeconomic prosperity to our country.

Mr. Temporary Speaker, Sir, as much as this Bill may just look small or a cereal Bill, it is a very important one. I have sat here waiting to speak to it. I came back from somewhere; I have been up and down. If there is one thing we need to be serious about is food security in this country. When a country is food insecure, its future is in jeopardy.

Whenever a child is hungry, the women have to complement breastfeeding for almost 24 hours. What happens is that we have a child who is wasting, but also have a mother who cannot bear other healthy children, and the vicious cycle continues. The shame of poverty, hunger and not being able to feed your child is borne mostly by the women.

For me, this Bill is so important, sacred, and is the answer to what we need in this country as women and children, where 26 per cent of all our children under 5 years old are malnourished and wasting away. Disparities between counties is different. In parts of the country that are more affluent, it is 4 per cent, but in counties like Isiolo and Northern Kenya, Eastern Province and Kitui West where Sen. Wambua comes from, it is 14 per cent.

Therefore, you will see how dire the situation is. I am glad that he has also linked it to a school feeding programme. That is a fantastic idea. This is why our second President, President Danile arap Moi, thought of the school feeding programme; *maziwa ya nyayo*. This time, "*ndengu ya Wambua*" will become a legacy that you will be very proud of.

Thank you very much, Sen. Wambua. I know there are a few colleagues who want to speak to this, and therefore, I do not want to speak too much on it. However, for once in this country, 3.4 million people in 2017 had acute food insecurity, especially pastoralists like ourselves because of the drought and the climate change that is ravaging our counties.

The *Ndengu* Bill is an answer. It is going to become a supplementary food for all of us. Even our animals can be introduced to *ndengu*. Why not? In Mexico, farmers have

their corn; eating, feeding it to their animals and exporting it. It could be the answer to all our problems. I think this is a long solution. It is an organic solution for our poverty issues, hunger issues, health and well-being issues. I want to support that even as we go on, we make sure the provisions within it are implemented.

I know there is mention of basic or minimum returns. I do not believe in that. We should let market forces take care of things. Sometimes, the Government does not have an answer to everything and it is about time we realized that. Let things be and make sure that we support and put the right framework in place.

What is sufficient in this Bill? Let us implement the provisions within it and make sure that we tackle these provisions, both in terms of our hunger issues, but also make sure that markets are also developed.

Mr. Temporary Speaker, Sir, it also aligns very well with the Big Four Agenda. Therefore, we do not have to wait to criticize the President for the Big Four Agenda. People like Sen. Wambua have already taken the first step to ensure that the Big Agenda is implemented.

I support and look forward to the implementation of the *Ndengu* Bill.

I thank you.

Sen. Olekina: Mr. Temporary Speaker, Sir, I thank you for giving me an opportunity to support this Bill as a person who suffers from hypertension because of the stress that we go through as politicians. In fact, when I did my research, I realized that the *ndengu* can help lower your blood pressure.

I want to thank my colleague, Sen. Wambua, for thinking about the nutrition value of all those children who suffer from tough conditions. This product or crop, once promoted in county governments, can also help to prevent a heat stroke. It can also help those politicians who are overweight to lose weight.

Mr. Temporary Speaker, Sir, I have listened to the contributions by my colleagues and I want to make my submissions quite brief. When I read this Bill, I did not only see a solution to our local problems, where we talk about food security, but I was impressed by the fact that Sen. Wambua is trying to put Kenya into the global market of the producers of *ndengu*. When you look at the countries that produce *ndengu*, Kenya is not even on the list. In fact, in Africa, it is only countries in Southern Africa that are on the list.

If you look at Latin America, Europe, Asian Pacific, Korea, the Middle East, out of all the world production of *ndengu*, India produces about 50 percent and all that *ndengu* is consumed locally. China produces about 17 percent.

It would be very good to create an enabling environment to allow farmers to venture into the production of *ndengu*. This is a product that grows in semi-arid areas, and with global warming, every part of Kenya is now turning into a semi-arid area.

I see various ways in which Sen. Wambua can improve this Bill. I was listening very keenly to the contribution that was being made by Sen. Kang'ata, and although I agree with him, there are some parts that maybe he misread. Looking at the part he referred to, he said that anyone wanting to grow *Ndengu* should register with the county governments. You are not only registering with the county governments, so that you can be charged a fee. In my understanding of this Bill, you are registering so that extension services can reach out to you.

There is no way that people will know you are growing this product, which now there is a Bill to promote its production, if you do not let the county government know that you are also growing it.

The only part that I would like to request my colleague to change is Part 3, Clause 9 (1) on regulations. It says-

“(1) A person shall not market, process or carry out large scale trading of mung bean or mung bean products unless the person has obtained a license from the relevant County Executive Committee Member.”

I beseech my colleague to change the aspect of marketing because marketing is what helps. If after producing, one is now reduced to registering with a county government, and one fails to register is penalized heavily just because of marketing is not encouraging production.

I agree with him that because of safety and international standards as well, if you intend to add value or process the commodity, you ought to register, so that you can be given support by entities such as Kenya Plant Health Inspection Services (KEPHIS), which does a lot of research in production. They will be able to help you.

There are other issues that I hope my colleague can also include in this Bill to talk about either Organic or Genetically Modified Organisms (GMO). There are countries that promote GMO and those that do not. In this country, I think we are slowly getting into acceptance of GMO.

Those are some of the areas that this regulatory body should be looking at. They should for example look at the kind of seeds being brought into the country.

Mr. Temporary Speaker, Sir, various colleagues talked about the challenges we have in this country when it comes to production or food security. It extends entirely not only on human, but also animal consumption. Yesterday, I was looking for animal feeds to be able to feed my domestic animals and could not get them in Kenya. So, I had to import them from Uganda. Due to the recent election in Uganda, they were quite expensive. Therefore, I am also now exploring. If Uganda is able to get into our market to sell soya beans, cotton and sunflower, then we also must be able to promote our products, since we have got a lot of land.

This is why I keep on insisting that land use policy must be enhanced in this country. In areas where you know you have big tracts of land, given that agriculture is devolved the county government, they should continue encouraging or creating a very good environment for local farmers to venture into these products.

People talk about regulations when it comes to cash crops. Maybe Sen. Wambua is being futuristic and looking at this product not only being consumed in Kenya, but being sold out of the country in large volumes for it help improve the standard of living for the people of Kenya, particularly those in semi-arid areas.

I do not want to belabor the point because most of my colleagues have elaborated on some of the points I had. I want to re-emphasize on the importance of these extension workers. County governments should put a lot of emphasis on this registration aspect. They should map out the areas that can grow this product and put in extension officers there and carry out this public awareness; that if one grows mung beans in a certain area, there are three or four extension workers and one will get to know them in person.

I would like to suggest that those extension officers should also be registered with KEPHIS, so that they are up to date with the level of technology that is being used to enhance production.

This is a good attempt to help our local farmers. I would like to summarize by saying that I know my colleague, Sen. Halake, had asked a question as to why we should call this 'The Mung Beans Bill' and not 'The *Ndengu* Bill. Since we are not only looking at consuming this product locally, we should use a name that is recognized worldwide. 'Mung beans' is known worldwide than '*Ndengu*.'

We need to think of how to solve local problems with a bigger market. The biggest problem we have in this country is that when we are producers of any crop, we limit ourselves to the local market near us. We need to think about how many other consumers of our goods there are. If we produce milk in Narok County, we do not only have to look at Narok County. Maybe we have 1.2 million people in Narok County, and each day, we produce over 300,000 litres of milk. For us to progress well and succeed, we have to think about the 4.4 million people who live in Nairobi that consume that product.

Mr. Temporary Speaker, Sir, I support and congratulate Sen. Wambua for thinking local, but also trying to get some international standards in the production of our local products.

Thank you, Mr. Temporary Speaker, Sir.

Sen Pareno: Thank you, Mr. Temporary Speaker, Sir. I thank Sen. Wambua for coming up with this very important Bill. The Bill has spoken for all the farmers of this country because they suffer under similar circumstances. We are now talking about overproduction of *ndengu*. To me, this is artificial overproduction because if only we placed *ndengu* on the table of each and every Kenyan and knew how to market it, it would not be called an overproduction.

This Bill addresses lack of markets for all farmers. Our farmers have suffered under the hands of these cartels and brokers, and at the end of the day, they get nothing out of their farming activity. In fact, the brokers and cartels get more than what the farmer is supposed to get.

Our farmers have suffered from fraudulent packaging; in fact, crude and immoral packaging of produce. I talked earlier on when I intervened about the packaging of potatoes, capsicum and *ndengu*, and we end up selling for nothing. At some point, we noticed that our farmers would have the packaging of tomatoes and potatoes to an extent that by the time that sack reaches Nairobi, it would produce two bags, when it was sold for the equivalent price of one bag.

This Bill has come in timely to address issues of cartels and the middlemen who are denying the farmer the hard earned cash that he or she should have got. There are very fraudulent activities that can be cut off by this Bill.

They have been exploited from all fronts. When one looks at the packaging standards and prices, the farmer is suffering from all fronts and this Bill seeks to come out to help the farmer.

Mr. Temporary Speaker, Sir, I am also happy that this Bill will address issues of how to develop that particular market.

We can use this Bill as an example of what we should do for all the farmers. This Bill has touched on issues of standards, the development of the crop, marketing and the entire value chain.

Mr. Temporary Speaker, Sir, this Bill can only be implemented if we have the regulations that are recommended. I disagree with Sen. Kang'ata because we have been dealing with regulations over and over, not to forget that coming up with regulations is a function of Parliament. We must be aware to the fact that Parliament cannot do everything and put it all in one major Act. It is for that reason that there is provision to address some of these things through regulations. We should, therefore, not trash such regulations as they can help improve and actualize what we mean in this Bill.

Registration of farmers is important for us to know the number of farmers who are engaged in the farming of mung beans and how much produce is out there. Such knowledge would help us market our mung beans better. We might have to think of an omnibus kind of law that would address issues across the board. This Bill has brought out pertinent issues that are being suffered by each and every farmer, and not just the *ndengu* farmer. We should come up with a law that would address issues of standard, registration of farmers, what they are producing and how we can market because those are the issue that cut across the entire agricultural sector. The issues highlighted have come up through the '*ndengu* revolution', but I hope that they can be adopted throughout the agricultural sector.

As a Maasai, I am thinking of how to regulate the milk industry. We have a problem with overproduction of milk and cartels in the milk industry. Therefore, it will be good to come up with an omnibus kind of law to address issues in all the sectors of agriculture. To highlight the problems in the milk sector, I would like to take the example of Mashuru area, where I come from. Can you imagine a litre of milk is selling at Kshs27 only? However, the cost of a litre of milk in Nairobi is three or four times that price. That is total exploitation!

The milking processing companies such as Brookside, KCC and many others buy milk at Kshs27 only in Mashuru and sell it at three or four times the cost they get it from the local farmer. The farmers are demoralized because they get very little returns. One time, I considered selling my milk to the big corporations, but changed my mind after I heard the price they had to offer. There is too much exploitation in the milk sector that one is better off drinking their milk rather than selling. However, there are farmers who cannot to consume all their produce because they need food on their tables.

Mr. Temporary Speaker, Sir, this is a very important Bill because it has spoken for all the farmers and can lead to a revolution in terms of how we handle our farmers right from the villages.

I beg to support this Bill fully and thank Sen. Wambua for coming up with such a brilliant idea.

The Temporary Speaker (Sen. (Dr.) Lelegwe): Proceed, Sen. (Prof.) Kindiki.

Sen. (Prof.) Kindiki: Mr. Temporary Speaker, Sir, I take this opportunity to thank my neighbour, Sen. Wambua, of Kitui County, for his gallant step of bringing legislation on this very important crop that is not only precious, but a delicacy not just in Kenya but the entire world. The mung beans or *ndengu*, as it is known variously, is an extremely easy to produce, yet precious and costly crop, which has been neglected. In the

few counties where this crop is grown, the farmers have been left on their own both by the national Government and the county governments of our country.

I know that there was a feeble attempt by the Governor of Kitui County to do something about the crop, but I think that the attempt fizzled out and enthusiasm collapsed. The governors of neighbouring counties such as Makueni, Tharaka-Nithi and parts of Meru counties, where mung beans are grown, did not give the Governor of Kitui County much support. I also think that the Governor of Kitui did not also exhibit adequate effort and passion to sort out the issue surrounding this crop.

Mr. Temporary Speaker, Sir, having congratulated the Mover of this Bill, I would like to add a few comments, which I think are useful in terms of improving this legislation. This Bill is appropriately captioned as The Mung Beans Bill (Senate Bills No.9 of 2020) and should remain as such and not localized as some of my colleagues have already said with the local name ‘*ndengu*’. I say so because during the long recess, I visited a small town in the North of England where the price of one kilogram of *ndengu* that is well packaged is approximately \$20.

One may ask: Why is it that whenever there is a local glut in the counties that produce the mung beans, it would fetch one dollar at best? One may ask why there is a difference. The difference is because the farmer in Kitui, Makueni, Tharaka-Nithi or wherever else the mung beans are grown, has no capacity or support from both the national Government and county governments to get their produce to England, Geneva in Switzerland, the Middle East countries such as Oman, Muscat, Dubai and Doha, as well as other countries in Asia and South America. There are many places in the world where this crop forms a part of meals in many families across cultures and continents. Many people around the world pay through the nose to buy this healthy delicacy.

Other than the lack of support by both the national Government and county governments, the other reason mung beans has not done very well is because of the barriers in the international trade that makes it extremely difficult for developing countries like Kenya to get such precious products to the global market. I, therefore, insist that when the Committee looks at this Bill, they must find ways of coercing the Government of the Republic of Kenya to have some responsibilities of addressing both tariff and non-tariff barriers that affect Kenyan products, including the product that we are discussing this afternoon.

I am of the view that we should focus on this crop because of its immense nutritional benefits. This crop has immense contributions to healthy eating, which is a major concern for health experts and nutritionists around the world today. This crop should, if not must, be included in the national strategic reserve. I do not see why the Government should not put this crop in the national strategic reserve, so that our soldiers in the barracks and other disciplined forces, as well as institutions of learning and other public institutions, can consume this crop. That would enable the Government to offload this crop at a very good price for the local farmer.

Mr. Temporary Speaker, Sir, I also believe that this Bill should be linked with the warehousing receipt system, whose law we passed here last year, so that when there is an overproduction, the county governments, which are at the grassroots, should be able to receive these crops, store them for the farmers at a minimal fee and sell it when the

market has been found and once an aggregation has been done, good enough to attract international buyers.

Therefore, there must be a way to not only link this product to the strategic food reserve of the country, but also to link it to the warehousing receipt system, whose law we passed last year.

I also see a gap because the Bill in its form does not provide for a subsidy system. The only thing that can help farmers recoup their profits and get a tidy sum out of their sweat and labour is subsidies. All over the world, governments subsidize agriculture. In fact, the richer countries, for example, put over 60 per cent subsidy in agricultural production, whether you are talking about milk, potatoes, staple foods, including crops like this one.

Increasingly, there must be a subsidy programme, especially from county governments, where agriculture is devolved, to ensure that, that subsidy is able to improve the prices of this commodity and make the farmer smile all the way to the bank.

Mr. Temporary Speaker, Sir, I am of the view that the quality of the mung beans grown in Kenya, especially in the counties where it is grown, is among the best in the world. It is extremely superior to the variety grown in India and parts of Asia, including Thailand, and the variety that is grown in some few countries in South America.

For that reason, I am opposed to any genetic modification of the Kenyan product of mung beans. What we need to do is to have a way of certifying seeds, so that the seeds that farmers use are certified by the Kenya Seed Company, and that should include the yield.

As I end, I am also persuaded that this crop can grow in nearly 38 counties in this country. However, it has not been tried. I see no reason this crop cannot be grown in parts of Isiolo, Marsabit and places in Nyanza, such as Siaya, Homa Bay and Migori. I see no reason it cannot grow in Kajiado, Narok and so many other counties. I have counted nearly 38 counties that can produce this crop.

This crop requires, for those who do not know, less than 78 days to mature. It requires like three or four days of rain so long as they are spread within two weeks period. If there is rain this week, for two days, and another two days after two weeks, in fact, people will harvest. This is the most ideal low hanging fruit, if we are talking about food security in this country.

Mr. Temporary Speaker, Sir, there must be some responsibility also on the national Government to try to promote the growth of this crop in as many counties as possible in our Republic.

I do not want to spend a lot of time on this. My only plea is that this is a national legislation; it must be as much as detailed as possible. We should not leave the details to regulations because under Article 190 of the Constitution, I know the kind of influence that national legislation has on counties, and the running of counties is strictly speaking much more superior than what legislation or policy can do.

I believe that the Committee will do a good job. For the farmers in Tharaka-Nithi, Kitui, Makueni and other counties where they have been suffering, this is the first step towards realizing and rewarding their labour. Going forward, I hope that someone in Tseikuru, Marimanti in Tharaka or Wote in Makueni can sell this crop for about Kshs300

to Kshs400 a kilogramme. Moreover, I hope that someone able to aggregate this crop can export it for, at least, \$10, which is about Kshs1,000 per kilogramme.

Mr. Temporary Speaker, Sir, on value addition, some of the things - the low hanging fruits and cost free measures - that county governments can make to add value and, therefore, enhance the price of this crop, is sorting and packaging. Two things; sorting which is removing some of the not so quality seeds and debris, and packaging--- The reason that is done is because some of the high-end customers in rich and influential neighborhoods and supermarkets is that they want something that has been packaged nicely and not the ones that are sold in some of our markets downtown in sacks, tins and that kind of thing.

You aggregate, sort and package. The packaging will assist the counties to leverage on a very important aspect of international trade known as geographical indication. If you go to the United States, for example, you will see Nebraska bread, which comes from Nebraska. Therefore, if Makueni's *ndengu*, Tharaka-Nithi's *ndengu* or Kitui's *ndengu* is one of the best varieties as we have established, they can fetch a lot of money by simply indicating the geographic origin of that product, so that it is not just *ndengu* from anywhere. It is *ndengu* from Tharaka-Nithi, Kitui or Makueni, *et cetera*.

In international trade, you leverage a lot on the concept of geographical indications. That is why Switzerland has made a lot of money because of its wine, as well as the French and the people around Cape area in South Africa where wines and vineyards are found. We must leverage on geographical indications to promote this product.

Mr. Temporary Speaker, Sir, I support.

Sen. Kinyua: Bw. Spika wa Muda, nashukuru kwa kunipa fursa hii.

Kwanza kabisa, nataka kumpongeza Sen. Wambua wa Kitui kwa kuleta Mswada huu. Kwa kweli, Serikali inasema tunahitaji usalama wa chakula. Kitu ambacho kitasaidia zaidi ni mimea ambayo inahitaji mvua kidogo ama maji yasiyo mengi, ili iweze kuwa katika kipaombele ya hili jambo ambalo linasemwa na Serikali.

Ndengu inaweza kukuzwa katika sehemu nyingi. Sehemu nyingi za Kenya ni za ukame. Ukienda Laikipia, Isiolo, Marsabit, Tharaka-Nithi, Kitui na Machakos, ndengu inaweza kupandwa na itafanya mambo mawili. Jambo la kwanza ni kuwa watu ambao wanasema kuna ukosefu wa kazi watapata kazi ya kufanya. Jambo la pili ni kuwa ukitembea sehemu kama Laikipia ambako kuna ukame, kuna wale ambao wanafuga mifugo na kazi yao ni kuhama hama. Hao watapata kazi ya kufanya na usalama utaimairishwa.

Hali ya usalama imezorota sana kwa sababu kuna watu wengi ambao kazi yao ni kupiga wengine wakitafuta mifugo yao. Lakini wakipata kazi ya kufanya, visa vya hivi vitapungua. Ndengu ni mmea ambao utahitaji siku chache sana, pengine miezi miwili na nusu ndio uweze kuvuna. Ndengu inaweza kukaa kwa muda mrefu sana bila kutumia jokofu. Ndengu inawekwa hadi ikauke na utaweza kutumia baada ya miezi mingi ikiwa pale.

Jambo ambalo ningependa kusisitiza ni kuwa kaunti zetu ambazo zimepewa jukumu la kuangalia mambo ya ukulima yapewe kipaombele ili mimea, haswa ndengu, ambayo inakuwa kwa muda mchache watilie mkazo. Wakitilia mkazo, nina uhakika kwamba jambo hili litasaidia katika mambo ya usalama wa chakula. Inaweza kwa

kupigana na mchakato wa *hustlers* ama wanyonge au walala hoi kwa sababu watafaidika sana na sisi kama Seneti tunafaa kupitisha Mswada huu bila kupoteza wakati. Itasaidia Wakenya wengi.

Nchi yetu ya Kenya itapata mapato kwa sababu watu wengi wataanza kufanya kilimo biashara. Kilimo biashara itawezekana kwa mimea ambayo haihitaji mvua nyingi, kwa sababu sehemu nyingi za Kenya hazina mvua ya kutosha.

Kwa hivyo, mimi naunga mkono Mswada huu. Nataka kuambia Sen. Wambua kuwa hii juhudi ni nzuri sana. Amechelewa na angefanya hivi mwaka wa kwanza tulipoingia hapa. Hata hivyo, ni vizuri kwa sababu tunaweza kuchukua fursa hii kuleta mabadiliko katika nchi yetu ya Kenya. Itawezekana ikiwa sheria kama hizi tutazipitisha kwa haraka ndio tuweze kuwasaidia Wakenya wenzetu.

Asante sana, Bw. Spika wa Muda.

The Temporary Speaker (Sen. (Dr.) Lelegwe): Sen. (Rev.) Waqo, you have the Floor.

Sen. (Rev.) Waqo: Thank you, Mr. Temporary Speaker, Sir. I stand in support of the Bill and congratulate Sen. Wambua, who is the Vice Chairperson in the Committee on Agriculture, Livestock and Fisheries. From the time he introduced the Bill, I have had the opportunity of walking with him. When the Senate was in Kitui, we did the public hearing and saw the joy and celebration in the hearts of the farmers in Kitui. When we did the public hearing there, I was encouraged because I realized what Sen. Wambua is doing to touch the lives of his people on the ground.

As we all know, many of our people do a lot of work at their own levels. People have different lifestyles. We have farmers in our society and in different communities in almost all our counties who practice farming. The unfortunate bit is that our farmers have been neglected in many ways. When the farmers appeared before us that day, you could see the struggles they have gone through. They have not been supported or empowered by the Government. By introducing this Bill, Sen. Wambua will improve and enhance what people are doing on the ground and a lot of transformation will take place through this Bill.

As a Member of the Committee on Agriculture, Livestock and Fisheries, I am proud and happy that the Bill will be passed and Sen. Wambua will be happy with the implementation of the Bill. I support the Bill because of the things I have said.

Also, this Bill will provide for development, regulation and promotion of the mung beans sector in Kenya. Through that, our farmers will be assisted.

Under Part Two of the Bill, the responsibilities of the national Government and county governments are listed; the roles that the county governments are to play and the duties of AFA. I like the Bill because the roles of different bodies have been defined. Clause 4 states that for realization of the objections set under Section 3 the authority shall put in place measures to improve the overall production of mung beans in the country. This means that whatever is done at the county level will improve the production as a country to the level of exporting mung beans.

Another role is to establish, coordinate and monitor the implementation of national standards and policies related to the mung beans industry. I do not want to touch on every area mentioned, but there are a few areas that I will mention.

Clause 4(e) talks about establishing linkages with international research agencies for the adoption of the best mung bean farming and processing practices. I have picked on this in particular because many of our farmers have been frustrated because no one has helped or linked them with international research agencies. This has led to farmers struggle on how they can produce and process their products. This Bill will help our farmers in different ways, improve their lives and also help them to create their own wealth.

Clause 5 says that for the realization of the objectives set out under Section 3, the County Executive Committee Member (CECM) shall--- This describes the role of the County Executive. Clause 5(d) talks about marketing mung beans produced in the respective county, both locally and at the international level. I have picked on the areas that will take the market of the mung beans from the local market to the country and out of the country, which will promote the poor man or woman doing her farming on the ground.

Again Clause 5 (g) talks about promoting investment in the infrastructure necessary to facilitate access to markets and the transportation of mung beans and mung beans products within and outside the respective county. This will create jobs for youths who have graduated and are unemployed. We have so many graduates who cannot earn anything out of the good certificates they have. They do small jobs in the market and use the wheelbarrows to survive.

Mr. Temporary Speaker, Sir, I support this Bill, so that young people and the poor man and woman on the ground, who are doing farming, can be proud of what they are doing.

Clause 5(h) touches on a good area that has been neglected for many years. It talks about identifying challenges affecting the mung beans industry in the country and implementing appropriate remedial measures. Many of our farmers have been discouraged in the past because there is no one who checks on the challenges they face as they farm. When this is put in place, the Wanjiku on the ground will tell the Government or system in place the challenges they are facing, which will be dealt with immediately. Out of that, they will have a good mung beans product, which will help to sustain their livelihoods.

Clause 6 states that the national Government and county governments shall implement feeding programmes within schools. I am excited about this. We have food insecurity in our country and many of our children from mentioned areas are suffering. I come from Marsabit which is semi-arid. They do not get good food to be healthy. When we make sure that this is included in the school feeding programme, we will have taken care of our children's health. They will have good meals in school and the parents will be relieved. As you know, many families do not afford three meals in a day.

Mr. Temporary Speaker, Sir, I support the Bill and congratulate Sen. Wambua and encourage him to continue doing a good job for his people.

Thank you.

The Temporary Speaker (Sen. (Dr.) Lelegwe): Sen. Poghisio, proceed.

Hon. Senators, there being no more requests to contribute on this Order, I therefore, call upon the Mover to reply.

Sen. Wambua, proceed.

Sen. Wambua: Mr. Temporary Speaker, Sir, I beg to reply. I begin by sincerely thanking Members for their contributions in support of the Mung Beans Bill. On my own behalf as the Mover and sponsor of this Bill, and on behalf of Kenyans across this country in the 38 counties that Sen. (Prof.) Kindiki has mentioned that are potential growers of *Ndengu*, I thank you very much for the overwhelming support that this Bill has received from Members of the Senate of the Republic of Kenya.

It may look like a small thing to a section of people in this country. However, I want to assure the House and this country that the Senate of the Republic of Kenya has dedicated an entire afternoon to discuss *Ndengu* grown by suffering peasant farmers across this nation. It is a very bold statement on the direction that this Senate is taking.

Mr. Temporary Speaker, Sir, I want to allay the fears of some of my colleagues especially on the matter of regulations as proposed in this Bill. First of all, to clarify that when it comes to the registration of *Ndengu* farmers, there is no licensing that is required. The only thing that this Bill proposes to do and which I believe is a very noble thing is to ensure that we have a semblance of order in the industry.

As I said yesterday when I was moving this Bill, we have records of how many farmers in any county are growing *Ndengu*, where exactly in that county are they growing the *Ndengu* and what variety of *Ndengu* is being grown by which farmers.

Mr. Temporary Speaker, Sir, that is very important information because it helps the County Executive Committee Member (CECM) in charge of agriculture in that county to map out the location of the farmers and deploy the services of extension officers to those farmers with ease. That is the whole essence of the registration of farmers on the ground.

Outside the ground, however, there is also need to register these farmers so that at the national level, it becomes so easy for the Cabinet Secretaries for Agriculture, Livestock and Fisheries, Finance and the National Treasury and even the President to approach international partners and financing institutions either for loans or grants to support the farmers who are growing this crop. The requirement for registration is noble and okay.

Mr. Temporary Speaker, Sir, on the matter of licensing of traders, debate has taken place on the Floor of this House with a Senator or two suggesting lighter regulations and requirements for licensing. However, at the time that I was moving this Bill yesterday, I took my colleagues through a journey that I walked to sponsor this Bill.

It is for the reasons that I gave yesterday that we do not want a situation where every trader in this country who has zero input in the production of this crop, all they need to do is wait for the month of February. We are in February and *Ndengu* is being harvested and then towards the end of the year there will be another harvest.

Mr. Temporary Speaker, Sir, those traders will just wait for those two months in a year and they can comfortably go to a motor vehicle dealer and take as many as 50 trucks. They go around the country, mop up *Ndengu* at throw away prices of Kshs20 or Kshs25 or Kshs30, then two months or a month after that, they are raking in billions of shillings.

The Temporary Speaker (Sen. (Dr.) Lelegwe): Sen. Kinyua, what is it?

Sen. Kinyua: Mr. Temporary Speaker, Sir, from what he is saying, what is wrong with that because trade is willing seller and willing buyer? Is there a problem with that?

The Temporary Speaker (Sen. (Dr.) Lelegwe): Sen. Wambua, proceed.

Sen. Wambua: Mr. Temporary Speaker, Sir, because I am replying to my Bill, I would not want to say a lot of things on the willing buyer willing seller principle. I can just confirm to you because I am a friend of Sen. Kinyua from Laikipia County, that he is not a trader. So, the interest that he seems to want to protect is some personal interest that I can confirm.

I can also confirm to you that the line of divide between willing buyer willing seller and absolute exploitation in as far as the trade in *Ndengu* is concerned is very thin. In fact, in most cases, that line does not even exist.

Mr. Temporary Speaker, Sir, we are trying to protect our farmers from that thinking that because you are so desperate to sell your commodity which you have tilled the land and produced, and because you want money to go and pay school fees for your child, anybody who comes and offers anything, you can just give out your product and it is okay.

That is the thing that we want to cure. That is why we said yesterday that this House must begin to stop legislating in vain. When we passed the Warehousing Receipts System Bill, it was to address exactly that issue that Sen. Kinyua has raised.

In a situation like ours with regard to the *ndengu* situation, because the farmers are registered, the county government can take the crop from farmers and store it in a warehouse. This is so that the trader, who is willing to buy, and the county government, on behalf the farmers who are willing to sell, can negotiate better prices for our product. That is exactly what we intend to cure with this Bill.

Mr. Temporary Speaker, Sir, there have been suggestions on the Floor that perhaps we could do an omnibus legislation to bring together all crops. I want to respectfully bring to the attention of my colleagues to what happened on the Floor of this House and the Floor of the National Assembly when the Crops Act was passed. I said yesterday that there are acres and acres of space dedicated to listing of crops grown in this country. To the dismay of *ndengu* farmers and the Senator of Kitui County, *ndengu* is not even listed as a crop grown in this country.

We must cure these mischiefs. The best way of doing it is to challenge my colleagues not to shy away from legislating on crops and issues that affect our farmers. This omnibus business, though legitimate and legal, is the reason for the suffering of a lot of people in this country. We need to be specific about the issues that affect our people.

Mr. Temporary Speaker, Sir, in fact, we should be ready to do legislations on almost everything because after all, that is what we were elected to do. We are elected to make laws, represent our people, lift local issues and call the national attention to the suffering of the people that have elected us. That is exactly why we are elected. I respectfully tell my colleagues that instead of doing an omnibus legislation for crops, I challenge them to bring as many Bills as there are crops grown in this country, so that we fix the problems facing each farmer in every corner of this country.

Mr. Temporary Speaker, Sir, time has come, through this little effort by the Senator of Kitui County, and as a Senate, we must now move from making pronouncements in public rallies that we are the champions and defenders of devolution. We have said enough of that. That is enough said. Time has come that we must now move into action and be seen to be real defenders of devolution. Agriculture is a fully

devolved function under the Constitution of Kenya 2010. Let us, as a Senate, be seen to speak the voice of our people.

As I said yesterday, we should aspire together to shared prosperity where a farmer in Lamu feels protected and supported as much as a farmer in Kiambu; a farmer in Marsabit, Kajiado, Narok, and Samburu, keeping their livestock, feels supported and facilitated just as much as the tea farmers in Murang'a, Nyeri, Kericho and other parts of this country are supported.

The principle of shared prosperity will be made real and will only make sense to our people if we truly behave as though each Kenyan deserves protection and support and facilitation under the law.

Mr. Temporary Speaker, Sir, with those many remarks, we will take note of all the contributions that have been made by our colleagues. Without any particular order, I want to specifically thank Sen. Farhiya, Sen. Mutula Kilonzo Jnr., Sen. (Dr.) Zani, Sen. Sakaja, Sen. Shiyonga, Sen. Ndwiga, Sen. (Dr.) Kang'ata, Sen. (Dr.) Milgo, Sen. Halake, Sen. Olekina, Sen. Pareno, Sen. (Prof.) Kindiki, Sen. Kinyua, and Sen. (Rev.) Waqo for their contribution to making this Bill even better, and for their commitment to stand with the *ndengu* growers in this country and make sure that they attain national recognition and support.

Mr. Temporary Speaker, Sir, I beg to reply.

Having said that, I wish to request that pursuant to Standing Order No.61 (3), the putting of the question be deferred to a later date.

I thank you.

The Temporary Speaker (Sen. (Dr.) Lelegwe): Thank you, Sen. Wambua. Hon. Senators, I, therefore, defer putting the question to Tuesday, 16th February 2021.

(Putting of the question on the Bill deferred)

Next Order.

BILL

Second Reading

THE CO-OPERATIVE SOCIETIES (AMENDMENT) BILL (SENATE BILLS NO. 11 OF 2020)

Sen. (Dr.) Zani: Thank you, Mr. Speaker, Sir. I beg to move that the Co-operative Societies (Amendment) Bill (Senate Bills No. 11 of 2020) be read a Second Time.

Mr. Temporary Speaker, Sir, in one way or another, we have associated ourselves and have benefited from co-operative societies. We are members, have borrowed money, and been part of the management process for co-operative societies. Savings and Credit Co-operative Societies (SACCOS) have come under increasing public scrutiny of late, mostly on charges of loss of members. That creates a sense of wanting to find out what might be happening therein, so that they can address that issue.

These challenges delve into matters of management within those cooperative societies. To date, there are about 23 registered cooperative societies, with a membership of 14 million. Those are very many Kenyans trusting co-operative societies. They hold Ksh732 billion of members' savings, and control an asset base of Kshs1 trillion, and a Kshs700 billion loan portfolio.

Societies have evolved overtime. We have deposit-taking and non-deposit-taking societies. We have a hierarchy of societies. For example, we have Apex Societies, Secondary Societies, and Primary Societies, all serving different members in different ways. Apex Societies tend to be major and operate at a national level whereas primary societies tend to operate within community levels.

Mr. Temporary Speaker, Sir, there is a lot of potential for co-operative societies and different groups who aim to come together to bring about better co-operative movement that need to be tapped.

We have an Act that is already in place that governs co-operative societies. This particular Act came into being in 1997, way before the Constitution of Kenya 2010. Therefore, it is important because co-operative societies is one of the devolved functions under Schedule IV of the Constitution. However, so far, we do not have a legislative mechanism of enhancing the management and operation of co-operative societies at the county levels. This is what this Bill seeks to do.

It actually seeks to amend the Co-operative Societies Act No. 12 of 1997, so as to align it to the Constitution of Kenya 2010. One of the best ways that it does this is by setting out national functions and also county functions that should be followed through.

Mr. Temporary Speaker, Sir, this Act is very important because it summarizes most of the issues within the co-operative societies. I just want to take you through some of the issues that the Act deals with because this is an Amendment Bill. Apart from differentiating the structures at the national and county level, most of the issues that are already addressed by the Act remain the same. Basically, by creating a national structure, which is already in place, that is controlled and supported by a commissioner, we are seeking to create an alternative structure at the county level where the County Executive Committee (CECM) Member is able to run some of the key issues.

In effect, we are not changing the basis of the Act. The Co-operative Societies Act as perceived and as stipulated in 1997 is not drastically changed by this proposed Bill, but it actually tries to ensure that that differentiation and that a more active role can be put out at the county level. That is very critical.

I just want to go through some of the parts that are covered by that Act, so that we have a feeling about exactly what this Bill is talking about because when you go through the Bill, being an amendment Bill, it keeps referring to the various sections in the particular Act and therefore, we need to just have a good idea of what this could be.

PART 2 of the Act talks about officers, commissioners, and various offices. Part 3 is about the registration of co-operative societies including the procedures, amendment of any of the bylaws and issues of evidence of registration.

Mr. Temporary Speaker, Sir, in the Act, each of these details of what should be done and how it should be done is well stipulated. For example, if it is evidence of registration, then the co-operative society has to give the necessary documentation to

show that they are a co-operative society. They must hand in the minutes and also hand in their governing authorities.

The Co-operative Societies Act is one of the Acts which if you read through, is very extensive. As we know, so far, this is the Act that is used for many of the co-operative societies that are in place. We have a regulatory system which is the Sacco Societies Regulatory Authority (SASRA), but that regulatory system is also an authority that regulates what is meant to be put in by the Act. The Act itself, so far, is a regulator for many of the co-operative societies, but the authority is playing a more important role in ensuring the specific processes of the particular Act.

Part 4 talks about the privileges of the registered society and Part 5 talks about rights and liabilities of members, qualification of members, members of the co-operative society, voting rights, transfer of shares, and rights of members.

Mr. Temporary Speaker, Sir, Part 6 includes duties of the co-operative society, and registration address of the co-operative society. This is because you could have a society that does not have an address and people do not know where to find it. Such issues have already been addressed.

Estimates of income and expenditure have to be very well known and very transparent. Account and audit production of books and other documents *et cetera*.

At various levels of the Act, various issues are addressed. Rights and obligations of the co-operative society, property and funds of co-operative societies, charges of co-operative societies, inquiry and inspection, dissolution of the society, settlements of disputes *et cetera*.

This Bill, in a systematic way, moves on to address each of the various aspects in terms of amending that Act.

Mr. Temporary Speaker, Sir, allow me to go through it clause by clause. In the main Act, what we have is only a commissioner who is in charge of running co-operative societies but this Bill wants to introduce the whole aspect of having the CEC Members.

For example, Clause 2 amends the Co-operative Societies Act, also referred to as the Principal Act in the definition of the word “co-operative society” by inserting the words “and includes a provisional registered co-operative society”. Therefore, this Bill also introduces that when a society is provisionally registered, then the rules also apply to it, immediately after the words in Section 4.

It deletes “a Minister” and instead of “a Minister”, and replaced it with “a Cabinet Secretary”. This is aligning the Act, so that it is in line with the new Constitution.

Mr. Temporary Speaker, Sir, at one point, Sen. (Dr.) Milgo also had parallel amendments to the Co-operative Societies Act. However, we had a meeting at pre-publication stage for this particular Bill in the Committee on Tourism, Trade and Industrialization. We looked at it and were able to differentiate exactly what she was looking out for and what I was looking out for.

What Sen. (Dr.) Milgo was looking out for was to amend the Act in terms of the provisions and aligning the terminologies across every stage of that Act to be in line with what is now the new thing that we are doing.

In this particular Act, we are trying to make that division, so that we have a system where on one hand, we have the running parallel of the Bill - at the moment -

along the line of the Cabinet Secretary and on the other side, the commissioners and also at the CEC Members level.

Therefore, the Bill proceeds to explain the Cabinet Secretary, defines the County Executive Committee Members and their roles.

Clause 3 is very critical because it amends the Principal Act, but also adds some of the important specifications that need to be put as guiding principles. For example, all persons shall in performance of the functions of this Act be guided by the following principles: autonomy, democratic rights, public participation *et cetera* which are very key and important.

At Part 1A, the critical separation of the functions of the national and county governments is put into place. The roles of the national Government are put into place and discussed extensively in Part 2B. We have 2B because the earlier provisions have already been put in the Act. These are new sections put in as amendments to that particular Act.

We have the roles of the national and county governments. Specifically, for the national Government, issues such as formulating a national policy framework and standards for the development of growth of co-operative society is very key.

There is need to entrench audit firms in the cooperative sector so that these firms are known to be existing, that register is put and even the audit firms can be identified. There is also formulation of management standards of cooperative societies. Basically, there is the management aspect to ensure these societies can be well run.

There is also promotion of good governance *et cetera*.

The provisions that I have made at Clause 3 dealing with Section 2A right up to 2K are provisions that have to be handled at the national level.

Whereas previously everything was being handled at the national level because we are bringing in the county level giving certain responsibilities that do not clash with the national level and others to the county level.

Clause 4 says-

“The National Government shall, in the performance of its functions under subsection (1), collaborate with county governments.”

This is key and close to the spirit of the Constitution between the cooperation that exists between the national and county governments.

At Clause 4, Section 2(D) of the amended Act, we have the functions of the county governments and what is expected of them. It says-

“Each county government shall, in the performance of its functions under section 2B –

(a) formulate and implement strategies, guidelines and measures in line with the national policy framework and standards for a sustainable cooperatives sector in the county;

(b) promote, facilitate and register primary co-operatives societies”

This is especially so at the county level. The idea is to try as much as possible to boost from the 23 registered cooperative societies so that we can have more and more that are mushrooming at the county level and that can be tackled at that level.

Clause 4, Section 2(D) (c) of the amended Act also says-

(c) promote and facilitate value addition, adoption of appropriate technology and facilitate market information sharing in the cooperatives sector.”

They should come up with new ways of having new products and having members enticed by those new products and find ways of making it easier, for example, for members to take loans and satisfy some of the provisions they may need to within their particular context.

Clause 4 (2)(d) (e) of the amended Act says-

(e) establish and maintain a county cooperative society research and information centre”

This can talk about maybe the challenges the cooperative societies are facing and how these can be solved and applied so that they can perform all these functions that are necessary for the mandate of the county government in improving cooperatives sector.

Mr. Temporary Speaker, Sir, especially for the primary and secondary societies, most of these operate at the county level. since they are still new and mushrooming some of these systems are not in place.

It is not very new for us and over time we have for example heard of certain cooperative societies that have started and got membership but for one reason or another have not been sustainable. That suggests we need to find a way to cushion both the cooperative societies and the people.

We need to make sure there are stringent laws to control the borrowing, the principles of paying the loans, products and all the general things that are very important in running of these cooperative societies.

Clause 6 gives the clarification of the distinction of apex society and the primary society is given extensively. An application to register a primary society will be the responsibility of the CECM.

The CECM will, for example, find out how many primary and secondary societies exist, how well run they are, what issues are emerging and how they can be assessed and analyzed.

Clause 6 gives the specifics or how an application for registration shall be made.

On the national part, there is no much addition that is made. The main addition in this Bill are the parts where the extras are given. For example, specifications for registration are given.

At Clause 6, these specifications are given. They include the prescribed fee and the minutes of the members. All these are necessary. I had mentioned them before in terms of putting them together so that they can move.

At Clause 6, one of the critical issues is that the Commissioner or the CECM needs to explain why they failed to register a society and also give time for an appeal to be made for the registration of that society.

Clause 7 deals with the provisional registration. This is where we do not have the full registration yet but the provisional registration that is put into place. The Commissioner or the CECM as the case might be for both national and county will have to look at the application to ensure it complies with the provisions of the Act. They will also ensure that by-laws have been put in place.

On the basis of these not being followed, they can reject and only be able to give provisional registration until these issues have been sufficiently addressed.

I will just pick certain clauses because each deals with the specific areas I had spoken about. In each of the following clauses that is the format that is followed.

Clause 7 says-

“The Commissioner or the County Executive Committee Member shall notify the applicant of the decision to reject an application for registration within fourteen days of such rejection.”

It is incumbent upon that cooperative society to put things in place and address them sufficiently.

Clause 8 deals with compliance issue and how the commissioner should deal with it specifically and how that can be addressed. In areas, for example, all together, the provisional registration of the cooperative society has been canceled, then the cancellation has to be put in place. People have to be informed.

Clause 8 says-

“Where a co-operative society ceases to be registered as a co-operative society —

(a) the Commissioner or the county executive committee member may appoint a competent person to be the liquidator of the co-operative society;”

Mr. Temporary Speaker, Sir, we especially saw the importance of the liquidator as very important with very specific instructions of how they should proceed with the liquidation process when we were handling the Moi University Sacco that was brought to this House by Sen. (Prof.) Kamar.

There is also a penalty that says-

Clause 8 amends subsection 6 of the primary Act. It says-

“Where a co-operative society which has been provisionally registered under this section contravenes subsection (3), the co-operative society and every officer or person who purports to act as an officer of the co-operative society commits an offence and shall be liable, on conviction, to a fine not exceeding fifty thousand shillings, or in the case of a continuing offence to a fine not exceeding one thousand shillings for each day during which the offence continues.”

My time is almost running out. I see I have just about two minutes. I have given an understanding of what each of these amendments is all about by going through each of the clauses. There is an understanding that it is making the Act compliant with the Constitution.

Clause 10 is dealing with amendment to the by-laws. In Clause 11, we are dealing with appeal against refusal for the rights that have been given. Across the different stages of the Bill the different provisions of how we should proceed with the various matters that this Bill wants to address are given.

From Clause 23, we deal with issues of gazettement of each of the societies right up to Clause 38 which deals with liquidation. Clause 51 deals with tribunals. Clause 52 talks about the tribunal and their specific roles.

There is the introduction of the Judicial Service Commission (JSC) in consultation with the Salaries and Remuneration Commission (SRC) and where they are called in to make determination in some of the issues that might be in contention.

In Clause 53, the Bill amends Section 85 of the Cooperative Societies Act by having the JSC to appoint a secretary to the tribunal.

At Clause 54, it seeks to amend Section 85 of the Cooperative Societies Act to provide for the qualification of appointment as secretary and the functions of the secretary.

Clause 55 of this Bill seeks to amend Section 86 of the Co-operative Societies Act (No.12 of 1997) and restore the power to establish branches of the tribunal to the Judiciary Service Commission (JSC) in consultation with the Chairperson of the Tribunal. Because the issues of societies are very broad and involve a lot of the things that I have addressed in this Bill, it becomes very incumbent to ensure that the various provisions are clearly spelt out across the various levels of the Bill.

Mr. Temporary Speaker, Sir, I beg to move and request Sen. Wambua to second.

The Temporary Speaker (Sen. (Dr.) Lelegwe): Proceed, Sen. Wambua.

Sen. Wambua: Mr. Temporary Speaker, Sir, I stand to second the Co-operative Societies (Amendment) Bill (Senate Bills No. 11 of 2020). I thank and congratulate Sen. (Dr.) Zani for bringing these amendments to the Co-operative Societies Act of 1997.

It is worth noting that the operating Act governing co-operative societies in this country was passed more than 13 years before the promulgation of the Constitution of Kenya 2010. In effect, that means that although the cooperative societies are a devolved function according to the Fourth Schedule of the Constitution of Kenya 2010, the enabling legislation is a lot older than the reality of the operations of the cooperative societies in the counties.

It is important to note what Sen. (Dr.) Zani has just told this House, that, cooperative societies hold more than Kshs700 million in loan portfolio and more than one trillion Kenyan shillings in asset base. That alone, puts an obligation on governors and leaders in this country to ensure that the cooperative movement does not collapse because if it does, it will go down with a lot of wealth and resources that belong to the people of this country.

This Amendment Bill is long overdue. It should have happened a long time ago. It is good that Sen. (Dr.) Zani has brought this Bill to the House because it now aligns the cooperative movement with the Constitution of Kenya 2010. The importance of cooperatives and societies cannot be gainsaid in terms of the role that they play in ensuring economic growth and development of our country.

This Bill proposes that the apex societies be managed by the National Government. That does not need belaboring because by their very nature, apex societies are national in terms of both interest and location. It will therefore present a nightmare for any particular county to be said to be managing apex societies. I am particularly impressed by Clause 7 of the Bill which seeks to amend Section 6 of the Co-operative Societies Act (No.12 of 1997) which provides for the refusal to register a co-operative society. I am impressed by that provision because where there is no order, it becomes a fertile ground for anarchy and for people to do things in ways and manners that are whimsical so that when individuals begin to give character to the society as opposed to individuals fitting into a structure.

Mr. Temporary Speaker, Sir, that provision is timely because it provides for details of registration of societies, refusal to register societies, decisions to suspend registration of societies, decision to cancel registration of societies and most importantly, a mechanism for appeal on whatever decision is taken on whether to register or not and to

cancel or suspend registration. That Clause brings order in the entire registration regime of our co-operative societies.

Having looked at this Bill, I am impressed by the Clauses on liquidation account. By and large, this Bill places responsibility and duty on the commissioner for co-operatives in determining the banks where liquidation accounts will be opened and even making decisions on the amounts to be paid out for liquidation after determinations have been made. Clause 52 of this Bill seeks to amend Section 84 of the Act on the remuneration of the members of the tribunal by providing what the members shall be paid. That responsibility is given to the Judicial Service Commission (JSC) in consultation with the Salaries and Remuneration Commission (SRC) as they shall determine.

Mr. Temporary Speaker, Sir, I support this Bill and take note of the fact that we have a walking dictionary in the name and character of Sen. Ndwiga who was once the Minister for Co-operatives and Societies in this country. I hope that this Bill will get the approval of the House. I beg to second.

The Temporary Speaker (Sen. (Dr.) Lelegwe): Sen. Wambua, have you concluded your contribution?

Sen. Wambua: Mr. Temporary Speaker, Sir, yes, I have.

The Temporary Speaker (Sen. (Dr.) Lelegwe): Thank you, Sen. Wambua.

ADJOURNMENT

The Temporary Speaker (Sen. (Dr.) Lelegwe): Hon. Senators, it is now 6.30 p.m., time to interrupt business of the Senate. The Senate, therefore, stands adjourned until Tuesday, 16th February, 2021, at 2.30 p.m.

The Senate rose at 6.30 p.m.