

PARLIAMENT OF KENYA

THE SENATE

THE HANSARD

Wednesday, 17th February, 2021

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

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

PRAYER

PETITIONS

PROMOTION OF TEACHERS IN KAJIADO COUNTY TO LEADERSHIP POSITIONS

The Speaker (Hon. Lusaka): Hon. Senators, I hereby report to the Senate that a Petition has been submitted through the Clerk by residents and teachers of Kajiado County.

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

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

Hon. Senators, the salient issues raised in the said Petition are-

(1) That, the Teachers Service Commission (TSC) has allegedly introduced a policy on promotion of teachers to the position of head teacher, county director and sub-county director to be drawn only from officers who serve in Job groups L, M and N;

(2) The policy has disadvantaged teachers in Kajiado County who have the requisite experience and skills an opportunity to get promoted.

(3) None of the resident teachers in the county have attained the Job groups L, M and N.

The petitioners, therefore, pray that the Senate intervenes with a view to-

(i) have affirmative action by the TSC for appointment to leadership positions of resident teachers; and,

(ii) the policy be reviewed to give priority for promotion to leadership positions to resident teachers after which other teachers serving in the county could be considered.

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

Proceed, Sen. Mwaruma.

Sen. Mwaruma: Thank you, Mr. Speaker, Sir, for giving me this opportunity to weigh in and support the Petition by the teachers of Kajiado County.

The issues raised by the petitioners are not unique to Kajiado County; they run in most parts of the country. There are teachers who seek promotions, yet their students are not doing well. This is because one of the parameters that is used to promote teachers is that the students that they teach must be doing well. However, the question is: Who determines the performance of students? Is it the teacher *per se*?

There are many factors that affect the performance of students, including environment and poverty levels, where students do not have food at home. Therefore, to grade teachers depending on the performance of their students is unfair.

Mr. Speaker, Sir, at one time, I raised a Petition to the same effect and requested the TSC to produce the names of how the teachers have been distributed in terms of promotion across the country. However, the response that we got, at that time – in 2017 - when the Chair of the Committee on Education was Sen. (Dr.) Langat is, the TSC agreed that they were skewed towards a particular region. However, they requested for time so that in future, they can balance promotions across the country.

Mr. Speaker, Sir, I request that the Committee on Education chaired by Sen. (Dr.) Milgo looks into these issues, so that we ensure that our teachers across the country are fairly promoted and rated depending on the performance as per the students' targets. This is because the targets for teachers in group of schools should be different from that of students in day schools, county schools *et cetera*. We also need to look at the number of years that a teacher has worked. Some teachers work for 20 years in the same job group.

Therefore, I look forward to how this Petition will be adjudicated and prosecuted, so that the teachers of Kajiado, Taita-Taveta and across the country get fair promotions. This is because if they are not promoted, they will not perform well.

Sen. (Dr.) Langat: Thank you, Mr. Speaker, Sir, for giving me this opportunity to make my contribution concerning this important Petition from Kajiado County.

This is not unique to Kajiado. Issues of promotion and matters of recruitment have become a big problem in the country. I remember that there were a lot of complaints in Bomet County. This is because teachers who graduated as late as 2013 got promoted, yet those who graduated many years ago, for example, 12 or 13 years, have not been promoted despite the fact that their performance is good in class. This has demoralized teachers in most places. This is because unfair promotions lead to demoralization of teachers who are performers.

Mr. Speaker, Sir, the worst part is when it comes to recruitment. Policies on recruitment should be revised. This is because there are many complaints everywhere. When I was the Chairperson for the Committee on Education, we used to receive the same complaints. We forwarded our recommendations and resolutions to TSC, but up to date, it has not acted on them.

Last week, I visited a school in Bomet where in the staff room, there is a local P1 teacher who graduated in 2009 and others who have been recruited from other counties and brought to Bomet, and graduated in 2015. Those who graduated a long time ago and have not been recruited are so demoralized and are questioning the processes that the TSC uses when it comes to promotion and recruitment.

Therefore, I urge the Chairperson of the Committee on Education, whom I am sure will act with a lot of diligence, to make sure that these particular irregularities, which are demoralizing teachers, are brought to book and streamlined.

Sen. (Dr.) Musuruve: Thank you, Mr. Speaker, Sir, for giving me this opportunity to support this Petition from Kajiado. Issues of promotions are not only for one section; they cut across the country. We need to find out whether the TSC has allocated money for purposes of promotion.

Also, as we push for teachers to be promoted, we should be careful not to bend standards. This is because there are many variables that come into play when it comes to promotion, for example, how many years a teacher has served, whether there is money available and many other factors.

I know that this Petition will come to the Committee on Education where I sit. We will have to look at it with an open eye, so that it will help with the issue of promotion of teachers across the country and not only in Kajiado County.

We should have a situation where we give promotions to teachers on the basis that they come from marginalized areas *et cetera*. Let all teachers be compensated, so that they are happy about the service that they have given this country.

Sen. (Dr.) Zani: Thank you, Mr. Speaker, Sir. I also stand to support this Petition. For most teachers all over the country, the issue of promotion is key. This is because it determines many things, for example, salaries, personal achievements, *et cetera*.

This is a question that has been asked severally in this House. It is not the first time that it is coming up. The TSC has also tried to answer this. However, there seems to be a disconnect between what happens in the counties, teachers and the TSC.

The TSC will say that they promote from the criteria of the person and whether they qualify or not. However, people in institutions know who qualifies and who does not. For example, they know whether a person has attained a particular degree, and so, they qualify. Therefore, there seems to be lack of transparency in this area. This is what causes this question to come over and over again.

Mr. Speaker, Sir, we project that it will worsen due to the Competency Based Curriculum (CBC), where the current Standard Six and Grade Four pupils will have a double intake as they go to Form One. This is from the media. I know that we do not quote it, although it is a form of news. It has predicted that about 60,000 teachers will need to be added by 2023. This means that the issues of recruitment, criteria for promotion and fairness need to come out clearly.

Mr. Speaker, Sir, I suggest that as the Committee progresses with this Petition to find out where the gaps are. Whether it is a perception or reality, the data will show for itself where promotions seem to be skewed. Sometimes, it is not only skewed within a county, but also across various counties. Certain counties feel that their criteria for promotion and recruitment is limited compared to another county. This is a big issue that the Committee needs to raise.

I stress that let there be a transparent system. This Committee can come up with a way to make it transparent, so that people know how teachers have been promoted, recruited and the levels they are at. This is so that there is no perception. That will help. There should be some mechanism to make this clear.

Thank you, Mr. Speaker, Sir.

Sen. (Rev.) Waqo: Thank you, Mr. Speaker, Sir, for allowing me to support this very important Petition regarding the promotion of teachers in Kajiado County. As many of my colleagues have already said, this is a matter that affects all the counties.

We are aware that teachers are very important people in our society. We are the way we are because of the teachers who molded our lives when we were young. Most of the time, people experience unfair practices in promotions, recruitment and postings. Of course, we know that many people in the entire nation complain about these issues. Nonetheless, at this particular time when we are talking about teachers and the teaching profession, we know that many teachers have been demoralized because their qualifications and experience have never been put into consideration. We have many jobless graduates who are out there. To be employed or considered by the TSC has become a real problem.

It is my prayer that the Committee on Education, led by Sen. (Dr.) Milgo, will take into consideration this matter and give it the attention that it deserves. They should not only concentrate on Kajiado County, but the entire nation so that we can help teachers. If we do that, we will ensure they are not demoralized. Going by past experience, most of them are demoralized and negatively affected. However, if we help teachers, we will help our children who will receive that positive mind and input from them.

I support the Petition and pray that the teachers get the attention they deserve.

Sen. Wambua: Thank you, Mr. Speaker, Sir, for this opportunity. I also want to thank the petitioners for having faith in the institution of the Senate to deal with this very important matter on the promotion of teachers in Kajiado County. However, as my colleagues have said, this is a matter that affects virtually every county in this country.

As Sen. (Dr.) Zani has mentioned, this matter has come up on the Floor of this Senate many times. It is now time that the Committee on Education finds a way of getting a solution to this issue in collaboration with the TSC, so that we have a clear progression path for teachers. What happens in the absence of this is that it breeds disaffection among the teachers. These days we are dealing with many of cases of teachers engaging in side activities to earn a living because the career progression path is not clear. They do not even know whether they will grow into anything.

Promotion in employment is a very serious issue because it helps employees plan their lives and future. Promotion should be based on a clear criterion, which rewards both time and performance. There are teachers who have been in the classroom for the longest time, perform well and never get promoted. There are others who get in today, and in a few years, are at the top of the pyramid. It is important that this matter is dealt with.

As I conclude, in my County of Kitui, last year but one, this matter was raised and we brought it on the Floor of this Senate. About 100 vacancies for the positions of deputy head teachers arose in Kitui, but almost all those vacancies were occupied by teachers from outside the county. What that means is that in future when positions for head teachers arise in that county, they will be filled by teachers from outside the county, and all those teachers from within the county, who are qualified to occupy those positions, will be disgruntled.

I hope that the Committee on Education will deal with this matter precisely and decisively to avert a crisis in the education sector.

I thank you, Mr. Speaker, Sir.

The Speaker (Hon. Lusaka): Hon. Senators, pursuant to Standing Order No.232 (1), the Petition should be committed to the relevant Standing Committee for its consideration. In this case, I direct that the Petition be committed to the Standing Committee on Education.

In terms of Standing Order No.232(2), the Committee is required, in not more than 60 calendar days from the time of reading the prayer, to respond to the petitioners by way of a report addressed to the petitioner and laid on the Table of the Senate.

I thank you.

*(The Petition was committed to the Standing
Committee on Education)*

The Speaker (Hon. Lusaka): Sen. (Dr.) Mbiti, you may now proceed with your Petition.

ILLEGAL ALIENATION OF LAND BELONGING TO KITALE
PRIMARY SCHOOL BY A PRIVATE DEVELOPER

Sen. (Dr.) Mbiti: I have a Petition to the Senate under Articles 37 and 119 of the Constitution regarding the illegal alienation of land belonging to Kitale Primary School by a private developer, one Mr. Nathaniel Tum.

This is a humble Petition to the Senate by the Rt. Rev. (Dr.) Emmanuel Temengich, a citizen of the Republic of Kenya in his capacity as the Chairperson of the Kitale Primary School Board of Management and the Anglican Bishop of the Kitale Diocese.

He hereby lodges this Petition pursuant to Section 3 of the Petitions to Parliament Act on his own behalf and on behalf of the Kitale Primary School Alumni Association, the school's Parents Teachers Association (PTA), the Board of Management and the school community.

Mr. Speaker, Sir, we humbly draw the attention of the Senate to the following-

Several constitutional and statutory provisions have been quoted here; Article 1(1) and (2), Article 1(3) and (4), Article 37, Article 43, Article 53, Article 60 (1)(d), Article 60(4), Article 62(1)(c), Article 62(2), Article 67(2), Article 92(2), Article 96(1), Article 119 and Section 12 of the Lands Act, 2012 provides for the procedure for allocation of public land.

I will go straight to the complaint. The complaint before the Senate concerns illegal alienation of land belonging to Kitale Primary School by a private developer, one Mr. Nathaniel Tum, who conspired with the Commissioner of Lands to alienate 10 acres of the school land.

The background of the facts of the complaint is that originally, Kitale Primary School occupied 55 hectares of land in 1929 in the colonial period. The land in which the primary school is situated was allocated to the school through a letter of reservation;

LR24/719. The said reservation was designated as an educational institution, specifically, the Kitale Primary School.

The school has changed names overtime and also been identified as Kitale School and Kitale Academy for the last 91 years. The development plan of 1973 was approved by the Kitale Department of Urban Planning and the Commission of Lands, which reserved the said 55 hectares to the school, including all the land so grabbed by Mr. Nathaniel Tum.

The school has reserved 30 acres of its land for the Secondary School and was commissioned in 1994. There is no Personal Development Plan (PDP) that shows that a new PDP was generated to replace the PDP issued to the school in 1973, so as to legitimize the title issued to Mr. Tum. There is no evidence to demonstrate that the Ministry of Education approved that the land allotted to the school for educational purposes be partly excised for private use by Mr. Tum.

Between 1974 and 1978, part of the land, being public land, was surrendered for public use, and in particular, two hectares of school land was surrendered to the Kenya National Highways Authority (KeNHA), to improve the turn off to the Kitale-Webuye Road.

In 1983, the school applied for allotment of land and title deed. During this period of applying for an allotment letter, the private developer, Mr. Nathaniel Tum, was the Chairman of the PTA at the Kitale Primary School and a member of the Board of Governors (BoG). He offered to help in the process of acquiring the title. The private developer, Mr. Nathaniel Tum, was at this time a trustee of the School, the School PTA and BoG.

Mr. Speaker, Sir, the District Survey Department surveyed the land and after all the statutory requirements were completed, the school was allotted 41.2 hectares and a title deed issued in 2010.

Mr. Nathaniel Tum, in breach of trust of the school, clandestinely applied for a private title from the land reserved as public land and was allotted four hectares and issued with a title deed in 1994. The Commissioner of Lands indicated that the land was unalienated and was Government land in issuing the Title Block 12/132 to Mr. Tum.

Mr. Tum commenced his illegal alienation of the school property in 1998, whereby he fenced off part of the school farm that hosted the 4K Clubs demonstration plots and the Environmental Club. The survey plan that illegally grants Mr. Tum the disputed land has a land hook that indicates that the ownership of the school and Mr. Tum are the same. The said hook is illegal as it is not legally possible to have a land hook between private and public land.

At the time of filing this Petition, Mr. Tum is adamant to alienate land belonging to the school and was on the school land with surveyors ostensibly erecting beacons and expressing his intention to fence off land grabbed from the school.

The principal of the school, the school PTA and Board of Governors and the local church leadership, the Kitale School Alumni Society and the school community at large are seeking redress on the matter and the threat of encroachment on more land.

Mr. Speaker, Sir, the school filed a complaint to the District Survey Department against Mr. Tum's infringement on its land, which housed the girls' dormitory, the sewage system near the boys dormitory and a site for tree nursery, where Mr. Tum

erected a petrol station, which is on site to date and a survey was done. Mr. Tum was issued with a new title deed, Block 12/236 to exclude the school facilities, but the sewage pits remained on the land that he had grabbed.

The school Board of Governors wrote to the Commissioner of Lands complaining that the public land, which they will require for expansion for a secondary school and a tertiary institution had been transferred to Mr. Tum.

The National Land Commission (NLC) visited the school in 2019 and in February, 2020, but has not taken any substantive action to investigate the matter. Kitale Primary School's complaint was *inter alia* premised on the fact that Mr. Nathaniel Tum had breached his fiduciary duty as a trustee, being a Chairman of the PTA and a member of the Board of Governors of the School.

Hon. James Orendo, the then the Minister of Lands, directed that the land owned by one, Mr. Tum, revert to Kitale School *vide* a Ministerial order. The Commissioner of Lands cancelled the title deed earlier issued to Mr. Tum on 10th May, 2010, by gazette notice.

The Ndung'u Land Report also reported the matter and recommended that the land reverts to the school for public use. Around 2013, Mr. Tum once again surreptitiously managed to get another title, No.12236, to exclude the area encroaching on the dormitories. The school went to court challenging the title deed by way of judicial review, and the High Court Judge, Justice Karanja ruled that the proprietary rights of Mr. Tum on the land cannot be taken away by judicial review, and that the pleadings before the court were fatal to the suite. He noted that the remedy lies elsewhere.

Mr. Speaker, Sir, the school, being dissatisfied with the decision of the High Court, appealed the ruling to the Court of Appeal, which agreed with the High Court that judicial review was not the remedy, whether the title was acquired legally or illegally. In February 2020, the school filed a complaint for the second time in the National Land Commission (NLC). The NLC from Trans Nzoia County visited the school in October 2020 for a fact-finding mission, but there is no feedback yet.

This matter is not pending before any court of law for determination on an issue concerning the complaint. The only case filed was a judicial review *vide* Kitale HCJR38 of 2011. The matter was decided by the High Court at Kitale, proceeded to the Court of Appeal at Eldoret, and is fully determined through a technicality. The school is dissatisfied with the decision. No appeal has been filed in the Supreme Court.

Mr. Speaker, Sir, owing to the public outcry, the Ethics and Anti-Corruption Commission (EACC) visited the school in October 2020 on a fact-finding mission, and they embarked on interrogating key persons. There are no other complaints filed before any other courts or constitutional and legal body, save for these mentioned.

Herefore, the humble Petitioner prays that the Senate investigates this matter, provides a solution on how the said land can be recovered, and make other recommendations that the Senate may deem necessary. This Petition is signed by Bishop Emmanuel Chemengich, Mr. Emel Sitienei, Mr. Robert Atsula, and Mr. Peter Kabati.

I thank you.

The Speaker (Hon. Lusaka): Hon. Senators, pursuant to Standing Order No.231, I shall now allow comments, observations and clarifications in relation to the Petition for not more than 30 minutes.

Sen. Kasanga.

Sen. Kasanga: Thank you, Mr. Speaker, Sir. I congratulate and thank Sen. (Dr.) Mbito for bringing this Petition on behalf of the Petitioners. In the Committee on Land, Environment and Natural Resources, we prosecute many petitions on land. I am very proud that our Committee, with the leadership of Sen. Mwangi, has been able to prosecute quite a lot of Petitions that deal with land.

As you know, land issues are always emotive, given the cultural and financial weight we give land. Therefore, this is one of those cases that we shall definitely prosecute with utmost fairness and impartiality, as we always have.

Mr. Speaker, Sir, I find the prosecuting of Petitions as one of the most fulfilling roles. This is because by the time the Petitioners come to this House, they have reached the end. They have tried everything they can and received no relief. Therefore, when they come to the Committee and we have to look at the different agencies and bring them together to prosecute one matter, it is very fulfilling when we have to give direction. This is to make sure that the citizens are given the relief that they need.

This Petition will be dealt with accordingly and in the same manner. This will realize the role that we have as leaders to make sure that our citizens have received the relief that they require, and that the agencies can continue streamlining their activities and actions.

I look forward to the day when you can walk into the land registry and get information as you need to, without having to go round and make phone calls. Seeing that we know the Government is in the process of digitizing the land registry, that is a process we are looking forward to, so that it can happen even faster as they begin to roll out. Kenyans can begin to see more efficient methods of dealing with their land titles and land questions. Right now, it is a very painful situation, and we see many pained citizens when they come to our Committee.

I support the Petition.

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

The Senate Minority Leader (Sen. Orengo): Mr. Speaker, Sir, I thank the Senator of Trans Nzoia for bringing up this issue. I must declare that at some point, I was involved in this matter.

The reason I rise up is that we should not look at this Petition in isolation. If you look at it globally, we can find that one of the reasons our economy cannot progress in tandem with other economies in similar situations--- One of the key elements of production is availability of land as an asset.

The Government of Kenya and statutory bodies like Kenya Railways and county councils at one point in time had a lot of land. Similarly, there were many other public institutions like the Agricultural Development Corporation (ADC), who had acquired a lot of land, but these pieces of land did not belong to the Government. The land belonged to communities, and the communities ceded them up for purposes of public use.

Unfortunately, over time, people have taken over public land and used it for purposes of speculation. This has made it impossible to do business in Kenya. For example, if you want to do a project in Kenya, compared to Ethiopia or Tanzania, the project would be about five times more expensive because of unavailability of public land.

You find that what would have been available to the public for purposes of development and growth, had already been grabbed by speculators. Therefore, as we address things like the debt issue and the question of taxation, we must look at some of the assets that are being wasted by the Government and the public institutions by giving away public land and then using it for purposes of speculation.

For example, this particular piece of land that Sen. (Dr.) Mbiti is talking about was land that was given to a very good school, with a large campus, developed during the colonial period. Those are the kind of schools that can grow into even bigger institutions. There are institutions that are comparable, like Nairobi Primary School. It is comparable to Kitale Primary School. Then, you have a developer who should have protected the interests of that school, taking that land for nothing and using it for purposes of speculation.

Mr. Speaker, Sir, I hope that as we address this question in relation to the Petition, we keep at the back of our minds the question of land use and the illegal grabbing of public land. Even in the United States of America, where private ownership is valued, a lot of that land belongs to the Federal Government and the State. That is why it is easy for them to build schools and colleges.

Mr. Speaker, Sir, do you know there was a time when the Kenya Police Force wanted a little piece of land to build stables for the horses they use for crowd control? The land was not available; they could not even get an acre.

If one goes to London and many other countries where we think land is unavailable, there are horses. For public purposes, they would find land even for such things.

I hope that in the fullness of time and as we consider this Petition, we would be able to address this larger question that keeps on making Kenya not get close to what its peers are getting to in terms of development because of this asset called land.

Sen. Cherargei: Thank you, Mr. Speaker, Sir. Since I was not here yesterday, I pass my condolences to the family and friends of our colleague, Sen. Haji, and wish them well during this mourning period.

Secondly, I support the Petition by Sen. (Dr.) Mbiti on the issue of public land. There was a time the Teachers' Service Commission (TSC) and the Ministry of Education was supposed to issue title deeds to public primary and secondary schools across the country.

I request that, that scope should be increased, so that when the response to the Petition comes back to the House, the Government should tell us whether those title deeds have been issued and how many schools are yet to receive them across the country.

Land issues are so emotive. The biggest challenge is the grabbing of public land, especially in major cities such as Nairobi, Mombasa, Eldoret and Kisumu and even in small trading centres. Most parcels of land were grabbed, especially during the defunct local authorities.

I am happy that I have seen the Chair of the Committee on Lands, Environment and Natural resources, Sen. Mwangi. As they look at these allegations of grabbing of public primary school land in Kitale, they should be able to tell us the state of public land across the country.

When one walks across our estates, they rarely find a public space where our children can play and people can relax. When you drive around in Nairobi, because of the grabbing of public land, people are forced out of their estates to go and relax in

interchanges along Mombasa Road and Southern and Northern Bypasses because most of the public spaces have been grabbed.

We hope that this Petition will become a precursor for most of the issues. Specifically in the education sector, there was a guideline from the Ministry of Education through the TSC, and that was to be coordinated by the National Land Commission (NLC) and the Ministry of Lands. Beyond what Sen. (Dr.) Mbiti has raised, I recommend that the Ministry of Lands and the NLC should give us the way forward on public institution land.

I think it is high time the Ethics and Anti-Corruption Commission (EACC) and the Directorate of Criminal Investigations (DCI) smoked out these public land grabbers and fraudsters, especially in the public spaces.

I challenge the Committee on Lands, Environment and Natural Resources that there are so many issues. We remember even at some point, there was a Petition concerning Karebe Land issue. The Committee on Lands and Natural Resources has never responded.

I hope that Sen. Mwangi's Committee and its Members such as Sen. Kasanga will speedily give feedback to the many land issues that we have raised. The more we raise, there are still many pending land issues. I hope the Committee can be up to speed and respond.

Sen. Faki: Asante Bw. Spika, kwa kunipa fursa hii kuchangia malalamiko ambayo yameletwa na Sen. (Dr.) Mbiti. Ninampongeza Sen. (Dr.) Mbiti na shule hiyo ya Kitale kwa kuamua kuleta malalamiko haya katika Seneti.

Malalamiko yaliyoletwa yanaonyesha vile ulaghai na ukosefu wa maadaili umewakumba baadhi ya viongozi katika Jamhuri yetu ya Kenya. Haiwezekani kwamba mtu aliyechaguliwa kama mlezi wa shule awe wa kwanza kuchukua ardhi ya shule kwa maslahi ya kibinafsi. Huo ni ukosefu was maadili. Ni lazima Bunge la Seneti ikemea suala kama hilo.

Hii siyo kesi pekee, kuna kesi nyingi kama hizi. Kuna shule nyingi ambazo ardhi zao zilinyakuliwa wakati wa nyuma katika hali kama hizi ambapo waliokuwa wakinyakua walikuwa labda ni viongozi kama madiwani, wabunge na wakurugenzi wa mashirika mbalimbali ya Serikali. Ni jambo ambalo tunafaa kukemea sana kama Bunge.

Pia, jambo la kusikitisha ni kwamba kwa muda wa zaidi ya miaka kumi sasa, tumekuwa na Tume ya Ardhi (NLC) ambayo hii ni baadhi ya kazi ambazo walikuwa wanatakikana kufanya ili zile ardhi zote za umma zilizokuwa zimeibiwa ziweze kurejeshwa.

Nina imani kwamba Kamati ya Ardhi na Mali ya Asili ikiongozwa na Sen. Mwangi, itasimama kidete kuhakikisha kwamba ardhi hii inarudi kwa ile shule ya Msingi ya Kitale. Ni zaidi ya miaka 80 tangu walipopewa ardhi ile. Shule ile ikiwa itapanuka mpaka iwe na sekondari na chuo kikuu, itakuwa ni jambo ambalo litasaidia kuinua elimu katika eneo la Kitale na nchi yetu kwa jumla.

Sen. (Eng.) Mahamud: I also support the Petition by my colleague from Trans Nzoia. Land issues, especially public land that people keep on grabbing, are very emotive in this country. We remember the Ndung'u Land Commission that was in place some years back; nothing was acted on.

Every other time something about land being grabbed comes up, it just passes. Now, we are hearing that people who are entrusted with the running of the school are grabbing the school land. I think the stories have not ended.

I urge the Committee, for whatever they can, to do their best so that this matter is dealt with the seriousness it deserves.

I think the Kenyan psyche about land must change. Leaders who are supposed to be custodians of public trust are the ones who are grabbing public land. Every day, we hear about these things. I hope that this matter which the Senator has brought will be dealt with because it is very serious.

The Speaker (Hon. Lusaka): Proceed, Sen. (Dr.) Zani.

Sen. (Dr.) Zani: Thank you, Mr. Speaker, Sir. The Petitioner has a lot of trust in the Senate and is requesting the Senate to resolve something they have tried to resolve through various mechanisms such as the NLC. They have appealed to the Ndung'u Report through Sen. Orengo's Ministerial Order.

It is not unusual now when one goes around various places that they see schools demarcated. They have put walls. The nursery schools have A, B, C, D, balls and skipping ropes, just to show that it is a school. It is as if it is a coded message to say: "please, do not take over this school. It belongs to people."

Despite that, you still find that there are many land grabbing cases of schools. I think Nairobi City County is set to address that shortly. It is something that needs to be addressed across the whole country. Kitale Primary School is the one that is coming.

Despite an application for a private title deed, the hook between the public and private land, the fact that that person was a trustee and member of the Board of Management within the school, as has been said, those who are more attached and closer to the schools are the culprits of some of these acts.

Mr. Speaker, Sir, the solution lies in the digitalization of land titles, which is a process that should be run as expeditiously as possible across the country. This is an issue affecting land ownership and titles at the schools level. However, even at individual levels, many Kenyans have the same problem. I hope that the problem will be solved soon. I also hope that the relevant Committee will handle this issue satisfactorily.

The Speaker (Hon. Lusaka): I see a lot of interest on this matter. Unfortunately, we have to move to end the matter there as time is not on our side.

Hon. Senators, pursuant to Standing Orders 232(1), the Petition should be committed to the relevant Standing Committee for its consideration. In this case, I direct that the Petition be committed to the Standing Committee on Land, Environment and Natural Resources.

In terms of Standing Order 232, the Committee is required in not more than 60 calendar days from the time of reading the prayer, to respond to the petitioner by way of a report addressed to the petitioner and laid on the table of the Senate.

I thank you.

What is your point of order, Sen. Mwaruma?

Sen. Mwaruma: On a point of order, Mr. Speaker, Sir. I would like to know what happens at the liaison level. We have sent the Chairperson of the Standing Committee on Land, Environment and Natural Resources to request for more funding a number of times, but nothing has been forthcoming. I am raising this matter in response to what Sen.

Cherargei has said; that there is a lot of pending work before the Standing Committee on Land, Environment and Natural Resources.

The activities of the Standing Committee on Land, Environment and Natural Resources need more funding. Alternatively, we could consider more membership for the Committee, so as to reorganize the committee into sub-committees. There are so many pending issues before the Committee with very little funding. I urge you to use your wisdom and good leadership to improve the workings of the Standing Committee on Land, Environment and Natural Resources.

The Speaker (Hon. Lusaka): Sen. Mwaruma, your point is noted. However, every Committee will have something to say about wanting more funds. This is not the first time the matter has been brought up. The County Public Accounts and Investments Committee (CPAIC), the Committee on Education and many other committees have also brought forward requests for more funding. The Liaison Committee normally sits at the beginning of the financial year and ensures that each committee receives a reasonable sum that can ensure work is done. All in all, your sentiments are noted and the Liaison Committee will look into it.

Next Order!

The Senate Majority Leader is not around, but I can see Sen. Kibiru is ready to represent him with a new hairstyle.

(Laughter)

PAPERS LAID

Sen. Kibiru: Mr. Speaker, Sir, kindly tell Sen. Olekina to stop looking at me badly.

(Laughter)

On behalf of the Senate Majority Leader, I would like to lay the following Papers on the Table of the Senate today, Wednesday, 17th February, 2021.

ANNUAL REPORT AND FINANCIAL STATEMENTS OF THE CRA FOR 2018/2019.

Annual Report and Financial Statements of the Commission on Revenue Allocation for the year 2018/2019.

REPORTS ON THE FINANCIAL STATEMENTS OF VARIOUS COUNTY EXECUTIVES/ ASSEMBLIES

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

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

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

Report of the Auditor General on the Financial Statements of Garissa County Executive for the year ended 30th June, 2019.

(Sen. Kibiru laid the documents on the Table)

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

Sen. Kasanga: On a point of order, Mr. Speaker, Sir. Before the mandate of the *Ad Hoc* Committee on the Covid-19 Situation in Kenya ended, we asked for a report from the Office of the Auditor-General on the expenditure by counties of COVID-19 funds. I am aware that the Report was tabled, but has not been committed to any committee to look into it. I seek your direction on that report.

The Speaker (Hon. Lusaka): I will ask the secretariat to check and bring me to speed on its whereabouts.

Next Order!

NOTICES OF MOTIONS

FAST TRACKING CULTURAL DEVELOPMENTS IN COUNTIES

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

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

AWARE THAT, the Constitution, in its preamble acknowledges the cultural diversity of the Kenyan people who are determined to live in peace and unity as one indivisible sovereign nation whilst, Article 11 of the Kenyan Constitution recognizes culture as the foundation of the nation;

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

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

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

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

- a) Formulate cultural development policies and initiatives to inculcate stronger community values, safeguard Kenya's heritage, recognize local heroes and promote socio-cultural opportunities in the counties; and
- b) Formulate strategies to create an enabling environment for protection and promotion of diversity of cultural expressions in all counties.

I thank you.

(Loud Consultations)

The Speaker (Hon. Lusaka): Hon. Members, kindly consult in low tones. Proceed, Sen. (Dr.) Ali.

PARKING CHARGES IN PUBLIC INSTITUTIONS
OFFERING ESSENTIAL SERVICES.

Sen. (Dr.) Ali: Mr. Speaker, Sir, I had brought this issue before as a Statement, but decided to upgrade it to a Motion.

(Sen. Kang'ata consulted loudly)

The Speaker (Hon. Lusaka): Order, Sen. Kang'ata! You are disrupting proceedings.

Proceed, Sen. (Dr.) Ali.

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

THAT, AWARE THAT, many urban areas and towns in Kenya lack designated car parking areas as a result of imbalance between parking supply and demand mainly due to ineffective land use planning and miscalculations of space requirements, thereby leading to exorbitant parking fees;

NOTING THAT, most essential services offered in hospitals, educational institutions and other public utilities are offered in urban centers, shopping malls and other designated areas that charge parking fees to access;

ACKNOWLEDGING, that whether they are delivered by public or private providers, essential services such as health, banking, education and other utilities are considered to be public services because they are public goods that sustain the well-being of every citizen and help in the development of the society as a whole;

CONCERNED, that access to hospitals, educational institutions and other places offering essential services might be hindered due to exorbitant parking fees levied on motorists accessing these services;

FURTHER CONCERNED, that charging entry fees amount to double taxation as the motorists who would have paid the parking fees will still pay for the services they seek;

NOW THEREFORE, the Senate urges the Cabinet Secretary for Lands, Housing and Physical Planning together with the Council of Governors to come up with a policy framework to create an enabling environment for protection of motorists accessing essential services from paying exorbitant fees for parking.

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

STATEMENTS

Order, hon. Senators. If you look at the Order Paper, Sen. Wambua's Statement is below. However, since he has an engagement, I will allow him to make his Statement before he leaves.

Sen. Wambua: Mr. Speaker, Sir, I need your protection from Sen. Shiyonga. She is calling me mung beans, *ndengu*--- My name is Sen. Wambua.

(Laughter)

PAYMENT OF A ONE-OFF HONORARIUM AND MONTHLY PENSION TO FORMER COUNCILORS UNDER THE DEFUNCT LOCAL AUTHORITIES

Sen. Wambua: Mr. Speaker, Sir, I rise pursuant to Standing Order No.48(1) to seek a Statement from the Standing Committee on Labour and Social Welfare regarding payment of a one-off honorarium and monthly pension to former councilors under Kenya's defunct local authorities. In the Statement, the Committee should-

(1) table a report on the status of implementation of the recommendations contained in the report of the Committee on a Petition by former councilors tabled on the Floor of this Senate on Tuesday, 16th February, 2016, regarding payment of a one-off honorarium and monthly pension to former councilors;

(2) state the progress made in the implementation of a resolution of the Senate on the same matter made on 18th October, 2018, arising from a Motion filed by Sen. Kinyua of Laikipia;

(3) state why the Department of Social Services and Security and State Department for Devolution in the National Treasury have to date not implemented the Committee's recommendations on the Petition and the resolution of the Senate on the matter; and,

(4) state when the former councilors will be paid one-off honorarium and monthly pension as recommended in the Petition Report.

Mr. Speaker, Sir, just allow me one minute to mention something on the Statement. Those Kenyan leaders are really suffering. They have been reduced to paupers and beggars. Something needs to be done to them.

I thank you.

Sen. (Dr.) Ali: Mr. Speaker, Sir, I support the Statement by Sen. Wambua. Former councilors everywhere in Kenya are really suffering. Whenever they see us, they always ask what we have done. They were very happy when Sen. Kinyua brought that Motion and it was passed. However, this Government is not ready to do anything.

I think the Senate Committee should follow up on that issue and make sure that something is done, so that the former councilors get something. That is not how leaders of Kenya should be treated. If Members of Parliament (MPs) and Members of County Assemblies (MCAs) are being taken care of, then former councilors should also be taken care of.

Sen. (Eng.) Hargura: Mr. Speaker, Sir, I remember in the previous Senate of the Eleventh Parliament, a Petition along the same line was brought by the then Senator for West Pokot, Prof. Lonyangapuo, and this House recommended that they be paid but nothing has been done. I remember one day, all the former councilors had a meeting at Nyayo National Stadium to push for that. It is better to see what can be done so that those elders who were leaders in their own rights can also be compensated for the services they provided to this country.

Sen. Nyamunga: Thank you, Mr. Speaker, Sir, for giving me this opportunity. I also support the concern by the Senator for Kitui. There should be some commitment from the Government at least to make some payments to the former councilors. Money should be made available.

I do not think the answer we have always gotten that funds are not available is sufficient enough. Those are leaders who served in different capacities at a very difficult time when things like the National Government-Constituencies Development Fund (NG-CDF) and the Wards Development Fund were not there. They sacrificed a lot and gave all they could.

Most of them are now living pathetic lives. It is important for us, as leaders, to do something for them because at some stage, some of us will also be former. So, while we are here, we should make sure that we take care of the former colleagues in whatever capacities they served.

Sen. (Dr.) Milgo: Mr. Speaker, Sir, I also rise to support this Statement. The Petition came to our Committee. We handled it and expected that payment would be done. It is quite unfortunate that to date, we are still talking about the same issue.

Councilors used to earn little amount of money during those days and they worked under poor conditions. Many of them have passed on while waiting to be compensated. In labour laws, it is expected that every worker, after having completed their service, gets pension so that they are deemed to have benefited from the work they did.

I am sure my Committee on Labour and Social Welfare will still go back and look at the issue. I am sure this time around, we shall bring it to conclusion.

Sen. Shiyonga: Mr. Speaker, Sir, I also rise to support the Statement. Being a Member of the Committee on Labour and Social Welfare, the matter should be implemented because we dealt with it. It is unfortunate that it has not been implemented.

It is better for former councilors to be recognised and given their dues because they used to work under difficult circumstances. Before, we used not to have motorbikes but we have them now. Some of them used to walk to work and now they are old while

others have passed on. For example, in my community, there is one who passed on without enjoying his benefits. Their families are wallowing in poverty.

It is important to ensure implementation of whatever we pass. It is also important for people to respect our resolutions. That means the National Treasury should allocate money for those people who are yearning for it. They aired their grievances. Why is it that the National Treasury cannot honour them?

The Speaker (Hon. Lusaka): Since the matter had been canvassed, I ask the Committee on Labour and Social Welfare to make a follow up and find out the position. I agree that those were the precursors to MCAs that we have now.

What is burning you, Sen. Mwaruma?

Sen. Mwaruma: Mr. Speaker, Sir, I am the Vice Chair of the Committee on Labour and Social Welfare and I would like to support the Statement by Sen. Wambua. I wanted to bring a similar Statement in 2018 but I was told there was a similar Petition by Sen. Kinyua that was coming to the House. We really need to expedite this and see that former councilors are paid.

On behalf of the Committee, I indicate that we will follow up the issue and give it the necessary vigour required because some of those people worked for a very long time. There is one former councilor that I know who was elected five times.

There is one former councillor known as Benson Magwanga, who was elected five times. He is now 85 years and has been asking me: "What is happening? Do you mean that I will die without getting my money?"

Therefore, we need to move and expedite action, so that these people who worked for Kenya can get their money.

Thank you, Mr. Speaker, Sir.

The Speaker (Hon. Lusaka): Sen. Faki, naona pia una jambo---
Nilikuwa nimemalizia.

Sen. Faki: Asante, Bw. Spika, kwa kunipa fursa hii. Kusema ukweli, matatizo ya madiwani waliohudumu yanasikitisha kwa sababu Bunge lilipitisha kwamba walipwe marupurupu ya kiinua mgongo, lakini mpaka sasa hawajalipwa.

Nikizungumzia Mombasa, mwaka uliopita tuliwapoteza madiwani wanne wa zamani, wakiongozwa na Mheshimiwa Shekhu ambaye alikuwa Meya wa Mombasa, Mheshimiwa Juma Goshi aliyekuwa Naibu wa Meya, Mheshimiwa Seidh Mathias na Mheshimiwa Mwakunyapa. Wote hao waliaga wakisubiri pesa hizi ili ziweze kuwasaidia katika maisha yao.

Bw. Spika, nina madiwani wengine wawili ambao walistaafu na wako vitandani hivi sasa. Hawana *pension* yoyote na wanapata shida ya pesa za matibabu.

Kuongezea pia ni kuwa pesa za wale ambao walihudumu katika East African Community hawajalipwa. Nchi zingine kama Uganda na Tanzania wameweza kuwalipa wafanyakazi ambao wamestaafu katika East African Community.

Bw. Spika, Kamati husika ni lazima iingilie jambo ili kwa undani zaidi ili tujue ni kwa nini maazimio ya Bunge hili hayawezi kutekelezwa.

Asante, Bw. Spika.

The Speaker (Hon. Lusaka): I was just concluding on that matter and said that the Standing Committee on Labour and Social Welfare should make a follow-up to know what exactly has happened. That is because as Members are saying, these were leaders

and most of them are really suffering. They have been following up this issue and some of them have died.

Therefore, if those who are alive can be paid, that will be a good thing.

The next Statement is by Sen. Olekina.

Sen. (Dr.) Ochillo-Ayacko, what is your point of order?

Sen. (Dr.) Ochillo-Ayacko: Mr. Speaker, Sir, I just wanted to announce that I have been around and been trying to catch your eye in vain.

The Speaker (Hon. Lusaka): Your name came late. I hope you are not talking about the same.

Okay, you are just saying you are around. Maybe your card has a problem, but I have seen you.

Sen. Olekina.

CORRUPTION ALLEGATIONS IN THE ONGOING KENYA DEFENCE FORCES RECRUITMENT EXERCISE

Sen. Olekina: Thank you, Mr. Speaker, Sir. I rise pursuant to Standing Order 47(1) to make a Statement on an issue of general topical concern, namely, corruption allegations in the ongoing Kenya Defence Forces recruitment exercise.

Mr. Speaker, Sir, the Kenya Defence Forces (KDF) is currently on a recruitment drive of General Service Officers (GSO), cadets, specialist officers, general duty recruiters, tradesmen and women and defence forces constable, which has been ongoing since the beginning of the month.

The recruitment drive, which is a countrywide exercise, has attracted thousands of youth.

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

Sen. Madzayo: Bw. Spika, singependelea kumuingilia katikati Sen. Olekina. Lakini, je ni sawa akiketi katika Bunge hili akiwa tupu ama ikiwa nguo alizovaa hazijakamilika kulingana na mila za Kimaasai? Ninaambiwa hapa na mama ambaye ni Mmaasai---

(Sen. Olekina spoke off record)

Mr. Speaker, Sir, protect me.

The Speaker (Hon. Lusaka): Let him make his point.

Sen. Madzayo: Nauliza tu kama ni haki kwa yeye kuvaa nguo za Maasai nusu. Mgongo wake wote uko wazi ilhali wale Wamaasai ambao tunawaona kule nje huwa wanavaa wakijikinga kabisa. Je, hii ni heshima?

The Speaker (Hon. Lusaka): Sen. Olekina, I think you should wear properly, but we shall check how appropriate it is supposed to be.

Sen. Olekina: Mr. Speaker, Sir, earlier on, if you want me to comment on that, Sen. Kasanga gave a Notice of Motion to discuss the importance of culture. It is a bit

ludicrous when we become so colonial in our mentality that we cannot look at the future of this country.

The Speaker (Hon. Lusaka): Sen. Olekina, that is not what he was saying.

Sen. Olekina: Mr. Speaker, Sir, this is a matter that you have already dealt with. In fact, the Samburu do not wear tops. My brother here, who is from my sister tribemate, can attest to that. Therefore, let us not waste our time here. Let us dwell on matters.

I was raising a Statement on a very important matter that is affecting thousands of our youths.

The Speaker (Hon. Lusaka): What they were saying, which I will leave it to your conscience, is that you dress in a decent manner.

Sen. Olekina: Mr. Speaker, Sir, I truly believe that I am dressed in a decent manner. Whoever has a problem should go to our culture and try to understand it and walk my path.

I hope to continue. I think I was at the point where I was raising a very important matter regarding the recruitment exercise. The recruitment drive, which is a countrywide exercise, has attracted thousands of youths who are keen to join the military. These are unemployed youths. However, with it, there are claims of corruption in the recruitment exercise on a daily basis. There are allegations that recruitment officers are demanding hefty kickbacks of up to the tune of Kshs700,000 to enlist recruits into the military.

These allegations are not new; it has become a ritual. Whenever there is a recruitment drive into the disciplined forces, people allege that they have to part with a minimum of Kshs300,000. The only thing is that, that amount of bribe has been going up on a daily basis.

Mr. Speaker, Sir, this is not only criminal, but a threat to our national security for an institution given the constitutional responsibility to defend and protect the sovereignty and territory integrity of this Republic.

These acts of soliciting bribes by recruitment officers or team is not only contrary to their mission and goals--- If you go to their social media sites, you will see that they have portrayed themselves as the premier, credible and mission capable force deeply rooted in professionalism. It goes against the public ethics Act, Article 10 of the Constitution, national values and principles of governance, which calls for among other things, high standards of professional ethics.

In addition, the desire by the young men and women to join the military is a manifestation of their patriotism. In other jurisdictions such as the United States and Canada, the National Guards and the military offer incentives to young citizens to join the military to defend their country.

I remember this was the case during the early ages of our Republic. It is sad and unacceptable that patriotism has now been shoved to the back because of corruption. The recruitment process has now been commercialised and the higher bidder ends up being recruited.

The youths, in their thousands, queue for hours hoping to be recruited, but the outcome leaves a lot to be desired. It seems that it is already predetermined. Most of them end up dejected and disillusioned when none of them are recruited.

Mr. Speaker, Sir, the exercise is, therefore, a pure waste of public resources and a threat to our national security. What stops the enemy from using money to infiltrate into the military?

I now wish to call upon the Cabinet Secretary for the Ministry of Defence and top leadership of the Kenya Defence Forces to look into this matter and ensure that the integrity of the recruitment process is not compromised and that there is fair opportunity for all those participating in the recruitment exercise, seeking to join the KDF.

Further, KDF should identify the rogue officers demanding bribes from jobseekers and take appropriate disciplinary measures against them.

I also want to call upon the youths and their guardians to desist from offering bribes, because if you do not offer a bribe, no one will come, and you all say you will not give the bribe.

The Speaker (Hon. Lusaka): Do not discuss your Statement.

Sen. Olekina: From bribing their way into the military and instead think out of the box and channel their funds into good use.

I, therefore, urge the Standing Committee on National Security, Defence and Foreign Relations to investigate this matter with a view of holding the military echelons accountable and come up with a more accountable way of carrying out the recruitment process which could include using community leaders to identify qualified youth.

I thank you, Mr. Speaker, Sir.

Sen. (Dr.) Langat: Thank you, Mr. Speaker, Sir, for also giving me this chance to add my voice on this. I do not know whether it is by coincidence, but just some few minutes before Sen. Olekina stood to raise this matter, an orphan who had gone to make an attempt to be recruited in Bomet has sent me an SMS that that, they wanted Kshs400,000 for him to be recruited. It is so bad that this particular vice is getting into our military, particularly during recruitment.

Mr. Speaker, Sir, unless this is arrested with immediate effect, we will end up getting the military personnel who purchase their way to the service. I am so sure that the way they are getting into the military through compromise, they will also be compromised in their duties.

This corruption will continue unabated if the concerned Committee does not deal with this particular case with a lot of diligence because it denies the rightful candidates a chance to be recruited into the military.

It is so bad. The complaints are everywhere. In fact, some people are saying that recruitment takes place two or three months before the actual dates. This matter has denied rightful Kenyans an opportunity to serve this country diligently.

I want to support this Statement and the Committee must handle this with speed, so that this situation is arrested.

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

Sen. (Dr.) Ochillo-Ayacko: Thank you, Mr. Speaker, Sir, for the opportunity to add my voice to this concern. I am not necessarily defending the military personnel. I know that they probably have inability to speak as freely as we do. However, this matter is a very complex matter.

As I speak in this House, I have had about 12 people who approached me that they have money and that I should identify some officers who can take that money and

recruit them. I have thought about it and asked myself, how are such officers identifiable? These are Kenyans who have approached me. Some of them are here in Nairobi, and others are in my County of Migori. When I talked to them, I was quite sympathetic.

I want to state two things. It is possible and it is likely to be true that there are military officers who are receiving bribes in order to recruit people because the talk of bribes is out there. However, it is also true that there are quite a number of brokers who are purporting to be having influence over the recruitment and are preying upon innocent and vulnerable young persons purporting that they could help them get to the military. What is more important is the image of the military and the likelihood of the kind of recruits that we might have as a nation.

As we investigate this matter, I hope the Committee that will look into it will propose a more transparent, understandable and humane way of recruiting Kenyans who are looking for employment.

The procedure, other than talk of bribe that is being bandied around here, is also very inhumane. The officers who are recruiting people are quite hostile. Some of those people are physically abused.

As a nation, we deserve better. We need to do better. I want to discourage Kenyans who are looking for leaders, saying they have some money, so that those leaders can look for people to bribe, I want to ask young Kenyans to be firm, believe in merit, and also the military people should know that their image and reputation is in tatters and they must work on it.

Thank you, Mr. Speaker, Sir.

The Senate Majority Leader (Sen. Orenge): Mr. Speaker, Sir, similarly, I want to express my appreciation for the request. This Statement is an important Statement. Abraham Lincoln one time described governance in a democratic system as being a government of the people, by the people and for the people.

One of the ways in which we can truly make sure that the republic, in the institution of government, is a government of the people is through enabling people to join Government institutions and ensure that a poor boy or a girl from the communities who may be forgotten, who may never have a chance to bring a Member of Parliament, a Senator or a Member of the National Assembly to these august institutions, that, he has access to some of these very important institutions, including the Army.

I know that there are communities like Iichamus who have been fighting very hard to be recognized in many ways, including land rights and also representation.

In a way, one of the things that the military should do is that when they go out there, to have a record that everybody in every county has a fair chance. There are people in this Republic who can never dream of getting a Government job; making a simple application in a Government institution to be a Principal Secretary (PS) or anybody in this Republic but at least, when this recruitment is being done, can offer himself at some location or centre in a ward or a constituency to be part of this Republic. This is a very important question.

Mr. Speaker, Sir, I would request that in a matter of this nature, there is need for compliance with Standing Order No.50(2). This is because sometimes when a Senator requests for a Statement and he is already giving an answer to his own Statement, then the process becomes a little bit difficult. The clerks should help. This is because we have

formed the opinion. I do not disagree with that opinion. It will be futile to send this matter to a Committee of the House when we have already formed an opinion.

The question and the request for it is validated, it is proper and there should be the fullest inquiry into this matter. I am saying this because I have known and had experiences in this regard, which I may not give the details here.

It is important for the military and for the disciplined forces to ensure that every Kenyan, however, far-flung that community is, has a fair chance to belong to this country called Kenya, not just in the territory they live, but being part of it and part of the institution of the Government.

I thank you.

Sen. Seneta: Thank you, Mr. Speaker, Sir, for giving me a chance to also add my voice to this important Statement.

Mr. Speaker, Sir, allow me to condole with the people of Garissa County and the family of the late Sen. Yusuf Haji because I was not here yesterday when that Motion was debated.

Sen. Haji served as the Provincial Commissioner (PC) for Rift Valley for many years. We feel the loss of the Senator as a country.

On the Statement by Sen. Olekina, it is clear that there is a huge problem of unemployment in Kenya. Whenever there is an employment opportunity in Kenya, a number of youths run to look for an opportunity to serve. It is true that so many have been cheated. I discussed with a certain parent yesterday who told me that they paid Kshs300,000 to a certain officer. After several people made payment to the officer, he did not turn to see them as agreed. This is happening across the country. I urge the Ministry and the Committee concerned to make sure that the recruitment exercise is transparent.

As Sen. Orengo has said, they should see that there is equal distribution of these slots to all the communities in all the counties so that everyone gets a chance. I urge parents not to rush to pay cartels. It might not be the Ministry recruiting officers, but thieves who have recruited themselves as middlemen to engage these young people. It is high time the Ministry of Defense tracks the cartels who are taking money from innocent citizens.

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

Sen. Nyamunga: Thank you, Mr. Speaker, Sir. I would like to register my concern on the matter raised by Sen. Olekina. If you go, for instance, to my village, it is difficult to put a finger on a young person who has been recruited. You hear about the recruitment, you receive phone calls and local people ask for our support. However, the issue of corruption must have a giver and a receiver. It must have originated from somewhere.

At some stage, the genuine members of KDF or the men in uniform must have started the game, then conmen joined. It is difficult to draw a line on whether you are dealing with a conman or the right people.

This is a big concern to all of us. This recruitment should be done in an open manner. They must find a formula of recruiting people whereby Kenyans are sure that they can get a chance after application. As it is now, it is difficult. I do not know who is recruited.

Opportunities are there, because they are now talking of recruiting 4000 people, whereas in a whole county, it would be difficult for you to point a finger to someone recruited in an honest manner. This is a problem that must be solved because many people, leaders included, have lost a lot of money when they are forced to try and help in whatever way. It is something that is a big concern to all of us. There must be a genuine way of recruitment in all the services, not only KDF.

The Speaker (Hon. Lusaka): Time is not on our side. This is a sensitive matter and very important. Unemployment is a real issue. Our youths are desperate and, therefore, easily manipulated. I agree that we have brokers. People have been hacking into peoples' *Facebook* accounts and soliciting funds saying, 'pay Kshs200, 000 or Kshs300,000, for me to assist you get recruited.'

As the Committee looks into this, I urge them to follow what Sen. (Dr.) Ochillo-Ayacko said. You should come up with recommendations and a way forward on how these allegations can be proved. Allegations have been there every time there is recruitment of people to the KDF.

If you could come up with a way forward and a formula that would be transparent to assist people in this country get equal opportunities, this Senate would be remembered for coming up with a solution that saves the youth.

Next Statement by Sen. (Dr.) Musuruve.

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

Sen (Dr.) Musuruve: Thank you, Mr. Speaker, Sir. I rise pursuant to Standing Order No.48v(1) to seek a Statement from the Standing Committee on Education regarding the return to school of learners who are forced out of school as a result of the COVID-19 pandemic.

In the Statement, the Committee should-

(i) establish the number of learners who have not reported to school across all academic levels including special schools following interruption of learning because of the COVID-19 pandemic;

(ii) find out the distribution and demographics of the said learners who have not resumed school across all counties owing to the impact of COVID-19;

(iii) explain the framework put in place by the national and the county governments to ensure effective return to school and resumption of studies by all learners; and,

(iv) have mechanisms in place to establish school reentry centers in all counties to address the plight of learners who are facing challenges in resuming school.

Sen. (Dr.) Ochillo-Ayacko: Thank you, Mr. Speaker, Sir. One of the consequences of COVID-19 is that poverty has become widespread, the household income has declined and difficulties in terms of living is on the increase.

In explaining or giving a response to the questions asked by Sen. (Dr.) Musuruve - to whom I am grateful for asking a useful question, because learning is one of the most important steps towards development – would be the incentives put in place by county and national governments to give those returning to school after COVID-19 a soft landing. Incentives and encouragements to go back to school.

We are all suffering from COVID-19 economically. The people we represent are equally suffering and without encouragement, many of them are unlikely to report back to school. We read how the national Government is threatening to lock up parents who do not return their children to school.

Underlining this reluctance and sluggishness in return to school must be economic incentives that are associated with COVID-19. It would be important to know what the Government is doing in the affirmative to encourage return to school, post COVID-19.

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

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

The Deputy Speaker (Sen. (Prof.) Kamar): Thank you, Senator. Sen. Shiyonga, proceed.

Sen. Shiyonga: Madam Deputy Speaker, I forgot to put off my microphone. I wanted to contribute to the last Statement whose contributions were closed. You can give this chance to another person.

Thank you.

The Deputy Speaker (Sen. (Prof.) Kamar): Sen. Mwaruma, you have the Floor.

Sen. Mwaruma: Thank you, Madam Deputy Speaker, for this opportunity to contribute to this very important Statement by Sen. (Dr.) Musuruve about the return to school by students after Coronavirus Disease (COVID-19) lockdown. It is very true that parents are finding it difficult to take their students back to school because of various reasons.

One of them was that they were hard hit by the outcome of COVID-19. Some of them have lost their jobs and employment, business and so on, and this was expected. What I would want to know as we prosecute this Statement is the preparedness by both the county and national government to ensure that the students remain in school.

Madam Deputy Speaker, it is not true that all the students have not gone back to school. Some of them have actually gone back to school but have been sent back home to collect school fees. Many are filling my four offices in the county looking for fees. It is very unfortunate because these students are supposed to sit for their exams in very few months to come.

I think the national Government in as much as they threaten the parents that they will lock them up if they do not return the students back to school, we would also need to know how they were prepared to make sure that the students go back to school in terms of releasing the capitation money to secondary school and also in terms of releasing the National Government-Constituencies- Development Fund (NG-CDF) bursaries.

Madam Deputy Speaker, most of the students who have gone back to school have been given letters by the Members of the National Assembly but the head teachers and

principals are not accepting those letters. We also want to know if the National Treasury is not releasing money to county governments, then how do you expect the county governments to give bursaries to students? I think it is like we were not prepared to open schools post-COVID-19.

Thank you for that opportunity.

The Deputy Speaker (Sen. (Prof.) Kamar): Sen. (Dr.) Milgo, proceed.

Sen. (Dr.) Milgo: Thank you, Madam Deputy Speaker, for giving me this chance to also weigh in on this Statement.

Whilst supporting Sen. (Dr.) Musuruve's Statement, I want to say that COVID-19 actually brought a lot of challenges. In the recent past, we learnt that for over seven months, some of the school going kids even became mothers. Some of them are still at home. The Government is still trying to find a way of actually ensuring that these kids are brought back to school.

Many of the parents lost jobs. Many of the parents have relocated. I think up to now, they are still trying to find schools for their children. I found out that some of the kids were even refused entry into some schools because others had to relocate from boarding to day schools. In this case, that has become a challenge. Right now, there is an influx even of students to some schools. That are a lot of challenges.

Madam Deputy Speaker, however, because this Statement is coming to my Committee, we shall investigate and establish what has happened to those students that have become mothers and those that had to be transferred to other schools so that we ensure that they continue their schooling. Otherwise this is a very good Statement.

The Deputy Speaker (Sen. (Prof.) Kamar): Finally, Sen. Chebeni, proceed.

Sen. Chebeni: Thank you, Madam Deputy Speaker. I also rise to support this Statement by Sen. (Dr.) Musuruve. It is indeed true that COVID-19 came with a lot of challenges and our learners had been away for nine months. Now they have to adjust going back to the school system. Many of them are very anxious and depressed.

Therefore, their mental health and state is very critical. We would like to know from the Committee maybe to ensure learners' mental health is taken care of. By this I mean maybe having professional counselors attached to the schools. I am happy that the Chairperson of the Committee on Education has touched on return to school for girls who fell pregnant during the period. I think every girl has a right to education.

Madam Deputy Speaker, I would like to also know what strategies are there to ensure that the return to school policy is fully implemented. No girls should be allowed to stay at home simply because they fell pregnant. It is their right and they have to go back to school.

The Deputy Speaker (Sen. (Prof.) Kamar): Thank you, Senator. The next Statement is from the Senator for Taita Taveta, Sen. Mwaruma. I would urge Members, if you can allow me to take about three Members for each so that we finish the Statements. The Statement Hour is actually far gone. Sen. Mwaruma, proceed.

UPGRADING OF THE LOITOKTOK- NJUKINI-TAVETA
ROAD TO BITUMEN STANDARD.

Sen. Mwaruma: Thank you, Madam Deputy Speaker, for this opportunity to request this Statement.

I rise pursuant to Standing Order No.48 (1) to seek a Statement from the Standing Committee on Roads and Transportation regarding upgrading of Loitoktok-Njukini-Taveta Road to bitumen standards.

In the Statement, the committee should-

- (i) State how much money had been allocated by the Government towards upgrading the Loitoktok-Njukini-Taveta Road to bitumen standards;
- (ii) Disclose why construction works have not commenced many months after the contractor was awarded the tender for the road works;
- (iii) State when construction works on the road will commence and the expected completion date;
- (iv) Explain why the road has not been murramed and graded to motorable level for the ease of movement of people and goods pending upgrading to bitumen standards; and
- (v) State when the Government will compensate residents who surrendered their land for purposes of construction of the road.

The Deputy Speaker (Sen. (Prof.) Kamar): Thank you, Senator. That is a very straight forward Statement. The next Statement is from Sen. (Dr.) Mwaura. I do not see Sen. (Dr.) Mwaura. We will move to the next one which is from the Senator for Bomet County, Sen. (Dr.) Lang'at.

MEDICAL NEGLIGENCE AT HEALTH FACILITIES IN BOMET COUNTY

Sen. (Dr.) Lang'at: Thank you Madam Deputy Speaker. I rise pursuant to Standing Order No. 48 (1) to seek a Statement from the Standing Committee on Health regarding medical negligence at health facilities in Bomet County. In the Statement, the Committee should-

- (i) Find out the circumstances that led to the death of Mrs. Jackline Koech, an expectant mother who had been admitted at Siongiroi Health Center, Bomet County for maternal care;
- (ii) Explain why the deceased was neglected by medics during her stay at the facility for three days without being attended and was not referred to a better health facility when her situation deteriorated; and,
- (iii) State the reason for the rise in cases of medical negligence across health facilities in Bomet County and indicate the remedial measures that should be put in place to arrest the situation.

The Deputy Speaker (Sen. (Prof.) Kamar): Thank you, Senator. That is another very specific Statement. We will move to the next. The Statement stands committed to the Committee on Health. The previous one obviously from the Senator of Taita Taveta County---

Sen. (Dr.) Lang'at: Madam Deputy Speaker, on a point of order. I would like to request that because it is a very serious matter, that, in fact, I have been cooling down the residents, they would have really demonstrated. I have been telling them to allow me to

bring this matter to the Senate. Therefore, I would like to request that you set a time limit to this particular Committee so that this situation is handled well.

Thank you.

The Deputy Speaker (Sen. (Prof.) Kamar): Thank you, Senator. There is the Committee on Health. I am trying to look at the setting of the time limits because we would always expect our Chairpersons to expedite and call on the Senator concerned while they are looking at that. However, let us say we want a response within 14 days because of the urgency of the matter. Thank you.

I just wanted to state that the Statement from the Senator of Taita-Taveta stands committed to the Standing Committee on Roads and Transportation.

The next Statement is from Sen. Prengei.

BAN ON PLANTING OF MAIZE IN NESSUIT, NAKURU COUNTY

Sen. Prengei: Thank you, Madam Deputy Speaker. I rise, pursuant to Standing Order 48 (1), to seek a Statement from the Standing Committee on National Security, Defence and Foreign Relations regarding the ban of planting of maize in Nessuit, Njoro Sub-county, Nakuru County, by the Ministry of Interior and Co-ordination of National Government.

In the Statement, the Committee should-

- (1) state the legal provisions relied on by the Ministry in prohibiting residents of Nessuit in Njoro, Nakuru County, from planting maize;
- (2) explain how the ban complies with Article 43 (1) (c), 46 (1) (c), 47 (1), and 187 (1) of the Constitution, as well as the national Government functions of providing defence and police services as contained in the Fourth Schedule of the Constitution;
- (3) spell out measures, if any, put in place by the Government to compensate residents of Nessuit, who are largely farmers, from the effect of the ban, which has impacted on their livelihoods;
- (4) explain measures put in place by the Government to flush out criminals who use maize plantations as hideouts to cover for launching attacks on innocent civilians.

Since this is an urgent matter, and it is the planting season in the area, I would wish that the matter be prosecuted as soon as possible.

Thank you, Madam Deputy Speaker.

The Deputy Speaker (Sen. (Prof.) Kamar): Sen. (Dr.) Musuruve.

Sen. (Dr.) Musuruve: Thank you, Madam Deputy Speaker, for giving me this opportunity. I thank Sen. Prengei for coming up with this Statement. When we look at the economy of this country, farmers play a major role because they do the actual work of planting on the farm. This maize that they plant and whatever products they produce is consumed not only by themselves, but by other Kenyans as well.

I just wonder about the fate of the farmers in this said region. What will become of them if they do not plant maize at all? It will be a noble thing for the Government to, by all means, beef up security in the said areas. If there is insecurity during planting season, let there be more police forces to patrol. Let us have security being beefed up,

because we have to see ways of encouraging our famers. If they are not farming, we have to give them an alternative means.

There is need for the Ministry of Interior and Co-ordination of National Government to come up with mechanisms that will ensure that the farmers who are not planting during this time have another way of surviving. If they are idle and their families are not taken care of, they are likely to get into behaviours that are undesirable.

Madam Deputy Speaker, we also need to know that farming is a source of employment and income. Let us look for mechanisms of ensuring that we protect these farmers. Even if they are planting, the thugs who hide in the maize plantations should be flushed out. The onus is on the Government to ensure it protects farmers and gives them the security that they need. If we shy away, the farmer's life will be doomed.

I hope that the Committee that is going to investigate this matter will be very fair and ensure that we protect our farmers in this country.

Thank you, Madam Deputy Speaker.

I support.

The Deputy Speaker (Sen. (Prof.) Kamar): Sen. Mwangi.

Sen. Mwangi: Thank you, Madam Deputy Speaker. It is interesting to hear that there is a ban on planting maize because of insecurity. I think that the security forces need to think a little harder. This cannot be a reason, and it is not at all acceptable. They should investigate the areas that suffer from insecurity.

Some of those security officers are themselves causes of insecurity. They have been arrested for causing insecurity in some areas. Therefore, we do not expect the Government that we serve and love to tell us that the people of North Rift should not plant maize because of insecurity.

Criminals will commit crime in open areas. They do not need maize plantations to do criminal activities. If there is no food, that will cause insecurity because when people get hungry, they will break into people's houses. They will arm themselves and turn into thieves. That will be an even bigger insecurity issue than the maize.

The security officers need to pull up their socks and think of how they are going to end insecurity in that area. People need maize. In some areas, particularly in Nyanza Region, if you do not give somebody *ugali* that is made out of maize, he will ask for food even if he has already eaten other food.

If we do not grow maize, we will cause bigger problems in this country than the insecurity that the planation can cause. We have enough police officers in this country. If they are not enough, the Government can employ more to ensure that those people are secure and are provided with security. Maize plantations should not be an excuse.

Thank you, Madam Deputy Speaker.

The Deputy Speaker (Sen. (Prof.) Kamar): Sen. (Dr.) Langat.

Sen. (Dr.) Langat: Thank you, Madam Deputy Speaker. This is a very important Statement from Sen. Prengei. In fact, when I heard of the same through the media, I was shocked. How can the security people come up with such a measure as a way of handling security matters of stopping people from growing maize? They already know that those criminals have been hiding in the maize plantations. What other measures could they have taken that are better than stopping people from growing maize?

I saw on television that most of the farmers have already ploughed their land in readiness to plant their crops. This is a country where agriculture provides a lot of employment and is a source of livelihood. If these people are stopped from growing maize, they are rendered jobless, and it opens room for some of them to die of hunger.

This is not a solution to security matters in this country. The security personnel should step up and come up with effective measures of making sure that security in these places is put in place in a better way.

Madam Deputy Speaker, this is a ridiculous matter. It is very ridiculous that these people are coming up with such a solution as a way of stopping insecurity. They should stop sitting in their offices and coming up with such reckless measures of stopping insecurity in our country. As Sen. (Dr.) Musuruve said, they should go to that place, establish police stations, and enhance security procedures in those places, so that farmers can continue their normal routine of planting.

I support this Statement, and it should be handled with speed, so that those people who have ploughed their farms may start growing maize.

Thank you, Madam Deputy Speaker.

The Deputy Speaker (Sen. (Prof.) Kamar): Sen. Shiyonga.

Sen. Shiyonga: Thank you, Madam Deputy Speaker. I rise to support the Statement raised by Sen. Prengei on the security in relation to maize planting. It is very ridiculous and amazing that security officers are labelling a food crop as a security threat. We are encouraging agriculture in Kenya through production of maize and other crops. It becomes ridiculous for military officers to allege that maize production will be a security threat to this Republic. No wonder, Kenyans have no confidence in the security apparatus.

Our security agencies need to think how best they can take care of this country instead of harassing poor farmers who are genuinely making their living out of it and creating job opportunities for themselves and their children.

As I support the Statement, I urge the Committee to delve into this matter deeply so that our security officers will desist from harassing poor farmers in this country.

Sen. Cherargei: Thank you, Madam Deputy Speaker. I support the Statement by Sen. Prengei. I think the security sector in this country should be more innovative and effective. I did not know that our security sector could sink too low to criminalizing planting of a staple food crop.

Madam Deputy Speaker, where I come from, we rely on maize as food and also as business. It is so sad that the persons in the Ministry of Interior and Coordination of National Government, the Inspector General (IG) of Police and the Directorate of Criminal Investigations (DCI) thought of all other mechanisms until they decided to bring a nursery-like idea of banning maize growing in that region. It is so sad.

I think the Ministry of Interior and Coordination of National Government, the Inspector-General of Police and the DCI should use more pragmatic ways than criminalizing the growing of maize in that area. When I saw that story being run by one of the leading media stations in this country, I thought it was a joke until I cross-checked with the communication from the Regional Commissioner of the Rift Valley where you and I come from. It was shocking because maize is one of the food crops Kenyans grow.

I think there are better ways of fighting insecurity in that area than banning maize growing.

Maize continues to become one of our sources of livelihood. As we talk, our farmers are tilling their land in Uasin Gishu, Nandi, Nakuru and Trans Nzoia ready to plant. As I speak, we do not have fertilizer and maize seeds for planting.

One of the Big Four Agenda of the President was food security. Therefore, the Government should facilitate the growing of food crops to ensure that we are food secure as opposed to banning growing of maize. It is ironical because that is one of the Big Four Agenda of the President.

I advise the Ministry of Interior and Coordination of National Government, the Inspector-General of Police and the DCI not to sink too low until we run short of ideas on how to improve our security sector in this country. They should use community policing and *Nyumba Kumi*. The Government has the necessary machinery to address insecurity, rather than ban maize growing in that area in disguise of dealing with criminals. I do not believe it is the solution.

Our farmers are preparing their land to plant maize, but it is unfortunate that the Ministry of Interior and Coordination of National Government has issued a directive banning the growing of maize. It is ridiculous.

Unfortunately, we lost our Chair of the Committee on National Security, Defence and Foreign Relations, but I am confident my neighbor; the able Vice-Chairperson, Sen. Outa, of Kisumu County is up to the task. We should get as many answers as possible.

Madam Deputy Speaker, I hope when they will invite the Ministry of Interior and Coordination of National Government to appear before them, they will not chase out the media the way they did last time so that the members of public can understand what they are saying.

The Deputy Speaker (Sen. (Prof.) Kamar: Hon. Senators, that brings us to the end of Statement Hour. I would like to commit that last Statement to the National Security, Defence and Foreign Relations.

This matter is very urgent. I, therefore, give them 14 days to table a report here because farmers are preparing their farms ready to plant. Vice-Chairperson since you are here, I thank you for accepting that timeline. Please work on it because it is extremely urgent.

For the record, three Statements have been deferred, the one by Sen. Malalah and the two by Sen. (Dr.) Mwaura.

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

(Statement deferred)

NATIONAL GOVERNMENT INTERVENTIONS TO CUSHION PERSONS
WITH DEVELOPMENTAL DISABILITIES ON THE UHC

(Statement deferred)

IMPLEMENTATION OF THE GUIDELINES ON RETIREMENT
AGE OF PUBLIC SERVANTS WITH DISABILITIES

(Statement deferred)

Next Order.

BILL

Second Reading

THE COOPERATIVE SOCIETIES (AMENDMENT) BILL
(SENATE BILLS NO. 11 OF 2020)

(Sen. (Dr.) Zani on 16.2.2021)

(Resumption of debate interrupted on 16.2.2021)

The Deputy Speaker (Sen. (Prof.) Kamar): Hon. Senators, yesterday the Bill was moved, seconded and it was time to propose the question when we were caught up by time.

(Question proposed)

The Senate Minority Leader (Sen. Orenge): Madam Deputy Speaker, I support this Bill. In doing so, I congratulate Sen. (Dr.) Zani for her fastidiousness. I think she has brought a record number of Bills before the Senate over the years since she became a Member of this august House.

This is a straightforward Bill. Part of the objective of this Bill is to bring this very important Statute in line with the Kenya Constitution, 2010.

Before I go to one or two things, I want to comment about on this Bill, the cooperative movement has been very empowering to local farmers and even in driving the economies, not just at the micro level but even the economies of scale. There are counties and regions that are synonymous with the cooperative movement. It has brought a transformative change in the lives of many people where the cooperative societies have been involved in many sectors, particularly farming.

Madam Deputy Speaker, lest we forget, cooperative societies are not just for purposes of farming, but in the sector dealing with savings and finance as a whole, is where we have found some of these savings societies growing by leaps and bounds.

It has been said time and again, that Kenya was a leader in this sector not only in the region but globally. This is something that we must pride in and hopefully, continue to ensure that the sector grows as it has in the previous years.

I am glad to have the opportunity to speak to this Bill at this stage. As I said at the beginning, there are some areas that are really technical as we know that co-operatives generally fall under the devolved system of government and that the role of the National

Government is purely at the level of policy making, which has been brought out clearly in the Bill.

I have seen that the guiding principles of this Bill have borrowed from the principles found in the preamble and Chapters 1 and 10 of the Constitution. The Constitution lays a premium on certain principles and objectives that we must abide by as a nation. Such a move permeates other parts of the Constitution.

Clause 3 of this Bill proposes insertion of a new Clause 2A. Some of those guiding principles are not really new, because they fall within the realm of what has become generally acceptable including the question of public participation. I am glad that Sen. (Dr.) Zani has found it necessary to put as a guiding principle the democratic member control. Many big and progressive co-operative societies have come to a halt because of the way they are being run.

There are instances where the CEO or Chairman of the co-operative takes over the organization as if it is an institution that only belongs to the leadership. This as a guiding principle is very important for it to have been put in what will become Section Clause 2A of the Statute.

Madam Deputy Speaker, the question of autonomy and independence is very important with regard to the other provisions that relate to obligations of the National Government to co-operative societies or in the sector. I agree with Sen. (Dr.) Zani that this is important because sometimes the National Government can become too intrusive.

I know of times where even co-operative society members had to go to see the local co-operative officer to have their cheques drawn, signed and counter-checked. That simple procedure made it very difficult for co-operative societies to run in a manner that speaks to good governance.

The Central Government through co-operative society officers would find space for control of things that would look like necessary bureaucracy but at the end of the day, they killed very large co-operative societies.

In order to ensure that there is no too much red tape and intrusion from the two levels of Government, I support these two guiding principles that there should be democratic member control, autonomy and independence.

I think such a move would address the other concerns that I had in view of the role of the National and county governments. Since co-operatives are a devolved function, the role of the county government at that level, is critical. However, the way that it has come out in the entire legislation, it addresses the question where the national or county government may become too intrusive in the management of co-operative societies.

I have also seen that in respect of application for registration of co-operative societies, where this Bill proposes that the process would largely be at the national level when you are dealing with apex societies. However, when you are dealing with primary societies, the point at which everything begins in terms of applications or registrations is with the County Executive Committee Member (CECM) who would be in charge of that particular function.

In the past, if you had a co-operative society in Moyale, for instance, and there was anything to do with application, change of office or change in name, somebody had

to travel all the way to Nairobi to get things done. However, true to the spirit of devolution, many of these things will now be done at the county level.

In that respect, one can then see the importance of this Bill in bringing this function squarely within the realm of the devolved system and within the second layer of Government, which are the devolved governments in the counties.

Madam Deputy Speaker, this Bill also provides the provision for dealing with disputes. This is important because disputes concerning co-operative societies externally or within particular co-operative societies end up in the tribunals. Clause 11 in the Bill deals with the issue of dispute resolution in co-operative societies quite exhaustively. Governance with co-operative societies and the issue of auditing are well covered in the Bill.

This is a Bill that I could speak to hours and hours. I am glad that I have this opportunity to speak to it before the Bill is put to a vote. I thank Sen. (Dr.) Zani for her industriousness which has resulted in coming up with many Bills to bring them within the realm of the current Constitution.

There are some things that are little and may not make sense because we assume that they work even if there are no changes like the Clauses dealing with the amendment of reference to Cabinet Minister as opposed to Cabinet Secretary. That amendment is welcome in view of the current situation. I do not know whether you may be required to amend it again after the BBI report.

I thank you.

The Deputy Speaker (Sen. (Prof.) Kamar): Proceed, Sen. (Dr.) Musuruve.

Sen. (Dr.) Musuruve: Thank you, Madam Deputy Speaker, for giving me this opportunity to support this Bill by Sen. (Dr.) Zani. It has to come out clearly that co-operatives have a major role to play in the society in terms of creating employment and helping the members to invest and do big projects. As an individual, sometimes it might be difficult to do a project solely. However, if one joins a co-operative that is functional, stable and focused, then they are likely to have a lifetime investment.

This Bill is important because it will help members do investments during their hay days. When they flash back, they could say that they never wasted their days and money because of a certain co-operative that enabled them do some projects.

It is a good idea that Sen. (Dr.) Zani came up with these amendments. This is because the Co-operative Societies Act was there before the Constitution 2010. That means that they did not consider the aspect of devolution. Now Kenya has 47 counties and everything has to work.

We are here to represent counties and their interests and see that counties are working for the people of this country. It is paramount to have an amendment that will ensure that the national and county governments have a responsibility in ensuring that co-operatives work in order for the common man to get service from co-operatives.

I support the insertion of Clause 2(a). This will ensure equality and non-discrimination when it comes to co-operatives. Anyone can join a co-operative regardless of their political party. That means that co-operatives will not be inclined to any party. They will be there to serve all Kenyans interested in joining co-operatives.

Ensuring voluntary membership is also very important so that one joins a co-operative when they decide to become a member. That will ensure members are active in

co-operatives. With the insertion of Clause 2(a), then co-operatives will be concerned about the members of the community and the needs of the people.

In fact, there should be a Strength, Weaknesses, Opportunities and Threats (SWOT) analysis to find out the reason for setting up a co-operative within a certain community. If there is a SWOT analysis and the co-operative gets the buy-in of a community, it can survive and stand the test of time because it will be serving the people. That windfall is important when it comes to any business to thrive in any environment.

An enabling environment ensures that a business thrives. Therefore, it is important for a community to be involved and its needs to be catered for. It is also important to ensure that everyone benefits from the profits of a co-operative, equitably. From an intrinsic point of view, that way, members will want to be part of the co-operative.

Inclusion of training programmes is also important. This is because some people join co-operatives without knowing the nitty-gritties. After some time, they realise they are in a pyramid scheme.

There are times when pyramid schemes have acted like co-operatives. After swindling money, it is when people realise that it was not a co-operative society but just a pyramid scheme. This Bill will ensure that the county and national governments are aware of the co-operatives because they will be in the national and counties' registers. That will ensure transparency. It will also ensure that the money of those who join is safe and they will get value for being members of the co-operative society.

Apart from that, the fact that the national and county governments will be involved, then the liquidation shock may not be there for the members because there will be scrutiny to ensure that co-operatives are registered.

Sen. (Dr.) Zani has also proposed a prerequisite for registration, which is something good. Before people register, they must have certain information. If they do not have the information, then it means the co-operative society cannot be registered. That will also help in locking out some people who come up with 'co-operatives' only to swindle members' money. Once they do that, the co-operatives are closed.

With this law, no co-operative will come into place and then close within a short time. If it closes, then those who run the co-operative will be answerable before the counties and national governments and justice will be done to ensure they are brought to book. The collaborative venture of the national and county governments is important in ensuring that management is good.

There is also need to come up with a standard of management of co-operatives. The management of co-operatives should run across the board so that what works in Kitui works in Nandi, Moyale and any other place. There is need for standardization in registering and canceling co-operatives and this Bill addresses that.

The reasons for cancelling a co-operative have been given. For instance, if a co-operative does not operate by its set objectives, that is a reason to cancel it. If, for instance, they have not filed their returns for three consecutive years, that is also ground for cancellation. This will make the management of co-operatives to be careful when it comes to handling public money and the Kenya Revenue Authority (KRA) because they know that the national and county governments will be watching.

Sometimes you may find two or three co-operatives being run by the same people. When it is detected that a certain co-operative has a similar name to another one, that is also ground for rejection. There will be a lot of scrutiny for co-operatives. That is important because sometimes board members could be in a co-operative that is performing poorly but the same people are also board members in other co-operatives. This Bill will ensure that such issues are sieved out so that if there are co-operatives with similar names and all that, then they will not be registered.

It is important that this Bill sees the light at the end of the tunnel, so that Kenyans are also helped. Many Kenyans are in co-operatives for a reason. Co-operatives are good avenues for Kenyans to make it in life by owning houses and land. People take loans from co-operatives because their interest rates are cheaper compared to banks. We need to help Kenyans join co-operatives that will stand and not those that will fall after some years.

There is also need for Parliament to do checks on co-operatives after a certain period of time. There is need to investigate whether co-operatives stand by their objects or not. If there are issues on co-operatives, they should be brought on the Floor of House. The Senate should work with speed to ensure that if there is any issue arising on co-operatives, then it is sorted out to help a Kenyan out there who earns a living and sends their hard-earned money to a co-operative in order to buy a plot eventually or take children to school. We must see how to protect the money that Kenyans sweat for in order to save because saving money is not easy.

You can imagine an ordinary Kenyan saving money in a cooperative, that he or she has denied himself a lot because they have school fees and rent to pay, they still give Kshs2,000 to Kshs3,000 to a cooperative society. Cumulatively, after some years, this Kenyan expects that he or she will take a loan that will help them do a big project.

Sen. (Dr.) Zani, this is a very noble amendment. I am happy that you brought it to the Floor of this House. This amendment should see the light of the day. It should be enriched so that we eventually give Kenyans a Bill that is going to work for them.

Thank you, Madam Deputy Speaker, for giving me the opportunity.

I support.

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

Sen. (Dr.) Milgo.

Sen. (Dr.) Milgo: Thank you, Madam Deputy Speaker, for giving me this chance to support this Bill by Sen. (Dr.) Zani. I want to thank her for coming up with this important Bill; a Bill that will go a long way to help the people of this country.

This amendment is in time because of the fact that it was first enacted before the promulgation of the 2010 Constitution, which ensured that there were counties whose primary function is to manage cooperative societies. Cooperative societies play a very important role in enhancing the borrowing power of people. It also encourages people to gain more ideas in terms of investments and budgeting.

I support this Bill because it has set out the functions of the two levels of government. The National Government will play an important role in setting standards across the country in terms of management, a standard, which will go a long way to ensure that we do not have cooperative societies collapsing as we have seen in most cases.

In addition, the National Government will play a very important role in enacting policies. Policies that will guide and regulate the development of the cooperative societies.

The county governments, which is the second level of management, will play a very important role in ensuring that they provide information desks for cooperative societies where ideas can be shared based on the best practices for cooperative societies. Again, it is in counties where we will have proper management. It is at the county level where the management in charge of cooperative societies will be able to reach out to the various cooperative societies across the counties.

Madam Deputy Speaker, I am sure that Sen. (Dr.) Zani would be interested in ensuring that she can add a section for county governments so that groups of people who are not members of cooperative societies can be encouraged to join them. I am sure that there are many people out there who fear to join cooperative societies, maybe because at one time, they fell into the hands of pyramid schemes that were alive in this country in the 1990s. To date, we cannot say that they are no longer there. Many people shy away and fear to join cooperative societies because they feel that they may end up losing their contributions.

I am encouraging Sen. (Dr.) Zani to add a section that requires the county management to provide capacity building and search for groups that can form cooperative societies.

Looking at this Bill, Section 6, 7 and 9, it has provided for refusal to register. This will go a long way in ensuring that those cooperative societies that are not well managed or do not meet the requirements will not be registered. This will play an important role in sieving out those cooperative societies.

Madam Deputy Speaker, Section 11 goes ahead to ensure that there is an appeal tribunal to ensure that cooperative societies that will not be allowed to register have a way out to ensure that they are provided with a chance to do so.

There were many cooperative societies in the past that had come together, they were very viable, had been managed very well, but after sometime, they collapsed and they have many assets. This Bill has gone a long way; Clause 38 provides for liquidation.

I have been in the Standing Committee on Labour and Social Welfare where we have been dealing a lot with many companies that had come together in the past, have a lot of assets, but issues of liquidation have become a challenge. However, this Bill has provided for ways of liquidation so that the companies can separate with people who are no longer in that society. It is a very important issue because members will still enjoy their benefits.

Madam Deputy Speaker, Sen. (Dr.) Zani can add a provision for the review of the viability of the cooperative societies once in a while. That is because there are cooperative societies that have for a long time been in place and were active and profitable in the past, but they are stagnant right now and maybe a few people in the leadership enjoy the benefits. I have one example in my county and I do not want to mention its name. If we have a provision to provide for review so that those societies that are stagnant are made to liquidate to ensure that members get their benefits so that they can separate.

Otherwise, this is a very important Bill. I support it. I hope it will see the light of day so that cooperative societies can work for the betterment of people of this country.

Sen. Omogeni: Thank you, Madam Deputy Speaker. First, I want to thank Sen. (Dr.) Zani for bringing this Bill to the House. While at it, Sen. (Dr.) Zani has distinguished herself as one of the most hardworking Senators.

I have contributed to a number of Bills that have been sponsored by Sen. (Dr.) Zani and they are always very progressive. I remember we had a debate here on the Community Health Bill. If you read the Bills, they are always geared towards making some meaningful changes to the people that we represent. I congratulate Sen. (Dr.) Zani.

This Bill is important. Its importance cannot be overemphasized more than the fact that it is trying to align itself to the provisions of our 2010 Constitution. There is no better way of supporting devolution other than passing laws that are aligned to the provisions of our 2010 Constitution, more so, issues dealing with cooperatives.

Madam Deputy Speaker, some of us who were raised up in upcountry know the critical role that cooperatives have made in ensuring that some of us were able to get money to go to school.

Most of the agricultural activities like farming, especially in counties where agriculture is the main stem of the economy, including where you come from, in Nandi, Bomet, and Kisii, the best way you can market milk is by forming cooperatives. That way, you are able to look for markets and do transport together. Any Bill that is geared towards strengthening the management, making registration of these cooperatives easy within counties, is something that we must support.

Madam Deputy Speaker, you can imagine farmers travelling all the way from Nyamira to Nairobi to seek registration of a cooperative society, for a function that under the Fourth Schedule, is clearly a devolved function. It does not make economic sense and it is good that now that we have brought into place a County Executive Committee (CEC) Member; an officer from the county government who will be in charge of registration of our cooperatives.

Madam Deputy Speaker, there is the issue of bureaucracy that is being addressed by this Bill. At times, people seek registration of cooperatives and they wait for eternity. I am impressed by the fact that this Bill has brought in place timelines, where the officials tasked with the registration of a cooperative society must make that decision within 30 days. That brings efficiency in place and also kills corruption.

This is because at times, people delay registration, so that they can be seen the Kenyan way. This is good and progressive, Sen. (Dr.) Zani that, farmers will know their fate. Even where registration is denied, reasons must be given and where the farmers are not satisfied, there is a mechanism for seeking appeal.

Madam Deputy Speaker, I want to point out that this Bill makes a proposal to ensure that the tribunals are professionalized because what has been happening in the past is that members who serve in tribunals---

A tribunal is a *quasi*-judicial body that makes decisions that have far reaching effects on farmers. However, they are picked without any meritocracy and without ensuring that people have been given an opportunity to apply, so that their suitability is checked. This Bill now proposes that the function of appointing members who will serve in these tribunals will be a preserve of the Judicial Service Commission (JSC).

Madam Deputy Speaker, this elevates members of this tribunal to almost the standards of magistrates. This is because they will be applying to the JSC. The same body that recruits a Chief Justice, judges of Supreme Court, Court of Appeal is the same body that will be recruiting members of this tribunal. This is very progressive. It also gives an equal opportunity to anybody who wants to serve in that tribunal to be given a chance to apply, be interviewed and then we only pick those who are most qualified to sit in that tribunal, which undertakes very serious functions.

The issue of loans has been a nightmare to many cooperative societies. Many cooperative societies have lost their properties because of mismanagement by officials, or in instances where the office bearers take loans without full knowledge from members of cooperatives. They buy some prime properties in towns, but they wake and find that their properties have been sold because of loans that were taken by the officials.

Madam Deputy Speaker, I am happy that this Bill makes it mandatory that you must register this charge within the county. It will be very easy. If there is speculation that officials have taken loans, then members can walk to the county headquarters and verify and they will also know why that particular cooperative society has taken a loan and what will be the use of that money that has been advanced by the bank.

I really hope that this Bill can help us address the issue of management. When I was growing up, in Borabu we had a very vibrant cooperative society, which was called Eronge Cooperative Society. We used to milk our cows, and deliver the milk by the roadside. We had a car which used to pick the milk and deliver the milk to the Kenya Cooperative Creameries (KCC) plant in Sotik. At the end of the month, farmers will go to Tindereti Market to receive their salaries.

Therefore, marketing milk was never a problem. Hawking milk was unheard of those days. You will be surprised that that cooperative society is long dead. In the coffee sector, if you go to North Mugirango, you will find so many cooperative societies dealing with coffee. In Ekeronye Ward, there is one called Bisembe. There is another one in Bokeira; all these trying to bring farmers together, so that they can have a good market for their coffee.

If you go to Kitutu, you will find there is one there called Gesonso. There is another one called Girango in Kimera area. There are so many cooperative societies. You will be surprised. These cooperative societies help our farmers to market their produce.

Madam Deputy Speaker, by coincidence, this coming Friday, because of the importance that cooperatives play in the coffee sector, I have invited the Cabinet Secretary (CS) for Agriculture, Hon. Munya, to come to Nyamira and address farmers on how they can benefit from the Coffee Fund and enhance the management of cooperative societies, so that there can be good returns from coffee farming.

This amendment Bill that is before this House is going to assist our farmers who are engaging in farming. As we know, agriculture is the backbone of our economy to improve the way they can engage in marketing their produce. That is the only way our farmers can put more money into their pockets.

Finally, Madam Deputy Speaker, the county governments have not played their mandate properly as envisaged in the Fourth Schedule of our Constitution. The role of the national Government is to deal with policy. That is all. The issue of how to improve

management of our cooperative societies is a preserve of county governments. Issues dealing with the regulation is a mandate of our county governments.

However, I have not seen investments from our county governments on issues dealing with cooperative societies or agriculture in general. I think they have surrendered and left this to be a role that must be undertaken by the national Government, which is really not right. That goes against the spirit of our Constitution of Kenya 2010

I hope this Bill can be a wake-up call to the county government to understand that they have a very big role to play in assisting farmers market their produce, form groups, come together, so that they have more bargaining power as they try to seek markets for their produce.

Otherwise, in general, I support the contents that are in this proposed amendment bill by Sen. (Dr.) Agnes Zani.

Thank you.

The Deputy Speaker (Sen. (Prof.) Kamar): Thank you, Senator. Sen. Nyamunga, kindly, proceed.

Sen. Nyamunga: Thank you, Madam Deputy Speaker, for giving me this opportunity to make a brief contribution on the amendments to the Cooperative Societies Bill.

The cooperative movement has been here for a long time. From what we know, the cooperatives in the agricultural sector have helped to improve the tea and coffee farming and milk production.

Apart from the agriculture sector, cooperatives have helped in general trade in the Republic in terms of allowing members to join, who in turn improve their lives because of access to resources. I congratulate Sen. (Dr.) Zani for the improvements she keeps making to past or new Bills.

Knowing how Kenyans are clever, you start something today for the benefit of the general good of the people, but many others come with ulterior motives. I like the amendment she has brought in Section 72 of the Cooperative Societies Act of 1997, that gives powers that convict persons who have misbehaved.

If you have been found to have misbehaved or misappropriated any resources, which should not only be in cooperative societies, but also in other aspects of life; if you have been convicted, you should not be allowed to hold offices in the cooperative societies.

Most cooperative societies are for the grassroots people who may not be acquainted with many things. They need officials who are genuine and simple with no ulterior motive. It is important that it is cleansed; that is, the registration of the cooperatives, running and appointment of the officials. What we must know and put in mind is the fact that cooperatives have moved Kenyans from Level A to B in terms of doing business.

Nowadays, things have gone digital, and cooperative movements have gone a step higher when it comes to the marketing of products. You will find agricultural products in the social media. If you have this product in the social media, you should find out where you can get your market, which is trending and moving well.

Cooperative movement should be cushioned from the county level to national level to make sure it is seamless. The moment you hear of a cooperative, you know you are in the right place that should move you from one level to another.

I support the amendments.

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

Sen. (Prof.) Kindiki, you have the Floor.

Sen. (Prof.) Kindiki: Madam Deputy Speaker, I beg to support the Second Reading of the Cooperative Societies (Amendment) Bill, 2020. The first cooperative society in Kenya was registered in 1908. Since then, there have been more than 22,000 cooperative societies in Kenya. The purpose of cooperatives is to do business together and also access credit, even as members enjoy economies of scale.

The cooperative movement in Kenya is one of the most developed in the entire world. Within Africa, Kenya has the best cooperative movement structure. Therefore, it is because of this rich history and experience that Kenya continues to become a trailblazer in this area.

Under the Fourth Schedule of the Constitution of Kenya, Part II and Clause 7(e), the role of development and regulation of cooperative societies is vested in the county governments across our country. One would wonder, therefore, why we do not seem to have a lot of interest and county level legislation around this area, yet the importance and critical role of cooperative societies to turn around the economy of our country cannot be overemphasized.

This Bill becomes important because under Article 190 of the Constitution, the national Government through Parliament, namely, the National Assembly and the Senate, is empowered to put in place overarching legislation even on devolved functions, to ensure there is benchmarking and policy direction.

As much as these functions are devolved, the issue of regulation and standards setting remains at the national level. Therefore, I see the utility of this Bill in the context of Article 190(1) of our Constitution.

Cooperatives are the game-changer. I dare say that the root of the Kenya's future is the growth and stability of the cooperative movement. I say so because all the countries that have developed in the last 50 years - the newly industrialized countries in South East Asia and in Southern America - have been developed through two main drivers.

The first is the cooperative societies movement, which is called credit unions in those countries, and the second one is a strong cottage industry or small industries in small towns spread across the country, as opposed to mega industries localized in one place.

This country stands to benefit from strengthening its cooperative societies' movement and building on the experiences of the last 112 years. As I have said, the first cooperative society was registered by white settlers way back in 1908. Allow me, in the same vein, to hail the wonderful contribution that cooperative societies have made in the promotion of health, education and housing across this country.

Many people across the breath and length of our land will tell you that they have built their permanent houses, taken their children to school, paid their hospital bills, build their businesses and small shops that we find across our land. All those developments and

interventions in the social and economic sector have been achieved largely because of cooperative movement.

It is not surprising that in counties and parts of Kenya where the cooperative movement has been fairly strong, the standards of living in those places have been high compared to parts of our country where the cooperatives culture is not strong. Therefore, the county government and devolution gives an opportunity for parts of our country that have not embraced cooperative culture to catch up with the rest of the country in terms of development.

Madam Deputy Speaker, the Bill starts with the seven principles that are shared by cooperators around the world. It adds a few more principle and, therefore, is in line with international best practice in this area.

Madam Deputy Speaker, I just want to raise a red flag. As much as we are celebrating the growth and exponential expansion of cooperative societies across our country, the wealth creation and the developmental advantages that have come with cooperative societies, we are seeing a worrying concern. This is whereby senior officials and directors of cooperative societies are living questionable lifestyles compared to the lifestyles lived by those that they lead. It only points to a challenge.

I know recently in 2010 or thereabout, Parliament did pass legislation to establish the Sacco Societies Regulatory Authority (SASRA), but I do not think it is doing much. We continue to see the fleecing of members of cooperative unions in the housing sector that is to do with housing cooperatives and other sectors. Recently we have had issues with the other sectors in agriculture as well.

Madam Deputy Speaker, I hope through this Bill, whether it is at the Committee stage or still within the province of the sponsor, my sister Sen. (Dr.) Zani, ways must be sought to provide national norms on how to hold the senior officials and directors who run cooperative societies in this country.

This is to make sure that they do not steal money of depositors and live like kings when the peasants who struggle so hard to save are living in penury. That is the only area that perhaps I thought through this legislation, a provision can be thought about as an entry point to strengthen this wonderful Bill.

Madam Deputy Speaker, allow me to conclude by saying that equally there is need to increase the levels of democracy in those societies. This is because the ordinary member of a cooperative does not seem to have very much say in terms of how these institutions are run, especially if he does not have a lot of shares. There must be a way also of making sure that we increase the democracy in those institutions.

I do not want to belabour the point. This is an important Bill and I look forward to it becoming a law for the sake of improving the quality of life and the development index across our country, especially at the grassroots level.

With those many remarks, I support that the Cooperative Societies (Amendment) Bill (Senate Bills No.11 of 2020) be read a Second Time.

The Deputy Speaker (Sen. (Prof.) Kamar): Thank you, Senator. Sen. Shiyonga, proceed.

Sen. Shiyonga: Thank you, Madam Deputy Speaker for giving me also this opportunity to support the Cooperative Societies (Amendment) Bill (Senate Bills No.11 of 2020) sponsored by Sen. (Dr.) Zani. We all know cooperative societies play a very

vital role in our societies by reducing poverty. They also make it easier for members to access market for their produce.

Madam Deputy Speaker, I believe this Bill by Sen. (Dr.) Zani will strengthen devolution in this country because it talks about standardization of policies in the cooperative societies. Some people start cooperative societies to enrich themselves by embezzling or stealing members' deposits from poor Kenyans or *wananchi*.

Madam Deputy Speaker, we have seen *boda boda* riders or livestock farmers coming together to form cooperative societies, but they are frustrated by rogue directors who run those societies on their behalf. That is why I supporting the proposal of vetting and registering directors. It is important to vet directors and managers who will run these cooperative societies so that we get the right people.

Kenya Railways Corporation Cooperative Society thrived in the past, but it was run down and members suffered a lot. There are many petitions pending before the Committee on Labour and Social Welfare. The members are crying because some rogue directors have stolen their savings.

Sen. Kinyua: On a point of order, Madam Deputy Speaker.

The Deputy Speaker (Sen. (Prof.) Kamar): What is your point of order, Sen. Kinyua?

Sen. Kinyua: Madam Deputy Speaker, I have listened to my colleague Sen. Shiyonga. She is confusing two words. I think when she says people start cooperatives for purposes of stealing is a different view from saying they start cooperatives for the purposes of enriching themselves.

Any person starting a business is for the purposes of enriching himself. When I start a business, my main purpose is to make money. After making profits, the end game is to uplift my living standards. Therefore, she is contradicting herself.

Thank you, Madam Deputy Speaker.

The Deputy Speaker (Sen. (Prof.) Kamar): Continue, Sen. Shiyonga and you may clarify for him. I know the two words are not the same, but I think she used them in different instances.

Sen. Shiyonga: Thank you, Madam Deputy Speaker. When you read carefully the amendment Bill by Sen. (Dr.) Zani, you will see it is trying to mitigate against embezzlement of members' savings by some crooked directors. Currently our Committee on Labour and Social Welfare is dealing with so many complaints from cooperative societies because members' savings have been stolen.

Yes I agree with Sen. Kinyua that some people start cooperatives to enrich themselves, but others want to steal from members. The amendments proposed in this Bill will make sure all directors are vetted so that we root out the rogue ones.

Madam Deputy Speaker, during the formation of these cooperative societies, it is important for members to be sensitized from the family level to a community level. This is because young people, especially *boda boda* riders are using their title deeds as collateral for loans. When it comes to repayment, they are harassed. Sometimes their *boda bodas* are impounded and they are left in miserable situations. So, there is need for sensitization of these particular individuals who get together to start a cooperative societies so that they can benefit rather than for them regret in future.

[The Deputy Speaker (Sen. (Prof.) Kamar) left the Chair]

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

Lastly, Madam Temporary Speaker, we need to support the amendments in this Bill. The timeframe of 30 days is critical. It will not enable some people to canvass amongst themselves and come up with ways of stealing from unsuspecting individuals just like Sen. (Dr.) Musuruve said.

We had the pyramid schemes that went down with people's savings. Many Kenyans put their money in the pyramid schemes thinking that they would reap big. Some of them lost their money, became stressed and eventually they died.

I fully support the amendments that have been put here because they are the best our counties because together we can transform this country.

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

Sen. (Prof.) Kamar: Thank you very much, Madam Temporary Speaker, for giving me an opportunity. First of all, I would like to congratulate our sister, Sen. (Dr.) Zani, for improving the Co-operative Societies Bill in major ways. We really thank her for doing this because this is one Bill that needed to be aligned to the Constitution.

I think that we have lost a number of years without using the right methods. I say this because we have received Petitions from Savings and Credit Cooperatives (SACCOs). If only we had improved on the law itself, we would not have been worrying about how the management of our SACCOs would be done.

Madam Temporary Speaker, one Petition was read by myself from the Moi University Savings and Credit Cooperative Society. The Commissioner of Cooperatives sent it to liquidation and when the county government requested to be involved in what was going on, they were denied the opportunity and yet the Constitution has placed the role of dealing with the management of cooperatives on the county governments.

The Committee did a wonderful job here. I thank the Chairperson and the Members of the Committee who looked at that Petition. As they were looking at it, many issues came out. We have not streamlined how we manage cooperative societies so that the Commissioner of Cooperatives still felt that the county governments should play no role.

I am very happy that those issues have been brought out here because it is very important that we streamline them. It is true that there was a time that our cooperatives were very vibrant, but they then went into a very low period. Thereafter, we had a wonderful Minister called Joe Nyagah. May God rest his soul in peace. We lost him when we were in the last recess.

He improved and revived the sector. He brought in a lot of improvements in the management of cooperative societies, but that was before the 2010 Constitution was passed.

When the 2010 Constitution was passed, it was envisaged that we would then align the laws of the counties and the laws of the national Government functions according to the Fourth Schedule in such a manner that the management of these cooperative societies that had been revived would move in a smooth manner. That was not done.

First, I want to register on behalf of all of us, our *pole* to the Nyagah family, because this is a man who did a lot for this country. However, since we were in recess we did not have an opportunity to send our deep condolences. I know that it is passed, but if you write the history of the cooperative societies movement in Kenya, the name Joe Nyagah will always stand out very strongly because of the improvements that he put in the sector.

With that in mind, I thank our sister because she has brought out those issues. My hope is that during public participation, the County Executive Committee Members (CECMs) of cooperatives were asked to give their input. The CECM in Usain Gishu was so concerned about how the roles can be aligned so that they can work effectively. They have had many problems dealing with issues that come to the national Government and are 'sat' on because nobody understands them.

We know that that is the only policy that was left for the national Government, and I think that this Bill is going to streamline this sector. Just in case we did not get enough feedback from the CECMs on the ground, I still urge the Mover of these amendments to send a word to the CECMs in charge of cooperatives in the various counties, so that they give us their feedback.

They have a lot of ideas, especially because of the challenges that they have faced over the last eight years. I believe that it would be good if that were done. I also believe that the relevant Committee is still coming up with their own report.

Within the context of the report, I really believe that counties can give us a lot of feedback out of the challenges because when the Committee was interrogating the case of Moi University Savings and Credit Cooperative Society, it came out very clearly that lack of streamlining of the roles of the national and county Governments have let us down.

With those remarks, I congratulate Sen. (Dr.) Zani for having an eye to see areas of improvement in the laws we have.

I support.

Sen. Chebeni: Thank you, Madam Temporary Speaker, for giving me this opportunity to also contribute to this very important Bill. I thank Sen.(Dr.) Zani for coming up with this very critical amendment Bill. I think we should have done it earlier. Nonetheless, we are happy that it is here.

Cooperative societies have played a very important role in this country in terms of ensuring we have development not just economic, but also social. It has created jobs for so many people which has improved their living standards.

More so, this Bill seeks to align the Cooperative Societies Act to the Constitution of Kenya 2010. It is very important because it provided a framework in which we will be able to separate the functions of the national and county governments.

For some time as the Senator of Uasin Gishu County, Sen.(Prof.) Kamar has said, there has been a clash on who manages cooperative societies in our country. As she has said, she brought up a Petition for the MUSCO SACCO. It was apparent that there was a clash as to who would manage it. The county government wanted to manage it, but there was a bit of inconvenience on the end. Therefore, they could not save it in good time.

I am happy to see that the functions of the national Government are very clear here. One of them is to maintain a national policy which is very important. The main one is to maintain a register of approved audit firms. When we looked at the MUSCO

SACCO Petition, there was an issue to do with the audit where there were auditors who were placed there. We found out that we did not even know where some of them came from. It would be important for the national Government to maintain a register of approved audit firms.

The other role I have seen under the county governments is to ensure that there is a County Cooperative Societies Research and Information Centre. I believe this centre will ensure we conduct research on management of cooperative societies in our country and we get best practices on how to manage them. It will ensure this industry grows in terms of how it will help its members.

More so, county governments have been tasked to promote good governance in the management of these societies.

Many of the Members who have spoken to this Bill have complained about mismanagement of cooperative societies. There concerns are valid considering many cooperative societies that have been mismanaged and gone under. I hope that the county government will do a good job in ensuring that there is good governance.

Madam Temporary Speaker, the Bill sets out a very clear procedure on registration, how it will be done and what should be submitted during the registration process. Such clarity is very important because some people may complain when registration is not very clear. This Bills sets our clearly what is needed which include minutes of the members, copies of proposed by-laws, names, addresses and signatures of the members.

More so, this Bill speaks on the times lines. The period provided of 30 days is enough because we live in a digital world. I am sure that 30 days is enough for the registration of a co-operative society to be complete. I am happy that this Bill clearly sets out that within 30 days from the date of receipt of an application, the registration process of a co-operative society should be complete.

There are so many other good amendments that have been put forward by Sen. (Dr.) Zani many of which have been explained by the other Members so I do not wish to repeat. Generally, this is a good Bill that I am happy about it. I congratulate Sen. (Dr.) Zani for coming up with this amendment Bill.

I beg to support.

The Temporary Speaker (Sen. Nyamunga): Proceed, Sen. Kinyua, the Senator for Laikipia County.

Sen. Kinyua: Asante sana, Bi. Spika wa Muda kwa kunipa fursa hii. Kwanza, nampongeza Sen. (Dr.) Zani kwa kuleta Mswada huu unaopendekeza marekebisho katika mashirika haya. Katiba ilipobuniwa mwaka wa 2010, tayari sheria hii ilikuwepo. Marekebisho anayoyapendekeza Sen. (Dr.) Zani ni mazuri ili kuwezesha sheria hii kuambatana na katiba yetu ya 2010.

Ukweli wa mambo ni kwamba sheria hii kwa sasa, haizingati serikali za ugatuzi ambazo zinashughulika na vyama vya ushirika. Marekebisho anayapendekeza Sen. (Dr.) Zani ni muhimu kwani italainisha sheria hii na katiba yetu. Kama walivyosema Maseneta wenzangu, vyama hivi vya ushirika vinachangia sana kwa watu wa mapato duni kujumuika na kuleta mapato yao kwa pamoja. Waswahili wanasema kuwa, umoja ni nguvu utengano ni udhaifu.

Sheria hizi zinapendekeza kwamba watu watakaopewa majukumu ya kusimamia mashirika haya wawe wenye tabia, nia na mienendo sawa. Wasimamizi wa vyama vya ushirika wanapaswa kufanya kazi zao kwa ungalifu bila ya kuwa na tamaa au nia mbaya. Mara kwa mara, wakuu wa vyama vya ushirika hupatwa na nia mbaya baada ya kuanza kushughulikia hela ambazo wanachama wameleta kwa pamoja.

Sheria anayopendekeza Sen. (Dr.) Zani, italainisha sheria hii na katiba yetu. Pili, Wakenya wengi wanategemea sana vyama vya ushirika. Kwa mfano, wenye mapato madogo kama wandeshaji boda boda na wachuuzi wengi sokoni. Sheria nzuri ikiwepo, wengi wao watanufaika kwani hakutakuwa na watu ambao wanataka kujitajirisha kwa mali ya wengine bila kutumia sheria.

Jambo lingine ni kwamba watu wanaofanya biashara moja wataweza kujuana zaidi. Makundi ya wanabodaboda, wachunaji wa majani chai na wengine wa vyama vya ushirika watauzua mazao yao pamoja. Kwa hivyo, itakuwa vizuri kuwa na sheria zitakazofuatilia mambo yatakayokuwa yakitendeka.

Nampongeza Sen. (Dr.) Zani kwa kuleta Mswada huu. Hiyo inamaanisha kwamba Katiba yetu pamoja na Sheria ya Vyama vya Ushirika vizingatie kaunti zetu ambazo tunawakilisha.

Asante Bi. Spika wa Muda.

Sen. (Dr.) Mwaura: Thank you very much, Mr. Temporary Speaker, for giving me this opportunity. Sorry, I beg your pardon, Madam Temporary Speaker. Once again I beg your pardon because I know what it feels like to be called “Mr.” when you are “Madam” and vice versa when you are on the Chair.

I would also like to congratulate my fellow International Foundation Programme (IFP) alumnus, Sen. (Dr.) Zani. You may wonder what IFP is. This was a global scholarship programme for social justice agents that identified people from the inter-ten-year period. Only 4,000 out of seven billion people were identified by the IFP. I was one of them. She is my senior and there are many others who have done that course.

Sen. (Dr.) Zani, has you have many firsts. I am a Member of the Speakers Panel and I learned quite a lot of Kiswahili from your father and mother. That is Teresiah K. Zani and Zachariah Zani. It is good to say that because sometimes people forget. Currently, Sen. (Dr.) Zani and I are number one in the number of Bills that we have sponsored to the Senate. She has five and I have five. Again, that is in the spirit of IFP. This is one of the Bills that is transformational in nature.

It also happens that you have been nominated twice and I have also been nominated twice, only that you have been nominated by one single party, but Isaack Mwaura has been nominated by two rival parties. They look like siamese twins because of the “handshake.” That shows that there is something peculiar. If that were not to be the case, then we will not be the ones sponsoring five Bills each.

Madam Temporary Speaker, this Bill is timely because it seeks to protect small cooperatives from the big ones that have developed cartel-like behaviours where they get money from farmers, for example, and use it as collateral to get loans. They even lend money to the very farmers at an interest, so that people get little money.

Sen. (Dr.) Zani may not be praised in the manner she deserves because some of us could be quite voluble and camera-friendly. There are people like Edmund Burke who may not have been known during their times, but today we look at how they influenced

parliamentary discourse. I think he was an MP from Bristol. We also have people like the gentleman who abolished slavery through legislation. Hughes said that legislation is positive law of somebody who has good intentions for his or her country. I know the law is an abyss that has been used to circumvent justice. Indeed, even Apartheid was legal by that time.

I do not want to speak to the particulars of the Bill because I know we can canvass that in the Committee of the Whole. Sen. (Dr.) Zani saw the challenges that our cooperatives have been facing and came up with a solution. I hope that this shall see the light of day before the closure of the Twelfth Parliament. We have 17 months. They may seem to be many, but they may not be enough to process this in the National Assembly. Let us hope that in the spirit of empowering the people by having a bottom-up approach, this Cooperative Societies (Amendment) Bill shall find urgency.

Madam Temporary Speaker, I am of the view that in our Standing Orders it has been suggested before that we be co-sponsoring Bills from both Houses, so that when this baby is passed over to the National Assembly, it has another mother or father. That is because the sometimes the urgency of the Bill is who is pushing it and the cloud that they may be having around the levers of power and leverage in Parliament.

I hope that when the Bill is passed, because I have a feeling that it will be passed, it shall also be properly implemented. One of the challenges that we have had in this country is the continuous deterioration of the rule of law. People do not follow that which we have pronounced ourselves into.

Sometimes you feel that there is legislative gridlock and over-legislation. However, certainly, that can never be that we should not be able to pass such legislation because that is our work. There is an implementing Arm of Government, but nothing can stop an idea whose time has come.

I feel that this is a Bill that will emancipate many people from slavery, especially modern day slavery, where the people who produce at the bottom get the least. A very good example is coffee costing X amount of dollars at Starbucks, but how much of that percolates to the coffee farmer? The same applies to cashew nuts or any other crop.

The fact that we are looking at financial systems that are using mobile phones apps or Fintech, how do we create *chamas*; small cooperative societies that pull together so that people can create wealth and have lending ability and use that as a building block towards the prosperity of this country?

Madam Temporary Speaker, with those many remarks, I want to congratulate Sen. (Dr.) Zani. I pray that this Bill shall find the light of day.

Sen. (Prof.) Onger: Thank you, Madam Temporary Speaker. For me, this Cooperative Society Bill is a game-changer. Why do I say so? Any country that is able to mobilise savings at the lowest level of those savings, in this case at the county level, will be a game-changer. This is because there is so much squandering of resources and money at that level that even those who have the need and the desire to make the savings are not able to do those savings because of so many other individuals, the so called brokers who come in between to mislead members of societies.

What is this Cooperative Society (Amendment) Bill seeking to do? One, that hitherto, this has been a domain of the national Government. Therefore, the national Government has been able to do things at their own pace, will and timelines. This

amendment is seeking to change and realign it with 2010 Constitution that has two levels of government; the national Government and county government. It is important that most of these primary responsibilities and primary societies are at a grassroots level, and they are being managed by the county governments.

It is reasonable and fair that the societies must be at the eye or supervision of county executive. I am persuaded to support this amendment Bill because it gives us a meaning of a primary society; whether it is a society for *mama mboga*, a family society, youth society, *Jua Kali* society, or any other society, that will help them to mobilise resources for their use in a controlled manner and a commercial level. This is rather than the *ad hoc* basis upon which you get a few clusters of people meeting together, forming a society which has not been vetted, has no regulations and rules. Therefore, members of the society end up losing money.

Today, I know of people who are coming and appealing to me saying: “We had a society, each contributed so much money, but we do not know where that money is.”

When your try to chase the documents of registration, they are not available because the records are either at the national level. If they are there, the files are lost, or the clever ones have gone and misplaced the files. Therefore, the poor fellows from the rural setting cannot trace their investments or assets in any society.

For me, the Cooperative Society (Amendment) Bill is so critical. It sets the rules. It assigns responsibility. We have not taken away the role of the Commissioner of cooperatives. He is still there to play his major role at a national level and for these mega societies which earn billions and billions like the teachers’ cooperative societies, farmers’ cooperative societies, and various Savings and Credit Cooperative Societies (SACCOS) that are managed by various bodies and groups.

There these primary societies. Talk of agriculture. There are people who may want to sell bananas from Kisii. They form a small cooperative society instead of being exploited by brokers who come and persuade them to sell their banana bunch at a throw away price. They can form themselves into cooperative societies.

The Government has even moved further at the national level and at the county level, to set up cold storages for some of these perishables like the bananas, fruits and vegetables. They are very good vegetables which are herbal vegetables. They are both medicinal and food vegetables. We want those *mama mbogas*, the youth group formed through farming societies, be able to create societies and the cooperative societies where they can pull in their money. Even those who may want to support them financially, get a channel through which they can put their money.

Another element that attracts me in accepting this amendment is what happens if these small societies are in trouble. I remember when I started the *Jua Kali* sector, it was very difficulty to get the national Government to support the *Jua Kali* artisans at the local level because they had no structure. That forced me to set up the *Jua Kali* sector societies, or groups in various counties, particularly in various districts when we were using the district focus.

Now we have county governments. They have a system that controls these cooperative societies. They have a system that shows the actual membership. They have a system that can locate people at their homes and where they are. Therefore, you are able to identify the people at their location at their homes. Who knows? Even the county

governments themselves can vote in some support programme for these cooperative societies at the primary level. I am persuaded this can be done.

I remember when the World Bank wanted to support the *Jua Kali* system, we had to set up a body called the informal settlements for them to channel their resources through some kind of organized system. Unknown to many people, these societies take care of the basic home needs. Their primary interest is how will they put food on the table and pay school fees for their children.

They cater for a need which is absolutely unique in every sense. That, you will get the families to be self-sufficient because they have their own small rural cooperative societies that they have created to help them address a particular need in that society.

In the area of agricultural production, they may have excess production which they want to channel to a market.

This society can help them to put it into a warehousing system. We have passed a Bill, which is an Act of Parliament on warehousing which seeks to set up warehousing facilities in various regions. Therefore, when the societies have extra production, they can channel the savings of their earnings through the warehousing.

One case that comes to mind, we have so much avocado in Kisii. I feel pain when I see people coming from Nairobi to Kisii and paying Kshs2 to the farmer per avocado. However, when they come here the only thing they do is grading, add value to items which are sold outside the country for USD\$3 or USD\$5 which is Kshs500 while the poor farmer who has struggled to raise the avocado is paid Kshs2.

If they had a primary society on how to do the collection of their produce, grade for export and for local consumption. You give them the skills to do the grading and enhance the capacity to earn more. This is a primary element where we need to have this amendment as soon as it can be done so that people can earn dividends out of them.

I would have liked to go on. I support the Cooperative (Amendments) Bill because there are many sections that have been dealt with. I am satisfied that it is something that we can live with and is important.

I thank Sen. (Dr.) Zani for bringing this Bill. Sometimes we forget to thank the originator of the Bill, whereas it is appropriate.

I make my remarks at that level.

The Temporary Speaker (Sen. Nyamunga): Thank you, Senator. Is Sen. Kang'ata in the House? If he is not in, we may have to call upon the mover to reply.

Sen. (Dr.) Zani: Thank you, Madam Temporary Speaker. I beg to reply. I start by thanking Senators for appreciating and getting the gist of the Bill. Sen. (Prof.) Ongeru who has spoken last, Sen. (Dr.) Mwaura, Sen. (Dr.) Milgo, Sen. (Dr.) Musuruve, Sen. (Prof.) Kindiki Kithure, have brought out the meaningfulness of growing our primary societies, especially at the community level.

The community level is entrenched within the counties. As long as we do not find a way to spur them into growth; give them the good strategies on how to proceed, protect them from vulnerabilities; allow them to better manage societies; enable them to seek for help, and, indeed; if we do not find a way to legislate so that it can be applied at the community level and the county level, then we might lose good will and sense of development that come from societies.

The correlation has been made. It was Sen. (Prof.) Kindiki Kithure who said that there is a direct correlation between how effective and how good societies are and outcomes in terms of health, food, nutrition and anything else.

The 1997 Act was formulated before the 2010 Constitution. The framers of the Constitution 2010 understood the capacity and the need to grow this at the county level.

As much as we have a commissioner at the national level, this amendment Bill seeks to empower the County Executive Committee Members (CECMs) to do certain things.

Madam Temporary Speaker, Sen. (Prof.) Kamar talked about the Petition by Moi SACCO Society that was brought to this House. Clearly, even at that point, the County Executive Committee Member (CECM) felt she had no say and it was at the county level.

There is need especially at times of changes where we have had national governance coordinating bodies for a long time. Now that we have devolution, we need to understand the meaningfulness of that devolution and not being able to just cede, but embrace that incorporation into the lower levels.

Primary societies are key. They are the ones that start in a major way at a societal level and they need to grow specifically to the point at which they need to come to.

Various Senators have emphasized on the various things and I want to touch on the key elements that this particular amendment wanted to amend so that it is very clear. As I reply, it is important to indicate that the parent Act is in place, done very well and has the structures in place. This amendment Act seeks to ensure that part of the Fourth Schedule that talked about co-operative societies being devolved is done.

Madam Temporary Speaker, Sen. Chebeni and Sen. (Dr.) Musuruve said this should have been done like yesterday. I think that is true. Sen. (Dr.) Mwaura said we push this law hopefully in the next 18 months.

I like the idea of co-sponsoring. However, I know our Constitution states primarily that a legislation will be introduced through a particular House; either by Senators in the Senate or Members of the National Assembly Members. The same way we have been able to navigate across Article 110(3).

On provision for the concurrence of a Bill, I think this is the other area that will help us because we find many of the Bills that come and have been lost. For this amendment, we are strengthening provisions at the county level as far as registration; rights and obligations of co-operatives, property and running of the funds are concerned, as Members have clearly stated.

Sen. (Dr.) Musuruve spoke of societies that collapse when people have put their hope in there. Sometimes that is all that somebody has to put in there. For example, look at the ones who have come together and formed coffee, fisheries, livestock, horticulture or housing cooperative societies, they are doing this because they want to better themselves.

The last thing is for us not to regulate effectively enough so that whatever they have put in gets lost.

Madam Temporary Speaker, Sen. (Prof.) Kindiki spoke about the importance of ensuring the regulatory authority is strengthened and a lot of responsibility put on it to ensure they can be held to account. This is the SACCO Societies Regulatory Authority whose short name is SASRA. They need to be held to account.

Sen. Chebeni also talked of the need to ensure the audit and tribunal processes are put in place in such a way that we can move in a particular way. I am happy as a House, we have been able to see the dynamics of the problems that have come about because of not having amendments to the Cooperative Societies Act, 1997.

Through Sen. (Prof.) Kamar's Petition, this came out very clearly. The whole process of liquidation, for example, raised so many questions. However, these questions were only sent to the Commissioner to answer and this put it out and there was no other person to play any particular role. I think this is critical. In fact, it was Sen. Kinyua who talked about the importance of law. That is critical just to put that into place and ensure that we are all able to pass through.

Madam Temporary Speaker, without having to repeat because I said this when I was moving the Motion; Clause 2(d) which is an addition clearly lays emphasis on what should happen at the county level. This is very well stipulated; formulation and implementation of strategies, promotion that registration of these societies and value addition, so that they even have advisories to help them through this process and ensuring collaboration and linkages; promoting good governance is key; and, performing other functions that are necessary are important.

I am happy this afternoon to have heard my fellow Senators talk authoritatively about cooperative societies and movements and how they should proceed.

In a special way, let me quickly thank each of the Senators who have contributed. Sen. Orengo emphasized on the importance of these cooperatives, especially farming cooperatives right at the level of the common *mwananchi*. He went into the distinction between apex, primary and secondary societies.

That distinction stipulated the distinction and separation of what should be handled at the national level for apex societies and at the county level for primary and secondary societies. That is important in the whole process of disputes and tribunals.

Madam Temporary Speaker, Sen. (Dr.) Musuruve emphasized on the importance of these cooperative societies and the importance of legislating on the same. Sen. (Dr.) Milgo spoke about management to ensure capacity building which is key.

I am hoping as we go through this Bill. As we go to the Committee of the Whole and through public participation, we will be able to infuse many of these ideas to make this amendment Bill even better to serve Kenyans even better.

Sen. Omogeni emphasized that these cooperative societies are a devolved function. Sen. Nyamunga took us through the importance of registration, running of these cooperatives and how they should all be properly brought on board. Sen. (Prof.) Kindiki told us about the importance of legislation. He also talked about the importance of cooperatives, their own development and the contribution that they make.

Sen. Shiyonga talked about the importance of vetting and sensitization of the individuals. Sen. (Prof.) Kamar gave an example of her own SACCO and some of the areas that we might be able to strengthen in terms of how we move forward.

Madam Temporary Speaker, Sen. Chebeni told us about approval of audit firms, research and information clarity. Sen Kinyua emphasized on the importance of law.

Sen. (Dr.) Mwaura is my colleague in the International Foundation Programme (IFP). We have walked that road well together and hope to always proceed in that

direction all the time. He emphasized how timely it is that we need to look at the problems and solutions and be able to bring them on board.

Lastly, Sen. (Prof.) Ongeru said this Bill is a game changer. Let this Bill be a game changer for our communities and societies.

I beg to reply and request pursuant to Standing Order No.61(3), that putting of the question be deferred to a later date.

The Temporary Speaker (Sen. Nyamunga): Senator, that is granted. Putting of the question is deferred to tomorrow, 18th February, 2021 Sitting.

(Putting of the Question on the Bill deferred)

Hon. Senators, we will defer Order No.9.

COMMITTEE OF THE WHOLE

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

(Committee of the Whole deferred)

The next Order is No.10.

I give Sen. (Dr.) Milgo the opportunity. You can start on your Motion, Senator.

MOTION

ALLOCATION BY COUNTIES OF A PORTION OF
THEIR BUDGET ON ECDE AND DEVELOPMENT OF
A POLICY TO INCORPORATE THE NEEDS OF CHILDREN

Sen. (Dr.) Milgo: Madam Speaker, Sir, I beg to move the following Motion:

THAT, AWARE THAT, Constitution of Kenya (Article 53) affirms that children have basic rights, including the right to education, nutrition, shelter, health care and parental care, provisions that are aligned with those cited in both the Convention on the Rights of the Child and the Africa Charter on the Rights and Welfare of the Child, to which Kenya is a signatory;

CONCERNED THAT, the current status of day care facilities in the country are not child friendly or habitable and there is need to bridge this gap to capture the play group class in the new 2-6-3-3-3 curriculum that is replacing the 32-year-old 8-4-4 system;

ACKNOWLEDGING THAT, most working parents lack quality Day care facilities, as the playgroup is a safe place for them to take their children while they are at work;

NOW THEREFORE, the Senate urges that the Council of Governors in conjunction with the Ministry of Education ensure that: a)

Counties allocate at least 10 per cent of their budget on Early Childhood Development Education (ECDE) towards this vulnerable group; and, b) Policy is developed to incorporate the needs of children who are less than three years of age.

Madam Temporary Speaker, this Motion was developed based on the fact that while there are many education policies, there is no policy to speak to the under four years. In fact, when the new system of education, 2-6-3-3 replaced the 32-year-old 8-4-4 system, it only took the children who are four years and above to Pre-Primary 1 (PP1) and PP2 and left out the ones under three years of age.

The ECDE experts called upon county governments and the Department of Basic Education to develop daycare policy to protect children, bearing in mind that it is through this that we will lay a firm foundation for schooling in the future.

Research has established that it is at this level of one to six years, where the foundation of schooling begins. In this case, most day care centres currently out there, are not child friendly and not even habitable.

Article 53(b), (c) and (e) stipulates the rights of the children to education, nutrition, shelter and parental care. When we leave out the one to three years, it means we are not achieving their rights. Therefore, we are calling upon the Government, particularly the Ministry of Education, to ensure this gap is bridged.

Madam Temporary Speaker, I chair the Committee on Education and during our interrogation, we found that enrolment had dropped in all ECDE centres across counties. The reasons advanced for this was that children of one to three years were left out. It was because of the fact that the Competency Based Curriculum (CBC) only took the four-year-olds and above. Therefore, there is need to establish daycare centres which are important to bridge this gap.

If daycare centres are properly put up---

The Temporary Speaker (Sen. Nyamunga): Sorry to interrupt you, Hon. Senator. You will have a balance of 15 minutes to continue moving the Motion.

Sen. (Dr.) Milgo: Thank you, Madam Temporary Speaker.

ADJOURNMENT

The Temporary Speaker (Sen. Nyamunga): Hon. Senators, it is now 6.30 p.m., time to interrupt the Business of the Senate. The House, therefore, stands adjourned until Thursday, 18th February, 2021, at 2.30 p.m.

The Senate rose at 6.30 p.m.